



**POOL &
HOT TUB**
ALLIANCE



The Pool and Hot Tub Alliance (PHTA) and International Hot Tub Association (IHTA) submit the following comments on behalf of our member companies in response to the proposed rulemaking by NYSERDA for 21 appliance standards, published in the State Register Part 509; Rule # ERD372200009.

The PHTA and the IHTA work as a single entity to unite and strengthen the hot tub industry. PHTA represents more than 3,650 company members and over 11,000 individual members nationwide that range from swimming pool, hot tub, and spa manufacturers, distributors, manufacturers' agents, designers, builders, installers, suppliers, retailers, and service professionals. The IHTA of PHTA consists of hot tub manufacturers, suppliers, and retailers along with associated companies whose products or services relate to the hot tub industry. During 2020, the U.S. swimming pool and hot tub industry contributed about \$50 billion and almost 445,000 job equivalents to the U.S. economy.

We welcome your careful consideration of these comments. Our members look forward to continued participation in the next steps of this process. If you have any questions on these comments, please contact Nicholas Capezza.

Replacement Dedicated Purpose Pool Pump Motors (DPPPM) Efficiency Standards

PHTA and its members encourage NYSERDA to delay implementation of a replacement DPPPM efficiency standard recognizing that the Department of Energy (DOE) is currently undergoing rulemaking that will address all DPPPMs, replacement as well as those sold within a dedicated purpose pool pump (DPPP). If NYSERDA intends to proceed and put in place a replacement DPPPM rule until such time a federal rule is in effect, we strongly suggest amending the proposal due to the following reasons:

- There are no variable speed pumps or pump motors in the market below 0.75 Horsepower (HP), which precludes any data collection and analysis.
- Variable speed fractional HP Pumps cannot provide minimum flow at required lower speeds, meaning they will end up running on higher speeds for proper filtration or equipment needs, i.e., pool heaters.

- The rule is not cost effective as currently drafted due to requiring motors in Pressure Cleaner Booster Pumps (PCBP) and Fractional Filtration Pumps at 0.5 HP and greater be VS.¹
- The economic impact on lower median income and underserved communities whose consumers utilize aboveground and storable pools that typically fall within the small fractional motor category currently requiring a VS motor in the NYSERDA proposal would be greater than for higher income families.

We believe there are either zero or very limited VS replacement motors in the California Energy Commission (CEC) database since the July 19, 2021, compliance date of their replacement motor rule that the NYSERDA proposed rule is based on (the database appears to not identify whether products listed are VS or not, it just lists model information). Further, as we previously pointed out to the CEC, their database includes the same motor on different performance points.

In talking with the California pool service, installer, and distribution industry as well as the PHTA manufacturers, small fractional VS motors are simply not being sold (as none exist under 0.75 HP and only two exist under 1.0 HP). Instead, consumers are choosing to replace the entire pump or fix the existing motor, due to the cost justification and lack of product availability. We believe the same will occur if New York moves forward with the DPPP rule as currently drafted.

PHTA encourages NYSERDA to review the joint PHTA/NEMA comments submitted to DOE in August for additional and more detailed information.² Supplementary information is currently being provided to DOE that relying on 2015 data for any analysis, prior to the DPPP July 19, 2021, compliance date, does not provide an accurate assessment of today's market. A recent industry review demonstrates that 60% of pump offerings/SKUS available in the market prior to the DPPP rule were non-compliant and required modification or removal from the market upon the July 19, 2021 compliance date.

Portable Electric Spas Efficiency Standards

PHTA, IHTA and their members encourage NYSERDA amend 509.17 of their rulemaking proposal to simply read that Portable Electric Spas should meet or exceed the requirements of the ANSI/APSP/ICC – 14 Standard.

¹ See Hayward data for both self-priming and non-self-priming pumps under 1HP showing a payback period of 12 years and Fluidra data for VS pressure cleaner booster pumps showing a payback period of 9 years:
<https://www.regulations.gov/docket/EERE-2017-BT-STD-0048/comments?postedDateFrom=2022-08-11&postedDateTo=2022-11-08>

² <https://www.regulations.gov/docket/EERE-2017-BT-STD-0048/comments?postedDateFrom=2022-08-11&postedDateTo=2022-11-08>

We strongly suggest amending the proposal due to the following reasons:

- This would ensure New York State will align with other states and with the International Code Council family of codes. As the current proposed language in 509.17 currently lists performance items, a change to the ANSI/APSP/ICC – 14 Standard would push New York out of sync with the rest of the country
- Reference to the ANSI/APSP/ICC – 14 Standard also provides consumers with energy usage comparisons between Portable Electric Spas in a showroom rather than having to go online and search databases

We also encourage NYSERDA to include language that will reference the most recent version of the ANSI/APSP/ICC – 14 Standard versus the 2019 version, or any specific version, to ensure the state continues to recognize the most up-to-date version of this Standard.