



December 20, 2012

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 Abigail:

We have the following comments on the Final Draft, Version 1.0 ENERGY STAR Commercial Water Heater Specification presented in your December 6, 2012 letter.

Definitions

The modification to the definition of commercial gas instantaneous water heater to identify industrial equipment as units with input greater than 200,000 Btu/h adds confusion rather than clarity. There are many models of commercial gas instantaneous water heaters on the market today which are designed to heat and deliver water at a temperature of 180F or higher and which have input rates less than 200,000 Btu/h. The added modification disqualifies all those models from this specification. These models are not covered by the Energy Star residential water heater specification. Furthermore, this definition could be read to mean that the unit must be both a gas instantaneous type and industrial equipment. We are not aware of any recognized industry water heater definition that defines industrial equipment as units with input greater than 200,000 Btu/h. It is not clear why the term industrial equipment is even needed in a specification for commercial water heaters. We suggest the following as a simpler and clearer definition:

A gas instantaneous type unit¹, with an input rating not less than 4,000 Btu/hr per gallon of stored water, including products meeting this description that are designed to heat water to temperatures of 180 °F or higher.

Note that the footnote 1 reference to 10 CFR Part 431 Subpart G is sufficient to distinguish these models from gas residential tankless models covered by the Energy Star residential water heater specification.

Qualification Criteria

We reaffirm our previous recommendation that the minimum thermal efficiency (Et) specification for gas water heaters be lowered to 92%. Although EPA maintains that purchasers have a broad selection of models that meet the proposed 94% thermal efficiency criterion, EPA has not fully researched the range of applications and hot water loads that exist in the commercial water heater market. It is the collective

opinion of our members, whose business is to successfully meet the needs of that market, that a specification of 92% E_t still provides significant savings to consumers while increasing the number of models available to them. That increase in potential Energy Star models improves the likelihood that the purchaser will find a model that meets the needs of the particular installation. The small 2 point decrease in E_t may not be significant for a particular installation and the purchaser can assess whether an Energy Star model at 92% or 94 % is the best choice for their need. Depending on the cost to the purchaser models at 92% may have the same payback as models at 94%. On balance, this slight lowering of the E_t criterion is countered by the larger benefits of giving purchasers more choices for an Energy Star commercial water heaters and a more successful Energy Star program.

In this regard we also wish to point out that the discussion of this issue in the Note at the top of page 3 has no mention of our original recommendation for a 92% E_t criterion. The arguments presented for not accepting a 90% E_t level are not equally applicable to our recommendation.

Effective Date

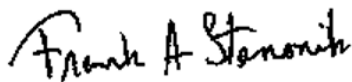
The Note on page 4 addresses comments about an effective date that provides some lead time. EPA indicates that the introduction of a new specification does not call for an effective date that provides some transition period. Our previous comment noted the requirements of federal regulation regarding the Energy Star program, specifically 42 USC Section 6294a. A copy of that section is attached. Please note that subsection (c) (7) states that an appropriate lead time is to be provided prior to the applicable effective date for a new or a significant revision to an Energy Star specification. The explanation that the introduction of a new specification does not call for an effective date that provides some transition period, does not appear to comply with this federal regulation. We request EPA either to explain how they are complying with the requirement of subsection (c) (7) in 42 USC Section 6294a or to establish an appropriate effective date, as defined by (c) (7) which provides time between the finalization of the specification and its implementation.

Other Comments

Following up on the information previously provided concerning AHRI's development of an efficiency rating method for commercial heat pump water heaters, we are also attaching a copy of that draft rating method that is currently being reviewed by our Water Heater Section

We also appreciate the opportunity to comment on the Final Draft, Version 1.0 Commercial Water Heaters Specification. If you have any questions, please do not hesitate to call me.

Respectfully submitted,



Frank A. Stanonik
Chief Technical Advisor

"(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection \$10,000,000 for each of fiscal years 2009 through 2012."

§ 6294a. Energy Star program

(a) In general

There is established within the Department of Energy and the Environmental Protection Agency a voluntary program to identify and promote energy-efficient products and buildings in order to reduce energy consumption, improve energy security, and reduce pollution through voluntary labeling of, or other forms of communication about, products and buildings that meet the highest energy conservation standards.

(b) Division of responsibilities

Responsibilities under the program shall be divided between the Department of Energy and the Environmental Protection Agency in accordance with the terms of applicable agreements between those agencies.

(c) Duties

The Administrator and the Secretary shall—

(1) promote Energy Star compliant technologies as the preferred technologies in the marketplace for—

- (A) achieving energy efficiency; and
- (B) reducing pollution;

(2) work to enhance public awareness of the Energy Star label, including by providing special outreach to small businesses;

(3) preserve the integrity of the Energy Star label;

(4) regularly update Energy Star product criteria for product categories;

(5) solicit comments from interested parties prior to establishing or revising an Energy Star product category, specification, or criterion (or prior to effective dates for any such product category, specification, or criterion);

(6) on adoption of a new or revised product category, specification, or criterion, provide reasonable notice to interested parties of any changes (including effective dates) in product categories, specifications, or criteria, along with—

- (A) an explanation of the changes; and
- (B) as appropriate, responses to comments submitted by interested parties; and

(7) provide appropriate lead time (which shall be 270 days, unless the Agency or Department specifies otherwise) prior to the applicable effective date for a new or a significant revision to a product category, specification, or criterion, taking into account the timing requirements of the manufacturing, product marketing, and distribution process for the specific product addressed.

(d) Deadlines

The Secretary shall establish new qualifying levels—

(1) not later than January 1, 2006, for clothes washers and dishwashers, effective beginning January 1, 2007; and

(2) not later than January 1, 2008, for clothes washers, effective beginning July 1, 2009.

(Pub. L. 94-163, title III, §324A, as added Pub. L. 109-58, title I, §131(a), Aug. 8, 2005, 119 Stat. 620;

amended Pub. L. 110-140, title III, §311(b), Dec. 19, 2007, 121 Stat. 1564.)

AMENDMENTS

2007—Subsec. (d)(2). Pub. L. 110-140 substituted "July 1, 2009" for "January 1, 2010".

EFFECTIVE DATE OF 2007 AMENDMENT

Amendment by Pub. L. 110-140 effective on the date that is 1 day after Dec. 19, 2007, see section 1601 of Pub. L. 110-140, set out as an Effective Date note under section 1824 of Title 2, The Congress.

§ 6295. Energy conservation standards

(a) Purposes

The purposes of this section are to—

- (1) provide Federal energy conservation standards applicable to covered products; and
- (2) authorize the Secretary to prescribe amended or new energy conservation standards for each type (or class) of covered product.

(b) Standards for refrigerators, refrigerator-freezers, and freezers

(1) The following is the maximum energy use allowed in kilowatt hours per year for the following products (other than those described in paragraph (2)) manufactured on or after January 1, 1990:

	Energy Standards Equations
Refrigerators and Refrigerator-Freezers with manual defrost	16.3 AV+316
Refrigerator-Freezers—partial automatic defrost	21.8 AV+429
Refrigerator-Freezers—automatic defrost with:	
Top mounted freezer without ice ...	23.5 AV+471
Side mounted freezer without ice ...	27.7 AV+488
Bottom mounted freezer without ice	27.7 AV+488
Top mounted freezer with through the door ice service	26.4 AV+535
Side mounted freezer with through the door ice	30.9 AV+547
Upright Freezers with:	
Manual defrost	10.9 AV+422
Automatic defrost	16.0 AV+623
Chest Freezers and all other freezers ...	14.8 AV+223

(2) The standards described in paragraph (1) do not apply to refrigerators and refrigerator-freezers with total refrigerated volume exceeding 39 cubic feet or freezers with total refrigerated volume exceeding 30 cubic feet.

(3)(A)(i) The Secretary shall publish a proposed rule, no later than July 1, 1988, to determine if the standards established by paragraph (1) should be amended. The Secretary shall publish a final rule no later than July 1, 1989, which shall contain such amendment, if any, and provide that the amendment shall apply to products manufactured on or after January 1, 1993. If such a final rule is not published before January 1, 1990, any amendment of such standards shall apply to products manufactured on or after January 1, 1995. Nothing in this subsection provides any justification or defense for a failure by the Secretary to comply with the nondiscretionary duty to publish final rules by the dates stated in this paragraph.

(ii)(I) If the Secretary does not publish a final rule before January 1, 1990, relating to the revi-