



RULE-MAKING ORDER PERMANENT RULE ONLY

CR-103P (December 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: January 06, 2020

TIME: 8:46 AM

WSR 20-03-013

Agency: Washington State Department of Commerce

Effective date of rule:

Permanent Rules

- 31 days after filing.
- Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes No If Yes, explain:

Purpose: Commerce amended rules concerning the 2019 appliance standards legislation (RCW 19.260). These draft rules are the first phase of rules and include the majority of products from the legislation, notably the first in nation design requirement for electric storage water heaters

Citation of rules affected by this order:

New: WAC 194-24-100, 194-24-105, 194-24-110, 194-24-115, 194-24-120, 194-24-125, 194-24-130, 194-24-135, 194-24-140, 194-24-145, 194-24-150, 194-24-155, 194-24-160, 194-24-165, 194-24-170, 194-24-175, 194-24-180

Repealed: 194-24-040, 194-24-050, 194-24-060

Amended: 194-24-020, 194-24-030, 194-24-070

Suspended:

Statutory authority for adoption: RCW 19.260.070

Other authority:

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 19-22-098 on November 6, 2019 (date).
Describe any changes other than editing from proposed to adopted version: None

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

- Name:
- Address:
- Phone:
- Fax:
- TTY:
- Email:
- Web site:
- Other:

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	<u>17</u>	Amended	<u>3</u>	Repealed	<u>3</u>

The number of sections adopted at the request of a nongovernmental entity:

New	___	Amended	___	Repealed	___
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The number of sections adopted on the agency's own initiative:

New	___	Amended	___	Repealed	___
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	___	Amended	___	Repealed	___
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The number of sections adopted using:

Negotiated rule making:	New	___	Amended	___	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New	___	Amended	___	Repealed	___

Date Adopted: January 6, 2020	Signature: 
Name: Sarah Coggins	
Title: Rules Coordinator	

Chapter 194-24 WAC
APPLIANCE ((ENERGY EFFICIENCY)) STANDARDS

AMENDATORY SECTION (Amending WSR 07-14-092, filed 6/29/07, effective 7/30/07)

WAC 194-24-020 Purpose and scope. The purpose of these rules is to establish efficiency standards and design requirements for certain products sold or installed in the state assuring consumers and businesses that such products meet minimum efficiency performance levels thus saving energy and money on utility bills. This chapter applies ((equally)) to products ((regardless of whether they are sold, offered for sale, or)) sold or offered for sale, lease, or rent in the state, except those sold wholesale in Washington for final retail sale outside the state and those designed and sold exclusively for use in recreational vehicles, or other mobile equipment. The standards and design requirements apply regardless of whether the product is installed as a stand-alone product or as a component of another product.

AMENDATORY SECTION (Amending WSR 07-14-092, filed 6/29/07, effective 7/30/07)

WAC 194-24-030 Definitions. ((The following words and terms have the following meanings for the purposes of this chapter unless otherwise indicated:))

(1) "Automatic commercial ice cube machine" means a factory-made assembly, not necessarily shipped in one package, consisting of a condensing unit and ice-making section operating as an integrated unit with means for making and harvesting ice cubes. It may also include integrated components for storing or dispensing ice, or both.

(2) "Ballast" means a device used with an electric discharge lamp to obtain necessary circuit conditions, such as voltage, current, and waveform, for starting and operating the lamp.

(3)(a) "Commercial refrigerators and freezers" means refrigerators, freezers, or refrigerator-freezers designed for use by commercial or institutional facilities for the purpose of storing or merchandising food products, beverages, or ice at specified temperatures that:

(i) Incorporate most components involved in the vapor-compression cycle and the refrigerated compartment in a single cabinet; and

(ii) May be configured with either solid or transparent doors as a reach-in cabinet, pass-through cabinet, roll-in cabinet, or roll-through cabinet.

(b) "Commercial refrigerators and freezers" does not include:

(i) Products with 85 cubic feet or more of internal volume;

(ii) Walk-in refrigerators or freezers;

(iii) Consumer products that are federally regulated pursuant to 42 U.S.C. Sec. 6291 et seq.;

(iv) Products without doors; or

(v) Freezers specifically designed for ice cream.

~~(4) "Compensation" means money or any other valuable thing, regardless of form, received or to be received by a person for services rendered.~~

~~(5) "Department" means the department of community, trade, and economic development.~~

~~(6) "High-intensity discharge lamp" means a lamp in which light is produced by the passage of an electric current through a vapor or gas, and in which the light-producing arc is stabilized by bulb wall temperature and the arc tube has a bulb wall loading in excess of three watts per square centimeter.~~

~~(7) "Metal halide lamp" means a high-intensity discharge lamp in which the major portion of the light is produced by radiation of metal halides and their products of dissociation, possibly in combination with metallic vapors.~~

~~(8) "Metal halide lamp fixture" means a light fixture designed to be operated with a metal halide lamp and a ballast for a metal halide lamp.~~

~~(9) "Pass-through cabinet" means a commercial refrigerator or freezer with hinged or sliding doors on both the front and rear of the unit.~~

~~(10) "Probe-start metal halide ballast" means a ballast used to operate metal halide lamps which does not contain an igniter and which instead starts lamps by using a third starting electrode "probe" in the arc tube.~~

~~(11) "Reach-in cabinet" means a commercial refrigerator or freezer with hinged or sliding doors or lids, but does not include roll-in or roll-through cabinets or pass-through cabinets.~~

~~(12) (a) "Roll-in cabinet" means a commercial refrigerator or freezer with hinged or sliding doors that allow wheeled racks of product to be rolled into the unit.~~

~~(b) "Roll-through cabinet" means a commercial refrigerator or freezer with hinged or sliding doors on two sides of the cabinet that allow wheeled racks of product to be rolled through the unit.~~

~~(13) (a) "Single-voltage external AC to DC power supply" means a device that:~~

~~(i) Is designed to convert line voltage alternating current input into lower voltage direct current output;~~

~~(ii) Is able to convert to only one DC output voltage at a time;~~

~~(iii) Is sold with, or intended to be used with, a separate end-use product that constitutes the primary power load;~~

~~(iv) Is contained within a separate physical enclosure from the end-use product;~~

~~(v) Is connected to the end-use product via a removable or hard-wired male/female electrical connection, cable, cord, or other wiring; and~~

~~(vi) Has a nameplate output power less than or equal to 250 watts.~~

~~(b) "Single-voltage external AC to DC power supply" does not include:~~

~~(i) Products with batteries or battery packs that physically attach directly to the power supply unit;~~

~~(ii) Products with a battery chemistry or type selector switch and indicator light; or~~

~~(iii) Products with a battery chemistry or type selector switch and a state of charge meter.~~

~~(14) "State-regulated incandescent reflector lamp" means a lamp that is not colored or designed for rough or vibration service appli-~~

ections, that has an inner reflective coating on the outer bulb to direct the light, an E26 medium screw base, and a rated voltage or voltage range that lies at least partially within 115 to 130 volts, and that falls into one of the following categories:

(a) A bulged reflector or elliptical reflector bulb shape and which has a diameter which equals or exceeds 2.25 inches;

(b) A reflector, parabolic aluminized reflector, or similar bulb shape and which has a diameter of 2.25 to 2.75 inches.

(15)(a) "Unit heater" means a self-contained, vented fan-type commercial space heater that uses natural gas or propane, and that is designed to be installed without ducts within a heated space.

(b) "Unit heater" does not include any products covered by federal standards established pursuant to 42 U.S.C. Sec. 6291 et seq., or any product that is a direct vent, forced flue heater with a sealed combustion burner.) The definitions in chapter 19.260 RCW apply throughout this chapter.

(1) The following terms have the same meaning as used in the California Rule:

(a) Showerheads;

(b) Tub spout diverters;

(c) Showerhead tub spout diverter combinations;

(d) Lavatory faucets and replacement aerators;

(e) Kitchen faucets and replacement aerators;

(f) Public lavatory faucets and replacement aerators;

(g) Urinals;

(h) Water closets; and

(i) Computers and computer monitors.

(2) "California Rule" means Title 20, Article 4, California Code of Regulations, in effect on January 2019, revised September 2019.

(3) "MAEDbS" means the modernized appliance efficiency database system established pursuant to section 1606(c) of the California Rule and maintained by the California energy commission.

AMENDATORY SECTION (Amending WSR 07-14-092, filed 6/29/07, effective 7/30/07)

WAC 194-24-070 Penalties for noncompliance. ((The energy policy division shall investigate complaints received concerning violations of these rules. Any manufacturer or distributor who violates this chapter shall be issued a warning by the director of the department for any first violation. Repeat violations are subject to a civil penalty of not more than two hundred fifty dollars per day.)) In applying the penalty provision in RCW 19.260.070(6), the department may consider each unit of a noncompliant product to be a separate violation.

NEW SECTION

WAC 194-24-100 Residential pool pumps. (1) **Scope.** This rule applies to new residential pool pumps manufactured on or after January 1, 2010, and installed for compensation in the state on or after January 1, 2011.

(2) **Standard.** Through July 18, 2021, residential pool pumps must meet requirements specified in California Code of Regulations, Title 20, section 1605.3 in effect as of July 26, 2009. Beginning July 19, 2021, residential pool pumps must meet requirements specified in the dedicated-purpose pool pump rule published by the United States Department of Energy on January 18, 2017, (82 Fed. Reg. 5650) and effective on May 18, 2017.

(3) **Testing.** Through July 18, 2021, residential pool pumps must meet the test criteria as measured in accordance with California Code of Regulations, Title 20, section 1604 in effect as of February 5, 2018. Beginning July 19, 2021, residential pool pumps must meet the test criteria specified in the dedicated-purpose pool pump rule published by the United States Department of Energy on January 18, 2017, (82 Fed. Reg. 5650) and effective on May 18, 2017.

(4) **Listing.** Through July 18, 2021, each manufacturer must cause to be listed each residential pool pump, by model number, in MAEDbS.

(5) **Marking.** Through July 18, 2021, every unit of every residential pool pump must comply with the requirements of California Code of Regulations, Title 20, section 1607 in effect as of July 26, 2009.

NEW SECTION

WAC 194-24-105 Portable electric spas. (1) **Scope.** This rule applies to new portable electric spas manufactured on or after January 1, 2010, and installed for compensation in the state on or after January 1, 2011.

(2) **Standard.** Portable electric spas must meet the requirements of the American National Standard for portable electric spa energy efficiency (ANSI/APSP/ICC-14 2014).

(3) **Testing.** Portable electric spas must be tested in accordance with the method specified in the American National Standard for portable electric spa energy efficiency (ANSI/APSP/ICC-14 2014).

(4) **Listing.** Each manufacturer must cause to be listed each portable electric spa, by model number, in MAEDbS.

(5) **Marking.** Every unit of every portable electric spa must comply with the requirements of section 1607 of the California Rule.

NEW SECTION

WAC 194-24-110 Tub spout diverters. (1) **Scope.** This rule applies to new tub spout diverters manufactured on or after January 1, 2010, and installed for compensation in the state on or after January 1, 2011.

(2) **Standard.** Tub spout diverters that are within the scope and definition of the applicable regulation must meet the requirements in the California Rule, section 1605.3.

(3) **Testing.** Tub spout diverters must meet the testing criteria as measured in accordance with the test methods prescribed in the California Rule, section 1604.

(4) **Listing.** Each manufacturer must cause to be listed each tub spout diverter, by model number, in MAEDbS.

(5) **Marking.** Every unit of every tub spout diverter must comply with the requirements of section 1607 of the California Rule.

NEW SECTION

WAC 194-24-115 Commercial hot food holding cabinets. (1) **Scope.** This rule applies to new commercial hot food holding cabinets manufactured on or after January 1, 2010, and installed for compensation in the state on or after January 1, 2011.

(2) **Standard.** The idle energy rate of commercial hot food holding cabinets shall be no greater than 40 watts per cubic foot of measured interior volume.

(3) **Testing.** The idle energy rate of commercial hot food holding cabinets shall be determined using ANSI/ASTM F2140-11 standard test method for the performance of hot food holding cabinets (test for idle energy rate dry test). Commercial hot food holding cabinet interior volume shall be calculated using straight line segments following the gross interior dimensions of the appliance and using the following equation: Interior height × interior width × interior depth. Interior volume shall not account for racks, air plenums, or other interior parts.

(4) **Listing.** Each manufacturer must cause to be listed each commercial hot food holding cabinet, by model number, in MAEDbS.

(5) **Marking.** Every unit of every commercial hot food holding cabinet must comply with the requirements of section 1607 of the California Rule.

NEW SECTION

WAC 194-24-120 Commercial dishwashers. (1) **Scope.** This rule applies to new commercial dishwashers manufactured on or after January 1, 2021.

(2) **Standard.** Commercial dishwashers must meet the requirements included in the scope of the Environmental Protection Agency ENERGY STAR® program product specification for commercial dishwashers, version 2.0.

(3) **Testing.** Commercial dishwashers must meet the testing requirements included in the scope of the Environmental Protection Agency ENERGY STAR® program product specification for commercial dishwashers, version 2.0.

(4) **Listing.** Each manufacturer must cause to be listed each commercial dishwasher, by model number, in the ENERGY STAR® product database.

(5) **Marking.** Every unit of every commercial dishwasher must have an ENERGY STAR® label.

NEW SECTION

WAC 194-24-125 Commercial fryers. (1) **Scope.** This rule applies to new commercial fryers manufactured on or after January 1, 2021.

(2) **Standard.** Commercial fryers must meet the requirements included in the scope of the Environmental Protection Agency ENERGY STAR® program product specification for commercial fryers, version 2.0.

(3) **Testing.** Commercial fryers must meet the testing requirements included in the scope of the Environmental Protection Agency ENERGY STAR® program product specification for commercial fryers, version 2.0.

(4) **Listing.** Each manufacturer must cause to be listed each commercial fryer, by model number, in the ENERGY STAR® product database.

(5) **Marking.** Every unit of every commercial fryer must have an ENERGY STAR® label.

NEW SECTION

WAC 194-24-130 Commercial steam cookers. (1) **Scope.** This rule applies to new commercial steam cookers manufactured on or after January 1, 2021.

(2) **Standard.** Commercial steam cookers must meet the requirements included in the scope of the Environmental Protection Agency ENERGY STAR® program product specification for commercial steam cookers, version 1.2.

(3) **Testing.** Commercial steam cookers must meet the testing requirements included in the scope of the Environmental Protection Agency ENERGY STAR® program product specification for commercial steam cookers, version 1.2.

(4) **Listing.** Each manufacturer must cause to be listed each commercial steam cooker, by model number, in the ENERGY STAR® product database.

(5) **Marking.** Every unit of every commercial steam cooker must have an ENERGY STAR® label.

NEW SECTION

WAC 194-24-135 Computers and computer monitors. (1) **Scope.** This rule applies to new computers and computer monitors manufactured on or after January 1, 2021.

(2) **Standard.** Computers and computer monitors must meet the requirements of section 1605.3(v) of the California Rule.

(3) **Testing.** Computers and computer monitors must meet the testing requirements of section 1603 of the California Rule as measured in accordance with the test methods prescribed in section 1604(v) of the California Rule.

(4) **Listing.** Each manufacturer must cause to be listed each computer and computer monitor, by model number, in MAEDbS.

(5) **Marking.** Every unit of every computer and computer monitor must comply with the requirements of section 1607 of the California Rule.

NEW SECTION

WAC 194-24-140 Faucets. (1) **Scope.** This rule applies to new faucets manufactured on or after January 1, 2021.

(2) **Standard.** The following products that are within the scope and definition of the applicable regulation must meet the requirements in the California Rule, section 1605.3:

- (a) Lavatory faucets and replacement aerators;
- (b) Kitchen faucets and replacement aerators;
- (c) Public lavatory faucets and replacement aerators.

(3) **Testing.** Faucets must meet the testing criteria as measured in accordance with the test methods prescribed in the California Rule, section 1604.

(4) **Listing.** Each manufacturer must cause to be listed each faucet, by model number, in MAEDbS.

(5) **Marking.** Every unit of every faucet must comply with the requirements of section 1607 of the California Rule.

NEW SECTION

WAC 194-24-145 High color rendering index (CRI) fluorescent lamps. (1) **Scope.** This rule applies to new high CRI fluorescent lamps manufactured on or after January 1, 2023.

(2) **Standard.** High CRI fluorescent lamps must meet the requirements in 10 C.F.R. Sec. 430.32(n)(4) in effect as of January 3, 2017.

(3) **Testing.** High CRI fluorescent lamps must meet the testing criteria as measured in accordance with the test methods prescribed in 10 C.F.R. Sec. 430.23 (appendix R to subpart B of part 430) in effect as of January 3, 2017.

(4) **Listing.** There is no listing requirement for this product.

(5) **Marking.** Every unit of every high CRI fluorescent lamp must comply with the requirements of section 1607 of the California Rule.

NEW SECTION

WAC 194-24-150 Residential ventilating fans. (1) **Scope.** This rule applies to new residential ventilating fans manufactured on or after January 1, 2021.

(2) **Standard.** Residential ventilating fans must meet the requirements included in the scope of the Environmental Protection Agency ENERGY STAR® program product specification for residential ventilating fans, version 3.2.

(3) **Testing.** Residential ventilating fans must meet the testing requirements included in the scope of the Environmental Protection

Agency ENERGY STAR® program product specification for residential ventilating fans, version 3.2.

(4) **Listing.** Each manufacturer must cause to be listed each residential ventilating fan, by model number, in the ENERGY STAR® product database.

(5) **Marking.** Every unit of every residential ventilating fan must have an ENERGY STAR® label.

NEW SECTION

WAC 194-24-155 Showerheads. (1) **Scope.** This rule applies to new showerheads manufactured on or after January 1, 2021.

(2) **Standard.** Showerheads that are within the scope and definition of the applicable regulation must meet the requirements in the California Rule, section 1605.3.

(3) **Testing.** Showerheads must meet the testing criteria as measured in accordance with the test methods prescribed in the California Rule, section 1604.

(4) **Listing.** Each manufacturer must cause to be listed each showerhead, by model number, in MAEDbS.

(5) **Marking.** Every unit of every showerhead must comply with the requirements of section 1607 of the California Rule.

NEW SECTION

WAC 194-24-160 Spray sprinkler bodies. (1) **Scope.** This rule applies to new spray sprinkler bodies manufactured on or after January 1, 2021.

(2) **Standard.** Spray sprinkler bodies that are not specifically excluded from the scope of the Environmental Protection Agency WaterSense program product specification for spray sprinkler bodies, version 1.0, must include an integral pressure regulator and must meet the water efficiency and performance criteria and other requirements of that specification.

(3) **Testing.** Spray sprinkler bodies that are not specifically excluded from the scope of the Environmental Protection Agency WaterSense program product specification for spray sprinkler bodies, version 1.0, must include an integral pressure regulator and must meet the water efficiency and performance criteria and other requirements of that specification.

(4) **Listing.** Each manufacturer must cause to be listed each spray sprinkler body, by model number, in the WaterSense product database.

(5) **Marking.** Every unit of every spray sprinkler body product package must have a WaterSense label.

NEW SECTION

WAC 194-24-165 Urinals. (1) **Scope.** This rule applies to new urinals manufactured on or after January 1, 2021.

(2) **Standard.** Urinals that are within the scope and definition of the applicable regulation must meet the requirements in the California Rule, section 1605.3.

(3) **Testing.** Urinals must meet the testing criteria as measured in accordance with the test methods prescribed in the California Rule, section 1604.

(4) **Listing.** Each manufacturer must cause to be listed each urinal, by model number, in MAEDbS.

(5) **Marking.** Every unit of every urinal must comply with the requirements of section 1607 of the California Rule.

NEW SECTION

WAC 194-24-170 Water closets. (1) **Scope.** This rule applies to new water closets manufactured on or after January 1, 2021.

(2) **Standard.** Water closets that are within the scope and definition of the applicable regulation must meet the requirements in the California Rule, section 1605.3.

(3) **Testing.** Water closets must meet the testing criteria as measured in accordance with the test methods prescribed in the California Rule, section 1604.

(4) **Listing.** Each manufacturer must cause to be listed each water closet, by model number, in MAEDbS.

(5) **Marking.** Every unit of every water closet must comply with the requirements of section 1607 of the California Rule.

NEW SECTION

WAC 194-24-175 Water coolers. (1) **Scope.** This rule applies to new water coolers manufactured on or after January 1, 2021.

(2) **Standard.** Water coolers included in the scope of the Environmental Protection Agency ENERGY STAR® program product specification for water coolers, version 2.0 must have an on mode with no water draw energy consumption less than or equal to the following values:

(a) 0.16 kilowatt-hours per day for cold-only units and cook and cold units;

(b) 0.87 kilowatt-hours per day for storage type hot and cold units; and

(c) 0.18 kilowatt-hours per day for on demand hot and cold units.

(3) **Testing.** Water coolers must meet the testing requirements included in the scope of the Environmental Protection Agency ENERGY STAR® program product specification for water coolers, version 2.0.

(4) **Listing.** Each manufacturer must cause to be listed each water cooler, by model number, in the ENERGY STAR® product database.

(5) **Marking.** Every unit of every water cooler must have an ENERGY STAR® label.

NEW SECTION

WAC 194-24-180 Electric storage water heaters. (1) **Scope.** This rule applies to new electric storage water heaters manufactured on or after January 1, 2021. The effective date of the rule is suspended until January 1, 2022, for electric storage water heaters other than heat pump type water heaters.

(2) **Standard.** Electric storage water heaters must have a modular demand response communications port compliant with:

(a) The March 2018 version of the ANSI/CTA-2045-A communication interface standard, or a standard determined by the department to be equivalent; and

(b) The March 2018 version of the ANSI/CTA-2045-A application layer requirements.

The interface standard and application layer requirements required in this subsection are the versions established in March 2018.

(3) Upon written request by a manufacturer, the department will determine whether an alternative communications port and communication interface standard are equivalent for the purposes of subsection (2) of this section.

(a) Any requested alternative must use a standard that is open and widely available and must provide the demand response functions provided using the standards identified in subsection (2) of this section.

(b) A request for designation of a standard must provide technical documentation demonstrating that the standard satisfies the requirements in (a) of this subsection and must describe any industry or stakeholder process used in developing the standard. The department will provide reasonable opportunity for input by utilities, manufacturers, technical experts and other interested stakeholders prior to determining whether the proposed standard is equivalent. The department will make available on a publicly accessible website any standard that it determines to be equivalent.

(4) **Testing.** There is no test method required for this product.

(5) **Listing.** There is no listing requirement for this product.

(6) **Marking.** Every unit of every electric storage water heater must have a label or marking indicating compliance with the standard in this section. The format and content of the label or marking must be approved in advance by the department.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- | | |
|----------------|-----------------------------------------------------|
| WAC 194-24-040 | Implementation dates, end dates, and applicability. |
| WAC 194-24-050 | Labeling. |
| WAC 194-24-060 | Testing and certification. |

Concise Explanatory Statement – Appliance Standards Phase 1 Rulemaking

WAC 194-24

Agency Response to Stakeholder Comments on Proposed Rules

January 3, 2020

Reason for Rule Adoption

Commerce amended rules concerning the 2019 appliance standards legislation (RCW 19.260). These draft rules are the first phase of rules and include the majority of products from the legislation, notably the first in nation design requirement for electric storage water heaters.

Difference between the Proposed and Adopted Rule

There are no changes between the proposed rule and the adopted rule.

Comments Received Regarding the Proposed Rule – Summary and Response

Rule or Topic	Comment	Agency Response
Effective date for electric resistance water heaters	Have shorter, or no, delay for electric resistance water heaters.	Comments regarding necessary timelines for redesigning products were persuasive for supporting the proposed 1/1/2022 implementation date. There are currently grid-enabled products available, and utilities may choose to encourage customers to choose those products before the standard becomes mandatory and to implement demand response programs that encourage consumer choice of grid-enabled products.
Effective date for electric resistance water heaters	Strongly supports proposed rule.	Thank you for your comment.
Labelling requirements for electric storage water heaters	Commerce should adopt a single, uniform, preapproved label.	Commerce will be consider proposals for a single label in the future, but currently no consensus on such a label exists. Commerce also supports suggestions from public workshops that either NEEA or AHRI may work with manufacturers to create a uniform label.
Decision process for determining	Provide more specific process that ensures explanation of	Commerce will provide comment opportunity if an alternative standard

Rule or Topic	Comment	Agency Response
equivalence of electric storage water heater design requirement	decision is provided to stakeholders	is requested and will explain its decision.

Concise Explanatory Statement – Appliance Standards Phase 1 Rulemaking

WAC 194-24

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Rule or Topic	Comment	Agency Response
equivalence of electric storage water heater design requirement	decision is provided to stakeholders	is requested and will explain its decision.



STATE OF WASHINGTON
DEPARTMENT OF COMMERCE
1011 Plum Street SE • PO Box 42525 • Olympia, Washington 98504-2525 • (360) 725-4000
www.commerce.wa.gov

December 16, 2019

TO: Director Lisa Brown

FROM: Policy Advisor Dave Pringle

SUBJECT: Summary of December 16, 2019 Public Hearing on Proposed Rules Concerning Appliance Standards

This is a summary of the public hearing on December 16, 2019, concerning the department's proposed rules for the appliance standards rulemaking. Commerce proposed these rules in WSR 19-15-090.

As delegated presiding officer, I convened the hearing at 2:09 pm in Room 110 of the department's headquarters in Olympia. Glenn Blackmon and Sarah Vorpahl from the rulemaking team attended the hearing.

One person attended in person, and stakeholders also participated remotely using a Webex service. Proposed rules include a first in nation design requirement for electric storage water heaters. This proposed rule reflects a compromise across suggestions from stakeholders: A phased implementation that maintains the proposed date of Jan. 1, 2021, for heat pump water heaters and suspends the implementation until Jan. 1, 2022, for electric resistance water heaters. Five people testified, three opposed to the phase in and two in support of the phase in. All testifiers preferred standardized labeling for all electric storage water heaters that takes into account federal and other state requirements. I adjourned the hearing at 2:25 pm.

Please contact Glenn Blackmon or myself if you have any questions regarding this public hearing.

Cc: Legislative Director Jasmine Vasavada