

DOCKETED

Docket Number:	17-AAER-02
Project Title:	Appliance Efficiency Standards Emergency Rulemaking for Residential Air Filters
TN #:	216719
Document Title:	Notice of Approval of Emergency Regulatory Action
Description:	OAL Matter Number: 2017-0315-04 for residential air filters. Filing includes STD. 400 and Express Terms.
Filer:	Patrick Saxton
Organization:	California Energy Commission
Submitter Role:	Commission Staff
Submission Date:	3/27/2017 5:08:26 PM
Docketed Date:	3/28/2017

**State of California
Office of Administrative Law**

In re:
California Energy Commission

Regulatory Action:

Title 20, California Code of Regulations

Adopt sections:

Amend sections: 1606, 1607

Repeal sections:

**NOTICE OF APPROVAL OF EMERGENCY
REGULATORY ACTION**

**Government Code Sections 11346.1 and
11349.6**

OAL Matter Number: 2017-0315-04

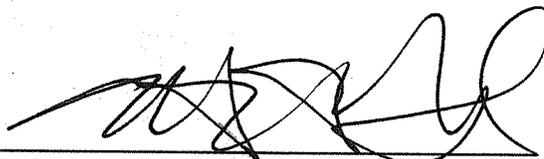
OAL Matter Type: Emergency (E)

In these emergency regulations, the Commission amends sections 1606 and 1607 to change the date of compliance of the regulations from July 1, 2016 to April 1, 2019. This modification will delay the date that residential air filters for use in forced-air heating or forced-air cooling equipment must comply with the appliance efficiency regulations.

OAL approves this emergency regulatory action pursuant to sections 11346.1 and 11349.6 of the Government Code.

This emergency regulatory action is effective on 3/27/2017 and will expire on 9/26/2017. The Certificate of Compliance for this action is due no later than 9/25/2017.

Date: March 27, 2017



Thanh Huynh
Senior Attorney

For: Debra M. Cornez
Director

Original: Robert P. Oglesby
Copy: Patrick Saxton

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

EMERGENCY

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER
	Z-		2017-0315-04E

For use by Office of Administrative Law (OAL) only

NOTICE AGENCY WITH RULEMAKING AUTHORITY California Energy Commission	REGULATIONS 2017 MAR 15 P 3:56 OFFICE OF ADMINISTRATIVE LAW
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ENDORSED - FILED
 in the office of the Secretary of State
 of the State of California
 MAR 27 2017
 3:52P

AGENCY FILE NUMBER (if any)
Docket Number 17-AAER-02

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE	
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)	
OAL USE ONLY		ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Amend Appliance Efficiency Regulations - Residential Air Filters	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) 2015-1009-04S, 2016-0210-02SR, 2016-0519-01SR-
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (including title 26, if toxics related)	
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ACTION ON PROPOSED NOTICE
TITLE(S) 20	ADOPT
	AMEND section 1606, Table X and section 1607(d)(12)
	REPEAL

per agency request 3/27/17 (FR)

3. TYPE OF FILING			
<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §511349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input checked="" type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input type="checkbox"/> Other (Specify)	

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)
April 1, 2019

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)			
<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input checked="" type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> \$100 Changes Without Regulatory Effect	<input type="checkbox"/> Effective other (Specify)

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY		
<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify)		

7. CONTACT PERSON Patrick Saxton	TELEPHONE NUMBER (916) 654-4274	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) patrick.saxton@energy.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE 	DATE 3-18-17
TYPED NAME AND TITLE OF SIGNATORY Robert P. Oglesby, Executive Director	

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ENDORSED APPROVED

MAR 27 2017

Office of Administrative Law

Express Terms to Amend the Appliance Efficiency Regulations for Residential Air Filters

California Code of Regulations Title 20. Public Utilities and Energy Division 2. State Energy Resources Conservation and Development Commission Chapter 4. Energy Conservation Article 4. Appliance Efficiency Regulations Sections 1606, Table X and 1607(d)(12)

February 24, 2017

Proposed new language appears as underline (example) and proposed deletions appear as strikeout (~~example~~). Existing language appears as plain text. Three dots or “...” represents the substance of the regulations that exists between the proposed language and current language.

Section 1606. Filing by Manufacturers; Listing of Appliances in Database. ...[skipping (a)(1)-(3)]

**Table X
Data Submittal Requirements**

...[skipping “All Appliances” to “Packaged Terminal Air Conditioners and Packaged Terminal Heat Pumps”]

C	<u>Air Filters manufactured on or after April 1, 2019</u>	Air filter sizes tested	Small, medium, and large
		Minimum Efficiency Reporting Value (MERV)	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, N/A
		Particle Size Efficiency for 0.3 to 1.0 µm particle size	
		Particle Size Efficiency for 1.0 to 3.0 µm particle size	
		Particle Size Efficiency for 3.0 to 10.0 µm particle size	
		Test Procedure used to determine air filter efficiency performance	AHRI 680-2009, or ASHRAE 52.2-2012
		Air Filter Length	
		Air Filter Width	
		Air Filter Depth	
		Air Filter Face Area	
		Face Velocity Utilized for the test procedure	Value in feet per minute or N/A
		Airflow Rate value 1	

	Airflow Rate value 2	
	Airflow Rate value 3	
	Airflow Rate value 4	
	Airflow Rate value 5-Maximum Rated Airflow Rate	
	Initial Resistance at air flow rate value 1	Test results to one-hundredths of an Inch of Water Column
	Initial Resistance at air flow rate value 2	Test results to one-hundredths of an Inch of Water Column
	Initial Resistance at air flow rate value 3	Test results to one-hundredths of an Inch of Water Column
	Initial Resistance at air flow rate value 4	Test results to one-hundredths of an Inch of Water Column
	Initial Resistance at air flow rate value 5	Test results to one-hundredths of an Inch of Water Column
	Final Resistance at the point where test is terminated and results determined	Test results to one-hundredths of an Inch of Water Column
	Dust Holding Capacity at the maximum rated airflow rate as published by the manufacturer	Test results in multiples of one gram
	Airflow Rate value determined at an Initial Resistance of 0.1 Inch of Water Column	

...[skipping remaining text of the section]

Note: Authority cited: Sections 25213, 25218(e), 25402(a)-25402(c) and 25960, Public Resources Code; and sections 16, 26 and 30, Governor's Exec. Order No. B-29-15 (April 1, 2015). Reference: Sections 25216.5(d), 25402(a)-25402(c), 25402.5.4 and 25960, Public Resources Code; and section 16, Governor's Exec. Order No. B-29-15 (April 1, 2015).

Section 1607. Marking of Appliances.

...[skipping (a)-(c)]

(d) Energy Performance Information.

...[skipping (1)-(11)]

(12) Air Filters. Each unit of air filters manufactured on or after ~~July 1, 2016~~ April 1, 2019, shall be marked, permanently and legibly, on an accessible and conspicuous place on the edge of the filter itself or on the pleats, in characters of font size 12, with the information specified in either section (A) or (B) below as applicable to the air filter model:

...[skipping remaining text of the section]

Note: Authority cited: Sections 25213, 25218(e), 25402(a)-25402(c) and 25960, Public Resources Code. Reference: Sections 25216.5(d), 25402(a)-25402(c) and 25960, Public Resources Code.