

Jennifer Vinh

From: Ken Belding <kbelding@empirecomfort.com>
Sent: Thursday, October 17, 2024 11:49 AM
To: Jennifer Vinh
Cc: Peter Campbell
Subject: [EXTERNAL] ARLO: RE: Proposed Amended Rule 1111Control of Nitrogen Oxides from Residential-Type, Natural Gas-Fired Space Heating Equipment

Dear Ms. Vinh,

On behalf of Empire Comfort Systems, we appreciate the opportunity to provide comments on SCAQMD Rule 1111. As a leading manufacturer of gas space heating appliances, we have a long-standing commitment to reducing emissions and improving energy efficiency. While this may seem like ancient history our company worked with The Gas Research Institute (GRI) in the 1990's reducing NOx on our Gravity Wall Furnaces. After many months of trying to establish a test method that would work consistently and accurately we then turned to reducing the NOx generated from the units. Again, after many months we were able to accomplish this feat. Again, we spent many months and more dollars developing tooling to create the parts to build and sell this product only to be told that it wasn't necessary. This new initiative by the SCAQMD is something unanticipated and of course has potential dangerous consequences.

This rule essentially eliminates all gas-fired appliances needlessly and recklessly. This rule is throwing the baby out with the bathwater. Our products generally and for the most part require no electricity to operate except what is supplied from the thermocouple on the unit. Those people who live in areas of the SCAQMD that require at least some heat in the winter to stay alive should have the ability to install one of our space heating appliances as back-up when the power goes out. They are as efficient as can be made and still run off of no externally supplied electricity. The DOE recognized this about 10 years ago when it gave space heaters (Direct Heating Equipment) in a Federal Register Listing the ability to not have to try and increase their efficiency. It was recognized that they were important appliances and also losing sales rapidly except in those areas where backup heat was necessary due to the adverse effect of cold weather combined with power outages. A good example of this was the power outages experienced in Texas a few years ago when people died due to hypothermia in the very widespread power outage due to an ice storm.)f course mountainous regions such as those in the SCAQMD have the same potential on a yearly basis. These heaters are supplemental and in general do not replace a central heat pump system but give the homeowner confidence that when the power goes out, they will be protected. This is hoping your friends and or relatives won't suffer this same fate as the Texans did and certainly in many other areas around the country.

Speaking of EPCA, the proposed limitations under Rule 1111 raise the issue of federal preemption under the Clean Air Act (CAA) and Energy Policy and Conservation Act. EPCA denies states the ability to enact their own regulations related to the energy use of covered products, including Direct Heating Equipment, which in fact they have had to protect in the past. NOx limits create a regulation that directly goes against federal standards. The requirements will disrupt markets not only in the SCAQMD but across the country because of different models being needed if in fact one can be made to emit zero NOx. This of course will violate the Dormant Commerce Clause.

Make no mistake about it, Empire Comfort Systems and our industry certainly support efforts to reduce emissions. As reported before, we were an industry leader on this issue 30 years ago. We are now involved with the Hydrogen infused gas and the advanced low NOx combustion systems that are still being researched and developed.

The consumer burden from this rule is obvious. Low-income folks and even those who aren't will suffer greatly and needlessly in order to switch from low NOx appliances to a zero NOx system. The estimates to do what is suggested by the creation of PAR 1111 is in the low thousands of dollars to a minimum of 20,000 dollars to upgrade a gas home to all electric heating. It will at a minimum put lives in danger to the point where there will be hypothermia victims in the SCAQMD. This will come with the already overburdened and very fragile California electrical grid system. The NOx produced by the site of creating the electric for this region will be off the charts again needlessly if a more even-keel approach is taken to what is a perceived issue.

An approach that uses a combined and long-term low NOx strategy versus one that will be a massive burden on a large percentage of your population. Not only in the higher elevations but in the low-income housing in the more populated areas that are using Gravity Wall furnaces as a sole source of heat and could certainly not afford a new heat pump system.

Please consider a slower phase in of low NOx versus this quick 12 month impossible turn-around schedule.

I hope you consider my topics carefully and for the good of the citizens of the SCAQMD please consider a more blended approach.

Thank you for your time and consideration.

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