

DOCKETED

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Madison IAQ comments - Title 24 - 2022 15-day Express Terms

Additional submitted attachment is included below.

September 13, 2022

California Energy Commission
Docket Unit, MS-4
Re: Docket No. 20-AAER-02
715 P Street
Sacramento, California 95814-5512

(Submitted via the docket to [California Energy Commission: e-comment: Submit Comment](#) and via email to docket@energy.ca.gov).

Re: Madison IAQ Comments in Response to Title 20 Notice of Proposed Action for Air Filters Regulation – Appliance Efficiency Rulemaking for Air Filters [*Docket No 20-AAER-02*]

Dear CEC Staff:

Madison Indoor Air Quality (MIAQ) respectfully submits these comments in response to the California Energy Commission (CEC) Proposed Regulatory Language for Air Filters published on August 29, 2022, to adopt additional amendments to the air filter regulations contained in the California Code of Regulations (CCR) Title 20 (Section 1104(e)).

MIAQ is one of the largest and most successful privately held companies in the world with a significant footprint in the HVAC market. MIAQ's mission is to make the world safer, healthier, and more productive by creating innovative solutions that deliver outstanding customer value. MIAQ's portfolio comprises of at least 15 companies including Broan, Steril-Aire, and Venmar. Through these companies, MIAQ offers air filters that could be impacted by CEC's 15-day proposed language.

Due to our continuous review of market demands and advancement to higher efficiency equipment, MIAQ feels uniquely qualified to provide feedback to CEC staff on the issues they wish to address. We thank CEC staff for taking time to read these comments and encourages them to work with Madison IAQ to address our thoughts and concerns during the rulemaking process.

As discussed in detail below, MIAQ supports CEC's efforts to correct a previously flawed regulation, originally enacted in 2015. In the intervening years, and in the wake of the COVID-19 pandemic, which brought both heightened interest in air filtration, along with massive supply chain shortages, we have a few suggestions to strengthen this proposal and ensure that California consumers have access to high quality air filters, and appropriate information on product efficacy. MIAQ thanks CEC for the clear and thorough definition of electronic air cleaners included in the 15-day language. MIAQ thanks CEC for taking into consideration the requests to move the proposed effective date of the amendments by changing it from December 1, 2022, to April 1, 2023, but emphasizes the need for the full one-year compliance date. Complexities in the sale of these products require that CEC not deviate from requirements by enacting a shortened compliance window. MIAQ also asks that CEC clarify whether filters delivered within a unit need to comply with the stated labeling requirements.

MIAQ requests CEC clarify CEC’s proposed definition of “Air filter”

MIAQ has not previously submitted comments because the scope has not included products certified by HVI as evident based on the following definition of air filter which was included in the “Proposed Regulatory Language” docketed on March 24, 2022:

“Air filter” means an air-cleaning device installed in forced-air heating or cooling equipment and used for removing particulate matter from the air and designed for installation in residential ducted forced-air heating or cooling systems.

However, the latest modification proposed by CEC to the definition of “air filter” (shown below) within the “Express Terms for Air Filter Regulation” docketed on August 29, 2022, could be construed to expand the docket’s scope to include air filters that serve residential unitary supply ventilation systems and residential unitary heat and energy recovery ventilators (H/ERVs). Such an expansion should not be undertaken without careful consideration for the issues that are unique to these products and without permitting ample time for further dialogue with the industry. Fifteen days is not sufficient for such dialogue to occur.

“Air filter” means a disposable or reusable air-cleaning device with air filtering media encased in a frame of a nominal depth of no greater than 6.0 inches ~~installed in forced-air heating or cooling equipment and~~ used for removing particulate matter from the air and designed for installation in residential ducted forced-air ventilation, heating or cooling systems.

(1) Air filter does not include:

(A) Electronic air cleaners;

(B) Filter media sold as rolls, i.e. not encased in a frame;

(C) Air filters designed and sold exclusively for installation in products other than residential ducted forced-air systems.

The “Public Notice 15-day comment period” document docketed on August 20, 2022, cites the following rationale for modifying this definition: “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.” This rationale does not mention expanding the scope to add new product classes but instead provides justification for narrowing the scope to exclude certain products. In other words, the rationale suggests that CEC’s intention was *not* to expand the scope to include air filters that serve residential unitary¹ supply ventilation systems or residential unitary H/ERVs.

Ensuing conversations with CEC staff also helped clarify that the modified definition of air filter is meant to apply to air filters used with air handlers in residential ducted forced-air heating or cooling systems, such as ducted heat pumps, air conditioners, and furnaces and is not intended to apply to filters serving residential unitary supply ventilation systems or residential heat and energy recovery ventilators (H/ERVs).

¹ Residential unitary supply ventilation systems and residential unitary heat and energy recovery ventilators listed in HVI’s Certified Product Database (CPD) are typically installed to serve a single dwelling unit and are sometimes referred to as “unitary” products for this reason.

To maintain the docket’s intended scope, MIAQ requests CEC to further modify the Air filter definition to remove any ambiguity about the requirement of air filters within single dwelling unit mechanical ventilation systems (highlighted yellow below).

“Air filter” means a disposable or reusable air-cleaning device with air filtering media encased in a frame of a nominal depth of no greater than 6.0 inches installed in forced-air heating or cooling equipment and used for removing particulate matter from the air and designed for installation in residential ducted forced-air ventilation, heating or cooling systems.

(1) Air filter does not include:

(A) Electronic air cleaners;

(B) Filter media sold as rolls, i.e. not encased in a frame;

(C) Air filters designed and sold exclusively for installation in products other than residential ducted forced-air heating or cooling systems.

MIAQ requests CEC extend the compliance date for revised reporting and labeling requirements within 20-AAER-02 to June 1, 2023

MIAQ companies have concerns with the proposed effective date for this rulemaking. The new labeling requirement adds a layer of complexity to the labeling process, requiring more time for manufacturers to comply. Manufacturers of private label products, which are products manufactured by a third-party that are sold under a retailer’s brand name, must have all revisions to die-cut graphics reviewed and approved before use. While this may appear to be a straightforward process, these added steps would require updates that would create a subsequent delay in updating die-cuts, and therefore manufacturers’ collective ability to comply with the timeline set forth in the regulation.

On March 27, 2022, CEC gave notice of the proposed regulation. Even for manufacturers who immediately began the complex process of retesting their materials and proposing the necessary changes to *retail chains*² selling their products, it would be difficult, if not impossible, to be compliant with new labeling requirements by December 1, 2022.

Retail chains must discuss labeling redesign at length and approve any changes made prior to manufacturers sending updated designs to the die-cut. This approval process requires multiple meetings between manufacturers and *retail chains* and is time-consuming. As *retail chains* generally have a 90-day supply of air filters on hand, motivating a more efficient transition is difficult and could require disposing of products ready for retail.

Currently this timeline is expected to start after the publication of the final rule, at which point manufacturers who have not already started the process of transitioning to new labeling standards will find it impossible to comply. It is not a straightforward or effortless process for manufacturers to incorporate a redesign into their products, and as such they need an appropriate length of time to collaborate with chain retailers to complete a redesign and to bring their products into compliance.

Separately, air filter manufacturers compete with the beverage industry for die-cut time, and the entire supply chain has been impacted by the pandemic, making supplies tight and die-cut time scarce.

² MIAQ is referring to “retail chains” which are specialized large retail businesses or “Big Box Stores.”

Consequently, if a *retail chain* delays the change to their label, and the compliance date for the updated labeling requirements is immovable, requiring replacement of packaging in the 270-day supply chain, there is currently no excess capacity to replace this supply, and there is insufficient time to meet the schedule and replace the entire supply chain.

Finally, MIAQ reminds CEC of Public Resources Code section 25402(c)(1)(A) which requires an effective date of “no sooner than one year after the date of adoption or revision” and asks that CEC modify the revised labeling standard effective date accordingly to June of 2023 instead of December 1, of 2022. This rule is being promulgated under the authority of Public Resources Code sections 25213(a), 25218(e), 25402(c)(1), and 25402.5 and should comply with 25402(c)(1)(A) and should have a one- year effective date, at minimum.

Madison Indoor Air Quality appreciates the opportunity to provide these comments. If you have any questions regarding this submission, please do not hesitate to contact me.

Sincerely,



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