

WSR 22-14-023

PROPOSED RULES

DEPARTMENT OF COMMERCE

[Filed June 24, 2022, 11:02 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 22-06-069.

Title of Rule and Other Identifying Information: Establish a later effective date for the water heater standard under WAC 194-24-180.

Hearing Location(s): On August 30, 2022, at 10:00 a.m., virtual. Remote and written testimony will be accepted.

Date of Intended Adoption: September 20, 2022.

Submit Written Comments to: Liz Reichart, 1011 Plum Street S.E., Olympia, WA 98504, email appliances@commerce.wa.gov, by August 30, 2022.

Assistance for Persons with Disabilities: Contact Steven Hershkowitz, phone 360-688-4006, email steven.hershkowitz@commerce.wa.gov, by August 16, 2022.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This proposal updates WAC 194-24-180 to have an effective date of January 1, 2023. In effect, CTA-2045 modules will be required components of electric storage water heaters manufactured on or after January 1, 2023.

Reasons Supporting Proposal: Commerce previously adopted multiple emergency rules suspending the effective date of WAC 194-24-180 Electric storage water heaters, due to an inability of manufacturers to obtain necessary parts for the required modular communications port (CTA-2045). Based on the currently adopted emergency rule, the suspension is effective until June 29, 2022. In light of continuing economic and supply chain disruptions caused by the COVID-19 pandemic, commerce has determined that a further delay to the effective date is warranted. Commerce intends to amend WAC 194-24-180 to establish a reasonable effective date for WAC 194-24-180 on a permanent basis. The inability of manufacturers to obtain necessary parts is caused by supply chain disruptions resulting from the COVID-19 pandemic.

Statutory Authority for Adoption: RCW 19.260.070(7), 19.260.080(2).

Statute Being Implemented: Chapter 19.260 RCW.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Washington department of commerce, public.

Name of Agency Personnel Responsible for Drafting: Liz Reichart, 1011 Plum Street S.E., Olympia, WA 98504, 360-515-8194; Implementation and Enforcement: Washington Department of Commerce, 1011 Plum Street S.E., Olympia, WA 98504, 360-407-6000.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. The department of commerce is not a listed agency in RCW 34.05.328.

The proposed rule does not impose more-than-minor costs on businesses. Following is a summary of the agency's analysis showing how costs were calculated. The amendment would delay the standard, exempting manufacturers from the communications module requirement for an extended period of time, rather than imposing an additional cost.

June 24, 2022
David Pringle
Rules Coordinator

OTS-3638.3

AMENDATORY SECTION (Amending WSR 20-03-013, filed 1/6/20, effective 2/6/20)

WAC 194-24-180 Electric storage water heaters. (1) **Scope.** This rule applies to new electric storage water heaters manufactured on or after January 1, ~~((2021))~~ 2023. ~~((The effective date of the rule is suspended until January 1, 2022, for electric storage water heaters other than heat pump type water heaters.))~~

(2) **Standard.** Electric storage water heaters must have a modular demand response communications port compliant with:

(a) The March 2018 version of the ANSI/CTA-2045-A communication interface standard, or a standard determined by the department to be equivalent; and

(b) The March 2018 version of the ANSI/CTA-2045-A application layer requirements.

The interface standard and application layer requirements required in this subsection are the versions established in March 2018.

(3) Upon written request by a manufacturer, the department will determine whether an alternative communications port and communication interface standard are equivalent for the purposes of subsection (2) of this section.

(a) Any requested alternative must use a standard that is open and widely available and must provide the demand response functions provided using the standards identified in subsection (2) of this section.

(b) A request for designation of a standard must provide technical documentation demonstrating that the standard satisfies the requirements in (a) of this subsection and must describe any industry or stakeholder process used in developing the standard. The department will provide reasonable opportunity for input by utilities, manufacturers, technical experts and other interested stakeholders prior to determining whether the proposed standard is equivalent. The department will make available on a publicly accessible website any standard that it determines to be equivalent.

(4) **Testing.** There is no test method required for this product.

(5) **Listing.** There is no listing requirement for this product.

(6) **Marking.** Every unit of every electric storage water heater must have a label or marking indicating compliance with the standard in this section. The format and content of the label or marking must be approved in advance by the department.

[Statutory Authority: RCW 19.260.070. WSR 20-03-013, § 194-24-180, filed 1/6/20, effective 2/6/20.]