

DOCKETED

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CALIFORNIA ENERGY COMMISSION

INVITATION TO SUBMIT PROPOSALS

Phase II: Appliance Efficiency Pre-Rulemaking
Appliances & Outreach & Education Office
Efficiency Division

California Energy Commission
August 1, 2017



Background

- March 14, 2012, California Energy Commission Order Instituting Rulemaking issued to consider standards, test procedures, and labeling requirements for certain appliances
- May 11, 2017, Invitation to Participate (ITP) webinar to request information that will shape Phase 2 standards and roadmaps
- July 19-21, 2017, public workshops to present information received during the ITP and accepted comments



Purpose

- Describe information requested through the invitation to submit proposals (ITSP) (proposal template)
- Provide an overview of the California and federal rulemaking processes



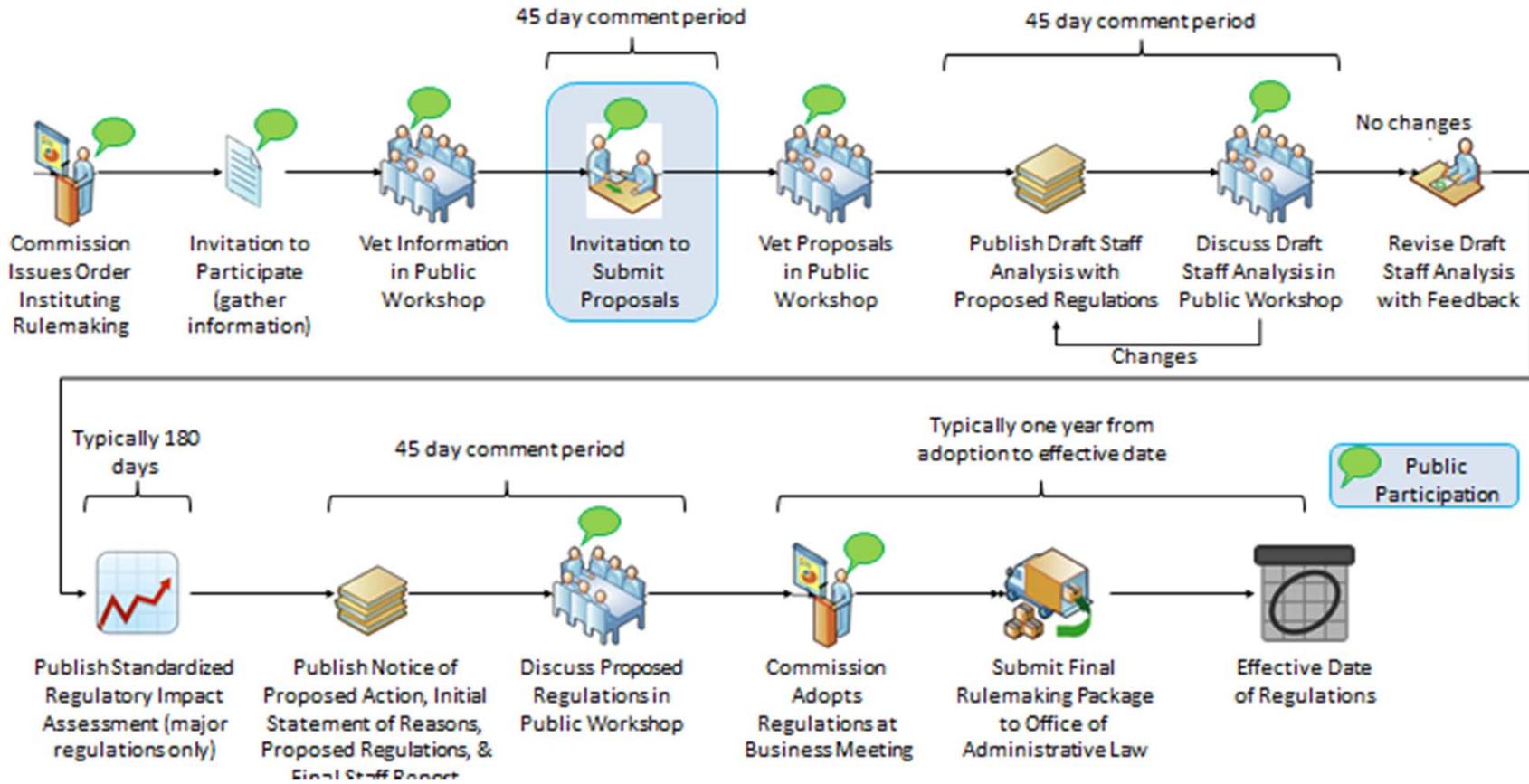
Phase 2: Appliances and Topics

The ITSP requests proposals on the following appliances:

- Regulations:
 - Commercial and Industrial Fans & Blowers
 - General Service Lamps (Expanded Scope)
 - Spray Sprinkler Bodies
 - Tub Spout Diverters
 - Irrigation Controllers
- Roadmaps:
 - Set-Top Boxes
 - Low Power Modes and Power Factor
 - Solar Inverters

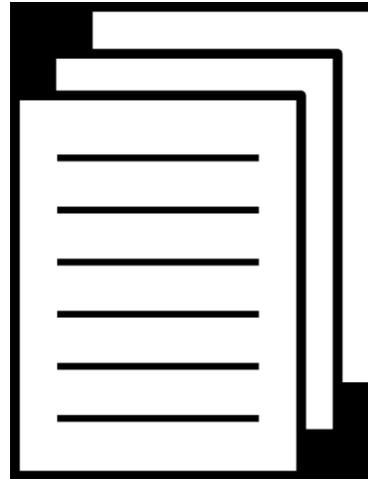


Rulemaking Process





Proposal Template





Thank You

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CALIFORNIA ENERGY COMMISSION

California vs. Federal Appliance Rulemaking Process

Kristen Driskell

Appliances and Outreach & Education Office
Efficiency Division

Invitation to Submit Proposals

Webinar

August 1, 2017



Purpose

- Provide simple comparison of state and federal rulemaking processes for appliance efficiency standards
- Highlight key differences in rulemaking processes and requirements
- Provide resources and websites for more information to facilitate stakeholder proposals



Overview

- Governing laws
- Comparison of Rulemaking Documents
- Statutory Factors and Analyses
- Public Participation
- Resources



Governing Laws

- California:
 - Administrative Procedure Act (Cal. Gov. Code § 11340 et seq.)
 - Warren-Alquist Act (Cal. Pub. Res. Code § 25402(c))
- Federal:
 - Administrative Procedures Act (5 U.S.C. § 553)
 - Energy Policy & Conservation Act of 1975 and amendments (42 U.S.C. § 6291 et seq.)



Governing Agencies



**California Energy
Commission**

Reviewed by: Office
of Administrative Law
(OAL)



**U.S. Department of
Energy**

Reviewed by: Office of
Information and Regulatory
Affairs (OIRA)



Comparison of Rulemaking Documents: Pre-rulemaking

Federal	California
Framework/Notice of Proposed Determination (NOPD)	Order Instituting Rulemaking (OIR)
Request for Information (RFI)	Invitation to Participate (ITP)
(No equivalent)	Invitation to Submit Proposals (ITSP)
Preliminary Technical Support Document (PTSD)	Draft Staff Report

Bold text indicates legally required steps.



Comparison of Rulemaking Documents: Formal Rulemaking

Federal	California
Notice of Data Availability (NODA)	(No equivalent)
Notice of Proposed Rulemaking (NOPR) and Technical Support Document (TSD)	Notice of Proposed Action (NOPA), Initial Statement of Reasons (ISOR), 45-Day Language (Express Terms), and Final Staff Report
Supplemental Notice of Proposed Rulemaking (SNOPR)	15-Day Language
Final Rule	Adoption Hearing Final Statement of Reasons OAL Approval

Bold text indicates legally required steps.



Other Differences

Federal	California
Effective date - minimum 3, 5, or 7 years after final rule (as dictated in EPCA)	Effective date - minimum 1 year after adoption
Mandatory reviews (every 6 years for standards; 7 years for test procedures)	Permissive review every 5 years
Agency only has authority specifically granted to it in EPCA	Agency has broad authority to adopt appropriate rules and regulations
Minimum 60-day initial comment period on NOPR	Minimum 45-day initial comment period on NOPA
CCMS reporting requirements (provided in reporting template)	MAEDBS reporting requirements (adopted in Title 20 and provided in reporting template)
Alternative Rulemaking Processes: Direct Final Rules and Negotiated Rulemakings	(No equivalent)



Findings for Appliance Standards

- Cost-effective
- Technically feasible
- Economically justified
- Technologically feasible



BUT



The factors and analyses for these findings are different.



Warren-Alquist Act Factors and Corresponding Analyses

Warren-Alquist Act Factors	CEC Analysis
Cost-effective to consumers, including value of water/energy saved, impact on product efficacy , and life cycle cost to the consumer	Staff Report: Cost-effectiveness
Feasible and Attainable Efficiencies	Staff Report: Technical Feasibility
Other relevant factors, including: <ul style="list-style-type: none"> • impact on housing costs • total statewide costs and benefits • economic impact on CA businesses • alternative approaches and costs 	<ul style="list-style-type: none"> • Form 399 and SRIA • Staff Report: Statewide Impacts • Form 399 and SRIA • Staff Report: Regulatory Alternatives and SRIA
Environmental impacts under the California Environmental Quality Act	Initial Study and Negative Declaration or other appropriate environmental document

Bold text highlights similar federal and state factors for consideration.



EPCA Factors & Corresponding Analyses

EPCA Factor	DOE Analysis
Economic impact on consumers and manufacturers	Life-cycle cost (LCC) and payback period (PBP) analysis Manufacturer impact analysis (MIA)
Lifetime operating cost savings	LCC analysis
Total projected energy savings	National impact analysis
Impact on utility or performance	Screening analysis Engineering analysis
Impact of any lessening of competition	MIA
Need for national energy conservation	NIA
Other relevant factors	Environmental assessment (NEPA) Utility impact analysis Employment impact analysis

Bold text highlights similar federal and state factors for consideration.



Cost-Effectiveness in California

- Cost-effective to consumers, including value of water/energy saved, impact on product efficacy, and life cycle cost to the consumer
 - Incremental cost of improved efficiency must be less than or equal to the savings to the end-use consumer over the lifetime of the product
 - Minimize change in product functionality
- Example analysis:
 - Singh, Harinder, Soheila Pasha, Ken Rider. 2016. Final Staff Analysis of Computers, Computer Monitors, and Signage Displays. California Energy Commission. Publication Number: [CEC-400-2016-016](#)



Technical Feasibility in California

- Technology exists to meet the standard
- Products exist or could exist to meet the standard
- No patent or intellectual property barriers to implementation
- Example analysis:
 - Singh, Harinder, Ken Rider, 2015. Analysis of Small-Diameter Directional Lamp and General Service Light-Emitting Diode Lamp Efficiency Opportunities, California Energy Commission. Publication Number [CEC-400-2015-034](#)



Public Participation

- Written comments
- Oral comments at public meetings
- Off-record comments:
 - California – allowed but, if it supports a change to the regulation, the substance needs to be in the record
 - Federal – not allowed except with disclosure (Ex Parte Rule)



Resources

- Warren-Alquist Act, California Public Resources Code, §§ 25213, 25218(e), 25402(c), 25402.5.4, 25402.11, 25950-25967

http://www.energy.ca.gov/reports/Warren-Alquist_Act/

- California Code of Regulations, Title 20, §§ 1601-1609

<http://www.energy.ca.gov/title20/>

- Proposed Regulations

- California Regulatory Notice Register

https://oal.ca.gov/california_regulatory_notice_online/

- Appliance Rulemaking Dockets

<http://www.energy.ca.gov/appliances/rulemaking.html>



More Resources

- Energy Policy & Conservation Act of 1975, 42 U.S.C. §§ 6291-6317 <https://www.gpo.gov/fdsys/pkg/USCODE-2015-title42/pdf/USCODE-2015-title42-chap77-subchapIII.pdf>
- Code of Federal Regulations, Title 10, Chapter II, Subchapter A, Parts 429, 430, or 431 www.ecfr.gov
- Proposed Regulations:
 - Federal Register: www.federalregister.gov
 - Rulemaking Dockets: www.regulations.gov