

DOCKETED

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CALIFORNIA ENERGY COMMISSION

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CEC-057 (Revised 1/21)

**NOTICE OF 2nd 15-DAY PUBLIC COMMENT PERIOD
PROPOSED REVISIONS TO THE
COMMERCIAL AND INDUSTRIAL FANS AND BLOWER REGULATIONS**

**California Energy Commission
Docket No. 22-AAER-01**

On February 25, 2022, the California Energy Commission (CEC) published a Notice of Proposed Action with proposed amendments to the commercial and industrial fans and blower regulations contained in the California Code of Regulations, Title 20. The CEC made all the documents available for a 45-day comment period, which was extended from April 11, 2022, to April 29, 2022, and the public hearing was held on April 12, 2022.

On July 11, 2022, the CEC published a 15-day comment period public notice for the amended proposed regulation for commercial and industrial fans and blowers. Comments were received into the docket during the public comment period which concluded on July 26, 2022.

Based on comments received during the 15-day comment period, the CEC is proposing additional changes to the proposed regulatory language offered on February 25, 2022, and July 11, 2022. **Any interested persons are invited to review and provide written comments to the CEC for consideration during the 2nd 15-day comment period from September 7, 2022, through September 22, 2022.** The CEC appreciates receiving written comments at the earliest possible date. Comments submitted after **September 22, 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-11>, 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 22-AAER-01 in the subject line and email to docket@energy.ca.gov.

A paper copy may be sent to:

California Energy Commission
Docket Unit
Docket No.22-AAER-01
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 2nd 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-11>.

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 2nd 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 February 25, 2022, are shown in ~~strike through~~ to indicate deletions and underline to indicate additions. Amendments proposed with the first 15-day notice of July 11, 2022, are shown in ~~double-strikethrough~~ for deletions and double underline for additions. The amendments proposed under this second 15-day notice are shown in ***bold-italics*** ~~strikethrough~~ for deletions and ***bold-italics 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 comments received regarding all noticed changes. 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 2nd 15-day proposed 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-11>

11. 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.

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, 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.

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

SUMMARY OF IMPLEMENTED 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:

- Added "including embedded fans sold for replacement of another embedded fan" to excluded item (G) from the definition for Commercial and Industrial Fans and Blowers. The change was implemented to clarify that all embedded fans, including those sold for the sole purpose to replace an existing embedded fan, are excluded from the definition for Commercial and Industrial Fans and Blowers (CIFB) and will not need to comply with the proposed regulation. However, if the same fan model is sold as a CIFB, the fan model number is subject to the proposed regulations.
- Included new exclusion item (K) to the definition for CIFB. The exclusion reads "a fan that is designed and marketed to operate at or above 482 degrees Fahrenheit (250 degrees Celsius)." The exclusion was listed under the safety fans definition, but after further review it was appropriate to move the exclusion since it was not a characteristic of a safety fan.
- Removed the definition for "Dual use fan" since the term is no longer being used under the proposed regulation.
- Added the "total and static" language to the "Maximum pressure" definition. The change was implemented to clearly communicate that the maximum pressure

can be of the total or static nature as both can be used and are dependent to the fan it was tested, and the type of pressure used during the test.

- Deleted the first item from the safety fan definition. The change was necessary since the fans that operate at or above 482 degrees Fahrenheit (250 degrees Celsius) are now listed as an exclusion to the proposed definition for CIFB.
- Moved Item 2 to Item 1 in the safety fan definition and included the determiner “an” into the item. The changes were necessary since item 1 was removed from the proposed definition and the determiner “an” is necessary.
- Moved item 3 to item 2 in the safety fan definition and deleted the conjunction “or” at the end of the item. The changes were necessary since item 1 was deleted and because the conjunction was no longer needed.
- Moved item 4 to item 3 in the safety fan definition and added the conjunction “or” at end of the item. The changes were necessary since item 1 was deleted from the proposed definition and the conjunction was needed since it is the penultimate item.
- Added item 4 to the proposed definition for safety fans to include power ventilator for smoke control systems that comply with ANSI/UL 705 Power Ventilators (dated August 23, 2021).
- Added reference to ANSI/UL 705 to the list of referenced material at the end of the section. The added reference item is necessary since it is used under item 4 of the safety fans definition.

Section 1606:

- Effective date was updated in Table X to reflect the anticipated adoption date.
- Table X was edited to remove the motor model number and include instead the type of motor in the fan being sold. The permissible answer will be:
 - o None, Single-phase induction, Polyphase induction, Synchronous DC (including ECM), Permanent magnet AC, or Other.

This change was necessary to address a comment received during the comment period, which indicated that the original proposal would generate large amounts of data due to the endless combinations of motor model numbers that different manufacturers use for the same type of motor. The change was made to capture the type of motor in the fan and avoid the unnecessary data that would be generated by pursuing the different model numbers that fans are sold with.

- Table X was edited to include the motor nameplate horsepower if fan is sold with an induction motor. The change was necessary to capture necessary data that will help future enforcement of the proposed regulation.

- The “pressure type” field was added to Table X. This field is necessary for future verification of the certification of the commercial or industrial fan or blower.
- Table X was edited to remove the controller model number if a fan is sold with a controller and instead require the type of controller with the following permissible answers:
 - o None, Variable, or Other

The changes were necessary to address the problems identified by stakeholder regarding the “controller model number” previously required.

- Edited the type of units for the airflow data points needed for certification to reflect CFM rather than SCFM since AMCA’s test procedure does not correct for SCFM but rather it converts pressure to standard air density and reports the airflow in CFM.
- Added reference to AMCA 214-21 to the “Method used to determine the FEP_{act} of test method in section 1604(d)(2)” field of table X. The change was needed to add clarity to the origin of the sections used to calculate the FEP_{act} of the proposed test procedure.

Section 1607

- Effective date was added to subsection 1607(d)(16) to reflect the anticipated adoption date.
- Added the type of pressure, either static or total, to the labeling requirements provided in subsection 1607(d)(16)(A). The change was required to require that the label clearly communicates the type of pressure.

Additional Documents incorporated by reference during all comment periods:

- ANSI/UL 705 Power Ventilator (August 23, 2021)
- ISO 80079-26:2016, Explosive atmospheres – Part 36: Non-electrical equipment for explosive atmospheres- Basic method and requirements

SUMMARY AND RATIONAL OF SUGGESTED MODIFICATIONS NOT IMPLEMENTED

AHRI and AMCA suggested to include “except replacement embedded fans” to sections 1606 and 1607. Staff rejected this change because embedded fans have been added to items (G) excluded from the proposed definition of commercial and industrial fans and blowers (exception G), and therefore all embedded fans sold exclusively for replacement of another embedded fan are exempted from the regulations. Therefore, it is no longer necessary to include in the exclusion in sections 1606 and 1607.

CA IOUs requested changes to include the voltage and the rated nameplate horsepower for polyphase motors. Since the motor model number has become a data issue, and because the type of electric driver (motor) can be used to check the right procedure of the test procedure was used for certification, the suggested change was not implemented.

CA IOUs, AMCA, and Greenheck suggested to change the motor and controller model number sold with the unit to be changed to those used for certification. Since the field will be changed to reflect the type of motor and controller rather than the model number for both, the comments were not implemented.

CA IOUs recommended including the conversion factor for pressure and FEI_{act} in standard air density units within Table X. CEC will clarify the type of units required for these fields in the instructions for completing certification filing – the determination of these values is already explained in greater detail in the test specifications, and including this statement within this table could lead to confusion.

AMCA submitted comments recommending excluding custom fans, those are fans that are not listed by manufacturers in their catalogs and are built following special requirements and measures. Since the fans do not need to be certified until the point of sale, the suggested comment was not implemented, and this was clarified to manufacturer.

Greenheck suggested harmonizing the proposed regulations with the requirements of Title 24 and the tolerances for AMCA Certified Rating Program (CRP). After clarification, it was understood that the harmonization being referred to was regarding the submittal of data into MAEDbS and AMCA CRP. Since AMCA can become a third-party certifier, and since the proposed regulation utilizes the same data utilized by AMCA, the proposed regulation is harmonized, to the extent that it can be, with AMCA's CRP and Title 24 requirements.