

DOCKETED

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Intex Comments on Proposed Pool Control Rule

Please see uploaded document

Additional submitted attachment is included below.

July 7, 2023

Submitted via: Docket Log 23-FDAS-01

Commissioner J. Andrew McAllister, Ph.D.
California Energy Commission
Dockets Office, MS-4
1516 9th Street
Sacramento, CA 95814

Re: Pool Controls, 15-day Proposed Regulatory Language, Docket # 23-FDAS-01

Dear Commissioner McAllister:

Intex Recreation Corp. distributes throughout the United States Intex branded storable above ground swimming pool sets. The pool sets typically include all of the components consumers need to install and use their pool including a pool pump with filter combination. These consumer installed pools are sold through numerous retail channels including big box mass, club stores, home improvement, sporting goods, specialty, and on-line internet. These products provide great value to consumers who want to provide their families and friends with the pool experience. The pools and associated equipment are designed to be easily stored during the winter when they are not in use.

Pool filter pumps supplied with storable pools currently comply with the DOE regulations and include a timing system that automatically starts and stops the pump after a user defined run time. These timing systems are self-contained and are not WiFi, Bluetooth, or radio connected devices.



We would like to offer the following comments on the revised proposed rule.

“Pool Control” and “Integral” Definitions

The 15-day proposed language for what constitutes a pool control is not only a significant departure from what was previously published, but also contrary to the table in the February 23, 2023, staff report and previous conversations the pool industry has had with staff. The primary concern is regarding controls that may be integral to a pool pump appearing to now fall under the scope of this rulemaking. Based on previous rulemaking documents, we understood integral controls to be out of scope and we are not aware of any pool industry comments to the CEC implying this should be changed.

Further, the current proposed definition lacks clarity, which will cause interpretation issues for those required to comply with this rulemaking. As drafted it could be interpreted to impact many products that we do not believe was the CEC’s intent, such as capturing **small storable pool sand and cartridge filters that have a basic built-in digital timer that turns the pump on every 24 hours and turns it off after the preset run time.**

This significant change will add additional costs to the products that previously did not fall under the definition of “pool control”. The amount of time required to design, pilot, certify (the addition of a Wi-Fi module will require FCC certification and privacy related controls), and tool for manufacturing the new module will take at least 36 months.

We believe September 2024 is not enough time for us to be prepared considering this significant change in scope of what falls under a “pool control.” The lack of clarity within the definition will only further increase the time needed to comply, as manufacturers obtain product specific clarity from the CEC on what will have to comply before proceeding with new product designs.

In addition, the Pool & Hot Tub Alliance (PHTA) previously provided a definition for an “integral dedicated purpose pool pump control”, but the new definition being proposed for “integral” does not connect to the rulemaking, as the term is not used within the revised proposed language. Based on all the above, we strongly urge the CEC to revert to the original intent of what is covered under a pool control and consider the definition suggestions PHTA previously provided in their April 10, 2023, comments, as follows:

Replace the current proposed definition of “pool control” with the following language:

“Pool control” means any component or group of components, including software, that:

- (1) For integral dedicated purpose pool pump controls, has the capability to independently schedule the operation and/or control the start or stop times of a pool filter pump and other pool equipment, and uses single-phase AC power as input power;
- (2) For other than integral dedicated purpose pool pump controls, has the capability to independently schedule the operation and/or control the start or stop times of a pool filter pump, and uses single-phase AC power as input power; or

- (3) Includes, but is not limited to, a pool timer, pool pump switch, heater switch, or direct load control switch.

Replace the definition of “integral” with the following definition:

“Integral dedicated purpose pool pump control” means a pool pump control provided as an integral part of a dedicated purpose pool pump control supplied as an integral part of a dedicated purpose pool pump or a replacement dedicated purpose pool pump motor that controls the pool pump motor. A user interface or a user interface that is sold separately, that controls the pool pump motor; or an integral dedicated purpose pool pump control that is capable of being removed from a dedicated purpose pool pump or a replacement dedicated purpose pool pump motor for remote mounting; is an integral dedicated purpose pool pump control.

Intex also suggests the CEC include a definition of “independently schedule” to clarify that only connected pool controls are within the scope of the rule:

“Independently Schedule” means the capability to communicate via a data connection to an external device or devices, for purposes of reading, adjusting, or interrupting the operation of the controlled device.

If you have any questions about the foregoing comments, please contact me at (310) 507-2661 or mwhalen@intexcorp.com. Thank you for your time and consideration.

Sincerely,



Matthew Whalen
Director of Risk Management