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2111 Wilson Boulevard Suite 500 Arlington VA 22201-3001 USA
Phone 703 524 8800 | Fax 703 562 1942
www.ahrinet.org

November 10, 2017

Ms. Abigail Daken
ENERGY STAR Water Heater Program Manager
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Abie:

We have the following comments on the Draft 1, Version 2.0 ENERGY STAR Commercial Water Heater Specification presented in your October 12, 2017 letter.

We do not support the introduction of the subcategory of commercial-duty residential heat pump water heater. The information addressing the addition of this category states "The second type does not meet DOE's definition of a commercial heat pump water heater, but is capable of heating water separate from a tank or storage-type water heater. As such, EPA understands that, though these water heaters are designed for commercial applications, they must be tested under DOE's residential (consumer) water heater test procedure (10 CFR Part 430, Subpart B, Appendix E)." This is inconsistent with the Department of Energy's stated position regarding add-on heat pumps, i.e. models without a storage tank. The following is excerpted from page 40547 of the July 11, 2014 Federal Register notice on the final rule for the revised Universal Efficiency Descriptor Test Procedure for water heaters:

> "Unfired storage tanks are not complete water-heating systems and require additional equipment in the field to operate. As such, their performance as part of a complete water-heating system is dependent upon other components of the system so that use of the uniform descriptor may be unrepresentative of its performance as part of a complete water-heating system. **In a similar vein, DOE previously determined that residential add-on heat pump water heaters are not covered residential products. 75 FR 20112, 20127 (Apr. 16, 2010). DOE has authority to cover commercial add-on heat pumps; however, this equipment does not have residential applications and, therefore, is not suitable for application of the uniform efficiency descriptor**." (emphasis added.)

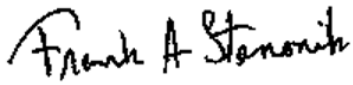
These add-on heat pump models with inputs of 12 kW or less are not tested or rated for a Uniform Energy Factor (UEF). Therefore, these models cannot comply with a specification for a minimum UEF regardless of the value specified as the minimum requirement. Additionally, it is not clear why these models should be considered for inclusion in the Energy Star program. These are not covered products. There is no minimum efficiency standard to define a baseline of performance. The Energy Star program is intended to identify the better performing models of a product type. Without a baseline, how can a specification identifying the better models be determined?

Also, we do not support the inclusion of the reporting requirements in Section 3.C. The addition of this section diverges from the Energy Star program's purpose of identifying higher efficiency products and slides into promotion of other attributes of a model. The system status and messaging functions identified in this section are features that manufacturers describe in their marketing material. When a consumer decides to look into one or more models due to reviewing the Energy Star listing, that information will be available to that consumer. However, the proposed addition of this requirement implies a secondary level of qualification which EPA both endorses and uses to distinguish Energy Star models further. It creates two classes of Energy Star models which, intended or not, implies that a model without these "bells and whistles" is not as good as a model that does have them even though both models may be the same in terms of their efficiency performance. The added functions may aid a consumer in how they use a commercial water heater but they do not alter the rated efficiency of the unit. The Energy Star program's focus is on the efficiency rating of the product, not how the products are used in the field. EPA cannot control that, let alone verify it.

The Note on page 4 explaining the inclusion of gas-fired instantaneous products greater than or equal to 10 gallons in the standby loss requirements currently applicable to gas-fired storage products states "Currently, all models on the ENERGY STAR qualified products list larger than 10 gallons meet this requirement, so all will be able to certify to Version 2 without modification." We question how this conclusion was reached? A test procedure to measure the standby loss of tube type, flow activated instantaneous gas water heaters models that contained 10 or more gallons did not exist until last November and the full implementation of that new test procedure only occurred on November 6, 2017. So any Energy Star models of tube type, flow activated instantaneous gas water heaters models that contained 10 or more gallons had no previous standby loss values. In that case, how is it certain that those models will be able to certify to this version without modification?

We appreciate the opportunity to comment on this Draft 1, Version 2.0 Commercial Water Heaters Specification. If you have any questions, please do not hesitate to call me.

Respectfully submitted,



Frank A. Stanonik
Chief Technical Advisor