



Date: February 27, 2014

Chairman Robert Weisenmiller
And Members
California Energy Commission
Sacramento, California 95814

Subject: Pre-Rulemaking Docket Number 12-AAER-01 “Appliance Efficiency Enforcement Rulemaking”

Dear Chairman Weisenmiller and Commissioners:

On behalf of Sierra Club and its more than 380,000 members and supporters in California, I submit the following comments on the appliance efficiency enforcement proposal.

Sierra Club supports the California Energy Commission (CEC) in its efforts to develop enforcement regulations for meeting appliance efficiency standards. Compliance is critical to the appliance efficiency program’s success. Enforcement will help California meet its greenhouse gas emission reduction goals while continuing to reduce per-capita energy consumption in the state and save the people of California billions of dollars in the years to come. We have two specific concerns about the proposed enforcement regulations.

1. Streamlining the Determination Process

We recognize the importance of the enforcement regulation development process and that the law must incentivize compliance with appliance efficiency standards both through fines and positive reinforcement. However, the regulations as they exist heavily rely on a case-by-case implementation. We feel that this approach, though thorough, reduces the efficiency of the determination process for violations of efficiency standards. Prolonging the determination is both costly to the suspected violator as well as to the commission.

Developing a standard procedure for the determination process would encourage more efficient use of staff time and resources. That procedure should establish a clear understanding of accountability among the individuals and entities along the supply chain. This will eliminate uncertainty and the ambiguity of the language as it is proposed.

2. Effective Enforcement of Standards

The internet has undeniably infiltrated every facet of our lives. The appliance and consumer electronic markets have been no exception to this rule. As people look to purchasing their goods online, new issues regarding enforcement emerge.

This is particularly a concern for the CEC and its appliance efficiency program. The enforcement of appliance efficiency regulations is already a daunting task for the commission. Adding the ambiguity and undeveloped nature of language regarding monitoring internet sales of compliant products further complicates effective enforcement.

The CEC should specifically look at addressing the issue of sales on the internet. For the sake of enforcement, the regulations must clearly and substantively determine the location of a sale on the internet. Whether the transaction occurred in or out of state is essential to the outcome of an investigation and clarifies accountability.

Since the appliance efficiency program's inception, the state has enjoyed substantial energy and monetary savings and a significant reduction in greenhouse gas emissions. However, as the urgency to reduce greenhouse emissions and improve efficiency increases, the need for full compliance is greater than ever. This enforcement rulemaking is an opportunity for California build on existing energy efficiency policy and improve compliance. We ask that the CEC keep our comments in mind when crafting the regulations to ensure that they are efficient and effective.

Sincerely,

A handwritten signature in black ink, appearing to read 'Edward Moreno', written in a cursive style.

Edward Moreno

Policy Advocate

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