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April 20, 2015

Ms. Ashley Armstrong
U.S. Department of Energy
Office of Energy Efficiency and Renewable Energy
Building Technologies Program, EE-5B
1000 Independence Avenue, S.W.
Washington, D.C. 20585-0121

Re: NOPR Conversion Factor for Water Heaters
Docket No. EERE-2015-BT-TP-0007

Dear Ashley,

The April 14, 2015 Federal Register included the Department of Energy's (DOE) Notice of Proposed Rulemaking (NOPR) regarding a mathematical conversion factor to translate the efficiency ratings for water heaters to the Uniform Energy Factor (UEF) and capacity ratings, as determined by the amended test method issued by DOE on July 11, 2014. At present the comment period for this NOPR ends on May 14, 2015 and no public meeting has been scheduled. On behalf of AHRI's water heater manufacturer members, AHRI requests that the current 30 day comment period be extended to 90 days and that a public meeting be scheduled sometime near the midpoint of the extended comment period.

The subject of the NOPR is an unusually complex matter. It effects the efficiency and delivery capacity ratings of all residential water heater models and the subset of commercial water heater models classified as residential-duty. It required DOE to develop proposed conversion factors for 2 distinct metrics for 14 subcategories of water heaters and to develop 34 translated energy conservation standards for those water heaters. The work to develop this NOPR started soon after, if not before, the publication of final rule on the Uniform Efficiency Descriptor (UED) test procedure on July 11, 2014. It included the testing of 43 water heaters and analysis of those test results. We know that DOE understood the significance of this conversion factor and the need for the water heater manufacturers to see the NOPR as soon as possible. Yet, the NOPR was not published until nine months after the UED test procedure final rule. We have no doubt that the length of time which it took to develop the NOPR was caused by the complexity of the task and the issues that arose as DOE worked on determining conversion factors appropriate to the statutory requirements. But stakeholders face the same complexities and challenges that DOE encountered in reviewing, testing, and analyzing in order to comment adequately on the NOPR.

AHRI and its members must have sufficient time to analyze the specific proposed conversion factors and the underlying analysis that lead to those mathematical equations. We must have time to review the results of DOE's water heater tests and assess to what extent those tests reflected the range of models covered by the UED test procedure. Additionally, we must evaluate the validity of the conclusions derived from those test as presented by the proposed conversion factors and translated energy conservation standards.

In addition to reviewing the information in the NOPR, both AHRI's water heater efficiency certification program and individual manufacturers have been conducting comparative efficiency and delivery capacity tests using the current and UED test procedures. Those test results must be analyzed within the context of this NOPR. From the manufacturer's perspective that analysis must consider the effect of the conversion factors on both models that are at the current minimum EF level and models that exceed the minimum EF standard. For the latter models, that analysis must review how the conversion factors affect the model's relative position compared to a "minimum" model. If that relative difference is not maintained, the manufacturer's investment to design, manufacture and market that higher efficient model is devalued and, in an extreme case, may be rendered a complete waste of time, material and money.

The technical issues of the NOPR are compounded by corollary issues that also require significant time to consider. The NOPR contains text that confuses rather than resolves the status of grandfathered models. The NOPR extends the provisions regarding the determination of rated storage volume to residential duty commercial water heaters. As we have clearly explained in a Petition for Repeal we submitted to DOE in September 2014, this new requirement will change the rated volume of every storage water heater covered by the NOPR. DOE has yet to respond to AHRI's Petition. If the conversion factors and translated energy conservation standards are based on rated volumes (V_r) as DOE has redefined, rather than the historical rated volumes, a significant and unnecessary complexity has been added to the industry's review of the NOPR.

Because of the significant complexities presented by the UED test procedure rule and the associated conversion factor, the UED rule and test procedure was issued almost six months past the statutory deadline of December 18, 2013, and an additional nine months were required to publish the NOPR for the conversion factor. Providing only 30 days for the manufacturers, who will be bound by these rules, to consider, assess, test, and comment on this NOPR is insufficient and inequitably disproportionate to the time take to develop it. Considering this in conjunction with the significance of this NOPR; the complexity of the analysis; and the related implementation issues, we respectfully request that DOE extend the comment period for this NODA from 30 to 90 days.

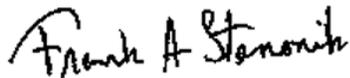
This request identifies several significant issues which need to be discussed with DOE in order for us to fully understand the NOPR so that we can provide appropriate comments. It is essential that DOE schedule a public meeting to provide an opportunity for discussion and clarification regarding DOE's determinations and analysis. AHRI's recommendation would be to schedule such a meeting sometime in the first week of June. That will provide all parties with time to develop and refine their comments on the NOPR based on the information provided at the public meeting.

We recognize that the July 11, 2014, UED test procedure is currently scheduled to go into effective on July 13, 2015. Furthermore, the implementation of the use of the Uniform Energy Factor specified in that test procedure is contingent on the finalization of the conversion factor rule. In view of the complexity of this NOPR and the delayed development timeline, it is unlikely that the conversion factor rule will be finalized by mid-July of 2015, even with the present 30 day comment period. Extending the comment period to 90 days will put the comment closing date past July 13, 2015. We encourage DOE to acknowledge this situation and take action to officially postpone the effective date of the UED test procedure. Since other deadlines involving this rulemaking have already been missed and delayed,

fundamental fairness warrants similar flexibility regarding the test procedure effective date. DOE should also consider the fact that the matter at hand involves only the transition to a new efficiency metric and not any determination of compliance with revised efficiency standards. Our recommendation is that the UED test procedure effective date be postponed and coordinated with the process to revise the Federal Trade Commission labeling regulations to incorporate the ratings determined by the UED test procedure.

In view of the short review period, we request your immediate attention to this request. If you have any questions or wish to discuss this further, please call us.

Respectfully submitted,

A handwritten signature in black ink that reads "Frank A. Stanonik". The signature is written in a cursive, slightly slanted style.

Frank A. Stanonik
Chief Technical Advisor

Cc: Mr. Dan Cohen
Mr. Eric Stas