

November 11, 2022

**New York State Energy Research and Development Authority (NYSERDA)
17 Columbia Circle, Albany, New York 12203
Attn: Chris Corcoran**

RE: Rule # ERD372200009-P Appliance and equipment efficiency standards

Appliance Standards Awareness Project (ASAP), Natural Resources Defense Council (NRDC), and Urban Green Council wish to submit the following comments regarding the proposed rulemaking for appliance and equipment efficiency standards, published in the State Register Part 509; Rule # ERD372200009-P.

We are encouraged that these standards were promulgated in a timely manner after enactment of the Advanced Building Codes, Appliance and Equipment Efficiency Standards Act of 2022 in the last legislative session, and will now deliver significant savings to customers on their energy bills and critical greenhouse gas reductions to help achieve the goals of New York's nation-leading climate law. These energy use and greenhouse gas emissions reductions are part of the 185 Tbtu energy efficiency savings by 2025, codified in the Climate Leadership and Community Protection Act, and our groups are strongly supportive of these standards being enacted.

Air Purifiers

The proposed efficiency standards for air purifiers are equivalent to ENERGY STAR Version 1.2. However, we encourage NYSERDA to consider adopting higher efficiency levels equivalent to ENERGY STAR Version 2.0, which would provide additional energy savings. We note that Washington State has already adopted state standards for air purifiers based on ENERGY STAR Version 2.0. In considering potential higher standards, NYSERDA could consider either adopting efficiency levels identical to ENERGY STAR Version 2.0,¹ or aligning with the recommended standards in the Joint Stakeholder Proposal submitted to the U.S. Department of Energy.² (The Tier 2 efficiency levels in the Joint Stakeholder Proposal are equivalent to ENERGY STAR Version 2.0, but they are based on a new metric, Integrated Energy Factor [IEF]). Both of these options would deliver the same per-unit energy savings and therefore the same savings on consumer utility bills, reduction in electricity use, and avoidance of greenhouse gas emissions and other air pollutants. If neither of these ENERGY STAR Version 2.0 levels are adopted at this time, we encourage NYSERDA to revisit this product in 2023 for adoption.

Water Fixtures

The proposed standards for showerheads, lavatory faucets, and urinals utilize efficiency levels first developed in California and which are more stringent – and therefore save more water, energy, and money on consumer utility bills – than the ASAP recommended levels for these

¹ Found at https://www.energystar.gov/products/spec/room_air_cleaners_version_2_0_pd

² Found at <https://www.regulations.gov/comment/EERE-2021-BT-STD-0035-0016>

products. The statewide drought New York suffered last summer has highlighted the importance of water savings, even in the Northeast. The following states have adopted efficiency standards at the levels proposed:

Showerheads: California, Hawaii, Washington, Oregon, and Maine.

Lavatory faucets: California, Hawaii, Washington, Oregon, and Maine.

Urinals: California and Washington.

Additionally, the proposed language governing maximum flow rate for kitchen faucets and aerators, found in Table 34, could benefit from clarification that 1.8 gallons per minute (gpm) is the permanent default with an automatic reset to 1.8 gpm after a user activates the faucet to 2.2 gpm. This could read, possibly as a footnote to Table 34:

“Kitchen faucets are permitted to temporarily increase the flow above the maximum rate, but not to exceed 2.2 gpm at 60 psi and must revert to a maximum flow rate of 1.8 gpm at 60 psi upon valve closure.”

The source for this clarification is IAPMO Water Efficiency and Sanitation Standard for the Built Environment, 2020, sec. 402.4.

Gas Fireplaces

Section 509.15 of the Notice of Proposed Rulemaking contains the gas fireplaces efficiency standards. Two modifications would be needed to align with the ASAP recommended gas fireplace standard.

First, the standard found in (b)(1)(i) currently reads:

“gas fireplaces shall be capable of automatically extinguishing any pilot flame when the main gas burner flame is established and when it is extinguished;”

The ASAP recommended standard reads:

“Gas fireplaces shall be capable of automatically extinguishing any pilot flame when the main gas burner flame is extinguished;”

Second, the ASAP recommended standard includes an efficiency standard for heating gas fireplaces which is missing from the proposed standard. The states of Nevada and Rhode Island, as well as Canada, have also adopted this standard for heating gas fireplaces:

“Heating gas fireplaces shall have a fireplace efficiency greater than or equal to 50% when tested in accordance with CSA P.4.1-15, “Testing Method for Measuring Annual Fireplace Efficiency.””

Use of “Eligible for New York compliance”

Proposed standards for commercial dishwashers, commercial steam cookers, and commercial ovens use wording that could cause confusion regarding which products can and cannot be sold in the state. Specifically, use of the phrase “eligible for New York compliance” in the “included

products” sections could be the source of this. For example, the commercial dishwasher standard reads:

“included products means the products that meet the definition of a Commercial Dishwasher as specified herein are **eligible for New York compliance**” [emphasis added]

The phrase “are eligible for New York compliance” could be misread to imply that if a product is not an included product, then it is not eligible for compliance in New York and therefore cannot be sold in the state. This would not seem to be the intent.

The phrase “included product” appears designed to convey what products are both covered by the standard and must comply with it in order to be sold in the state. If a product does not fall within the included product definition, then it does not have to meet any efficiency standard and can indeed be sold in the state.

It would perhaps be clearer to say that included products are those which must comply with the New York standards in order to be sold in the state. For even more clarity, it could be also stated that products that are not covered by the “included products” definitions do not need to meet the New York standards and can be sold in the state.

Thank you for this opportunity to comment.

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