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October 8, 2014

Mr. Dave Ashuckian
California Energy Commission
Docket Office, MS-4
Re: Docket No. 12-AAER-1
1516 Ninth Street
Sacramento, CA 95814-5504

California Energy Commission

DOCKETED

12-AAER-01

TN 73820

OCT 08 2014

Via e-mail: docket@energy.state.ca.us

Re: Docket No. 12-AAER-1 –*Appliance Efficiency Enforcement Rulemaking*

Dear Mr. Ashuckian;

The Power Tool Institute (PTI) would like to comment on the *Appliance Efficiency Enforcement Rulemaking* (Docket 12-AAER-1).

PTI represents the leading manufacturers of stationary and portable power tools in North America and is committed to advancing the utility and safety of power tools. It has been our pleasure to have been engaged in responsible advocacy during the development of energy efficiency test methods and standards with the California Energy Commission (CEC) and other jurisdictions for many years.

Our principle concern is with regard to Section 1609(b) which provides for a civil penalty of up to \$2,500 for each *unit* sold. This is an unfortunate interpretation of the usual *per violation* penalty. For manufacturers of power tools battery chargers many units could have been shipped before they were found guilty of a violation of the regulation. This could lead to an excessive total penalty to a manufacturer for a single model of charger, representing a single design and therefore a single violation.

While the penalty should be large enough to dissuade a producer from deliberately violating the energy efficiency regulations, they should neither be so large as to imperil a manufacturer where the violation is the outcome of a simple mistake. The Rigid Plastic Packaging Container (RPPC) program, which provides similar regulatory enforcement within the State of California, imposes maximum per annum fines and penalties of \$100,000. CEC should revise the regulation to include a similar cap of no more than \$100,000.00 per annum for each charger model or family of models that have been found to be in violation.

We understand that PTI members, who are committed to the goals of energy conservation, are not the principal target of such enforcement regulations; we recognize that penalties that are completely disproportionate to the offense are patently unfair and should be avoided in this regulation.

Thank you for the opportunity to comment on this important rulemaking.

Sincerely,

Larry Albert

Larry Albert
Chairman, PTI Standby Power Subcommittee