



August 14, 2020

Mr. Mike Pfeiffer
SVP, Technical Services
International Code Council (ICC)
500 New Jersey Avenue, NW
6th Floor
Washington, DC 20001

Re: AHRI Appeal of the 2019 Proposed Change to the International Energy Conservation Code (IECC) – RE 126-19

Dear Mr. Pfeiffer:

Bradford White Corporation (BWC) is an American-owned, full-line manufacturer of residential, commercial, and industrial products for water heating, space heating, combination heating, and storage.

On behalf of BWC, thank you for the opportunity to comment on AHRI's appeal of the 2019 proposed change to the IECC – RE 126-19. We are in support of AHRI's appeal and respectfully request ICC to reverse the decision made by the online vote of government employees. Please see below for our comments.

As AHRI detailed in their appeal, we strongly agree and believe that federal preemption prevents such a proposed change to the IECC. Since the enactment of the Energy Policy and Conservation Act (EPCA) and amended by the National Appliance Conservation Act of 1987 (NAECA), our industry and the many affected stakeholders (e.g. consumers, contractors, distributors) have felt the benefits from federal preemption for energy efficiency regulations. Avoiding a patchwork of energy efficiency regulations results in a variety of benefits, such as but not limited to the following: utilizing economies of scale to minimize costs and ultimately the price to consumers; less inventory for distributors to inventory and be knowledgeable on; and less sku's for contractors to be trained on and install.

Given that consumer water heaters are defined and regulated by the Department of Energy (DOE), manufacturers are prohibited from producing water heaters that don't comply with their regulations. If this amendment is adopted, this would create a dilemma where a manufacturer cannot comply with both DOE's efficiency regulations and what is established by this amendment to the IECC, as adopted by local jurisdictions. This is in part due to the fact that the proposed

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amendment is defining a single, minimum Uniform Energy Factor (UEF) value based on the First Hour Rating (FHR) draw pattern. DOE's efficiency regulations establish a minimum UEF value based upon the draw pattern *and* DOE rated storage volume for the subject water heater. When comparing the singular minimum UEF values proposed to DOE's requirements, there are instances where the IECC proposed requirements are more stringent and others are less stringent than DOE's requirements, both of which are preempted by the federal requirements.

By permitting the proposed amendment to go forward, they will be overly restrictive on what types of technologies or product features must be used, which will ultimately force most consumers to use products that are not economically justified and have other negative consumer impacts. It will also likely lead to unnecessary litigation that can be avoided by ruling in favor of AHRI's appeal.

With these proposed amendments to the IECC, there is strong likelihood that confusion will occur in the field, if implemented and then adopted. This is something our industry is keenly aware of as we've transitioned between efficiency metrics and test procedures recently. While this referenced efficiency metric change was made back in July 2015, there are still a number of jurisdictions, utility programs, etc. that reference the old metrics, which causes significant problems for manufacturers to demonstrate compliance to requirements that use an old metric that industry is prohibited from using. These proposed amendments will likely further compound this problem, which the industry has been actively working on for the last couple of years.

We support the role that the ICC and IECC play in saving energy; though, we believe it must be done in a way that is consistent with federal statute and efficiency regulations, including the rigors that are used when establishing new standards. We strongly believe that ICC must recognize the two unanimous disapprovals from the IECC Technical Committee as conscious, resolute decisions that these proposed amendments should not be included in the IECC. In conclusion, we respectfully request that the Appeals Board rule in favor of AHRI's appeal.

Bradford White Corporation thanks you for this opportunity to comment on AHRI's appeal of the 2019 proposed change to the IECC - RE 126-19. Please contact me with any questions or for further discussion you'd like to have on this subject.

Respectfully Submitted,



Eric Truskoski
Senior Director of Government and Regulatory Affairs
Bradford White Corporation

Cc: R.B. Carnevale; M. Taylor; B. Wolfer; B. Ahee; C. Davidson-Hood;

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