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November 21, 2013

Ms. Brenda Edwards  
U.S. Department of Energy  
Building Technologies Program  
Mailstop EE-2J  
1000 Independence Avenue SW  
Washington, DC 20585

Re: Supplemental Notice of Proposed Rulemaking on Alternative Efficiency  
Determination Method, Basic Model Definition, and Compliance for Commercial  
HVAC, Refrigeration and WH Equipment (Docket No. EERE-2011-BT-TP-0024)

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Dear Ms. Edwards:

These comments are submitted by the Air-Conditioning, Heating, and Refrigeration Institute (AHRI) in response to the U.S. Department of Energy's (DOE) supplemental notice of proposed rulemaking (SNOPR) on alternative efficiency determination method, basic model definition and compliance for commercial HVAC, refrigeration and WH equipment appearing in the Federal Register on October 22, 2013.

AHRI is the trade association representing manufacturers of heating, cooling, water heating, and commercial refrigeration equipment. More than 300 members strong, AHRI is an internationally recognized advocate for the industry, and develops standards for and certifies the performance of many of the products manufactured by our members. In North America, the annual output of the HVACR industry is worth more than \$20 billion. In the United States alone, our members employ approximately 130,000 people, and support some 800,000 dealers, contractors, and technicians.

AHRI, along with several AHRI member companies, were members of the working group (WG) established under the Appliance Standards and Rulemaking Federal Advisory Committee (ASRAC) to negotiate certification requirements for commercial HVAC, refrigeration and WH equipment. We believe that the negotiation process resulted in a fair and balanced supplemental rulemaking that meets the need of all stakeholders involved, including the Department. As such, AHRI supports the supplemental notice.

In reviewing the incorporation of the recommendations from the WG within the context of the proposed regulation presented in the SNOPR, we noted a section that was not

specifically discussed by the WG which may need to be modified in recognition of the WG's recommendations. Section 429.70 (c) (5) "*Additional AEDM Requirements*" is one such section. AHRI understands that the regulatory language contained in that section currently exists in the Code of Federal Regulations. Nonetheless, we believe that changes made by the WG to the AEDM requirements warrant changes to section 429.70 (c) (5). Since manufacturers are already required to validate their AEDMs per section 429.70 (c) (2), we feel that the requirements of paragraphs (A) and (B) are no longer necessary. Furthermore, the addition of the verification testing protocol proposed in section 429.70 (c) (6) now makes paragraph (C), which notes that DOE may request manufacturers to conduct certification testing of basic models, redundant. In total, the entire section is redundant and unnecessary.

We believe section 429.70 (c) (5) should be deleted in its entirety and that such a modification does not effectively change the proposal. Alternatively, if DOE believes that this section should still remain in the regulation, AHRI recommends that only paragraphs (A) and (B) remain in the subsection and that the manufacturer be given the option of which provision will be used to respond to DOE's inquiry. Again, recognizing the provisions of 429.70 (c) (6), we see no need for paragraph (C).

Finally we would like to reiterate our concern with some of the sampling provisions stated in section 429.42 and 429.43. We pointed out in the past that the sampling procedures for commercial equipment needed revision to more appropriately address low production volume or custom "one-off" models. These procedures seem to have been developed based on residential products which are produced in much larger quantities. For example, we don't understand why the confidence level of commercial HVAC products (95%) is higher than the confidence level of residential HVAC products (90%). During our WG discussions, DOE committed to establishing a new working group to address this issue. We ask that DOE act on its commitment in a timely manner.

AHRI appreciates the opportunity to provide these comments. If you have any questions regarding this submission, please do not hesitate to contact me.

Sincerely,



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