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Pool & Hot Tub Alliance Title 24 Comments

Additional submitted attachment is included below.



November 17, 2023

Submitted via: [Docket Log 22-BSTD-01](#)

Re: Title 24 Pre-rulemaking Express Terms related to pool and spa heating

California Energy Commission Staff:

The Pool & Hot Tub Alliance (PHTA) represents more than 3,650 company members and over 11,000 individual members nationwide, including companies that manufacture pool and spa heating equipment. PHTA has a long history of working with the California Energy Commission (Commission or CEC) and appreciates the opportunity to provide feedback on the initial proposed language.

The California Pool & Spa Association (CPSA) is the statewide trade association that represents more than 230 company members in the state of California, including pool and spa builders, service companies, manufacturers and distributors.

PHTA and CPSA welcomes your careful consideration of these comments in response to the pool and spa-related proposals for the 2025 California Energy Code. If you have any questions on these comments, please contact me at jen@jhatfieldandassociates.com on behalf of PHTA.

Sincerely,

A handwritten signature in black ink that reads 'Jennifer Hatfield'.

Jennifer Hatfield
Government Affairs Consultant
Pool & Hot Tub Alliance

cc: Justin Wiley, PHTA VP of GR, Standards and Codes, jwiley@phta.org

PHTA and CPSA first would like to acknowledge the changes that have been made from the original CASE study language. Updating definitions and aligning requirements to reflect national codes and standards is something we support and appreciate those changes were made. However, a few concerns remain, as laid out below.

Section 110.4 (a)3. Instructions

3. **Instructions.** A permanent, easily readable and weatherproof plate or card that gives instruction for the energy efficient operation of the pool and/or spa heater, ~~and for the proper care of pool and/or spa water,~~ and to cover the pool and/or spa when a cover is not in used; and

PHTA and CPSA recommend the following the changes:

- (a)3. **Instructions.** A permanent, easily readable, and weatherproof plate or card that gives instruction for the energy efficient operation of the pool and/or spa heater, including providing the energy efficiency rating ~~and for the proper care of pool and/or spa water,~~ and to cover the pool and/or spa when a cover is not in used; and

Reasoning: These instructions apply to heater manufacturers and their pool heating products and therefore, instructions should be limited to what applies to that product. Heater manufacturers currently do not include instructions on pool/spa water care or on covering the pool when not in use. When it comes to pool/spa water care, it implies that a heater manufacturer is an expert on such care, which is not the case. Further, what standard or guidance is to be used and considered as "proper water care". Requiring instructions to include covering the pool/spa when not in use is problematic as the heater manufacturer does not know what type of cover, if any, the pool/spa owner has and what life safety aspects need to be also be considered. For example, if it is a bubble cover, the homeowner needs to understand this is not a safety cover and the risks posed if a child were to get trapped underneath the cover. If it is a safety cover, those manufacturers are required to provide certification to the ASTM F1346 standard. And all cover manufacturers should be the ones providing instructions on the proper use of the product, which includes critical safety information. Consumers should be directed to the cover manufacturer instructions and not heater instructions when it comes to pool/spa covers.

These requirements are simply outside the scope of what a heater manufacturer is required to know and provide to the consumer. With all the other labeling heater manufacturers are required to do and then adding information outside of their expertise, heaters will be overloaded with information, diminishing effectiveness and the likelihood that a consumer will even read this information. Further, adding this information poses a risk of it not aligning with the instructions that do come with pool covers or water care items.

We suggest leave instruction requirements to what a pool heater manufacturer should know about and tell the consumer, which can and should include what the energy efficient rating of the product is. If this is the intent of what "instructions for proper energy efficient operation" is requiring, we suggest the verbiage be updated accordingly. PHTA also understands much

of this instruction language was in the current Title 24 language, which we did not catch in past rulemaking cycles, but it is imperative the instructions be updated to be clear on what a pool heater manufacturer is required and with what makes sense based on the scope of their product.

Section 110.4(c) Heat Source Sizing

PHTA and CPSA recommend the Commission consider adding in additional exceptions under 110.4(c) as follows:

Exception 4 to Section 110.4(c): Gas heating systems used exclusively for permanent spa applications or where gas utilities already exist on the property.

Exception 5 to Section 110.4(c): Gas heating systems used exclusively for permanent spa applications when there is not adequate solar access for a solar swimming pool or spa heating system to be installed.

Reasoning: Gas pool heaters are federally regulated by the Department of Energy; thus, requiring such heaters to have minimum energy efficiency requirements to be sold. Although the current proposal allows for gas pool heaters as a back-up or to be replaced when already being used by a consumer for their pool or spa, it does not provide allowance in additional situations that should be considered.

By adding an exception for consumers who already have gas utilities or who are simply looking to heat a permanent spa, it provides a practical heating solution. Consumers want choice. The fact the federal government allows for gas pool heaters that meet energy conservation standards, but then a citizen of California would not be allowed to utilize this option (in cases where it makes sense), limits practical and energy efficient options for consumers.

By adding an exception for allowing gas heating systems used exclusively for permanent spa applications, when there is not adequate solar access to install a solar heating system, this provides another way for a consumer to utilize a practical heating solution.

PHTA and CPSA welcome the opportunity to discuss these remaining suggestions and happy to answer any questions.