

MEMORANDUM OF EX PARTE COMMUNICATION WITH THE DEPARTMENT OF ENERGY

Date: Friday, September 1, 2023

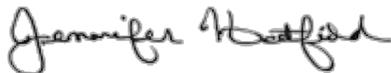
Attendees:

Ashley Armstrong, DOE
Nathan Coelho, Master Spas
Jeremy Domm, DOE
Jennifer Hatfield, PHTA
Tyler Jones, PHTA
Michael McCague, Watkins
Angelo Pugliese, CMP
Steven Stigers, Watkins
Justin Wiley, PHTA

On the above date, representatives from the Pool & Hot Tub Alliance (PHTA) met with the Department of Energy (Department). The purpose of the meeting was to provide information as to why PHTA is recommending a 5-year compliance window for a future energy conservation standard for portable electric spas. PHTA and its members explained that the final test procedure rule for portable electric spas requires modifications to current test lab equipment and chambers. Further expressing time and capacity challenges as it related to the number of certified test labs and volume of product that will need to be tested to the future energy conservation standard. PHTA and its members also conveyed to the Department why basic model testing will not speed up testing and should be kept to a minimum. Based on the number of approved test labs, the anticipated number of units needing testing, and the amount of time to test these units, it will take years to reset the market for DOE compliance. PHTA and its members believe 5-years is the appropriate amount of time.

The meeting request is also attached for reference as to information discussed.

Sincerely,



Jennifer Hatfield
Consultant
Pool & Hot Tub Alliance



To: Ashley Armstrong, Senior Advisor for the Office of Energy Efficiency and Renewable Energy and John Cymbalsky, Program Manager, Appliances and Equipment Standards Program

From: Jennifer Hatfield, Pool & Hot Tub Alliance Consultant

Date: August 17, 2023

CC: Justin Wiley, Vice President, Government Relations, Standards, and Codes

Re: Meeting Request on Portable Electric Spa Rulemakings- Energy Conservation Standard Compliance Window

On June 13, 2023, the Department of Energy (Department or DOE) published its final rule for the Test Procedure for Portable Electric Spas (PES), effective July 13, 2023. Based on the changes to the industry test procedure, APSP-14, present in DOE's test procedure, the Pool & Hot Tub Alliance (PHTA) is requesting a meeting with the Department to discuss a future compliance date on the yet to be proposed corresponding Energy Conservation Standard (ECS) for PES. Additional background as to why PHTA is asking for this meeting follows.

PHTA and its affiliate, the International Hot Tub Association (IHTA), worked with our manufacturer members to provide the California Energy Commission (CEC) input on its PES test procedure and standards throughout the years. The most recent collaboration developed and refined the industry test procedure, APSP-14, so that it could be used to inform energy conservation standards in California. CEC then revised their requirements to align with the 2019 edition of the APSP-14 standard. This required manufacturers that sell PES in California to test, rate, and report PES energy consumption.

- The latest CA Title 20 PES requirements that fully adopted the 2019 APSP-14 requirements were adopted in 2021, with compliance that began on January 1, 2022.
- Currently, 41 manufacturers have tested, rated, and reported energy consumption for 1535 PES to the CEC.

In the Department's test procedure rulemaking process, DOE adjusted the method of testing for a PES from an insulated floor (as described in APSP-14) to a wood deck, to ensure the increased efficiency associated with insulating the floor of a PES is accounted for in the measurement of the standby energy. Based on the Final Test Procedure Rule, manufactures are currently interpreting changes to the federal test procedure as a "restart" in the certification process, requiring them to re-test all equipment with the new test procedure upon a future ECS compliance date.

While not a federal regulation, manufacturers went through the not-trivial process of regulation compliance in California in 2021. This required time, resources, and money to test

and certify their equipment to APSP-14. This test data was a crucial part of DOE's analysis of PES energy consumption and the make-up of the market.

As the Department works toward a corresponding Energy Conservation Standard that will utilize the new federal test procedure, PHTA and its member manufacturers are requesting consideration of a 5-year compliance window. We understand that the typical compliance for a new standard is within 3 to 5 years, and PHTA is recommending the latter based on the following reasons:

- Allows adequate time for manufacturers to test, redesign, and certify their products.
- Member manufacturers believe the ability to group PES into basic models is limited, due to the impact of differences such as volume, jet count, electrical configuration, and shell shape, each a unique energy case. A manufacturer could lump several similar models together under a worst-case basic model, but because the variants would be expected to have different energy consumption, a manufacturer would have to test all of them to have documentation that the worst-case model is being tested.
- Because the testing process was recently completed for the CEC, a longer lead time allows for a wider gap between retesting, lessening the financial impact on manufacturers.

We welcome the opportunity to discuss this further with the Department. In addition to providing additional details as to why a 5-year compliance window to a future energy conservation standard should be considered, based on the recently published test procedure, a meeting would provide us the opportunity to also elaborate on our interpretation of basic models and the unique position PES manufacturers find themselves in as to why this may be a limited method of testing product.