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CALIFORNIA ENERGY COMMISSION
LEAD COMMISSIONER PUBLIC MEETING

In the Matter of:) Docket No. 18-AAER-10
)
) PUBLIC MEETING
Rulemaking for Amendments to)
Title 20 Appliance Efficiency) RE: Rulemaking for
Regulations) Amendments to Title 20
) Appliance Efficiency
) Regulations

CALIFORNIA ENERGY COMMISSION
THE WARREN-ALQUIST STATE ENERGY BUILDING
FIRST FLOOR, ROSENFELD HEARING ROOM
1516 NINTH STREET
SACRAMENTO, CALIFORNIA

TUESDAY, APRIL 24, 2018

10:00 A.M.

Reported By:
Peter Petty

APPEARANCES

Commissioners:

Andrew McAllister, Commissioner

CEC Staff:

Kristen Driskell, Appliances and Outreach and Education Office

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Public Comments: (* Via telephone and/or WebEx)

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1 P R O C E E D I N G S

2 APRIL 24, 2018

10:00 a.m.

3 MS. DRISKELL: Good morning. My name is Kristen
4 Driskell. I'm the Manager of the Appliances and Outreach
5 and Education Office at the Energy Commission.

6 I'll start in the room with some housekeeping
7 items. This conference is being recorded, both by a court
8 reporter and by WebEx. For those of you not familiar with
9 this building, the nearest restrooms are located outside
10 this door and to the left. There are additional restrooms
11 located out this door and to the right in the back corner.

12 There was a snack bar on the second floor. Now
13 there are some vending machines. If you need a snack, you
14 can use those. In the event of an emergency and the
15 building is evacuated, please follow our staff to the
16 appropriate exits. We will reconvene across the street at
17 Roosevelt Park.

18 This is our agenda for today's meeting. I am
19 welcoming you now. And in just a minute I'll turn it over
20 to Commissioner McAllister for some opening remarks and
21 then I'll provide some background on the proceeding.

22 We'll then turn it to Carlos Baez, an Associate
23 Energy Specialist in our office, to present the proposed
24 changes to our Title 20 Regulations.

25 Then we will take public comment and discussion

1 before wrapping up. All of these times are estimates and
2 we may move faster or slower depending on the public
3 discussion at today's meeting.

4 If you are in the room and you would like to
5 comment, please come up to the podium, introduce yourself
6 and who you represent, and make your comments. If you are
7 joining us online and wish to comment, please use the
8 raised hand feature and we will unmute you after taking
9 comments in the room. If you are looking at your icon on
10 the -- looking at your cell phone line and you don't see a
11 phone or computer headset icon next to your name, it means
12 we can't identify you, and we can't unmute you. So if
13 that's the case, please hang up and dial back in using the
14 audio pin, or have WebEx call you so that we can unmute
15 your phone.

16 You can also comment using the chat feature. We
17 will read those chats into the record and then respond
18 accordingly.

19 I'll now turn it over to Commissioner McAllister
20 for some opening remarks.

21 COMMISSIONER MCALLISTER: All right, thank you
22 Kristin.

23 So welcome everyone. Thanks for coming. I want
24 to thank Carlos as well for making sure that I knew about
25 this and I could come open the proceedings. But this is an

1 important proceeding, because it really makes us current.
2 It's a cleanup and cleanup generally and then just updating
3 our regs to reflect the current reality.

4 Title 20 is meant to be an accurate
5 representation of all of the regulations that are in place,
6 both nationally and state. And so in the case that the
7 feds repeal or step backwards then we will maintain that
8 backstop at the current regs. So that's an important sort
9 of safeguard to have in place.

10 And then, reducing confusion, clarity of
11 language, incorporating MAEDbS, the database, the
12 certification database in the regs is really important.
13 It's a couple of years, three years old now roughly, and so
14 it needs to be reflected in the regulations. And
15 readability and usability, in general.

16 So really looking forward to everyone's comments,
17 where there's a pain point of lack of clarity or something
18 that's caused confusion with you or your membership or your
19 stakeholders out there in the world or in other agencies,
20 we want to know about it so we can fix it and make it as
21 clear as possible.

22 And so that's the nature of this rulemaking and
23 hopefully everybody has come with some points and some
24 ideas for how to get where we need to go. So I think we've
25 got very capable staff running the show here and I'll let

1 you all get moving. Thanks very much.

2 MS. DRISKELL: Thank you, Commissioner.

3 Now I'll just provide some overview and
4 background before handing it over to Carlos. This is an
5 overview of our rulemaking process for this proceeding.

6
7 We recently, and I'll cover this, published a
8 Notice of Proposed Action, Initial Statement of Reasons and
9 Proposed Regulatory Text, triggering a 45-day comment
10 period. And this workshop is in the middle of that 45-day
11 comment period.

12 We'll then have a public hearing at which we'll
13 adopt the regulations. It's part of our formal business
14 meetings. After that, we submit the Final Rulemaking
15 Package to the Office of Administrative Law and the
16 regulations take affect after OAL approval. If there are
17 changes to the regulations, there would be a 15-day comment
18 period after that 45-day comment period and before the
19 Business Meeting. So there would be another opportunity to
20 comment if we make any changes to the regulations.

21 There's also an opportunity to comment at that
22 adoption hearing at the Business Meeting. So there are
23 several more opportunities for public comment in addition
24 to today.

25 We began this rulemaking more than two years ago,

1 with an order instituting rulemaking, in which the Energy
2 Commission ordered staff to make clarifying amendments to
3 Title 20 that don't change the underlying efficiency
4 levels. These changes included federal updates, standards
5 that have taken effect federally or will take effect
6 federally, changes that don't change the substance, so
7 typographical errors and things like that, as well as
8 changes to reflect the new database.

9 On March 30th, we published our Notice of
10 Proposed Action, our Initial Statement of Reasons and the
11 Proposed Regulatory Text. The information was also
12 published in the *California Regulatory Notice Register* and
13 this began our formal 45-day comment period. The comment
14 period ends at 5:00 o'clock p.m. on Monday, May 14th and
15 Carlos will cover how to submit comments to our docket.

16 At this point I'll turn it over to Carlos to
17 present the actual changes.

18 MR. BAEZ: All right, thank you Kristen. My
19 name's Carlos Baez from the Efficiency Division, the Office
20 of Appliances and Outreach and Education.

21 As Kristen mentioned, these slides are now
22 available online. You can access them through our docket
23 page, on our website. And this meeting will be recorded
24 and docked also.

25 As mentioned before if you have any comments,

1 please save them for the very end. We'll have plenty of
2 time for questions and discussion period following the
3 presentation.

4 All right, so first a short overview about this
5 rulemaking. This rulemaking covers the entire Title 20
6 Appliance Efficiency Regulations from the very first
7 section, Section 1601 all the way through to the end,
8 Section 1609. This includes table X, which specifies data
9 certification requirements when certifying models to our
10 MAEDbS database.

11 The purpose of this rulemaking is to provide
12 clarification, improve readability and reflect current laws
13 in effect regarding appliance efficiency. This is
14 federally and also at the state level.

15 In this rulemaking, there are no changes to
16 underlying energy and water efficiency standards or
17 savings.

18 We'll pause for one second. I think the WebEx
19 can't hear us online.

20 (Pause to address WebEx issues.)

21 MR. BAEZ: Okay. It appears the audio is fixed
22 now. We'll continue.

23 All right, so overall in this rulemaking, we
24 divided it up into five major types of changes. And I'll
25 go into more detail about these throughout the

1 presentation. First are updates to reflect current federal
2 law implemented by the Department of Energy. Next, are
3 updates to state-specific requirements. There's also
4 updates to certification to reflect the Modernized
5 Appliance Efficiency Database System, also called MAEDbS.

6 Next are updates to data submittal requirements
7 and lastly, are fixes to improve overall readability. And
8 this last change comprises a majority of the edits in this
9 rulemaking. If you were to look in the Initial Statement
10 of Reasons, you would see that these fixes to improve
11 readability would account to over half of the overall
12 changes.

13 All right, so first I'll get into the updates to
14 reflect current federal law. These changes are primarily
15 in Section 1602, which are definitions. These are
16 definitions for appliances, different terms used throughout
17 the regulations, some terms used for testing and other
18 things like that. Section 1604, which specifies testing
19 requirements for all of our regulated appliances; Section
20 1605.1, which are the standards for federally-regulated
21 appliances and Section 1606, which is for certification to
22 our database.

23 So regarding these changes, we will be adding and
24 amending definitions, test procedures and energy
25 performance standards in accordance with federal law,

1 currently in effect. Compliance with federal requirements
2 is mandatory regardless if they are, or are not, shown in
3 Title 20. These amendments in this rulemaking are
4 necessary for clarification purposes.

5 Title 20 is intended to be a complete source of
6 information regarding Appliance Efficiency Standards for
7 the federal standards and California standards as well. So
8 yeah, this is why it's important to update the federal
9 language that we reflect in our regulations, to be as up to
10 date as we can be.

11 Here's an example of us amending a definition to
12 match the DOE language. This is in Section 1602(b). This
13 is the definition for a refrigerator. As you can see in
14 the first paragraph, we're striking out almost the entire
15 existing text and we're replacing it with the underlined
16 text below. And what we're doing here is amending the
17 definition to match exactly what's found in federal
18 language. This is in 10 CFR Section 430.2.

19 So the reason for this is just for consistency
20 among agencies and to reduce any confusion and just have
21 one set definition where we can. So throughout 1602, you'll
22 see many changes like this where we're amending definitions
23 or adding completely new definitions to align better with
24 DOE.

25 So here's a list of appliances with either

1 updated federal standards and/or test procedures. I'll
2 quickly read through them. Refrigeration products and
3 freezers, water heaters, wine chillers, also called
4 coolers, battery chargers, ceiling fans and ceiling fan
5 light kits, pumps, combined cooking products, electric
6 motors, external power supplies, dehumidifiers, residential
7 furnace fans, boilers and furnaces, pool heaters,
8 commercial clothes washers, clothes dryers, compressors,
9 lighting products, air conditioning products and commercial
10 pre-rinse spray valves. And I'll go into more detail about
11 a few of these later on.

12 For some of these we're simply just adding future
13 standards that will go into effect, future federal
14 standards. An example with ceiling fans, they have new
15 federal standards that go into effect in 2020. So we're
16 simply just adding those upcoming standards into our
17 regulations in anticipation of this effective date. That
18 is also the case for boilers and a couple others.

19 What I'll go into a little more detail about is
20 federally-regulated battery chargers. Note that these are
21 separate from our current state-regulated battery charger
22 systems.

23 Battery chargers are essentially any consumer
24 product with a rechargeable battery. As you can see by the
25 pictures, it's a wide range of products. You have cell

1 phones, electric tooth brushes, Bluetooth headphones. And
2 again, these are separate from our current state-regulated
3 standards.

4 So for these federally-regulated battery
5 chargers, new federal standards go into effect on June
6 13th, 2018.

7 The majority of our current state-regulated
8 battery charger systems will fall under the scope of
9 federally regulated, and will be required to comply with
10 these new federal standards.

11 Any products not included in the federal scope
12 will remain regulated as state-regulated battery charger
13 systems. Examples of these are non-consumer products, dry
14 induction-type battery chargers and a few others. This is
15 because of the scope of state-regulated battery charger
16 systems is larger than the scope of federally-regulated
17 battery chargers. So that's why after the effective date,
18 we'll see some products that don't fall under the federal
19 scope.

20 So regarding these changes for this appliance
21 type we'll be updating battery charger standards to reflect
22 new federal standards for these federally-regulated battery
23 chargers. We'll be aligning test procedures for state-
24 regulated small battery chargers, excluding battery backups
25 with the current federal test procedure to reduce testing

1 burden. The federal test method is currently in effect and
2 has been for quite some time now. It's the upcoming
3 standards that are new, the new standards in June.

4 We'll also be aligning data collected for
5 federally-regulated battery chargers with DOE's CCMS
6 database requirements. So where we could, we took DOE's
7 required fields from their database and we'll be adding
8 those into our Table X, to align with DOE's data
9 collection. And yeah, and again this is just to reduce the
10 certification, the burden of certifying twice.

11 A guidance letter with published on February 1st,
12 2018, regarding certifying these types of appliances and I
13 posted a link there at the bottom. That letter provides a
14 little more overview and guidance on certification of
15 battery chargers.

16 Next, I'll go over some updates to state-specific
17 requirements. These changes are primarily in Section 1604,
18 which is for testing; 1605.3, which are state standards for
19 non-federally regulated appliances and 1606 for
20 certification.

21 When preempted by federal law, we'll be removing
22 state standards and state test procedures for appliances
23 that are now federally regulated. Since we're preempted,
24 it would be inaccurate to leave in the state requirements,
25 so we're removing them where we can.

1 When appropriate, we're aligning state test
2 procedures with federal test procedures. Examples are
3 lamps, and as I mentioned right before, state-regulated
4 battery charger systems. In these cases, we're not quite
5 preempted, but we're choosing to align with DOE for
6 testing. For these California specific changes, we are not
7 introducing any new energy performance standards.

8 Here's an example from the proposed language.
9 This is an example of removing state test procedures due to
10 preemption. This is in 1604(f), for the testing
11 requirements for water heaters. As you can see, the very
12 top line has language for small water heaters and it says
13 that the test methods are shown in Table F-1, which is
14 shown down below. We're completely striking that first
15 line and the associated table, since we're now preempted.

16 Some examples in the table are booster water
17 heaters, hot water dispensers, mini-tank electric water
18 heaters, gas and oil storage types. We're preempted by DOE
19 since they cover residential water heaters, which is shown
20 in the underlined text. And for residential water heaters
21 there's only one applicable test method. So we're removing
22 all of our previous language for the state testing and
23 also terminology. As you can see in the table, hot water
24 dispensers and all those, those are preempted as they are
25 now covered under residential water heaters. So there's a

1 lot of examples like this throughout 1604 and also in our
2 standards sections.

3 One other change is regarding our marking
4 requirement for distribution transformers. For these
5 products, they will no longer be required to comply with
6 the labeling requirements of NEMA Standard TP3-2000. This
7 standard is no longer maintained and is out of date. So
8 we'll be removing this requirement and instead replacing it
9 with a requirement that these products must be labeled with
10 the phrase "DOE compliant."

11 Another state specific change is regarding
12 portable luminaries. Portable luminaries are any type of
13 desk lamp or table lamp or product similar to that. In our
14 current language, there's a requirement in Section 1606(j),
15 which specifies that manufacturers must submit annual sales
16 data to the Energy Commission. We'll be completely
17 striking out this requirement. The reason is that the data
18 that we gather in MAEDbS is sufficient for us. All the
19 data we're seeking is already obtained through the data
20 submission process for these appliance types. So we see
21 this requirement no longer needed or necessary, so we're
22 completely striking out that Section 1606(j).

23 All right, next updates to certifications to
24 reflect the Modernized Appliance Efficiency Database
25 System. So for these changes, they are primarily in 1606

1 for certification. This includes Table X, which specifies
2 data fields that are required to be submitted during the
3 certification process and also Section 1608 for compliance,
4 enforcement, and general administrative matters.

5 The Modernized Appliance Efficiency Database
6 System, MAEDbS, is the current version of the database used
7 to certify and list models of regulated appliances.

8 Certification of appliance models is required for
9 regulated appliances to be sold or offered for sale in
10 California. MAEDbS has built-in validations to check
11 compliance with the standards. Each submittal that comes
12 through, which contains one or more regulated models, staff
13 approves or rejects each of these submittals that comes
14 through and notifications are sent out to manufacturers.

15 The current version of the regulations reference
16 a generic database. Our current MAEDbS system was
17 implemented in 2015. And this was after our last big kind
18 of amendment or cleanup rulemaking like this. So our
19 current regulations don't reflect MAEDbS, so a lot of the
20 changes will be to come up to speed with our current
21 certification process.

22 So some of the changes are to update terminology
23 and procedures discussed in the regulations to be
24 consistent with MAEDbS. For example, throughout we'll be
25 changing the word database to MAEDbS, to accurately reflect

1 the name. We'll be calling the active database, the
2 "approved" database and similarly calling the historical
3 database the "archived" database. And this is to be
4 consistent with what's specified in MAEDbS.

5 So within MAEDbS, when a model is submitted and
6 compliant, with the most current standards, it's listed in
7 what we call the approved database. This lists everything
8 that's compliant with whatever is current at the time. But
9 if new standards are effective or a new test procedure
10 comes out, those models are moved to the archived database.
11 This means at the time they were certified they were
12 compliant, but since then new requirements that have come
13 out to show that they're not quite the most current with
14 the standards.

15 Another change, we'll be specifying that the
16 manufacturer's designated contact person will be notified
17 via email when submittals are approved or rejected. The
18 contact information is already obtained and is submitted
19 during the account creation process, so this isn't
20 necessarily a new requirement. We're just now specifying
21 the process in our regulations.

22 Another change that we'll be clarifying, that all
23 data submissions are to be submitted electronically through
24 MAEDbS. No emails are needed to be sent to us. No test
25 reports are required unless we specifically request them.

1 MAEDbS currently has all the tools already built in that
2 are needed for certification.

3 Some changes regarding communications.
4 Notifications regarding archiving appliance models will be
5 conducted via email instead of registered or certified
6 physical mail. This is a change we are looking forward to,
7 essentially just because we'll be saving a lot on paper and
8 postage. We've seen in the past they can be a bit of a
9 waste to have these huge mail-outs. And we've also seen
10 that email communication is a lot more reliable than paper
11 notices.

12 And as I mentioned before, models are archived
13 due to new standards coming out or a new test method being
14 implemented and effective. So once those models are moved
15 from the approved database, to the archived database, we
16 send notices out to manufacturers letting them know of this
17 change.

18 Another change, that second bullet, no separate
19 notification will be provided to manufacturers if a model
20 is archived, because it does not meet the current
21 standards. The initial notice will be sent out notifying
22 them, but we're removing the requirement that an additional
23 separate notice will be sent out.

24 MR. BAEZ: All right, next updates to data
25 submittal requirements.

1 So this is all regarding Table X, which is for
2 data submittal requirements. This specifies all the
3 required fields that are needed to be submitted during the
4 certification process. And Table X lists out appliance by
5 appliance all the fields needed. It takes up a large
6 portion of our Title 20 Regulations.

7 The very top row there is the required fields for
8 all appliances. You can see there's five of them.
9 Manufacturer name, brand name, model number, date model to
10 be displayed. So for example, if you certify the model
11 today you can choose to have it displayed at a later time.
12 And also, regulatory status, this specifies if it's
13 federally regulated or some other type of regulation
14 applying to it.

15 And so yeah, following this "All Appliances"
16 field it lists out the regulated appliances in their
17 required fields.

18 Okay. This Table X specifies the data parameters
19 required to be submitted for certification to MAEDbS.
20 Title 20 specifies that all regulated appliances, whether
21 federal or state, are required to be certified to MAEDbS in
22 order to be sold or offered for sale in California.

23 We'll be updating the required fields in Table X
24 based on changes or updates to test methods and energy
25 performance standards. As I mentioned towards the

1 beginning, we're making a lot of updates to align with
2 DOE's current requirements. And a lot of those amendments
3 earlier in the regulations are also again going to be
4 reflected here in Table X due to updates in federal
5 standards or test methods.

6 Where we can we'll be removing redundant and
7 unnecessary fields. And we'll also be editing names of
8 fields in Table X to be consistent with MAEDbS. So this is
9 just to avoid any confusion and to accurately reflect the
10 name.

11 There are new federally-regulated appliance types
12 and we'll be adding these and their associated fields in
13 the Table X. These are pumps, battery chargers, walk-in
14 coolers and freezers and low-profile ceiling fans.

15 So for pumps, these have federal standards that
16 go into effect on January 27th, 2020. We're adding this as
17 a new appliance type and all the associated fields. But
18 please note that certification won't be required until this
19 effective date of January 27, 2020. And within Table X
20 we're also explaining that in parenthesis. That
21 certification won't be required immediately.

22 Battery chargers, I already went to a bit of
23 detail about these. But yeah, once again federal standards
24 go into effect on June 13th, 2018. We'll be adding
25 federally-regulated battery charger as a new appliance type

1 and the data parameters to align with DOE's CCMS database.
2 And again, this is separate from state-regulated battery
3 charger systems.

4 Walk-in coolers and freezers, federal standards
5 are currently in effect for this appliance type. We'll be
6 adding data parameters to align with DOE's CCMS database
7 for these.

8 And finally, low-profile ceiling fans also called
9 hugger fans, the current federal test procedure is now
10 applicable to this subset of ceiling fans. These are no
11 longer exempt and are now required to be certified under
12 the ceiling fan appliance type and certification will be
13 required pending approval of this rulemaking.

14 So here's another example from our proposed
15 language. This is in Table X. This is for the required
16 fields for ceiling fans. As you could see in the left-hand
17 column the current language has the phrase "except low-
18 profile ceiling fans." As I explained earlier, these are
19 no longer exempt due to a change in the test procedure. So
20 we're removing that exception.

21 And also, in the middle column we're adding some
22 new fields based on the upcoming standards that will be
23 effective 2020. But depending on the fields a lot of these
24 won't be required until that 2020 effective date, but we're
25 putting these fields in anticipation of these upcoming

1 standards.

2 So throughout Table X there's different changes
3 like this to reflect different updates for standards or
4 test methods.

5 All right, so finally fixes to improve overall
6 readability of the regulations. These changes are
7 throughout the entire Title 20 Regulations, and comprise a
8 majority of the amendments in this rulemaking. These are
9 grammatical, typographical and formatting edits that are in
10 accordance with the California Style Manual and Bluebook.

11 These edits are to maintain style consistency
12 within the regulation. For example, subsection headings
13 and lists, we're making sure that they all look the same,
14 involve the same format and are listed appropriately.

15 We're updating cross-references within the
16 regulations themselves. So for example, within Table X if
17 we reference specific language from Section 1604 we're
18 making sure that those cross references are formatted the
19 same and making sure that they're accurate also.

20 And where we can, we're removing any outdated
21 language.

22 Here's an example of removing outdated language.
23 This is in 1605.1(o). These are federal standards for
24 dishwashers. This is Table O, which specifies the
25 standards for these appliance types. You can see the

1 middle column has standards that are effective January 1,
2 2010 and the right-hand side has standards that are
3 effective May 30th, 2013.

4 We're simply just striking out the outdated
5 standards in 2010 since the 2013 standards are -- since
6 they trump the 2010 standards and are now effective. We
7 don't see it necessary to include these old standards.

8 We'd like to keep our Title 20 Regulations as
9 slim as we can. It's not meant to be a historical archive.
10 For historical purposes or research purposes you could
11 always see our previous standards on our website. The
12 rulemakings in previous versions of Title 20 can be found
13 listed chronologically on our website.

14 We want our current Title 20 Regulations to
15 reflect just the current regulations in place. And it also
16 includes some future standards that will be implemented
17 within the next year or so.

18 So as you can see we're here at the public
19 workshop during the 45-day comment period. Following this
20 will be a Business Meeting here at the CEC where these
21 proposed regulations will be adopted.

22 Following that we'll be submitting a Final
23 Rulemaking Package to the Office of Administrative Law.
24 And pending approval with them, we'll be given an effective
25 date of these proposed updates.

1 Any comments for this rulemaking are due by 5:00
2 p.m. on Monday, May 14th, 2018. To submit electronically,
3 please see the website there. That's a link to the docket
4 page and there's a part you can hover over that says,
5 "submit e-comment."

6 If you'd like submit a hard copy please mail it
7 over to California Energy Commission Dockets Unit, Docket
8 Number 18-AAER-10, 1516 Ninth Street, MS-4, Sacramento,
9 California 95814.

10 If you'd like to send a digital copy please email
11 docket@energy.ca.gov. When you do this please include the
12 Docket Number 18-AAER-10 and indicate "Amendments to Title
13 20 Rulemaking" in the subject line.

14 And here's my contact information. Please call
15 or email me if you have any questions or comments about
16 this rulemaking. There's my email there and my phone
17 number, 916-654-4719.

18 All right. Thank you. That concludes the formal
19 presentation.

20 We can now start the comment period. As I
21 mentioned these slides are now available on the docket page
22 if you'd like to review them again. And also, this entire
23 meeting is being recorded and this recording will also be
24 posted on the docket page, probably within the next few
25 days.

1 Within the room if you have comments, please
2 either step up to the podium or the seats with the
3 microphone and make sure the mic's turned on. Then please
4 state your name and your organization.

5 And for the folks online, use the hand-raise
6 function if you'd like to speak and we'll unmute you. And
7 you could also type your comments in the chat box in WebEx
8 if you prefer that.

9 All right. Thank you.

10 (Off mic colloquy to set up mic.)

11 MS. PETRILLO-GROH: Good morning. My name is
12 Laura Petrillo-Groh from the Air Conditioning, Heating and
13 Refrigeration Institute.

14 First, I would like to thank CEC staff: Carlos,
15 Kristen and the rest of your team for working so closely
16 with us in advance of this regulation. I think that you
17 guys have done a very excellent job. I have a few
18 questions and comments.

19 I understand from a conversation earlier today
20 that language, which I thought was new in Section 1603,
21 which I thought added a new definition for an approved
22 industry certification program is just a relocation.
23 Understanding that, I would like to ask CEC staff to
24 consider how these provisions, especially in 1603.1(C)
25 (3) (b) and (c) will be impacted by potential component

1 regulations, particularly for fans. There may be some
2 complications in publishing correct information if there
3 are components that are embedded into other products.

4 Along those lines in Table X, the Regulatory
5 Status Field may also be complicated by a component
6 regulation. So perhaps in the review of that fans
7 regulation someone could see or explain to the public how
8 we could comply with the California CCMS MAEDbS database
9 and publish information about regulation of components.

10 The other question I have is related to 1605.1, I
11 believe Tables A-10 and 11, the standards for walk-in
12 coolers and freezers. CEC lists a compliance date of June
13 5th, 2017, which technically is in alignment with the
14 federal reg. However, on February 1st of 2016 DOE issued
15 enforcement guidance for four energy conservation standards
16 applicable to dedicated condensing refrigeration systems
17 operating at medium temperatures. And for those products
18 the DOE issued that enforcement guidance, as not
19 enforcement until January 1st of 2020.

20 I'm interested to know how CEC will comply with
21 that enforcement guidance, whether written in the
22 regulation or issue their own enforcement guidance.

23 Also, I would be remiss if I did not use this
24 opportunity to suggest that CEC adopt a web service tool
25 for the database. It does take significant man hours in

1 order to make submissions to that database. AHRI and CEC
2 have a special relationship in this term or with this
3 issue, so if there's anything that we can do to help. If
4 there are reservations on CEC's end we would be happy to
5 help instigate that process.

6 And I would also lastly, like to suggest
7 publication of secondary validations for the database.
8 There are times when we, in the programming of our
9 database, end up with conflicts that are time consuming and
10 lead to conflicts in publishing our members' records on
11 time. So if that was at all possible we would appreciate
12 publication of those secondary validations.

13 But overall, thank you so much for updating it
14 and for working with us in advance.

15 MR. BAEZ: Thank you. We'll be addressing these
16 comments later on.

17 MS. DRISKELL: Just to answer, this is Kristen
18 Driskell, just to answer a couple of your questions.

19 Correct, we moved 1603 -- 1603(b) is a move from
20 1602 where the approved industry certification program used
21 to be laid out as a definition. We moved to it 1603(b), so
22 that it makes more sense, because it's not really a
23 definition, it's a program. We'll have to consider, I
24 think as part of the fans rulemaking, how that affects the
25 implementation of a fan standard. But I think we need to

1 handle that in a separate rulemaking. It's not really in
2 the scope of this one.

3 And last, you asked about the enforcement
4 guidance on walk-in coolers. We'll have to take a look
5 into that and see how to incorporate that into our own
6 regulations. So thank you for bringing that up, I don't
7 think we were aware of it.

8 MS. PETRILLO-GROH: Okay.

9 MR. BAEZ: Okay, any more comments in the room?

10 MR. MESSNER: Good morning, Kevin Messner with
11 the Association of Home Appliance Manufacturers.

12 I just wanted to say just thank you. I mean,
13 this is good that you guys are doing this. I looked back
14 at our comments when you started this regular, the more
15 regular updates, the first one and we had pages and pages
16 of comments. And we'll submit written comments on some
17 more details, but the current draft of our comments is
18 significantly shorter and a lot of positive things. So I
19 think this has really been a helpful process where you
20 readdress these on a frequent basis instead of how it used
21 to be, I don't know how long ago when you started this,
22 six, seven years ago where this -- I don't know when it
23 happened. So thank you. It's really good and really
24 helpful.

25 Only one question I had and we'll put in our

1 comments, the battery chargers, I'm reading it right it
2 didn't take out the marking of the BC mark, but that was
3 approved earlier. And I didn't know whether that was just
4 a timing issue, because the proposed language happened
5 before the Business Meeting. We'll comment on that unless
6 there is something that I missed that it was already in
7 there somewhere.

8 MS. DRISKELL: This is Kristen again. The
9 battery charger marking requirement was removed for
10 federally-regulated battery chargers in the Portable
11 Electric Spa Rulemaking. So that's already been done.
12 We'll have to update this rulemaking to remove that
13 provision that was removed in the other rulemaking. So
14 there is a timing error there.

15 MR. MESSNER: That's what I thought and that's
16 what -- well, that's what I thought. Thanks for making
17 sure I wasn't going too crazy.MR. BAEZ: Thank you, Kevin.

18 All right, anyone else in the room?

19 (No audible response.)

20 Daniel, I see you typed. Do you have a comment?
21 I can't quite unmute you, you don't have the -- it looks
22 like you're not connected to audio. But you could type
23 your comment into the chat box here, or if we can't get to
24 you here then please submit an e-comment through our
25 docket.

1 All right, anyone else online? Yeah, again if
2 you have a question or comment please use the hand-raise
3 function or chat box. We could have a discussion open for
4 a few more moments.

5 MR. TIMOTHY: All right, Daniel you're on.

6 MR. GLEIBERMAN: Oh, great. Thank you. Good
7 morning Commissioner McAllister and staff and those
8 present. My name is Daniel Gleiberman with Sloan Valve
9 Company. I am sorry that I'm not able to be there in
10 person today. I wanted to thank you for the opportunity.

11 In the past we have both written comments on
12 various rulemakings that involve appliances with plumbing
13 products and we've been there (indiscernible). Let me be
14 clear today, I'm speaking on behalf of Sloan, the company
15 that I work for. I'm the Manager of Product Compliance and
16 Government Affairs.

17 Very briefly, when the rulemaking was first
18 proposed during our severe drought and the Energy
19 Commission rightfully looked at changes to lavatories and
20 showerheads, there were some phase-in periods for those
21 that you recalled with products. And different flow rates
22 were being phased in over time to allow full opportunities
23 for product availability.

24 And specifically with showerheads we're coming up
25 on our last iteration, which is by the end of the second

1 quarter of this year. Showerheads sold in California
2 manufactured after a certain date won't be able to flow
3 greater than 1.8 gpm.

4 When those issues were first raised we had
5 presented both verbal and written testimony of a concern
6 for a specific type of installation, which are
7 institutional-type showerheads. And the need for staff to
8 look further at that and perhaps while the products might
9 be available, that may actually be a flow rate that is not
10 actually conducive to the needs of those particular
11 California institutions.

12 Moving back to March of 2017, Jerry Desmond, the
13 lobbyist for PMI had written CEC staff with an outline of
14 their recommendation. That was almost a full year ago to
15 the day. About two weeks before this hearing, Mr. Baez
16 responded to Mr. Desmond stating fairly, because staff is
17 free to do what they want, that at this time staff wasn't
18 looking at that recommendation.

19 The reason I'm bringing this to the attention of
20 the Commissioner and staff is because the reasoning that
21 staff provided was that they looked at "industry's trends"
22 and they looked at "one company." And based on that
23 review, they decided that there is actually no need for
24 higher flow rates in these very specific institutional
25 settings.

1 I know this is technical and I will provide all
2 this information before the deadline. But I wanted to take
3 the opportunity to give this testimony in person, because I
4 think it's important to point out that there are already
5 situations in the California Energy Commission regulations.
6 Specifically for prisons and mental institutions for water
7 closets and urinals that allow a higher flow rate.

8 So this is not unprecedented and I'm just wanting
9 to state I'm somewhat concerned that the staff hasn't
10 really looked at this issue fully. I don't believe they've
11 actually reached out to end users like prisons and mental
12 healthcare facilities that legitimately have a higher need,
13 because of the way those showers are used, for a higher
14 flow rate.

15 This isn't like (indiscernible) product
16 availability concern on behalf of manufacturers. I'm not
17 stating that these products might not be available already.
18 But I think it would behoove staff to make sure that some
19 types of facilities actually are sought out and researched
20 to make sure that they can live with 1.8. Because as one
21 manufacturer that has dealt with this issue around the
22 entire nation, prisons and high-security health institutes
23 have a very different type of bathing need than the general
24 public, whether it be in a hotel room or a private
25 residence.

1 And I just don't think the staff has actually
2 taken the time that's necessary to make sure that these
3 flow rates that are now mandated come two months would
4 actually meet the needs of those specific California
5 facilities.

6 And again, I want to thank you, Commissioner
7 McAllister, for all of your help in dealing with the
8 plumbing industry. We value the fact that you turn to us
9 as subject matter experts. And that's why I took the time
10 this morning to give you this additional testimony.

11 MR. BAEZ: All right. Thank you, Daniel. We'll
12 be reviewing your comments again. But yeah, just again to
13 state the purpose of this rulemaking is just mainly again
14 to provide clarifications and updates. We're not really
15 diving into editing any of the standards at all, but yeah
16 we'll definitely review your comment again formally.

17 It looks like we have another question? So a
18 question in the chat box from Lisa Johnson. You asked, if
19 I understand correctly, that the BC logo will be removed
20 from California state-regulated requirements in the future?

21 This was already done in a separate rulemaking
22 where we'll be removing the requirement of the BC logo from
23 federally-regulated battery chargers. But this BC logo
24 will remain in place for state-regulated battery chargers.
25 So I hope that helps to answer your question. And again,

1 this is already approved in a separate rulemaking.

2 Yeah, so it is currently not reflected in the
3 proposed language for this rulemaking, but we'll be making
4 the edits to reflect that.

5 Okay. There don't appear to be any other hand-
6 raises or questions online. So once again these slides are
7 currently docketed. This meeting will be recorded and
8 docketed. And any comments please submit by 5:00 p.m. on
9 Monday, May 14th, 2018. That's the end of the 45-day
10 language period.

11 All right, thank you all for joining us. Please
12 contact me on my email or phone number if you have any
13 other questions or comments.

14 (Whereupon, at 10:51 a.m., the workshop
15 was adjourned)

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REPORTER' S CERTIFICATE

I do hereby certify that the testimony in the foregoing hearing was taken at the time and place therein stated; that the testimony of said witnesses were reported by me, a certified electronic court reporter and a disinterested person, and was under my supervision thereafter transcribed into typewriting.

And I further certify that I am not of counsel or attorney for either or any of the parties to said hearing nor in any way interested in the outcome of the cause named in said caption.

IN WITNESS WHEREOF, I have hereunto set my hand this 7th day of May, 2018.



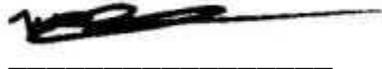
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