Advancing the Clean Energy Future

Acadia Center

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September 29, 2021

Patrick Woodcock, Commissioner
Department of Energy Resources
100 Cambridge Street, Suite 1020
Boston, MA 02114

Re: Draft Appliance Standards Regulations, 225 CMR 9.00

Commissioner Woodcock:

Acadia Center appreciates the opportunity to comment on the draft proposed revisions to appliance standards regulations in the Commonwealth, 225 CMR 9.00. Acadia Center is a non-profit, research and advocacy organization committed to advancing the clean energy future. Acadia Center has a long history of advocacy for state leadership essential to advancing a clean energy future. I am pleased to offer the following testimony aimed at keeping Massachusetts a leader on the region's path toward a low- to no-carbon energy grid. For the reasons stated herein, Acadia Center supports this proposal.

Energy efficiency is the lowest cost, cleanest and most consumer-friendly "fuel" available, and Massachusetts's investments in energy efficiency have paid significant economic dividends. Energy efficiency lowers utility bills for residents and businesses, creates and supports jobs, boosts local economic activity, and reduces the need for expensive energy system infrastructure. Further, energy efficiency, including through strong appliance standards, helps Massachusetts meet its commitments under the Global Warming Solutions Act to reduce harmful carbon emissions.

These updates to the appliance standards regulations, required by the recently adopted Next Generation Climate Roadmap bill, were developed alongside the Northeast Energy Efficiency Partnerships and the Appliance Standards Awareness Project. Acadia Center has previously testified multiple times in favor of updates to this regulation. These revisions represent the first updates to appliance energy efficiency standards in more than ten years and require that everyday products sold in Massachusetts meet minimum energy or water efficiency requirements. These standards raise the floor to weed out the least efficient products, which supports consumers by ensuring quality and affordability while reducing waste. If these updated appliance standards were adopted, Massachusetts residents, businesses, and local and state governments would save more than $145 million annually by 2025, and up to $304 million annually by 2035.

Appliance standards help consumers, businesses, and efficiency programs by achieving substantial energy and water savings, utility bill savings, and emissions reductions. By 2025, savings from these new standards could equal nearly 3% of all the electricity used by Massachusetts residents. Reductions in CO_2 emissions will also help Massachusetts

meet Global Warming Solutions Act requirements. Savings in 2025 are estimated to be approximately 173,000 metric tons of CO_2, equivalent to the emissions from 37,000 cars for a year.

For the reasons listed above, Acadia Center supports these revisions to 225 CMR 9.00. If you have any questions or concerns, please do not hesitate to reach out.

Sincerely,

Kyle Murray
Senior Policy Advocate-Massachusetts
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Huckabee, Jerrylyn (ENE)

From: Patrick Nielsen <Patrick.Nielsen@broan.com>
Sent: Wednesday, September 8, 2021 6:02 PM
To: Huckabee, Jerrylyn (ENE); DOER.ApplianceStandards (ENE)
Subject: RE: Appliance standards rulemaking

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Lyn,
I'm also copying the email address recommended in the email from the state yesterday (9/8) that mentions how public comments can be submitted for the draft appliance standards regulations.
Broan-NuTone appreciates the opportunity to comment on these appliance standards.

My comment again is that the ENERGY STAR specification for residential ventilating fans includes other requirements that are not related to the core focus of energy efficiency. For that reason, ASAP many months ago revised the language they are proposing to states as follows:

> In-line residential ventilating fans shall have a fan motor efficacy of no less than 2.8 cubic feet per minute per watt. All other residential ventilating fans shall have a fan motor efficacy of no less than 1.4 cubic feet per minute per watt for airflows less than 90 cubic feet per minute and no less than 2.8 cubic feet per minute per watt for other airflows when tested in accordance with Home Ventilation Institute Publication 916 "HVI Airflow Test Procedure."

All the other states that I am aware of with similar bills (either recently passed or being considered) have revised their language accordingly. Marianne DiMascio with ASAP has been assisting in getting states to revise the language. I believe Marianne is going to be submitting a comment to you on this as well.
A few key reasons for the change:

- One of the other requirements has to do with a maximum allowable sound level. Many consumers desire louder fans as cover/masking noise especially for first floor powder rooms near living rooms, dining rooms, etc. or for water closets off of master bathrooms where other family members may be present.
- The ENERGY STAR specification does not allow any extra features. This excludes products like a new fan with an efficient, special LED light that kills bacteria and many viruses on surfaces in the bathroom. With everyone's heightened awareness of the health of their homes and families, this has been a much-desired feature that they would not be able to purchase. Note that major national builders are adding this fan as standard in their new homes but would have to make an exception for Massachusetts. A comment/proposal will be made to ENERGY STAR to remove this exclusion in the next specification revision but this may be years away. Likewise, fans with built in heaters (likely a desired feature for many in the colder Massachusetts climate) are excluded from the scope of ENERGY STAR and would not be available.
- Manufacturers are generally able to meet the ventilation energy efficiency requirements noted above for a more reasonable price premium to the consumer. Achieving the unnecessary sound requirement would add significantly more to the price of fans.

Please consider a language change for residential ventilation fans to that noted above.

Sincerely,

Patrick Nielsen | Global Technical Products Manager
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Consumer Technology Association™

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CTA.tech

September 29, 2021

MA Department of Energy Resources
Appliance Standards
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Boston, MA 02114
Via email: DOER.appliancestandards@mass.gov

Re: Proposed (Draft) Revision – Appliance Energy-Efficiency Standards, Testing and Certification Program (225 CMR 9.00)

Dear DOER Appliance Standards:

The Consumer Technology Association™ (CTA) respectfully submits these comments regarding the proposed (draft) revisions to the Appliance Energy Efficiency Standards, Testing and Certification Program (225 CMR 9.00). We appreciate the Department of Energy Resources' (DOER's) quick action in response to the passage of An Act Creating a Next-Generation Roadmap for Massachusetts Climate Policy to update the Commonwealth's Appliance Energy Efficiency Standards. We also appreciated the opportunity to participate in the public hearing held on September 29, 2021.

As North America's largest technology trade association, CTA® is the tech sector. Our members are the world's leading innovators – from startups to global brands – helping support more than 18 million American jobs. For many years, CTA has supported and advanced energy efficiency in consumer technology as part of the industry's broader commitment to environmental sustainability. CTA's members include manufacturers and brand owners of computers and computer monitors subject to the California Energy Commission (CEC) standards and the forthcoming Massachusetts Appliance Energy Efficiency Standards (225 CMR 9.00).

As you may be aware, the CEC recently issued a Compliance Advisory in response to December 9, 2020 CEC adopted amendments to the appliance efficiency regulations to incorporate several new technologies pertaining to computers and computer monitors. The regulations – and thus compliance with the regulations – become effective on December 9, 2021. More details on how the CEC is managing compliance, including voluntary early compliance, can be found in the Compliance Advisory.

CTA is concerned that the current language in the proposed (draft) revision may not capture the forthcoming changes to California's regulations. The current proposed revision states:

- **9:03(8)**: Computers and computer monitors shall meet the requirements of section 1605.3 of Title 20 of the California Code of Regulations, as in effect on the effective date of this section, as measured in accordance with test methods prescribed in section 1604 of said Title 20 of the California Code of Regulations.

Given the "effective date of this section" could be before or after December 9, 2021, CTA suggests the following revision:

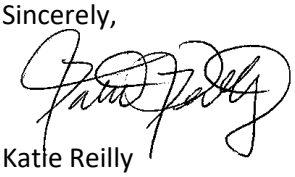
- **9:03(8)**: Computers and computer monitors shall meet the requirements of section 1605.3 of Title 20 of the California Code of Regulations, in effect as of December 9, 2021, as measured in accordance with test methods prescribed in section 1604 of said Title 20 of the California Code of Regulations.

Oregon recently proposed similar draft rulemaking language for its energy efficiency standards for computers and computer monitors to maintain consistency with the California regulations.[1] Washington also recently announced it will consider updates to its appliance standards for computers and monitors to reflect the updates to California.[2]

CTA encourages the Commonwealth to make the above revision to maintain consistency with California. Additionally, establishing the dates in the regulatory language will provide industry assurance that the Commonwealth is referencing the most up to date version of California's regulations.

CTA appreciates the opportunity to provide feedback on the proposed (draft) revisions and we look forward to working with DOER on finalize language. If you have any questions, please do not hesitate to contact me.

Sincerely,



Katie Reilly
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[1] For additional information, visit https://www.oregon.gov/energy/Get-Involved/Pages/EE-Standards-Rulemaking.aspx.
[2] For additional information, visit https://www.commerce.wa.gov/wp-content/uploads/2021/09/WSR-21-19-143.pdf.

September 29, 2021

Lyn Huckabee
Massachusetts Department of Energy Resources
100 Cambridge St., Suite 1020
Boston, MA 02114
DOER.ApplianceStandards@mass.gov

RE: Massachusetts draft appliance standards regulations at 225 CMR 9

Dear Ms. Huckabee,

This letter constitutes the comments of the Appliance Standards Awareness Project (ASAP), Green Energy Consumers Alliance, and the National Consumer Law Center (NCLC) regarding the Massachusetts Department of Energy Resources (DOER) draft appliance standards regulations at 225 CMR 9. We appreciate the opportunity to provide input to the Department.

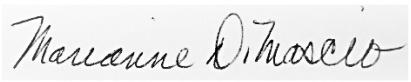
We appreciate DOER's work on the appliance standards rulemaking and generally support DOER's draft regulations. We have a couple of recommendations as follows:

Commercial fryer definition: To clarify that the definition below refers to electric fryers, replace the first "**such as**" with "**for**". Similarly, to clarify that the definition below refers to gas fryers, replace the second "**such as**" with "**for"**.

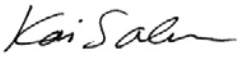
> "Commercial Fryer, an appliance, including a cooking vessel, in which oil is placed to such a depth that the cooking food is essentially supported by displacement of the cooking fluid rather than by the bottom of the vessel and heat is delivered to the cooking fluid by means of an immersed electric element of band-wrapped vessel~~, such as~~ for electric fryers, or by heat transfer from gas burners through either the walls of the fryer or through tube passing through the cooking fluid~~, such as~~ for gas fryers."

Residential ventilating fan standards: The process to adopt appliance standards spanned two legislative sessions. During that multi-year process, the ventilating fan industry provided us with new information on the cost-effectiveness of certain products for consumers. Based on the new information, we changed our recommendations for the standard, but the legislature was unable to make those changes. We support the changes that the industry plans to recommend in their comments.

Sincerely,



Marianne DiMascio, State Policy Manager
Appliance Standards Awareness Project



Kai Salem, Policy Coordinator
Green Energy Consumers Alliance

Charlie Harak, Attorney
National Consumer Law Center
On behalf of its low-income clients