

Appliance Standards Awareness Project  
American Council for an Energy-Efficient Economy  
Northwest Energy Efficiency Alliance

May 31, 2022

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

**RE: Docket Number EERE-2022-BT-STD-0008: Proposed Rule for Energy Conservation Standards for Air Cooled, Three-Phase, Small Commercial Air Conditioners and Heat Pumps With a Cooling Capacity of Less Than 65,000 Btu/h and Air-Cooled, Three-Phase, Variable Refrigerant Flow Air Conditioners and Heat Pumps With a Cooling Capacity of Less Than 65,000 Btu/h**

Dear Ms. Rivest:

This letter constitutes the comments of the Appliance Standards Awareness Project (ASAP), the American Council for an Energy-Efficient Economy (ACEEE), and the Northwest Energy Efficiency Alliance (NEEA) on the notice of proposed rulemaking for energy conservation standards for air cooled, three-phase, small commercial air conditioners and heat pumps with a cooling capacity of less than 65,000 Btu/h and air-cooled, three-phase, variable refrigerant flow (VRF) air conditioners and heat pumps with a cooling capacity of less than 65,000 Btu/h. 87 FR 18290 (March 30, 2022). We appreciate the opportunity to provide input to the Department.

**We support the proposed standard levels for all product classes.** ASHRAE 90.1 updated the cooling and heating metrics for non-VRF equipment from SEER and HSPF to SEER2 and HSPF2, respectively. In this NOPR, DOE presented a crosswalk to translate the current standards in terms of SEER and HSPF to the updated metrics, SEER2 and HSPF2, and then compared the stringency of the ASHRAE 90.1-2019 levels to the crosswalked levels. DOE relied on the existing crosswalk analysis from the January 2017 central air conditioning and heat pump energy conservation standard Direct Final Rule (for non-space-constrained and non-SDHV ACUACs/ACUHPs) and the crosswalk analysis from the September 2020 NODA/RFI (for space-constrained and SDHV equipment). For VRFs, ASHRAE 90.1-2019 maintained the SEER and HSPF metrics and DOE had not previously performed a crosswalk for this equipment. Therefore, in this NOPR, DOE presented a new crosswalk by evaluating changes between AHRI 1230-2010 and AHRI 210/240-2023. DOE determined that the ASHRAE 90.1-2019 levels were of equivalent (or higher) stringency for all product classes except for the four space-constrained and two SDHV product classes.

We support the proposed standard levels presented in the proposed Table 14 to §431.97,<sup>1</sup> which are equivalent to the ASHRAE 90.1-2019 levels for all product classes except for space-constrained and SDHV equipment. DOE's proposal aligns the standards for three-phase air conditioners and heat pumps (excluding space-constrained and SHDV) with the 2023 standards for their single-phase counterparts, and maintains equivalent stringency to the currently applicable Federal standards for space-constrained and SDHV equipment.

**DOE cannot adopt ASHRAE 90.1-2019 levels for space-constrained and SDHV equipment.** As DOE correctly observes in the NOPR, SDHV and space-constrained air conditioners and heat pumps fall within EPCA's definition of "small commercial package air conditioning and heating equipment."<sup>2</sup> Like any other type of small commercial package air conditioning and heating equipment, the current DOE standards for that equipment apply to SDHV and space-constrained air conditioners and heat pumps. Consequently, as the NOPR recognizes, DOE cannot lawfully adopt the levels for this equipment contained in ASHRAE 90.1, as doing so would reduce the minimum energy efficiency requirements for this equipment.<sup>3</sup> The levels that DOE therefore proposes for these equipment classes maintain equivalent stringency to the currently applicable Federal standards, consistent with EPCA's anti-backsliding provision.

Thank you for considering these comments.

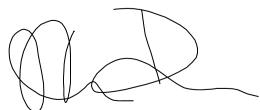
Sincerely,



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Appliance Standards Awareness Project



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American Council for an Energy-Efficient Economy



Nicole Dunbar  
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<sup>1</sup> We note that the SEER2 value for space-constrained air conditioner split systems in Table I-1 of the NOPR and the SEER2 values for VRF air conditioners and heat pumps in Table I-2 appear to have typographical errors.

<https://www.regulations.gov/document/EERE-2022-BT-STD-0008-0001>. p. 18293.

<sup>2</sup><https://www.regulations.gov/document/EERE-2022-BT-STD-0008-0001>. p. 18297.

<sup>3</sup> <https://www.regulations.gov/document/EERE-2022-BT-STD-0008-0001>. p. 18292. (citing 42 U.S.C. § 6313(a)(6)(B)(iii)(I)).