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Project Title:	2022 Amendments to the Appliance Efficiency Regulations
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Document Title:	Initial Statement of Reasons for Title 20 Update
Description:	<p>This document is the Initial Statement of Reasons, sometimes abbreviated as ISOR, for the proposed update to California's Appliance Efficiency Standards in Title 20, Section 1601 et seq,</p> <p>California law requires that state agencies proposing to amend regulation prepare, and make available to the public, "[a]n initial statement of reasons for proposing the adoption, amendment, or repeal of a regulation." This document records these reasons with respect to the amendments present in the Proposed Regulatory Language.</p>
Filer:	Peter Strait
Organization:	California Energy Commission
Submitter Role:	Commission Staff
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CALIFORNIA ENERGY COMMISSION

715 P Street
Sacramento, California 95814

energy.ca.gov

CEC-057 (Revised 1/21)

**INITIAL STATEMENT OF REASONS**

Federal and Administrative Updates

Appliance Efficiency Regulations

Title 20, Article 4, Sections 1601 – 1609 California Code of Regulations

Docket No. 22-AAER-04

INTRODUCTION

The California Energy Commission (CEC) proposes to amend the California Code of Regulations (CCR), Title 20, Article 4, sections 1601-1609 after considering all comments, objections, and recommendations regarding the proposed action. The proposed federal and administrative updates include:

- Updates to align with current federal law
- Updates to the data submittal requirements and processes
- Removal of a redundant aspect of the marking requirement for commercial and industrial fans and blowers
- Updates and streamlining to CEC's product compliance review, enforcement, and administrative proceedings
- Other administrative and non-substantive changes for clarity and consistency

PROBLEM STATEMENT

The Warren-Alquist Act establishes the CEC as California's primary energy policy and planning agency. Sections 25213, 25218(e), and 25402(c) of the Public Resources Code mandate and/or authorize the CEC to adopt rules and regulations, as necessary, to reduce the wasteful, uneconomic, inefficient, or unnecessary consumption of energy and water by prescribing efficiency standards and other cost-effective measures for appliances whose use requires a significant amount of energy or water statewide.

One of the ways the CEC satisfies this requirement is through the Appliance Efficiency Regulations, Title 20, sections 1601-1609, which contain definitions, test procedures, efficiency standards, enforcement provisions, and marking and certification requirements for state and federally regulated appliances. Further, the regulations require that appliance manufacturers certify to the CEC that their products meet all applicable state and federal appliance efficiency regulations before their products can be included in the CEC's Modernized Appliance Efficiency Database System (MAEDbS) of appliances approved to be sold or offered for sale within California. Over time, previously adopted regulations can become duplicative, out of date, or require updates to best implement the CEC's legislative mandate. To ensure Title 20, sections 1601-1609 reflect current regulatory authority consistently, CEC proposes the following federal and administrative updates.

First, the CEC is providing updates to reflect current federal appliance efficiency laws from the Department of Energy. The CEC's Appliance Efficiency Regulations are designed to provide manufacturers, retailers, and consumers of appliances with a clear and comprehensive set of both federal and state regulations in a single location. These updates will ensure the Appliance Efficiency Regulations will reflect current federal law, providing clarity and regulatory certainty to regulated parties. Also related to these changes are the removal of outdated state performance standards for boilers and furnaces. These appliances have existing federal standards that preempt state standards. As a result, those state standards are no longer in effect and can be removed from the Appliance Efficiency Regulations for clarity.

Second, the CEC is modifying the certification process and data submittal requirements for certain appliances to ensure that manufacturers can properly certify to MAEDbS that their regulated products are compliant with the most current energy performance standards and testing requirements. These modifications also help to streamline the certification process and help maintain the usability of MAEDbS.

Third, the CEC is removing the redundant text size requirement included within the labeling requirements for commercial and industrial fans and blowers. The label is already required to be legible, so the text size requirement places an unnecessary burden on manufacturers and serves no purpose.

Fourth, the CEC is updating and streamlining the CEC's product compliance, testing and administrative proceedings relating to enforcement. The amendments remove redundant process that either has been superseded by the CEC's civil penalty authority or is not required under any statute. The amendments also reflect the evolution of the CEC's compliance program and statutory changes since passage of Senate Bill 454 (Sen. Bill No. 454 (2011-2012 Reg. Sess.) and the development of implementing regulations in 2015.

Finally, The CEC is proposing to make non-substantive clarification, numbering, ordering, cross-reference, and grammatical changes to effectively communicate the regulation in a precise and clear manner. None of the proposed non-substantive changes materially alter any requirement, right, responsibility, condition, prescription, or other regulatory element of any CCR provision, nor do they have any other regulatory effect.

The proposed changes will ensure the CEC's Appliance Efficiency Regulations reflect current state and federal law, ensure that manufacturers can properly certify to MAEDbS that their regulated products are compliant with the most current requirements, remove outdated and redundant language, update and streamline the CEC's product compliance review and administrative proceedings, and improve the regulatory text through clarification and formatting edits. These changes provide clarity and regulatory certainty to the regulated parties.

PURPOSE

The purpose of this rulemaking is to provide federal alignment and administrative updates to Title 20, CCR sections 1601-1609. This includes updates to align with current federal law, updates to the data submittal requirements and processes, removal of a redundant marking requirement for fans and blowers, updates and streamlining to CEC's product compliance review, enforcement, and administrative proceedings, and other administrative and non-substantive changes for clarity and consistency.

BENEFITS

The benefits of the proposed regulations will be to eliminate duplicative and outdated information, enhance the clarity and regulatory certainty of the regulations for stakeholders and streamline internal compliance review and administrative process.

STATEMENT OF SPECIFIC PURPOSE AND NECESSITY

Government Code section 11346.2(c) states,

A state agency that adopts or amends a regulation mandated by federal law or regulations, the provisions of which are identical to a previously adopted or amended federal regulation, shall be deemed to have complied with subdivision (b) if a statement to the effect that a federally mandated regulation or amendment to a regulation is being proposed.

Because many of the proposed changes to sections 1602-1606 reflect updates to federally mandated regulations, the CEC's obligation to provide a rationale for these changes as required under Government Code section 11346.2(b) is deemed met. For each proposed regulatory change updating a federal regulation, the citation to the Code of Federal Regulations is included. The CEC incorporates by reference this statement into each of the specific purpose and necessity statements related to updating federal regulatory language.

SECTION 1601. SCOPE

SPECIFIC PURPOSE

The specific purpose is to add a citation to the Public Resources Code

NECESSITY

Reference:

This is a change to add a citation to Public Resources Code section 25402.11--authorizing the CEC to create regulations enforcing the Appliance Efficiency Regulations in this article--in the Reference section at the end of section 1601, which

is necessary to include as the scope of Article 4 includes the CEC's enforcement regulations article.

SECTION 1602. DEFINITIONS

SPECIFIC PURPOSE

The specific purpose is to update and add certain definitions to align with current federal law, delete terms that are no longer referenced in the regulations, and to make non-substantive changes for clarity and consistency. To support the implementation of sections 1608 and 1609, additional definitions are proposed that will provide clarity for the regulated community.

NECESSITY

Definitions are necessary to ensure that the terms used within regulations will have clear and unambiguous meaning to readers, including the public, and particularly to the persons and organizations affected by the regulations.

1602(a):

"Distributor". This is a change to add this as a new definition. This definition was developed to differentiate distributors from other entities that can be subject to liability for the distribution in commerce of products that are not legal to sell in California under these regulations. Public Resources Code section 25402(c) states in part, "A new appliance manufactured on or after the effective date of the standards shall not be sold or offered for sale in the state, unless it is certified by the manufacturer of the appliance to be in compliance with the standards or other cost-effective measures." "Sold or offered for sale in the state" means "any sale of or offer to sell an appliance for end use in the state, regardless of the seller's physical location, and includes, without limitation, internet, telephone, and mail order transactions." Because multiple types of entities can be responsible for selling or offering to sell non-compliant products within the state, defining the entity types provides clarity as to potential entities that may be subject to penalties for violating this article. This definition of distributor is necessary to distinguish distributors, such as those who warehouse products and aid in the fulfillment of sales to California end-users, from the retailer or manufacturer who typically own the products that are being sold in the state. This definition is also necessary to clarify existing law in sections 1609(a)(1) and (a)(2), which use the term "distributor" without identifying a specific definition elsewhere in the Article. Federal appliance efficiency laws utilize a similar definition of "distributor," which the CEC considered in developing its definition. (See 42 U.S.C. § 6291(14).) The definition is necessary to delineate one of the specific groups that may be subject to penalties for violating this article.

"Importer". This is a change to add this as a new definition. This definition is necessary to clarify what action constitutes importing a product for sale in California. Public Resources Code section 25402(c) states in part, "A new appliance manufactured on or after the effective date of the standards shall not be sold or offered for sale in the state, unless it is certified by the manufacturer of the appliance to be in compliance with the standards or other cost-effective measures. "Sold or

offered for sale in the state” means any sale of or offer to sell an appliance for end use in the state, regardless of the seller's physical location, and includes, without limitation, internet, telephone, and mail order transactions.” Because multiple types of entities can be responsible for selling or offering to sell non-compliant products within the state, defining the entity types provides clarity as to potential entities that may be subject to penalties for violating this article. This definition is also necessary to clarify existing law in Sections 1609(a)(1) and (a)(2), which use the term importer without identifying a specific definition elsewhere in the Article. Federal appliance efficiency laws utilize a similar definition of “importer,” which the CEC considered in developing its definition (See 42 U.S.C § 6291(11).) The definition is necessary to delineate one of the specific groups that may be subject to penalties for violating this article.

“Person”. This is a change to add this as a new definition, which cites to the statutory definition set forth in Public Resources Code section 25116. This definition is necessary to clarify what entities are subject to the regulations in this Article. This definition is also necessary to clarify existing law in sections 1609(a)(1), (a)(2), and (a)(3), which use the term “person” without identifying a specific definition elsewhere in the Article. The definition is necessary to delineate the spectrum of groups that may be subject to penalties for violating this article.

“Retailer”. This is a change to add this as a new definition. Public Resources Code section 25402(c) states in part, “A new appliance manufactured on or after the effective date of the standards shall not be sold or offered for sale in the state, unless it is certified by the manufacturer of the appliance to be in compliance with the standards or other cost-effective measures. “Sold or offered for sale in the state” means any sale of or offer to sell an appliance for end use in the state, regardless of the seller's physical location, and includes, without limitation, internet, telephone, and mail order transactions.” Because multiple types of entities can be responsible for selling or offering to sell non-compliant products within the state, defining the entity types provides clarity as to potential liability. The specific purpose is to add new definitions to clarify the difference between retail sellers of appliances and wholesalers of appliances. The definition is necessary to ensure that the term “retailer” used in California Code of Regulations, title 20, section 1609 will have clear and unambiguous meaning to the public and regulated community. The specific language chosen is similar to dictionary definitions of retailer which all contain the core elements of sales of products or goods to the public or consumers. The definition is necessary to delineate one of the specific groups that may be subject to penalties for violating this article.

“Sold or offered for sale in California”. This is a change to add this as a new definition. This change is necessary to reflect 2023 amendments to Public Resources Code section 25402(c)(1)(A)(i) which clarified the meaning of “sold or offered for sale in the state.” The changes are necessary to provide clarity that any sale of or offer to sell an appliance for end use in the state, regardless of the seller's physical location, and includes, without limitation, internet, telephone, and mail order transactions are subject to potential enforcement. In addition, the regulatory

language is necessary to clarify that the Uniform Commercial Code-Sales (Division 2 (commencing with Section 2101) of the Commercial Code) does not define “sold or offered for sale” or determine where sales or offers for sale occur.

1602(c):

“Alternative efficiency determination method” or AEDM. This is a change to add this federal definition. 10 C.F.R. section 429.16 allows manufacturers to use an AEDM when testing central air conditioners and heat pumps. This new definition clarifies what an AEDM means regarding these appliances. This change is necessary to align with current federal law.

“Basic model” of federally regulated direct expansion-dedicated outdoor air systems. This is a change to add this federal definition from 10 C.F.R. section 431.92. This change is necessary to align with current federal law.

“Coefficient of performance (COP)” of a federally regulated consumer product. This is a change to update this federal definition to align with the current definition found in 10 C.F.R. section 430.23(m) (Appendix M1 to subpart B of part 430), along with non-substantive changes to align with the formatting of regulations. These changes are necessary to align with current federal law and ensure consistent formatting in the regulations.

“Coefficient of performance (COP)” of federally regulated commercial and industrial equipment. This is a non-substantive change to capitalize only the first letter of the term. This is necessary to ensure consistent formatting in the regulations.

“Direct expansion-dedicated outdoor air system (DX–DOAS)”. This is a change to add this federal definition from 10 C.F.R. section 431.92. This change is necessary to align with current federal law.

“Energy efficiency ratio (EER)” of a federally regulated consumer product. These are non-substantive changes to provide clarification and formatting edits. First, clarifying that this term specifically applies to federally regulated consumer products to differentiate it from a similar definition for commercial and industrial equipment. Next, directly referencing the C.F.R. test method rather than referring to the section in the CCR where that test method is referenced. Lastly, this is a change to capitalize only the first letter of the term. These changes are necessary to provide clarification and ensure consistent formatting in the regulations.

“Energy efficiency ratio (EER)” of federally regulated commercial and industrial equipment. This is a non-substantive change to capitalize only the first letter of the term. This is necessary to ensure consistent formatting in the regulations.

“Energy efficiency ratio 2 (EER2)” of a federally regulated consumer product. This is a change to add this federal definition from 10 C.F.R. section 430.23(m) (Appendix

M1 to subpart B of part 430). This change is necessary to align with current federal law.

“Heating seasonal performance factor (HSPF)” of a federally regulated consumer product. These are non-substantive changes to provide clarification and formatting edits. First, directly referencing the C.F.R. test method rather than referring to the section in the CCR where that test method is referenced. Next, this change is to capitalize only the first letter of the term. Lastly, adding “*section*” after “*C.F.R.*” in the last sentence. These changes are necessary to provide clarification and ensure consistent formatting in the regulations.

“Heating seasonal performance factor (HSPF)” of federally regulated commercial and industrial equipment. This is a non-substantive change to capitalize only the first letter of the term. This is necessary to ensure consistent formatting in the regulations.

“Heating seasonal performance factor 2 (HSPF2)” of a federally regulated consumer product. This is a change to add this federal definition from 10 C.F.R. section 430.23(m) (Appendix M1 to subpart B of part 430). This change is necessary to align with current federal law.

“Integrated energy efficiency ratio (IEER)” of federally regulated commercial equipment. This is a non-substantive change to capitalize only the first letter of the term. This is necessary to ensure consistent formatting in the regulations.

“Integrated seasonal coefficient of performance 2 (ISCOP2)” of federally regulated commercial and industrial equipment. This is a change to add this federal definition from 10 C.F.R. section 431.92 along with non-substantive changes to align with the formatting of the regulations. These changes are necessary to align with current federal law and ensure consistent formatting in the regulations.

“Integrated seasonal moisture removal efficiency 2 (ISMRE2)” of federally regulated commercial and industrial equipment. This is a change to add this federal definition from 10 C.F.R. section 431.92 along with non-substantive changes to align with the formatting of the regulations. These changes are necessary to align with current federal law and ensure consistent formatting in the regulations.

“Seasonal energy efficiency ratio (SEER)” of a federally regulated consumer product. These are non-substantive changes to provide clarification and formatting edits. First, directly referencing the C.F.R. test method rather than referring to the section in the CCR where that test method is referenced. Next, this change is to capitalize only the first letter of the term. These changes are necessary to provide clarification and ensure consistent formatting in the regulations.

“Seasonal energy efficiency ratio (SEER)” of federally regulated commercial and industrial equipment. This is a non-substantive change to capitalize only the first

letter of the term. This is necessary to ensure consistent formatting in the regulations.

“Seasonal energy efficiency ratio 2 (SEER2)” of a federally regulated consumer product. This is a change to add this federal definition from 10 C.F.R. section 430.23(m) (Appendix M1 to subpart B of part 430). This change is necessary to align with current federal law.

“Sensible coefficient of performance (SCOP)”. This is a non-substantive change to move the second quotation mark to appear behind the acronym *“(SCOP)”* rather than in front of it. This is necessary to ensure consistent formatting in the regulations.

1602(d):

“Circulating Fan”. This is a change to update this federal definition to align with the current definition found in 10 C.F.R. section 431.172. This change is necessary to align with current federal law.

“Commercial and industrial fan or blower”. This is a change to update this definition to align with the scope of products covered under 10 C.F.R. section 431.174, which is the required federal test method for this appliance. This is necessary to align with current federal law and to ensure that products covered under this definition are capable of being tested under the required test method.

“Cooling efficiency ratio (CER)”. This is a non-substantive change to make the “s” in “Section” lowercase. This is necessary to ensure consistent formatting in the regulations.

“Fan electrical power” or “FEP”. These are non-substantive changes. First, updating the reference to section 1604(d)(2) to section 1604(d). This is because subsection (d)(2) is proposed to be removed. The new proposed text in section 1604(d) contains the relevant information. Next, this is a change to capitalize only the first letter of the term. These changes are necessary to accurately cross-reference the correct subsection and to ensure consistent formatting the regulations.

“Fan energy index” or “FEI”. These are non-substantive changes. First, updating the reference to section 1604(d)(2) to section 1604(d). This is because subsection (d)(2) is proposed to be removed. The new proposed text in section 1604(d) contains the relevant information. Next, this is a change to capitalize only the first letter of the term. These changes are necessary to accurately cross-reference the correct subsection and to ensure consistent formatting the regulations.

“Fan output power”. This is a non-substantive change to remove the reference to section 1604(d)(2). The test method currently referenced in section 1604(d)(2) is proposed to be updated to align with current federal law for commercial and industrial fans and blowers. The remaining text for this definition appropriately

describes the term and there is no need to reference section 1604. This change is necessary to provide clarification.

“Fan series”. This is a non-substantive change to update the reference to section 1604(d)(2) to section 1604(d). This is because subsection (d)(2) is proposed to be removed. The new proposed text in section 1604(d) contains the relevant information. This change is necessary to accurately cross-reference the correct subsection.

“High-speed small-diameter (HSSD) ceiling fan”. This is a change to update this federal definition to align with the current definition found in 10 C.F.R. section 430.23(u) (Appendix U to subpart B of part 430). This change is necessary to align with current federal law.

“Highly decorative ceiling fan”. This is a change to update this federal definition to align with the current definition found in 10 C.F.R. section 430.23(u) (Appendix U to subpart B of part 430). This change is necessary to align with current federal law.

“Hugger ceiling fan”. This is a change to update this federal definition to align with the current definition found in 10 C.F.R. section 430.23(u) (Appendix U to subpart B of part 430). This change is necessary to align with current federal law.

“Large-diameter ceiling fan”. This is a change to update this federal definition to align with the current definition found in 10 C.F.R. section 430.23(u) (Appendix U to subpart B of part 430). This change is necessary to align with current federal law.

“Low speed” of a ceiling fan. This is a change to delete this definition. The term *“low speed”* is no longer used anywhere in the regulations regarding ceiling fans. This change is necessary to remove a definition for a term that is not used.

“Low-speed small-diameter (LSSD) ceiling fan”. This is a change to update this federal definition to align with the current definition found in 10 C.F.R. section 430.23(u) (Appendix U to subpart B of part 430) along with non-substantive changes to align with the formatting of the regulations. These changes are necessary to align with current federal law and ensure consistent formatting in the regulations.

“Maximum airflow”. This is a non-substantive change to remove the reference to section 1604(d)(2). The test method currently referenced in section 1604(d)(2) is proposed to be updated to align with current federal law for commercial and industrial fans and blowers. The remaining text for this definition appropriately describes the term and there is no need to reference section 1604. This change is necessary to provide clarification.

“Maximum fan speed”. This is a non-substantive change to remove the reference to section 1604(d)(2). The test method currently referenced in section 1604(d)(2) is proposed to be updated to align with current federal law for commercial and

industrial fans and blowers. The remaining text for this definition appropriately describes the term and there is no need to reference section 1604. This is change is necessary to provide clarification.

“Maximum pressure”. This is a non-substantive change to remove the reference to section 1604(d)(2). The test method currently referenced in section 1604(d)(2) is proposed to be updated to align with current federal law for commercial and industrial fans and blowers. The remaining text for this definition appropriately describes the term and there is no need to reference section 1604. This is change is necessary to provide clarification.

“Safety fan”. This is a change to update this federal definition to align with the current definition found in 10 C.F.R. section 431.172. This change is necessary to align with current federal law.

“Series calculated fan”. This is a non-substantive change to remove the reference to section 1604(d)(2). The test method currently referenced in section 1604(d)(2) is proposed to be updated to align with current federal law for commercial and industrial fans and blowers. The remaining text for this definition appropriately describes the term and there is no need to reference section 1604. This is change is necessary to provide clarification.

“Series tested fan”. This is a non-substantive change to remove the reference to section 1604(d)(2). The test method currently referenced in section 1604(d)(2) is proposed to be updated to align with current federal law for commercial and industrial fans and blowers. The remaining text for this definition appropriately describes the term and there is no need to reference section 1604. This is change is necessary to provide clarification.

“Small-diameter ceiling fan”. This is a change to update this federal definition to align with the current definition found in 10 C.F.R. section 430.23(u) (Appendix U to subpart B of part 430). This change is necessary to align with current federal law.

“Standard ceiling fan”. This is a change to update this federal definition to align with the current definition found in 10 C.F.R. section 430.23(u) (Appendix U to subpart B of part 430). This change is necessary to align with current federal law.

“Very small-diameter (VSD) ceiling fan”. This is a change to update this federal definition to align with the current definition found in 10 C.F.R. section 430.23(u) (Appendix U to subpart B of part 430). This change is necessary to align with current federal law.

1602(e):

Subsection (e) Title:

This is a non-substantive change to update the title of subsection (e) to read *“Space Heating Products”*. There are many different types of space heating products

covered under this subsection and it's clearer to state the overall appliance category rather than listing each individual appliance type. This change is necessary to provide clarification.

“Combustion efficiency” of a commercial packaged boiler. This is a change to update this federal definition to align with the current definition found in 10 C.F.R. section 431.82 along with non-substantive changes to align with the formatting of the regulations. These changes are necessary to align with current federal law and ensure consistent formatting in the regulations.

“Combustion efficiency” of a space heater. This is a non-substantive change to move the second parenthesis to appear behind the word *“efficiency”*. This is necessary to ensure consistent formatting in the regulations.

“Electric boiler” that is a federally regulated consumer product. This is a change to add this federal definition from 10 C.F.R. section 430.2 along with non-substantive changes to align with the formatting of the regulations. These changes are necessary to align with current federal law and ensure consistent formatting in the regulations.

“Furnace” that is a federally regulated consumer product. This is a change to add this federal definition from 10 C.F.R. section 430.2 along with non-substantive changes to align with the formatting of the regulations. These changes are necessary to align with current federal law and ensure consistent formatting in the regulations.

“Low pressure steam or hot water boiler” that is a federally regulated consumer product. This is a change to add this federal definition from 10 C.F.R. section 430.2 along with non-substantive changes to align with the formatting of the regulations. These changes are necessary to align with current federal law and ensure consistent formatting in the regulations.

“Thermal efficiency” of a commercial packaged boiler. This is a change to add this federal definition from 10 C.F.R. section 431.82 along with non-substantive changes to align with the formatting of the regulations. These changes are necessary to align with current federal law and ensure consistent formatting in the regulations.

“Unit heater” that is federally regulated commercial or industrial equipment. This is a change to update this federal definition to align with the current definition found in 10 C.F.R. section 431.242 along with non-substantive changes to align with the formatting of the regulations. These changes are necessary to align with current federal law and ensure consistent formatting in the regulations.

“Vented home heating equipment” or “vented heater” that is a federally regulated consumer product. This is a change to update this federal definition to align with the current definition found in 10 C.F.R. section 430.2 along with non-substantive

changes to align with the formatting of the regulations. These changes are necessary to align with current federal law and ensure consistent formatting in the regulations.

“Vented room heater”. This is a change to update this federal definition to align with the current definition found in 10 C.F.R. section 430.2. This change is necessary to align with current federal law.

“Warm air furnace” that is federally regulated commercial and industrial equipment. This is a change to add this federal definition from 10 C.F.R. section 431.72. This change is necessary to align with current federal law.

1602(h):

“Commercial pre-rinse spray valve”. This is a change to update this federal definition to align with the current definition found in 10 C.F.R. section 431.262. This change is necessary to align with current federal law.

“ozf”. This is a non-substantive change to hyphenate the term *“ounce force”* to make it *“ounce-force”*. This is necessary to ensure consistent formatting in the regulations.

“Spray force”. This is a non-substantive change to hyphenate the term *“prerinse”* to make it *“pre-rinse”*. This is necessary to ensure consistent formatting in the regulations.

1602(k) (throughout):

This is a change to combine subsections (k)(1) and (k)(2) together, into one general subsection (k). The original purpose for dividing this subsection into two was to clarify definitions that apply to general service lamps sold before and after January 1, 2020, as indicated in the titles of those subsections. The pre-2020 definitions are now outdated and there is no longer a need to include them in the regulations. For terms that have two definitions, one in (k)(1) and one in (k)(2), the definition from (k)(2) that applies to products sold after January 1, 2020, will remain and the definition that applies to products sold before this date are being deleted. No new definitions are being added as part of this change. This change is necessary to remove outdated definitions.

1602(q):

“Automatic termination control”. This is a change to delete this definition. The term *“Automatic termination control”* is no longer used anywhere in the regulations. This change is necessary to remove a definition for a term that is not used.

“Vented clothes dryer”. This is a change to add this federal definition from 10 C.F.R. section 430.23(d) (Appendix D1 to subpart B of part 430). This change is necessary to align with current federal law.

1602(r):

“Cooking products”. This is a change to update this federal definition to align with the current definition found in 10 C.F.R. section 430.2. This change is necessary to align with current federal law.

1602(s):

“Basic model” of a compressor. This is a non-substantive change to remove the phrase *“state-regulated”* from the definition. In 2025 compressors will become federally regulated. They will remain state-regulated until that time. This definition applies at both the state and federal levels, so there is no longer a need to make a distinction in the definition. This change is necessary to provide clarification.

“Federally regulated compressor”. This is a change to add this federal definition from 10 C.F.R. section 431.345 along with non-substantive changes to align with the formatting of the regulations. These changes are necessary to align with current federal law and ensure consistent formatting in the regulations.

“State-regulated compressor”. This is a non-substantive change to update the reference to Table S-5 to Table S-6. Due to the proposed addition of a new Table S-5 in section 1605.1(s), all subsequent S tables are being renumbered. This change is necessary to ensure that the correct table is referenced in this definition.

1602(u):

“Federally regulated external power supply”. This is a change to update this federal definition to align with the current definition found in 10 C.F.R. section 430.2. This change is necessary to align with current federal law.

1602(v):

“Automatic brightness control”. This is a change to update this federal definition to align with the current definition referenced in 10 C.F.R. section 430.23(h) (Appendix H to subpart B of part 430). This change is necessary to align with current federal law.

“Forced menu”. This is a change to update this federal definition to align with the current definition referenced in 10 C.F.R. section 430.23(h) (Appendix H to subpart B of part 430). This change is necessary to align with current federal law.

1602(w):

“Fixed-location wireless charger”. This is a change to add this federal definition from 10 C.F.R. section 430.23(aa) (Appendix Y1 to subpart B of part 430). This change is necessary to align with current federal law.

“Open-placement wireless charger”. This is a change to add this federal definition from 10 C.F.R. section 430.23(aa) (Appendix Y1 to subpart B of part 430). This change is necessary to align with current federal law.

“Voltage and frequency dependent UPS or VFD UPS”. This is a change to add this federal definition from 10 C.F.R. section 430.23(aa) (Appendix Y to subpart B of part 430) along with non-substantive changes to align with the formatting of the regulations. These changes are necessary to align with current federal law and ensure consistent formatting in the regulations.

“Voltage and frequency independent UPS or VFI UPS”. This is a change to add this federal definition from 10 C.F.R. section 430.23(aa) (Appendix Y to subpart B of part 430) along with non-substantive changes to align with the formatting of the regulations. These changes are necessary to align with current federal law and ensure consistent formatting in the regulations.

“Voltage independent UPS or VI UPS”. This is a change to add this federal definition from 10 C.F.R. section 430.23(aa) (Appendix Y to subpart B of part 430) along with non-substantive changes to align with the formatting of the regulations. These changes are necessary to align with current federal law and ensure consistent formatting in the regulations.

“Wireless charger”. This is a change to add this federal definition from 10 C.F.R. section 430.23(aa) (Appendix Y1 to subpart B of part 430). This change is necessary to align with current federal law.

1602 Documents Incorporated by Reference:

FEDERAL STATUTES AND REGULATIONS:

These are changes to add the following C.F.R. sections to this list of documents incorporated by reference since these are now being referenced in new or updated definitions. These changes are necessary to identify each document referenced in this section.

-429.32(a)

-429.70

-431.92

-431.174

AIR MOVEMENT AND CONTROL ASSOCIATION INTERNATIONAL (AMCA):

This is a change to remove the document *“ANSI/AMCA Standard 214-21”* from the list of references. Due to the proposed change to the definition of *“Commercial and Industrial fan or blower”* in section 1602(d), this document is no longer referenced within that definition, and is not referenced anywhere else in section 1602. This change is necessary to only list documents that are referenced within this section.

This is a change to add the document *“ANSI/AMCA Standard 240-15”* to the list of references. This document is referenced in the proposed updated definition of *“safety fan”* in section 1602(d). This change is necessary to identify each document referenced in this section.

AMERICAN NATIONAL STANDARDS INSTITUTE (ANSI):

This is a change to remove the following documents from the list of documents incorporated by reference since these documents no longer appear within the text of the regulations. The original text that included these documents was removed in a previous rulemaking. This change is necessary to only list documents that are referenced in this section.

-ANSI Z21.50 Vented Gas Fireplaces

-ANSI Z21.88 Vented Gas Fireplace Heaters

AMERICAN SOCIETY FOR TESTING AND MATERIALS (ASTM):

These are non-substantive changes to change the name of this organization to “*ASTM International*”, move it down the list to be in correct alphabetical order, and update the phone number. These changes are necessary to accurately reflect the official name and phone number of the organization.

Reference:

This is a change to add a citation to Public Resources Code section 25402.11 to the Reference section at the end of section 1602, which is necessary to include as the new definitions being added relate to the CEC’s enforcement authority under this statutory section.

SECTION 1603. TESTING. ALL APPLIANCES

SPECIFIC PURPOSE

The specific purpose is to make conforming changes with edits in other sections of the regulations as well as provide more specificity regarding what was previously implied such as the ability for the Executive Director to assess the continued compliance of an industry certification program with the CEC’s regulations.

NECESSITY

1603(a):

This is a non-substantive change to remove a reference to section 1608(i), which is proposed to be repealed. This change is necessary to provide clarification.

1603(b)(1):

These are non-substantive changes to renumber subsections (b)(1)(D), (E), and (F) to be included under section 1603 subdivision (b)(1)(C) as (4), (5) and (6), respectively. Renumbering is necessary to elevate unrelated topics to separate subsections which ensures readers understand the requirements for approved industry certification programs. These changes are necessary to provide clarification.

1603(b)(3):

This is a change to clarify that the Executive Director can review upon their own initiative or by request, whether a previously approved industry certification program

continues to meet the requirements of section 1603(b)(1). This change is necessary to clarify authority the Executive Director has to review a previously approved industry certification program and has discretion to review a previously approved program when requested by outside stakeholders. Amending the term “shall” to “may” is necessary to provide an ability to screen out requests that have no merit thus conserving public resources. The 30-day review period is proposed to be removed as it is not necessary with the change from a mandatory review to permissive review.

1603(c)(3):

This is a change to edit the text to conform with section 1603(c)(2) which requires the petitioning to the executive director. Inclusion of the term “petition” in section 1603(c)(3) is necessary to provide clarity as to the mechanism for an entity to request executive director action.

SECTION 1604 TEST METHODS FOR SPECIFIC APPLIANCES

SPECIFIC PURPOSE

The specific purpose is to update and add certain federal test methods to align with current federal law and to make non-substantive changes for clarity and consistency.

NECESSITY

1604(c)(1):

This is a change to add text to align with federal law. 10 C.F.R. section 429.16 allows manufacturers to use an alternative efficiency determination method (AEDM) when testing central air conditioners. This new text clarifies that AEDMs may be used in certain conditions and references the C.F.R. sections that contain the AEDM information and criteria. This change is necessary to align with current federal law.

1604(c)(2) Table C-1:

For air-cooled air conditioners and air-source heat pumps, this is a change to add the new federal test method “*10 C.F.R. section 430.23(m) (Appendix M1 to subpart B of part 430)*” that is effective for models manufactured on or after January 1, 2023. This is necessary to reflect the current federal test method in effect for these federally regulated appliances.

Also, there are non-substantive changes to reflect the effective dates of the test methods. These changes are necessary to provide clarification.

1604(c)(3):

These are non-substantive changes to move the appliance name “*air filters*” to the beginning of the text, rather than the end, and to state the effective date. These changes are necessary for clarification and to ensure consistent formatting in the regulations. The effective date is based on the rulemaking for air filters (Docket 20-

AAER-02) that was adopted on January 25, 2023, and goes into effect on July 1, 2024.

1604(d)(1), Table D-3, and (d)(2):

These are changes to reflect the new federal test method for commercial and industrial fans and blowers (CIFBs) and clarification changes for evaporative coolers and ceiling fans. First, editing the text in subsection (d)(1) to state that CIFBs are also listed in Table D-3.

Second, adding CIFBs and their associated federal test method as a new row in Table D-3. The test method is “*10 C.F.R. section 431.174 (Appendix A to Subpart J of Part 431)*”.

Third, adding a new footnote “3” for this CIFB test method to explain that federal law allows manufacturers to use an alternative efficiency determination method when testing this appliance, under 10 C.F.R. sections 429.69 and 429.70.

Fourth, for ceiling fans, adding a new footnote “1” to explain that some types of “very small-diameter ceiling fans” are exempt from the testing requirements. This footnote provides clarification and aligns with the text found in the definition for “very small-diameter ceiling fan” in section 1602(d).

Fifth, for evaporative coolers, adding a new footnote “2”. Due to the new CIFB regulations, the fans and blowers used in commercial evaporative coolers are now covered under these new CIFB regulations. This new footnote clarifies that for these commercial evaporative coolers, the units do not need to be tested as evaporative coolers but instead the fans and blowers need to comply with the CIFB testing requirements.

Lastly, removing all of subsection (d)(2), which contains the existing testing requirements for CIFB. This text is now outdated since the new federal test method is now required and is proposed to be shown within Table D-3. These changes are necessary to align with current federal law and to provide clarification.

1604(e) Title and (e)(1):

These are non-substantive changes to update the title of the subsection to “*Space Heating Products*” and mirror this update within the text in (e)(1). There are many different types of space heating products covered under this subsection and it’s clearer to state the overall appliance category rather than listing each individual appliance type. This change is necessary to provide clarification.

1604(e) Table E-1:

These are non-substantive changes. First, updating the title of Table E-1 to “*Space Heating Product Test Methods*” to align with the proposed change to the title of subsection (e).

Second, changing the appliance name “*Gas infrared heaters*” to “*Infrared gas space heaters*” to align with how this appliance is defined and referenced throughout the regulations.

Third, correcting the indentation within this same table cell so that all three appliances are indented the same, to indicate they are separate appliances and not subcategories of patio heaters.

Lastly, updating the appliance name “*Wall furnaces, floor furnaces, and room heaters*” to “*Vented home heating equipment*” to properly reflect the name of this federally regulated appliance. These changes are necessary to provide clarification.

1604(h)(2)(B):

This is a change to align with the updated federal test method for showerheads. The required federal test method for showerheads is 10 C.F.R. section 430.23(t) (Appendix S to subpart B of part 430). Within this federal test method, the referenced document “*ASME A112.18.1*” has been updated from the 2012 version to the 2018 version. Reflecting this change here in subsection (h)(2)(B) by referencing the 2018 version. This change is necessary to align with current federal law.

1604(p)(1):

For clothes washers that are consumer products, these are changes to update the text to reflect the federal test methods and to add subsections (1)(A) and (1)(B) to clarify the effective dates of each test method. The test methods are “*10 C.F.R. section 430.23(j) (Appendix J to subpart B of part 430)*” and “*10 C.F.R. section 430.23(j) (Appendix J2 to subpart B of part 430)*”. These changes are necessary to align with current federal law.

1604(p)(2):

For commercial clothes washers, this is a change to update the text to reference the current federal test method in effect, which is “*10 C.F.R. section 431.154*”. This change is necessary to align with current federal law.

1604(r)

This is a non-substantive change to update the text to mirror the title of Table R-1. This table already lists out each relevant appliance type, so there is no need to also list out each appliance type in the subsection (r) text. This change is necessary to provide clarification.

1604(r) Table R-1:

These are changes to align with federal law and non-substantive changes. First, updating the appliance name “*Cooking products that are consumer products*” to “*Microwave ovens*” to properly reflect the appliance type that is covered under this federal test method. This change is necessary to provide clarification.

Next, updating the appliance name “*Combined cooking products*” to “*Conventional cooktops and combined cooking products*” to properly reflect the appliance types covered under the required test method. Also, on this same row, updating the text to reflect the current federal test method in effect which is 10 C.F.R. section 430.23(i) (Appendix I1 to subpart B of part 430). These changes are necessary to provide clarification and to align with current federal law.

1604(s)(1):

For electric motors, except small electric motors, this is a change to update the text to reference the current federal test methods in effect, which are 10 C.F.R. sections 431.15, 431.16, and 431.18. This change is necessary to align with current federal law.

1604(s)(3):

This is a non-substantive change to remove the phrase “*state-regulated*” from the text for compressors. The testing requirements apply to both state and federally regulated compressors, so there is no longer a need to make a distinction. This change is necessary to provide clarification.

1604(v)(2)

These are changes to align with federal law. The required federal test method for televisions was recently updated and became effective on September 11, 2023. That test method is 10 C.F.R. section 430.23(h) (Appendix H to subpart B of part 430). Due to federal preemption, the updated version is now required for all televisions covered under that test method scope. However, this scope does not cover all types of televisions that have existing state performance standards. As a result, the previous version of the test method will remain in effect for those televisions not covered under the new scope. A proposed new subsection (v)(2)(A) states that for all televisions manufactured before September 11, 2023, the previous version of the test method will remain as the required test method (dated January 1, 2023). A proposed new subsection (v)(2)(B) states that televisions covered under the updated test method scope are required to use the recently effective test method. Lastly, a proposed new subsection (v)(2)(C) states that for televisions not covered under the updated test method scope and all signage displays, the previous version of the test method will remain as the required test method (dated January 1, 2023). These changes are necessary to align with current federal law.

1604(w)(1)(A) (new):

These are changes to align with federal law and non-substantive changes. First, adding a new subsection (w)(1)(A) to reflect the new federal test method for wireless chargers, which is “*10 C.F.R. section 430.23(aa) (Appendix Y1 to subpart B of part 430)*”. This change is necessary to align with current federal law for this specific type of federally regulated battery charger.

Also, there are non-substantive changes to describe the scope of wireless chargers covered. This text mirrors the text in the federal test method. This change is necessary to provide clarification.

1604(w)(2)(B) and (C):

These are non-substantive changes to update the reference to Table W-3 to Table W-4 (two instances). Due to the proposed addition of a new Table W-2 in section 1605.1(w), all subsequent W tables are being renumbered. These changes are necessary to ensure that the correct table is referenced.

1604 Documents Incorporated by Reference:

FEDERAL STATUTES AND REGULATIONS:

These are changes to add “429.12”, “429.16”, and “429.69” to this list of documents incorporated by reference since these are now being referenced in new or updated text in section 1604. These changes are necessary to identify each document referenced in this section.

These are changes to add the following 10 C.F.R. section 430.23 appendices to this list of documents incorporated by reference since these are now being referenced in new or updated text in section 1604. These changes are necessary to identify each document referenced in this section:

- Appendix I1
- Appendix J
- Appendix M1
- Appendix Y1

This is a change to remove appendix “J1” from this list of documents incorporated by reference. This appendix no longer exists in the federal regulations and was replaced by appendix J. This change is necessary to only list documents that are referenced in this section.

These are changes to add “C.F.R., Title 10, section 431.154” and “C.F.R., Title 10, section 431.174, Appendix A to Subpart J of 10 C.F.R., § 431” to this list of documents incorporated by reference since these are now being referenced in new or updated text in section 1604. These changes are necessary to identify each document referenced in this section.

AIR MOVEMENT AND CONTROL ASSOCIATION INTERNATIONAL, INC (AMCA):

This is a change to remove this company, along with it’s one associated document (ANSI/AMCA Standard 214-21), from the list. This document reference is proposed to be removed from section 1604(d); therefore, it no longer needs to be listed here. This document is not referenced anywhere else in section 1604. This change is necessary to only list documents that are referenced in this section.

AMERICAN SOCIETY OF MECHANICAL ENGINEERS (ASME):

This is a change to add the 2018 version of “ASME A112.18.1” to this list of documents incorporated by reference since this version is proposed to be referenced in section 1604(h). This change is necessary to identify each document referenced in this section.

AMERICAN SOCIETY FOR TESTING AND MATERIALS (ASTM):

This is a change to rename this company “ASTM International” and move its contents further down the list to be in correct order alphabetically. This is necessary to properly reflect the current name of the company.

ASTM INTERNATIONAL:

This is a change to add this updated company name (formerly “American Society for Testing and Materials (ASTM)”) to the list and place it in correct alphabetical order, along with its existing contents. This change is necessary to properly reflect the current name of the company and ensure that it’s listed correctly alphabetically.

HYDRAULIC INSTITUTE (HI):

This is a change to remove this company, along with its one associated document, from the list. The one document (ANSI/HI 1.6-2000) is no longer referenced anywhere in the regulations. It was removed as a required test method as part of a previous rulemaking for residential pool pumps. As a result, there is no longer a need to list this as a document incorporated by reference. This change is necessary to only list documents that are referenced in this section.

ILLUMINATING ENGINEERING SOCIETY (IES):

This is a non-substantive change to correct the typo in the word “Engineering” in the company title. This change is necessary to correct a typographical error.

SECTION 1605. ENERGY PERFORMANCE, ENERGY DESIGN, WATER PERFORMANCE, AND WATER DESIGN STANDARDS: In GENERAL

SPECIFIC PURPOSE

The specific purpose is to remove language that creates an inconsistency between the scope of the appliance efficiency program and language contained in section 1605 regarding the point of enforcement.

NECESSITY

1605(c):

This is a change to remove the term “installation”. This change is necessary since installation is not a point of enforcement under Public Resources Code sections 25402(c) and 25402.11 and California Code of Regulations, title 20, sections 1601-1609 and may result in confusion within the regulated community. Amendments are also necessary to clarify the regulatory section cited in section 1605(c) applies to “Non-Federally Regulated Appliances”. This change is necessary because other subsections of section 1605 do apply to federally regulated products.

SECTION 1605.1 FEDERAL AND STATE STANDARDS FOR FEDERALLY REGULATED APPLIANCES

SPECIFIC PURPOSE

The specific purpose is to update and add certain federal performance standards to align with current federal law, remove outdated information, and to make non-substantive changes for clarity and consistency.

NECESSITY

1605.1(b)(1) Table B-2:

This is a non-substantive change to replace the hyphens in Table B-2 with “less than or equal to” signs (\leq). The listed ranges include the upper limit values, so the “less than or equal to” signs are more appropriate than hyphens. This change is necessary to provide clarification and aligns with the federal standards shown in 10 C.F.R. section 430.32(b).

1605.1(c)(1) Table C-3:

These are changes to align with federal law and non-substantive changes. First, this is a change to update the contents of the table to align with the federal standards that were in effect starting January 1, 2015, but before January 1, 2023, and are currently found in 10 C.F.R. section 430.32(c). The standards in effect starting January 1, 2023, are proposed to be added as a new Table C-4.

Next, this is a non-substantive change to state the range of effective dates in the table title and remove the effective date stated within the table. Having the dates in the title helps to simplify the table contents. These changes are necessary to align with current federal law and to provide clarification.

1605.1(c)(1) Table C-4 (new):

This is a change to create a new Table C-4 to reflect the current federal standards for air conditioners and heat pumps that are consumer products. These standards went into effect on January 1, 2023, and are found in 10 C.F.R. section 430.32(c). This change is necessary to align with current federal law.

1605.1(c)(1) “EXCEPTION to Table C-5” (formerly C-4)

This is a non-substantive change to renumber all of the table references within this text. Due to the proposed addition of a new Table C-4 in section 1605.1(c), all subsequent C tables are being renumbered. This updated text reflects the new numbering of the tables. This change is necessary to ensure correct numbering of the tables.

1605.1(c)(1) Table C-5 (formerly C-4):

These are non-substantive changes. First, this is a change to renumber Table C-4 to Table C-5. Due to the proposed addition of a new Table C-4 in section 1605.1(c), all

subsequent C tables are being renumbered. This change is necessary to ensure correct numbering of the tables.

Next, this is a change to fix a typo within the “*Heating Type*” column. The cell that currently shows “A-” should be “A-O”. Correcting the cell now to properly reflect the heating types shown in the table footnotes. This change is necessary to correct a typographical error.

1605.1(c)(1) Table C-6 (formerly C-5), Table C-7 (formerly C-6), Table C-8 (formerly C-7), Table C-9 (formerly C-8), and Table C-10 (formerly C-9):

These are non-substantive changes to renumber the remaining C tables in section 1605.1(c). Due to the proposed addition of a new Table C-4 in section 1605.1(c), all subsequent C tables are being renumbered. This is necessary to ensure correct numbering of the tables.

1605.1(c)(1) Table C-11 (new):

This is a change to create a new Table C-11 to reflect the new federal standards for direct expansion-dedicated outdoor air systems. These standards go into effect on May 1, 2024, and are found in 10 C.F.R. section 431.97. This change is necessary to align with current federal law.

1605.1(d) Title:

This is a non-substantive change to add “...and Commercial and Industrial Fans and Blowers.” to the title of subsection (d). This appliance type was added to the regulations in a recent rulemaking. This change is necessary to provide clarification.

1605.1(d)(1)(A):

This is a non-substantive change to add the word “all” before “ceiling fans”. The standards listed in this subsection apply to all regulated ceiling fans, not just certain types. This change is necessary to provide clarification.

1605.1(d)(1)(B) Table D-4 and (d)(1)(C) (new):

This is a change to create new subsection (C) to reflect the current federal standards for large-diameter ceiling fans, which are found in 10 C.F.R. section 430.32(s). Also, removing the existing standards for large-diameter ceiling fans from Table D-4 since these are no longer shown in federal law. These changes are necessary to align with current federal law.

1605.1(d)(5):

These are changes to align with federal law and non-substantive changes. First, reflecting the upcoming standards for federally regulated portable air conditioners in a new subsection (A). These federal standards go into effect on January 10, 2025, and are found in 10 C.F.R. section 430.32(cc).

Next, these are non-substantive changes to add a new subsection (B) to cross-reference the existing state standards for portable air conditioners and explain the

effective dates of the state standards. The federal standards will preempt the state standards once they go into effect. These changes are necessary to align with current federal law and to provide clarification.

1605.1(d)(6):

This is a non-substantive change to add “*commercial and industrial fans and blowers*” to the list of appliances that do not have any energy efficiency or energy design standards in effect. This change is necessary to provide clarification.

1605.1(e) Title:

This is a non-substantive change to update the title of subsection (e) to read “*Space Heating Products*”. There are many different types of space heating products covered under this subsection and it’s clearer to state the overall appliance category rather than listing each individual appliance type. This change is necessary to provide clarification.

1605.1(e)(1) and Table E-2:

These are changes to align with federal law and non-substantive changes. First, it is necessary to update the text to accurately reflect the name of the federally regulated appliance by changing the appliance name to “*gas vented home heating equipment*” rather than “*gas wall furnaces, gas floor furnaces, and gas room heaters*”. Also, changing the column name of “*appliance*” to “*product class*” within Table E-2. This terminology aligns with the federal standards found in 10 C.F.R. section 430.32(i).

Next, this is a non-substantive change to state the effective date in title of Table E-2 rather than within the table contents. Having the date in the title helps to simplify the table contents. These changes are necessary to align with current federal law and to provide clarification.

1605.1(e)(2):

This is a non-substantive change to replace the lengthy text describing the types of appliances covered with more simplified text. The subsequent table titles in this subsection accurately describe the types of appliances covered under each table. This change is necessary to provide clarification.

1605.1(e)(2) Table E-3:

This is a non-substantive change to shorten the title of Table E-3 to remove unnecessary text. This change is necessary to provide clarification.

1605.1(e)(2) Table E-5:

This is a change to update the name of the appliance to “*commercial central warm air furnaces*” from “*commercial gas- and oil-fired central furnaces*” to accurately reflect the name of the federally regulated appliance. This terminology aligns with the federal standards found in 10 C.F.R. section 431.77. This change is necessary to align with current federal law.

1605.1(e)(2) Table E-6:

This is a non-substantive change to shorten the title of Table E-6 to remove unnecessary text. This change is necessary to provide clarification.

1605.1(e)(3) (old) and (e)(3) (formerly (e)(4)):

These are non-substantive changes. First, moving the information from the existing subsection (e)(3) for infrared gas space heaters to the very end of subsection (e), as a new subsection (e)(6). Appliances that do not have any energy efficiency or energy design standards are listed last in their respective subsections.

Next, renumbering the existing subsection (e)(4) to (e)(3) as a result. These changes are necessary to ensure consistent formatting in the regulations and to ensure correct numbering of the subsections.

1605.1(e)(4) (new), (e)(5), and (e)(6) (new):

These are non-substantive changes. First, adding a new subsection (e)(4) and making edits to subsection (e)(5) to accurately cross-reference the existing standards for duct furnaces and combination space-heating and water-heating appliances, which have state standards listed in section 1605.3(e).

Next, moving the information from the existing subsection (e)(3) for infrared gas space heaters to the very end of subsection (e), as a new subsection (e)(6). Appliances that do not have any energy efficiency or energy design standards are listed last in their respective subsections. These changes are necessary to ensure consistent formatting in the regulations and to provide clarification.

1605.1(f)(3) Table F-4:

This is a non-substantive change to edit one of the footnotes for Table F-4. For footnote “b” in this table, changing the reference to Table E-4 to “*section 1605.1(e)*”. The standards for commercial packaged boilers are now proposed to be listed in different tables throughout section 1605.1(e), rather than just one table. This change is necessary to provide clarification.

1605.1(h)(4)(C):

This is a non-substantive change to remove this subsection (h)(4)(C) that cross-references the state standards for commercial pre-rinse spray valves. The state standards are proposed to be removed (see change in section 1605.3(h)) and this cross-reference is no longer needed. This change is necessary to provide clarification.

1605.1(k)(2), (k)(3), (k)(4), and (k)(5):

This is a change to remove outdated standards for certain federally regulated lighting products. The performance standards listed in subsections (k)(2), (k)(3), (k)(4), and (k)(5) only apply to models sold before January 1, 2020, as stated in those subsections. This change is necessary to remove outdated standards that are no longer in effect.

1605.1(k)(2) (formerly (k)(6)):

These are non-substantive changes. First, adding a cross-reference to the state standards in section 1605.3(k) for general service lamps, rather than including those state standards in this subsection. Cross-references are used to point the reader to the appropriate section to view information.

Next, renumbering subsection (k)(6) to (k)(2) due to the deletion of previous (k) subsections. These changes are necessary to ensure consistent formatting in the regulations and to ensure correct numbering of the subsections.

1605.1(k)(3), (k)(4), and (k)(5) (all new):

This is a non-substantive change to add new cross-references to the state standards in section 1605.3(k) for state-regulated LED lamps, state-regulated small diameter directional lamps, and GU24 base lamps. This change is necessary to provide clarification and to ensure consistent formatting in the regulations.

1605.1(s)(7), (s)(7)(A) (new), and Table S-5 (new):

This is a change to align with federal law and a non-substantive change. First, creating a new subsection (s)(7)(A) and new Table S-5 to reflect the upcoming federal standards for compressors. These standards go into effect on January 10, 2025, and are found in 10 C.F.R. section 431.345.

Next, this is a non-substantive change to remove the cross-reference to the state standards from the existing subsection (s)(7). The cross-reference is proposed to be moved to the end of subsection (s)(7) as a new subsection (s)(7)(B). These changes are necessary to align with current federal law and to ensure consistent formatting in the regulations.

1605.1(s)(7)(B) (new):

These are non-substantive changes to create a new subsection (s)(7)(B) to cross-reference the existing state standards for compressors and to clarify the effective dates of those state standards. These changes are necessary to ensure consistent formatting in the regulations and to provide clarification.

1605.1(w)(1) Table W-1:

This is a change to update the contents of Table W-1 to align with the current federal standards in effect for battery chargers. These standards for federally regulated battery chargers are found in 10 C.F.R. section 430.32(z). Also, there are non-substantive changes to align with the formatting of the regulations. These changes are necessary to align with current federal law and to ensure consistent formatting in the regulations.

1605.1(w)(2) (new) and Table W-2 (new):

This is a change to create a new subsection (w)(2) and new Table W-2 to reflect the current federal standards for uninterruptible power supplies. These standards went

into effect on January 10, 2022, and are found in 10 C.F.R. section 430.32(z)(3). This change is necessary to align with current federal law.

1605.1(w)(3) (formerly (w)(2)):

This is a non-substantive change to renumber subsection (w)(2) to (w)(3) due to the addition of a new subsection (w)(2). This is necessary to ensure correct numbering of the subsections.

1605.1 Documents Incorporated by Reference:

ILLUMINATING ENGINEERING SOCIETY (IES):

This is a change to correct the typo in the word “*Engineering*” in the company title. This change is necessary to correct a typographical error.

SECTION 1605.2 STATE STANDARDS FOR FEDERALLY REGULATED APPLIANCES

SPECIFIC PURPOSE

The specific purpose is to make non-substantive changes for clarity and consistency.

NECESSITY

1605.2(d) Title:

This is a non-substantive change to add “...and *Commercial and Industrial Fans and Blowers.*” to the title of subsection (d). This appliance type was added to the regulations in a recent rulemaking. This change is necessary to provide clarification.

1605.2(d)(2)(A) (new) and (d)(2)(B) (new):

These are non-substantive changes to add new subsections (2)(A) and (2)(B) to cross-reference the federal and state standards for portable air conditioners. These changes are necessary to provide clarification.

1605.2(d)(3):

This is a non-substantive change to add “*commercial and industrial fans and blowers*” to the list of appliances that do not have any energy efficiency or energy design standards in effect. This change is necessary to provide clarification.

1605.2(e) Title:

This is a non-substantive change to update the title of subsection (e) to read “*Space Heating Products*”. There are many different types of space heating products covered under this subsection and it’s clearer to state the overall appliance category rather than listing each individual appliance type. This change is necessary to provide clarification.

1605.2(e)(1):

This is a non-substantive change to update the list of appliances that have standards located in sections 1605.1(e) and 1605.3(e). This change is necessary to provide clarification.

1605.2(k):

This is a non-substantive change to list each regulated appliance type related to lamps and explain where to find their respective standards in the regulations. This change is necessary to provide clarification.

1605.2(s)(2)(A) (new) and (s)(2)(B) (new):

These are non-substantive changes to add new subsections (2)(A) and (2)(B) to cross-reference the federal and state standards for compressors. These changes are necessary to provide clarification.

1605.2(w)(1):

This is a non-substantive change to include “*federally regulated uninterruptible power supplies*” in subsection (w)(1). This is a newly regulated federal appliance that has standards proposed to be added to section 1605.1(w). This change is necessary to provide clarification.

SECTION 1605.3 STATE STANDARD FOR NON-FEDERALLY REGULATED APPLIANCES

SPECIFIC PURPOSE

The specific purpose is to remove outdated state standards due to federal preemption and make non-substantive changes for clarity and consistency.

NECESSITY

1605.3(c)(1) and Table C-12 (formerly C-10)

This is a non-substantive change to renumber Table C-10 to Table C-12 in the text in subsection (c)(1) and within the table title. Due to the proposed addition of new tables in section 1605.1(c), all subsequent C tables are being renumbered. This change is necessary to ensure correct numbering of the tables.

1605.3(c)(2) and Table C-13 (formerly C-11)

This is a non-substantive change to renumber Table C-11 to Table C-13 in the text in subsection (c)(2) and within the table title. Due to the proposed addition of new tables in section 1605.1(c), all subsequent C tables are being renumbered. This change is necessary to ensure correct numbering of the tables.

1605.3(d) Title:

This is a non-substantive change to add “*...and Commercial and Industrial Fans and Blowers.*” to the title of subsection (d). This appliance type was added to the regulations in a recent rulemaking. This change is necessary to provide clarification.

1605.3(d)(1):

This is a non-substantive change to shorten the header of subsection (d)(1) to just “*Portable Air Conditioners*”. Similar subsections have just the appliance name as the header. This change is necessary to ensure consistent formatting in the regulations.

1605.3(d)(1)(A) new and (d)(1)(B) (new):

These are non-substantive changes. First, creating a new subsection (d)(1)(A) to clarify that the existing standards listed in this subsection apply to portable air conditioners that are state regulated.

Also, clarifying that the effective period for these state standards will end on January 10, 2025, which is when the federal standards go into effect and preempt the state standards.

Next, creating a new subsection (d)(1)(B) to identify that there are standards for federally regulated portable air conditioners in section 1605.1(d), along with a cross-reference to those standards. These changes are necessary to provide clarification.

1605.3(d)(4):

This is a non-substantive change to add “*commercial and industrial fans and blowers*” to the list of appliances that do not have any energy efficiency or energy design standards in effect. This change is necessary to provide clarification.

1605.3(e) Title:

This is a non-substantive change to update the title of subsection (e) to read “*Space Heating Products*”. There are many different types of space heating products covered under this subsection and it’s clearer to state the overall appliance category rather than listing each individual appliance type. This change is necessary to provide clarification.

1605.3(e)(1):

This is a non-substantive change to update the subsection header to just “*Furnaces*”. Boilers and central furnaces have outdated standards in this subsection that are proposed to be removed. As a result, there is no longer a need to include those appliance names in the header. This change is necessary for clarification.

1605.3(e)(1)(A):

These are changes to remove outdated state standards and a non-substantive change. First, removing the existing state standards for boilers and central furnaces since they are no longer in effect, including Tables E-7 and E-8. These appliances have existing federal standards shown in section 1605.1(e), which preempt these state standards. The federal standards originate from 10 C.F.R. section 430.32(e).

Next, this is a non-substantive change to update the text in this subsection (e)(1)(A) to have it apply to duct furnaces only. These changes are necessary to provide clarification and to remove standards that are no longer in effect.

1605.3(e)(1)(A) Table E-7 (formerly E-9):

This is a non-substantive change to renumber Table E-9 to E-7 due to the proposed removal of the existing Tables E-7 and E-8. This is necessary to ensure correct numbering of the tables.

1605.3(e)(1)(B) (new):

This is a non-substantive change to create a new subsection (e)(1)(B) to clarify that there are existing federal standards for other types of furnaces, along with a cross-reference to those federal standards in section 1605.1(e). This change is necessary for clarification.

1605.3(e)(1)(C) and (e)(2):

These are non-substantive changes to delete these subsections (e)(1)(C) and (e)(2) and move the relevant contents to the end of subsection (e). For text that is only a cross-reference, or text explaining that the appliance does not have any standards in effect, this type of text is normally listed at the end of the respective subsection. This change is necessary to ensure consistent formatting in the regulations.

1605.3(e)(2) (formerly (e)(3)):

This is a non-substantive change to renumber subsection (e)(3) to (e)(2) due to the proposed removal of the existing (e)(2). This is necessary to ensure correct numbering of the subsections.

1605.3(e)(3), (e)(4), (e)(5), and (e)(6) (all new):

These are non-substantive changes. First, adding new subsections (e)(3), (e)(4), and (e)(5) to accurately cross-reference the existing federal standards for boilers, unit heaters, and vented home heating equipment, which all have federal standards found in section 1605.1(e).

Next, creating a new subsection (e)(6) to clarify that infrared gas space heaters do not have any standards in effect. Appliances that do not have any energy efficiency or energy design standards are listed last in their respective subsections. These changes are necessary to ensure consistent formatting in the regulations and to provide clarification.

1605.3(e)(4):

This is a non-substantive change to remove this subsection (e)(4). This text contains an outdated cross-reference to section 1605.1(e). As a result of the other proposed changes to subsection (e), this text in (e)(4) is no longer needed. This change is necessary to provide clarification.

1605.3(h)(4) and (5):

These are changes to remove outdated state standards and a non-substantive change. First, removing the existing state standards for commercial pre-rinse spray valves since they are no longer in effect. This appliance has existing federal

standards shown in section 1605.1(h), which preempt these state standards. The federal standards originate from 10 C.F.R. section 431.266 and went into effect on January 28, 2019.

Next, this is a non-substantive change to move the existing cross reference in (h)(4)(B) near the end, as a new subsection (h)(5). For text that simply cross-references federal standards in section 1605.1, this text appears near the end of the respective section. These changes are necessary to remove standards that are no longer in effect and to ensure consistent formatting in the regulations.

1605.3(k)(1), Table K-3 (formerly K-8), k(2), and Table K-4 (formerly K-9)

These are non-substantive changes to renumber Table K-8 to Table K-3 and renumber Table K-9 to Table K-4. These changes occur within the text in subsections (k)(1) and (k)(2) and within the table titles. Due to the proposed deletions of multiple tables in section 1605.1(k), all subsequent K tables are being renumbered. This change is necessary to ensure correct numbering of the tables.

1605.3(k)(5):

This is a non-substantive change to clarify that federally regulated general service fluorescent lamps are the exact type of lamp that has standards located in section 1605.1(k). This change is necessary to provide clarification.

1605.3(s)(2)(A) (new), Table S-6 (formerly S-5), and (s)(2)(B) (new):

These are non-substantive changes. First, creating a new subsection (s)(2)(A) to clarify that the existing standards listed in this subsection apply to compressors that are state regulated. Also, clarifying that the effective period for these state standards will end on January 10, 2025, which is when the federal standards go into effect and preempt the state standards.

Next, renumbering Table S-5 to S-6 due to the proposed addition of a new Table S-5 in section 1605.1(s) and updating the table title to reflect the effective date range of these state standards.

Lastly, creating a new subsection (s)(2)(B) to identify that there are standards for federally regulated compressors in section 1605.1(d), along with a cross-reference to those standards. These changes are necessary to ensure consistent formatting in the regulations, ensure correct numbering of the tables, and to provide clarification.

1605.3(v)(2) and (3) “EXCEPTIONS”

This is a change to align with federal law and a non-substantive change. First, adding a new “EXCEPTION 2” to state that televisions covered under the recently updated federal test method are exempt from the performance standards. Due to federal preemption, televisions are required to follow the updated federal test method if they fall within that test method scope (see proposed change in section 1604(v)). Conducting this updated test method does not generate data necessary to determine compliance with the current performance standards, and federal law

prohibits use of alternative metrics or methods in characterizing the efficiency of a federally regulated appliance. Since compliance cannot be determined by performing the required test method, the performance standard can no longer be applied to these types of televisions.

Next, this is a change to rename the original exception regarding signage displays to “*EXCEPTION 1*” as a result of the new exception for televisions. These changes are necessary to align with current federal law and to number the items appropriately.

1605.3(w)(1) and Table W-3 (formerly W-2):

This is a non-substantive change to renumber Table W-2 to W-3 due to the proposed addition of a new Table W-2 in section 1605.1(w). This change occurs in the text in subsection (w)(1) and the table title. This is necessary to ensure correct numbering of the tables.

1605.3(w)(2), Table W-4 (formerly W-3), and (w)(3):

This is a non-substantive change to renumber Table W-3 to W-4 due to the proposed addition of a new Table W-2 in section 1605.1(w). This change occurs in the text in subsections (w)(2), (w)(3), and the table title. This is necessary to ensure correct numbering of the tables.

1605.3(w)(5):

This is a non-substantive change to include “*federally regulated uninterruptible power supplies*” in subsection (w)(5). This is a newly regulated federal appliance that has standards proposed to be added to section 1605.1(w). This change is necessary to provide clarification.

1605.3 Documents Incorporated by Reference:

AMERICAN SOCIETY OF MECHANICAL ENGINEERS (ASME):

This is a non-substantive change to update the phone number listed for this company, to reflect the correct number. This change is necessary to provide accurate contact information for the company.

SECTION 1606. FILING BY MANUFACTURERS; LISTING OF APPLIANCES IN THE MAEDbS

SPECIFIC PURPOSE

The specific purpose is to make changes to the data submittal requirements for certain appliances, make changes to help to streamline the certification process and help maintain the usability of MAEDbS, align with current federal law, and make non-substantive changes for clarity and consistency.

NECESSITY

State law (Public Resources Code Section 25402(c)(1)) requires manufacturers to certify to the CEC that their appliances comply with the applicable efficiency standards before they are sold or offered for sale in the state. The Appliance Efficiency Regulations require manufacturers to report specified information for this purpose to the CEC's Modernized Appliance Efficiency Database System (MAEDbS). MAEDbS is used by manufacturers and maintained by the CEC to list the appliances authorized to be sold or offered for sale in California. This helps the CEC and consumers verify compliance with the applicable federal and state efficiency standards.

Table X within section 1606 provides the reporting requirements for manufacturers for each regulated appliance. The reporting requirements specify product details and performance data that are required to be reported when submitting models of appliances to MAEDbS for certification. It is necessary that manufacturers know the reporting requirements to certify each model to MAEDbS to comply with the regulations and be able to sell their products in California. The reporting requirements ensure that all necessary information to validate the submitted data is provided to the CEC and are necessary to determine if all test results meet the applicable standards. Manufacturers obtain all of the data points and other information required in Table X by performing the specific test procedure required for the appliance type, as specified in section 1604. Because of this, amending or adding new required fields to Table X does not increase the burden of testing for manufacturers.

In addition, proposed changes to the other aspects of certification (records retention, removal of unnecessary language, etc.), have no regulatory affect for manufacturers. These changes are needed to streamline and clarify the certification process and help support the usability and functioning of MAEDbS.

1606(a) "EXCEPTIONS to section 1606(a)":

First, this is a change to clarify that, while general service lamps are excepted from section 1606(a), "state-regulated light emitting diode (LED) lamps" and "state-regulated small diameter directional lamps" are not covered by the exception. The definition of a general service lamp covers most state-regulated LED lamps and small diameter directional lamps; however, these two appliance types are required to be certified in MAEDbS and represent a separately regulated category of service lamp. The change is necessary to ensure clarity of what is required regarding certification of different lamp types.

Next, this is a change to add "*federally regulated consumer water heaters ≥ 2 and < 20 gallons rated storage volume*" to the list of exceptions. Water heaters are federally regulated. However, there are no federal standards in effect for consumer water heaters ≥ 2 and < 20 gallons rated storage volume. This change is necessary to clarify that the certification requirements do not apply to water heaters within this range.

1606(a) "EXCEPTIONS to section 1606(a)(3)(A)":

This is a non-substantive change to remove the phrase “*state-regulated*” from the text for compressors. The text applies to both state and federally regulated compressors, so there is no longer a need to make a distinction. This change is necessary to provide clarification.

Table X Throughout:

This is a non-substantive change to rename the column header “*Permissible Answers*” to “*Possible Answers*” in Table X. The data required to be submitted to certify a regulated appliance is found in the “*Required Information*” column. The existing “*Permissible Answers*” column contains the various types of answers that may be submitted for each required field, where the responses are reasonably constrained to a specific list (for example, noting where a response should only be “true” or “false”, or where a response is expected to be selected from a limited list of options). Changing the word “permissible” to “possible” helps to clarify that this column is not related to the concept of permission, but rather represents the answers that the CEC will support via its published filing materials, where this represents a potential restriction on how the required information is reported (i.e., where it limits the possible responses). This change is necessary to provide clarification.

Table X (C) Various Appliances:

These are changes to update the data submittal requirements for federally regulated air conditioners and heat pumps. Due to the numerous proposed changes to align with federal law in sections 1602(c), 1604(c), and 1605.1(c), updates are needed to Table X to reflect those changes. The changes are to update the appliance names and the required data submittal fields based on the current federal testing requirements, performance standards, and definitions. The relevant federal test methods are found in 10 C.F.R. section 431 subpart F and 10 C.F.R. section 430.23(m) (Appendix M1 to subpart B of part 430). There are no new appliances that need to be certified and there are no appliances that no longer need to be certified as part of this Table X update. These changes are necessary to ensure that manufacturers can certify compliance in MAEDbS with the applicable standards and provide clarity and regulatory certainty to regulated parties.

Table X (D) Evaporative Coolers:

This is a non-substantive change to add a note next to the appliance name to clarify that only models subject to the evaporative cooler testing requirements are required to be certified as evaporative coolers. This aligns with the proposed change in section 1604(d) that clarifies that for some evaporative coolers, only the fan used in those units need to be tested as commercial and industrial fans and blowers. For the models that are not tested as evaporative coolers, there is no need to certify them as evaporative coolers. This change is necessary to provide clarification.

Table X (D) Ceiling Fans:

This is a change to add “*Standby power*” as a new required field. The required test method (10 C.F.R. section 430.23(w) (Appendix U to subpart B of part 430))

provides this data point, and it would be helpful for manufacturers to report it when certifying their models. This change is necessary to collect relevant data for this appliance type that helps to characterize the product's performance.

Table X (D) Commercial and Industrial Fans and Blowers:

This is a change to update the field "*Method used to determine FEPAct...*" and its associated permissible answer to align with the proposed changes in section 1604(d). Also, there is a non-substantive change to add "...of this Article" at the end of the section reference. These changes are necessary to align with the current testing requirements for this appliance type and to ensure consistent formatting in the regulations.

Next, this is a change to update the effective date to April 29, 2024, rather than November 16, 2023. The effective date of this requirement is updated to accommodate 180-day extensions issued by the U.S. Department of Energy to federal test procedure requirements for commercial and industrial fans and blowers, as shown here:

https://www1.eere.energy.gov/buildings/appliance_standards/standards.aspx?productid=51&action=viewlive.

This change is necessary to align with current federal law.

Table X (E) Room Heaters, Floor Furnaces, and Wall Furnaces:

This is a non-substantive change to update the appliance name to "*Vented Home Heating Equipment*" to reflect the correct name of this federally regulated appliance. This change is necessary to provide clarification.

Table X (H) Plumbing Fittings:

This is a non-substantive change to remove a duplicate permissible answer for the field "*Type*". The last permissible answer for this field, "*push type tub spout diverter*", is a duplicate entry and contains a spelling mistake. This change is necessary to correct a typographical error.

Table X (H) Commercial Pre-rinse Spray Valves:

This is a non-substantive change to add a missing parenthesis to the field "*Spray force (ounce-force (ozf))*". This change is necessary to correct a typographical error.

Table X (I) Plumbing Fixtures:

This is a non-substantive change to correct the spelling of the word "*duel*" to "*dual*" within the permissible answers for the field "*Type*". This change is necessary to correct a typographical error.

Table X (K)(Multiple Appliances):

This is a change to remove the following appliances and their respective data fields from Table X:

- Federally Regulated Incandescent Reflector Lamps
- Federally Regulated Medium Screw Base Compact Fluorescent Lamps

- Federally Regulated Medium Screw Base General Service Incandescent and OLED Lamps
- Federally Regulated Candelabra Base and Intermediate Base Incandescent Lamps
- Federally Regulated Medium Screw Base Modified Spectrum General Service Incandescent Lamps

Certification has not been required for these appliances since 2019 and this information in Table X is no longer needed. As the note next to these appliance names in Table X states, only models sold before January 1, 2020, were required to be certified. This change is necessary to remove outdated text from the regulations.

Table X (K) State-regulated Light Emitting Diode (LED) Lamps:

This is a change to add “T” as a new permissible answer for the field “Lamp Shape”. The code “T” is used to represent tubular lamp shapes. This field is informational, and this change is necessary to better represent the various lamp shapes in the market today for this appliance type.

Table X (P) Commercial Clothes Washers:

This is a change to rename the field “Remaining Moisture Content...” to “Corrected Remaining Moisture Content” to align with the terminology used in the current federal test method for this appliance, which is 10 C.F.R section 431.154. Also, there is a non-substantive change to remove the text “(required only on and after January 1, 2004)”. This information is now outdated and is no longer needed. These changes are necessary to align with the terminology used in the relevant test method and to remove outdated text.

Table X (V) Televisions

First, this is a change to rename this appliance type to “Televisions and Signage Displays (manufactured prior to September 11, 2023, or not within the scope of 10 C.F.R. section 430)”. These changes clarify that signage displays follow the same certification requirements as televisions. The new parenthetical statement clarifies that these specific data submittal requirements only apply to units manufactured before September 11, 2023, or to units manufactured after September 11, 2023, that do not fall within the scope of 10 C.F.R. section 430. Due to proposed changes to the testing requirements for televisions to align with federal law (see changes in section 1604(v)), not all televisions fall under the new federal test method scope. A new appliance type in Table X is proposed to be created for the data submittal requirements for televisions that do fall under the new federal scope. These proposed changes here in Table X are necessary to align with the changes to the testing requirements and to provide clarification.

Next, this is a change to add “LED” and “Other” as new permissible answers for the field “Type”. This field is informational, and this change is necessary to better represent the various television types in the market today.

Table X (V) Televisions (manufactured on or after September 11, 2023, and within the scope of 10 C.F.R. section 430) (new):

This is a change to add this new appliance type along with associated data fields. Although this is a new appliance type in Table X, it is not a newly regulated product. Due to proposed changes to the testing requirements for televisions to align with federal law (see changes in section 1604(v)), some televisions are now subject to an updated federal test method. The previously required data submittal fields for these televisions no longer align with the new testing requirements, resulting in the need for a second television appliance type to be created in Table X. The new required fields are all informational items or data points that are obtained by performing the required test method. Televisions not subject to the new federal test method will continue to report the previously required data fields (see previous change to Table X (V)). The creation of this new appliance type in Table X does not require any new products to be certified, some televisions are now just required to be certified under a different name along with different data. This change is necessary to ensure that manufacturers can certify compliance in MAEDbS with the applicable requirements and provide clarity and regulatory certainty to regulated parties.

Table X (W) Small Battery Charger Systems:

This is a change to add *“Use environment type (for inductive chargers only)”* as a new required field, along with associated permissible answers. Battery charger products are regulated under either state or federal standards. The use environment type is one of the factors that determine which regulations apply. This change is necessary to help determine if the product is being certified under the correct battery charger appliance type.

Table X (W) Federally Regulated Battery Chargers:

This is a change to add *“Wireless”* and *“Battery Test Procedure Used”* as two new required fields. There are two federal test methods in effect for this appliance type and whether the product is wireless or not is one of the factors that determines which test method to use. The two relevant federal test methods are 10 C.F.R. section 430.23(aa) (Appendix Y and Appendix Y1 to subpart B of part 430). This change is necessary to verify that the correct test method was conducted, based on the product specifications.

Table X (W) Federally Regulated Uninterruptible Power Supplies (new):

This is a change to add *“Federally Regulated Uninterruptible Power Supplies”* as a new appliance type along with associated data fields. Although this is a new appliance type in Table X, it is not a newly regulated product. The standards for federally regulated uninterruptible power supplies became effective on January 10, 2022, and are proposed to be added to section 1605.1(w). The new required fields are all informational items or data points that are obtained by performing the required test method (10 C.F.R. section 430.23(aa) (Appendix Y to subpart B of part 430)). Previously, this appliance type was regulated under state standards and was required to be certified as a small battery charger. Due to this, the creation of this new appliance type in Table X does not require any new products to be certified, the

products are now just required to be certified under a different name along with different data. This change is necessary to ensure that manufacturers can certify compliance in MAEDbS with the applicable standards and provide clarity and regulatory certainty to regulated parties.

1606(a)(4)(A)4.i.:

This is a non-substantive change to remove the phrase “*state-regulated*” from the text for compressors. This text applies to both state and federally regulated compressors, so there is no longer a need to make a distinction. This change is necessary to provide clarification.

1606(a)(4)(A)4.j. (new):

This is a change to add a new subsection (a)(4)(A)4.j to specify that central air conditioners and central heat pumps may be testing using alternative efficiency determination methods (AEDMs). This change is necessary to align with the new proposed text in section 1604(c) and to align with the current federal testing requirements for this appliance category.

1606(a)(4)(C):

This is a non-substantive change to correct an incorrect cross-reference. The text should reference section 1606(i) rather than 1606(j). Section 1606(i) is the relevant section that relates to records retention, which this subsection (a)(4)(C) discusses. This change is necessary to reference the correct text.

1606(b)(2)(A) and (b)(3)(A):

These are changes to clarify that failure to inform the manufacturer’s MAEDbS designated or third-party contact person within 30 days does not constitute a determination that a statement filed under section 1606(f) is accurate and that the appliance complies with all applicable standards in sections 1605.1, 1605.2, and 1605.3. Language has also been added to clarify that the Executive Director’s duty to inform the manufacture within 30 days is to the extent practicable. It is necessary to add language that allows the Executive Director to exercise this duty to the extent practicable to account for situations in which it is not practical to inform the manufacturer or review a refiled statement within the time limits given.

1606(b)(3)(C):

This is a change to remove a parenthetical statement which has no independent regulatory effect since the statement references section 1608 and recites statutory language. For clarity and consistency with current Office of Administrative Law direction, it is necessary to remove such commentary language from the CEC’s regulations when the CEC undertakes rulemaking updates.

1606(c)(1)(A):

This is a non-substantive change to reference section 1608(c) rather than 1608(c)-(e). Sections 1608(d) and (e) are proposed to be removed. This change is necessary to provide clarification.

1606(c)(3):

This is a change to remove language regarding appliances no longer in production that is not regulatory in nature and is commentary. For clarity and consistency with current Office of Administrative Law direction, it is necessary to remove such commentary language from the CEC's regulations when the CEC undertakes rulemaking updates.

1606(c)(3)(A) and (d)(1)(A):

This is a non-substantive change to improve the syntax of the provision while obtaining the original meaning, for the text regarding moving models to the Archived MAEDbS. This change is necessary to provide clarification.

1606(h)(1)(D):

This is a non-substantive change to correct a formatting error by moving the term "*energy efficiency*" from subsection (D)11. to subsection (D)12. where it was intended to be placed. This change has no regulatory effect and is necessary to provide clarification.

1606(h)(2)(A):

This is a change to remove reference to a proceeding that is not required and has never been used. The addition and removal of products from the MAEDbS or an approved third-party database operating in lieu of MAEDbS does not require a hearing. Deletion of the language is necessary to ensure that the databases can be quickly updated due to changed efficiency standards or product performance. Because retailers rely on appliance certification databases to ensure they are only selling compliant products, it is imperative that the product listings are kept up to date and reflect only compliant products. Inferring that a hearing is required is not consistent with a robust compliance program that clearly communicates to retailers the list of compliant products that can be sold in California.

1606(h)(3):

This is a non-substantive change to update the cross-reference to section 1608(c), (d), and (e), to just 1608(c). This is because subsections (d) and (e) are proposed to be removed. This change is necessary to reference the appropriate subsection.

1606(i):

This is a change to amend the text regarding records retention. The proposed text allows the CEC to automatically archive models that were certified 10 years ago or more, consistent with general policies and practices for the retention of records and the archiving of outdated documents. This is necessary to help to maintain the usability of MAEDbS by relocating outdated data, and to remove a dependency on the original certifier of appliance information that was causing outdated records to never become archived. In effect, archiving becomes opt-out instead of opt-in to address issues where certifying entities may no longer exist or may be unaware of decade-old filings. Archived model information will be accessible upon request.

1606 Documents Incorporated by Reference:

CALIFORNIA ENERGY COMMISSION:

This is a non-substantive change to update the street address for the CEC to reflect the new address. This change is necessary to provide accurate contact information for the CEC.

FEDERAL STATUTES AND REGULATIONS:

This is a change to add “10 C.F.R. section 430”, “10 C.F.R. section 430.23(m) (Appendix M1 to subpart B of part 430)”, and “10 C.F.R. section 431.174 (Appendix A to Subpart J of Part 431)” to the list of documents incorporated. These documents are proposed to be referenced in the data submittal requirements in Table X. This change is necessary to accurately list each document referenced in this section.

AIR MOVEMENT AND CONTROL ASSOCIATION INTERNATIONAL (AMCA):

This is a change to add the document “ANSI/AMCA Standard 214-21” to the list of references. This document is referenced in the Table X data submittal requirements for commercial and industrial fans and blowers. This is necessary to accurately list each document referenced in this section.

SECTION 1607. MARKING OF APPLIANCES

SPECIFIC PURPOSE

The specific purpose is to remove a redundant aspect of a labeling requirement, align with current federal law, and non-substantive changes for consistency.

NECESSITY

1607(d)(12)(C) and Table K-5 (formerly K-10)

This is a non-substantive change to renumber Table K-10 to Table K-5 in the text in subsection (d)(12)(C) and within the table title. Due to the proposed deletion of multiple tables in section 1605.1(k), all subsequent K tables are being renumbered. This change is necessary to ensure correct numbering of the tables.

1607(d)(16):

This is a change to remove a redundant aspect of the labeling requirement for commercial and industrial fans and blowers. The text stating that the characters must be ¼ inches or more is proposed to be removed as redundant with, and potentially in conflict with, the more general and broadly applicable requirement that text must be “legible”. Given that the purpose of a minimum character height requirement is to ensure legibility and that separate language already requires legibility for product markings, staff determined that giving primacy to the general legibility requirement was appropriate and that the minimum character height requirement was, in this context, redundant, overly specific in applying to only one

aspect of legibility and ultimately inadequate for ensuring legibility. This change is therefore necessary to improve clarity and remove redundancy.

Next, this is a change to update the effective date to April 29, 2024, rather than November 16, 2023. The effective date of this requirement is updated to accommodate 180-day extensions issued by the U.S. Department of Energy to federal test procedure requirements for commercial and industrial fans and blowers, as shown here:

https://www1.eere.energy.gov/buildings/appliance_standards/standards.aspx?productid=51&action=viewlive.

This change is necessary to align with current federal law.

1607 Documents Incorporated by Reference:

CALIFORNIA ENERGY COMMISSION:

This is a non-substantive change to update the street address for the CEC to reflect the new address. This change is necessary to provide accurate contact information for the CEC.

SECTION 1608. COMPLIANCE, ENFORCEMENT, AND GENERAL ADMINISTRATIVE MATTERS

SPECIFIC PURPOSE

Section 1608 contains several provisions that are outdated either because the process set forth is cumbersome and not necessary or have been superseded by amendments to Public Resources Code section 25402.11. Other changes streamline process and comport with lessons learned over the last seven years during the operation of the CEC's compliance program.

NECESSITY

1608(a) Title:

This is a change to remove the text "*or installation*" from the title of subsection (a). This is because title 20, sections 1601 – 1609 concern the sale or offering for sale of new appliances. Installation of appliances is governed by California Code of Regulations, title 24. The change is necessary to clarify that section 1608 only applies to the sale or offering for sale of new appliances.

1608(a) "EXCEPTIONS":

First, this is a change to clarify that, while general service lamps are excepted from section 1608(a), "state-regulated light emitting diode (LED) lamps" and "state-regulated small diameter directional lamps" are not covered by the exception. The definition of a general service lamp covers most state-regulated LED lamps and small diameter directional lamps; however, these two appliance types are required to be certified in MAEDbS and represent a separately regulated category of service

lamp. The change is necessary to ensure clarity of what is required regarding certification of different lamp types.

Next, this is a change to add “*federally regulated consumer water heaters ≥ 2 and < 20 gallons rated storage volume*” to the list of exceptions. Water heaters are federally regulated. However, there are no federal standards in effect for consumer water heaters ≥ 2 and < 20 gallons rated storage volume. This change is necessary to clarify that the certification requirements do not apply to water heaters within this range. This list mirrors the list in 1606(a) for appliances that are not subject to the certification requirement.

1608(b):

First, this is a change to delete the phrase “*sale or offering*” and add “*act*” to section 1608(b) to remove redundant language in the regulations. The change is necessary to ensure the regulation is clear and concise.

Second, this is a change to add “*any one or combination of the following*” to clarify what actions are available to the Executive Director if they determine that an appliance is being sold or offered for sale in California without being registered to MAEDbS. This change is necessary to clarify the Executive Director’s authority and what actions may be taken to discourage the sale or offer sale of appliances that are not registered in MAEDbS.

Third, this is a change to add “*or the Energy Commission’s*” to clarify that appliances may be tested at the expense of the manufacturer or the Energy Commission. This change is necessary to reflect existing authority for the CEC to investigate potential violations of the CEC’s appliance efficiency standards by purchasing and testing products.

Lastly, this is a change to delete “*and*” to comport with the broader changes to section 1608(b) that expand the actions available for the Executive Director to use to discourage the sale or offer for sale of appliances that are not registered in MAEDbS. This change is necessary so that the regulatory language is comprehensible considering the additional actions available to the Executive Director. Prior to the enactment of SB 454 in 2012 the CEC had limited enforcement authority, especially relating to non-compliant products already sold. The CEC’s authority was limited to stopping future sales of non-compliant products. SB 454 amended Public Resources Code section 25402.11 authorizing the CEC to create an administrative enforcement process and to issue civil penalties for the sale or offer for sale of non-compliant products. The proposed amendments to section 1608(b) identify the various actions the CEC can take to address violations of the standards and reflect the more robust enforcement program that has developed since this section was last updated, which was prior to passage of SB 454. The specific actions identified in the proposed amendments are core activities agencies with enforcement authority utilize to ensure compliance with regulations. These listed actions include “*notifying the manufacturer of the requirement to certify*

products to the MAEDbS, seeking information from the manufacturer on the volume of products previously sold in California, seeking to resolve prior noncompliant sales via settlement in accordance with section 1609(d) of this Article, issuing a Notice of Violation in accordance with section 1609(c) of this Article, and initiating administrative proceedings in accordance with section 1609(e) of this Article.”

Amended language also cites to subsections within section 1609 which implements SB 454 and set forth the civil penalty process.

1608(c)(1):

First, this is a change to add “*or designee*” to clarify that the Executive Director’s designee may request from the manufacturer a copy of the test report that describes the results of the testing that was performed pursuant to section 1604. This change is necessary because the CEC has a specific office, the Office of Compliance Assistance and Enforcement, tasked with performing market surveillance, identifying entities selling noncompliant products, assisting with compliance and product certification, and resolving violations. Thus, the need to clarify that others within the CEC may request test reports.

Second, this is a change to delete the following text to remove language that implies a finding, or some level of substantial evidence, is required for the CEC to obtain a copy of a test report from the manufacturer:

“If the Executive Director includes with the request information that, in their opinion, constitutes substantial evidence that the appliance or the manufacturer is not in compliance with an applicable provision of this Article, or that the energy or water performance of the appliance is not as certified under section 1606(a)(3)(C) of this Article or is not as required by an applicable standard in section 1605.1, 1605.2, or 1605.3 of this Article, then the...”

This change is necessary to complement section 1606 which sets forth the process for certifying into the CEC’s database which contains listing of products certified to sell or offer to sell in California. The certification process is a self-certifying process that requires submitters to enter in product data and attest that their product meets the testing, performance, and labeling requirements. For a submitter to be able to make such an attestation, the products need to be tested following the appropriate test method as set forth by product type in section 1604. Thus, product testing is necessary and foundational component of the CEC’s appliance efficiency program. Typically, independent laboratories perform product testing and generate a test report which forms the basis for any attestation. The CEC as the regulating agency is entitled to that test report upon request to verify compliance with standards, ensure the accuracy of the database, spot check that tests are being performed, and to enforce against improperly certified products. This change is also necessary to reflect the more robust enforcement program because of SB 454 and implemented through section 1609.

Lastly, this is a change to add “*...or at a mutually agreed upon date*” to give manufacturers who have been requested to provide a test report, flexibility in agreeing to a time to provide the test report that is not within 5 days. This change is

necessary because in some cases it may not be feasible for a manufacturer to provide a test report within 5 days of the Executive Director's request. Because section 1606(a)(3) already requires the testing of products and section 1606(i) requires that the entity certifying a product keep all records in a manner allowing ready access by the CEC, producing the test reports within the existing time period of five days should be attainable.

1608(c)(2):

This is a change to add language to comport with the proposed change to section 1608(c)(1). This change is necessary to acknowledge there may be a different time period for an entity to produce a test report back on unique circumstances. To ensure flexibility in the compliance assistance component of the CEC's appliance efficiency program, it is necessary to change "shall" to "may" as a late test report does not always warrant removal of a product from the CEC's database based on specific circumstances.

1608(c)(4):

This is a change to add, "...or archive the MAEDbS listing." to indicate how an entry in MAEDbS is modified after a failing test report. The proposed language is necessary to clarify that a listed product may be either removed from the database altogether or removed from the Approved MAEDbS and placed in the Archived MAEDbS. The requirements for products to be listed in the Archived MAEDbS is set forth in section 1606(c)(1)(B).

1608(d) – (i):

These are changes to repeal subsections (d)-(g) and (i) to remove obsolete processes that are inefficient, unnecessary, and inconsistent with the effective operation of the CEC's appliance efficiency program. The proposed changes are necessary because the existing language reflects a process that predates passage of SB 454 and thus needs to be updated. Prior to the enactment of SB 454 in 2012, the CEC had limited enforcement authority, especially relating non-compliant products already sold. The CEC's authority was limited to stopping future sales of non-compliant products. SB 454 amended Public Resources Code section 25402.11 authorizing the CEC to create an administrative enforcement process and to issue civil penalties for the sale or offer for sale of non-compliant products. Eliminating subsections (d)-(g) and (i) removes confusing and obsolete processes that do not reflect how product investigation and testing are performed.

Subsection (d) contains policy language regarding the need for the Executive Director to periodically inspect appliances sold in the state. This language is unnecessary because the statutory obligation under Public Resources Code section 25402(c)(1)(A) on entities to sell only compliant products certified to the CEC implies a need by the CEC to perform market surveillance and test products as part of an overall compliance and enforcement program. Product inspection is unnecessary as it is an action that is subsumed into any product testing. Subsection (d)(2)(B) is unnecessary as it has been superseded by section 1609 which sets forth the

administrative penalty process. In addition, the language is obsolete as no hearing is required to remove a non-compliant product from MAEDbS. While subsection (d) describes a product inspection process, subsection (e) describes a product testing process.

It is necessary to repeal all of subsection (e) which is obsolete, inefficient, and predates the CEC's civil penalty authority and the implementing regulations of section 1609. In addition, the process includes a requirement under subsection (e)(1)(B) for a second test which is unnecessary as part of a market surveillance program or enforcement action and wastes resources. Subsection (e) contains an unnecessary hearing process which is not used, not required, and which can be removed. Subsection (e) also contains language regarding the mean energy or water use of a product. It is necessary to remove such language because the specific product level test method set forth in section 1604 would dictate the methodology for testing to confirm water or energy usage.

Subsection (f) is repealed as it is necessary to remove this obsolete section that predates the CEC's penalty authority and collection of funds as set forth in Public Resources Code section 25402.11(c). In addition, the language is unnecessary as testing costs can be resolved during any settlement process or civil penalty proceeding.

Subsection (g) is unnecessary as the CEC already collaborates with federal agencies as necessary during the investigation into the sales of noncompliant products in California. Subsection (g) also predates the CEC's penalty authority and is thus obsolete.

Further, subsection (i) is proposed to be repealed because the section is unnecessary, duplicative, confusing, and an unused procedure. Section 1608(i) predates the CEC civil penalty authority and the establishment of section 1609. Subsection (i) also contains ambiguous language that could be interpreted to subject every "finding, conclusion or determination" the executive director makes pursuant to the appliance efficiency program subject a cumbersome and unnecessary complaint process that can be invoked by "any person". Subsection (i) is also unnecessary because it predates the process established by section 1230, et seq. which allows members of the public to inform the CEC about alleged violations of the laws under its jurisdiction and request that they be formally investigated.

Lastly, this is a non-substantive change to renumber subsection (h) to (d), due to the deletion of numerous subsections. This change is necessary to ensure correct numbering of the subsections.

1608(e) (new):

This is a change to create a new subsection (e) to address situations regarding federal test methods being updated. Some state-regulated appliances are subject to federal test requirements, meaning that federal law dictates the method of test that is

to be applied to the appliance to determine its efficiency. Testing also generates other product performance information. Data generated from performing product testing is used to certify the product to the CEC as required by Public Resources Code section 25402(c)(1)(A).

When the Department of Energy updates these test requirements, those updated versions generally must be used when testing the product. Changing the test method may also change the categories of data generated during testing. Thus, the test results and product performance data would no longer correspond to the relevant product data fields, contained in section 1606 Table X in the CEC's regulations.

The consequence is that manufacturers may not be able to certify their products to the CEC, prohibiting them from being sold or offered for sale in the state. The proposed language is necessary to provide a process to allow for the certification of products to the CEC during the time period between the effective date of the new federal test method and necessary updates to the CEC's regulations to comport the data submission categories with the data generated from the new federal test method. The language is necessary to preserve market continuity and reduce regulatory burden for manufacturers of otherwise compliant products.

The proposed regulatory language creates a simple temporary process in which an entity can obtain product certification by attesting to the fact that the product was tested following the federal test method. This temporary process is triggered 180 days after the publishing of the new test method in the Federal Register. The time of 180 days is necessary because that is the time in which federal regulations become effective.

Reference:

This is a change to add a citation to Public Resources Code section 25402.11. This change is necessary to reflect the addition of the provision to the statute.

SECTION 1609. ADMINISTRATIVE CIVIL PENALTIES

SPECIFIC PURPOSE

The proposed amendments update obsolete language based on lessons learned during the seven years the CEC compliance program has been running since the implementation of SB 454. The changes remove the use of an administrative law judge to manage any hearings as the use of an administrative law judge from the Office of Administrative Hearings is not required in Public Resources Code section 25402.11 and is unnecessary given the CEC has its own hearing officers that can manage evidentiary hearings.

NECESSITY

1609(a)(1):

These are changes to clarify that this subsection applies to products not correctly marked or that do not meet the relevant appliance standards. Adding the term “California” is necessary for consistency with the language in section 1601 reflecting the scope of the appliance efficiency program. These changes are necessary to provide clarification and consistency throughout the regulations.

1609(a)(2):

This is a change to remove language that is ambiguous relating to noncompliant products that are sold to distributors in California for final retail sale outside of the state. As set forth in section 1601, the scope of the CEC’s appliance efficiency program does not include products sold wholesale in California for final retail sale outside the state. The deleted language is unnecessary because the existing language in subsection (a)(2), “...*the manufacturer, distributor or importer can demonstrate that the appliance was intended for shipment and use outside of California.*” already addresses the scenario of products moving through the state with final retail sales outside the state. The deleted language also implies the need to make findings which are not required under Public Resources Code sections 25402(c) and 25402.11. This change is necessary to remove text that is not needed.

1609(a)(3):

This is a non-substantive change to update the cross-reference to section 1609(b)(3)(E) to 1609(b)(3). This is because subsection (b)(3)(E) is proposed to be removed. This change is necessary to reference the appropriate subsection.

1609(b):

These are changes to reference the statute which sets forth the factors the CEC is to consider in determining a civil penalty amount, rather than excerpting or paraphrasing statutory language. These changes are necessary for consistency with Public Resources Code section 25402.11.

1609(d):

This is a change to reflect current authorization by a CEC order for the Executive Director to execute settlements. This change is necessary to provide clarification that the Executive Director can execute settlements.

1609(e):

These are changes to update the text in subsection (e). It is necessary to remove excessive procedures that are not required by statute. The CEC has its own hearing officers and is authorized to form committees to adjudicate matters under Public Resources Code section 25211. Language requiring the use of an administrative law judge from the Office of Administrative Hearings is not necessary.

In addition, the language changes are necessary to incorporate the CEC’s existing general complaint process, which is set forth at California Code of Regulations, title 20, section 1233.1. The term “*accusation*” is being replaced with “*complaint*” which is

the terminology used in section 1233.1 and other provisions of the CEC's regulations.

1609(f):

This is a change to clarify that a designee of the Executive Director may also take enforcement action allowed by law. This change is necessary to provide clarification and consistency with similar text in the regulations.

TECHNICAL, THEORETICAL, OR EMPIRICAL STUDIES, REPORTS, OR SIMILAR DOCUMENTS RELIED UPON.

The CEC relied upon input from various stakeholders, subject matters experts, and interested parties that provided information, feedback, and subject matter expertise.

CONSIDERATION OF REASONABLE ALTERNATIVES INCLUDING THOSE THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS

No reasonable alternatives to the proposed regulations have been proposed that would lessen any adverse impact on small businesses or that would be less burdensome and equally effective in achieving the purposes of the regulation in a manner that achieves the purposes of the statute being implemented.

The proposed changes will ensure the Appliance Efficiency Regulations reflect current state and federal law, ensure that manufacturers can properly certify to MAEDbS that their regulated products are compliant with the most current requirements, remove outdated and redundant language, update and streamline the CEC's product compliance review and administrative proceedings, and improve the regulatory text through clarification and formatting edits. These changes provide clarity and regulatory certainty to the regulated parties.

SPECIFIC TECHNOLOGIES OR EQUIPMENT

None. The proposed regulatory changes do not mandate proprietary technology or equipment.

ECONOMIC IMPACT ASSESSMENT/ANALYSIS

The Creation or Elimination of Jobs within the State of California

The proposed changes will ensure the Appliance Efficiency Regulations reflect current state and federal law, ensure that manufacturers can properly certify to MAEDbS that their regulated products are compliant with the most current requirements, remove outdated and redundant language, update and streamline the CEC's product compliance review, enforcement, and administrative proceedings, and improve the regulatory text through clarification and formatting edits. These changes provide clarity and regulatory certainty to the regulated parties. Therefore, the CEC has determined that the proposed regulations will not create or eliminate jobs in California because the

amended language either reflects current federal law or the amended language relates to internal review of product compliance and administrative process.

The Creation of New Businesses or the Elimination of Existing Businesses within the State of California.

The proposed changes will ensure the Appliance Efficiency Regulations reflect current state and federal law, ensure that manufacturers can properly certify to MAEDbS that their regulated products are compliant with the most current requirements, remove outdated and redundant language, update and streamline the CEC's product compliance review, enforcement, and administrative proceedings, and improve the regulatory text through clarification and formatting edits. These changes provide clarity and regulatory certainty to the regulated parties. Therefore, the CEC has determined that the proposed regulations will not create or eliminate any new or existing businesses in California because the amended language either reflects current federal law or the amended language relates to internal review of product compliance and administrative process.

The Expansion of Businesses Currently Doing Business within the State of California

The proposed changes will ensure the Appliance Efficiency Regulations reflect current state and federal law, ensure that manufacturers can properly certify to MAEDbS that their regulated products are compliant with the most current requirements, remove outdated and redundant language, update and streamline the CEC's product compliance review, enforcement, and administrative proceedings, and improve the regulatory text through clarification and formatting edits. These changes provide clarity and regulatory certainty to the regulated parties. Therefore, the CEC has determined that the proposed changes will not impact the expansion of businesses currently doing business within California because the amended language either reflects current federal law or the amended language relates to internal review of product compliance and administrative process.

Benefits of the Regulations to the Health and Welfare of California Residents, Worker Safety, and the State's Environment

The benefits of the proposed regulations will be to eliminate duplicative and outdated information and enhance the clarity and regulatory certainty of the regulations for stakeholders and streamline internal compliance review and administrative process.

The proposed changes will ensure the Appliance Efficiency Regulations reflect current state and federal law, ensure that manufacturers can properly certify to MAEDbS that their regulated products are compliant with the most current requirements, remove outdated and redundant language, update and streamline the CEC's product compliance review, enforcement, and administrative proceedings, and improve the regulatory text through clarification and formatting edits. These changes provide clarity and regulatory certainty to the regulated parties.

Therefore, the CEC has determined that the proposed regulations will not adversely affect the health and welfare of California residents, worker safety, or the state's

environment because the amended language either reflects current federal law or the amended language relates to internal review of product compliance and administrative process.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT AFFECTING BUSINESS

The CEC has made an initial determination that the proposed regulations will not have a statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The proposed changes will ensure the Appliance Efficiency Regulations reflect current state and federal law, ensure that manufacturers can properly certify to MAEDbS that their regulated products are compliant with the most current requirements, remove outdated and redundant language, update and streamline the CEC's product compliance review, enforcement, and administrative proceedings, and improve the regulatory text through clarification and formatting edits. These changes provide clarity and regulatory certainty to the regulated parties.

DUPLICATION OR CONFLICTS WITH FEDERAL REGULATIONS

The proposed amendments ensure that the CEC's Appliance Efficiency Regulations accurately reflect current federal regulations for the purpose of including a complete set of both state and federal regulations addressing appliance water and energy efficiency. The CEC does not enforce the federal appliance efficiency standards therefore, there is no duplication in the application of the federal standards and there are no conflicts between state and federal law.

FOR FURTHER INFORMATION

Inquiries concerning all aspects of the rulemaking process, including the substance of the proposed regulatory changes or any other information upon which the rulemaking is based, should be directed to Corrine Fishman at Corrine.Fishman@energy.ca.gov. If Corrine Fishman is unavailable, you may contact Carlos Baez at (916) 805-7465 or carlos.baez@energy.ca.gov.

