

<b>DOCKETED</b>	
<b>Docket Number:</b>	20-AAER-02
<b>Project Title:</b>	Air Filters
<b>TN #:</b>	249574
<b>Document Title:</b>	Response to Comments 2nd 15-day comment period
<b>Description:</b>	Response to comments received during the 2nd 15-day public comment period from October 28, 2022, through November 14, 2022
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<b>Organization:</b>	California Energy Commission
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2<sup>nd</sup> 15-Day Written Comments Received: Air Filters  
Title 20, Sections 1601,1602,1604,1606 and 1607  
October 28,2022 through November 14, 2022

<b>Commenter(s) Name(s)</b>	<b>Organization</b>	<b>Date Received</b>	<b>Comment type</b>	<b>Assigned number</b>
Jeff Miller	N/A	November 4, 2022	Written public comment	1
Morgan McCarthy	N/A	November 9, 2022	Written public comment	2
Jacki Donner	Home Ventilating Institute	November 10, 2022	Written public comment	3

Number	Comments/ Suggested Revisions	Response
1.1	<p>I recommend that the express terms posted to docket 20-AAER-02 for the 2<sup>nd</sup> 15-day comment period (TN247065) be revised to reinstate the requirements for air filters labels to be either visible through the retail product packaging, otherwise the same information should also be marked on the retail product packaging. Refer to figure 1 below that has highlighted this language. Note there is a similar recommendation in the marked-up express term language I submitted in TN245902. The language in Figure 1 that I recommend be restored to Section 1607(d)11 reads as follows:            “If the marking on the air filter is not legible through its retail packaging, then the packaging shall also be marked with the same information and in the same format.”            (Note: Figure provided highlights the same language)</p> <p>The air filters label is expected to enable homeowners and field technicians to make informed selections of air filter replacement products that:</p> <ul style="list-style-type: none"> <li>- Conform to the design requirements of their space conditioning systems, and</li> <li>- Comply with Title 24 Part 6 air filter performance requirements.</li> </ul> <p>With the current draft of the 2<sup>nd</sup> 15-day comment period express terms (TN 247065), it is possible for manufacturers to be in compliance with the air filter labeling regulation even if their air filter product packaging prevents the label from being visible/legible to persons who need to view that information. If the label is not visible to persons shopping for replacement air filters, then one of the expected main benefits of air filter labeling would be defeated.</p>	<p>CEC staff has changed the language in section 1607 to address the visibility requirements explained by the commenter. The new language will either require the marking be visible through the retail package or be additionally marked on the packaging itself.</p>

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2.1	<p>Final sale of inventory both for the manufacturer and at the retailer may not be completed within the 6 months. Current products do not carry a manufacture date.</p> <p>As written in Section 1607: The effective date of the marking requirements was changed to July 1, 2024. The change was necessary to give manufacturers sufficient time to make production and supply changes necessary to support product marking, and specifically in recognition of the negative impacts that the COVID-19 pandemic has had on supply chains. In addition, the new effective date will prevent the unnecessary disposal of 6-months of inventory which is the average maintained by retail stores as explained in the comment received.</p> <p>From TN# 2400765 Section 1606 the Table indicates: All filters manufactured and [sic] or after July 1 2024 must meet the new requirements.</p> <p>This fails to address filters that may already be in retail stores, distributors or in transit and that may not have a high turnover. Additionally, as it currently reads, manufacturers could essentially manufacture without the marking updates until 06/30/2024. Clarification of the effective dates for manufacturers and retailers is requested. There may be significant buy-back cost to manufacturers for products manufacturer [sic] prior to July 1st 2024 and that are pending final sales to the consumer</p>	<p>From analyzing the comments received during the 1<sup>st</sup> 15-day comment period, CEC staff concluded that the proposed effective date of July 1, 2024, will give enough time to manufacturers and retail stores to take the necessary measures to comply with the proposed regulation. The regulations allow the sell-through of products manufactured before the effective date of July 1, 2024, thereby reducing waste and eliminating buy-back costs.</p> <p>The proposed regulation does not prevent manufacturers from conducting the laboratory tests and marking air filters prior to the effective date of July 1, 2024.</p>

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3.1	<p>On September 13, HVI submitted a comment on the proposed Title 20 air filter language, which CEC filed as TN# 246008. HVI's comment requested that the definition of "air filter" be modified to clarify that the scope of CEC's proposed regulatory language excludes air filters that serve residential ventilation systems. This interpretation aligns with the original scope of the proposed regulatory language, docketed on March 24, as follows:</p> <p><i>"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.</i></p> <p>Additionally, this interpretation was confirmed through consultation with CEC staff. Following is the simple modification that HVI proposed to clarify CEC's intent: <i>"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 used for removing particulate matter from the air and designed for installation in residential ducted forced-air ventilation, heating or cooling systems.</i></p> <p><i>(1) Air filter does not include:</i></p> <p><i>(A) Electronic air cleaners;</i></p> <p><i>(B) Filter media sold as rolls, i.e. not encased in a frame;</i></p> <p><i>(C) Air filters designed and sold exclusively for installation in products other than residential ducted forced-air heating or cooling systems.</i></p> <p>After submitting this comment, CEC modified the definition of "air filter" in the Express Terms as follows: <i>"Air filter" means a disposable or reusable air-cleaning device with filtering media encased in a frame of a nominal depth of no greater than 6.0 inches used for</i></p>	<p>HVI's comment reflects a concern that the regulations do not sufficiently differentiate between two types of systems: residential <i>ducted</i> systems, as defined by section 1602(c), and residential <i>ventilation</i> systems. As written, the proposed regulation only affects filters used in residential <i>ducted</i> systems. It does not affect residential <i>ventilation</i> systems.</p> <p>The term "residential ducted systems" is an industry term of art that's well-understood within the industry and no other entity has expressed concern about possible confusion. As the term is known, it refers to a system generally with a single air inlet filter that goes to a Heating, Ventilation, and Air Conditioning (HVAC) unit which then distributes air through permanently installed ducts into various rooms.</p> <p>By contrast, the term "residential ventilation system", such as those required by Title 24 or ASHRAE 62.2, is an industry term of art that refers to systems that do not recirculate and condition air <i>within</i> a residence, but rather that achieve energy-efficient mechanical ventilation by exchanging air <i>with the outside environment</i>. This includes systems such as Energy Recovery Ventilators (ERVs), which are a type of residential ventilation system that essentially brings in fresh air, pulls out waste air, and performs a heat exchange between the two to keep the air</p>

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	<p><i>removing particulate matter from the air and designed for installation in residential ducted systems.</i></p> <p><i>(1) Air filter does not include:</i></p> <p><i>(A) Electronic air cleaners;</i></p> <p><i>(B) Filter media sold as rolls, i.e. not encased in a frame;</i></p> <p><i>(C) Air filters designed and sold exclusively for installation in products other than residential ducted systems.</i></p> <p>While this language is an improvement, it is still unclear for the casual reader whether ducted residential ventilation systems would be considered “residential ducted systems” and would therefore need to comply with the proposed air filter requirements. “Ducted system” is defined in Title 20 §1602. Presumably, CEC intends to reference this definition by using this term. However, the full description of the term “ducted system” is “ducted system of a federally regulated consumer product,” as follows:</p> <p><i>“Ducted system” of a federally regulated consumer product means an air conditioner or heat pump that is designed to be permanently installed equipment and delivers conditioned air to the indoor space through a duct(s). The air conditioner or heat pump may be either a split-system or a single-package unit.</i></p> <p>If the long version of this defined term is referenced in the definition of “air filter” as follows, this will help to clarify CEC’s intent that air filters serving HVI-Certified residential ventilating systems, which are not federally regulated consumer products, are excluded from the scope of the proposed regulation:</p> <p><i>“Air filter” means a disposable or reusable air-cleaning device with filtering media encased in a frame of a nominal depth of no greater than 6.0 inches used for removing particulate matter from the air and designed</i></p>	<p>cool during summer and warm during winter.</p> <p>Staff understands that HVI has raised concerns about whether air filters used in residential <i>ventilation</i> systems are covered by this rulemaking. As discussed above, the scope of this rulemaking is explicitly limited to residential ducted systems by existing language, and therefore no additional change is necessary.</p> <p>Note that the definition of an “air filter” is explicitly limited to products “designed for installation in residential ducted systems,” and explicitly excludes products designed and sold exclusively for installation in products other than residential ducted systems. Therefore, this regulation does not concern air filters designed and sold for use in residential <i>ventilation</i> systems.</p> <p>Residential <i>ducted</i> systems are defined in a way that they <i>only</i> include systems that are connected to federally-regulated HVAC systems such as air conditioners, furnaces, or heat pumps. By CEC’s definition, residential ducted systems do not include other systems used for ventilation if they incidentally have ducts, such as ERVs, in residential ventilation systems.</p> <p>These ventilation systems generally do not use ducted systems as that term is commonly understood in the industry and defined in 1602(c); therefore, air filters for</p>

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	<p><i>for installation in a residential ducted systems of a federally regulated consumer product.</i></p> <p><i>(1) Air filter does not include:</i></p> <p><i>(A) Electronic air cleaners;</i></p> <p><i>(B) Filter media sold as rolls, i.e. not encased in a frame;</i></p> <p><i>© Air filters designed and sold exclusively for installation in a products other than a residential ducted systems of a federally regulated consumer product.</i></p> <p>Additionally, CEC may wish to expand the definition of “ducted system of a federally regulated consumer product” to also address forced-air furnaces at a minimum, as the intent of this rulemaking is to address air filters serving not only air conditioners and heat pumps but also forced-air furnaces.</p>	<p>these systems would not fall within the scope of these regulations. We hope this clears up any remaining confusion.</p>