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Mr. Andrew McAllister
Commissioner
California Energy Commission
1516 Ninth Street
Sacramento, California 95814

Comments to the Process in Application for the 2016 Update to California Title 24 Residential and Nonresidential Building Energy Efficiency Standards and Associated Documents

Dear Commissioner McAllister,

The National Electrical Manufacturers Association (NEMA) appreciates the opportunity to provide these concerns to you, submitted on behalf of NEMA Lighting Systems Division member companies.

As you may know, NEMA is the association of electrical equipment and medical imaging manufacturers, founded in 1926 and headquartered in Arlington, Virginia. Its nearly 400 member companies manufacture a diverse set of products including power transmission and distribution equipment, lighting systems, factory automation and control systems, and medical diagnostic imaging systems. The U.S. electroindustry accounts for more than 7,000 manufacturing facilities, nearly 400,000 workers, and over \$100 billion in total U.S. shipments.

If you have any questions on these comments, please contact Alex Boesenberg of NEMA at 703-841-3268 or alex.boesenberg@nema.org.

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Vice President
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Comments to the Process in Application for the 2016 Update to California Title 24 Residential and Nonresidential Building Energy Efficiency Standards and Associated Documents

NEMA and its members are concerned about the haste with which the current Title 24 proceeding is being pursued. This haste has made it challenging for entities, including NEMA and its member companies, to participate in the public process.

- 1) **Participation and Timing:** NEMA has been collaboratively working with staff and contractors this year on the CASE proposals. We are encouraged by CECs interest to promote lighting efficiency and lighting quality with new technologies. However, we were very disappointed that there was no attempt to resolve a major scheduling conflict for the November 3 workshop for industry members. The workshop conflicted with several previously established lighting industry events which we made CEC staff aware of in advance. So much takes place at the workshops which goes beyond the written proposals that we are only beginning to develop our detailed comments, now that the transcripts for the November 3rd workshop were posted on November 18, 2014. We note that a request for an extension of the comment period was submitted to CEC staff, but it was denied. We believe it is unfair to impose a deadline for public comments only six days after the public release of transcripts of the workshop for those unable to attend. While we appreciate the CEC's efforts to date to deconflict workshop schedules, CEC staff continue to issue workshop scheduling announcements very close to that actual date of the meetings creating significant financial and schedule problems for out-of-state attendees.
- 2) **Failure to Consider and Respond to Prior Submissions:** NEMA members previously submitted numerous technical, testing, and market related comments to the June workshop proposals for Title 24. While subsequent conversations with CEC staff led us believe our proposals were taken into consideration and that there would be related modifications to regulatory language in a number of areas, the materials presented at the 11/3 workshop did not seem to incorporate any of these modifications, save one.
- 3) **Prescriptive versus Performance Requirements:** Title 24 is an excellent standard to promote energy efficient buildings by setting performance standards. However, with each cycle during the past few years these requirements are becoming more and more prescriptive. We submit that the current proposals for residential lighting with the 2016 code are entirely prescriptive. This approach limits consumers, designers and builders to a set of product and design solutions that may not be aligned with the end user's priorities. The prescriptive approach also limits technology development by forcing manufacturers to design components that may not maximize the overall efficiency or other consumer features. To correct this, we encourage the CEC establish a policy which encourages performance-based energy efficiency requirements and discourages prescriptive requirements. One way to do this is to prohibit CASE study teams to

submitting proposals that require, in effect, that a limited test study setup be adopted as the sole solution for energy savings in the regulation, a practice that has proliferated in recent years. Should the regulations continue to be allowed to become overly prescriptive, such action could increase challenges post-adoption during legal review if more representatives of excluded technology take exception.

- 4) **Consumer Preference and Lack of Feasibility Analysis:** The current residential lighting proposals assert that superior performance in each attribute is required for every application in a residence. The proposals have not provided the substantiation with regard to consumer preference for specific threshold levels of performance and may not be technically justified. There is no consideration in the proposals to account for different consumer needs with respect to the applications such as kitchens, bathrooms, garages, and outdoor lighting. Furthermore, no economic justification has been provided for the cost analysis of systems that require the combination of all of the performance attributes. Given the very short timeline for Title 24 adoption, there would appear to be insufficient time to conduct proper economic analysis. It is our understanding that this analysis is required, and we ask the CEC to explain how it will accomplish this in very limited remaining amount of time before the process of adoption begins.

- 5) **“Technology Neutral” Should Be Truly Neutral:** The proposed Joint Appendix 8 requirements add significant restrictions to product availability and are applied inconsistently by technology. The requirements applied to recessed luminaires are not technically substantiated. Many of the requirements appear to relate to LED test methods for light sources or lamps, but are included in the appendix with the intent to apply to residential luminaires. As we note in a preceding comment, certain proposed requirements are based on assumptions about consumer preference which actually may vary depending on architectural design or finishes. The restrictive requirements in JA8 have the potential to revert the marketplace to lighting of lower quality and efficiency as a result of the costs associated with the testing and performance requirements in JA8. In general, Appendix JA8 needs substantial work to clarify the application of test methods and to validate the justification and cost effectiveness of the proposals. NEMA members believe that the list of attributes for performance criteria should be balanced so as to allow adequate choices by consumers rather than fixed to single-choice options via arbitrary and unsubstantiated thresholds.

- 6) **Joint Appendix 10 and Flicker requirements:** NEMA reaffirms its opposition to the CEC establishing its own mandatory flicker test procedures ahead of numerous industry working groups examining this phenomenon and working to identify repeatable objective tests to evaluate it. We caution against adopting the proposed test procedure in Joint Appendix 10 because it has not been adequately tested and it is not related to other, more advanced, efforts taking place in the IEEE and other scientific forums. The number of devices tested by the IOU/CASE team is woefully inadequate and the CEC is taking a significant risk by relying on such a small, unrepresentative data set. An IEEE document drafted and tested by an eminent scientific panel is currently in ballot. We

appreciate the comments expressed by the IOU CASE team in which they attempted to downplay the potential confusion inherent in the proposed one-off test procedure. The Flicker Test Procedure in Joint Appendix 10 is not adequately vetted and should not be allowed to proceed into regulation; the draft Appendix should be struck.