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*Comment Received From: Alex Boesenberg*  
*Submitted On: 3/9/2021*  
*Docket Number: 19-BSTD-03*

**NEMA Cmnts CEC T24 PreRegulatory Terms**

*Additional submitted attachment is included below.*



National Electrical Manufacturers Association

PHILIP A. SQUAIR

Vice President, Government Relations

March 9, 2021

Online via: <https://efiling.energy.ca.gov/EComment/EComment.aspx?docketnumber=19-BSTD-03>

Mr. Peter Strait  
California Energy Commission  
1516 9th Street, MS-4  
Sacramento, CA 95814

**NEMA Comments on Notice of Availability Pre-Rulemaking Express Terms for 2022 Update to Energy Code**

**Docket Number: 19-BSTD-03**

Dear Mr. Strait:

As the leading trade association representing electrical and medical imaging manufacturers, the National Electrical Manufacturers Association (NEMA) submits these comments to the CEC Notice of Availability of Pre-Rulemaking Express Terms for the Title 24 Building Energy Efficiency Regulations. These comments are submitted on behalf of NEMA Lighting Division Member companies.

NEMA represents some 325 electrical equipment and medical imaging manufacturers that make safe, reliable, and efficient products and systems. Our combined industries account for 370,000 American jobs in more than 6,100 facilities covering every state. Our industry produces \$124 billion shipments of electrical equipment and medical imaging technologies per year with \$42 billion exports.

We count on your careful consideration of these comments. Our Members look forward to an outcome that meets their expectations. If you have any questions on these comments, please contact Alex Boesenberg of NEMA at [alex.boesenberg@nema.org](mailto:alex.boesenberg@nema.org).

Sincerely,

A handwritten signature in black ink that reads "Philip A. Squair". The signature is written in a cursive, flowing style.

Philip Squair  
Vice President, Government Affairs

## **NEMA Comments on Notice of Availability Pre-Rulemaking Express Terms for 2022 Update to Energy Code**

### NEMA Comments:

1. CEC has not granted sufficient time to review this large proposal. It is not reasonable to be given only two weeks to review 570 pages of dense technical material. While CEC Staff may believe that the proposals are well-understood (since many of the proposed changes are directly related to, or taken from, Codes and Standards Enhancement (CASE) team working groups), we have identified many proposals relating to topics outside the scope of CASE team discussions and working groups. At least an additional 4 weeks review time should be granted for the Pre-Rulemaking proposal comment period.
2. We note with approval the practice of CASE team public collaborations, which were encouraged by CEC after numerous public complaints about the rulemaking process. NEMA was among those critics. Under the new process, because NEMA Staff and Members participated in these 2022 Title 24 CASE team working groups, we have few comments on the portions of the pre-rulemaking notice which pertain to the CASE studies and discussions. Additionally, it should be noted that these CASE team discussions focused on non-residential<sup>1</sup> applications of the regulations.
3. We note with strong concern that there are portions of the pre-rulemaking text that apply to residential locations and to the Joint Appendices for Lighting products. These topics were thought to be out of scope, or not a focus of CEC efforts and interest for this cycle. NEMA Members recall hearing as much at workshops and other meetings. It comes as a surprise therefore to find significant additions and changes to portions of Title 24 outside of the non-residential scope. These unexpected proposals were not part of public discussions or other opportunities to offer constructive criticism, review supporting data or discuss analyses. We believe more time is needed for discussion and proper analysis than has been afforded.
4. The lack of advance notice of the substantive proposal for residential sections gives rise to concern that proper process is not being followed. Substantive changes demand more careful review and justification.
5. CEC should undertake the following to rectify this situation: 1) redact all proposals in the Draft 2022 Energy Code Express Terms<sup>2</sup> that apply to residential applications and that were not subject of detailed public discussions; 2) make the redacted portions subject of a second rulemaking event, not tied to the non-residential efforts; 3) publish a working draft document and hold public workshops and working groups for this redacted language; and 4) include with the draft document all supporting information, data and rationale.
6. NEMA offers the following additional observations on the draft document to illustrate our above concerns:
  - a. It appears that CEC Staff has added entirely new code sections to Title 24 that duplicate existing requirements in other sections in order to focus on divergent requirements for energy usage of high-rise residential structures and non-residential common areas of multi-family projects. This duplication of existing material significantly lengthens the overall code by approximately 130 pages, and in the future as this new section diverges from where it was copied from, it will be even more difficult for designers to stay on top of code requirements. One of the intended efforts in this code cycle was to simplify the language in the code, but this represents a major step in the opposite direction. CEC should reconsider this a significant modification, and whether a simpler solution is more appropriate.

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<sup>1</sup> <https://title24stakeholders.com/2022-cycle-case-reports/>

<sup>2</sup> <https://efiling.energy.ca.gov/GetDocument.aspx?tn=236876&DocumentContentId=70030>

- b. The terms “Tunable White”, “Dim to Warm”, and “Color-Tunable” are not defined in current regulations or in the proposed changes. While these may be considered industry-accepted terms, leaving them undefined could result in confusion and challenges in enforcement.
- c. The recommended new exception #2 to Section 150.0(k)2F for rooms using < 50 watts is unrealistic in view of the widespread application of light emitting diode (LED) products (which are effectively mandated in California by Title 24 and Title 20). With LED it is possible to light an entire room using less than 50W. In practice this proposed change to exceptions will eliminate the use of dimming controls in many spaces they are required today. Since no rationale for this change was provided, it is hard to avoid the conclusion this change is willful backsliding and it must be addressed for legality and data-driven justification before this proposed exception may proceed.
- d. The creation of the term High Luminous Efficacy (as shown in Tables 150.0-A and 160.5-A) comes as a surprise and an undefined surprise as well. This will cause confusion and enforcement challenges if left unaddressed.
- e. Most of the aforementioned issues are part of the unexpected, and in our view unjustified, residential applications language. Taking our advice in comment number 5 above will address them for the time being.