

**DOCKETED**

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<b>Project Title:</b>	Air Filters
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<b>Document Title:</b>	Public Notice 15-day comment period
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<b>Organization:</b>	California Energy Commission
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**CALIFORNIA ENERGY COMMISSION**

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CEC-057 (Revised 1/21)



**NOTICE OF 15-DAY PUBLIC COMMENT PERIOD  
PROPOSED REVISIONS TO THE  
AIR FILTERS REGULATIONS**

**California Energy Commission  
Docket No. 20-AAER-02**

On March 25, 2022, the California Energy Commission (CEC) published a Notice of Proposed Action with proposed amendments to the air filters regulations contained in the California Code of Regulations, Title 20. The CEC made all the documents available for a 45-day comment period and held a public hearing on May 10, 2022.

Based on comments received during the written comment period and the public hearing, the CEC is proposing changes to the proposed amendments offered on March 25, 2022. **Any interested persons are invited to review and provide written comments to the CEC for consideration during the 15-day comment period from August 22, 2022, through September 6, 2022.** The CEC appreciates receiving written comments at the earliest possible date. Comments submitted **after September 6, 2022**, are considered untimely and the CEC may, but is not required to, respond to such comments, including those raising significant issues.

The CEC encourages use of its electronic commenting system. Visit the e-commenting page at <https://www.energy.ca.gov/rules-and-regulations/appliance-efficiency-regulations-title-20/appliance-efficiency-proceedings-0>, which links to the comment page for this docket. Enter your contact information and a comment title describing the subject of your comment(s). Comments may be included in the "Comment Text" box or attached as a downloadable, searchable document consistent with 20 California Code of Regulations Section 1208.1. The maximum files size allowed is 10 MB. Written comments may also be submitted by email. Include docket number 20-AAER-02 in the subject line and email to [docket@energy.ca.gov](mailto:docket@energy.ca.gov).

A paper copy may be sent to:

California Energy Commission  
Docket Unit  
Docket No.20-AAER-02  
715 P Street, MS-4  
Sacramento, CA 95814

Written and oral comments, attachments, and associated contact information (including address, phone number, and email address) will become part of the public record of this proceeding with access available via any internet search engine.

The 15-day proposed language and related documents are available for review on the CEC website at <https://www.energy.ca.gov/rules-and-regulations/appliance-efficiency-regulations-title-20/appliance-efficiency-proceedings-0>.

In accordance with Government Code sections 11346.8 and 11347.1, these documents are made available for public comment at least 15 days before the CEC's consideration and possible adoption of the proposed regulations. Copies of these documents are available for public inspection at the CEC located at the address above, subject to COVID-19 limitations. The CEC has considered all public comments received in developing the 15-day proposed language.

The text of the modified regulatory language is also included as Attachment A. Amendments to the existing code that were made public with the 45-day notice on March 25, 2022, are shown in ~~strike through~~ to indicate deletions and underline to indicate additions. Additional amendments proposed with this 15-day notice are shown in ~~double strike through~~ for deletions and double underline for additions.

In the Final Statement of Reasons, staff will respond to all comments received on the record during comment periods. The Administrative Procedure Act requires that staff respond to each objection or recommendation made regarding the specific adoption, amendment, or repeal proposed, together with an explanation of how the proposed action has been changed to accommodate each objection or recommendation, or the reasons for making no change. Therefore, staff will only address comments received during opportunities to comment that are responsive to this notice, documents added to the record, or the changes detailed in the proposed 15-day language at the above-referenced website.

To stay informed about this proceeding and receive documents and notices of upcoming workshops and hearings as they are filed, please subscribe to the proceeding email subscription at the following link: <https://www.energy.ca.gov/rules-and-regulations/appliance-efficiency-regulations-title-20/appliance-efficiency-proceedings-0>. The email subscription sends out email notifications and direct links when documents and notices are filed in the proceeding docket. If you are unable to access the website and would like a copy of the rulemaking documents mailed or emailed to you, or if you

have any questions, please contact Corrine Fishman at [corrine.fishman@energy.ca.gov](mailto:corrine.fishman@energy.ca.gov).

The CEC's Public Advisor provides the public assistance in participating in CEC proceedings. If you want information on how to participate in this forum, please contact the Public Advisor at [publicadvisor@energy.ca.gov](mailto:publicadvisor@energy.ca.gov), or by phone at (916) 957-7910. Requests for language services and reasonable accommodations should be made as soon as possible or at least five days in advance. The CEC will work diligently to accommodate late requests.

Direct media inquiries to the Media and Public Communications Office at (916) 654-4989, or by email at [mediaoffice@energy.ca.gov](mailto:mediaoffice@energy.ca.gov).

If you have question on the subject matter of this notice, please contact Alejandro Galdamez at [alejandrogaldamez@energy.ca.gov](mailto:alejandrogaldamez@energy.ca.gov) or (916) 237-2550.

## **SUMMARY OF PROPOSED MODIFICATIONS**

The following is a summary of the amendments proposed with 15-day language. It does not include non-substantive amendments to correct typographical or grammatical errors, change/correct numbering or formatting, or improve clarity.

Section 1602:

- The following definitions were edited or deleted:
  - o Air filters definition was updated to include suggested language received through public comments to clarify which products fall within the definition, including an enumerated list of products, such as electronic air cleaners, that do not constitute air filters. The changes to the definitions were necessary to add clarity and exclude a specific appliance that may be regulated or is in the process of becoming regulated by the U.S. Department of Energy.
  - o The term "electronic air cleaner" was defined to make clear these appliances are excluded from this regulation.

Section 1606:

- Changed the effective date of the proposed regulation from December 1, 2022, to April 1, 2023. The change was necessary to provide ample time for manufacturers to make the necessary changes required for compliance under the proposed regulations. CEC staff has simplified the labeling requirements under the proposed regulation to accommodate implementation and prevent shortages due to the impacts COVID-19 pandemic has had on inventory and the supply chain. Further, the proposed effective date will not affect current inventory since the proposed regulation is applicable only to air filters manufactured after

the proposed effective date. Reminder that Public Resources Code section 25402(c)(1)(A) does not apply to labeling requirements.

#### Section 1607:

- Made changes to 1607(d)(11) to require that products be marked on the pleated pack or retail package when sold individually, instead of on the filter itself with an effective date of April 1, 2023.
- Included language to 1607(d)(11) to require specific information to be labeled on the filter frame as needed to assure the correct filter replacement. This requirement will become effective on January 1, 2026.
- Made changes to 1607(d)(11)(A)(2) and 1607(d)(11)(B)(2) to add the word sizes to the phrase *air filter* to add clarity to the provision that allows for different sizes of the same basic model of an air filter to be labeled with information based on testing of the basic model only.
- Edited Table Z-1 and Table Z-2 to clarify the “\*Max Rated Airflow.” Previously, Tables Z-1 and Z-2 gave the impression that there was a maximum rated value in addition to values 4 and 5 (respectively) of said tables. Values 4 and 5 of the tables *are* the maximum rated airflows identified on tables Z-1 and Z-2 (respectively), and the empty cell under the “\*Max Rated Airflow” was removed to avoid creating this confusion.
- Added Table Z-3 as an example table to the label requirement for the frame of the air filter becoming effective on January 1, 2026.

#### **SUMMARY OF COMMENTS NOT IMPLEMENTED**

#### Section 1602:

- Changes to the basic model were suggested to remove specific language from the definition. After review of the role that material type, material grade, construction, and the different descriptors in the proposed definition have toward the efficiency of the air filter, the suggested changes were not implemented.

#### Section 1604:

- The suggested requirement to calculate the initial value at 0.2 inches water column was not implemented. The intent to calculate the initial resistance at 0.1 inches water column is aimed to support the requirements specified in the California Energy Code (Part 6 of the Title 24 Building Standards Code) for new residential construction and is based on a 150 fpm face velocity flowrate. Staff notes that this does not prohibit manufacturers from calculating the face velocity of the filter at 0.2 inches of water column for existing equipment as suggested.

Section 1606:

- The suggested effective date of 1-year after adoption was not implemented. CEC understands that manufacturers require time to implement the required labelling procedures and has responded to this need by delaying the effective date by two calendar quarters while also simplifying the labeling requirement itself. Further, because the required labeling procedures only apply to filters manufactured from the effective date on, they will not affect existing inventory and accessibility of existing air filters at retail stores.

Section 1607:

- Suggested change from “shall” to “can” in 1607(d)(11)(A)(2)(b) and 1607(d)(11)(B)(2)(b) was not implemented because, although smaller or bigger filters may have slightly different values for filter resistance when tested, the purpose of the proposed language is to establish objectives and consistent product performance tests and communicate performance information derived from those tests. The proposed regulatory language does not prohibit any manufacturer from conducting additional testing for different size filters and labeling filters of associated sizes with performance information resulting from said tests.
- Suggestion to change the particle size on the label to reflect the particulate matter (PM) rather than the proposed particle limits was not implemented to avoid any confusion and/or ambiguity since the proposed values are those used in the proposed test procedures.
- Suggested removal of the particle size efficiency from the labeling requirements was not implemented since it reflects the results from the proposed test procedure and provides the minimum efficiency information for consumers and designers of the systems where the filters are used. The label requirements proposed under this regulation do not prohibit manufacturers from supplying additional information to assist consumers on the efficiency of the filters.
- The suggested removal of an airflow rate of 125 percent from the label was not implemented because it is an efficiency performance datapoint reflected in the proposed ANSI/ASHRAE 52.2-2017 test procedure. The removal of the value from the label would only cause confusion when the test lab results are compared to the label.
- The suggestion to allow for the labeling information to be available online only was not implemented since it assumes that all consumers in California have access to the internet or own a smart phone to access the performance data of the label. Since the suggestion could negatively impact low-income individuals and those in disadvantage communities from having access to the information under the proposed regulation, the suggestion was not implemented.