

DOCKETED

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AHRI Comments on 15-day Language for Title 20 Amendments

Additional submitted attachment is included below.



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July 9, 2018

California Energy Commission
Docket Unit, MS-4
1516 Ninth Street
Sacramento, CA 95814-5512

Re: AHRI Comments: Amendments to Title 20 Appliance Efficiency Regulations Rulemaking, Docket No. 18-AAER-10

Dear CEC staff:

These comments are submitted in response to the California Energy Commission's (CEC) proposed changes (15-Day Language) to the Appliance Efficiency Regulations contained in the California Code of Regulations (CCR), Title 20, Sections 1601 to 1609 as published on June 25, 2018.

We appreciate staff's attention to our May 14, 2018 comments on the 45-day Language. We thank the Commission for removing references to High Sales Volume Tested Combinations in Sections 1603(c)(3), 1606(a)(1)(F), and 1606(a)(4)(A)4.c, and for modifying the effective date of standards for "walk-in coolers and freezer refrigeration systems" in Table A-12.

Definitions – Editorial Changes

We note that "HI-A" and the "Hydronics Institute section of AHRI" are not referenced in the proposed Title 20 language and may be deleted.

Section 1604 correctly lists AHRI's current address. However, effective August 6, 2018, our new address will be 2311 Wilson Blvd, Ste 400, Arlington, VA 22201. This should be updated in the regulation so readers have the best available contact information.

Definitions for Water Heaters

We appreciate the Commission's revision to the definition of "residential-duty commercial water heater" to reflect the U.S. Department of Energy's definition of the same term. However, we are disappointed that the Commission did not address the confusion caused by introducing two different definitions for each set of defined water heater terms to

distinguish between consumer products and commercial and industrial equipment. Specifically, the definitions in question are as follows:

- Electric instantaneous water heater
- Electric storage water heater
- Gas-fired Instantaneous water heater
- Gas-fired storage water heater
- Oil-fired Instantaneous water heater
- Oil-fired storage water heater

This lack of distinction creates confusion. For example, the proposed definition of “grid-enabled water heater” refers to an “electric resistance water heater” with specific criteria, none of which clearly identifies it exclusively as a consumer product, as the Code of Federal Regulations (CFR) does via reference in Part 430. We reaffirm our recommendation that each definition be clearly identified as “consumer” or “commercial and industrial” (alternatively simply “commercial”) as part of the defined term. Furthermore, those terms should be used in the following definitions where the distinction is important: “grid-enabled water heater,” “instantaneous water heater,” “storage water heater,” and “storage-type instantaneous water heater.”

An alternative approach would be to keep the language as-is but separate section 1601(f) into two subparts, consumer water heaters and commercial water heaters, to mimic the differentiation inherent in the CFR under parts 430 and 431, respectively.

Section 1604(c)(4) Test Methods for Heat Pump Water Heating Packages

AHRI recommends updating the test methods for Heat Pump Water-Heating Packages referenced in section 1604(c)(4) to the most recent consensus standard: AHRI 550/590-2015 (I-P) with Addendum 1. This version was published in 2017.

The reference should also be updated in the list of standards at the end of section 1604.

Section 1604(f)(1) Requirements for “Residential Water Heaters”

In 1604(f)(1), the Commission uses the undefined term “Residential Water Heaters.” This further supports our earlier comment on the need to clarify the water heater definitions in section 1602. The Commission should use “consumer” instead of “residential” in this definition, as this term better aligns with the federal categorization of these appliances as well as several of CEC’s own proposed definitions that refer to those types of water heaters as “federally regulated consumer product” (*emphasis added*).

Table F-3 Standards for Water Heaters Regulated Under 42 U.S.C. 6295(e)

While AHRI appreciates staff’s attempt to clarify the language of the footnote in Table F-3 in Section 1605.1(f)(2) and its correction of the minimum energy factor for electric water heaters, we continue to believe that this entire section continues to add unnecessary

confusion to CEC's requirements for these products and violate EPCA's preemption provisions (42 U.S.C. 6297(c)). As the section title and its categorization makes clear, this provision only applies to federally regulated water heaters. It is the U.S. Department of Energy's role to develop standards for these products. At present, there are no minimum standards for storage models less than 20 gallons in U.S. Department of Energy regulations. The EF standard cannot be applied through a reverse conversion factor as suggested by staff's note, and it is a violation of preemption for California to include a minimum standard for these federally regulated products.

The only foreseeable scenario where this table could be meaningful is a negative one: where the Department of Energy creates a backwards conversion from UEF to EF but sets up different compliance levels, timelines, or rules than specified in CEC's table. This would lead to a direct preemption violation.

This table will cause significant confusion without creating any clear benefit. Until DOE takes further action on water heaters not currently included in the requirements of 10 CFR 430.32, Table F-3 will only cause people trying to comply with CEC's regulations to mistakenly assume that Table F-3 may apply to such water heaters. Subsequently, once DOE takes action to set UEF standards for water heaters such as mini-tank water heaters, this table will no longer apply and will further confuse people who must then comply with the federal regulation instead of Table F-3. The benefit of adding this table is negligible, and its potential costs through added confusion and potential preemption concerns are significant.

Conclusion

AHRI appreciates the opportunity to provide these comments. If you have any questions, please do not hesitate to contact me.

Best regards,

A handwritten signature in black ink, appearing to read 'Aykut Yilmaz', written in a cursive style.

Aykut Yilmaz
Lead Regulatory Advisor, Heating Technology