State of California

The Resources Agency of California

Memorandum

DOCKET
05-AAER-2
DATE JAN 13 2006
RECD. APR 11 2006

To: Interested Parties

Date: January 13, 2006
Telephone: (916) 654-4039

From: **California Energy Commission** - R. Michael Martin
Buildings and Appliances Office
1516 Ninth Street
Sacramento CA 95814-5512

Subject: **STAFF NOTES TO SIX REQUESTS FOR MODIFICATION OF APPLIANCE EFFICIENCY REGULATIONS**

Background

The Commission has received six letters, addressed to various individuals but all requesting modification of existing Appliance Efficiency Regulations.

The Commission, on December 15, 2004, adopted new provisions for over twenty appliance types. Many of these provisions include standards that take effect on January 1, 2006. As we drew nearer to the effective date, several manufacturers, none of whom had accepted our invitation to take part in developing the standards, expressed concern over some of these new provisions.

The Efficiency Committee has two alternatives: The first is to require these requests to be submitted to the Commission as formal petitions for rulemaking. The second is for the Efficiency Committee to add these items to the scope of the current rulemaking on its own initiative.

The Efficiency Committee chose the second alternative.

Subject of Requests

The following letters will be considered in the rulemaking:

Subject	Author of Letter	Date	Staff Recommendation
Walk-In Refrigerators and Freezers	Kysor Panel Systems National Cooler Glen Anthony	Oct. 17, 2005 Nov. 14, 2005 Oct. 22, 2005	1. Define "envelope." 2. No further changes to regulations.
Pools and Spas	SPEC	Oct. 26, 2005	No changes to regulations.
	International Aquatic Foundation	Jan. 6, 2006	Under consideration by technical staff
Power Supply Accessories	Staff Recommendation		1. Change "accessories, service parts, or spare parts" to "service parts, or spare parts." 2. No further changes to regulations.
Hot Food Holding Cabinets	NAFEM	Dec. 15, 2005	Modify definition of "hot food holding cabinet."

Walk-In Refrigerators and Freezers

Three letters have been received related to the provisions adopted on December 15, 2004 related to walk-in refrigerators and freezers. They make the same basic claims:

- wall and ceiling insulation standards are too restrictive,
- it is unclear whether the R-value provisions for envelopes apply to doors,
- it is unclear whether the R-value provisions for envelopes apply to floors,
- the door sizes to which the automatic door closer provisions apply should be modified to exclude from the regulation those doors that are exactly 4 foot wide by 7 foot high.

Staff recognizes that the term "envelope" needs to be defined and recommends adding the following definition to Section 1602(r).

"Envelope of a walk-in refrigerator or walk-in freezer means the walls and ceiling of the walk-in refrigerator or walk-in freezer, but not the door not floor."

Staff notes that the other provisions were documented in a previous rulemaking (with no public opposition) as meeting the following legislative criteria:

- Walk-in refrigerators and freezers are appliances whose use requires a significant amount of energy on a statewide basis.
- The adopted provisions are feasible and attainable.
- The adopted provisions will not result in added total costs to the consumer over the designed life of the appliances.

None of the petitioners have produced data that refutes these findings.

Furthermore, changing any standard at this late date would be a burden to those manufacturers that have in good faith prepared to meet the new standards.

Pools and Spas

The letter from the California Spa and Pool Industry Education Council (SPEC) outlines several concerns. This letter was responded to by PG&E's technical consultant. Staff agrees with the technical consultant's position and recommends to the Commission that no change be made at this time to the regulations for pools and spas.

A letter dated January 6, 2006 from the International Aquatic Foundation was delivered to the Commission staff on January 9, 2006. Staff has requested from its technical consultants a review and recommendation.

Power Supply Accessories

The adopted regulations, in Section 1605.3(u)(1) include an exception for "accessories, service parts, and spare parts." In response to a request for clarification, staff recognizes that what was intended was "service parts and spare parts", and recommends to the Commission that the term "accessories" be deleted.

Hot Food Holding Cabinets

Some manufacturers of food service equipment claim that the scope of the heat loss provisions for hot food holding cabinets is too broad and needs to be narrowed.
The North American Food Equipment Manufacturers (NAFEM) has recommended wording for a revised definition of "hot food holding cabinet." Staff supports the NAFEM proposal.