

DOCKETED

Docket Number:	20-AAER-04
Project Title:	Appliance Efficiency Standards Regulations for Portable Electric Spas
TN #:	238950
Document Title:	Resolution Amending Regulations for Portable Electric Spas
Description:	Resolution No. 21-0715-4
Filer:	Liza Lopez
Organization:	California Energy Commission
Submitter Role:	Commission Staff
Submission Date:	7/21/2021 12:12:31 PM
Docketed Date:	7/21/2021

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

IN THE MATTER OF:

**RULEMAKING TO MODIFY PORTABLE
ELECTRIC SPAS APPLIANCE
REGULATIONS**

Docket No. 20-AAER-04

**RESOLUTION AMENDING
REGULATIONS FOR PORTABLE
ELECTRIC SPAS**

WHEREAS, on May 14, 2021, the State Energy Resources Conservation and Development Commission (CEC) mailed and posted on the CEC's website a Notice of Proposed Action (NOPA) formally notifying the public of the CEC's intent to adopt proposed regulations for Portable Electric Spas, the Express Terms of the proposed regulations, an Initial Statement of Reasons (ISOR) describing the rationale for the proposal, and the fiscal and economic impact analysis; and

WHEREAS, on May 14, 2021, the NOPA was published in the California Regulatory Notice Register, delivered to the Secretary of the California Natural Resources Agency, and mailed to a representative number of small business enterprises or their representatives that are likely to be affected by the proposed action; and

WHEREAS, each of these documents and notices was provided to every person on the CEC's Appliances list serve, the CEC's Rulemaking list serve, and to every person who had requested notice of such matters, and was posted to the Commission's website; and

WHEREAS, on June 28, 2021, the 45-day written comment period established by the NOPA closed; and

WHEREAS, on June 29, 2021, the CEC held a public hearing to receive comments on the proposed regulations; and

WHEREAS, on July 15, 2021, the CEC considered adoption of the proposed regulations.

THEREFORE, BE IT RESOLVED, the CEC finds:

With regard to the California Environmental Quality Act (CEQA):

- The CEC has considered the application of CEQA to the proposed regulations and concluded that the proposed regulations are exempt from CEQA under

Class 7 (Cal. Code Regs., tit. 14, § 15307), Class 8 (Cal. Code Regs., tit. 14, § 15308), and the common sense exemption (Cal. Code Regs., tit. 14, § 15061 subd. (b)(3)) because there is no reasonable possibility that the activity will have a significant effect on the environment, including due to unusual circumstances; and

With regard to the Warren-Alquist Act:

- The proposed regulations will, by harmonizing the regulations with the industry standard, reduce the wasteful, uneconomic, inefficient, and unnecessary consumption of energy for appliances that require a significant amount of energy or water on a statewide basis; and
- The proposed regulations are feasible and attainable; and
- The proposed regulations do not result in any added total costs to the consumer over the designed life of the appliances concerned; and

With regard to the Administrative Procedure Act:

- The proposed regulations will not result in the creation of new businesses or elimination of existing businesses, will not result in the expansion of businesses currently doing business in California, and will not result in a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states; and
- The proposed regulations will impose no direct costs or savings, or direct or indirect requirements or mandates, on state agencies, local agencies, or school districts, including but not limited to costs that are required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of the Government Code, when savings accruing over the lifetime of the appliance is considered; and
- The proposed regulations will not result in the creation or elimination of jobs within California; and
- The proposed regulations will result in no costs or savings in federal funding to the State of California; and
- The proposed regulations will result in no nondiscretionary costs or savings to local agencies or school districts; and
- The proposed regulations will have no impact on housing costs; and
- The proposed regulations will result in no cost impacts to representative private persons or businesses in reasonable compliance with the regulations; and

- The proposed regulations will not adversely impact the health and welfare of California residents, worker safety, or the state’s environment; and
- The proposed regulations have no alternatives that would be more effective in carrying out the purposes of the statutes for which it is proposed, that would be as effective and less burdensome to affected private persons in carrying out those purposes, or that would be more cost effective to affected private persons and equally effective in implementing those purposes; and
- The proposed regulations will not have a significant adverse economic impact on small business and no alternatives were proposed that would lessen any adverse economic impact on small business; and
- The proposed regulations will not require completion of any new report; and
- None of the comments received during the comment period or at the public adoption hearing, and nothing else in the record, justified any changes to the proposed regulations as published on May 14, 2021.

THEREFORE, BE IT RESOLVED, that, on the basis of the entire record before it, the CEC finds that the proposed regulations are exempt from CEQA under Class 7 (Cal. Code Regs., tit. 14, § 15307), Class 8 (Cal. Code Regs., tit. 14, § 15308), and the common sense exemption (Cal. Code Regs., tit. 14, § 15061 subd. (b)(3)) because there is no reasonable possibility that the activity will have a significant effect on the environment, including due to unusual circumstances; and

FURTHER BE IT RESOLVED, additionally, after considering all comments received and the staff’s responses, and based on the entire record of this proceeding, the CEC hereby adopts the amendments to its Portable Electric Spas regulations, as set forth in the express terms that were published on May 14, 2021. The CEC takes this action under the authority of sections 25213, 25218(e), and 25402(c) of the Public Resources Code, which authorize the CEC to adopt rules and regulations to reduce the wasteful, uneconomic, inefficient, or unnecessary consumption of energy, including the energy associated with the use of water, by prescribing efficiency standards and other cost-effective measures for appliances whose use requires a significant amount of energy or water statewide; and

FURTHER BE IT RESOLVED, that documents and other materials that constitute the rulemaking record are in the custody of the CEC Docket Unit and can be found online at <https://www.energy.ca.gov/proceedings/energy-commission-proceedings/portable-electric-spas>; and

FURTHER BE IT RESOLVED, the CEC delegates the authority and directs executive director or their designee to take, on behalf of the CEC, all actions reasonably necessary to have the proposed regulations go into effect, including but not limited to

making any appropriate non-substantive changes to the regulations; preparing all appropriate documents, such as the Final Statement of Reasons; compiling and submitting the rulemaking file to the Office of Administrative Law (OAL); making any changes to the rulemaking file required by OAL; and preparing and filing the Notice of Exemption with the State Clearinghouse.

CERTIFICATION

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of a Resolution duly and regularly adopted at a meeting of the CEC held on July 15, 2021.

AYE: Hochschild, Douglas, McAllister, Monahan
NAY: NONE
ABSENT: Gunda
ABSTAIN: NONE



Liza Lopez
Secretariat