

WSR 22-06-068

EMERGENCY RULES

DEPARTMENT OF COMMERCE

[Filed February 28, 2022, 11:29 a.m., effective March 1, 2022]

Effective Date of Rule: March 1, 2022.

Purpose: Commerce received a request from a water heater manufacturer on September 29, 2021, to temporarily suspend the effective date in the water heater appliance standards rule (WAC 194-24-180) due to an inability to obtain parts required for the modular communications port (CTA-2045) due to supply chain disruptions caused by the COVID-19 pandemic. Following a public comment period with participation from manufacturers, installers, energy efficiency organizations, environmental organizations, and electric utilities, commerce found sufficient evidence to support an emergency rule amending WAC 194-24-180 to suspend the rule's effective date until March 1, 2022. Commerce is issuing a Preproposal notice of inquiry (CR-101) in order to determine a reasonable effective date on a permanent basis and is adopting this emergency rule 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 of the effective date is warranted. Commerce has issued a Preproposal statement of inquiry (CR-101) in order to permanently amend WAC 194-24-180 to delay the effective date of the regulation to a reasonable date. Commerce is issuing this CR-103E to adopt an emergency rule to delay the effective date of WAC 194-24-180 while it undertakes the appropriate procedures to adopt the permanent rule.

Citation of Rules Affected by this Order: Amending WAC 194-24-180.

Statutory Authority for Adoption: Chapter 19.260 RCW.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The economic disruptions resulting from the COVID-19 pandemic continue to stymie global supply chains, preventing manufacturers from accessing critical materials required for manufacturing the electronic communication ports. These disruptions are already affecting the supply of compliant heat pump water heaters, which are primarily installed in new buildings, and were expected to escalate in January 2022 when standard resistance water heaters were to become covered by the standard.

The current effective date in the rule is March 1, 2022. This emergency rule suspends the effective date until June 29, 2022, in order to provide time for commerce to conduct the procedures required to adopt a permanent rule establishing an effective date for the water heater standard.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 1, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: February 28, 2022.

Dave Pringle  
Rules Coordinator

## OTS-3638.2

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. The effective date of the rule is suspended until ((January 1)) June 29, 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.]