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December 28, 2011

Via E-mail

Mr. Harinder Singh
Mr. Michael Leason
California Energy Commission
Docket No. 11-AAER-2
Docket Unit 1516 Ninth Street, Mail Station 4
Sacramento, CA 95814-5504

docket@energy.state.ca.us

Re: Docket No. 11-AAER-2; 2010 Rulemaking Proceeding Phase II on Appliance Efficiency Regulations

Dear Mr. Singh and Mr. Leason:

On behalf of the Association of Home Appliance Manufacturers (AHAM), I would like to provide our comments on the California Energy Commission's (CEC) Proposed 15-Day Language to the Proposed Amendments to Appliance Efficiency Regulations (October 2011) which proposes amendments to Sections 1601 – 1608 of Title 20 of the California Code of Regulations (CCR), the Efficiency Standards for Battery Chargers and Lighting Controls, Staff Analysis of Battery Charger Standards (Staff Report), Docket No. 09-AAER-02; and 2010 Rulemaking Proceeding Phase II on Appliance Efficiency Regulations (March 2011).

The Association of Home Appliance Manufacturers (AHAM) represents manufacturers of major, portable and floor care home appliances, and suppliers to the industry. AHAM's membership includes over 150 companies throughout the world. In the U.S., AHAM members employ tens of thousands of people and produce more than 95% of the household appliances shipped for sale. The factory shipment value of these products is more than \$30 billion annually. Last year, over 30 million portable and floor care appliances were shipped to California alone. The home appliance industry, through its products and innovation, is essential to U.S. consumer lifestyle, health, safety and convenience. Through its technology, employees and productivity, the industry contributes significantly to U.S. jobs and economic security. Home appliances also are a success story in terms of energy efficiency and environmental protection. New appliances often represent the most effective choice a consumer can make to reduce home energy use and costs.

In addition to previous comments we submitted on November 21, 2011, for the 45-day comment period, we reiterate our observations therein and we offer the following with specific regard to the 15-day language.

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Comments on the 15-Day Language to the Proposed Amendments

I. CEC's Battery Charger Effective Date

We have previously explained that the CEC's proposed January 2013 effective date reflects a serious mistake based on a narrow consideration of manufacturer's time needs for product redesign and retooling (See AHAM Comments, November 21, 2011). In response to the 15-day language, we reiterate our concern about the inadequate time frame, but further observe the CEC seems to have gained insights about required retooling time needed for some small battery charger products. Specifically, the latest language affords a February 2013 effective date for non-USB consumer product chargers, while allowing an additional 11 months for USB charger systems. And, as there is no explanation on the CEC's part to help stakeholders appreciate its conclusion, we feel strongly that it could not be based on a lack of information explaining that all manufacturers require more compliance time than the proposed amendments afford. Simply resetting the effective date for non-USB chargers for an additional 30 days is tantamount to an outright dismissal of data and commentary to the contrary that industry has provided to the Commission since October 2010. We, again, request that CEC, at minimum, provide a 2 year lead-in period before the effective date, as recommend by CEC's own consultant report.

Again, referring to previously provided AHAM comments on this issue, we argue that the abundance of commentary, and the confluence of DOE's pending final rule and the CASE report's two-year recommendation, should lead the CEC to (1) exercise an abundance of diligence to consider stakeholder input and integrity of the science supporting the Proposed Amendments; and (2) recognize that adequate time spent doing so requires much more time than a February 2013 effective date would allow.

Moreover, it cannot be overstated the degree of effort that manufacturers must put into the retooling process to adjust to significant standards changes. In order to effectively do so for multiple products made by any one manufacturer requires far more than the 13 months the current proposal would allow. Add to this the number of consumer product manufacturers affected by this rulemaking – hundreds, if not thousands, and it becomes abundantly clear that the proposed effective date is woefully inadequate.

Finally, we would request transparency from CEC by informing the public and the regulated community why the Commission is willing to extend into 2014 the effective date for at least a significant portion of products that would be impacted by this rulemaking and not the others.

II. The Labeling Requirement Is Superfluous and Should Be Removed.

CEC's modified proposal to allow discretion for manufacturers to provide a "BC" label inside a circle is a good demonstration of agency flexibility based on feedback; however, this provision still falls short for manufacturers because it fails to ameliorate concerns previously raised by industry.

AHAM provided in our November 21, 2011, comments that:

AHAM opposes the proposed labeling requirement. A product label typically serves three purposes: 1) to inform consumers who can then make educated choices; 2) to differentiate

products in instances where there are two standards (e.g., UL/CSA); and/or 3) to differentiate products that use a voluntary standard.

None of these purposes are served in this case.

The CEC standard will be mandatory in California. And compliance with that standard will be adequately demonstrated both to CEC and the public through the certification/reporting requirements in the amended proposal. Accordingly, there is no need for a label—it will only serve to add significant additional cost and burden to manufacturers with no corresponding benefit to consumers or CEC and not provide useful information.

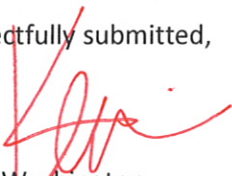
In addition, it will be superfluous and confusing – if not outright in contravention to the federal law - once DOE preempts California’s standard with its final rule. In that eventuality, the CEC proposal begs the following questions:

1. If a battery charger is an external power supply (and already subject to CA labeling requirements) would the product need to carry the additional “BC” label?
2. If DOE requires products to be labeled to its standard, what will CEC do about enforcing its labeling requirement?

These questions remain valid even with the 15-day Language update to this labeling requirement.

AHAM appreciates the opportunity to comment on the California Energy Commission’s 15-Day Language amending the Proposed Amendments to Appliance Efficiency Regulations (October 2011), and would be glad to further discuss these matters with CEC.

Respectfully submitted,



Kevin Washington
Director, Government Affairs

cc: Ken Rider, California Energy Commission