

NYSERDA 259th Board Meeting
November 29, 2022
Clean Copy of Transcript

Charles Bell:

You can start.

Chair Kauffman:

Okay. I call this special meeting to order. This is the 259th meeting of the New York State Energy Research and Development Authority. Notice of the meeting was provided to the Members and to the Press on November 22, 2022. I direct that a copy of the notice and agenda. Be annexed to the Minutes of this meeting. Welcome to the meeting. This meeting is being conducted by videoconference. The Authority will post a video and a transcript of this meeting on the web. To confirm that we have a quorum. I'd like each of the Members introduce themselves. I'm Richard Kaufman, Chair of the Authority.

Jay Koh:

Jay Koh, Member of the Board.

Justin Driscoll:

Justin Driscoll, Member of the Board.

Sadie McKeown:

Sadie McKeown, Member of the Board.

Rory Christian:

Rory Christian, Member of Board.

Charles Bell:

Chuck Bell, Member of the Board

Chair Kauffman:

In, in Albany.

Commissioner Dominguez:

Marie Therese Dominguez, Member of the Board.

Chair Kauffman:

Okay, thank you. So there's one item on the agenda today. Approval and adoption of Appliance and Efficiency Standards. Chris Corcoran, Codes, Products and Standards Program Manager will present this item.

Chris Corcoran:

Thank you, Mr. Chairman. Good morning. My name is Chris Corcoran. I lead the Code, Products and Standards team. I appreciate the opportunity to come back today for our Special meeting. And I know last time just a few months, a couple months ago, we were able to cover a

lot on appliance standards. So I want to hit some highlights on, on the for, for what we talked about last time. But really dive into what we're asking for this time in terms of approving the, the meeting or approving the regulations. A you go to the next slide and, oh, that's not what it's supposed to say.

Sara LeCain:

Oh, just a second. Working out.

Chris Corcoran:

No worries.

Chris Corcoran:

In the meantime,

Chris Corcoran:

Take two.

Sara LeCain:

I just sent it over, so.

Chris Corcoran:

Okay.

John Campagna:

I'm downloading it now. Just gimme one second. That should be stop.

Chris Corcoran:

Yep, I can keep going. Again, we covered a lot of this last time. So, when it comes down to appliance standards are, are a win for New Yorkers by adopting these standards New York consumers and businesses can save billions of dollars on their utility bills. And while cutting GHG emissions, saving energy, and reducing water use this first batch of standards is really just the start. We will, we'll be coming back to you in the coming years for additional standards as we, you know, make progress with other states. So move to slide three. There we go. And you can see the, the economic benefits. \$2.4 billion for this first batch of standards. And go to the next slide.

Chair Kauffman:

And just to be clear, these are the same numbers that we saw last time?

Chris Corcoran:

These are the exact same numbers we saw last time, just as just the, a reminder of where of what we discussed last time.

Chair Kauffman:

Okay. So if there's any change in slides that from this time,

Chris Corcoran:

Absolutely.

Chair Kauffman:

Last time,

Chris Corcoran:

I will let you know.

Chair Kauffman:

Thank you.

Chris Corcoran:

Absolutely. and this is a snapshot of, of the individual standards, same numbers as last time. We're talking hundreds of millions of dollars for individual standards over the, their product lifetime. Next slide.

Since we last spoke, we've moved quickly through the timeline towards the end of the year deadline. After the comment period closed on November 13th the public comments were compiled. And based on those, we did make some adjustments to the standards and forms. We are now back to you for final review, an approval of the regulations moving forward. The remaining timeline will put us on track to have the notice of adoption of rulemaking published on June or on December 28th in advance of the 1/1/23 deadline. And the standards would take effect 180 days after the adoption. So in late June of 2023 between the adoption and enactment, we will, we will be launching our compliance program, and we'll start working with manufacturers and trade associations to prepare for the, those standards to go into effect in June. Next slide.

Chair Kauffman:

Were, were there in terms of the comments and adjustments. Were these anything of substance that the Board should know about?

Chris Corcoran:

Well, we I have, I have a summary here in, in two slides. The, the comp, but as a, as a preview, they were not the, the changes were minor. And, you know, they're really more clarification. So again, we have two, two groups of standards. This first, this first standard the set a group of standards is really following what other States have already adopted and what the market has been able to achieve for Energy Star and mostly older Energy Star standards. This first set does focus on, on kitchen, commercial, kitchen equipment and water related products. Next slide.

And the second, the second group again, mostly products that were, have been adopted in California already through their Title 20 process. As well as products that were included in the Appliance Standards Awareness Project Model bill which other states have also adopted. And again, this focus is mostly on consumer electronics, plug load and plumbing products. So if we move to the next slide we can actually jump into, into the public comments themselves. I apologize the writing's a little bit small but you can find all of these the, the same comments in

the memo in appendix B so overall the, the comments, we received 11 comments from three sources. The focus of them was really mostly on clarification and adjustments to make sure that we were applying the correct standards in the right way.

The two trade associations, though the Association of Home Appliance Manufacturers AHAM and the Pool and Hot Tub Alliance did raise some concerns about us adopting standards that are under consideration at the federal level. One thing to note is those are still just under consideration. And as we noted in our public responses the DOE is in process of adopting those, but has not actually done so yet. So the state is able to move forward, and there is an opportunity now before those federal standards are enacted for the state of New York to enact these and to save on energy and GHG emissions. The joint commenters also supported our efforts. They, they did ask us to push further on air purifiers. But again we're aligning with the majority of states that have adopted air purifier standards in the, in, in the short run. If the DOE standards do not move forward we would consider moving it more aggressively to the recommendation of the joint commenters for those air purifier standards. But the hope is that federal standards will be overtake, will overtake the state standards and will be preempted in the coming years, and would be more aggressive than what we can do at the state level.

So, again, the full, the full list of, of comments and responses can be found in attachment B. But I'm happy to, happy to take questions on that. I, I think we can move forward to the next slide. We can show you the updates that were made based on the comments. So again mostly clarifications. All of these changes can, are detailed in the red line for attachment C of the regulations. I recognize that was 170 pages, so we wanted to make it a little easier to find them. Almost all of these are related to clarifying sources pointing back to Energy Star to make sure that the, that the market and manufacturers understand what it is that we're specifically asking for. They're all very familiar with Energy Star and they've been complying with it for years.

So pointing to that, specifically fixing some internal references. And, and then also clarifying just as a certification name change MAEDbS is the California Energy Commission database that they use for compliance. And we will be using that same database for some of our compliance as well. So we don't, we don't see these changes as substantive in nature. They, and so as a result, we don't believe that these require additional comment period. And we propose to move forward with Board approval for these regulations.

Chair Kauffman:

And just on that point, is this a legal determination that does not require further review?

Chris Corcoran:

I would I would actually point that to you.

Laura Rowe:

It's in our, yeah. It's, it's in our discretion to determine whether it's a substantive or non substantive change. We determine, sorry, it's in our discretion to determine agency's discretion to determine whether it's substantive or non substantive. So based upon the cla, you know, that we're clarifying references our understanding is that these are non substantive and that we're able to make that determination. I believe, well, we've discussed that outside counsel. We've also had

discussions with Department of State who we filed this with just to get examples of what would be a non substantive change and their line that this would be.

Chair Kauffman:

I mean, is there, I mean, is there a memo or a note or how do we, how do we concerned about, you know, the Board process? Is there something in the file or process that says no further review was required in opinion to counsel? I mean, what's the, what's the way this is documented

Peter Costello:

So we can reflect that in minutes. And then I, I guess the question is, when we file the final rule, do we need to make a statement to that fact?

Laura Rowe:

I don't believe we have. I think it's just by filing it, we're indicating they're not substantive. So we haven't, we don't have to make an official determination to the Department of State. They haven't indicated to us that that's required when we file. Okay.

Peter Costello:

So Richard, we can reflect that in the minutes, or we can also add a memo at your discretion.

Chair Kauffman:

Well, I think we should have a memo. I'd like the process to be clear, the Board is Board is, is, is acting based upon the actions of management.

Peter Costello:

Okay. We, we'll do so.

Chair Kauffman:

Okay. Determination of management. Okay. Perfect.

Chris Corcoran:

If you go to the next slide, there's one area specific issue that we wanna spend a little more time on in this discussion. And that's related to the incorporation of standards by reference. So New York State Law requires that copies of the standards referenced in regulation are available in paper form at multiple locations for public review. The team has been working very diligently to, to get those approvals, get the copyright approvals, and get the copies in hand so that we can move forward. But there are a few remaining issues. References fortunately can be updated before enactment. So we have until June, 2023 to make those updates. But if the references aren't included the individual regulations may have some enforcement issues depending on what the reference points to.

So we will obviously be working, you know, until the last possible moment to continue to secure permissions and copies through June, 2023. And in fact, actually since we put this slide together last night we actually did receive obtain two copyright approvals. One for commercial ovens and one for electric vehicle supply equipment, EVSEs. You were both provided with updated Red Line, reflecting those changes in your meeting binder this morning. So we are making progress

and we'll continue to work through that to, to make sure that we can have clear enforcement ability with the other remaining standards. Next slide. So now to the official ask today, we requested the Members of the Authority adopt a resolution approving and adopting Part 509 of Title 21 of the Official Compilation of Codes, Rules and Regulations in the State of New York Appliance and Equipment Efficiency Standards. The resolution, full resolution and regulations are in your packet. And you ask for your consideration.

Chair Kauffman:

Board Members have questions.

Charles Bell:

I wanted to make a comment that I think this this decision has tremendous economic benefits for consumers and for businesses in New York State. As you noted earlier that we are gonna see something like \$80 million in savings for utility bill savings for low and mattered income consumers. And was it 264 overall?

Chris Corcoran:

\$2.4 billion.

Charles Bell:

Oh, \$2.4 billion. Excuse me, I, okay. So this is just a tremendous boom for consumers and businesses in New York State to allow people to save money on their utility bills and also improve the sustainability of appliances that we're using to bring down carbon emissions and reduce the public health risks of respiratory decreases. For example, improve quality of life and also bring down water bills by helping promote water conservation. So for all those reasons, I think there's a really strong basis for this action. And I wanna thank, the NYSERDA staff for bringing a great proposal to us.

Chair Kauffman:

Thank you, Chuck.

Jay Koh:

If I could add the other side of the coin here is also an important thing to note that reducing energy demand and reducing water consumption also increases the resiliency of the stake. That increasing amounts of stress coming from climate impact as we saw this past summer in multiple geographies energy demand spiking the course of the summer.

And we'll see also good time results in enormous amounts of stress in different types of parts of the grid. So the resiliency of our entire energy system is also dependent on how much demand that we can manage and remove from the system, not just our greenhouse gas emissions goals and mitigation objectives, but also supports adaptation resiliency that also become, I think, increasingly, unfortunately important. The water conservation areas we seen in the geographies as well. So, just wanna take note of and suggest that in the future, if it's possible to capture the resiliency, benefit, and adaptation benefits of these types of actions in addition to the impact on low and moderate income individuals of consumers generally, and also the objectives of the state. So applaud the action here. I appreciate that. Our also would love to get an update when it's

final on which of the article, the incorporation by reference items have included. Absolutely. But really appreciate the, the chance to continue to it.

Chair Kauffman:

Thank you. So may I have a motion for resolution number 1680 approving and adopting Part 509 of Title 21 of the Official Compilation of Codes, Rules and Regulations of the State of New York Appliance and Equipment Efficiency Standards.

Charles Bell:

So moved.

Jay Koh:

Second.

Chair Kauffman:

Thank you. All in favor?

Members of the Board:

Aye.

Chair Kauffman:

Any opposed? Regulations have been adopted and approved. Thank you, Chris, and congratulations all to the team for Thank you. So that concludes our formal agenda. Are there any other matters the Members would like to discuss going once or twice. Okay. May have a motion to adjourn the meeting.

Jay Koh:

So moved.

Charles Bell:

To adjourn the meeting. Seconds.

Chair Kauffman:

Okay. Right. All in favor?

Members of the Board:

Aye.

Chair Kauffman:

Meeting is adjourned. Thank you.