

TRANSCRIPT OF PROCEEDINGS

In the Matter of:)
)
APPLIANCE STANDARDS AND)
RULEMAKING FEDERAL ADVISORY)
COMMITTEE (ASRAC))
)
FULL PARENT COMMITTEE)
MEETING & WEBINAR)
)

Pages: 1 through 191
Place: Washington, D.C.
Date: January 10, 2018

HERITAGE REPORTING CORPORATION

Official Reporters

1220 L Street, N.W., Suite 206
Washington, D.C. 20005-4018
(202) 628-4888
contracts@hrccourtreporters.com

BEFORE THE U.S. DEPARTMENT OF ENERGY
OFFICE OF ENERGY EFFICIENCY & RENEWABLE ENERGY

In the Matter of:)
)
APPLIANCE STANDARDS AND)
RULEMAKING FEDERAL ADVISORY)
COMMITTEE (ASRAC))
)
FULL PARENT COMMITTEE)
MEETING & WEBINAR)

Room 8E-089
Forrestal Building
1000 Independence Avenue, S.W.
Washington, D.C.

Wednesday,
January 10, 2018

The parties met, pursuant to notice, at 10:05 a.m.

PARTICIPANTS:

JOHN CYMBALSKY, Facilitator
Designated Federal Officer
U.S. Department of Energy

Committee Members:

ANDREW deLASKI, Chair
Appliance Standards Awareness Project

ASHLEY ARMSTRONG
U.S. Department of Energy

JENNIFER CLEARY
Association of Home Appliance Manufacturers

KRISTEN DRISKELL
California Energy Commission

DAVE GATTO
Westinghouse Lighting

CHARLES HON
True Manufacturing

NOAH HOROWITZ
Natural Resources Defense Council

Heritage Reporting Corporation
(202) 628-4888

PARTICIPANTS: (Cont'd.)

Committee Members: (Cont'd.)

DIANE JAKOBS
Rheem Manufacturing Company

SOFIE MILLER
The George Washington University Regulatory
Studies Center

MICHELLE SIM
SoCalGas Company

DAVE WINNINGHAM
Lennox International

MICHAEL WOLF
Greenheck Fan Corporation

Other Participants:

TIM BALLO
Earthjustice

KARA BEIGAY
Manufactured Housing Institute

SASHA BENJAMIN
Oak Ridge Utility District

GEORGE BRUMEISTER
Colorado Energy Group

KITT BUTLER
Advanced Energy

TOM CATANIA
Erb Institute

DAN COHEN
Office of General Counsel
U.S. Department of Energy

CAROLINE DAVIDSON-HOOD
Air-Conditioning, Heating, and Refrigeration
Institute

PAUL DOPPEL
Mitsubishi

PARTICIPANTS: (Cont'd.)

Other Participants: (Cont'd.)

TOM ECKMAN
Northwest Power Planning Council

LESLI GOOCH
Manufactured Housing Institute

JILL HOOTMAN
TRANE

RACHEL KESTENBAUM
Office of General Counsel
U.S. Department of Energy

BIJIT KUNDU
Energy Solutions

CHARLES McCRUDDEN
Daiken

STEVE ROSENSTOCK
Edison Electric Institute

DANIEL SIMMONS
Deputy Secretary
Energy Efficiency and Renewable Energy
U.S. Department of Energy

ERIC TROSKOSKI
Bradford White Corporation

KEVIN WASHINGTON
Illinois Tool Works

MICHAEL WEEMS
American Lighting Association

JUSTIN WHITE
New Watt Consulting

ALLISON WILLIAMS
Lawrence Berkeley National Labs

P R O C E E D I N G S

(10:05 a.m.)

1
2
3 MR. CYMBALSKY: Okay. So welcome, everyone,
4 to our first Appliance Standards and Rulemaking
5 Advisory Committee of the New Year. Welcome to all
6 our members, and a new member, which we will go and
7 introduce each other later. But before -- we're very
8 lucky to get a few minutes of Daniel Simmons' time
9 here. He is the Principal Deputy Assistant Secretary
10 for Energy Efficiency & Renewable Energy here at DOE.

11 Daniel's been here since the beginning of
12 the administration on the transition team, the
13 Beachhead team, Acting Assistant Secretary, so he's
14 almost a full year here with this administration.

15 I could say that this program is near and
16 dear to his heart. He's also the regulatory reform
17 officer here at DOE, so he's heading up that effort as
18 well. So, without further ado, it is my pleasure to
19 introduce Principal Deputy Assistant Secretary Daniel
20 Simmons.

21 (Applause.)

22 MR. SIMMONS: Thank you, John. The -- so
23 when I -- as John mentioned, when I came in with the
24 transition team, you know, those of us that came to
25 the agency after the election, before inauguration

1 to, you know, to understand what the administration
2 was doing and to facilitate the new administration, to
3 facilitate the transition to a new administration, one
4 of the things that we did is was we got PowerPoints
5 from all of the -- you know, we had these discussions
6 with, you know, all of the different offices in DOE.
7 That obviously included a discussion about what's
8 going on in EERE. So it was a -- I'd say it was about
9 a 20-, 25-page PowerPoint that we went through, and in
10 that PowerPoint, my recollection is that there was
11 only one bullet about the appliance and equipment
12 standards. There could have been like a couple more.

13 So maybe there were like three bullets in like a 20-,
14 25-page PowerPoint that was this program, which really
15 kind of shocked me at the time.

16 Let me assure you that the amount of time
17 that I spend on this is way more than, you know, even
18 just 5 percent of my time. As John said, it is near
19 and dear to my heart, something that I -- regulations
20 generally is an issue that I care about, and I
21 particularly care about appliance and equipment
22 standards.

23 So thank you to ASRAC for the work that
24 you've done over the years. Thank you for that, as
25 well as my apologies that we have been -- one area

1 where we have been slow is on reconstituting or
2 holding hearing -- or holding meetings such as this
3 with ASRAC but also the other FACA committees in DOE.

4 But we have -- so my apologies for that.

5 Obviously, as you know, regulatory reform is
6 an important priority for this administration, and at
7 DOE, we are committed to reducing regulatory burdens,
8 to promote economic growth and energy security for the
9 American people. Also, as I have said multiple times,
10 DOE intends to meet its legal obligations. This is
11 obviously important because of ongoing lawsuits as
12 well as legal issues surrounding the Appliance
13 Standards Program. It's one of the things that I get
14 asked about when I testify, and it came up in
15 yesterday's hearing at the House Energy and Commerce
16 meeting.

17 The deputy secretary as well as
18 undersecretaries were there. And I will read you what
19 Undersecretary Menezes said when asked about appliance
20 standards. He said that -- Menezes said there's been
21 discussion with general counsel on the issue of
22 appliance standards, and he offered a full-throated
23 support, to quote, that DOE would meet its statutory
24 deadlines on efficiency. "The Department is committed
25 to following the law, to having these standards in

1 place according to the deadlines that are set in
2 statute," Menezes said.

3 When Representative Peter Walsh asked if it
4 meant that DOE would not stall or slow-walk efficiency
5 rules, Menezes said, "You have my assurance on that."

6 So I just wanted to share that with you, that it is
7 our intention to meet our legal obligations.

8 So, in terms of regulatory reform, earlier
9 this year the President issued several executive
10 orders that have guided our regulatory reform efforts.

11 On January 30, the President issued Executive Order
12 13771 reducing regulatory -- reducing regulation and
13 controlling regulatory costs. That order requires
14 that unless prohibited by law -- and that is obviously
15 important, very important -- whenever an agency
16 promulgates a new regulation, the agency must identify
17 at least two existing regulations to be repealed.

18 The order also requires that for fiscal year
19 2018 and thereafter there are specific regulatory
20 budgets. Additionally, on April 24, the President
21 issued Executive Order 13777 enforcing the regulatory
22 reform agenda. That order required the head of each
23 agency to designate an agency official as its
24 regulatory reform officer and that each agency
25 establish a regulatory reform task force. In DOE, the

1 regulatory reform officer is the chief of staff, and
2 he has delegated those responsibilities to me.

3 Following these directions, DOE formed a
4 regulatory reform task force, and in my role as the
5 regulatory reform officer, at least acting officer,
6 I've overseen a number of steps to address regulatory
7 burdens at DOE with respect to the Appliance Standards
8 Program. This has included items such as the
9 December 18 request for information and yesterday's
10 meeting on the process rule, to make sure that we are
11 reviewing the process that we use to promulgate
12 regulations.

13 As you know, DOE is evaluating processes
14 related to appliance and equipment standards. And we
15 heard many constructive comments yesterday. I had
16 planned on going yesterday, but I do not always
17 control my schedule, and that was one example of me
18 not being able to do what I really wanted to do. Such
19 is life.

20 DOE is currently thinking about whether to
21 address negotiated rulemakings in the process rule.
22 DOE generally supports negotiated rulemakings as it is
23 an open and transparent process that can encourage
24 public participation.

25 In thinking about whether to include

1 negotiated rulemaking in the process rule, we will
2 think about ASRAC's role in the process, and, you
3 know, to be very clear and explicit that DOE values
4 and appreciates ASRAC members valuing their time to
5 participate in advising the Department on issues
6 related to appliance and equipment standards and the
7 work that you have done over the years.

8 With respect to work already done by ASRAC,
9 we will consider any term sheets that are currently
10 pending before the Department coming from earlier
11 negotiated rulemakings. The comment period on the
12 process rule RFI is open through February 16th of this
13 year, and we encourage interested parties to submit
14 comments, including ASRAC members.

15 I believe yesterday there was a request for
16 that to be opened for an extension of that deadline,
17 and we will also consider that as well. But, you
18 know, we definitely want to get your comments about
19 the process rule. That is very important to us.

20 So thanks again for your time and commitment
21 to energy efficiency and renewable energy. So thank
22 you very much for all of the work that you do. John.

23 MR. CYMBALSKY: Thank you, Daniel.

24 I'd point out also we do appreciate -- his
25 time is very valuable, and we do appreciate him

1 kicking off our meeting.

2 So we have a few minutes before the next --
3 the ethics briefing, and so what I'll do is go back to
4 sit in my usual chair, and we'll do some introductions
5 until about 10:30, when our ethics officer should be
6 around.

7 (Pause.)

8 MR. CYMBALSKY: Okay. So we're going to go
9 around and do introductions. And since this is the
10 first time this entire group has met together, I would
11 ask everyone as they introduce themselves, the
12 committee members, that is, name and organization, but
13 how about a little meat on that bone since, we
14 probably want to know what we do in our current
15 employment, maybe in our past employment too, to kind
16 of give a fuller picture of who we are and what we do.

17 So why don't we just start to my left with
18 Kristen.

19 MS. DRISKELL: Okay. I'm Kristen Driskell.
20 I'm with the California Energy Commission. I manage
21 the appliance standards office, the appliances and
22 outreach and education office at the Energy
23 Commission. In my previous life, I was a lawyer for
24 the Energy Commission.

25 MR. HOROWITZ: Good morning, everyone. I'm

1 Noah Horowitz, and with the Natural Resources Defense
2 Council, NRDC, an environmental advocacy group. I
3 head up our Center for Energy Efficiency standards,
4 and I work both at the state, federal, and
5 international levels. I tend to focus on consumer
6 electronics and lighting, and also new construction.
7 And in a prior life, I headed up the environmental
8 programs for Quaker Oats. So if you want to talk
9 oatmeal, I can do that as well. Thank you.

10 MR. GATTO: Hi. I'm Dave Gatto,
11 Westinghouse Lighting. Westinghouse Lighting,
12 we're -- don't let the name fool you. As some of you
13 have heard before, we're a small business, family-run
14 since 1946. In my past experience, I have worked at
15 the same company for the last 28 years, in a variety
16 of product and regulatory roles. The last five or six
17 years have been mainly focused on efficiency
18 regulations, state and local, or federal and state, as
19 well as environmental programs.

20 MR. WOLF: Good morning, Mike Wolf from
21 Greenheck. To steal a little bit of David's
22 background here, I'm with Greenheck Corporation out of
23 Wisconsin, headquartered in Wisconsin. We have
24 manufacturing facilities throughout the U.S. and a
25 couple internationally, again family -- a first

1 generation family operation. Greenheck is the family
2 name, and our most notable products are the fan,
3 commercial fan- and ventilator-type products. But we
4 do offer a full line of other HVAC-type equipment as
5 well.

6 I got my start with Greenheck a couple of
7 years ago, I guess, plus 30. I started at Greenheck
8 right out of college, and held a number of roles
9 throughout my time with Greenheck. It has been a good
10 ride. I never anticipated getting involved in the
11 regulatory type assignments, but for the past three
12 years, I've been drinking through a fire hose,
13 learning the whole regulatory process. Thank you.

14 MS. JAKOBS: Hello. My name is Diane
15 Jakobs. I work for Rheem Manufacturing, and I'm an
16 engineer. And I've been -- I've worked on -- in a
17 number of areas at Rheem, in advanced R&D. I've been
18 an engineering manager for gas-fired furnaces. I've
19 worked in government affairs. And Rheem
20 Manufacturing, we build water heaters, HVAC,
21 commercial refrigeration, and boilers. And we like to
22 say we control 65 percent of the energy consumed in
23 people's homes. So thank you.

24 MR. HON: Hello. I'm Charlie Hon with True
25 Manufacturing. I've been in the industry for 30

1 years, and with True Manufacturing for over 20. We
2 basically manufacture commercial refrigeration. We do
3 some residential refrigeration, but our focus is on
4 commercial refrigeration. We're a large company based
5 out of St. Louis, Missouri, and the suburbs. We have
6 multiple manufacturing facilities within the state of
7 Missouri, and we are very active in a lot of different
8 areas as far as these different negotiations for
9 years. Thank you.

10 MS. ARMSTRONG: My name is Ashley Armstrong.

11 I am the representative for the Department of Energy
12 on ASRAC. I'm one of the two supervisors in the
13 Appliance Standards Program. I mainly focus on the
14 test procedure development and the compliance testing
15 program, and dab a little bit in Energy Star.

16 MR. CYMBALSKY: I'm John Cymbalsky. I am
17 not an ASRAC member, but I am the designated federal
18 officer for this advisory committee. Along with
19 Ashley, I manage the Appliance Standards Program here
20 at DOE since February of 2010. Before that, 20 years
21 with Energy Information Administration, mostly doing
22 modeling of future energy use in the residential
23 sector.

24 MR. deLASKI: I'm Andrew deLaski. I'm the
25 executive director of the Appliance Standards

1 Awareness Project. ASAP is a coalition project that
2 has a membership that consists of representatives from
3 consumer groups, some of which were here yesterday,
4 environmental groups, state government
5 representatives, and the utility sector. We're a
6 coalition that works to advance cost-effective energy
7 efficiency standards at the federal level and at the
8 state level.

9 I've been with ASAP since its inception and
10 worked on standards, oh, starting in the Clinton
11 administration, during the Bush administration, over
12 the course of the past eight years, and then currently
13 serving on ASRAC and involved in pretty much every DOE
14 proceeding and most state proceedings over that span
15 of the past 20 years. So I've been pretty deeply
16 involved in a bunch of rulemakings, some negotiated
17 through -- privately, some negotiated through the
18 ASRAC process, which I think has been very successful,
19 and we've seen a higher level of consensus around new
20 standards over the past, you know -- during ASRAC's
21 period than we have prior to that. So it has been a
22 gratifying experience for me to serve on this
23 committee, and I look forward to continuing it over
24 the next period.

25 MS. CLEARY: Jennifer Cleary with the

1 Association of Home Appliance Manufacturers. And we
2 represent manufacturers of home appliances, but, you
3 know, clothes washers, other major appliances, your
4 portable appliances like blenders, things like that,
5 and also floor care.

6 I lead on the regulatory affairs, with the
7 focus being on Department of Energy, FTC, Energy Star,
8 and product safety at the Consumer Product Safety
9 Commission. And before that, I was counsel to AHAM
10 and also working on antitrust issues.

11 MR. WINNINGHAM: I'm Dave Winningham. I
12 work for Lennox International. I've been an
13 engineering manager focused on regulatory affairs for
14 about the last five to seven years, and prior to that
15 was heavily involved in product development. Lennox
16 International is a U.S.-based HVAC and refrigeration
17 organization, and I've been actively involved in ASRAC
18 and a variety of regulatory standard development for
19 the last seven years. Thanks.

20 MS. MILLER: Hello. I'm Sofie Miller. I'm
21 a senior policy analyst at the George Washington
22 University Regulatory Studies Center. In that
23 capacity, I focus on all federal regulatory issues
24 that affect consumers. And more and more, over the
25 past several years, that has included energy

1 efficiency standards. And so I'm very, very pleased
2 to be here.

3 I recognize so many of your names from so
4 many comments that I've read, so it's such a pleasure
5 to meet you all in person. And as some background, my
6 background is in economics, and I take an economic
7 approach to analyzing some of these federal regulatory
8 issues, with a special focus on retrospective review,
9 and also on heterogeneity between consumers and
10 different impacts for different consumer groups.

11 MS. SIM: Hi. Michelle Sim with SoCalGas.
12 My current role at SoCalGas actually changed from the
13 time that I was originally appointed to the ASRAC
14 committee, so currently I am the clean transportation
15 manager at SoCalGas. Previously, I was with the COSEN
16 (phonetic) standards team, leading efforts in an
17 energy efficiency and efforts with the statewide COSEN
18 standards team in California.

19 SoCalGas serves over 21 million customers
20 from central California, from Visalia all the way down
21 to the Mexican border. Our interest is still to
22 advance energy efficiency in gas appliances. And I'm
23 happy to represent California and SoCalGas, so thank
24 you for having us.

25 MR. CYMBALSKY: Okay. So let's start again

1 to my left with Kevin, and we'll go with name and
2 affiliation for the audience members.

3 MR. WASHINGTON: Kevin Washington, Illinois
4 Tool Works, government affairs office.

5 MR. BORYCA: Chris Boryca, Illinois Tool
6 Works, Charleston.

7 MR. ROSENSTOCK: Steve Rosenstock, Edison
8 Electric Institute.

9 MS. HOOTMAN: Jill Hootman, Ingersoll Rand.

10 MR. BOESENBERG: Alex Boesenberg, National
11 Electrical Manufacturers Association.

12 MR. WEEMS: Mike Weems, American Lighting
13 Association.

14 MR. PERRY: Chris Perry (phonetic), American
15 Council for an Energy Efficient Economy.

16 MR. MCCRUDDEN: Charlie McCrudden, Daiken
17 U.S. Corporation.

18 MS. SEGRESS: Flora Segress (phonetic),
19 Whirlpool Corporation.

20 MR. ANDERSON: Kirk Anderson, NEMA.

21 MR. BUTLER: Kitt Butler, Advanced Energy.

22 MS. ANDERSON: Mary Anderson, PG&E.

23 MR. KUNDU: Bijit Kundu, Energy Solutions,
24 supporting PG&E.

25 MR. GOLLAPUDI: Chandra Gollapudi, Regal

1 Beloit Corporation.

2 MR. O'DONNELL: Kevin O'Donnell, Bluffton
3 Motor Works, L.A.

4 MR. IRVING: Steve Irving with Lutron
5 Electronics.

6 MR. CATANIA: Tom Catania, consultant to the
7 Air Movement and Control Association.

8 MR. NEMTZOW: Hi. I'm David Nemtzw. I'm
9 director of the Building Technologies Office here at
10 DOE. And I just want to add my voice to Daniel and
11 Ashley's and John's in thanking you all for your time
12 and attention to this issue, which is at the heart of
13 what building technologies does and at the heart of
14 what DOE does. Thanks.

15 MR. COHEN: I'm Dan Cohen, General Counsel's
16 office here at DOE.

17 MS. GRACE-TARDY: Ami Grace-Tardy, also in
18 General Counsel's office at DOE.

19 MR. BALLO: Tim Ballo at Earthjustice.

20 MR. ECKMAN: Tom Eckman Northwest Public
21 Power Council, former ASRAC member.

22 MR. BRUMEISTER: George Brumeister,
23 president, Colorado Energy Group, Boulder, Colorado.

24 MR. WHITE: Bo White, NegaWatt Consulting,
25 supporting SoCalGas.

1 MS. GARCIA: Daniela Garcia, SoCalGas.

2 MR. RABA: Jim Raba, Appliance Standards
3 Program, DOE.

4 MS. GOOCH: Leslie Gooch, the Manufactured
5 Housing Institute.

6 MS. BEIGAY: Kara Beigay, the Manufactured
7 Housing Institute.

8 MR. TRUSKOSKI: Eric Truskoski, Bradford
9 White Corporation.

10 MS. DAVIDSON-HOOD: Caroline Davidson-Hood,
11 Air Conditioning, Heating, and Refrigeration
12 Institute.

13 MR. BRUNDAGE: Don Brundage, Southern
14 Company.

15 MS. JOHNSON: Stephanie Johnson, appliance
16 standards, DOE.

17 MS. EVEST: Catherine Rivest, appliance
18 standards, DOE.

19 MS. WILLIAMS: Alison Williams, Lawrence
20 Berkeley National Lab.

21 MR. TYREE: James Tyree, office of
22 information and regulatory affairs.

23 MR. FIBEE: George Fibee, office of general
24 counsel.

25 MS. CHRISTENSON: Sue Christenson

1 (phonetic), Oak Ridge Utility District.

2 MS. BENJAMIN: Sasha Benjamin, Oak Ridge
3 Utility District.

4 MS. MENEES: Sydney Menees, office of
5 policy.

6 MR. CYMBALSKY: And last but not least --
7 this is a good segue for our next segment of the
8 meeting.

9 MS. KESTENBAUM: Hi. I'm Rachel Kestenbaum.
10 I'm also in the general counsel's office. I'm going
11 to pass around some handouts.

12 MR. CYMBALSKY: We're not going to
13 transcribe the ethics briefing at this time.

14 (Whereupon, a brief recess was taken.)

15 MR. CYMBALSKY: Okay. So one piece of ASRAC
16 business before we get into more of the subject matter
17 content. As you know, the committee has always had
18 two cochairs. And since John Caskey rotated off the
19 committee about a year ago, we only have Andrew as a
20 chair by himself. But I'm happy to announce we have a
21 new cochair, and that's Dave Gatto of Westinghouse.
22 He has agreed graciously to take on a role as cochair.

23 So we look forward to Dave and Andrew
24 working very closely together in terms of managing the
25 committee just a bit in terms of its direction.

1 So with that, we'll go back to our agenda
2 that I can't see on the screen at the moment. But
3 basically, what we're going to talk about is what
4 ASRAC has done in the past, a little bit of an
5 overview, since we do have a couple of new members who
6 haven't quite participated fully in the past.

7 So the committee over the past few years,
8 the focus has mainly been forming and executing
9 working groups to negotiate standards, test
10 procedures, compliance, things like that for a variety
11 of products.

12 I think by and large everyone would agree
13 that this has been very successful. I think DOE has
14 been very appreciative of the work of both the working
15 groups that ASRAC forms as well as ASRAC writ large to
16 pass along to DOE these recommendations for product
17 efficiency standards or compliance requirements, et
18 cetera.

19 Having said that, I know there has been a
20 few -- I think so far we've done about a dozen of
21 those, as I recollect. And there has been a few
22 outstanding. I know that we finished some work back
23 at the end of 2016, and there is some recommendations
24 that ASRAC has forwarded to DOE. And I know Daniel in
25 his opening remarks mentioned that DOE is still

1 contemplating these outstanding items, and we continue
2 to do so and consider as we go through time.

3 We've also tackled some other issues as we
4 went along. I think one big issue that ASRAC had
5 contemplated was looking forward into the future, the
6 idea of -- we have a bunch of product standards, but
7 was there a way to do more of a systems approach to
8 how we regulate different products. And so we formed
9 a little committee, and I know they did some work over
10 the past couple of years. That could be something
11 that we're still interested in, and we could talk
12 about today some more.

13 Of course, we're definitely interested in
14 any new ideas that the committee wants to bring to
15 everybody's attention. As you also heard Daniel
16 mention in his opening remarks, that the process
17 reform meeting yesterday and all the comments that we
18 will receive in the next couple of weeks into that
19 docket, I think we have great interest for ASRAC to
20 also comment, either individually or as a group, in
21 terms of that RFI that was issued last month.

22 So I think that's something that all of us
23 as ASRAC members should keep in mind and think very
24 hard about how any process improvements through that
25 RFI is something that ASRAC should comment on.

1 And let's see, what else? So other recent
2 notices that DOE has put out, I think what you've seen
3 a lot of recently are RFIs relating to test procedure
4 amendments. And so we've issued, I don't know, about
5 a half dozen or so of those over the past few months,
6 and we continue to work towards proposals in that
7 space.

8 We've also issued a final rule on lighting
9 products recently. I think some people may have seen
10 that. And we continue to work on other rules as we go
11 through our regularly scheduled rulemaking activity.
12 So that's sort of where we are at the moment. I think
13 maybe I'll turn to Andrew to see if he has anything,
14 or Dave as cochair, if you want to add to any of the
15 history of the ASRAC. You've been here since the
16 beginning, so --

17 MR. deLASKI: Sure. I'll just add my
18 welcome to everybody, and especially to the two new
19 members. Welcome to the committee, and to those who
20 have been reappointed. I couple of people just were
21 reappointed, I think, so Diane and others.

22 And I'm glad to have a cochair again. Thank
23 you, Dave, for stepping up for that role. It's not a
24 very significant additional burden in the sense that
25 the Department -- well, he runs the committee, but to

1 the extent that we help with the agenda, if there are
2 things that people want to see on the agenda for the
3 meetings, you know, please raise it with John, with
4 me, or with Dave, and we'll be sure to, you know, help
5 make sure that we have an agenda that reflects the
6 interests of the members.

7 And I -- you know, according to the agenda,
8 I hoped to have some Q&A time with the deputy
9 assistant secretary, but apparently his schedule
10 didn't allow for that, so we'll -- a number -- since
11 we haven't met for a year, there has been a lot of
12 water over the dam in that period of time. And I know
13 that a number of members had been asking for meetings.

14 But again, the Department controls that in the end,
15 so it's up to the Department, you know.

16 But I'm really happy to see that the
17 Department has decided that the committee will
18 continue because that ultimately wasn't a clear thing
19 to I think all of us, you know, going into this year,
20 the change of administrations. There is a question
21 about whether the committee would continue. And I
22 think, you know, I'm very happy to see that the new
23 administration has decided to continue the committee.

24 And I think that wasn't necessarily a slam-dunk
25 decision, right? I think it was there are people in

1 this room who asked for the committee's continuance,
2 people who are in the audience, people in industry who
3 recognize that the negotiation process -- that we've
4 come a long way in terms of the process for developing
5 appliance standards, and that one of the major
6 innovations, major success stories, I think, of the
7 past few years has been the normalization of using
8 negotiation in a structured, planned way that is
9 predictable, that has led to a process that is more
10 transparent -- all the meetings are open to the
11 public.

12 Anyone in this room or outside of this room
13 can participate in all of the meeting. And it has
14 been a process that I think has been -- led to better
15 outcomes, and -- than we would have been able to
16 achieve. And if people simply sit back in their
17 offices and throw comments in over the transom, the
18 Department processes it, and then something comes out
19 the other end, without having sat in a room like this
20 and looked each other in the eye and talk about
21 things -- you know, talk things through, and getting
22 to outcomes that benefit the public, that benefit the
23 manufacturing sector, and that ultimately deliver the
24 energy conservation benefits that the statute was
25 designed to create in ways that, as Daniel said,

1 reduce regulatory burden, still achieve (phonetic)
2 Congress' mandate to set standards that are
3 technologically feasible and economically justified.

4 So I am very optimistic that we can continue
5 that progress over the next several years. What would
6 be a shame is if the program freezes up, right,
7 because we've all experienced periods -- over the past
8 dozen years, the program sort of moved forward with a
9 very pretty predictable cadence, starting with
10 Secretary Bodman's tenure here at the Department.

11 There was a commitment to a schedule, and
12 the Department did a good job of sticking with that
13 schedule. Really starting in about 2006, there was a
14 consent decree and a lawsuit. There was a schedule
15 given to Congress. There was a commitment to a
16 schedule. And that schedule was largely caught up on
17 over the past dozen years, with most of the final
18 action happening during the past eight years.

19 And what would be a shame is if things
20 freeze up because then what you get is you get a
21 bunching up of overdue deadlines, and then at some
22 point, a lurching forward again. So you end up with
23 lulls in regulatory activity followed by speedup of
24 regulatory activity. And my friends in industry don't
25 like speedups of regulatory activity. I've heard that

1 time and time again.

2 So how do we keep going with a regular
3 cadence of predictable improvements achieved through
4 open public processes that benefit the public and
5 provide predictability to manufacturing sector -- is
6 really to me the charge for this committee, and one
7 that I hope that we can continue to work in a
8 collaborative way on over the next few years.

9 I got a couple of big questions that I hope
10 we can wrestle with today, which is -- no, one of
11 which is I think -- I appreciate Daniel Simmons' words
12 and statements in support of negotiation. What we
13 need to know, is the Department prepared to move
14 forward on new -- is the Department prepared to
15 support new negotiations. And we have one on the
16 agenda today, so we'll find out. And is the
17 Department willing to act on previously-negotiated
18 agreements, you know, because if we aren't -- you
19 know, that's sort of a threshold question that we have
20 to -- we didn't get an answer to, because, you know,
21 then, you know, for obvious reasons, if there is not a
22 commitment from the Department, then what are we doing
23 right here?

24 And then the second question I have is a
25 question about the schedule. I appreciate the

1 repeated commitments to meet statutory deadlines
2 iterated -- reiterated before Congress yesterday. Yet
3 we saw in the unified agenda published last month a
4 schedule that took 20 standards and moved them --
5 standards activity and moved them from active status
6 to long-term status, 17 test methods moved from active
7 status to long-term status with a next step TBD, many
8 of which have legal deadlines that have passed.
9 Others have legal deadlines coming up.

10 So one of the ways that we succeed in
11 negotiation is because we know that if we don't
12 negotiate, the Department is going to act anyway. But
13 if the message from the Department is, well, we're not
14 sure we're going to act, we said we're going to meet
15 our deadlines, but yet we publish a schedule that has
16 us missing all of our deadlines, how do we behave?
17 What are we to make of that?

18 So these are my two big questions. One is
19 the Department's willingness to move forward on
20 negotiated -- previous -- move forward on negotiated
21 agreements, and two, a commitment to a schedule,
22 because if we don't have a commitment to schedule,
23 then what is to bring people to the table? Because
24 some folks will just say, well, I'll just wait because
25 maybe nothing will happen until it all gets bunched up

1 into some future date.

2 So these are to me kind of gating questions
3 for this committee. And I guess I had hoped to get
4 some guidance from Deputy Secretary Simmons. David or
5 John or Ashley, if you could provide us some guidance,
6 I think it would really help the committee's business
7 today. Or if other committee members want to weigh in
8 on this or other questions.

9 MR. CYMBALSKY: Yes. I think we should hear
10 from all of the committee members who want to speak to
11 these issues or any other issue here at the onset, and
12 have a dialogue here.

13 MR. GATTO: I guess before that -- because
14 I'll probably want to participate in that dialogue.
15 Thank you, Andrew and John. You know, I appreciate
16 it. I feel a little honored. Hopefully, it will not
17 be a huge lift just with the amount of regulatory work
18 I have on my plate. But I was very excited to be able
19 to join the ASRAC committee. I see a huge value in
20 negotiated rulemakings where they make sense.

21 We've had limited opportunities to do some
22 other issues on the lighting side where we couldn't
23 really bring in ASRAC. And I think we might have had
24 some different and maybe even better outcomes if we
25 had been able to do that. We tried to do it outside,

1 but really kind of like you said, Andrew, without
2 certainty, there are too many competing voices about
3 do we wait, what do we want, what don't we want.

4 And so I -- I think the structure that ASRAC
5 brings to that, where we are at a negotiating table,
6 and there is a knowledge that what we do here will,
7 depending on the answer John or Ashley gives in a
8 minute to Andrew's question, that DOE will take action
9 on that. And I guess the only thing that I would say
10 is that I'm -- you know, I'm looking forward to it.
11 So hopefully Andrew will be able to tell me if I'm
12 steering the bus too far left or right, and I look
13 forward to working with you.

14 MR. CYMBALSKY: Diane.

15 MS. JAKOBS: So this is Diane Jakobs from
16 Rheem. And as an engineer, I'm on, I don't know, like
17 25 committees, and I've worked on a number of test
18 procedures for safety and for energy consumption. And
19 I think that that is the most important part, that we
20 do that energy consumption levels and the energy
21 efficiency level, it's really dependent on the test
22 procedure. And I'm hopeful that we -- and it's very
23 detailed, difficult work.

24 So I'm hopeful that we can move forward
25 working on these test procedures, if that's the only

1 thing we can do now. I'm not sure what will happen,
2 but I think we've -- as manufacturers over the number
3 of years that my company has sold regulated products,
4 we have made significant improvements. I mentioned we
5 use 65 percent of the energy in someone's home. It's
6 a -- one of the main attributes that we use to sell
7 our equipment, and we -- I think some of the test
8 procedures have fallen behind, and the losses that
9 we're accounting for aren't losses anymore, and the
10 controls are significantly different from what the
11 test procedures assumed in the 1970s. And there is a
12 lot of progress we can make.

13 So I hope that we'll be able to move forward
14 on the test procedures. Thank you.

15 MR. HON: Charlie Hon. We have a couple of
16 points we would like to make because as a company, we
17 have a set of products which should be up for -- under
18 the next round of rulemakings at this time, and we
19 have not heard any activity on that because the DOE
20 has been slow to respond on some of the discussions.

21 But what I get concerned about is if we get
22 off-schedule and we start bunching, as Andrew said, we
23 end up compressing time windows. The rulemaking gets
24 very difficult because we don't allot enough time to
25 think through every step because a lot of times in

1 negotiated rulemaking, we come to one meeting. People
2 leave. They go back to their offices and find flaws
3 in the previous discussion. And if we don't have
4 enough time to really do every step in a nice, orderly
5 manner, we will do less of a quality job.

6 I think that's part of our responsibility
7 here, is to make sure that we can do it in an orderly
8 manner to get the best possible results. And the only
9 way that happens is on a time schedule, which is very
10 predictable, very understandable, and has a reasonable
11 amount of time to cover the topics, especially in the
12 order at which they should be done.

13 Test procedures should be done before energy
14 efficiency standards are set because if we don't know
15 what we're testing to, how do we know what the energy
16 levels would be -- how it would be maintained. Thank
17 you.

18 MR. HOROWITZ: Hi. Noah Horowitz with NRDC.

19 First, this is my first meeting, and I've been
20 watching ASRAC's activity from a distance with many of
21 my staff and colleagues participating, and it has been
22 a very effective forum for providing even more
23 creative solutions and delivering the savings that
24 we're all seeking here.

25 I want to express my support for the

1 comments Andrew deLaski just made, and in particular
2 we should keep the train moving in a smooth fashion
3 that's predictable and understood by all. And I too
4 am struck by the potential inconsistency of the agency
5 saying we intend to meet all of our statutory
6 requirements, yet what has shown up in the unified
7 agenda, it doesn't seem like things are moving.

8 So to the extent today or shortly thereafter
9 we could get further clarity, that of course will
10 influence the direction and activities of ASRAC.
11 Thanks.

12 MS. CLEARY: Jenn Cleary with AHAM. You
13 know, I support the, you know, Appliance Standards
14 Program's continued, you know, commitment to meeting
15 its deadlines. I think that as far as this committee
16 is concerned, some products may be ripe for
17 negotiations, as we've seen in the past, and others
18 may not. So I hope that where product categories are
19 ripe for standards negotiation that this committee
20 continues to be involved in directing those and
21 facilitating them.

22 And for the others and also for those that
23 will be on a negotiated schedule, you know, I think
24 that as we talked about, you know, a couple of years
25 ago, this committee can be active in helping DOE

1 develop schedules or mechanisms for schedules that
2 will ensure, as Charlie was discussing, test
3 procedures are done first, that statutory deadlines
4 and other obligations are met, and also that the
5 Department's resources, which, you know, I think we're
6 learning how those may be allocated -- hopefully,
7 you'll be sharing that with us after this discussion,
8 but that those resources can be allocated to the
9 rulemakings where they're most needed.

10 And I think that was discussed by a number
11 of parties at yesterday's process rule meeting, so
12 perhaps there will be overlap as the process rule
13 evolves. But I would hope that as we discussing,
14 those kinds of time lines and schedules and this
15 committee's involvement in that, that we could
16 continue on that pathway as well.

17 MS. SIM: I think -- Michelle Sim, SoCalGas.

18 I think this committee plays an important role in
19 setting standards nationally, and it affects -- and in
20 California -- I think, Kristen, you can agree that it
21 affects California in a significant way as well.

22 But it helps to predictably set a specific
23 standard in a structured format for industry that I
24 think as a utility it helps us to set goals. It helps
25 us to facilitate -- I guess achievable goals for our

1 customers as well. And that's an important aspect of
2 what we do as utilities in supporting our customers,
3 and in a lot of R&D work that we do with industry.

4 So having this continue in this structured
5 format I think is very helpful, and we do support
6 that, so hopefully this will continue.

7 MR. CYMBALSKY: Do you want to dovetail on
8 that --

9 MS. DRISKELL: Sure. Kristen Driskell,
10 California Energy Commission, agreeing that the
11 federal standards definitely affect California. One
12 of the things that I've seen in previous ASRACs -- I
13 mean, this is my first meeting, but I've watched again
14 from a distance for a while -- is having some sense of
15 priority driven by the statutory deadlines. And so
16 we've had schedules put out that show when things are
17 coming up, and then how do we prioritize among those
18 things, acknowledging that, as Jenn mentioned, some
19 products are more ripe for negotiation than others,
20 and maybe test procedures are one of the highest
21 priorities, it sounds like, from this group.

22 And without that kind of schedule, I don't
23 know how we are able to prioritize what we do here.
24 And so I think it would be helpful to understand what
25 our priorities are and what the Department's

1 priorities are so that we can be productive and not
2 spend too much time just talking about things, but
3 actually get to work.

4 MR. CYMBALSKY: Dave?

5 MR. WINNINGHAM: This is Dave Winningham,
6 Lennox International. Kind of dovetailing to the
7 group's conversation here, but particularly to
8 Andrew's comments, I think it would be particularly
9 helpful to understand kind of DOE's view of kind of
10 the role that they expect out of this committee.
11 Obviously, Daniel made a statement today for support,
12 but in what role and in what capacity, and how can we
13 be most effective to help DOE meet those statutory
14 requirements in an effective manner, you know, that
15 minimizes the adverse effects of some of the typical
16 notice and comments.

17 Yesterday, in the process rule -- you know,
18 there was a process rule meeting for those who
19 attended -- we kind of heard some of the horror
20 stories of the past, of various rulemakings. And I
21 think we also heard over and over again that the
22 negotiated approach -- and we heard ASRAC suggested
23 several times as a preferred process.

24 And I think that what shows is we're taking
25 the learnings from some of the things that may not

1 have worked, and through ASRAC or an outside
2 negotiated -- and using those learnings to be more
3 effective and come up with rules that work for the
4 consumers, for industry, and for, you know, the nation
5 as a whole.

6 So I think having a view of how we can best
7 utilize our resources and prioritize and help the
8 Department achieve its goals in a manner that -- you
9 know, that -- you know, it's difficult to have all in
10 agreement, but you can -- I think through the work you
11 can collectively get most, and make some significant
12 progress.

13 MR. CYMBALSKY: Mike.

14 MR. WOLF: So I too agree with everything
15 that has been said here. I guess, Andrew, I don't
16 know -- I'd like to maybe provide an update on what
17 has happened with regard to the commercial industrial
18 fan rule, the term sheet that we approved in one of
19 our last -- in our more recent last meetings. They
20 weren't recent, but it was one of the last meetings we
21 had. I don't know if this would be a time to do that,
22 or if you'd like to do that later in the agenda.

23 MR. deLASKI: That makes sense to me.

24 MR. WOLF: Okay. So for our industry and
25 our company, we've now lived through the regulatory

1 things, so this has all been kind of new ground for
2 us. And what has happened since this administration
3 has come in and we've kind of tapped the brakes on
4 what this committee has been doing, is California has
5 now taken up the regulatory exercise for commercial
6 and industrial fans and blowers.

7 I understand New York has announced plans to
8 do something similar. I anticipate that probably
9 Oregon, Washington, Massachusetts, and others will
10 follow suit at some point. And now what we're left
11 dealing with is instead of a single ASRAC or federal
12 regulation, we're dealing with the state of
13 California. And we anticipate we'll be dealing with
14 the state of New York next.

15 I'm sorry, Kristen. I didn't mean any
16 disrespect there. Ashley, you're smiling at it. I've
17 enjoyed my discussions with Kristen, and the work is
18 going well. But my point is that it's going to be
19 multiplied, okay? Instead of dealing with just one
20 regulatory requirement, you know, we may end up with
21 multiple requirements, which are going to -- it's
22 going to be more burdensome not only to my company,
23 because there is only one of me doing this right now
24 and, you know, prior to me doing this, we didn't have
25 anyone. But, you know, I can keep track of -- you

1 know, kind of keep track of Ashley and John, to some
2 degree. But if I need to now start tracking multiple
3 states, it will -- you know, there is going to need to
4 be another one or two of me created within my company,
5 which will add extra cost and burden to what we're
6 doing, on top of the fact that now we won't, you know,
7 potentially have consistent requirements or even test
8 requirements across states.

9 So we may end up, you know, having to
10 develop, you know, products and register products that
11 are inconsistent -- you know, have to meet different
12 requirements for different states. So that's going to
13 add additional burden.

14 And I want to go on to say, too, that, you
15 know, for our industry, our -- my company is
16 relatively large compared to many of our competitors.

17 A lot of our competitors -- as far as I can recall,
18 the major ones are, you know, relatively small,
19 family-owned companies. They do not have people --
20 you know, not that I'm anything special, but they
21 don't even have someone like me that they can afford
22 to assign to keep track of what is going on with these
23 various regulations.

24 So bottom line is there is going to be
25 more -- you know, more burden from -- in terms of

1 tracking the regulations and participating in the
2 regulatory process. There is going to be more burden
3 associated with the fact that we may have to develop
4 products to meet multiple regulations. And at the end
5 of the day, you know, that's not good for the
6 manufacturers. I don't believe it will be good for
7 the consumers in the long haul because, you know, all
8 these costs ultimately get passed on to the consumer.

9 And, you know -- and the other thing is I'm
10 not even sure in some cases, you know, depending on
11 how the analysis is done, you know, what the true
12 energy savings impact will be if -- you know, if the
13 regulations are not done properly. And this group, as
14 we've discussed and others have mentioned, you know,
15 we have the process kind of down.

16 There has been a lot of learnings, I think,
17 that we've been able to benefit from over the years,
18 work that has been done. So it would be a shame to
19 see that stop. Thank you.

20 MR. HON: I'd like to just put a little bit
21 of historical history as far as products and things
22 we've dealt with. This is Charlie Hon. Michael just
23 made some references, but to give you an -- I think
24 sometimes we need to look at the real -- look back in
25 history to learn from it.

1 Okay. Commercial refrigeration in the early
2 2000s was a non-federally-regulated product.

3 California started in the '70s regulating our product.

4 In early 2002, it became very serious. Energy Star
5 was involved into it at that level. We were one of
6 the original Energy Star partners in the projects.
7 But at that time, we got to the point where we had 17
8 states with 4 different regulation levels, and every
9 one of them required individual certifications to the
10 states.

11 So we were reporting -- build a new unit, 17
12 reports going to 17 locations. And so the industry as
13 a whole decided this was not a good functioning
14 system, and we all agreed to it because it was just a
15 terrible burden. So we went to the government and
16 asked for federal regulations to cover our products so
17 that we had a single goal, a single target, and a
18 well-understood test standard because test standards
19 were not the same either.

20 So we as an industry entered in and asked
21 the government for regulations, not like some
22 industries, which get drug in. But we asked for it in
23 the mid-2005, 2007 regulations. And we got them.
24 That was the reason for that, because it solidified a
25 system. It made it clear. It made it understandable.

1 In our industry, there is at least 90 different
2 competitors in our product classifications.

3 So there are so many different entities.
4 It's not like driven by the auto industry, where you
5 have 10 or 12 players. We had 90-plus. And some of
6 those were beyond that -- are not being counted right
7 now because they're so low-level, they're under the
8 radar screen. But it clarifies the issues. We wanted
9 it, we needed it. And one of the things that people
10 tend to think is everybody runs around saying, we
11 don't want regulations.

12 Sometimes regulations are necessary. It
13 makes things at a level playing field. It controls
14 improper importation of products which don't meet the
15 standards. It makes it much clearer how to handle
16 products. So we need to keep that level of
17 consistency going. We need to have those deadlines
18 clear. We need to have a workable way to make sure
19 that everybody can participate, and this committee we
20 see as one of those most efficient ways to do that.

21 MR. WOLF: This is Mike Wolf, Greenheck.
22 One thing I'd like to just tack on to Charlie's
23 comments is with regard to the international front.
24 Two things there, I think, that, you know, are
25 advanced with a national regulation. One is it does,

1 as Charlie, I think, alluded to, create a level
2 playing field for, you know, foreign companies
3 importing into the U.S.

4 But I think more importantly, at least in
5 our situation, the rest of the world watches what the
6 U.S. does. And if we have a national regulation,
7 there is a good chance that other parts of the world
8 will adopt that, which then in turn allows us as U.S.
9 manufacturers to compete better on a global scale as
10 well.

11 So, you know, it goes beyond just the
12 states, but on the flip side, it expands into the
13 international realm as well from a -- you know, an
14 advantageous point for everyone.

15 MR. CYMBALSKY: Dave.

16 MR. GATTO: Yeah. Thanks, John. Dave
17 Gatto. So I just wanted to -- a slightly different
18 perspective. We're -- and this is not new
19 information, but part of why I was interested in and
20 decided to join ASRAC, and part of why -- my earlier
21 comment about national standards and negotiated
22 rulemakings was that many of the states act -- and,
23 Kristen, I won't speak for you. But most of the time,
24 they're acting in the absence of a federal rule
25 because they're trying to address conservation needs.

1 And so we respect that, but we have found
2 that in addition to the burden -- and it's a huge
3 burden, having to comply with multiple regulations at
4 the state level -- there is a larger efficiency pickup
5 nationally if we have a single unified standard
6 because one of the things that will come out of
7 multiple state standards is that, as Charlie said, we
8 end up developing products for individual states.

9 It's nothing against the state, but if those
10 products are more expensive or not in the interests to
11 consumers and other states, we're not going to only
12 carry those. It diversifies our investments. It
13 results in wider product lines on common items than we
14 need, and less investment in specialty products, niche
15 products, where some of the best -- particularly in
16 LED, for those of you don't know, you know, that we're
17 in lighting -- particularly in LED, where some of that
18 investment money can go into categories that aren't
19 currently getting the attention they need because
20 we've got -- you know, we're trying to get the core
21 products, the things everyone will want to buy.

22 So I do agree. I think that there is value
23 in the negotiated rulemaking. But part of that is
24 because you wouldn't have states having to spend the
25 time on that. And test procedures -- you know, Diane

1 said it. I made my comment yesterday in the process
2 rule. It came up during the fan rulemaking. The
3 amount of effort that DOE did -- and we appreciate
4 that you did a lot of juggling to try and get the rule
5 right.

6 But the reason that was necessary is because
7 we weren't sure what the results of the testing would
8 be while we were already setting standards. And so
9 getting that timing down, I think, is really
10 important.

11 MS. DRISKELL: Kristen Driskell, California
12 Energy Commission. Kind of following up on Dave's
13 comments, energy efficiency standards -- and I think
14 Michelle mentioned this -- are critical for state
15 energy planning, and especially in California where we
16 started setting standards for state energy planning
17 purposes.

18 Whether those standards are set at the state
19 or federal level is kind of the same to us. We
20 support it either way. And so hearing Dave's comments
21 that it's easier for manufacturers at the federal
22 level, I think that's something we should take to
23 heart -- we will help any way we can by setting state
24 standards, if not set at the federal level. But it
25 sounds like it might be better to do it that way.

1 MR. CYMBALSKY: Sofie, you want to provide a
2 perspective that might be different from the
3 manufacturer heavy conversation we've been having?

4 MS. MILLER: Yes. I'm happy to. One thing
5 that struck me -- thank you, all. This has been very
6 informative, and I appreciate it. One thing that
7 struck me was that particularly with Andrew and Noah's
8 comments about looking at the unified agenda and how
9 it doesn't look like certain things are set to
10 schedule, and wondering what will happen then for
11 meeting those statutory requirements -- and because I
12 work on a variety of federal regulatory issues, I have
13 been monitoring perhaps most closely than some, some
14 of the requirements of, for example, Executive Order
15 13771, and then the following executive orders, and
16 how YI (phonetic) and OMB are organizing with agencies
17 in order to full some of those new obligations.

18 And one thing that strikes me -- and you can
19 help me -- help to clarify if this is outside the
20 scope of our discussion. One thing that strikes me is
21 that if that -- if meeting some of those constraints
22 is an obstacle to the Department for continuing on its
23 rulemaking and being able to meet those in a way that
24 meets statutory deadlines, then maybe we can be
25 thinking about how to help the Department meet those

1 obligations so that we could move forward in a way
2 that does meet those deadlines.

3 But again, because I think about a lot of
4 different federal regulatory issues, it's possible
5 that some of that thinking is outside the scope of
6 this discussion. But that's what strikes me as being
7 perhaps productive or thinking about what are some of
8 the constraints on the Department that we could help
9 the Department meet in order to move forward.

10 MR. deLASKI: So that's -- I hear a lot of
11 good thoughts here, and what I'm pulling out of this
12 discussion is, you know, a little agenda setting,
13 right? And this is a nice agenda item. It's really a
14 question that goes back to the Department, but that
15 also is -- what I'm talking here is some ideas for how
16 to flesh out some potential agenda for work for the
17 committee.

18 I think this is one idea. What are the
19 things -- is the committee a good place to think about
20 how can we meet -- how can we help the agency define
21 how to meet the obligations of the recent executive
22 orders, while also complying with the law, right?
23 Because the statute prevails over executive order,
24 right? So they have to comply with both. And maybe
25 they're between a rock and a hard place. They are

1 between a rock and a hard place, right? So how do we
2 help them get out of that spot? Is there a role for
3 the committee?

4 I heard Jenn mention perhaps today we talked
5 a little bit about flagging what are some of the
6 products that may be things that we've been thinking
7 about as a target or as a potential subject for
8 negotiation. Some things are more likely to be a good
9 prospect than others. You know, perhaps we should
10 float some of those to get the juices flowing as to
11 what those things are if people want to float some
12 ideas. That has happened in past meetings where
13 people say, oh, well, maybe we should be thinking
14 about this product or that product.

15 I heard Diane mention test procedures, you
16 know. So are there particular test procedures -- in
17 yesterday's discussion, we had a little back and forth
18 over whether or not test procedures really were a good
19 topic for ASRAC committees or really belonged in the
20 providence of more narrow technical meetings like
21 others that you serve on, right? Or is it really an
22 ASRAC topic?

23 But maybe there are some test procedure
24 topics or certification topics, things that aren't
25 necessarily new standards, but that are obligations of

1 the Department that may in fact dovetail nicely with
2 what Sofie mentioned that may end up helping them to
3 meet the obligations under the executive orders
4 because in fact they may look like deregulatory
5 actions, right? They may look like easing the
6 regulatory burden if you are doing things in a
7 different way, you know, that is developed through
8 consensus, right? So this could be a way to be able
9 to help the Department advance -- you know, to also
10 meet the obligations under some of the executive
11 orders.

12 At the same time, I would like to -- I think
13 we do need to continue to learn from the Department --
14 you know, there are a number of outstanding, you know,
15 previously negotiated agreements that are out there
16 still. So we need to learn -- I guess this would be
17 another agenda item I would suggest, is, you know,
18 what is the status of those items, and maybe just
19 report back from the agency today.

20 Circulators is a term sheet that was
21 completed in 2016. Under the terms of the term sheet,
22 there was supposed to be a final rule by last month.
23 There has been no action. All right. So this is a
24 finished term sheet. A lot of people, including some
25 from my organization, spent a lot of time on that

1 project. We got an agreement that was fully supported
2 by circulator manufacturers. They've asked -- they
3 followed up with the agency since then to ask if the
4 rule be proposed. And there has been deafening
5 silence.

6 All right. So this is a term sheet that is
7 now in limbo. So we've got to find out what is
8 happening with that, and what are the agency's plans
9 for the circulator term sheet.

10 Commercial package air conditions, there is
11 a term sheet that a bunch of us worked on, a number
12 people in the audience. I see Rusty back there, who
13 was the -- played a big role in making that thing come
14 together. Dave, others from the commercial AC
15 industry -- that term sheet includes -- that agreement
16 included a term sheet -- included term recommendation
17 number two under which the agency committed, which
18 committed -- under which the agency would initiate no
19 later than January 1, 2016, a rulemaking to address
20 fan energy use to better represent total fan energy
21 use, and it goes on for about a paragraph, the
22 specifics of the term.

23 And that's supposed to result in a final
24 rule for improved test method to Diane's point -- your
25 (phonetic) test method topic that people could be

1 working on by January 1, 2019. There was an RFI last
2 summer that raised some of the issues, kind of
3 obliquely, but it hasn't been taken on head on, and
4 where you're out from what that term sheet calls for a
5 final rule.

6 I don't think there is an AHRI committee
7 working on this, but I could be wrong. You know, so
8 what is happening on that? So that's a topic that
9 we'd like to see move forward because if we're going
10 to work on new terms, new negotiations, we have to
11 have commitments to follow through on the prior
12 negotiations.

13 If there is no commitment on those, then,
14 you know, why should we -- again, back to that first
15 question. Why should we be working on new ones if
16 you're not going to follow through on the old ones, if
17 all of us aren't going to follow through on the old
18 ones. Fans -- I'll let Mike talk to fans. He already
19 has. He's part of that working group. But there was
20 a term recommendation number three on the fan term
21 sheet that also had to do with test methods.

22 Walk-in coolers, recommendation number
23 six -- I'm really pleased that there has been an AHRI
24 working group working to address the walk-in cooler
25 topic. Dave's company makes those products, amongst

1 others in the room, I think. And we've been
2 participating in the AHRI committee, and DOE is
3 participating in that committee as well.

4 So that's one where I'm seeing -- you know,
5 it's not happening at DOE necessarily, but there was
6 progress towards addressing that term because of the
7 sustained commitment of the industry in that
8 agreement, as well as the agency. So I presume there
9 will be some point where the agency opens up a
10 rulemaking to carry out -- to make that industry test
11 method that's being developed through that process
12 into a new federal test method to underlie the walk-in
13 cooler standards or a future iteration of them.

14 So that's one that's -- seems to be working
15 pretty nicely, and perhaps is a model for the
16 commercial AC one.

17 Dedicated-purpose pool pumps, term number --
18 recommendation number nine, DOE should investigate a
19 label that would facilitate proper application and
20 include specified horsepower information. I don't
21 think that work has been begun, but it's something
22 that should be followed up on.

23 Also coming on, dedicated-purpose pool pump
24 discussion -- there was, I think, agreement that there
25 should be, you know, work on pool pump replacement

1 motors. I think that has been happening behind the
2 scenes. The industry has been working to advance
3 that. And I hope the Department remains receptive to
4 -- I know there was a public commitment to be
5 receptive to that, and I want to just reinforce that
6 because part of the commitment on the part of the pool
7 pump manufacturers to stand with that term sheet was
8 an understanding, as I interpreted it, that the agency
9 would move forward to address the replacement pool
10 pump motors.

11 So there needs to be follow-through on that
12 commitment as well. Again, we need to continue as a
13 committee to bird-dog the prior term sheets to make
14 sure that they're followed through because, again, if
15 we can't -- if people don't follow through on their
16 prior commitments, how can we -- how can future
17 commitments have any meaning?

18 So I don't know, John and Ashley, if you
19 have any update, any further updates, on those
20 matters. And, you know, perhaps we can use -- have
21 some discussion on that. Perhaps we could have some
22 discussion on potential future topics. As another
23 potential future topic, I also would suggest that --
24 well, at some point, we should come back to these
25 crosscutting issues, things that affect all

1 rulemakings, and get a little further into detail on
2 those.

3 MR. CYMBALSKY: Okay, so, I think Ashley
4 will speak on behalf of the Department based on what
5 she's heard. I will say, in 1986, I took a course in
6 differential equations and I didn't like it very much,
7 and then Sofie just reminded me how much I didn't like
8 it.

9 (Laughter.)

10 MR. CYMBALSKY: I'm glad I don't have to do
11 any differential equation work today.

12 MS. MILLER: You're welcome.

13 MS. ARMSTRONG: So thank you all for your
14 comments and your questions. I'm going to eloquently
15 try to answer some of them, while others we may still
16 have to take back and may still be more part of an
17 open item for us to get back to, but that being said,
18 I do want to reiterate something that I think is very
19 important, as in we do appreciate the work you do. We
20 appreciate the time, we appreciate your efforts, and
21 we appreciate your participation in this committee.

22 As Daniel mentioned, the committee is still
23 important to the new administration, so we look
24 forward to your continued roles in guiding the
25 appliance standards program and any new ideas you may

1 have. As Daniel also mentioned this morning, we are
2 still committed to meeting our statutory deadlines.
3 We are actively working on lots of different data
4 collection efforts to help inform our next steps,
5 whether that be on complex test procedure issues or
6 complex analysis issues.

7 There is still a lot of behind-the-scenes
8 work to that, and you've seen a number of RFIs raising
9 issues for feedback with regards to test procedures.
10 We are being very mindful of the new administration's
11 priorities to reduce regulatory burden and protect
12 consumers. To that end, we are very interested in
13 ASRAC's thoughts on those. That being said, we're
14 also interested in ASRAC's thoughts on how to better
15 engage industry test procedure committees.

16 This has come up in the past before with
17 regards to ASRAC and how ASRAC can assist both DOE's
18 and others' involvements in industry test procedure
19 committees to end up with a better product and help us
20 meet our statutory deadlines by being able to use
21 industry test procedures and rely on them fully more
22 often. Andrew mentioned walk-in coolers and freezers.

23 I actually think that's a great example.

24 I've been fairly intimately involved in that
25 one. Industry has really come to the table. AHRI has

1 been great and responsive with overseeing that
2 committee, setting schedules, setting deadlines. The
3 Department has provided support, as well as is doing
4 some research to help support the committee's work
5 there with some testing, external. I think that's a
6 great example.

7 There's been other ones that don't work so
8 well, and so perhaps one of the things ASRAC can talk
9 about is, how do we encourage all test procedure
10 committees, industry test procedure committees, to
11 work in that type of manner? And I will -- I think
12 it's important to note, AHAM is also working with the
13 Department in opening their committees to working with
14 the Department in providing new revisions as well.

15 So we're just starting that process, but I'm
16 equally as encouraged that that one will work as well
17 as some of the walk-in ones. So, that being said,
18 another thing I think we would ask for ASRAC, and
19 perhaps one of the things for the agenda items, is
20 ASRAC's thoughts on the process rule discussion from
21 yesterday. So, John mentioned this earlier, and
22 Daniel mentioned it at the outset, whether you file
23 comments as individual companies, or if ASRAC has
24 overall recommendations that they'd like to provide to
25 the Department.

1 You've had the firsthand experience of some
2 of the negotiated rulemakings, their impacts, how they
3 work, how those committees -- so, I think we'd be
4 interested in those types of thoughts as well. Just
5 lastly, overarching, I think we'd be interested in
6 ASRAC's -- wherever we can help identify opportunities
7 to guide the Appliance Standards Program while being
8 mindful of the new administration's priorities, and
9 the fact that we are still committed to meeting our
10 statutory deadlines.

11 So with that, I think it's probably a good
12 time to take a break, and then reconvene maybe with
13 some more specific agenda items, if Andrew has them,
14 for a discussion, if we can?

15 MR. CYMBALSKY: Great idea. So let's -- I
16 know we have lunch on the schedule too, but let's take
17 a quick ten-minute break. So, it's 11:30 now. Let's
18 reconvene at 11:40, please.

19 (Whereupon, a short recess was taken.)

20 MR. CYMBALSKY: Okay, so let's get started
21 back up here. Okay, so we ended the last portion of
22 our discussion on DOE's perspective on schedules,
23 rulemakings, et cetera, et cetera. One thing we've
24 talked about the regulatory agenda that is public on
25 OIRA's website, and you know, regardless of the way

1 the rule fits in the active or long-term, or whatever
2 we're calling them there, I think what this group, one
3 homework assignment, I think, for this group, could be
4 to just look at all of those rules that are on the reg
5 agenda, regardless of which bucket they're in, and the
6 notion of which ones might be able to be negotiated.

7 I think it would be a good homework
8 assignment for this group to maybe, each of us flag
9 which ones we think are ripe for that, just for a
10 piece of information that DOE could have in its back
11 pocket. Does that sound reasonable?

12 FEMALE VOICE: Yeah.

13 MR. deLASKI: This is Andrew, John. It does
14 sound reasonable. I think it is a good way to help
15 the committees do some agenda setting. What I would
16 suggest is that, you know, we put it on an agenda item
17 for a subsequent meeting that doesn't happen too long
18 from now. I don't know if it's two months out, three
19 months out, but at the end I assume we'll talk about
20 scheduling the next meeting, and as part of that, you
21 know, we then can talk to folks in our respective
22 communities, the various trade associations can go
23 back to their members and the folks who are industries
24 can talk to their colleagues in other companies and
25 get input from a much broader set of interests to make

1 sure that we're, you know, that we're getting a good
2 set of recommendations that are robust, you know,
3 covering that whole gamut of things that the agency is
4 supposed to be working on.

5 But I would say, you know, come back to it
6 in the not too distance future, perhaps, to help
7 provide guidance, our input as a Department. I know
8 we'll be providing input on the next iteration of the
9 regulatory agenda not too long from now.

10 MR. CYMBALSKY: Yeah, that's true. So the
11 reg agenda comes out twice a year, traditionally
12 around Memorial Day and Labor Day, as I recall, so as
13 Andrew said, I think if the data call did not go out
14 already, it will soon, to the agencies across the
15 government, you know, in support of the new reg
16 agenda. So, I agree with Andrew. We should meet
17 again probably in the spring. If it's not in person,
18 we could do it over the phone with a webinar, so to
19 cut down on travel if that's an issue for folks, but
20 certainly I would say April would be a good target
21 month for that.

22 MR. deLASKI: Jenn.

23 MS. CLEARY: Jenn Cleary. I agree with what
24 you said, Andrew, and I think it really should be part
25 of a bigger effort on a work plan. I mean, I think

1 that we all try to guess where you're headed and we
2 try to use the regulatory agenda as a guide, but
3 history hasn't really demonstrated that to be the best
4 guide, and so I think, you know, there's more than
5 just, here's, you know, I think the sort of schedule
6 that we talked about, you know, at our last meeting
7 was really a list of the statutory deadlines for test
8 procedures and standards, and I think that this
9 committee, and I can't speak on behalf of everyone,
10 but my impression from what we were really looking for
11 was a real work plan that we could help you with.

12 So, you know, can we figure out which test
13 procedures does the Department think are ripe for
14 change, and what changes might be necessary? What
15 data might be necessary? How long does it take to get
16 that? We need to, I think, know that information, the
17 Department needs to know that information, so that you
18 can meet the statutory deadline. So, it sounds to me
19 like no one around this table objects to meeting those
20 statutory deadlines.

21 Everyone agrees that's important. The
22 Department is committed to it. But I'd really like to
23 see how you're planning to do that, and I think that
24 we could all help you better achieve those goals by
25 identifying which rules might be ripe for negotiation

1 if we understood what that plan was. Until we
2 understand that, I'm just not really sure how truly
3 helpful we can be, other than going back to our
4 organizations and saying what we might be willing to
5 negotiate, but that doesn't really help the Department
6 in its full work plan and the overall picture and
7 going back to what Sofie was recommending about
8 looking at, you know, how can the Department satisfy
9 its two-for-one obligations and how does that, you
10 know, if at all, fit into this picture as well.

11 So, you know, I just hope that if we flag
12 anything for negotiation, it's part of a bigger
13 picture on a work plan.

14 MR. CYMBALSKY: No, and I agree. I think
15 it's a chicken and egg kind of thing, right? So, is
16 this the egg or the chicken? And I think to help the
17 senior leadership here at DOE make some of those
18 decisions, I think having this piece of information
19 from ASRAC would be very helpful in the bigger scheme
20 of planning, so I think that's where I'm coming from,
21 anyway.

22 MR. WINNINGHAM: This is Dave with Lennox.
23 And I think kind of as a follow-up to Andrew's
24 suggestion to compile a list of the open issues from
25 prior ASRAC term sheets and from both the DOE

1 perspective and maybe somewhat of a homework
2 assignment to the members who may have some interest
3 in some of those open actions to be able to provide a
4 status update.

5 MR. deLASKI: Yeah -- this is Andrew. That
6 makes sense. You know, I'd like to see us have a
7 plan, make sure there are plans in place, to address
8 each of those open items, right, and many of them, I
9 know we discussed yesterday, one of the items for the
10 process rule discussion was the rule of industry test
11 methods, and even in the absence of an ASRAC
12 negotiation, you know, there can be forward progress
13 on test methods that we all have agreed in cases need
14 to be updated.

15 So, the commercial rooftop one is, you know,
16 front and center as an example where there's a prior
17 commitment, and there are others. You know, I don't
18 have a ready list.

19 MS. ARMSTRONG: I could come up with a list
20 for everyone.

21 MR. deLASKI: Ashley's got a list, and I
22 think we all know -- the legal deadlines are public
23 knowledge, but with the seven-year review requirement,
24 you know, there has to be a look. In some cases,
25 there's no need for change, but there are, you know,

1 there are a number of parts out there that I think
2 it's well-known that there could be -- there's need
3 for significant improvements to have more
4 representative test methods.

5 Not saying there aren't some really knotty
6 issues, and I think clothes dryers is one where we
7 know there are some knotty issues to deal with, but
8 you know, it would be good to be able to have some
9 progress on the clothes dryer test method.

10 MS. CLEARY: For the record, we don't see
11 any knotty issues that need to be dealt with. This is
12 Jenn from AHAM.

13 (Laughter.)

14 MR. deLASKI: So there's disagreement even
15 in the knottiness of the issues.

16 (Laughter.)

17 MR. deLASKI: That suggests, you know, the
18 need for some further discussion to me. So, I would,
19 you know, it strikes me that test methods, back to
20 Diane's point, is an area where there could be some
21 nice, some fruitful discussion about, how do you make
22 forward progress, which may or may not lead to an
23 ASRAC working group, right, but which this committee
24 can provide some guidance on, and can dovetail with
25 commitments under the executive order.

1 MR. CYMBALSKY: Noah?

2 MR. HOROWITZ: Hopefully this won't be a
3 tangent. I just want to shine a finer point on the
4 test methods. I think we all agree we should have
5 updated and sound test methods. I want to put a
6 little caution, though, that while it's good to have
7 work done by trade associations on test methods, we
8 shouldn't by default be rubber stamping them. They
9 get it 70 to 100 percent right, depending on the test
10 method, and it should be the initial starting point,
11 but there's often the ability, they might have might
12 have missed one thing or not gotten one part right, so
13 we should encourage those activities, but don't
14 necessarily set up a path that we have to adopt them.

15 Thanks.

16 MR. WOLF: This is Mike. I have a question
17 on that. I mean, Ashley, you kind of, I think,
18 alluded to that in your comments, about the
19 opportunity for DOE to work with the trade
20 associations, and again, Andrew, cut me off, because
21 I've got things on here specific to fans, again, we
22 would, you know, the fan industry would welcome that
23 input from DOE.

24 We got to a term sheet. In the absence of
25 that term sheet, the trade association is continuing

1 work on that front, and you know, I'd say probably,
2 and I'm exaggerating some, but half our time is spent,
3 oh, what does DOE want? And then I always ask, or
4 Ashley would say, what do we want?

5 (Laughter.)

6 MR. WOLF: But anyway, you see my point. I
7 mean, you know, we know that this thing is out there,
8 I believe probably the test procedure, there's a draft
9 somewhere in the halls of DOE, but if we could get
10 that on the record somehow, man, that would be so
11 helpful, and then to your point, Noah, the industry's
12 not flying blind here. So that's my ask on that
13 particular topic.

14 MS. ARMSTRONG: Thanks for that ask.

15 (Laughter.)

16 MS. ARMSTRONG: This is Ashley from the
17 Department. So, in Ashley's ideal world, test
18 procedure world, if there is an industry test
19 procedure out there, whether it's one we currently
20 incorporate by reference or it's one we're considering
21 incorporating by reference, I think it would be really
22 good, in an ideal world, for that committee to open
23 up, open up to whomever wants to participate in the
24 committee, and let the Department as well, and the
25 Department can provide its list of issues, others can

1 provide their list of issues, industry can provide
2 their list of issues, and we work on it together
3 jointly, as a technical committee, to move it forward.

4 Certainly, some committees have worked that
5 way in the past. Others haven't. I will say with
6 caution, though, there needs to be some sense of time
7 lines and urgencies. There have been some committees
8 I'm still on that we're ten years in and still going.

9 Going strong, but still going. That doesn't really
10 work for the Department in terms of meeting its
11 statutory deadlines, so hopefully, in my ideal world,
12 that opening would be well in advance of any statutory
13 look-back by the Department, and I'm not by any means
14 circumventing the rulemaking notice and comment
15 process by saying we would rubber stamp it, but I am
16 saying that hopefully at the end of that inclusive
17 process, that it would be a product that we could all
18 sit around at the table and agree addressed a variety
19 of stakeholders' open issues, including the
20 Department's.

21 So that's my ideal world, and the question
22 becomes, how do we make that a reality? Chairman?

23 (Laughter.)

24 MR. deLASKI: Well, what strikes me is, you
25 know, having -- when industry initiates the --

1 industry, you know, takes the initiative on its own
2 test methods, typically, but to have the Department
3 involved in that process in a way that is interactive,
4 right -- I heard a complaint yesterday from some folks
5 that when the Department just shows up and sits there,
6 that's not any good either, right, and that can
7 sometimes be a constraint, you, sometimes, you have
8 your own constraints that aren't necessarily
9 understood well by other folks who are part of that
10 committee, so if the agency had the directive to go
11 actively involve -- be involved in more industry
12 processes, the guidance from management to be -- go --
13 so that at the end of the day, you're closer to more
14 of Noah's 100 percent situation where it actually
15 meets the regulatory needs of the agency, which aren't
16 always well-understood, frankly, by the folks who are
17 writing these test methods, right, because they're not
18 -- they're maybe -- they aren't used to writing
19 regulatory test methods, right?

20 They're used to writing things that are
21 voluntary, perhaps, in nature, not the basis for a
22 program that has an enforcement branch, right? So,
23 there's a leap there, and only by the Department being
24 actively engaged in that can you help to make sure
25 that you have the kind of specificity, repeatability,

1 that it meets the standards, meets the requirements of
2 what is a regulatory test method. But I think if --
3 it sounds like you're already participating in a
4 number of things, you know, and if there's a will to
5 participate in more and an openness on the part of
6 industry groups that, you know, and also to include
7 groups like Noah's and Kristen's and other, you know,
8 non-industry participants, I think that would be a way
9 to make progress on the test methods, but I think you
10 kind of need to hear back -- back to the chicken and
11 egg problem that you guys have been talking about.

12 Like, who's going to say first what they're
13 willing to work on, right? You're willing to say, oh,
14 I don't want to work on this, but okay, what are you
15 willing to work on? Where do you see the need for
16 work to happen? We have to get beyond rooftop air
17 conditioners. We got one. And how do we get the next
18 -- we got fans, which is done, I think. Mike? I
19 mean, it's not -- what's the next step on -- what
20 would you see as the next step on fans? What would
21 you recommend as the next step for a fans test?

22 MR. WOLF: For DOE, now you're talking, or
23 are you asking me where we're at in the industry
24 process?

25 MR. deLASKI: Where are we at in the

1 industry process?

2 MR. WOLF: Well, we have the test procedure,
3 we think, done. I mean, it's done to the level of --

4 MS. ARMSTRONG: Can I clarify?

5 MR. WOLF: Yup, go ahead.

6 MR. ARMSTRONG: You have the AMCA version of
7 the test procedure.

8 MR. WOLF: I was just going to say that if
9 you'd be patient but you --

10 (Laughter.)

11 MS. ARMSTRONG: -- for the record you don't
12 have the draft DOE document.

13 MR. WOLF: We have, you know, our trade
14 association version done that we think is done to the
15 level, the requirements of the trade association
16 certified ratings program, but the \$10 million
17 question that we don't know is, would that meet the
18 requirements of, you know, federal regulation? We'd
19 like it to, because we don't want to have to come back
20 and redo something in a few years, and that's what we
21 fear is going to happen.

22 So the ask, I guess, would be, you know,
23 maybe a direct involvement, or to provide
24 recommendations on what we should add to that -- and
25 I'm not sure I'm using the terms right -- test

1 procedure. I mean, it's one thing to test a fan. We,
2 you know, there was agreement on the term sheet on
3 that. That wasn't a big debate in terms of the test
4 procedure, but in terms of requirements for compliance
5 with the regulation, is a whole other element, and to
6 be more specific on it, Andrew, for you, the test
7 procedure is done.

8 What AMCA's doing now is we're working on
9 what we call our Certified Ratings Program, so
10 basically, the enforcement piece of enforcing the
11 standard for the members. And the AMCA Certified
12 Ratings Program, I guess I would put that as
13 complementary or parallel to the DOE's enforcement
14 piece of the regulation, but Ashley's turning her nose
15 up at me, so I'm probably using the wrong terms here.

16 So, that's where we need the help. How do
17 we make sure that whatever we do from an enforcement
18 standpoint -- because you mentioned it, and I've
19 brought this up in our trade association meetings, and
20 I've been told, Mike, you know, you don't understand.

21 This is a voluntary program. If we do these things,
22 nobody's going to want to volunteer to certify their
23 programs and what good is it then if nobody, you know,
24 registers or signs up to certify their products?

25 Well, so we're kind of in a chicken/egg

1 position there with regard to where we are, but we're
2 pushing forward, and you know, I'm hoping we're going
3 to have something in the next month or so, so that at
4 least we can then, you know, have something that we
5 can show the California Energy Commission, that hey,
6 here's a proposal to possibly model your regulation
7 on.

8 So anyway, Ashley, do you want to add
9 anything more to that, or --

10 MS. ARMSTRONG: I'll just translate a bit.
11 This is Ashley. So, in DOE speak, Mike is asking for
12 how do you take the actual test method for testing a
13 fan and then overlay how do you get the actual, what
14 we call represented values, what you show to the
15 marketplace, for a given basic model of fan, and then
16 to that, a fan platform or a fan line, how do you
17 build your different bubbles, and what does that all
18 look like? How does it bring it all together?

19 I won't call it enforcement, but this is
20 basically the representation you are using to the
21 marketplace, perhaps one day to California and others.

22 We talked about some of that as part of the
23 negotiation. Not all of it is in the term sheet, so
24 that's where Mike is seeking, potentially, some input.

25 MR. WOLF: Mike Wolf, Greenheck, again. And

1 then one additional item is, during the clients -- or
2 I call it check test, but you now, what do you call it
3 when you pull something off the market and do a test
4 on it?

5 MS. ARMSTRONG: Good enough.

6 MR. WOLF: Good enough? Okay. You don't
7 have to translate that for me?

8 MS. ARMSTRONG: Close enough.

9 MR. WOLF: Okay. Thank you.

10 MS. ARMSTRONG: So, from the Department's
11 perspective, I think you can get a commitment to the
12 Department participating, as so invited, on industry
13 committees. And I do mean that with -- it may be
14 myself sometimes. It may be a different person from
15 the Department at the staff level. It may be some of
16 our more technical consultants. It may be one of our
17 consultants from an actual lab. I'm not sure.

18 Sometimes we've also supplemented with
19 actual testing as needed, whether that be in a DOE
20 test facility or at a third party facility, depending
21 on what's needed and what that looks like. Sometimes
22 we've teamed up with manufacturers to test in their
23 own facility or run different runs to investigate
24 that. Certainly I think you can get a Department
25 commitment that we want are willing to work with you

1 at that level. Now, can I tell you -- outside of a
2 rulemaking process, I can't say, you know, here's a
3 draft test procedure. I can't give you a draft
4 deliberative document that would be internal to the
5 Department, but I think you can get -- we can talk
6 about technical issues.

7 We can have some discussion about what those
8 look like, what is needed, what different data -- I
9 think we can get there. Let's put it that way. So,
10 to the extent we are invited, I think you're hearing a
11 Department-level commitment to, we are willing to step
12 up.

13 MR. GATTO: Thanks. Dave Gatto,
14 Westinghouse. And Michael, I think what you were
15 looking for is surveillance testing, is probably the
16 DOE speak, although if it's a voluntary program, I
17 think probably it's more of whatever CEC was looking
18 at, might be what you were shooting for. I think for
19 us, the industry tries for 100 percent. I think Noah
20 knows that, but sometimes what industry is trying to
21 glean from testing isn't necessarily completely
22 aligned with what DOE's looking for if it's a covered
23 product, and so that's something that, for legacy
24 products, I think, for the most part, DOE and industry
25 are on the same page about what does DOE need to know.

1 I think what would be helpful, Ashley, so
2 maybe that's the ask, is that if there are,
3 particularly for legacy products -- I'm just thinking
4 about, you know, linear fluorescent -- if there are
5 things in the current test procedure, you know, the
6 IES-LM9, I think it is or -- it would be very helpful,
7 not for me because I'm not on that committee, but for
8 me so I can share it with Alex, who is sitting behind
9 me and then we can get that into the NEMA group, it
10 would be helpful to know that this is the concern you
11 have, because otherwise what happens is, you take a
12 look at the test procedure, you might dictate, you
13 know, LM-79, you only want one of the two options that
14 the LM has as being the test equipment used.

15 So, can't use a Goniophotometer. Well,
16 speed to market, a Goniophotometer is much faster,
17 it's less expensive to test in. So, understanding
18 what your concerns were, because while I think we go
19 for 100 percent, Noah, one of the things from an
20 industry perspective I would share is that there is a
21 burden to all of this, that it either adds cost to the
22 consumer or it slows innovation, and when we're
23 talking about covered products, innovation, -- we're
24 in serial rulemaking -- we know we're going to
25 potentially be asked to take another step.

1 So, the fact that we've got products coming
2 out constantly at a cost that doesn't have all this
3 burden, allows us to have a bigger portfolio to pull
4 from when you guys start the rulemaking process. So
5 if we know in advance, hey, listen, this is really
6 where DOE's concerned -- but what I would say is that
7 I think 100 percent, that's the goal, but if it's 99
8 percent and the difference is a huge burden on the
9 testing cost, I think you've been pretty good about
10 this but I think that a Goniophotometer is probably
11 the one where we would have rather been in more
12 dialogue about that difference, because I don't, at
13 least just for me personally, and I'm not the
14 technical person there, but I'm very familiar with the
15 different test data I have, old versus new test
16 procedure -- the variation is very small.

17 So it could have been something like you've
18 done with confidence level where you just say, you can
19 do that, but here's how you would represent that
20 value, and that would have made things easier on
21 industry. We could have used existing test data,
22 which eliminates retesting products. In the LED
23 space, we're launching new products sometimes weekly,
24 so the longer it takes us to do that or the more
25 expensive it is, the more impact it has on the amount

1 of efficiency we can bring to the table.

2 MR. deLASKI: Anything else on test methods?

3 MS. JAKOBS: So, this is Diane from Rheem,
4 and I think there is another aspect to the test
5 procedure. If you don't run test procedures, you
6 might not have thought that really your -- there's a
7 purpose behind how a test procedure is developed, and
8 I've been doing this for a long time, and it seemed
9 like originally, the idea was more, in the
10 marketplace, you could compare two products from two
11 different manufacturers and have a level playing
12 field, a way to compare them, but over time, these
13 test metrics that were developed for one purpose are
14 being repurposed to predict how much energy is being
15 consumed by all of us as a nation, and I was looking
16 at, you know, our input for the furnace AFUE, and we
17 take, I think it's like five or six temperatures and a
18 CO2 reading, and when people tell me, well, you know,
19 the AFUE doesn't predict my energy consumption at my
20 home, it's like, well, of course not. How could it?
21 You know, it's not the intention.

22 So I think we have to be mindful of what the
23 purpose is for the test procedure, what we're trying
24 to learn from the test procedure from the metrics we
25 develop. Some of the old metrics maybe should be

1 retired and some new ones should stand in their place,
2 but I think that's one area that we need more work.

3 MR. deLASKI: Okay, so I would definitely
4 invite the committee members to think about what are,
5 again, what are the ones, in addition to rooftop air
6 conditioners and fans where there's already work
7 underway, you know, where that would make sense, and
8 where there's commitment from stakeholders to spend
9 time and effort on those, and we should come back to
10 that in a future meeting.

11 MS. ARMSTRONG: Yeah, and I'll come back to
12 compiling a full list of all those we currently
13 incorporate by reference.

14 MR. deLASKI: Mm-hmm.

15 MS. ARMSTRONG: There will be upwards of 40
16 or 50 of them --

17 MR. deLASKI: Mm-hmm.

18 MS. ARMSTRONG: -- identified, just so that
19 ASRAC is aware of the totality of what we incorporate
20 by reference, either in whole or in part currently for
21 consideration, because as we move through review
22 cycles, either new versions of those or modified
23 versions of those are what we start with, along with
24 the list, full list of open issues and/or questions
25 we've gotten from stakeholders or labs or

1 manufacturers or -- and we look at the old docket to
2 see what else was brought up then. So certainly, we
3 can help with that information.

4 MR. deLASKI: So I want to just to come back
5 to the point Sofie raised around the executive order,
6 two for one order, because it does strike me that, you
7 know, some of these are things that are streamlining
8 in nature, that are improving information in nature,
9 and I'm wondering, Sofie, do you have other -- when
10 you raised that, did you have particular other ideas
11 in mind as to what types -- what are the kind of
12 things that you're thinking of that might help the
13 agency to meet the obligations under the EO?

14 MS. MILLER: I think the focus on test
15 procedures has been so far productive and could be an
16 area where there could be a lot more productivity,
17 especially because there are statutory limitations,
18 which of course are going to be primary here, so you
19 can't alter standards that have already been set in
20 certain directions, which limits the types of
21 regulatory burden reduction you can do.

22 So a focus on test procedures could be very
23 good, and one thing to keep in mind, too, since some
24 of you are so involved in some of the very nitty
25 gritty aspects for very particular rules, one thing to

1 think about too is that -- or not -- some of the
2 guidance that OMB has implemented on complying with
3 these executive orders have specified that some of the
4 outs, as they've been calling them, don't necessarily
5 always have to be significant rules or economically
6 significant rules. They could be smaller rules. They
7 could even be guidance, under certain circumstances,
8 so that's something to think about as well.

9 And if you're looking at -- well, maybe I'll
10 stop there. So, there are a variety of different ways
11 to be looking at what your options are, and it's not
12 just rule rescissions or something like that. It can
13 be modifying a rule to be reducing burdens, including
14 paperwork burdens or reporting burdens or testing
15 burdens, for example, like Diane has been mentioning,
16 and I think that could be really productive to think
17 about too, how those specific areas may overlap with
18 some areas which are of interest to, for the trade
19 associations, to some of your members, or to the
20 industries, to some of your production line, and for
21 the rest of us too, it's time to put on our thinking
22 caps.

23 I think my own personal homework assignment
24 is to go back to my desk and see if there are any
25 particular areas that stand out to me as well.

1 MS. JAKOBS: Could I just add one more
2 thing? This is Diane. So, in water heating, we have
3 a new test procedure, and it has been a huge burden,
4 huge learning for everyone involved, but the old test
5 procedure was repeatable, and the new test procedure
6 represents the consumption in a home more accurately,
7 hopefully, and there's a conflict there. If you want,
8 I mean, just looking how I do stuff at my home
9 compared to my sister doing stuff at her home, I'm
10 sure there's a wide variation, so to try to predict
11 how people interact with their appliances is a very
12 complicated, and could be a huge burden for
13 manufacturers who, in the end, are the ones who have
14 to conduct those tests, and the consumers are the ones
15 who pay for them, and in my experience, most people I
16 know have no clue what those metrics are or what they
17 mean, and you know, is it even the right thing to do?

18 Maybe going back to just, I want to compare
19 this item to that item, and how do we compare them,
20 maybe that's the purpose for the test procedures, but,
21 so, I mean, as I'm advocating for new test procedures
22 or developing or -- it's a huge burden on everyone. I
23 know Ashley worked really hard, and the thing about
24 the -- crosswalk? Crosswalks, oh, my God. So,
25 anyway, there are so many people who are affected by

1 all these rules, and it's just work that should be
2 done carefully and thoughtfully.

3 MR. deLASKI: Just to follow up, Sofie, you
4 said there some of the outs. I don't know what you
5 meant by that. Could you explain?

6 MS. MILLER: Yeah, forgive me. I hang out
7 with a lot of regulatory nerds. And, you're welcome.
8 Here I'm the regulatory nerd. So let me define. So,
9 because it's a -- the two-for-one executive order had
10 to do with, for every new rule that met certain
11 requirements, you have to identify two regulatory
12 actions as deregulatory in some way or reducing
13 burdens, and those tend to be referred to as the outs.

14 So you have the ins, which are the rules
15 that qualify under the executive order for needing
16 offsets, and then the outs are essentially the offsets
17 that the Department or OMB or someone else identifies
18 as being able to come back to a net base. One thing
19 to keep in mind as well is that DOE and all agencies
20 do have regulatory cost budgets, essentially, for how
21 much they can impose in regulatory burdens for this
22 fiscal year, and DOE's is negative, which means that
23 there is a lot of work that does need to be done in
24 this area, so perhaps we can find something
25 constructive.

1 I believe DOE's budget is something to the
2 order of negative \$1.1 billion, but that might be in
3 total cost rather than in annual. So that's something
4 to think about as well.

5 MR. WOLF: Sofie, I'm sorry. I'm kind of
6 slow. Can you -- this is Mike Wolf, Greenheck. Can
7 you explain the negative cost thing again?

8 MS. MILLER: Yeah. And I'm happy to talk
9 about this too when people's stomachs aren't growling
10 for lunch, but briefly, I think the way to think about
11 it is, part of the executive order isn't just, you get
12 a certain number of rules that are finalized, and that
13 means that you have to identify additional rules to go
14 out. It's not just the two-for-one. There's also a
15 cost component, and so all of the cost from the new
16 rules need to be offset by reductions in regulatory
17 burdens from rules you've identified.

18 MR. WOLF: Okay. I've got it.

19 MS. MILLER: And that would -- yeah, that
20 would be a net-zero base, but for those of you who
21 haven't yet got it for this fiscal year, DOE has a
22 below zero base that it needs to hit in terms of
23 offsets, so it needs to have more offsets than
24 additional regulatory burdens in this fiscal year.

25 MR. CYMBALSKY: This is John from DOE. I'll

1 just add that Sofie's right that -- but it's a DOE-
2 wide. There are other regulations out of DOE that are
3 not just this program. So, that negative number might
4 not be coming from here. Just -- I'm not sure where
5 it's coming from but it might not be here.

6 (Laughter.)

7 MR. GATTO: It's Dave Gatto. So, I was
8 going to ask that question, John, anyway, because,
9 Sofie, because the way the executive order is written,
10 it's, when not prohibited by law, and most of the
11 rulemaking activity that, at least for our product
12 lines, are in statute. So, I do like the idea, and
13 maybe that's worth discussion this afternoon or maybe
14 at the next meeting, an agenda item of, are there
15 opportunities to reduce burden.

16 I think the thing I would say, and it'll
17 sound weird from a manufacturer that, well, why would
18 you want to have a reporting burden, what I think it's
19 important for non-industry members to understand is
20 that, if we're not reporting to DOE, we may, similar
21 to the national standards conversation, we may then in
22 fact be reporting different, or even the same data in
23 different formats, to other stakeholders, particularly
24 at the state level.

25 And so we want the information to be

1 available having a single -- there's actually, there
2 is a rulemaking going on there that I'll ask Ashley
3 about offline and I don't think it's part of ASRAC --
4 but having the reported data gathered in a single
5 place, whether that's DOE or, you know, it's EPA in
6 some cases for us on mercury-containing products, that
7 actually satisfies the reporting requirements of other
8 agencies or state-level agencies, where a regulatory
9 guidance document to reduce the burden at the national
10 level would actually greatly increase burden on
11 manufacturers.

12 So, this is something that we've been in
13 dialogue with -- on the industry side. There's a
14 little bit of a "careful what you wish for." We're
15 for good, solid regulations. We have been all along.

16 What we're not for is having to duplicate the same
17 work over and over again when we could be doing other
18 stuff.

19 MS. CLEARY: Jenn Cleary with AHAM. So,
20 Sofie, you mentioned that, like, test procedures and
21 guidances could be taken into account as deregulatory
22 actions. Is that the Department's view as well, even
23 though they're not significant?

24 MR. CYMBALSKY: Right, so, we've done --
25 this is John from DOE. We've done some preliminary

1 work on some test procedures. As Ashley said, we've
2 been working all the while, and some of these updates
3 to test procedures are actually burden-reducing,
4 right, because you can save time in the test, right?
5 So the current test maybe takes an hour, and what we
6 propose or go final with takes a half an hour, and if
7 you do all the math, it reduces burden. So that could
8 be a deregulatory or a cost-reducing action.

9 MS. CLEARY: Jenn Cleary again. So that
10 just kind of goes, then, like, all into a pool of what
11 you have to meet, and you can reconcile it later?

12 MS. ARMSTRONG: Agency-wide.

13 MS. CLEARY: Right.

14 MR. CYMBALSKY: Yeah, agency-wide. So it's
15 part of the calculus that Sofie was laying out there.

16 MS. CLEARY: Okay. Thank you.

17 MR. deLASKI: Okay, just a couple other
18 thoughts on this. This is Andrew again. So, one is,
19 just so -- I think it's -- I think we all understand
20 -- I think this is clear, but the benefits of the
21 rules aren't counted in this calculation.

22 MS. MILLER: No, they're not, and in the OMB
23 guidance, they did specifically look at energy
24 efficiency savings for consumers and manufacturer --
25 or for commercial entities as well, and did

1 specifically say that the way that the benefits or
2 costs had been treated previously by that agency in
3 similar rules was how they would be treated in the
4 future, so because DOE counts energy savings as a
5 benefit rather than a negative cost, for example, they
6 will not be counted as cost reductions in future rules
7 because they have been previously treated as benefits.

8 MR. deLASKI: Okay. As we all know, I mean,
9 the statute requires that standards are cost-effective
10 for the people who buy and use the appliances, and all
11 the appliance standards that the agency has ever
12 promulgated are cost-effective for the consumers and
13 yield net benefits for the consumers, you know,
14 typically, in the billions of dollars. That said,
15 that's not the test that's being applied, right?

16 The question I have is, we also heard
17 earlier from a couple of the industry folks on ASRAC
18 that one of the -- that they faced potentially
19 significant burdens from state regulation, and that by
20 having federal regulation, they avoid what could be
21 much higher costs from state-by-state regulation, in
22 their estimation. Charlie gave us a particularly
23 vivid image of that description of a historical
24 experience.

25 Do we have any sense of how that fits into

1 these discussions at the current -- under the
2 executive order? Has that been addressed in any sense
3 that you know of?

4 MS. MILLER: My understanding is that,
5 because those would be, then, costs that are incurred
6 as a result of state action rather than federal, that
7 would not fall under the umbrella of what needs to be
8 counted. I can double-check with that on the
9 guidance, but I do not believe that the federal
10 government will take into account costs that states
11 oppose in lieu of costs that the government is
12 imposing, if that makes sense.

13 MR. deLASKI: Well, I don't think it does
14 make sense, but it's what we're doing.

15 (Laughter.)

16 MS. MILLER: Well, I guess that's all we can
17 ask for, huh?

18 MR. deLASKI: I mean, it's the box. They've
19 drawn the box rather narrowly in that sense, right?
20 They've drawn the box around the costs of complying
21 with the regulation at the agency. They've left out
22 the benefits of the regulation and they've left out
23 impacts at the state level. That's the way the box is
24 drawn, it sounds like. I mean, I don't -- it's
25 something I don't follow that closely, so is that an

1 accurate way to put it?

2 MS. MILLER: I think the way -- so, to an
3 extent, yes, just because you have to define costs
4 very carefully, otherwise everything counts as a
5 negative cost, which is a problem that you often run
6 into in benefit-cost analysis. You have to very
7 clearly define what fits into those buckets, and that
8 is something that I think OMB has tried to do. One
9 thing that we should keep in mind is that the
10 deregulatory actions or actions to reduce burdens also
11 do have to go through -- well, I guess depending on
12 how significant they are, but they should be passing a
13 benefit-cost test of their own.

14 So if you're removing some restriction,
15 there should be greater benefits from removing it than
16 there are, for example, disbenefits to people because
17 there is no longer a protection, if that makes sense.

18 So in that way, benefits still does come into play,
19 but it's in a different way and it's not in the rules
20 themselves that you're imposing, the new ins for the
21 in and outs that we're looking at. Does that clarify
22 at all or does that complicate?

23 MR. deLASKI: I guess what I would -- this
24 helps some, I think, you know, because it helps us,
25 you know, help think about how we can help to be able

1 to move -- to be able to come up with the actions that
2 would enable the agency to meet the executive order's
3 obligations. You know, to the extent that we have
4 ideas about things that could help meet those
5 obligations, I think it would be helpful to discuss
6 them in the committee, and that people should put
7 their thinking caps on and, you know, what are the
8 additional things, and Sofie, since you've spent time
9 thinking about this, if you've got ideas, you know,
10 please bring them back at the next meeting.

11 Are there other thoughts on this or
12 questions about this topic? Noah?

13 MR. HOROWITZ: Noah with NRDC. I think we
14 need to not lose track of the fact that the two-for-
15 one rule only -- does not apply to things that are
16 required by statute, and most of the standards and
17 test methods we're talking about have a calendar and a
18 requirement, so let's not get too distracted by that,
19 and --

20 MS. MILLER: That's actually not quite the
21 case. That has to do -- there are a number of
22 different exemptions, and those rules that are
23 strictly exempted from the requirements are those that
24 have to do with, for example, national security, but
25 then there is a looser set of exemptions for rules

1 that have statutory deadlines, and for those, the
2 agencies are still required to identify offsets, but
3 may do so at a later time because they are required to
4 meet certain deadlines within the statute.

5 So some of these may be subject to more of
6 those requirements than some people seem to think,
7 based on OMB's supplemental guidance, which I think
8 was released in April.

9 MR. HOROWITZ: Okay, but --

10 MS. ARMSTRONG: I am going to chime in at
11 this point and just say that the Department's in
12 litigation over that issue, and the Department's
13 position and/or comment on this, we're not commenting
14 on pending litigation. So, while Sofie's presenting
15 her view and you're presenting your view, at this
16 point, the Department's view, there is no comment from
17 the Department.

18 MR. HOROWITZ: Understood, and where I was
19 going to go on this is, I think, as Andrew cued up the
20 session was, which products might it make sense for us
21 to do some prioritization that might be good
22 candidates for negotiated rulemaking, and I'm
23 encouraged by, let's try and do that, and doing it in
24 some sort of time frame that works, so we have time to
25 do the work, is the right thing to do, and again, the

1 clarity of, and if we are going to do that work, will
2 the Department be in a position to act upon it, and
3 that's an open question that I'm hoping after the
4 meeting you can provide more clarity. Thanks.

5 MR. deLASKI: Mike?

6 MR. WOLF: Mike Wolf, Greenheck. So, as I'm
7 listening to this dialogue, three things kind of go
8 through my head. First of all, I think, playing off
9 from Noah's comment here, I know, John, at one of the
10 previous meetings, you went through the list of
11 regulations that DOE has in place and is tracking and
12 so on and so forth. One thing I don't have a clear
13 understanding on is, which one of those regulations
14 are statutorily required, and which ones are not?
15 That would be a helpful thing for me to know and maybe
16 for others on this committee to know.

17 Number two, with regard to the cost
18 elimination, one of the things that, you know, I'm
19 sure all companies look at is that there's a cost of
20 not taking action a lot of times as well, and I think
21 what the potential we have here, and I don't know if
22 this committee can do anything about that, but I think
23 it could help the Department if we could, maybe,
24 possibly evaluate, okay, what happens if the
25 Department doesn't finish this rule?

1 For example, in my little world of fans, if
2 that rule is not finished, what is going to be the
3 added burden of all these states doing their own
4 regulation? You know what I mean? Because that's not
5 going to be a cost-positive thing to the industry or
6 the consumer if that happens. So, you know, maybe
7 that's something this committee can provide some
8 guidance on.

9 And the third one, Andrew, I don't know, you
10 know, you made the statement that there has not been a
11 rulemaking that has not saved energy, I think was your
12 statement --

13 MR. deLASKI: Cost-effective for the
14 consumers, I said.

15 MR. WOLF: Yeah, and --

16 MR. deLASKI: On average.

17 MR. WOLF: -- at least in the circles I run
18 in, there are those who take exception. They don't
19 necessarily buy into some of what --

20 MR. deLASKI: Well --

21 MR. WOLF: -- the analysis that's been done,
22 and I want to just finish that statement, I mean, and
23 I was going to come back to Diane's comment here a
24 minute ago with regard to, what is the purpose of the
25 metric? You know, she just mentioned this, I guess

1 it's a furnace metric. It doesn't necessarily show me
2 how much energy I'm going to save in my house. Well,
3 if it doesn't give me some indication of how I'm going
4 to save energy in my house, you know, is it the right
5 metric?

6 You know, maybe we need to look at these
7 metrics, as Diane was alluding to, and make sure that,
8 you know, these metrics will carry over into a useful
9 application in the marketplace as well, beyond just an
10 apples-to-apples comparison. And I know I'm getting
11 out there maybe beyond the scope of what this
12 committee's, you know, work task is, but I think
13 that's the real opportunity we have to save energy in
14 the future.

15 MR. deLASKI: Thanks, Mike, for that, and my
16 point was that the Department has to have shown --
17 now, you might disagree with what the Department
18 showed, and then that speaks to that there was
19 something wrong with that particular analysis, right,
20 so --

21 MR. WOLF: Yes, I agree.

22 MR. deLASKI: -- makes sense, someone
23 mentioned growling stomachs, so it would make sense to
24 go ahead and take a lunch break. I know there are
25 still some -- I think there are some topics from the

1 morning session regarding the recent DOE notices that
2 we really haven't finished on. We probably should
3 come back to those after lunch and then get to the
4 after-lunch agenda items. Do you guys want to stick
5 with the plan here which is on here to bring the lunch
6 back to the room? Is that the --

7 MR. CYMBALSKY: Yeah, I don't know if we're
8 going to -- we can turn off the transcript now,
9 please.

10 (Whereupon, at 12:35 p.m., the meeting in
11 the above-entitled matter recessed, to reconvene at
12 1:30 p.m. this same day, Wednesday, January 10, 2018.)

13 //

14 //

15 //

16 //

17 //

18 //

19 //

20 //

21 //

22 //

23 //

24 //

25 //

1 A F T E R N O O N S E S S I O N

2 (1:25 p.m.)

3 MR. CYMBALSKY: Okay. So we're going to
4 move along with the agenda. Welcome back. I hope
5 everyone had a nice lunch. Looks like we pretty much
6 stayed on to the 45-minute schedule. So without
7 further delay, we're going to move to our next topic,
8 which is new working group requests, and so the first
9 bullet there is to consider a working group to
10 negotiate energy conservation standards for variable
11 refrigerant flow air conditions and heat pumps.

12 And so we have two industry members who will
13 pitch this suggestion. So we have Rusty Tharp from
14 Daiken and Paul Doppler from Mitsubishi.

15 MR. THARP: Yeah, we're actually going to --
16 we're going to tag-team here. We're going to start
17 with Jill Hootman.

18 MR. CYMBALSKY: Oh, we're going to start
19 with Jill Hootman from Trane.

20 MR. THARP: So I'm Rusty Tharp with, with
21 Daiken Goodman, and we're -- there's three of us
22 industry members here who want to pitch the proposal
23 for a VRF working group. Jill Hootman with Trane is
24 going to start off talking about the products. Paul
25 Doppel with Mitsubishi is going to talk about test

1 procedures, and then I'll wrap up talking about the
2 conservation standard proposal.

3 MR. CYMBALSKY: Okay. Jill?

4 MS. HOOTMAN: Yeah, Jill Hootman, Ingersoll
5 Rand, VRF is a relatively new HVAC product to North
6 America, but it has been extensively internationally
7 used since the 1980s. Today in the U.S., most comfort
8 air systems either distribute conditioned air directly
9 through duct work or they distribute conditioned fluid
10 to portions of the building which then may be
11 conditioned through smaller portions of the large
12 building. Those are commonly called chiller systems.

13 VRF is different because it distributes
14 refrigerant throughout the building. VRF, which
15 stands for variable refrigerant flow, comes with heat
16 recovery options, and they have the potential to take
17 heat from a warm portion of a building that needs
18 cooling and move it to a cooler portion of the
19 building that needs heating. So people commonly call
20 this simultaneous heating and cooling. The systems
21 have a high degree of flexibility for building
22 designers as well as the occupant. They feature
23 multiple indoor and multiple outdoor units that act --
24 that those multiple outdoor units act as a single
25 outdoor unit and are matched with sophisticated

1 control systems for zoning.

2 There are water-cooled and air-cooled
3 systems. The majority are air-cooled, though. The
4 product applications, principally, are commercial in
5 nature, however, there is some overlap on the
6 residential systems. And they compete head-to-head
7 with the traditional ducted systems in the
8 marketplace, like I said before. And so common
9 metrics for both unitary ducted systems and variable
10 refrigerant flow systems are desired so that the
11 commercial building owner can understand their
12 relative benefits.

13 Paul?

14 MR. DOPPEL: Okay. And I'm going to talk
15 about the test procedures, and it's important, I
16 think, to go back and do a little history on the test
17 procedures. These systems were so unique when they
18 first came out that we had to do a test procedure
19 waiver through Department of Energy in order to come
20 up with a way, way to test these systems that would be
21 equivalent to unitary systems, rooftop systems. And
22 so one of the concepts, important concepts was to test
23 the combination because these units have millions and
24 millions of potential combinations of indoor units,
25 and some of the systems can have up to 50 indoor

1 units, so you can imagine the millions and millions of
2 combinations.

3 We came up with a tested combination with a
4 max of 12 indoor units. And so that helped us to
5 align with rooftop systems and other systems with
6 regard to common metrics that could be compared
7 between those, like COP, EER. We added a new metric
8 of simultaneous cooling and heating efficiency
9 because, as Jill mentioned, these systems do provide
10 heating and cooling at the same time. So we came up
11 with a, a test method in order to do that. IEER is
12 something else that we have always pushed from the
13 beginning for these systems because that's what makes
14 most sense for them.

15 Currently, the metric with, with DOE is EER,
16 and so we were a little bit late on the, the rooftop,
17 that had already started before us, so now, it's time
18 to get up-to-date with IEER. So there was a -- oh,
19 another thing that's very important is that the test
20 procedure includes all types of VRF. So it's air
21 source and water source, and it's also systems less
22 than 65,000 and systems greater than 65,000. So in a
23 way, we've combined three different test standards
24 into one test standard so that all the VRF are
25 included in one.

1 And that's important because none of the
2 other test procedures really had -- have a method for
3 testing up to, you know, 12 indoor units, and those --
4 all of the different requirements that come along with
5 that. So the -- with the RFI that was put out for
6 commercial systems, VRF in particular, a, a updated
7 test procedure was included. So that was kind of
8 referred to as the 2016 version. Now, the group that
9 developed that test standard, and again, what we're
10 trying to do is to reduce burden on manufacturers and
11 also to kind of open up the testing method so that
12 consumers could understand better what was happening
13 in the testing, and they could have more confidence in
14 what those are.

15 So I mean those were the important reasons
16 that, that we did that. So the 2016 version needed to
17 be updated again, so we've again formed another team,
18 just like the other one, which included members from
19 the Department of Energy and also members from various
20 test -- independent test labs so that there's a good
21 communication. An important thing also to mention is
22 that an entirely different type of testing chamber had
23 to be developed to do the VRF testing. It's called a
24 quad chamber.

25 So instead of an indoor and outdoor section,

1 it consists of an outdoor section and then two indoor
2 sections to accommodate the simultaneous cooling and
3 heating testing. So -- and also, the -- because of
4 the concept, as Jill mentioned, you could have
5 multiple outdoor units acting as one outdoor unit.
6 That added more to the complexity of the testing, so
7 there's -- we've tried to make it as, as easy as
8 possible, and this, this version that we're working on
9 now, again, is to make this testing procedure
10 consistent with 210, 240 for the systems less than 65
11 and consistent with 340 through -60, which is large
12 rooftops above that.

13 And then the water source has also been --
14 that has always been pretty consistent with those. So
15 that's where we are with those.

16 MR. THARP: Again, I'm -- again, I'm Rusty
17 Tharp with, with Goodman -- part of the Daiken Group,
18 and I tried to get Paul and Jill to lighten things up
19 a little bit and, and do a rap, but they told me I
20 have no rhythm so you'll have to, to live with it.
21 For reasons for having a negotiated rulemaking from an
22 energy -- from an energy conservation perspective, as
23 Paul indicated, today the metric is based on steady
24 state EER as regulated by the Department of Energy.

25 As anyone associated with energy efficiency

1 products can confirm, part load or seasonal metrics
2 are a much better predictor of annual energy
3 consumption. And while we wouldn't say that this is
4 the perfect metric to get to actual energy consumption
5 that would be used in the field because that varies so
6 much, depending on the application, the IEER metric is
7 a much better metric to use for the systems. It is
8 better for consumers; it's better for users to
9 basically have that comparison of the products itself.

10 A second reason we would like to have a
11 negotiated rulemaking on the ECS is because
12 competitive products, like the CUAC and CWF or
13 commercial unitary air conditioners and commercial
14 unitary heat pumps have just switched also from EER to
15 IEER, effective January 1st of this year, as a result
16 of a totally tubular negotiated rulemaking that
17 happened in 2015. So because the VRF products are
18 also used in very similar applications, often times
19 the same building will compete for a CUAC or a VRF
20 system, we think it makes sense to have the same style
21 of metric for VRF as is used on, on a CUAC and not
22 CWF but heat pumps.

23 It makes sense then for consumers to have
24 the same metric because it will be easier for them to
25 make a comparison between the products that they're

1 going to be putting into the building. So keeping the
2 existing steady state metric would likely cause
3 confusion for consumers who would be looking at an EER
4 metric for VRF and trying to compare that to IEER
5 that's on a commercial rooftop product.

6 A third reason we would like to have a
7 negotiated rulemaking for -- on VRF is because of
8 speed and regulatory burden. As an industry, we are
9 fully onboard with the statutory defined process of
10 ASHRAE 90.1, defining with the efficiency level for
11 these commercial products and then DOE adopting for
12 federally regulated products as we move along in time.

13 However, in this case, DOE is, is statutory required
14 to address water cooled VRF products and we think it's
15 in the best interest of lowering regulatory burden to
16 do all of the products at the same -- all VRF products
17 at the same time because as, as mentioned earlier,
18 rather than do multiple rulemakings, it's better to do
19 one rulemaking at once.

20 We think that with the negotiated rulemaking
21 process, several of us have participated in that in
22 commercial certification, in A/C heat pump and et
23 cetera. We find that the, the negotiated rulemaking
24 process provides a very good, as indicated yesterday
25 in the process rule discussion, that there's a lot of

1 good interaction that you have during the negotiated
2 rulemaking that you don't have in a notice in comment.

3 So we are a big fan of reducing our regulatory burden
4 by having a negotiated rulemaking on these. And when
5 you have lower costs and lower burden for
6 manufacturers, that leads to lower costs for consumers
7 because there's lower overhead, et cetera.

8 And we know that's all part of the goal of
9 the administration to reduce the regulatory burden, so
10 we'd appreciate a positive vote for that. So that's
11 the end of my sales pitch.

12 MR. deLASKI: Before Rusty leaves, are there
13 questions from the committee?

14 MR. CYMBALSKY: So maybe I'll start the
15 questions. So Paul talked about the test method and I
16 think you and Jill talked more about the standard. Is
17 it your desire to finish up your test procedure work
18 before any negotiation for a standard would kickoff?

19 MR. THARP: The simple answer is yes, we
20 would like the test procedure to be finalized and
21 because -- so this is my personal opinion, I don't
22 know if it's the same of everybody else, but everybody
23 else has the same opinion, but I would rather have the
24 test procedure agreed upon at the beginning of a
25 negotiated rulemaking. So I would like for that to be

1 finalized at the beginning of a negotiated rulemaking
2 so that as we go in and talk about an energy
3 conservation standard, we know what we're setting our,
4 our targets on.

5 MR. CYMBALSKY: And so when you say
6 finalize, do you mean a DOE final rule in the Federal
7 Register or do you mean your committee work,
8 finalizing their work or what, what exactly do you
9 mean?

10 MR. THARP: Well, well, from my perspective,
11 I think -- I don't think it would necessarily have to
12 be a final rule in the Federal Register. I think we'd
13 have to be in agreement that yes, we agree that the
14 test procedure as AHRI is in the process of modifying
15 with, as Paul indicated, input from multiple other
16 stakeholders that we --

17 MR. DOPPEL: Including DOE.

18 MR. THARP: -- including DOE that we would
19 have that finalized at that point. So yeah, this is
20 the one we want to go with.

21 MR. CYMBALSKY: And then what's your time
22 line for that action?

23 MR. DOPPEL: We're, we're targeting May to
24 have it approved by the section, and so after that, it
25 would -- so it would be, I would say, June time frame

1 when it was final through the AHRI process.

2 MS. ARMSTRONG: So just to follow along that
3 line of questioning, if May/June is the schedule for
4 which the AHRI committee is working on, it is -- is it
5 your request of this committee that we consider
6 charting a working group and getting the --
7 assuming -- let's say if the committee ends up
8 agreeing that that's a good pathway to get the
9 groundwork weighed for a committee to be up and
10 running in the summertime?

11 MR. THARP: Simply put, yes.

12 MS. ARMSTRONG: Yes.

13 MR. DOPPEL: Yes.

14 MR. THARP: Sooner rather than later.

15 MR. DOPPEL: Yes.

16 MR. GATTO: Dave Gatto, Westinghouse, I have
17 a question, and I don't want to make an assumption
18 here, although I'm kind of thinking this is where
19 we'll be. You're talking about changing the metric
20 used based on the new test procedure and that some of
21 the similar products that will fall under the same
22 coverage rule are using a different one now?

23 MR. DOPPEL: No, so actually, the --

24 MR. GATTO: I guess --

25 MR. DOPPEL: -- the, the testing has always,

1 since IEER was initiated many, many years ago, has
2 always -- IEER testing has always been done, but what
3 was recognized by Department of Energy was the EER
4 metric.

5 MR. GATTO: So you may be getting at where I
6 was going, then. So I guess the question I would have
7 as a non-stakeholder in that particular category, will
8 the manufacturers not here in this room today have to
9 retest or you're going to be using the same essential
10 test methodology but it's a different metric that's
11 coming out the other end? It's --

12 MR. THARP: So the AHRI 1230 includes both
13 EER and IEER today and has since it was released.
14 ASHRAE 90.1 actually has values for both EER and the
15 IEER on both commercial rooftop, unitary products, as
16 well as VRF products. So the reality is it's
17 switching from EER to IEER is not a burden on
18 manufacturers.

19 MR. GATTO: Yeah, I kind of -- like I said,
20 I didn't want to make that assumption. It almost
21 sounded like one-third of the industry is doing it one
22 way, but it sounds like that's not actually true.
23 You're all doing it the same way.

24 MR. THARP: Right.

25 MR. GATTO: You just want to change so that

1 you're all using the same representative values,
2 whatever that metric -- what gets reported.

3 MR. THARP: Thank you for asking the
4 clarifying question.

5 MR. DOPPEL: And just, just one more point
6 on that, the Consortium for Energy Efficiency
7 publishes a rating for, for utility companies to use,
8 and when they published their VRF, they included both
9 the EER and IEER, and they said that, you know, for
10 this type of system, this is really the metric that
11 makes sense, so a good question. Thanks.

12 MR. GATTO: Okay. That's --

13 MS. ARMSTRONG: Yeah, and, and just to
14 clarify one thing I think that's an important nuance,
15 which you guys have alluded to, but the switch has
16 been made for the rooftop air conditioners at, at the
17 federal regulatory level as of January 1 of this year.

18 The competing product, which is VRF, has not made the
19 switch in metrics. It is still in the legacy metric,
20 so Paul's -- where Paul was going -- explaining the
21 test procedure and, and please correct me if I'm
22 wrong, I think one of the underlying really important
23 things is that competing products are using the same
24 metric as far as their representations to the
25 marketplace from a federal level, and that's not

1 occurring at this point.

2 MR. DOPPEL: Correct.

3 MR. GATTO: Okay. Dave Gatto, thanks
4 Ashley. Believe it or not, both from a federal
5 standpoint and from an industry standpoint, at least
6 in the industry I'm in, having everyone use the same
7 ways of representing the product is a good thing.

8 MR. deLASKI: Other questions for the
9 presenters?

10 MS. CLEARY: Jenn Cleary with AHAM, so as
11 you have been working within the AHRI task force to
12 develop changes to this test procedure, have you all
13 been testing your products? Because I'm just trying
14 to get at when would you be ready to initiate an
15 actual negotiation? I would assume at least from our
16 industry's experience, you would need some time to
17 understand where your products might be; is that --

18 MR. DOPPEL: So the updating of a test
19 procedure is more, you know, we, we started from
20 something and we laid out procedures and methods to do
21 that. Well, when you get into the actual process of
22 doing it, it's like well, instead of doing A, B, and
23 C, you realize you have to do oh, A1, A2, A3; B1, B2,
24 B3; C1 -- you know? So it's incorporating those types
25 of things. It's making sure that the labs understand

1 exactly how to set the units up.

2 We, we developed also another section where
3 we defined what the lab's responsibilities are and the
4 manufacturer's responsibilities are regarding the
5 setup. One, one thing that's different about VRF
6 systems is they actually have to be installed in the
7 test chamber. The components are brought there and
8 then all of the interconnecting piping and wiring all
9 has to be added. So it makes it a little bit
10 different than, than other systems.

11 MS. HOOTMAN: So Jenn, this is Jill. Are
12 you asking that we understand what the effect is of
13 this metric on our ratings?

14 MS. CLEARY: Jenn Cleary, yes, that's what
15 I'm trying to understand if --

16 MS. HOOTMAN: We did --

17 MS. CLEARY: -- basically, what I'm really
18 getting at is if you finish this test in June and
19 assume that the working group that could be created
20 would agree to that and recommend that DOE adopt that
21 as the federal test procedure, then you would be ready
22 like in mid-June to start actually negotiating this.

23 MS. HOOTMAN: Yes, yes. We do understand
24 the metric and even today and understand what it's
25 effect is on our product, even today, so --

1 MS. CLEARY: Okay. Thanks for the
2 clarification.

3 MR. THARP: So -- Rusty Tharp with Goodman,
4 a little -- a little more clarification is that, to
5 me, the -- what we're changing is really more tweaks
6 and clarifications in the test procedure and the
7 instructions thereof. In reality, I wouldn't expect
8 that our ratings would change really as a result of
9 the changes that are being made, if so, a very small
10 amount.

11 So I think we would be -- we would
12 understand fairly well what the differences are and
13 what the clarifications of the test procedure -- the
14 other thing to remember, as Paul noted, this test
15 procedure is relatively young, and as you would expect
16 with anything -- any test procedure of that nature
17 when you're talking fairly complex products with a lot
18 of flexibility for consumers, that you would learn a
19 lot as you go along in this test procedure as we're
20 testing and auditing at AHRI and in our own labs, so
21 we're making these tweaks and changes for clarifying
22 how we're all testing and then we'll make sure we're
23 all doing things the same way, whether it's in our own
24 facilities in AHRI audit testing or in any DOE audit
25 test.

1 MS. JACOBS: So -- I want to (phonetic) say
2 it another way, would you say that it hasn't been
3 sufficiently documented the way everyone's testing it
4 now?

5 MR. THARP: Rusty Tharp, Goodman, I'd rather
6 say -- I would rather say that we, we've, we've
7 learned a lot in the last seven years and we're making
8 improvements based on the learnings.

9 MR. CYMBALSKY: Rusty -- and I think all
10 three of you said -- that this action would reduce
11 burden at the end of the day if finalized the way you
12 envision it, the test procedure?

13 MR. DOPPEL: Yes, we do.

14 MR. CYMBALSKY: Okay. Thank you.

15 MR. WOLF: This is Mike Wolf, question, so
16 is there -- there's something in 90.1 that sets the
17 levels for VRF?

18 MS. HOOTMAN: Yes.

19 MR. DOPPEL: Yes, there is.

20 MR. THARP: Yes, 90.1 has levels for VRF.

21 MR. WOLF: So there's been a lot of dialogue
22 yesterday, as well as before that, that this is a case
23 where we have a somewhat regulatory requirement
24 through, through ASHRAE 90.1 and the energy codes for
25 something that doesn't yet have a test procedure for

1 it.

2 MS. HOOTMAN: It does.

3 MR. THARP: No, the test procedure exists
4 and has existed.

5 MR. WOLF: Okay.

6 MR. THARP: It's just we're -- again, we're
7 making improvements to the test procedure and making
8 clarifications on instructions and exactly what has to
9 be done and how you set it up. And so the, the EER
10 and IEER has been listed in ASHRAE 90.1 for several
11 years.

12 MR. WOLF: The original test procedure was
13 2010, okay, but so what I heard Ashley say though is
14 the, the, they don't -- they're not necessarily
15 meaning the same thing on a ducted type unit versus a
16 VRF type unit, so you kind of have got apples and
17 oranges for the same metric, which would be very
18 consuming -- very confusing --

19 MS. HOOTMAN: Different metric competing
20 products --

21 MR. WOLF: Okay, okay. All right. Okay.

22 MS. HOOTMAN: -- so the federal regulatory
23 metric, right?

24 MR. DOPPEL: Rooftops are IEER at this time.

25 MR. WOLF: Gotcha.

1 MR. DOPPEL: And VRF is still EER, so --

2 MR. WOLF: Yes, okay.

3 MR. HOROWITZ: Noah with NRDC, trying to
4 understand what the actual request is and maybe the
5 sequencing. It seems like through an AHRI-led
6 process, you're close to making the tweaks necessary
7 to have a robust IEER metric, and is your intent to
8 finish that work or be close to finished with it and
9 then bring that to this committee and then start a
10 negotiation that finalizes -- adopts the test method
11 and then you then take the work to set the standard or
12 help me understand the sequencing.

13 MR. THARP: So I guess what I would envision
14 is that the AHRI committee, with communication with
15 others, the labs, DOE, et cetera, would complete our
16 work and then the -- bring that before it's released
17 as final by AHRI to the committee, basically get the
18 committee blessing, the working group blessing that
19 yes, this is what we want before we would actually go
20 publish it. And, you know, if we need to make any
21 tweaks, then we'd have the opportunity to tweak it
22 before we publish it or an alternative is we could
23 publish it so that it's on the record and then come
24 back with an addendum as, as needed because we can do
25 addendums fairly quickly and, and then after that test

1 procedure is finalized, agreed upon, then we would
2 start with the ECS process.

3 MR. DOPPEL: So there was a test procedure
4 submitted with the RFI. So what, what has happened
5 since then is that there's been some DOE rulemakings
6 on the products less than 65,000 so the majority of
7 the work that we're doing now is sort of coordinating
8 that with the 210, 240 standard that was just done to
9 make sure that both standards are aligned. So the,
10 the standard was submitted with the RFI several years
11 ago. And so --

12 MS. ARMSTRONG: A draft of the standard --

13 MR. DOPPEL: A draft, a draft of the
14 standard.

15 MS. ARMSTRONG: -- a working draft of the
16 standard was submitted --

17 MR. DOPPEL: Yes.

18 MS. ARMSTRONG: -- in response to the RFI --

19 MR. DOPPEL: Yes, it was.

20 MS. ARMSTRONG: -- where tests subsequently
21 may have been changed by the committee --

22 MR. DOPPEL: True.

23 MS. ARMSTRONG: -- and is ongoing, so
24 clarify.

25 MR. DOPPEL: And, and we're updating. We're

1 updating.

2 MS. ARMSTRONG: Minor, minor clarifications.

3 So I just want to clear up a few terms. We have some
4 new people in ASRAC, and it's been a while since we've
5 all met, so I just want to -- so and, and I want to
6 make sure I understand what it is you guys are asking.
7 So just from an administrative perspective, so there
8 is the committee, ASRAC.

9 There is a working group that typically is
10 formed to negotiate a specific thing. That working
11 group will be different members. It can -- it will
12 have some of the ASRAC members, but we will solicit
13 separate nominations for that process. The working
14 group is typically where a lot of the technical work
15 is done with negotiating the actual test procedures or
16 standards, so when you were using the term committee
17 before, I think you were referring to working group.

18 MR. THARP: Yes, thank you.

19 MS. ARMSTRONG: In other words, your ask is
20 that ASRAC, and I'm translating, and this is not
21 speaking on behalf of the Department, I'm just trying
22 to -- so your, your ask, I think, is for ASRAC to
23 consider a working group to establish or to negotiate
24 test procedures and standards for this product with a
25 recognizing that the industry process is working

1 through a test procedure update, and the hope and
2 expectation is that the working group can quickly
3 initially review that, agree to it and move forward to
4 concentrate on standards.

5 MR. THARP: Yes, ma'am.

6 MS. ARMSTRONG: Does that help?

7 MR. THARP: Yes, that is correct. Thank you
8 for the clarification, Ashley.

9 MR. WINNINGHAM: So Rusty, just to, to kind
10 of elaborate on what Ashley's question and
11 clarification and I think that helped a lot, is it the
12 intent that you would start the working group process
13 and agree to a term sheet on the test procedure that
14 you would bring back for approval and then start the
15 working group on the efficiency standards or is it
16 the, the requests kind of all in one and the test
17 procedure would be part of an overall package?

18 MR. THARP: This is Rusty with Goodman, I
19 would -- I would envision that ASRAC would develop a
20 working group and that the assignment of that working
21 group would be to agree upon a test procedure and an
22 energy conservation standard with the direction from
23 the ASRAC -- full ASRAC committee that the test
24 procedure must be finalized before there's
25 negotiations on the energy conservation standard. And

1 I would -- I would assume that at the -- at the
2 beginning, that there'd be a lot of back and -- a lot
3 of information exchanged on -- as typically is done in
4 the RFI and the in manufacturing impact analysis,
5 MIAs, that are typically done, a lot of that would be
6 done at the beginning, also, but the discussions
7 itself on energy conservation standard would not start
8 until after the test procedure would be agreed upon.
9 Would you guys agree? Jill?

10 MS. HOOTMAN: Yes.

11 MR. DOPPEL: Yeah, I would agree.

12 MS. MILLER: Thanks for that question. I
13 thought that was really helpful for clarifying. This
14 is Sofie Miller. One thing that's from a consumer
15 perspective I tend to think of when manufacturers are
16 themselves trying to initiate a standards process is
17 will this, in some way, impede some of their
18 competitors from entering in this market, and if so,
19 would there be a loss of competition from which
20 consumers would, would not be benefitted?

21 So not, not really having the lay of the
22 land in terms of your competition and who the large
23 manufacturers are in your -- in your segments, can you
24 tell me a little bit about what -- with an energy
25 conservation standard in mind, what some of the

1 incentives might be from your perspective as it
2 pertains to some of your competitors or if there might
3 be some anti-competitive effects of such a standard?

4 MR. THARP: Rusty Tharp with Goodman Daiken,
5 I, I don't perceive that there would be any
6 significant or any measurable anti-competitive issues.

7 If you look at the -- Paul Doppel with Mitsubishi has
8 been involved in this much longer than I have, but the
9 reality is there's these, these products were
10 initially created in the Asian/Japanese market and
11 have started bleeding into the North American market,
12 as Jill indicated in, in her intro. Many of the major
13 North American competitors of HVAC products have not
14 offered VRF products early on, but now almost all of
15 the major VRF competitor -- or most of the North
16 American HVAC competitors, if you want to think of the
17 major seven, almost all of them now are offering VRF
18 products.

19 So actually, the VRF market is growing
20 substantially. There's a lot of -- there are Chinese,
21 Korean, Japanese manufacturers. You've got North
22 American manufacturers getting into it. And I --
23 quite frankly, I don't see how we could really make it
24 non-competitive.

25 MS. HOOTMAN: And this is Jill Hootman from

1 Ingersoll Rand, I mean we're already -- the
2 marketplace is already regulated. It's just on a
3 different metric, so I don't see how it would change
4 it by changing to a different metric.

5 MS. MILLER: I think I was referring to a
6 desire to negotiate new energy conservation standards,
7 rather than the test procedure issue, which I, I kind
8 of separate in my mind because I work more on the
9 standard side than on test procedures. Just one thing
10 that we've seen in the past is that on occasion, there
11 can be standards that are set at a level where
12 domestic manufacturers can meet them but then perhaps
13 there can't be imported products, in which case,
14 American consumers do lose out because there are fewer
15 options in the marketplace in some cases. So I just
16 wanted to get a feel for whether or not that's the
17 case here, given that especially many of these
18 products, VRF products, many of them are manufactured
19 in Asia specifically.

20 MR. THARP: Yeah, so just real quickly on
21 that, I think the -- I would say nearly 100 percent,
22 if not 100 percent of the indoor products of VRF
23 systems are made outside of the United States and
24 it -- so we have to rely on imports basically for the
25 indoor sections of those and, you know, don't think it

1 would hurt a little bit to brag that my company has
2 invested heavily into developing a new, new production
3 facility here in the United States, basically a half-
4 a-billion dollar facility outside of Houston, where we
5 are manufacturing -- I guess assembling, depending on
6 the terminology we're using, we're definitely
7 assembling, if not manufacturing the outdoor sections
8 of these products here in the United States, so we're
9 actually bringing jobs into the United States
10 benefitting consumers here and, and people here in the
11 United States for that.

12 MR. WINNINGHAM: John, one of the things I
13 think might help in that discussion is kind of how the
14 formulation of a working group and, and any current
15 thoughts on representativeness of the various interest
16 groups around that and maybe DOE's latest thoughts.

17 MR. CYMBALSKY: Sure. So this is John from
18 DOE. As is always the case, you know, this will, if
19 the working group is going to be formed, we'll put out
20 a Federal Register notice and solicit nominations
21 across, across all interested stakeholders, including
22 consumer groups, manufacturers, of course, energy
23 efficiency advocates, utilities, states, everyone,
24 right? So installers, to the extent that they,
25 they've been in a few of these, I think with, with

1 CUAC, we had an installer on that committee. So we
2 always do our best to get every interested stakeholder
3 involved, so we will do that again.

4 And, of course, members of ASRAC and, and
5 whoever else, you know, it's, it's helpful to spread
6 the word. I mean not everyone reads the Federal
7 Register, and not everyone gets our email blast,
8 believe it or not. So I think it's incumbent on us
9 to, to -- as a group, to do our best to, to recruit
10 folks who should be on the group, frankly. And so
11 once we get the pile of applicants, as is the normal
12 process, we'll go through them and, and pick out the
13 ones for representativeness and experience in the
14 field, et cetera, et cetera, to, to form a balanced
15 working group.

16 MR. HON: This is Charlie Hon. I have a
17 couple comments, different questions, but I -- we have
18 no stake in the, the, this particular project. We
19 don't make anything like this, but it, it very much
20 parallels refrigeration capacities as far as grocery
21 store type refrigeration where you have multiple
22 possible trails of refrigerant going this way, that
23 way and the other way. And it is very, very relevant
24 to the refrigeration people to get -- be -- and
25 probably review, if certainly not be involved in this,

1 that this has a relevance beyond just the HVAC group,
2 also into the refrigeration group because the same
3 problems exist in refrigeration, in certain sectors of
4 the refrigeration that are driving everyone in this
5 room.

6 As far as the DOE goes, half of that sector
7 is regulated; half of it isn't for these very same
8 questions. I think it'll be very beneficial that we
9 really review this because as a refrigeration person,
10 I'm going to be watching the result because it, it has
11 relevance to what could happen in our industry as
12 well. And it's very important because right now,
13 there is no regulation at certain levels of that,
14 which has, has always been a difficult situation with
15 the DOE.

16 So to me, I see a very complex problem here
17 that they're trying to come up with a very good
18 solution, what appears to be a very good solution, if
19 it works out correctly, to make it so that they can
20 truly add to the selections available to the North
21 American market in an honest way, in a straightforward
22 way because these are fairly new products into the
23 North American market and they are -- by adding
24 selection possibilities, you're giving a customer
25 potential pricing -- improved pricing, improved

1 efficiencies, all kinds of different possibilities
2 there with this new product -- new product
3 introduction, but also put it in parallel with the
4 existing equipment, so it's really relevant to do
5 this, and it could be a very complex process, so just
6 the rulemaking will be very difficult to understand
7 the rulemaking process because there are so many new
8 elements we're discussing here. So I would be very
9 much in favor of that.

10 MR. CYMBALSKY: It sounds like we have our
11 first ASRAC volunteer for this working group.

12 (Laughter.)

13 MR. deLASKI: This is Andrew. I, I want to
14 come back to the point, I, I don't think you can
15 separate the task method and the standard in this
16 particular case because the request is to change the
17 test method. If you change the test method, you've
18 got to change the standard, right? So they, they're
19 the same. You can't -- you know, you can't change one
20 without changing the other, so, so it is the, the --
21 it is a package request, and you can't consider it as
22 a -- you know, point A leads to point B.

23 Other questions on this?

24 MS. CLEARY: Yeah, this is Jenn Cleary, so
25 understanding when you're going to finish this test

1 procedure effort from an AHRI perspective, which is
2 several months from now, I just -- is there a reason
3 why you want the working group approved now instead of
4 when that effort is completed?

5 MR. THARP: Again, typically, it takes some
6 time, you know, for the ASRAC approval, then the
7 internal DOE approval; then the publication in the
8 Federal Register, and then the -- you know, the time
9 period for applications; then the review of the
10 applications. So I would -- I would envision even if
11 the ASRAC working group -- ASRAC committee agrees to
12 form a working group today that it's going to be a few
13 months down the road anyway before that group even
14 starts.

15 MS. CLEARY: Hi, this is Jenn. Thank you.
16 And my last question is for the Department. Given --
17 oh, yeah, sorry --

18 MS. HOOTMAN: Well, yeah, I was just going
19 to say to follow on that, you know, you all didn't
20 meet all last year, so, you know, you don't meet on a
21 regular basis. I kind of want to get the surety now
22 so that we can, you know, align our resources such
23 that -- such that way.

24 (Laughter.)

25 MS. CLEARY: Jenn Cleary, Jill, I'll, I'll

1 schedule -- I'll schedule the next meeting.

2 (Laughter.)

3 MS. CLEARY: My last question is for the
4 Department, which is kind of going back to what Andrew
5 was talking about before there, pending term sheets.
6 If, if we approve a working group, do we have
7 assurances that DOE will be participating and that
8 this will move forward?

9 MR. CYMBALSKY: So I think we heard from
10 Daniel this morning that, that DOE values the
11 negotiated rulemaking process, so I'll just echo what
12 he said.

13 MR. WOLF: This is Mike Wolf. So I want to
14 follow-up on that, but, you know, I picked out on the
15 word statutory -- whatever the -- translate for me,
16 Ashley --

17 MS. ARMSTRONG: Keep going. You're doing
18 great.

19 MR. WOLF: -- statutorily required is this
20 something that would fall under that?

21 MS. ARMSTRONG: Yes.

22 MR. WOLF: Okay.

23 MR. deLASKI: Which also speaks to the
24 timing because the deadline's coming up.

25 MS. ARMSTRONG: Yes.

1 MR. deLASKI: In fact, it's going to be
2 tough to hit the deadline if we approve a group today,
3 so -- and if there's not a -- you know, it's, it's
4 going to -- where this leads to if there's not a
5 process is, is unclear, right? But there is a
6 statutory deadline and it's coming up.

7 MR. GATTO: So Andrew, it's Dave. I guess
8 the question I would have is what are the odds of
9 hitting that deadline if there isn't a working group?
10 Because I would --

11 MR. deLASKI: If there's not a working
12 group?

13 MR. GATTO: Right.

14 MR. deLASKI: I can't answer that question
15 for you.

16 MR. GATTO: No, I guess what I'm saying is
17 that if the -- if the concern was, you know,
18 they're -- they may miss the deadline, I, I don't know
19 that that's relevant, just because the -- if the
20 deadline -- if there's no -- if you don't have an open
21 rulemaking, John, what -- you know, I don't -- you
22 don't have to actually answer this, but if there's no
23 open rulemaking now --

24 MR. CYMBALSKY: There is -- there is an open
25 rulemaking.

1 MS. ARMSTRONG: There is, it's open.

2 MALE VOICE: It's open. It's been open.

3 MR. GATTO: So this is the RFI with the
4 draft test procedure for, for giving --

5 MR. CYMBALSKY: No, they, they, they
6 commented with the procedure, as far as I recall.

7 MR. GATTO: Okay. So I guess -- so not
8 knowing where you are in that process, I apologize,
9 Andrew, then maybe it is possible, but, you know, my
10 experience is if you're that early in the process, the
11 working group might actually be a more efficient way
12 of hitting or maybe not missing the deadline as badly
13 is, is, is probably a more fair way to say it.

14 MS. ARMSTRONG: So I'm going to -- so one, I
15 think, point-of-view, and maybe not necessarily the
16 Department's, but I think one thing to appreciate is
17 that as they explained, this -- these products are
18 very complicated. They come in a variety of different
19 configurations. They get installed in a variety of
20 different ways, some never the same twice. From a
21 purely analytical standpoint, to do the analysis on an
22 industry like that, it is hard.

23 It is challenging. And so the benefit of
24 being able -- and I'm going to speak from, you know,
25 if I was one of the analytical consultants from the

1 Department, the benefit from being able to sit across
2 the room with the manufacturers, with installers, with
3 utilities, with consumer groups. The people that are
4 otherwise all affected by the rule and talk about the
5 analysis, the inputs, what it looks like, be able to
6 do real-time changes, I think in this particular case
7 is astronomically beneficial.

8 MR. CYMBALSKY: Kristen?

9 MS. DRISKELL: A completely different
10 question. So for your test procedure, it will change
11 -- it won't change the ratings? It might change the
12 ratings? It won't change the ratings so that existing
13 information that's presumably reported to AHRI or
14 ASHRAE 90.1, we can use that data --

15 MS. HOOTMAN: Or you -- or you.

16 MS. DRISKELL: -- or to us -- I was trying
17 not to remember that I, I do that. We can use that
18 information, it won't need to be updated. Once you
19 finish this test procedure, we can start right away
20 with the information we have. You don't clean it up,
21 it's good. Okay.

22 MR. CYMBALSKY: Okay.

23 MS. HOOTMAN: There may be reprogramming
24 changes that have to happen, I will say that. I mean,
25 you know, as far as the filing on CCMS or something

1 like that, there might be, but --

2 MR. CYMBALSKY: Try to get this to a vote --

3 MS. MILLER: Hopefully this isn't a
4 question, but one thing to keep in mind, when Charlie
5 was talking about how this could be enabling, in some
6 ways enabling different products in the market to be
7 available, to the extent that it's true that a change
8 in regulation could be enabling to that kind of
9 activity, under OMB guidance, part of that rule could
10 be considered partially deregulatory activity as well.

11 So that's something to keep in mind if that really is
12 the interaction that it has in the marketplace and it
13 does make new products available to consumers, that
14 might be a box that you're able to check.

15 MR. CYMBALSKY: Can you hear me? -- Okay.
16 So I want to start at my right, and we'll just go
17 around the table, vote yea or nay. We're just going
18 to go around like this, so Andrew?

19 MR. deLASKI: So we're supportive. We
20 support creating a working group to address the test
21 method and the standard for VRF.

22 MS. CLEARY: Jenn Cleary, support so long as
23 the test procedure is completed before discussions of
24 standards begin.

25 MR. WINNINGHAM: We support and, again, with

1 the stipulation that the test procedure is, is in
2 place before the standards begin.

3 MS. MILLER: Support and would be interested
4 in discussing further in that whether or not there may
5 be barriers to imports through the enforcement of
6 different standards.

7 MS. SIM: In support with the stipulation
8 that the test procedures be completed and accepted
9 before proceeding into a working group.

10 MR. CYMBALSKY: Okay. Kristen?

11 MS. DRISKELL: Kristen Driskell, support.

12 MR. HOROWITZ: Noah Horowitz, NRDC, support
13 with the test method going first.

14 MR. GATTO: Dave Gatto, Westinghouse,
15 support with the same stipulation on the test
16 procedure being completed first.

17 MR. WOLF: Mike Wolf, Greenheck, support
18 with the same stipulation on test procedure going
19 first.

20 MS. JACOBS: Diane Jacobs, support with the
21 test procedure coming first.

22 MR. HON: Charlie Hon, support with the test
23 procedure as well.

24 MS. ARMSTRONG: Ashley Armstrong, DOE,
25 abstain.

1 MR. CYMBALSKY: Okay. So I think what we
2 need to talk about now is, is schedule and what the
3 actual ask from ASRAC will be to the working group.
4 We all agree that the test procedure must be done
5 first, so not to put too much pressure on the industry
6 guys, but it sounds like June, but clearly, that date
7 can float. They need to finish their work, and we
8 won't do anything until that work's complete.

9 MS. ARMSTRONG: We won't?

10 MR. CYMBALSKY: We won't start negotiating,
11 we will do --

12 MS. ARMSTRONG: Standards.

13 MR. CYMBALSKY: Right.

14 MALE VOICE: The standards.

15 MR. CYMBALSKY: Right. So the question is
16 once, once the group is formed, let's just say
17 everything goes according to plan, how much time are
18 you requesting to do negotiations? So we don't need
19 hard dates of it needs to be let's say August, but how
20 many -- once we commence, how much time?

21 MR. THARP: Six months.

22 MR. CYMBALSKY: Six months. Okay.

23 MALE VOICE: For the test method and the
24 standard or just to review and adopt the test method?

25 MR. CYMBALSKY: It sounds like the whole

1 package.

2 MR. THARP: The whole package, yeah

3 MR. CYMBALSKY: Okay. So anyone in -- you
4 know, so I'm not going to say -- like I said, I'm not
5 going to say a hard date, I'm going to say from
6 commencement, the group will have six months.

7 MS. ARMSTRONG: And does ASRAC want to
8 stipulate to the working group that they pass forward
9 a term sheet on the test procedure agreement first and
10 then secondary, they can have a second term sheet on
11 the standards?

12 MS. CLEARY: It's Jenn Cleary, yes.

13 MS. ARMSTRONG: Just all around the room.
14 Yes? I see a lot of shaking heads, so I'm going to
15 say yes around the room.

16 MS. DRISKELL: I have hopefully a related
17 question. Has, has DOE been invited to participate in
18 the test procedure development that we're talking
19 about? Has it also been open to -- so there were nods
20 -- has it also been open to the Energy Commission, who
21 might be interested in this as well?

22 MS. ARMSTRONG: So the answer for DOE is
23 yes, we've been an active participant over the years
24 in this one and are actively participating now. I
25 can't answer the other one.

1 MR. THARP: For the -- in recent major test
2 procedures for AHRI, specifically 210, 240 and 1230,
3 we've created the normal process is the engineering
4 committee reviews and develops it, then the section
5 approves. Then there's a standards committee that
6 approves, so there's these three steps. We actually
7 created for those two a preliminary committee, we call
8 the ECTC, and there was a call for members that was
9 sent out.

10 I don't know who all that went to prior, but
11 it was pretty -- I'm pretty sure it was blasted out to
12 all of our contacts, including energy advocates and
13 others, but I -- we can get that for you. I don't
14 know if you happen to know, Paul, who all -- I don't
15 know who all it was sent to. I'll find out and get
16 that information to you. But the committee, as far as
17 I'm concerned, it's open for participation.

18 MR. DOPPEL: So other than Department of
19 Energy, we also have a CSA participating out of Canada
20 and, and also Intertek Laboratories and other
21 laboratories were invited to participate, too.

22 MS. DRISKELL: Okay. I'm just thinking if
23 we're asking to form a working group to take a test
24 procedure and approve it. It might be helpful if
25 potential groups who will be on that working group

1 have some indication of what this test procedure is as
2 it's developing so they can raise issues now rather
3 than during the working group, especially given the
4 time frame that you're requesting.

5 MR. DOPPEL: So a year -- a year ago, we had
6 a meeting with many members of the advocacy groups,
7 including someone from the California Energy
8 Commission, and we reviewed the standard with the --
9 draft standard with, with that group at that time. So
10 we have been very open with, with the standard and
11 what, what it can take. So someone from CEC has seen
12 and was given copies of that, so they understand what,
13 what VRF is, what we're trying to achieve by the
14 testing. So we've been -- we've been very open with
15 that.

16 MR. WOLF: Mike Wolf, Greenheck, I have a
17 question kind of related to, you know, the
18 participants on these working groups, not only this
19 one, but just more in general. From a consumer
20 perspective, who would -- who would you guys define as
21 the consumer for this type of product. I always
22 struggle with that for commercial products. I mean,
23 you know --

24 MS. HOOTMAN: Commercial building owners?

25 MR. THARP: Commercial, commercial building

1 people, commercial contractors are the ones --

2 MS. HOOTMAN: Yeah.

3 MR. THARP: -- who typically install these
4 types of products.

5 MS. HOOTMAN: Yeah.

6 MR. WOLF: Okay. I understand.

7 MR. THARP: Not, not your regular --

8 MS. HOOTMAN: And just about every building
9 type in, in commercial uses them, could use them.

10 MR. WOLF: Okay. I understand that. In, in
11 my little world, though, the, the commercial
12 contractor's a completely different audience than the
13 building owner, a lot of times. And, you know,
14 engineers and architects fall into that. I was just
15 kind of curious what others' perspectives were on
16 that.

17 MS. HOOTMAN: All of the above.

18 MR. DOPPEL: Yeah. so all of the above would
19 be --

20 MS. HOOTMAN: All of the above, yeah.

21 MR. DOPPEL: Yeah, all of the above.

22 MS. HOOTMAN: Distribution chain is all of
23 the --

24 MR. DOPPEL: Right. And we've, we've always
25 -- all manufacturers, I'm, I'm pretty confident, have

1 always worked with architects, engineers, contractors.

2 In fact, all VRF manufacturers have extensive
3 training programs for contractors because of the -- so
4 they understand the systems and can install all of the
5 systems properly.

6 MR. deLASKI: This is Andrew. I think it
7 makes sense for the Department to -- in putting out a
8 solicitation for membership to be sure to solicit, you
9 know, participation from the users of the product and
10 make -- do direct outreach to try to identify -- I
11 mean there are various associations; there are -- you
12 know, they, they exist. You know who they are, and
13 sometimes there are leaders in the field you can
14 recruit to try to participate. It does take a lot of
15 time, so it's not easy to get participation in things
16 like this, but it's -- you can recruit people to
17 participate.

18 MS. ARMSTRONG: And so one other thing, one
19 other question that comes to mind for ASRAC is
20 typically we solicit nominations through the -- for
21 the working group through the Federal Register
22 process. After that, we get all of those nominations,
23 we put them in a big pile and we bring them to ASRAC
24 for really the first level consideration. So is there
25 anything else?

1 History has shown that typically we, we just
2 ask for a resume, but sometimes that doesn't get
3 really to the issue of why someone wants to be on that
4 committee or what they bring to the table to add to
5 the committee or what relevance they might or who they
6 might be, so is there anything particular ASRAC would
7 want us to ask for members to provide, even if it's a
8 simple one-page statement about why they want to be on
9 the committee and what their interests are
10 representing before we put out this Federal Register
11 notice soliciting applications?

12 MS. JACOBS: So I, I think that's something
13 we talked about maybe --

14 MS. ARMSTRONG: Okay. I was just --

15 MS. JACOBS: -- 18 months ago, but --

16 MS. ARMSTRONG: That's right (phonetic).

17 MS. JACOBS: Yeah, the -- not, not only
18 that, but what they -- I mean it's not a -- you can't
19 be a spectator. You have to have something to
20 contribute to the work and the, the analysts depend on
21 whatever data can be provided, so there's kind of an
22 implicit understanding that to be effective, we need
23 data from somewhere and if we -- if someone in
24 applying is offering to provide data as much as they
25 can or whatever, that I think in the solicitation, we

1 should have some paragraph about asking them what they
2 think they will contribute, whether they have some
3 field data available for the analysis and I, I think
4 that would cover it. I don't know.

5 MR. deLASKI: Ask them to submit a letter of
6 application, right? And you, you've described in the
7 notice what this is all about, and a letter of
8 application, I think, you know --

9 MS. JACOBS: Will take care of it.

10 MR. deLASKI: -- will take care of it. You
11 can tell them what to ask for.

12 MS. JACOBS: But we need a response from
13 them, too.

14 MR. deLASKI: Yeah, a letter of application,
15 I think, invites that response and, you know,
16 presumably, they want to be on the committee. You
17 know, in my experience, in our experience, we haven't
18 had the number of applicants in the committee,
19 committees has not been that large, right?

20 MS. JACOBS: Except for the last one.

21 MR. deLASKI: There have been one or two,
22 you know, but by-and-large, it's like everybody who
23 applied gets in, right? It's like it's not -- this is
24 not like getting into Harvard or something, you know?

25 (Laughter.)

1 Mr. deLASKI: You know, it's -- you're
2 taking the, the, the people who are willing to put in
3 the effort. Now, there is, in some cases, I, I agree
4 with you, there has been a couple of cases where you
5 had to pick, so that's where having this letter, I
6 think, would be very helpful.

7 MS. JACOBS: I think on the pool pumps or
8 the -- one of the pumps, but there were -- in the
9 early ones, anybody who was in the audience was
10 welcome to join the conversation. And then with the
11 pool pumps, it seems like we restricted the -- who
12 could actively participate to the people actually on
13 the working group? No? Well, I remember this one guy
14 named Buzz, maybe, but anyway, so anyway --

15 (Pause.)

16 MS. JACOBS: All right.

17 MR. WOLF: So this is Mike with Greenheck,
18 to that point, I know we've chatted about the -- you
19 know, the, the fan working group was pretty darn
20 large, and is there kind of an optimum number that DOE
21 or anyone has kind of thought is the right number?

22 MS. ARMSTRONG: So I think DOE, at this
23 point, has no opinions on an optimum. We've had
24 different dynamics for different working groups. We
25 need to make sure that the working group is balanced;

1 it meets the requirements for different type of
2 representations, and then it can be up to 25. So I
3 think it really depends on what we get because if we
4 get 24 manufacturers and one other person, I'm pretty
5 sure we're going to have to make some hard decisions.

6 So it, it really just depends on those applicants.
7 And so we would ask for your help in, in -- when this
8 goes out, sending it to anyone you know that would be
9 representative, that would be willing to do this, that
10 would be willing to help us with this -- assuming, oh,
11 yeah, so --

12 MR. deLASKI: -- where we are, the decision
13 here?

14 MS. ARMSTRONG: So ASRAC just voted to
15 charter a working group to negotiate the test
16 procedures and energy conservation standards for VRFs,
17 with a few stipulations. ASRAC is willing to give the
18 working group six months for negotiation from the
19 first meeting. ASRAC requests two separate term
20 sheets: first, the test procedures, followed then by
21 the standards. ASRAC is also going to stipulate that
22 the committee may not begin negotiating the standards
23 until an agreement on the test procedure is made and
24 the term sheet is passed to ASRAC. And that's it.

25 MR. deLASKI: Okay.

1 MS. ARMSTRONG: And then there's other
2 things for the working group Federal Register notice
3 that I have written down as the Department to do.

4 MR. deLASKI: Okay. Thanks. We usually
5 save time at the end for audience questions, Steve.
6 Is that okay if we put that off until the end, we have
7 time for audience questions or comments? I wanted to
8 come back to the recent DOE notices and there was some
9 discussion this morning about that, and I also wanted
10 to come back to the potential for other working groups
11 down the road and then also come back to the
12 outstanding business of prior working groups.

13 So maybe we can take some of those -- take
14 those in reverse order because that might be something
15 that might be kind of quick. So in terms of things
16 that might be kind of quick, I wanted to ask the
17 Department if there's any update on circulators?

18 MR. CYMBALSKY: Not at this time. DOE is
19 still evaluating what was presented to the Department,
20 so nothing new there.

21 MR. deLASKI: Okay. And I think we've
22 already talked about the rooftop air conditioners and
23 the walk-ins and the one other item, I guess, is the
24 pool -- the pool pump labeling topic, whether that's
25 been addressed at all, if you don't know the answer,

1 then that's fine.

2 MS. ARMSTRONG: Skip to the end --

3 MR. deLASKI: Okay.

4 MR. CYMBALSKY: Yeah, let's, let's
5 contemplate, yeah.

6 MR. deLASKI: Okay. So those are the things
7 I had as outstanding business from prior term sheets.

8 Is there anything else that's outstanding business
9 from prior, prior term sheets that people wanted to
10 raise? Okay. So there was some discussion this
11 morning about this group's role with respect to the
12 RFI on --

13 MR. WOLF: Andrew, sorry, Mike here.

14 MR. deLASKI: Yes.

15 MR. WOLF: Can, can I just ask, there was a
16 term sheet on fans as well, which was just sitting
17 there. Sorry, Ashley.

18 MS. ARMSTRONG: Hi, Mike. I think fans is
19 one. So the Department's working to meet all its
20 statutory obligations right now, and I think fans is
21 one it's still considering. It understands it has a
22 term sheet. It's very complicated, and we're still
23 working through those issues. To the extent we can
24 work with the industry committee at the same time,
25 we'll talk about how to do that.

1 MR. deLASKI: The one other item I wanted to
2 move onto is the -- I guess the thing I wanted to say
3 was are there any other topics out there that people
4 want to flag as potential subjects for future
5 negotiations, not things that are perhaps ready to be
6 moved on today as a, you know, form -- like a
7 proposal, like we had from the industry on VRFs, but
8 are there any other products out there that --
9 products or topics that people think may be a good
10 candidate for a future working group?

11 Diane?

12 MS. JACOBS: So yesterday, there was a
13 public meeting about the process for rulemakings. Is
14 that a possible working group topic?

15 MR. deLASKI: I think it's a fair question,
16 and I think that was -- that was my third item, I
17 guess, was to, to raise that, so you're getting into
18 the --

19 MR. CYMBALSKY: Let's -- yeah, let's put
20 that to Andrew's third item.

21 MR. deLASKI: Okay. So aside from the
22 process, dealing with those process issues, which we
23 have talked about in lots of prior meetings, those are
24 not fresh, not all new, are there other topics that
25 people -- topics, products, test methods, you know,

1 that people think are coming down the pike that are
2 worth flagging now for -- so people can start thinking
3 about them?

4 MR. CYMBALSKY: And I know we all have our
5 homework assignments with the reg agenda, kind of
6 planning stuff too, so to the extent that, you know,
7 that's a logical follow-on maybe to that exercise.

8 I mean we're talking a lot about the process
9 rule. I do want to say we did issue another RFI about
10 different approaches to the regulatory nature of this
11 program. I don't know if you all saw that. It came
12 out, I think, last --

13 MALE VOICE: Market base.

14 MR. CYMBALSKY: Yeah, the market-based
15 approaches. So that came out in late November. So to
16 the extent anyone wants to talk about that -- I mean,
17 it's pretty self-explanatory. It just lays out what
18 other approaches might exist. But I don't know if
19 that's something ASRAC wanted to talk about before we
20 get into the process rule. Because I think, as Andrew
21 said, you know, yesterday's meeting there were a lot
22 of issues that were brought up, I think this group is
23 well positioned to comment on. Okay, so we'll just go
24 with the process rule, so have at it.

25 MR. deLASKI: So you want to follow up

1 there, Diane? I think the question you're posing is,
2 is there some role for ASRAC for the parent committee
3 -- now, we're not talking about creating a working
4 group perhaps, but is there some role for the parent
5 committee or maybe it's working group, to think about,
6 to respond to some of the issues that have been raised
7 in the context of the process rule RFI.

8 MS. JAKOBS: Yes, that's what I was
9 thinking. And kind of when I think back all that I've
10 learned from being part of this committee for the two
11 years when we were active and all the rulemakings, it
12 seems like that we would be a good group to weigh in.

13 And also that the negotiated rulemaking process would
14 be a good way to look at reviewing the processes we do
15 have and looking for ways to improve them or maybe
16 some of it goes away and something else happens. But
17 what was in -- when you talk about the Cap A methods
18 and market, I mean, to me that sounds really
19 complicated and a little bit scary. But, I don't
20 know, you know, if you're kind of familiar with -- you
21 know, I mean, you can be disgruntled with what you're
22 doing, but at least you know what it is and you know
23 what the problems are and maybe you have some ways to
24 deal with them. But if you do something completely
25 different, then you really don't know where the issues

1 can be.

2 So I'm not sure it's just my ignorance that
3 makes me be concerned about it, but the whole issue of
4 the verification and I think a lot of the regulated
5 process or products, they're not very precise. Our
6 manufacturing processes are not very precise. And we
7 talk about these high confidence levels and
8 repeatability of the energy measurements we take and
9 what we're held to, that it may be inconsistent with
10 our manufacturing processes, you know. The fact that
11 we want to say 97-1/2 confidence level on furnaces,
12 but they're just sheet metal and so they're not built
13 exactly the same every time.

14 So there's a lot to the rulemaking process,
15 the verification and certification processes. And it
16 seems like maybe a high-level review and then, you
17 know, a working group to do specifics, it just seems
18 like we're -- you've educated us, so that we might be
19 helpful.

20 MR. CYMBALSKY: So I agree. This is John
21 from DOE. I think from a timing point of view, I
22 think for the process rule, that it would be this
23 group. If this group decides it wants to comment as a
24 group, then that's something I think we have to all
25 vote on and agree that that's what they want to do,

1 because obviously not everyone on this group may have
2 the same opinion. So I think that's the first thing
3 you need to do, is do you want this group to comment
4 as a whole on at least on a few of the issue raised.
5 And I definitely heard on a few of the issues, it was
6 pretty easy that everyone agreed. You know, at least
7 on one issue, everyone just said yes, right.

8 But the first thing you have to consider is
9 does ASRAC, as a group, want to recommend something.
10 If not, then we're all on our own, right. But I don't
11 think a working group -- just timing-wise to form a
12 working group and then have another different group, I
13 think that should be off the table. I think it should
14 just be you all, for what that's worth.

15 MR. HOROWITZ: Noah with NRDC. A couple of
16 thoughts. I think it's worth a shot of trying to work
17 together to come up with a common set of comments that
18 we could all agree to and submit. And I think that
19 would go a long way given the diverse set of
20 stakeholders we have here. And I think we should
21 focus on that and not conflate the other RFI that's
22 out there for the alternate regulatory processes. And
23 I share your concerns, but I think that's a different
24 process and we can maybe talk separately about having
25 to deal with that.

1 Then the question is how do we do this. And
2 I think you're right, there are probably a list of,
3 I'm making up a number, six or seven issues and maybe
4 we can quickly do some triage and say given each of
5 our respective points of view, let's focus on these
6 four and try to get to yes and then try and submit
7 that. I don't know what the process would be to make
8 that happen. And then the other question I would
9 have, each of us should think about, even though we
10 sign on to these group comments, do we still have the
11 ability to submit separate ones, which I would argue
12 people should have that ability if they want.

13 MR. deLASKI: I guess I wonder a little bit
14 about sort of the notion of comments. I think we're
15 all going to submit comments in this docket, right. I
16 mean all the people around the table are not going to
17 submit comments to the docket, right. So we're all
18 going to submit comments. There are going to be some
19 commonality among those comments. There's going to be
20 some things where we disagree.

21 I guess I'm wondering whether -- I almost
22 think of it as does it make sense for ASRAC, given our
23 experience particularly in negotiation, which is one
24 of the major topics of the RFI, to provide some
25 response to the Department or some guidance -- provide

1 our collective opinion to the Department on how -- on
2 that topic in particular and perhaps -- and that topic
3 happens to touch on all of the other topics just by
4 virtue of -- for example, the sequencing of test
5 methods and standards comes up, it just came up in our
6 prior discussion, and how would we provide that. Do
7 we provide it as -- you know, I don't know whether
8 it's a comment to the docket or whether we have
9 this -- we have this committee, which is created by
10 the Department, to provide guidance to the Department.

11 So, you know, I certainly would want it in the public
12 sphere. This meeting is in the public record. So
13 it's all in the public sphere, but I would think it
14 would be an opportunity for us to provide it so it's
15 separately from our individual organizational
16 comments, if we decide to do that.

17 MR. GATTO: Dave Gatto, Westinghouse. Yeah,
18 I think I agree with that. I'm just not sure of the
19 timing of it because I don't know if what you're
20 proposing is -- because I agree we're all going to,
21 whether directly or through our associations, we're
22 all going to be submitting comments for most of it to
23 that particular docket. So are you proposing or
24 thinking -- and John, I don't know if this is
25 possible, because once the comment period is closed,

1 would ASRAC be able to then review the comments,
2 whether they're -- once they're publicly published,
3 because they go right in as soon as you get the date,
4 as soon as people submit them really. I think you do
5 a quick review to make sure there's not anything in
6 there that you can't post. But then the ASRAC
7 committee, and I would agree it would be the committee
8 versus the working group, we could then review that
9 feedback or maybe pick the portions of it that we
10 think are things the committee could comment on where
11 we wouldn't have 19 different positions, and then
12 either give feedback on what we think the process rule
13 change might look like or on the areas that we think
14 DOE would be best served to focus on to improve the
15 process overall.

16 Does that make sense? It's really for me
17 I'm not sure whether this committee is allowed to
18 comment after the comments deadline, if that makes
19 sense.

20 MR. CYMBALSKY: This is John from DOE. But
21 this committee is charged, as Andrew said, to advise
22 the Department on issues relating to appliance
23 standards and obviously this is one of them. So even
24 outside the comment period of the RFI, after the
25 meeting that we have in the springtime, this group at

1 that meeting could say, here's advice we're giving to
2 DOE and that will be put up in the docket and on the
3 website and obviously it's public. So, sure, I don't
4 see why that can't be done.

5 MR. deLASKI: That's a lot more appealing as
6 an exercise what you've described. Because I would
7 have been trying --

8 MR. GATTO: Yeah, and I wasn't sure if
9 that's what you were proposing either because I wasn't
10 -- like I like the idea, but I wasn't sure if that was
11 actually what you were saying.

12 MR. deLASKI: Frankly I hadn't --
13 necessarily I didn't have a firm proposal out there.
14 But what you've just described to me, I think we ought
15 to be really busy frankly, unless -- I mean, of course
16 you guys can come in the deadline. That would help
17 plod. But given you have a request for that, that
18 Karen from Rheem made yesterday, so you have a formal
19 request from that deadline. But I would suggest that
20 the notion that we, as a committee, could then learn
21 from what's on the public docket and then, you know,
22 use our experience and then what would we draw from
23 that and can we come up with some recommendations for
24 the agency based on both our own experience and also
25 what we've seen on the docket that is reflective of

1 the joint opinion of this diverse of the stakeholders.

2 I think that could be very valuable to the
3 Department, you know. Who cares what the Department
4 thinks, but I think it could be some time well spent.

5 You know, we created some working groups that -- not
6 working groups, but subgroup within this committee to
7 tackle some of these issues over the past year. Now
8 is the chance to bring that -- past couple of years --
9 it's a chance to bring some of that experience to
10 bear.

11 MR. HON: This is Charlie Hon. I think that
12 it's very important because we still are bound by
13 certain rules and regulations for this committee as
14 far as public notices, time lines, different things
15 like that. We have to give certain amount of advance
16 notice of a meeting or anything like that. And I do
17 not see how we could possibly, unless the deadline is
18 extended, really do a good job of solidifying our list
19 of opinions in a timely manner to make this happen.
20 It would be much better served by reviewing what's
21 going on from other comments and try and solidify some
22 position melding several of these comments in.

23 MR. deLASKI: Right, that makes good sense
24 to me.

25 MS. CLEARY: Jenn Cleary with AHAM. I agree

1 with what seems to be off the table, which is that we
2 should not try to comment as a group. It's a
3 ridiculously short period of time for us to try to do
4 that. I think as far as the potential for us to give
5 future recommendations, I'd really like to see what
6 ends up on the docket before I commit one way or the
7 other because I think that what we read on the docket
8 will be telling us to whether that's possible or not.

9 And I don't really want to be under like an
10 obligation for us to do that if when we review the
11 docket, it doesn't look like we have any areas of
12 sufficient agreement, for example, to make that time
13 well spent. So for what that's worth.

14 MR. deLASKI: Sofie?

15 MS. MILLER: This is Sofie Miller. I agree
16 with you, Jenn, and I think part of that is because as
17 a newer member, I'm less familiar with what some
18 folks' stances are on different portions of that. And
19 also because coming from a rulemaking best practices
20 perspective, you might end up having very different
21 recommendations than coming from what's an expedient
22 rulemaking to provide certainty to manufacturers. So
23 I anticipate that I might actually not find lots of
24 room for agreement on certain particular areas and I
25 would prefer to see how that pans out before

1 committing. But if there are areas of agreement, I
2 would be more than happy to learn more about those and
3 see how we can support each other in that. But I
4 agree with Jenn, I prefer to see -- to wait a bit to
5 see where the chips fall, if that's a saying.

6 MR. deLASKI: Noah?

7 MR. HOROWITZ: So I might have been one of
8 the initial proposers of coming up with comments
9 jointly. I withdraw that.

10 MR. CYMBALSKY: So it sounds like we've
11 heard from a couple of people that today we agree, as
12 a group, to read the docket comments when the comment
13 period ends and then go from there. Is that something
14 -- everyone is shaking their head, yeah.

15 MS. DRISKELL: Can I suggest being a little
16 bit more precise and come back in the spring and talk
17 about, all right, do we have areas of agreement, yes,
18 no, and then proceed from there? Okay, if we do have
19 areas of agreement, what do we want to do with them,
20 what recommendations do we want to make? Or if we
21 don't have areas of agreement, we'll let the
22 Department decide what to do?

23 MR. deLASKI: Yeah, I also would caution
24 that there could be areas of agreement that you
25 wouldn't see in written comments, right, that if

1 you're looking for someone's bottom line position in
2 their written comments, you're not necessarily -- you
3 know, that there's a -- we learn things in these
4 discussions that we don't learn or just read written
5 comments and that there may be value in coming back
6 around this table to discuss items, even items where
7 you don't see agreement in the written submittals and
8 that you shouldn't stop there.

9 MR. GATTO: Yeah, Dave Gatto, Westinghouse.

10 I think I understand where we are. The plan would be
11 to add an agenda item for the spring meeting
12 specifically to talk about what everyone learned and
13 look for, if there are, as an opportunity to provide
14 either comments going back to DOE, and I think that's
15 a good idea. I definitely was not -- if it sounded
16 like we should do this. I don't know that I want to
17 pull that back, but we don't know whether we want to
18 do it until we have a sense of what -- whether there
19 is something.

20 And I think I also agree, Andrew, that a
21 conversation here after having everyone having
22 reviewed, there may be some common ground that isn't
23 in the comments but that comes out of that discussion.

24 I think that's been one of the benefits of the
25 negotiated rulemaking process. And even where we

1 weren't in an ASRAC process, but in the public meeting
2 space where we would be more collaborative negotiating
3 mode, things come out of that that benefit everyone
4 that we don't get to if we're lobbying comments over,
5 everyone in the very last minute before the comment
6 period closes, so no one else can see and respond to
7 your comments and then waiting 'til they come out.

8 MALE VOICE: Nobody does that.

9 MR. GATTO: Oh, I'm sorry, it's just me
10 apparently.

11 MR. CYMBALSKY: And the only thing I would
12 add, I agree with what everybody's saying, but, you
13 know, for us to be relevant, we also need to be
14 timely, and I think we all realize that. That's
15 probably obvious. But, you know, at the end of the
16 comment period, you know, everyone here has to read
17 the comments, right. Don't, you know, don't wait for
18 the spring meeting to start reading them, because I
19 think -- and I don't know how this process is going to
20 move forward after the comment period ends. I
21 honestly don't know and I don't know the timing, but
22 we want our -- whatever we come up with, we want it to
23 be relevant. So it needs to be timely. That's all
24 I'll say.

25 MS. CLEARY: Jenn Cleary. So I anticipate

1 that there are going to be hundreds of comments on
2 this docket and I'm not really prepared to read all of
3 them, but I am happy to read those from the members of
4 the committee and, you know, maybe any others that are
5 particularly relevant to me. But I don't want to like
6 try to take on the Department's job of reviewing and
7 trying to reconcile all of the comments. Otherwise, I
8 would apply to work here, but I don't want to do that.

9 So I just want to be clear about, you know, what
10 we're all like getting into here because I'm not
11 really ready to get into that.

12 MS. ARMSTRONG: Yeah. And I think if
13 everyone reads not only everyone on the committee's
14 comments but also those from the industry -- John and
15 I get the pleasure of reading all of them regardless.

16 So perhaps we can fill in the gaps as necessary, if
17 there are any that we need to raise that we don't
18 think are covered by, I think that's okay.

19 MR. WINNINGHAM: This is just a question
20 back to the Department. Would it be possible to
21 create kind of a discussion outline of the summary
22 themes from the comments that you received to kind of
23 foster the discussion of, you know, from this group,
24 here's what we're seeing as the major themes, so to
25 kind of move the discussion forward. And I don't know

1 if that's possible or not.

2 MS. ARMSTRONG: So I certainly think we can
3 come up with some type of outline. Now how detailed
4 it is going to depend on obviously the volume of the
5 comments, the diversity of the comments, and honestly
6 when the meeting is as compared to when the comment
7 period closes.

8 MR. WINNINGHAM: Yeah. And I --

9 MS. ARMSTRONG: If we're talking like 10
10 days and there's hundreds of comments that are
11 hundreds of pages, I don't think it's -- you know,
12 we're not going to be able to give you a detailed
13 comment discussion draft.

14 MR. WINNINGHAM: Yeah. And acknowledging
15 those constraints and --

16 MS. ARMSTRONG: But something is reasonable.

17 MR. WINNINGHAM: Something to help foster
18 the discussion that's, you know, particularly around
19 the common themes that we're seeing.

20 MS. ARMSTRONG: So I will say that in my
21 opinion, I think this agenda item in and of itself
22 will take a day with all the discussion. So to the
23 two chairs and how you want to handle this and
24 whether -- I don't know what that looks like, if ASRAC
25 wants to have a dedicated meeting to this. I do think

1 it will take a while.

2 MS. CLEARY: Ashley, this is Jenn. Do you
3 see value in this? I guess I'm just questioning it a
4 little bit, if what we're doing is reading through
5 comments, identifying areas of agreement, and then
6 making an ASRAC recommendation based on those areas
7 when the Department can do the same thing and
8 presumably would want to try to enact areas -- things
9 where there are areas of agreement. I just want to
10 make sure we're not duplicating.

11 MS. ARMSTRONG: So my personal opinion --
12 this hasn't been discussed at the larger level within
13 the Department. My personal opinion is that a joint
14 recommendation supported by everyone on ASRAC will
15 carry weight and will be helpful.

16 Now I think as something Dave said is one of
17 the benefits you get to, you guys have a lot of
18 experience, most of you, with our rulemakings and with
19 the negotiated rules and with different aspects, and I
20 think one of the things you might be able to do is
21 talk about some of the comments and maybe things
22 come -- maybe there's some middle ground there that
23 doesn't come through with one comment or another but a
24 common recommendation that could satisfy multiple
25 commenters. Maybe the comments aren't exact, but a

1 creative solution. I think that is what the
2 committee -- is what could be beneficial from the
3 committee taking the time to discuss it. As you can
4 tell by the attendance yesterday, as you can tell by
5 the importance that has been placed, what Daniel
6 mentioned this morning, this is a big deal to the
7 Department, as I think it is a big deal to all of you.

8 MS. DRISKELL: Kristen Driskell, California
9 Energy Commission. I also suspect based on the
10 comments we had yesterday that there are going to be
11 recommendations to do more work for more processes,
12 and the one I'm thinking of is like a fast-track
13 process to make a no standards determination of some
14 sort. And if that ends up being some sort of area of
15 commonality, that might be something we want to work
16 on. So I'm guessing that it's not going to be fleshed
17 out in a comment. Not that I'm suggesting that we
18 support that, I'm just suggesting an area that might
19 be for further work.

20 MR. HOROWITZ: I'm hearing a lot of
21 potential interest with a little bit of caution from
22 Jenn and Dave. I think we probably need to focus a
23 little bit after this meeting on process. There's
24 going to be a big stack of stuff and many of us don't
25 have the time or the inclination to read through all

1 of them. I think we can today guess what many of the
2 key themes would be, but maybe there will be some new
3 information. And maybe before we get together, the
4 chair and co-chair can figure out a small process,
5 could be appointing three or four people as kind of a
6 mini preparatory group to identify what the six or
7 seven issues and kind of bring a straw person or
8 outline of potential areas of consensus in advance of
9 the meeting. Otherwise, we're going to be talking
10 around the table quite a bit, and one day might not
11 even be enough for that.

12 MS. JAKOBS: So this is Diane. I have
13 worked on a lot of comments. And since the Department
14 started posting them immediately, you know, I start
15 reading them because I was just working on it. It's
16 not like a few months later. And, I mean, the idea is
17 that even though I've been working on it, you read
18 somebody else's comment, it's like, oh, I didn't think
19 about it that way. And just like a negotiated
20 rulemaking is really helpful, to me, being able to
21 look at the other people's comments is kind of almost
22 as good as having a discussion. So I would be happy
23 to read all of them. I probably will read them all no
24 matter what. But anyway, I think there's a lot of
25 value there.

1 MR. deLASKI: Any other comments on this? I
2 agree with Diane's point. This is work. I mean, this
3 committee is work. This is our first meeting in a
4 year, so we have a backlog, right. So people know
5 working on this committee isn't just coming to a
6 meeting, you know, once every six months. It's a
7 chunk of work and I think it's a responsibility for us
8 as committee members to how do we improve the program,
9 right. So this is a chance to help improve the
10 program. And if that means, you know, blocking off
11 some time to read some comments and then come together
12 and try to -- you know, I hope we can try to sort
13 through not just the things where there's obvious
14 agreement but where there are some things where
15 there's not agreement and can we through discussion
16 get to a consensus among more stakeholders so that the
17 agency can move forward to address the obligations and
18 the goals of the Administration. So I think we can do
19 that, you know, but it's going to be work.

20 MR. WINNINGHAM: To that end, Andrew, I do
21 think there's value here. I think there's significant
22 value and I think it's meaningful for us to take the
23 opportunity to put the effort forward. And I think it
24 is probably just as, maybe even more relevant, to
25 understand the areas of major objection and

1 controversy and understand why and understand what are
2 the potential opportunities to prevent that from
3 happening in the future. The commonalities are
4 probably the things that are the easy things. The
5 areas of conflict are probably the meteor ones on how
6 do we either resolve it or provide suggestions to try
7 to help prevent that going forward.

8 You know, there was a variety of discussion
9 yesterday and I thought there was a fair degree of
10 commonality on certain themes from a pretty diverse
11 set of stakeholders. But there are certain areas
12 where there were some very entrenched feelings and
13 opinions around certain things. I don't think we need
14 to go into that. But through our experiences, you
15 know, I think we, as Diane alluded to, we've all kind
16 of been educated through this process as to kind of
17 what works and maybe what doesn't work and how can we
18 lend those experiences and make, you know, meaningful
19 change into the process. How do we get to a yes or a
20 successful rule that doesn't end up in litigation and
21 helps move the ball towards, you know, the goals of
22 the Department and the nation as a whole?

23 MR. deLASKI: And then just to follow onto
24 that, I think what we learned I think through the
25 negotiations that we've had and through the work ASRAC

1 has done is that things that we work out through this
2 kind of discussion tend to stick, right, as opposed to
3 things that are contentious and then they don't stick,
4 right, either because of litigation or either because
5 it gets pulled back by some future decision-maker,
6 right. So, if you want to have a robust process that
7 persists over time, just throwing it over the transom
8 and seeing what comes back doesn't usually, doesn't
9 always stick, right. So, if you work through things
10 and understand different opinions and different points
11 of view, you will more likely come out with an outcome
12 that sticks. So that, to me, is the value -- back to
13 the value add question, that, to me, is the value add,
14 coming up with something that would stick over time.

15 So I think there's a lot of benefit and I
16 think that's part of why the committee was created in
17 the first place. And we've done it successfully now
18 for a dozen working groups or so and, you know, this
19 is a chance now for more of a crosscutting role for
20 us. So I think the action item is simply to schedule
21 a next meeting to allow -- that will be long enough to
22 be able to give us at least the possibility of having
23 a more in-depth discussion, even though some folks
24 here aren't necessarily committed -- aren't ready to
25 commit to that in-depth discussion. So at least we

1 have that open and we have a meeting scheduled.

2 MS. ARMSTRONG: But to John's point, not too
3 far off in the future to make our stance --

4 MR. deLASKI: Right. Can we pull out
5 calendars? Should we try to schedule a meeting?

6 MS. ARMSTRONG: Yes.

7 MR. CYMBALSKY: I might take away my April
8 suggestion and say March, honestly, based on, you
9 know, based on, you know, what we've decided to tackle
10 here and again to be relevant and timely. So the
11 current comment period ends in February. And then if
12 it gets extended, it would be --

13 MS. ARMSTRONG: Mid march.

14 MR. CYMBALSKY: -- mid March.

15 MS. DRISKELL: February 16th now. So, if it
16 went back to the original 90 days, it would be
17 March 15 or so. February has only got 28 days, but
18 something like that.

19 MR. CYMBALSKY: I mean, who is up for seeing
20 Cherry Blossoms in D.C. in late March, early April is
21 what I'm hearing, but I don't know. Does that sound
22 right to you, late March?

23 MS. ARMSTRONG: I think the first week in
24 April is ideal maybe.

25 MR. CYMBALSKY: Okay.

1 MALE VOICE: The last week in March or the
2 first week of April.

3 MS. ARMSTRONG: So the first week in April
4 might be a little better, especially towards the end
5 of the week. I know Fridays are not great.

6 MS. MILLER: Beginning of April would be
7 preferable. I've got I think three academic
8 conferences in March, two of which involve travel.

9 MS. ARMSTRONG: How about February the 4th
10 or February 5th. One is a --

11 MR. CYMBALSKY: April.

12 MS. ARMSTRONG: I'm sorry, you know, I
13 really want to see you guys so soon. I'm so excited.
14 April 4th or 5th.

15 MALE VOICE: I think we're probably going to
16 be meeting, if we're going to have a full meeting,
17 we're going to need one day or two.

18 MR. deLASKI: What did you say, Kristen?

19 MS. DRISKELL: I'm going to be down the
20 river in Utah --

21 MR. deLASKI: You'll be down the river?

22 MS. DRISKELL: -- the first week in April.

23 MR. deLASKI: With a paddle, I hope.

24 MS. DRISKELL: Hopefully, I'll have a
25 paddle.

1 MR. CYMBALSKY: Better than being up the
2 river.

3 MS. ARMSTRONG: Well, can you modify that,
4 please?

5 MR. deLASKI: So the last week of March was
6 a conflict for some folks, is that what I heard?
7 That's no good?

8 MS. MILLER: I think I might be able to do
9 last week of March. I'm trying to double check some
10 of the conference dates.

11 MR. deLASKI: I hear a negative over here.

12 MR. HON: The last week of March is fine.
13 Two weeks before that, I'm out of the country.

14 MR. deLASKI: Ashley, you're --

15 MS. ARMSTRONG: I'm out.

16 MS. DRISKELL: You're out. We need you.

17 MS. ARMSTRONG: Kids' spring break.

18 MR. CYMBALSKY: Don't look at me.

19 MS. ARMSTRONG: Yeah, you're in.

20 MR. CYMBALSKY: This is why we don't have 30
21 people on the committee, just so that you know. It's
22 hard enough getting 12 people to agree.

23 MR. deLASKI: Well, what about the next --
24 what about the week of April 9th?

25 MR. CYMBALSKY: April 9th is a very special

1 day to me.

2 MR. deLASKI: Your birthday?

3 MR. CYMBALSKY: It's my birthday, bring
4 presents.

5 MS. ARMSTRONG: So we could do like a 9th
6 and 10th with a 9th evening out.

7 MR. CYMBALSKY: I'm okay. I will sit in
8 this room on my 51st birthday.

9 MALE VOICE: Explain the \$25 rule.

10 MS. ARMSTRONG: We can go off the record.

11 MR. CYMBALSKY: A slice of cake I hope does
12 not cost \$25.

13 MR. deLASKI: All right. So maybe -- that's
14 a Monday. We're not going to do the whole Monday,
15 right? That's bad for the people who have to travel
16 in.

17 MALE VOICE: That's okay for me. But
18 anybody that's got to go on the plan, like Christmas,
19 it's going to be Sunday.

20 MR. deLASKI: Yeah.

21 FEMALE VOICE: April 10th?

22 MR. deLASKI: The 10th of April?

23 FEMALE VOICE: The 10th of April is good,
24 works for me.

25 MR. CYMBALSKY: I might be a little tired

1 that day, but I'll come in.

2 (Laughter.)

3 MS. ARMSTRONG: Sounds good.

4 MR. deLASKI: Okay.

5 MS. ARMSTRONG: Starting at 9?

6 MR. CYMBALSKY: Yeah. I think we'll make
7 this a 9 to 5 and we're going to need the full day.

8 MR. deLASKI: Fly in the night before, piece
9 of advice from somebody who --

10 MR. CYMBALSKY: Got stuck.

11 MR. deLASKI: -- got stuck the last time.

12 Okay. I think we're done with the
13 committee's agenda, other than the important item of
14 the last, which is opening up to members of the public
15 for comment or -- oh, Jenn?

16 MS. CLEARY: This is Jenn. I did have one
17 additional agenda item, which is portable air
18 conditioners. Just, you know, it wasn't anything that
19 was negotiated by this group, but AHAM would really
20 like to see that rule, which was issued but not
21 published, be published. I think there are others who
22 maybe want to speak up on this as well. And I don't
23 know if it's possible to get an ASRAC recommendation
24 for that publication and/or for us to consider as part
25 of, you know, what we talked about earlier today,

1 identifying, you know, what the Department's
2 roadblocks are. I'm assuming it's two for one order.

3 Are there ways that ASRAC can help to identify things
4 that could be offsets for that rule to allow it to be
5 published.

6 You know, just for those who aren't
7 involved, which I think is just about everyone else at
8 the table, this is one of the rules that toward the
9 end of the last Administration was issued and had to
10 go through the error correction rule process and then
11 could not be published. So right now we have the
12 status where we know what the Department's decision
13 was on the rule, but it's not yet effective. We have
14 a final test procedure for this product. It's the
15 first time it's been regulated. We have interest
16 from, you know, Canada, from states starting to crop
17 up. So really in the interest of national, you know,
18 and U.S. standards coming first, et cetera,
19 coordination with Canada is really critical for
20 certainty for manufacturers as well to get this
21 published and an effective date known. So this is an
22 important priority for AHAM.

23 MR. deLASKI: Charlie, you want to comment?

24 MR. HON: One quick, when backtracking and
25 one thing we didn't do is we've approved a working

1 group, but we didn't approve a member from ASRAC to be
2 the coordinator for that working group, communicating
3 back into the group.

4 MR. CYMBALSKY: That's true. I thought I
5 heard you volunteer. I guess that wasn't the
6 official -- I know who the DOE person is going to be.

7 MR. HON: Yes, but I don't guarantee that I
8 could be that active on that group because it is not a
9 product which we manufacture.

10 MR. deLASKI: So I hear Charlie was not --
11 he thought he was being -- we thought he was
12 volunteered and he's telling me that he wasn't
13 volunteered.

14 MR. CYMBALSKY: Yes.

15 MR. deLASKI: Diane?

16 MS. JAKOBS: I would volunteer because of
17 the work at AHRI, I am familiar with this --

18 MR. deLASKI: Okay.

19 MS. JAKOBS: -- with both those products.

20 MR. deLASKI: Okay.

21 MR. CYMBALSKY: Anybody else?

22 MR. WINNINGHAM: Everyone can do it. We're
23 in the second month. But, again, you know --

24 MR. deLASKI: Dave and Diane. I mean, you
25 guys don't -- I think we can have you both for the

1 moment and then, when the working group is formed, we
2 can probably figure out who has the bandwidth to do
3 it. Anyone from the non-manufacturing community
4 interested in participating in this working group
5 potentially?

6 MS. DRISKELL: I mean, the Energy Commission
7 will probably participate. I just don't think it will
8 be me, if possible.

9 MR. deLASKI: Okay.

10 MS. ARMSTRONG: It will just be separate.

11 MS. DRISKELL: Yeah, it will be a separate
12 application through the normal process.

13 MR. deLASKI: Right. Any member from this
14 committee can have a person from their organization or
15 separately apply for the working group. Okay, all
16 right. So the working group representative is -- for
17 the moment, we have two and in the end it may be one
18 of the two.

19 MS. JAKOBS: And the other one would back up
20 whenever?

21 MR. deLASKI: Yeah. Okay, great. Thank you
22 for, Charlie, for getting us on track on that.

23 On the issue of portable AC, we've supported
24 that standard since it was -- you know, throughout the
25 process and appreciate AHAM's hard work to get it in

1 place and the agency's hard work to complete it. And
2 it's a solid standard. It's wildly cost-effective for
3 the consumers of the product. And it's one that was
4 developed through an open public rulemaking process
5 over multiple years that had full participation of
6 stakeholders.

7 It's been a point of frustration that it
8 hasn't been completed. It's got -- it's basically a
9 consensus rule. It wasn't developed through the
10 negotiation process. But a lot of the rules that were
11 negotiated -- developed through the vendor rulemaking
12 process are not controversial. You know, this one
13 doesn't have to be negotiated. It's already been
14 done. You don't have to create a working group. It's
15 done, just publish it, right. So, you know, I guess
16 we can't -- it's a difficult situation, but it strikes
17 me that it would be very -- it would be a good thing
18 for the Department to publish it. Kristen, do you
19 want to comment?

20 MS. DRISKELL: Two things. One, Jenn's
21 right, that states are starting to take interest in
22 this. The Energy Commission just released a notice of
23 proposed order instituting rulemaking that includes
24 portable air conditioners. The second thing I wanted
25 to ask is would it be helpful if the ASRAC made a

1 formal recommendation to DOE to publish this rule or
2 sent a letter or something along those lines if we
3 agree that we want this to happen?

4 MR. CYMBALSKY: I don't think it would hurt.
5 So, I mean, I think ASRAC, as I recall a couple years
6 back, there were some things with OIRA where ASRAC as
7 a group were trying to make recommendations on certain
8 things. I see this as the same as that.

9 MR. deLASKI: I guess I would ask -- I mean,
10 a number of us were very involved or our organizations
11 were very involved in that rulemaking. I wonder
12 whether there are folks on the committee who weren't
13 so involved who may have questions or concerns.

14 MR. WINNINGHAM: Just, Jenn, could you kind
15 of walk through the process of the participants and
16 the timeframe and the outcome, just high level, just
17 would like to understand better, just from
18 unfamiliarity.

19 MS. CLEARY: Sure. This is Jenn. It was
20 normal notice and comment rulemaking, so I know that
21 AHAM and some of our individual members participated.

22 I know that members of the advocacy community
23 participated. So, as Andrew said, I think there was
24 full participation in the rule. AHAM provided a great
25 deal of data as part of the rulemaking effort. I'm

1 not going to say that the rulemaking process was
2 without issues, test procedures -- the test procedure
3 wasn't completed before the standard was started.
4 Nevertheless, we don't oppose the outcome of the
5 standard that has been issued but not yet published by
6 DOE, and I'm not aware of anyone that does oppose it.

7 MR. WINNINGHAM: So it was done through
8 normal -- the normal process, but you mentioned it was
9 somewhat of a consensus of the stakeholders?

10 MS. CLEARY: Not to put words in Andrew's
11 mouth, but I think what he meant is that there wasn't
12 a -- it wasn't an overly controversial rulemaking.

13 MR. WINNINGHAM: Okay.

14 MR. deLASKI: Yeah. I shouldn't use the
15 word -- it was not a consensus proposal. There's no
16 objection to the rule. No one's objecting -- no one
17 has objected to the rule as it was finalized to any of
18 our knowledge of those of us who track it closely.

19 MR. HOROWITZ: It would seem to me that it
20 could be helpful, and I don't see a downside unless
21 there's some procedural restriction to have a
22 resolution or letter supporting the publication of
23 this final rule by this group.

24 MR. CYMBALSKY: Just from DOE's point of
25 view, these are -- this rule is subject to litigation

1 right now. So we -- you know, obviously, DOE won't be
2 a part of whatever ASRAC may want to decide to do.

3 MR. HOROWITZ: And some of us might be part
4 of the litigation, so we just need to check if it's
5 okay to be on the letter.

6 MR. CYMBALSKY: We don't hold that -- as you
7 heard yesterday, we don't hold that against anybody.

8 MR. deLASKI: Maybe we need to make this a
9 little more simple, maybe just a sense of the group,
10 you know, just is there a sense of the group? I don't
11 know that we need to do a letter. What do you think?
12 What would be your --

13 MS. CLEARY: I think a sense of the group
14 would be helpful. I think if it was something more
15 formal, that would probably carry a little more
16 weight. I'm glad John raised that we've gone to OMB
17 in the past together before. So, if there were people
18 willing to go together to OMB to try to impress upon
19 them the importance of publishing this rule as well,
20 to the extent that the holdup may be there, that would
21 also have some value, and I'd be glad to organize that
22 effort.

23 MR. GATTO: So, Jenn, I don't -- I wouldn't
24 have any objection to going to OMB. But I guess, and
25 this may be because no one who is involved in the

1 litigation can talk about it, but is anyone able to
2 say whether or not the litigation is why it's not
3 coming out of OMB? Because then there's no -- I don't
4 want to say there's no point, but there's -- you know,
5 if the reason it's not coming out of OMB is that
6 they're waiting for a determination, then it's always
7 nice, Cherry blossoms or not, to come down here, John.
8 I just don't know that it's worth the trip.

9 MS. CLEARY: This is Jenn. I'm not a party
10 to the litigation, but the litigation is because it
11 hasn't been published. So it's not about the
12 substance of the rule and it's packaged together with
13 other rules that were in the same status of issue, but
14 not yet published.

15 MS. JAKOBS: What were the products?

16 MS. CLEARY: This is Jenn. Portable air
17 conditioners.

18 MALE VOICE: I know it's not the normal
19 procedure, but somebody wants to weigh in and I'm not
20 sure if that's appropriate.

21 MS. DAVIDSON-HOOD: I just have a fact that
22 -- this is Caroline Davidson-Hood from AHRI, but there
23 was also another rule that was subject to this
24 litigation that did eventually get published.

25 MR. deLASKI: Right.

1 MS. DAVIDSON-HOOD: Just for the record.

2 MR. deLASKI: No, that's a very good point.

3 Thank you for raising that. You know, the walk-ins
4 were part of the same litigation and the walk-in rule
5 was published.

6 MR. HON: Are there others in the same
7 litigation?

8 MR. deLASKI: Yeah. There's five or four.
9 There were five. Now there's four.

10 MR. HON: Okay.

11 MR. deLASKI: So the Department can
12 basically -- basically, this is the least -- this is
13 the one amongst the four where just clearly there's no
14 one who has raised objections to publishing this rule.

15 And what I'm hearing is -- I guess what I would
16 suggest is let's -- is there a sense of the group to
17 urge the Department to go ahead and finalize this one,
18 given the level of -- given that it is a consensus
19 rule that, you know, doesn't need to be negotiated?

20 MR. WINNINGHAM: First, thank you, Caroline,
21 for that piece of information and the one rule that
22 was pushed through and I guess I wasn't connecting the
23 dots. I mean, there was some effort to try to
24 encourage the Department to move that forward. So I
25 guess I would be supportive of that.

1 MS. MILLER: This is Sofie. I'm not sure if
2 I'd be comfortable doing that only because I don't
3 recall if I've looked deeply into that rule or not.
4 And generally -- at George Washington University, we
5 generally don't sign on to letters. If it were a
6 comment letter, that might be slightly different, but
7 typically not coalitions and things like that. So
8 that might not be within my portfolio, but I don't
9 know that that would prohibit anyone else from
10 grouping together and making the same kinds of
11 recommendations.

12 MR. deLASKI: Does anyone else have a
13 concern?

14 MS. JAKOBS: Not a concern, but I think one
15 of the key issue though is that when this group of
16 people comes together and negotiates and comes to a
17 conclusion, that it goes somewhere because it's -- the
18 expense is a lot of time and people make a big
19 commitment. So the fact that everything worked out
20 and you have an agreement and it's like stopped
21 somehow, I think that's a problem for us regardless of
22 the --

23 MS. CLEARY: Jenn, this is Jenn. Diane,
24 just to be clear, this wasn't negotiated. This was
25 done through formal notice and comment rulemaking and

1 it's just that we, as an industry, and I think
2 everyone is just kind of like okay with it. I'm not
3 going to say if we're happy or jumping over the fences
4 about it, but we're okay with it and we'd like to see
5 it published. I think from, you know, a policy
6 perspective for this committee though, having a rule
7 that the Department has issued and not published is
8 not a good policy. So that's why I brought it before
9 this group, you know, not necessarily on the substance
10 of the rule, but this is sitting out there and I
11 think, you know, all the things we talked about today,
12 avoiding patchwork of state standards, et cetera, you
13 know, are advanced by having this rule published.

14 MR. deLASKI: Just a reminder that you can
15 get through -- I think in a case of most negotiated
16 standards, you're usually in a -- at the end of the
17 day, you're like, I can live with this standard.
18 Again, even in that case, you're not jumping over the
19 moon usually. You're just like, this is something I
20 can live with. So you got to that outcome through the
21 normal notice and comment process. But it's equally,
22 an equally supportive, you know, kind of thing,
23 outcome that has big benefits that work for -- has
24 always been, as Jenn just described, and should be
25 completed. So I think what I'm hearing is a consensus

1 agreement, with Sofie's caveat that she just provided,
2 that the Department -- we're urging the Department to
3 publish that rule.

4 And I guess I would leave it to you, Jenn,
5 that if you'd like to organize a meeting for OIRA,
6 that I certainly would be willing to participate in
7 that and I see a couple of other noddings from the
8 table of others who would be willing to participate as
9 well. I don't think we need to have a -- I think we
10 did that before for some product, I forget what it
11 was, and we had a delegation of two essentially.

12 MS. CLEARY: I think it was you and I,
13 Andrew.

14 MR. deLASKI: I guess.

15 MS. CLEARY: So thank you all for your time.
16 I appreciate it.

17 MS. ARMSTRONG: So I will just suggest if
18 you end up deciding to go to OIRA to meet, there are
19 some new faces at OIRA, so I think it could be
20 beneficial for them to get introduced into this is
21 what ASRAC is, this is what ASRAC does, this is who we
22 are, this is what we're trying to accomplish from
23 someone other -- explaining it other than people from
24 the Department and this is why it's important. And
25 whatever else you want to add.

1 MR. HON: Depending on schedule, I may be
2 available too.

3 MR. deLASKI: So we're look to you to
4 coordinate that and schedule it.

5 MS. CLEARY: Okay.

6 MR. HOROWITZ: Jenn, someone from NRDC, if
7 you want to reach out to me, will get you the right
8 person.

9 MS. CLEARY: Great, thank you.

10 MR. deLASKI: Okay. Is there anything else
11 from the committee before we open for comments and
12 questions from the public?

13 (Pause.)

14 MR. deLASKI: All right. Thanks for your
15 patience, those in the audience. Steve?

16 MR. ROSENSTOCK: Thank you. Just a quick
17 one and this is -- I've been on a couple of negotiated
18 and neg reg working groups and I just wanted to ask,
19 as you go forward with this first one, assuming it
20 goes forward for the VRF air conditioners and heat
21 pumps, I heard the timing of six months. I know I was
22 on one that worked for about a year, I'll say. You
23 know, again it was transformers because it was a lot
24 of -- it might be more product classes, for example,
25 but a couple of thoughts. In the solicitation, is

1 there going to be -- I'll just say for those who are
2 interested, you need to know that you have to be at so
3 many in-person -- you're expected to be at so many in-
4 person meetings per month or so many webinars per
5 month. Again, just to -- and all the meetings will be
6 in Washington, D.C. Again, I'm just thinking about
7 logistics for potential participants, that they need
8 to know for this particular negotiation, over the six-
9 month period, they're going to have to allocate time
10 and resources and possible travel expense. Again, I
11 just to give an idea of this is the basic commitment.

12 Again, I can't remember if it was done in previous
13 solicitations, but since I've heard the timeframe, is
14 there a way to say that in the solicitation that this
15 is what you're expected to do just for your logistic
16 time and resources basically, time and resource
17 management. That's one thought.

18 The second thought is again --

19 MS. ARMSTRONG: Well, before second -- the
20 answer is yes.

21 MR. ROSENSTOCK: What?

22 MS. ARMSTRONG: The answer is yes.

23 MR. ROSENSTOCK: Okay. The second is, is
24 there thoughts about possibly adjusting the in-person
25 versus webinar type of meetings going forward again in

1 terms of cost and resource management? I know in-
2 person is very invaluable, but I have been -- I do a
3 lot of ASHRAE work. We do have ASHRAE meetings with
4 sometimes 70 people on a webinar and they can make it.

5 It can be made to work. So, again, again, I'm just
6 thinking about people's resources and time commitment
7 that if there's a higher percentage of webinars versus
8 in-person, I know you don't get the face-to-face, but,
9 again, it might help in terms of possible
10 participation. Again, I'm just throwing these things
11 out in terms of could changes be made in terms for the
12 working groups to make it easier for participation?

13 And the third one is, I think we did -- I
14 think it was done before, but will you allow, I'll
15 say, organizational alternates, that if the primary
16 can't do it, the secondary is required to attend and
17 required to be up to speed where no one has to explain
18 anything to him or her? Again, speaking from my
19 ASHRAE experience, I have an organizational
20 alternative where I'm doing a lot of different things,
21 we all do a lot of different things, that it does
22 allow some flexibility for participation.

23 MS. ARMSTRONG: The answer to the last one
24 is yes for the alternates.

25 MR. ROSENSTOCK: Okay.

1 MS. ARMSTRONG: The answer to the middle one
2 is in the past, the Department has provided both
3 webinars and in-person meetings and it's been up to
4 the participant to decide. And sometimes the working
5 group has decided to have webinars during. Really the
6 logistics of where, exactly when and how are decided
7 at that first working group meeting. But certainly
8 we'll continue to provide both a room, a mediator, and
9 a webinar availability for all the meetings.

10 MR. ROSENSTOCK: Thank you. I didn't know,
11 again, if there was any changes down the pike or if
12 there are any new rules that working group
13 participants might be -- need to be aware of. Thank
14 you very much.

15 MR. deLASKI: Bejit?

16 MR. KINDU: Bejit Kindu with Energy
17 Solutions on behalf of PG&E. Just two comments for
18 the record. We are glad to hear that DOE is
19 contemplating the term sheet on circulator pumps and
20 we would encourage direct final rule as soon as
21 possible since PG&E and the California IOUs were a
22 part of that working group. We hope that's finalized.

23 And the second comment I have is on the VRF
24 test procedure. We have some concerns about the
25 representation of actual energy use from that test

1 procedure. So we hope that whatever working group is
2 formalized has an opportunity to make tweaks or make
3 some modifications as needed before a standards
4 negotiation moves forward.

5 MR. deLASKI: Okay. Anyone else from this
6 side?

7 MS. ARMSTRONG: Can you state your name?

8 MR. TRUSKOSKI: Eric Truskoski, Bradford
9 White. So recognizing something you guys had said
10 when creating, whether it be industry, test
11 procedures, or associations, organizations, ASHRAE, so
12 forth, that create test procedures, there's concerns
13 from the Department that they may not encompass
14 everything that you guys feel needs to be included.
15 So I guess my question is, is there some sort of
16 template or list of requirements that you could give
17 to these organizations or associations, so that we
18 could -- as we're working through it, we can try and
19 take care of those concerns up front? Not to say we
20 want to exclude your participation, just can we help
21 there?

22 MS. ARMSTRONG: Should I take that
23 personally, Eric?

24 MR. TRUSKOSKI: No.

25 MS. ARMSTRONG: So I think two things that

1 have started to happen as we march on. I think one is
2 for those -- I mean the statutory requirements for a
3 test procedure for the Department are the statutory
4 requirements. We've got to read them. They are
5 there.

6 That being said, I think we have some ask
7 and there are more technical and product specific ask.
8 Whether they be -- stem from questions we've gotten
9 from interested parties, testing we've done where we
10 found issues, or other things where we just have
11 concerns. We started giving a list of those sometimes
12 to test procedure committees when they start their
13 work and/or put someone on that committee that
14 represents the Department's interest. We also
15 actively have submitted comments to all of the ASHRI
16 ones that have come out lately and some of the other
17 ones we've provided some more detailed feedback. So
18 that is our plan going forward.

19 MR. TRUSKOSKI: Okay.

20 MS. ARMSTRONG: So I think that it should be
21 pretty obvious to the committees, at least some of our
22 thoughts or open issues. Some of them, we don't have
23 solutions to or opinions on, but we know there's an
24 issue. So we're just simply asking the committee to
25 look into them.

1 MR. TRUSKOSKI: Okay, thank you.

2 MR. deLASKI: Anybody else?

3 MS. ARMSTRONG: Is there anyone on the
4 webinar? Peter?

5 MR. GAYDON: Hello? Can you hear me?

6 MS. ARMSTRONG: Yes.

7 MR. GAYDON: I wanted to make a public
8 comment about the open term sheets that, you know,
9 were approved by ASRAC and are outstanding. Is the
10 ASRAC committee doing anything to move these along or
11 can they report back to the working groups relative to
12 where DOE stands on these term sheets and moving
13 forward with them?

14 MR. deLASKI: This is Andrew deLaski. Is
15 there a particular -- so there was some discussion on
16 the various term sheets today. Is there a particular
17 term sheet that you wanted to ask about and you want
18 to identify your affiliation?

19 MR. GAYDON: Yeah. Peter Gaydon with the
20 Hydraulic Institute.

21 MR. deLASKI: Okay.

22 MR. GAYDON: I was a member of the
23 circulator pump working group. We haven't received
24 any information as far as if DOE is moving forward
25 with those. It was approved by the ASRAC. So we're

1 just looking for any information as to schedule. Are
2 we waiting until after the process rule? Any
3 information back to the working group would be
4 helpful. ASRAC approved it and we expected some
5 motion this year.

6 MR. deLASKI: Right. So thank you, Peter,
7 for your comment. So for everyone else's benefit, the
8 Hydraulic Institute is the trade association that
9 represent the pump manufacturers. They are part of
10 the negotiation. They support publication of the
11 rule. And it came up earlier and the report back was
12 that there was no news from the agency. And ASRAC,
13 we've requested for -- our request is outstanding,
14 which is we're looking for an update from the
15 committee -- from the agency. And at this point, they
16 weren't able to provide us any information. So it is
17 outstanding business that we're -- as ASRAC is keen to
18 see the agency move on, given that we approved it
19 previously.

20 MR. GAYDON: Thank you for that update.

21 MR. deLASKI: Anyone else from the webinar?

22 (No additional questions.)

23 MS. ARMSTRONG: So I just want to circle
24 back to one thing and I think you asked me something
25 about an outstanding term sheet item on a label,

1 perhaps pumps. Did I get that right? The label is in
2 the regs. We adopted it as part of the previous
3 rulemaking. So that has been satisfied.

4 MR. deLASKI: Cross that one off.

5 MR. CYMBALSKY: Good way to end the meeting.

6 MR. deLASKI: Thank you. A very product
7 meeting and we'll see everybody in early April. Bye-
8 bye.

9 (Whereupon, at 3:25 p.m., the meeting in the
10 above-entitled matter adjourned.)

11 //

12 //

13 //

14 //

15 //

16 //

17 //

18 //

19 //

20 //

21 //

22 //

23 //

24 //

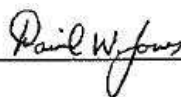
25 //

REPORTER'S CERTIFICATE

DOCKET NO.: N/A
CASE TITLE: Appliance Standards and Rulemaking
Federal Advisory Committee (ASRAC), Full
Parent Committee Meeting & Webinar
DATE: January 10, 2018
LOCATION: Washington, D.C.

I hereby certify that the proceedings and evidence are contained fully and accurately on the tapes and notes reported by me at the hearing in the above case before the U.S. Department of Energy, Office of Energy Efficiency & Renewable Energy.

Date: January 10, 2018



David Jones
Official Reporter
Heritage Reporting Corporation
Suite 206
1220 L Street, N.W.
Washington, D.C. 20005-4018