

APPLIANCE EFFICIENCY ENFORCEMENT RULEMAKING
Docket #12AAER-1
ANSWERS TO CEC REQUEST FOR INFORMATION
April 20, 2012

A. ESTABLISHING AN ADMINISTRATIVE PROCEDURE

- a. In regards to “ pool pumps’- It is allowable to stock and sell non-compliant pumps providing they are not used for “filtration systems”. That being the case, it still allows for sale of non-compliant pumps to individuals that illegally install these pumps and replacement motors regardless of Title 20 requirements.
- b. The entire wording of the enforcement procedures emphasis is geared toward what manufacturers have offered for sale. It is allowable to offer for sale a single speed pump beyond the regulated horsepower provided such pump is not for filtration system use.
 1. How is one to know what the use will be?
 2. If one does know the pump is being offered for sale in violation of title 20,what is the recourse? Wholesale counter clerks are not going to even ask nor are they going to endanger the company’s bottom line and whistle blow on a customer.

QUESTIONS:

Additional steps to enforce pool pump and replacement motor regulations should be taken at wholesale distribution as well as retail point of sale.

The field can be narrowed by restriction of sales, at distribution, of non-compliant as well as compliant pumps and replacement motors, to only licensed contractors within classification and those legitimate retail businesses that hold a California retail permit.

Labeling of pumps and replacement motors that are intended for other than filtration will alert the consumer that the seller/installer has violated the law.

Internet sales of a non-compliant pump or replacement motor is now a major supply source for individual consumers and some unlicensed contractors. Low price, no sales tax and no paper trail-great for the underground economy.

B. DEFINING WHAT CONSTITUTES A “VIOLATION”

- a. Selling or installation of a non-compliant pool pump or replacement motor for the purpose of swimming pool/spa filtration.

This violation is not just an error of choice providing wholesale distribution requires verification as to the use of the pump or replacement motor being purchased, and that only qualified contractors within proper classification or legitimate retail businesses may purchase these items.

If there are to be categories of violations then the selling and installation of non-compliant pumps and replacement motors should be within the most severe willful violations. The penalty for this violation should be at least twice the contracted sales amount for the first violation and double thereafter for each violation to the threshold of \$2500.

We noticed that there is no approved list of replacement motors, and there is, from PG&E, a proposal that the motor tested on a pump that is compliant will satisfy the CEC requirements and the motor is approved as a replacement. How will this work for manufactured replacement motors. If the manufactured replacement motor is tested on a compliant pump head and meets CEC requirements will the manufactured replacement motor be placed on an approved list?

Submitted by,

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