

DOCKETED

Docket Number:	18-AAER-04
Project Title:	Portable Air Conditioners
TN #:	227394
Document Title:	Office of Administrative Law Notice of Approval of Regulatory Action
Description:	Approval Notice, Final form 400 and Regulatory Text
Filer:	Corrine Fishman
Organization:	California Energy Commission
Submitter Role:	Commission Staff
Submission Date:	3/21/2019 1:37:33 PM
Docketed Date:	3/21/2019

**State of California
Office of Administrative Law**

In re:
California Energy Commission

Regulatory Action:

Title 20, California Code of Regulations

Adopt sections:

Amend sections: 1602, 1605, 1605.1, 1605.2,
1605.3, 1606, 1608

Repeal sections:

**NOTICE OF APPROVAL OF REGULATORY
ACTION**

Government Code Section 11349.3

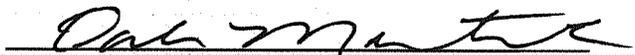
OAL Matter Number: 2019-0211-01

OAL Matter Type: Regular (S)

In this action, the California Energy Commission adopts energy efficiency standards for portable air conditioners manufactured on or after February 1, 2020, manufacturer data reporting requirements, and definitions necessary for data reporting purposes.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 3/18/2019.

Date: March 18, 2019



**Dale P. Mentink
Senior Attorney**

For: Debra M. Cornez
Director

Original: Drew Bohan, Executive Director
Copy: Corrine Fishman

NOTICE PUBLICATION/REGULATIONS SUBMISSION

REGULAR

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2018-1002-03	REGULATORY ACTION NUMBER 2019-0211-01S	EMERGENCY NUMBER
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For use by Office of Administrative Law (OAL) only

2019 FEB 11 A 8:55
OFFICE OF ADMINISTRATIVE LAW

ENDORSED - FILED
in the office of the Secretary of State
of the State of California

MAR 18 2019
3:07 PM

NOTICE	REGULATIONS
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AGENCY WITH RULEMAKING AUTHORITY
California Energy Commission

AGENCY FILE NUMBER (if any)
Docket# 18-AAER-04

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE Appliance Efficiency Regulations		TITLE(S) 20	FIRST SECTION AFFECTED 1602	2. REQUESTED PUBLICATION DATE October 12, 2018
3. NOTICE TYPE <input checked="" type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON Corrine Fishman	TELEPHONE NUMBER 916-654-4976	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER 2018, 41-2	PUBLICATION DATE 10-12-2018

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Appliance Efficiency Regulations - Portable Air Conditioners	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)	
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT
	AMEND
	REPEAL
TITLE(S) 20	1602, 1605, 1605.1, 1605.2, 1605.3, 1606, 1608,

3. TYPE OF FILING			
<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))	<input type="checkbox"/> Other (Specify) _____		

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)	<i>DM</i> per agency request 3/18/19
October 12, 2018 - November 26, 2018	

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)			
<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input checked="" type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> §100 Changes Without Regulatory Effect	<input type="checkbox"/> Effective other (Specify)

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY		
<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify) _____		

7. CONTACT PERSON Corrine Fishman	TELEPHONE NUMBER 916-654-4976	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) corrine.fishman@energy.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>[Signature]</i>	DATE 2-1-19
TYPED NAME AND TITLE OF SIGNATORY Drew Bohan, Executive Director	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

MAR 18 2019

Office of Administrative Law

Proposed Regulatory Language

California Code of Regulations

Title 20. Public Utilities and Energy

Division 2. State Energy Resources Conservation and Development Commission

Chapter 4. Energy Conservation

Article 4. Appliance Efficiency Regulations, Portable Air Conditioners

Sections 1602, 1605, 1605.1, 1605.2, 1605.3, 1606, and 1608

October 12, 2018

Proposed new language appears as underline (example) and proposed deletions appear as ~~strikeout (example)~~. Existing language appears as plain text. Three dots or “...” represents the substance of the regulations that exists between the proposed language and current language. The proposed regulatory language includes changes recently made to the Appliance Efficiency Regulations, approved September 26, 2018, and which became effective October 1, 2018. These changes are available online.

§ 1601. Scope. [No changes]

§ 1602. Definitions.

...[skipping (a) through (c)]

(d) Portable Air Conditioners, Evaporative Coolers, Ceiling Fans, Ceiling Fan Light Kits, Whole House Fans, Residential Exhaust Fans, Dehumidifiers, and Residential Furnace Fans.

“Adjusted cooling capacity at 83 °F conditions” means the adjusted cooling capacity of a single-duct or dual-duct portable air conditioner tested at the 83 °F dry-bulb outdoor conditions, as determined using the test method specified in section 1604(d) of this Article.

“Adjusted cooling capacity at 95 °F conditions” means the adjusted cooling capacity of a single-duct or dual-duct portable air conditioner tested at the 95 °F dry-bulb outdoor conditions, as determined using the test method specified in section 1604(d) of this Article.

...[skipping “Airflow”]

“Annual energy consumption in cooling mode” means the annual energy consumption of a single-duct portable air conditioner in cooling mode, as determined using the test method specified in section 1604(d) of this Article.

“Annual energy consumption in cooling mode at 83 °F conditions” means the annual energy consumption of a dual-duct portable air conditioner in cooling mode tested at the 83 °F dry-bulb outdoor conditions, as determined using the test method specified in section 1604(d) of this Article.

“Annual energy consumption in cooling mode at 95 °F conditions” means the annual energy consumption of a dual-duct portable air conditioner in cooling mode tested at the 95 °F dry-bulb outdoor conditions, as determined using the test method specified in section 1604(d) of this Article.

“Annual energy consumption in inactive or off mode” means the annual energy consumption of a single-duct or dual-duct portable air conditioner in inactive or off mode, as determined using the test method specified in section 1604(d) of this Article.

“Annual energy consumption in off-cycle mode” means the annual energy consumption of a single-duct or dual-duct portable air conditioner in off-cycle mode, as determined using the test method specified in section 1604(d) of this Article.

...[skipping “Basic model” through “Centrifugal ceiling fan”]

“Combined energy efficiency ratio (CEER)” of a single-duct or dual-duct portable air conditioner means is the energy efficiency of a portable air conditioner in Btu per watt-hours (Btu/Wh), as determined using the test method specified in section 1604(d) of this Article.

...[skipping “Cooling efficiency ratio (CER)” through “Packaged indirect/direct evaporative cooler”]

“Portable air conditioner” means a portable encased assembly, other than a “packaged terminal air conditioner,” “room air conditioner,” or “dehumidifier,” that delivers cooled, conditioned air to an enclosed space, and is powered by single-phase electric current. It includes a source of refrigeration and may include additional means for air circulation and heating. ~~A portable air conditioner is typically mounted on wheels for moving from place to place within a building or structure.~~

...[skipping “Portable dehumidifier”]

“Portable or Spot Evaporative Cooler” means an spot air conditioner that uses evaporative cooler ~~that is non-ducted, not designed for permanent installation, and can be plugged into a standard mains outlet.~~

...[skipping “Product capacity for dehumidifiers” through “Residential exhaust fan”]

“Seasonally adjusted cooling capacity (SACC)” of a single-duct or dual-duct portable air conditioner means the amount of cooling, measured in Btu/h, provided to the indoor

conditioned space, ~~measured under the specified ambient conditions as determined using the test method specified in section 1604(d) of this Article.~~

...[skipping “Single-duct portable air conditioner” through “Small-diameter ceiling fan”]

“Spot air conditioner” means ~~an~~ portable air conditioner that discharges cool air into a space and discharges rejected heat back into that space, where there is no physical boundary separating the discharges. ~~Spot air conditioners are considered a subset of portable air conditioners.~~

...[skipping “Standard ceiling fan” through end of section 1602]

Note: Authority cited: Sections 25213, 25218(e), 25402(a)-25402(c), and 25960, Public Resources Code; and sections 16, 26, and 30, Governor's Exec. Order No. B-29-15 (April 1, 2015). Reference: Sections 25216.5(d), 25402(a)-25402(c), 25402.5.4, and 25960, Public Resources Code; and section 16, Governor's Exec. Order No. B-29-15 (April 1, 2015).

§ 1602.1. Rules of Construction. [No changes]

§ 1603. Testing: All Appliances. [No changes]

§ 1604. Test Methods for Specific Appliances. [No changes]

§ 1605. Energy Performance, Energy Design, Water Performance, and Water Design Standards: In General.

...[skipping (a) through (f)]

(g) Portable Air Conditioners. If a model of portable air conditioner sold or offered for sale in California has both single-duct and dual-duct configuration options, both configurations must meet the applicable standard in section 1605.3.

Note: Authority cited: Sections 25213, 25218(e), 25402(a)-(c), and 25960, Public Resources Code.

Reference: Sections 25216.5(d), 25402(a)-(c), and 25960, Public Resources Code.

§ 1605.1. Federal and State Standards for Federally Regulated Appliances.

...[skipping (a) through (c)]

(d) Portable Air Conditioners, Evaporative Coolers, Ceiling Fans, Ceiling Fan Light Kits, Whole House Fans, Residential Exhaust Fans, Dehumidifiers, and Residential Furnace Fans.

...[skipping (1) through (4)]

(5) See section 1605.3(d) of this Article for energy efficiency standards for portable air conditioners.

(6) There are no energy efficiency standards or energy design standards for portable spot air conditioners, evaporative coolers, whole house fans, or residential exhaust fans. There are no efficiency standards for ceiling fans.

...[skipping (e) through end of section 1605.1]

Note: Authority cited: Sections 25213, 25218(e), 25402(a)-25402(c), and 25960, Public Resources Code; and sections 16, 26, and 30, Governor's Exec. Order No. B-29-15 (April 1, 2015). Reference: Sections 25216.5(d), 25402(a)-25402(c), and 25960, Public Resources Code; and section 16, Governor's Exec. Order No. B-29-15 (April 1, 2015).

§ 1605.2. State Standards for Federally Regulated Appliances

...[skipping (a) through (c)]

(d) Portable Air Conditioners, Evaporative Coolers, Ceiling Fans, Ceiling Fan Light Kits, Whole House Fans, Residential Exhaust Fans, Dehumidifiers, and Residential Furnace Fans.

...[skipping (1)]

(2) Portable Air Conditioners. See section 1605.3(d) of this Article for energy efficiency standards for portable air conditioners.

(3) There are no energy efficiency standards or energy design standards for portable spot air conditioners, evaporative coolers, whole house fans, or residential exhaust fans. There are no energy efficiency standards for ceiling fans.

...[skipping (e) through end of section 1605.2]

Note: Authority cited: Sections 25213, 25218(e), 25402(a)-25402(c), and 25960, Public Resources Code; and sections 16, 26, and 30, Governor's Exec. Order No. B-29-15 (April 1, 2015). Reference: Sections 25216.5(d), 25402(a)-25402(c), and 25960, Public Resources Code; and section 16, Governor's Exec. Order No. B-29-15 (April 1, 2015).

§ 1605.3. State Standards for Non-Federally Regulated Appliances.

...[skipping (a) through (c)]

(d) Portable Air Conditioners, Evaporative Coolers, Ceiling Fans, Ceiling Fan Light Kits, Whole House Fans, Residential Exhaust Fans, Dehumidifiers, and Residential Furnace Fans.

(1) Energy Efficiency Standards for Portable Air Conditioners. The combined energy efficiency ratio (CEER) of single-duct and dual-duct portable air conditioners manufactured on or after February 1, 2020, shall not be less than the value calculated in the following equation, where SACC is the seasonally adjusted cooling capacity of a portable air conditioner:

$$CEER = 1.04 \times \frac{SACC}{(3.7117 \times SACC^{0.6384})}$$

~~(12)~~ See section 1605.1(d) of this Article for energy efficiency standards for ceiling fan light kits, dehumidifiers, and residential furnace fans.

~~(23)~~ See section 1605.1(d) of this Article for energy design standards for ceiling fans.

~~(34)~~ There are no energy efficiency standards or energy design standards for portablespot air conditioners, evaporative coolers, whole house fans, or residential exhaust fans. There are no efficiency standards for ceiling fans.

...[skipping (e) through end of section 1605.3]

Note: Authority cited: Sections 25213, 25218(e), 25402(a)-25402(c), and 25960, Public Resources Code; and sections 16, 26, and 30, Governor's Exec. Order No. B-29-15 (April 1, 2015). Reference: Sections 25216.5(d), 25402(a)-25402(c), and 25960, Public Resources Code; and section 16, Governor's Exec. Order No. B-29-15 (April 1, 2015).

§ 1606. Filing by Manufacturers; Listing of Appliances in the MAEDbS.

(a) Filing of Statements.

Each manufacturer shall electronically file with the Executive Director through the MAEDbS a statement for each appliance that is sold or offered for sale in California. The statement shall contain all of the information described in paragraphs (2) through (4) of this subsection and shall meet all of the requirements of paragraph (1) of this subsection and all other applicable requirements in this Article.

The effective dates of this section shall be the same as the effective dates shown in section 1605.1, 1605.2 or 1605.3 of this Article for appliances for which there is an energy efficiency, energy consumption, energy design, water efficiency, water consumption, or water design standard in section 1605.1, 1605.2, or 1605.3 of this Article. For appliances with no energy efficiency, energy consumption, energy design, water efficiency, water consumption, or water design standard in section

1605.1, 1605.2, or 1605.3 of this Article, the effective date of this section shall be one year after they are added to section 1601 of this Article, unless a different effective date is specified.

Exceptions to Section 1606(a) of this Article: Section 1606(a) of this Article is not applicable to:

1. external power supplies,
2. compressors,
3. portable air conditioners (except for spot air conditioners),
4. small electric motors, or
5. à la carte chargers meeting the EXCEPTION noted in section 1605.3(w)(2) of this Article.

...[skipping (a)(1)(A) through (a)(1)(G)]

(H) Portable Air Conditioners. A manufacturer shall file two statements for a single model of portable air conditioner if the model is sold or offered for sale in California with both single-duct and dual-duct configuration options. One statement shall be for the single-duct configuration, and the other statement shall be for the dual-duct configuration.

...[skip to Table X]

**Table X
Data Submittal Requirements**

<i>Appliance</i>	<i>Required Information</i>	<i>Permissible Answers</i>
All Appliances	*Manufacturer's Name	
	*Brand Name	
	*Model Number	
	Date model to be displayed	
	Regulatory Status	Federally regulated consumer product, federally regulated commercial and industrial equipment, non-federally regulated

...[skipping A through C]

D	<u>Single-Duct and Dual-Duct Portable Air Conditioners</u>	<u>*Duct configuration</u>	<u>Single-duct, dual-duct, ability to operate in both single-duct and dual-duct configurations</u>
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	<u>Heating function available</u>	<u>True, False</u>
	<u>Dehumidification mode available</u>	<u>True, False</u>
	<u>Primary condensate removal feature</u>	<u>Auto-evaporation, gravity drain, removable internal collection bucket, condensate pump</u>
<u>Single-Duct Portable Air Conditioners</u>	<u>Combined Energy Efficiency Ratio (CEER) (Btu/Wh)</u>	
	<u>Seasonally Adjusted Cooling Capacity (SACC) (Btu/h)</u>	
	<u>Adjusted Cooling Capacity at 83 °F conditions (Btu/h)</u>	
	<u>Adjusted Cooling Capacity at 95 °F conditions (Btu/h)</u>	
	<u>Annual energy consumption in off-cycle mode (kWh/year)</u>	
	<u>Annual energy consumption in inactive or off mode (kWh/year)</u>	
	<u>Annual energy consumption in cooling mode (kWh/year)</u>	
<u>Dual-Duct Portable Air Conditioners</u>	<u>Combined Energy Efficiency Ratio (CEER) (Btu/Wh)</u>	
	<u>Seasonally Adjusted Cooling Capacity (SACC) (Btu/h)</u>	
	<u>Adjusted Cooling Capacity at 83 °F conditions (Btu/h)</u>	
	<u>Adjusted Cooling Capacity at 95 °F conditions (Btu/h)</u>	

	<u>Annual energy consumption in off-cycle mode (kWh/year)</u>	
	<u>Annual energy consumption in inactive or off mode (kWh/year)</u>	
	<u>Annual energy consumption in cooling mode at 83 °F conditions (kWh/year)</u>	
	<u>Annual energy consumption in cooling mode at 95°F conditions (kWh/year)</u>	
Spot Air Conditioners	*Type	Single package, air-cooled; single package, evaporatively-cooled; split system: air-cooled condensing unit, coil with blower; split system: evaporatively-cooled condensing unit, coil alone; single package, air-cooled (FD); single package, evaporatively-cooled (FD); split system: air-cooled condensing unit, coil with blower (FD); split system: evaporatively-cooled condensing unit, coil alone (FD)
	Cooling Capacity	
	Total Electrical Input	
	Cooling Efficiency Ratio (CER)	
	Fan Electrical Input	
	Refrigerant Type	Ozone-depleting, non-ozone-depleting

* "Identifier" information as described in section 1602(a) of this Article.

- 1 = Voluntary for federally- regulated appliances
- 2 = Voluntary for state-regulated appliances

...[skipping remaining text in Table X through end of section 1606]

Note: Authority cited: Sections 25213, 25218(e), 25402(a)-25402(c), and 25960, Public Resources Code; and sections 16, 26, and 30, Governor's Exec. Order No. B-29-15 (April 1, 2015). Reference: Sections 25216.5(d), 25402(a)-25402(c), 25402.5.4, and 25960, Public Resources Code; and section 16, Governor's Exec. Order No. B-29-15 (April 1, 2015).

§ 1607. Marking of Appliances. [No changes]

§ 1608. Compliance, Enforcement, and General Administrative Matters.

(a) General Requirements for the Sale or Installation of All Appliances.

Any unit of any appliance within the scope of section 1601 of this Article may be sold or offered for sale in California only if:

- (1) the appliance appears in the most recent MAEDbS established pursuant to section 1606(c) of this Article, unless the only reason for the appliance's absence from the MAEDbS is its failure to comply with an applicable standard in section 1605.1 of this Article;
- (2) the manufacturer has:
 - (A) tested the appliance as required by sections 1603 and 1604 of this Article;
 - (B) marked the unit as required by section 1607 of this Article;
 - (C) for any appliance for which there is an applicable standard in section 1605.2 or 1605.3 of this Article, certified under section 1606(a) of this Article that the appliance complies with the standard;
- (3) the unit has the same components, design characteristics, and all other features that affect energy or water consumption or energy or water efficiency, as applicable, as the units that were tested under sections 1603 and 1604 of this Article and for which information was submitted under section 1606(a) of this Article; and
- (4) for any appliance for which there is an applicable standard in section 1605.2 or 1605.3 of this Article, the unit complies with the standard.

Exceptions to Sections 1608(a)(1) and 1608(a)(2)(C) of this Article. Sections 1608(a)(1) and 1608(a)(2)(C) of this Article are not applicable to:

1. external power supplies,
2. compressors,

~~3. portable air conditioners (except for spot air conditioners);~~

~~43. small electric motors, or~~

~~54. à la carte chargers meeting the EXCEPTION noted in section 1605.3(w)(2) of this Article.~~

...[skipping through end of the section]

Note: Authority cited: Sections 25213, 25218(e), 25402(a)-(c), and 25960, Public Resources Code. Reference: Sections 25216.5(d), 25402(a)-(c), and 25960, Public Resources Code.

§ 1609. Administrative Civil Penalties. [No changes]