

Commonwealth of Massachusetts

Department of Energy Resources

Response to Comments on:

225 CMR 9.00, Appliance energy-efficiency standards, testing and certification program

October 26, 2021

Regulatory Authority:

M.G.L. c. 25B, §§ 2 through 10

Executive Order No. 562 To Reduce Unnecessary Regulatory Burden

Public Stakeholder Comments and Department Response

The Department of Energy Resources (Department) received four comments on the proposed regulations. This Response to Comments addresses three substantive issues that were raised by commenters and the Department's rationale for making regulatory changes or maintaining the regulations as proposed. To read the comments as posted on the Department's website, please visit: <https://www.mass.gov/service-details/appliance-energy-efficiency-standards> under "Additional Resources."

1. ENERGY STAR standard

Comment: The ENERGY STAR specification for residential ventilation fans required in statute includes additional non-efficiency requirements, including a requirement for a maximum decibel level, and does not allow for additional features like anti-microbial lights. Customers like some of the features excluded by the ENERGY STAR specifications (e.g., fans that make more noise and kill microbes) and the company can meet the broader efficiency specifications without the restriction. The commenter points out that subsequent model bills set an energy efficiency standard without dictating what technologies can be used to get there, so they expect that their suggested comments will align with other jurisdictions moving forward.

Response: M.G.L. c. 25b, §5 provides: "The regulations shall provide for the following minimum efficiency standards: ... (14) Residential ventilating fans shall meet the qualification criteria of the ENERGY STAR Program Requirements Product Specification for Residential Ventilating Fans, Version 4.1." This requested modification materially changes the standard provided in the statute. As such, the Department lacks the authority to make the change.

2. Effective date for Computer and Computer Monitor standards

Comment: M.G.L. c. 25b, §5(7) states: "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” (emphasis added). Prior to the signing of Chapter 8 of the Acts of 2021, California Energy Commission issued a compliance advisory amending the rules for computers and computer monitors that goes into effect on December 9, 2021. This commenter is concerned that this creates ambiguity about what units may be shipped by manufacturers because the statutory amendments went into effect upon signing of the bill and the standard goes into effect on January 1, 2022. They suggest that the Department change the emphasized language about the effective date to a specific date.

Response: M.G.L. c. 25B, §5(7) states “the commissioner may amend the regulations so that the definitions of “computer” and “computer monitor” and the minimum efficiency standards for computers and computer monitors conform to subsequently adopted modifications to the referenced sections of the California Code of Regulations.” Pursuant to the preceding language, the Department can amend the regulation to change the relevant effective date to “as in effect on as of December 9, 2021,” as recommended.

3. Language change in the definition for Commercial Fryer

Comment: M.G.L. c. 25b, §5(7) states: “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** 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** gas fryers” (emphasis added by the commenter). The commenter suggests that this language creates ambiguity by suggesting that the type of fryer is a suggestion rather than a clarification of the preceding definition. They recommend replacing the two occurrences of “such as” with “for” to ensure that the inclusion of the terms “electric fryers” and “gas fryers” are clearly understood as the two types of appliances described in this section rather than examples of types of appliances that could be included.

Response: This change was proposed for language precision. Because it would require the Department to change legislative language and the Department does not believe it will have a beneficial policy impact, it will not accept the commenter’s suggested changes.