



**American Boiler  
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**Subject: ABMA Response to DOE Process Rule RFI Published in the Federal Register Dated December 18, 2017**

The following comments are submitted by the American Boiler Manufacturers Association (ABMA), and are based upon prior comments to DOE, comments from members of ABMA's Commercial Systems Group and our technical team.

As the oldest national manufacturing trade association in America, the American Boiler Manufacturers Association is composed of over 100 small business manufacturer and supplier members in 24 states across America involved in the design and fabrication of boilers greater than 400,000 Btu/hr. heat input, commercial, institutional, industrial, heat recovery, and electricity-generating boilers and combustion equipment.

ABMA was founded in 1888 by boiler manufacturers of the day to begin to craft legal and regulatory infrastructures that would insure of materials integrity and commitment to safety in the design and fabrication of boilers. Today, ABMA strongly abides by those founding principles and its commitment to safety is ongoing with technology well beyond any contemplated code, standard or regulatory scheme. In more recent times (40 to 50 years), the ABMA membership has been devoted to steadily improve our products in terms of emissions reduction, energy efficiency, controls safety and installation integrity. You will see this reflected in the comments below.

General Comments on the Request for Information follow:

- Previous comments by ABMA written in response to earlier RFI's, especially that dated July 14 2017 are equally applicable to this RFI, particularly item 3, which refers to two very different approaches to what is (or was) perceived by DOE to be a single, one size fits all marketplace. DOE should be very careful to ensure that all competing entities are involved in reaching a consensus which is acceptable to all involved. This does not always seem to have been the case.

Comments on the "Issue Areas".

*A. Direct Final Rule*



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While understanding the cost advantages of the DFR approach to rulemaking, it is important that the “joint proposal from a group of interested persons that are fairly representative of relevant points of view” is followed.

As an example, it is difficult to understand how the testing and certification requirements for a product designed and built for the residential marketplace are extrapolated to a product providing a similar function but designed and built for the large commercial marketplace, without including their “relevant point of view”. This may have been due to lack of knowledge of the total span of a market, or alternatively an easily accessible contact that was only familiar with a segment of the overall marketplace.

During the Public Meeting of January 9<sup>th</sup>, 2018, it was suggested that DOE should mirror the way EPA treats adverse comments on a DFR, whereby a single adverse comment is sufficient to send the rule through to the Negotiated Rulemaking Process. ABMA supports adopting this recommendation.

**B. *Negotiated Rulemaking***

ABMA believes the negotiated rulemaking is the best approach to rulemaking. However, DOE must be certain that all stakeholders covering the full breadth of the marketplace are included in the consensus building procedure. This should eliminate the need to deal with adverse comments.

**C. *Elimination of the Statutory Requirement for an Advanced Notice of Proposed Rulemaking; Inclusion of Alternate Means to Gather Additional Information Early in the Process***

ABMA believes good quality data needs be acquired earlier in the rulemaking process, the earlier the better, therefore we support the ANOPR being retained.

**D. *Application of the Process Rule to Commercial Equipment***

ABMA does not agree that a process rule developed for consumer products can be equally applied to commercial equipment. In many sectors including the boiler industry, consumer/residential product does not even resemble their commercial counterparts in terms of size, complexity, application and more.

This is particularly true for the largest commercial equipment custom engineered for a specific application. Consumer products are cataloged with a typical have a high unit count being manufactured and sold annually, whereas large engineered products are



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created for its specific application with sales in the single digits annually in some instances.

There needs to be a way to differentiate between the equipment with a similar name but significant feature and process differences which may include capping capacity levels.

E. *Use of Industry Standards in DOE Test Procedures*

ABMA supports the use of industry test standards in DOE Test Procedures, provided that they are approved by ALL stakeholders involved. It is well known that until recently, the DOE Test Standard for Commercial Package Boilers, while acceptable to the lower capacity end of the market was completely unusable to the larger capacity end of the market, those companies represented by ABMA. ABMA opposes any DOE modifications to an industry test standard which would require retesting of units.

F. *Timing of the Issuance of DOE Test Procedures; Certification, Compliance and Enforcement; and Standards Rulemakings*

ABMA supports having the finalization and approval for a Test Procedure by all stakeholders prior to the commencement of any rulemaking, even at the expense of stretching out the time schedule.

Additionally, ABMA supports the concept of performing a market trend analysis, to determine the value of modifying an existing rule or introducing a new rule.

G. *Improvements to DOE's Analyses*

ABMA recognizes that adequate amounts of industry data are always going to be difficult acquisition for DOE. This is because manufacturers believe their data is propriety information, and because in the segment of the market place served by ABMA members, there are often several different ways of achieving a desired result, which brings about a variable cost impact.

In most cases, data sample sizes are also often too small. In past discussions about data handling the use of Weibull analysis has been mentioned, presumably to cope with small



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sample sizes. It may be useful if more details are made available on the application of this method in the interests of transparency.

#### H. *Other Issues*

ABMA supports the concept of a baseline for the significance of energy savings of certain types of equipment and the economic justification for their inclusion or omission from energy conservation rules. Considering the efficiency capability of current boiler designs, we may be close to the point of diminishing returns for the manufactured product itself, and any worthwhile additional gains will only be found in the areas of operation and maintenance. Currently, there are no enforceable rules to cover these areas, other than ones defined by the system designer, assuming one exists.

Finally, ABMA believes that imported products should be subjected to the same energy conservation standards as US built products, and any loopholes should be closed.

For questions related to this submission, please contact Scott Lynch at [scott@abma.com](mailto:scott@abma.com) or contact us at 703-356-7172.