

**DOCKETED**

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**CALIFORNIA ENERGY COMMISSION**

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CEC-057 (Revised 1/21)



**FINAL STATEMENT OF REASONS**  
**OAL Z 2022 0314-02**  
**Air Filters**

**UPDATE OF THE INITIAL STATEMENT OF REASONS**

**In response to comments received during the 45-day public comment period, the following changes were made to the proposed regulatory language and provided for 15-day public comment August 29, 2022, through September 13, 2022:**

**Section 1602:**

- The following definitions were edited or deleted:

- o the definition for “air filters” 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 so that the regulations could make clear that certain products, specifically products meeting the definition of electronic air cleaners, are excluded from this regulation. The change was necessary due a to final rule and determination made by the U.S. Department of Energy to cover Air Cleaners as a consumer product, preempting state standards over the same products.

**Section 1606:**

- A change was made to the effective date of the proposed regulation, listed in table X, 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.

**Section 1607:**

- Changes were made to section 1607(d)(11) to require that products be marked on the retail packaging for air filters manufactured after April 1, 2023. This change was necessary to account for a later projected date of adoption and was further modified in a later revision to again account for a later projected date of adoption.

- A new marking requirement was added to 1607(d)(11), requiring that each unit of air filters shall be clearly marked on the frame of the air filter for filters manufactured after

January 1, 2026. The change was necessary to provide consumers with a marking that could be used in tandem with the information on the retail packaging for consumers to use when purchasing a replacement.

- Made changes to 1607(d)(11)(A)(2) and 1607(d)(11)(B)(2) to add the word “sizes” to the phrase *air filter*, such that the sections now read “air filter sizes,” which was necessary to clarify that the provision establishes marking requirements for different sizes of the same basic model of an air filter, 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. The change was necessary to simplify the information for the frame marking requirement to have an earlier effective date of the existing regulation.

**In response to comments received during the 15-day public comment period, the following changes were made to the proposed regulatory language and provided for a 2<sup>nd</sup> 15-day public comment October 28, 2022, through November 14, 2022:**

**Section 1602:**

- The definition of “air filter” was modified to make use of defined terms and to align with the language used for air filters in the scope of the regulations (section 1601(c)). The change was necessary because, in response to public comments, the California Energy Commission (CEC) determined that the proposed definition, as originally drafted, was ambiguous, unclear, and potentially exceeded the intended scope of the proposed regulations.

**Section 1606:**

- Unnecessary language mentioning “particulate matter” was removed from table X regarding the particle size efficiency for particle size for 0.3 to 1.0 micrometer data point. The change was necessary for consistency with language used in the proposed test procedures and to avoid potential ambiguity.
- Unnecessary descriptors for the dust-holding capacity data point in table X were removed. The change was necessary for consistency with language used in the proposed test procedures and to avoid potential ambiguity.
- The applicability date, listed in table X, was modified from April 1, 2023, to July 1, 2024, for the certification of air filters into CEC’s Modernized Appliance Efficiency Database (MAEDbS). This change was necessary to account for the change in anticipated date of adoption and ensure an appropriate amount of time between adoption of final requirements and the need to adhere to amended standards.

## **Section 1607:**

- Section 1607(d)(11) was edited to remove the requirement for the marking to appear on the retail packaging with an effective date of April 1, 2023, which was added in the first 15-day language. The language was updated to require the marking to appear on the air filter frame or pleats with an effective date of July 1, 2024. Based on comments received, CEC staff determined this change was necessary to remove unintended complexity that was added during the first 15-day language, which would have caused confusion and difficulty for manufacturers, retailers, and consumers.
- Table Z-3, which was previously proposed in the first 15-day language, was removed from the proposed regulation. This change was necessary to support product marking, given ample time to manufacturers to comply with the proposed requirements, remove unnecessary burdens due to interim requirements, and prevent any ambiguity in the proposed language.

**In response to comments received during the 2nd 15-day public comment period, the following changes were made to the proposed regulatory language and provided for a 3<sup>rd</sup> 15-day public comment December 2, 2022, through December 20, 2022:**

- Section 1607(d)(11) was modified to clarify the visibility requirements of the marking and to provide that the information required to be printed on the air filter shall either be visible through any retail packaging or, if not visible through the retail packaging, marked on both the air filter and the retail packaging. The changes were necessary to clarify and specify the requirements of the proposed marking and to ensure that certain specified information, enumerated in section 1607(d)(11)(A) and (B), is visible to consumers when purchasing air filter products at the time of purchase.

**There were non-substantive changes made to the final regulatory text to all sections being amended in this rulemaking changes. These non-substantive changes included grammatical, structural, and punctuation changes, and the addition of existing authority and reference citations that were inadvertently omitted from the text.**

## **LOCAL MANDATE DETERMINATION**

The CEC has determined that this action will not result in a local mandate on local agencies or school districts.

## **CONSIDERATION OF ALTERNATIVE PROPOSALS**

The CEC determined pursuant to Government Code section 11346.9(a)(4) that no alternative before it would be more effective in carrying out the purpose for which this action is proposed; no alternative would be as effective as and less burdensome to affected persons than the adopted regulation; and no alternative would be more cost

effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The adopted regulations will not have a significant adverse economic impact on small business and no alternatives were proposed that would lessen any adverse economic impact on small business.

Except as discussed in the summary and response to comments, no alternatives were recommended.

## **ADDITIONAL ECONOMIC AND FISCAL IMPACT INFORMATION**

### **Fiscal:**

While the staff report estimates there will be minor fiscal impacts imposed on state and local government agencies, these costs are not uniquely imposed on state or local government in that these are pass through costs that would be imposed on any and all persons or entities purchasing and using air filters. This is why no local mandates or fiscal impacts are noted in the Std. 399 form.

### **Economic:**

The Std. 399 form notes that 10 manufacturing businesses are impacted. The estimated costs of 3.2 million are the costs to those manufacturers and pass through costs that manufacturers may impose on persons or entities purchasing these air filters.

## **INCORPORATION BY REFERENCE**

The CEC proposes to incorporate by reference the following documents:

AHRI Standard 680 (I-P) 2017 Standard for Performance Rating of Residential Air Filter Equipment (AHRI 680-2017).

ANSI/ASHRAE Standard 52.2-2017 Method of Testing General Ventilation Air-Cleaning Devices for Removal Efficiency by Particle Size (ANSI/ASHRAE 52.2-2017).

The documents are incorporated by reference because it would be cumbersome, unduly expensive, and impractical to publish in the California Code of Regulations. The documents were made available upon request directly from the CEC throughout the course of this rulemaking action.

## **SUMMARY OF RESPONSES TO PUBLIC COMMENTS RECEIVED**

All responses to public comments, including acceptance of recommendations and justification when recommendations were not accepted, are hereby incorporated by reference to this Final Statement of Reasons, and included in the final record.