



# AMERICAN PUBLIC GAS ASSOCIATION

June 24, 2020

Ms. Catherine Rivest  
U.S. Department of Energy  
Office of Energy Efficiency and Renewable Energy  
Building Technologies Office, EE-5B  
1000 Independence Avenue SW  
Washington, DC 20585-0121

Submission via [regulations.gov](https://www.regulations.gov)

**Re: Comments in Response to Office of Energy Efficiency and Renewable Energy Request for Information Pertaining to Test Procedures for Consumer Water Heaters and Residential-Duty Commercial Water Heaters [Docket Number EERE-2019-BT-TP-0032]**

Dear Ms. Rivest:

The American Public Gas Association (APGA) appreciates the opportunity to provide comments in response to the above referenced docket. APGA's comments are limited to the request for information (RFI) as it pertains to test procedures (TPs) for natural gas-fired consumer and residential-duty commercial water heaters (referred to collectively hereinafter as "water heaters").

### *Introduction*

APGA is the trade association for approximately 1,000 communities across the U.S. that own and operate their retail natural gas distribution entities. They include municipal gas distribution systems, public utility districts, county districts, and other public agencies, all locally accountable to the citizens they serve. Public gas systems provide safe, reliable, and affordable energy to their customers and support their communities by delivering fuel to be used for cooking, clothes drying, and space and water heating, as well as for various commercial and industrial applications.

Although not appliance manufacturers, APGA members do provide the energy needed to fuel water heaters and, therefore, are critical stakeholders in any regulatory activity having an impact on water heaters. We offer the below comments for your consideration:

*1. Support of AHRI comments regarding gas-fired water heaters*

APGA has worked for many years with the Air-Conditioning, Heating, and Refrigeration Institute (AHRI), a prominent industry stakeholder, and in this proceeding, would like to echo the comments AHRI has submitted as they pertain to gas-fired water heaters. This RFI asks a great number of elaborate questions and requests complex information such as current market and technology trends, and AHRI's valuable input (and anticipated subsequent follow-up) will inform the Department of Energy (DOE) as it considers the need to update test procedures for water heaters. Of note, APGA supports AHRI's

comments relating to the definition and treatment of gas-fired instantaneous water heaters, as well as its discussion of heat pumps,<sup>1</sup> whose technology, as noted, has advanced and should be closely reviewed by DOE to determine potential impacts on applicability of test procedures while still permitting this emerging market to continue to develop.

*2. DOE must follow the recently updated Process Rule*

On February 14, 2020, DOE published its final updated Process Rule in the Federal Register,<sup>2</sup> which provided substantial improvements and clarity to when and how DOE will regulate appliance TPs and energy conservation standards (ECSs). Among other things, the final rule requires that the Process Rule be binding on the agency and formalizes DOE's past practice of applying the Process Rule to both consumer products and commercial equipment. As a result, DOE must follow the updated Process Rule for this rulemaking.

Additionally, the updated Process Rule now requires that DOE establish final TPs 180 days before proposing a new ECS rulemaking. This provision was intended to "provide enhanced certainty to regulated stakeholders" and ensure that DOE does not regulate "the efficiency of products before specifying how energy use will be measured via TP."<sup>3</sup> DOE issued an RFI pertaining to ECS for consumer water heaters on May 21, 2020, with the public comment period closing on July 6.<sup>4</sup> Consequently, DOE must follow its new procedures and finalize any potential changes to the consumer water heaters TPs before formally proposing any substantiated changes to the corresponding ECSs.

*Conclusion*

We thank you for your review and consideration of these comments as you proceed with this rulemaking using the new processes and procedures instituted by the updated Process Rule. If you have any questions regarding this submission, please do not hesitate to contact me.

Respectfully submitted,



Dave Schryver  
President & CEO  
American Public Gas Association

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<sup>1</sup> AHRI's comments discuss heat pumps generally, but as noted above, APGA's comments apply only to gas-fired heat pumps, which is an emerging market.

<sup>2</sup> 85 FR 8626.

<sup>3</sup> <https://www.energy.gov/articles/department-energy-issues-final-process-rule-modernizing-procedures-consideration-energy>

<sup>4</sup> <https://www.regulations.gov/document?D=EERE-2017-BT-STD-0019-0002>