

DOCKETED

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| Filer: | Alex Galdamez |
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CALIFORNIA ENERGY COMMISSION

715 P Street
Sacramento, California 95814

energy.ca.gov

CEC-057 (Revised 1/21)

**NOTICE OF PROPOSED ACTION**

2021 Appliance Efficiency Rulemaking for Air Filters
Docket No. 20-AAER-02
Notice Published on March 25, 2022

INTRODUCTION

Notice is hereby given that the California Energy Commission (CEC) proposes to adopt changes to the air filter regulations contained in the California Code of Regulations (CCR), Title 20 (the "Proposed Action"), after considering all comments, objections, and recommendations regarding the Proposed Action.

PUBLIC HEARING

The CEC staff will hold a public hearing for the proposed regulations at the date and time listed below. Interested persons, or their authorized representative, may present statements, arguments, or contentions relevant to the proposed regulations at the public hearing. *The record for this hearing will be kept open until every person present at the conclusion of staff's presentation has had an opportunity to provide comment.*

Tuesday May 10, 2022
10:00 a.m. (Pacific Time)

BUSINESS MEETING

PLEASE TAKE NOTICE that the CEC will consider and possibly adopt the proposed regulations at a CEC Business Meeting at the date and time listed below. Interested persons, or their authorized representative, may present statements, arguments, or contentions relevant to the proposed regulations at the Business Meeting. If the date, time, place, or nature of the proposed adoption changes, the CEC will provide updated information in the rulemaking docket.

Wednesday, July 13, 2022
10:00 a.m. (Pacific Time)

The public hearing will be held remotely, consistent with AB 361 (Rivas, Stats. 2021, ch. 165, §2) to improve and enhance public access to state and local agency meetings during the COVID-19 pandemic and future emergencies by allowing broader access through teleconferencing options. Instructions for remote participation for the public hearing are below.

REMOTE ATTENDANCE

The public hearing may be accessed by clicking the Zoom link below or visiting [Zoom](#) at <https://join.zoom.us> and entering the ID and password below. If you experience difficulties joining, you may contact Zoom at (888) 799-9666 ext. 2, or the Office of the Public Advisor, Energy Equity and Tribal Affairs at publicadvisor@energy.ca.gov or by phone at (916) 654-4489 or toll free at (800) 822-6228

URL: <https://energy.zoom.us/j/91545828462?pwd=dXlhSmEvMmw0R1NxN0RwcWIRdGt0dz09>

Webinar ID: 915 4582 8462

Passcode: 847325

To participate by telephone dial (213) 338-8477 or 1-888-475-4499 (toll free). When prompted, enter the Webinar ID and password listed above. To comment or ask a question over the telephone, dial *9 to “raise your hand” and *6 to mute/unmute your phone line.

PUBLIC ADVISOR

The CEC’s Office of the Public Advisor, Energy Equity and Tribal Affairs provides the public assistance in participating in CEC proceedings. For information on participation or to request interpreting services or reasonable accommodations, reach out via email at publicadvisor@energy.ca.gov, by phone at (916) 654-4489, or toll free at (800) 822-6228. Requests for interpreting services and reasonable accommodations should be made at least five days in advance. The CEC will work diligently to accommodate all requests.

Zoom: If you experience difficulties with the Zoom platform, please contact the Office of the Public Advisor, Energy Equity and Tribal Affairs via email or phone.

MEDIA INQUIRIES

Direct media inquiries to the Media and Public Communications Office to (916) 654-4989 or mediaoffice@energy.ca.gov.

PUBLIC COMMENT PERIOD

The written public comment period for the Proposed Action will be held from March 25, 2022, through May 9, 2022. Any interested person, or their authorized representative, may submit written comments to the CEC for consideration on or prior to May 9, 2022. The CEC appreciates receiving written comments at the earliest possible date. Comments submitted outside this comment period are considered untimely. CEC may, but is not required to, respond to untimely comments, including those raising significant environmental issues.

Written and oral comments, attachments, and associated contact information (including address, phone number, and email address) will become part of the public record of this proceeding with access available via any internet search engine.

The CEC encourages use of its electronic commenting system. Visit the e-commenting page at <https://www.energy.ca.gov/rules-and-regulations/appliance-efficiency-regulations-title-20/appliance-efficiency-proceedings-0> which links to the comment page for this docket. Enter your contact information and a comment title describing the subject of your comment(s). Comments may be included in the “Comment Text” box or attached as a downloadable, searchable document consistent with Title 20, California Code of Regulations, Section 1208.1. The maximum files size allowed is 10 MB.

Written comments may also be submitted by email. Include docket number 20-AAER-02 in the subject line and email to docket@energy.ca.gov.

A paper copy may be sent to:

California Energy Commission
Docket Unit
Docket No. 20-AAER-02
715 P Street, MS-4
Sacramento, CA 95814

Pursuant to California Code of Regulations Title 20, Section 1104(e), any person may make oral comment on any agenda item at the July 13, 2022, Business Meeting. Please consult the public agenda, which will be posted ten days before the July 13, 2022, Business Meeting, for important details.

To ensure you receive notice of any changes to the proposed regulations in this proceeding, please follow the instructions provided at the end of this notice to join the proceeding list serve or provide a valid email or mailing address with your comments

STATUTORY AUTHORITY AND REFERENCE

Public Resources Code Sections 25213, 25218(e), and 25402(c) authorize the CEC to adopt rules or regulations, as necessary, to implement, interpret, and make specific Public Resources Code Sections 25402(c) and 25216.5(d).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

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 that the CEC adopt rules and regulations, as necessary, to reduce the inefficient consumption of energy and water by prescribing efficiency standards and other cost-effective measures, including energy consumption marking, 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, 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.

In 2016, the CEC learned that manufacturers of air filters were concerned about certain testing requirements regarding what size filters must be used in the relevant test procedures. The regulations, which required manufacturers to test "large," "medium," and "small" air filters, were meant to provide manufacturers flexibility when conducting required tests. However, manufacturers expressed concerns that they lacked adequate guidance on how to identify and select which air filter sizes were required to be tested. Further, manufacturers expressed concerns that it was unclear how to apply the test results from the small, medium, and large air filters to the rest of the manufacturers' air filters in the same product family. Manufacturers voiced their concern that the lack of an industry standard or accurate method to scale test results to different filter sizes made it impossible for manufacturers to consistently comply with the testing, marking, and certification requirements for air filters. These concerns were not raised during the original rulemaking; rather, they only became evident after the regulations were adopted.

On August 9, 2017, in response to these concerns, the CEC adopted emergency regulations to change the effective date by which air filters sold or offered for sale in California must comply with testing, marking, and certification requirements. These emergency regulations changed the effective date for these requirements from July 1, 2016, to the new effective date of April 1, 2019. This new effective date provided the CEC some additional time to collaborate with stakeholders to study, address, and resolve manufacturers' concerns with the existing testing requirements, while allowing manufacturers to continue to supply air filters to the California market. The rulemaking clarifying the test, certification, and marking requirements was not completed within the allotted time frame of one-year, and as a result, the standard reverted to the original regulation. Ultimately, CEC staff concluded the regulations should be amended to be more specific with respect to different air filter sizes needed for testing and certification.

In this rulemaking, the CEC proposes to update the testing, certification, and marking requirements for air filters, addressing the concerns discussed above. The CEC proposes modifying the existing scope for air filters to clarify that only air filters for ducted systems are covered by the regulation. The CEC also proposes to update the test procedures to the most recent iterations of the American National Standards Institute/American Society of Heating, Refrigerating and Air-Conditioning Engineers Standard 52.2-2017 and the Air-Conditioning, Heating, and Refrigeration Institute Standard 680 (I-P)-2017 test methods. The proposed regulation allows the size of the

filter used for testing to be chosen by the manufacturer as the basic model for the filter family. The certification and marking requirements have been updated to be consistent with test procedures described above.

Difference from existing comparable federal regulation or statute

The CEC has determined that there are no existing comparable federal regulations or statutes and there are no relevant Federal Trade Commission marking requirements for air filters.

Broad objectives of the regulations and the specific benefits anticipated by the proposed amendments

The broad objective of the regulations is to carry out the CECs statutory mandate to reduce the wasteful, uneconomic, inefficient, or unnecessary consumption of energy by updating the testing, certification, and marking requirements for air filters, which CEC staff project will lead to greater efficiency savings.

The specific benefits of the proposed regulations are modifications to the existing standards that will allow manufacturers to certify all sizes of air filters to the CEC. The modification will also enable consumers to purchase the correct air filter that is compatible with ducted forced-air heating or cooling systems. Although this regulation is not one which introduces an efficiency standard, it provides the necessary information, through database certification and product marking, for consumers to acquire an efficient air filter for heating, ventilation, and air conditioning (HVAC) systems. Since the air filter accounts for one percent of the total efficiency of an HVAC system, CEC staff calculate a total energy savings of approximately 30 GWh/year of electricity and 5.5 million therms of natural gas.

Determination of inconsistency or incompatibility with existing state regulations

The CEC has conducted an evaluation for any other regulations in this topic area and found, effective July 1, 2014, the 2013 Building Energy Efficiency Standards (Energy Code) in Title 24, Part 6 of the California Code of Regulations began requiring the installation of air filters in newly constructed homes and certain alterations to residential HVAC systems, which were marked by the manufacturer to indicate particulate filtration efficiency and pressure drop. Beginning July 1, 2016, air filters sold or offered for sale in California must be certified to the CEC and marked by the manufacturer to indicate particulate filtration efficiency and pressure drop. These Title 20 regulations are intended to harmonize with, and complement, the Energy Code in Title 24. Therefore, the CEC has determined that the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

DOCUMENTS INCORPORATED BY REFERENCE

The CEC proposes to incorporate by reference the following documents:

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

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

All documents are available for review at the CEC located at 715 P Street, Sacramento, CA., 95814 and on the CEC website found at <https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=20-aaer-02>

MANDATED BY FEDERAL LAW OR REGULATIONS

None.

OTHER STATUTORY REQUIREMENTS

None.

FISCAL IMPACTS

The CEC has made the following initial determinations:

- Mandate on local agencies and school districts: None
- Cost to any local agency or school district requiring reimbursement pursuant to 17500 et seq.: None
- Cost or savings to any state agency: None
- Non-discretionary cost or savings imposed upon local agencies: None
- Cost or savings in federal funding to the state: None

SIGNIFICANT EFFECT ON HOUSING COSTS

None.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS, INCLUDING ABILITY OF CALIFORNIA BUSINESSES TO COMPETE WITH BUSINESSES IN OTHER STATES

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

The CEC proposes to update the testing, certification, and marking requirements for air filters. The CEC has modified the existing scope for air filters to clarify that only air filters for ducted systems are covered by the regulation. The CEC also proposes to update the test procedures to the most recent iterations of the American National Standards Institute/American Society of Heating, Refrigerating and Air-Conditioning Engineers Standard 52.2-2017 and the Air-Conditioning, Heating, and Refrigeration Institute Standard 680 (I-P)-2017 test methods. The proposed regulation allows the size of the filter used for testing to be chosen by the manufacturer as the basic model for the filter family. The certification and marking requirements have been updated to specify requirements based on the test procedure used for testing. The CEC has calculated a \$0.03 incremental cost per filter to businesses to implement the air filter marking requirement.

Under the Appliance Efficiency Regulations, retailers are responsible for ensuring that the regulated products they sell are certified to the CEC and appear in the MAEDbS before they are sold or offered for sale in California. The CEC assumes that retailers will experience some minimal additional cost associated with checking MAEDbS to ensure that what they sell are certified to the CEC and appear in the MAEDbS and are therefore compliant and lawful to sell in the state.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS/ASSESSMENT

The CEC concludes that: (1) the proposal will not create jobs within California, (2) the proposal will not eliminate jobs within California, (3) the proposal will not create new businesses in California, (4) the proposal will not eliminate existing businesses within California, and (5) the proposal will not result in the expansion of businesses currently doing business within the state.

The benefit of the proposed regulations are modifications to address the unclear certification requirements for air filters by updating the testing, certification and marking requirements to allow manufacturers flexibility when conducting the required tests for certification. Although this regulation is not one which introduces an efficiency standard, it provides the necessary information, through database certification and product marking, for consumers to acquire an efficient air filter for heating, ventilation, and air conditioning (HVAC) systems.

The proposed modification to the current air filter standards will lead to improved efficiency of HVAC systems for California residents, as well as energy and energy bill savings. This energy savings translates to fewer power plants built and less pressure on the limited energy resources, land, and water use associated with energy production. In addition, lower electricity consumption results in reduced greenhouse gas and criteria pollutant emissions, primarily from lower generation in hydrocarbon-burning power plants, such as natural gas power plants.

The proposed regulation will not adversely affect the health and welfare of California residents, worker safety, or the state's environment.

COST IMPACTS ON REPRESENTATIVE PERSON OR BUSINESS

The CEC is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the Proposed Action.

The CEC is proposing regulatory amendments to address the concerns expressed by manufacturers regarding the testing, certification, and marking requirements for air filters. The proposed updates to the regulations will clarify the testing, certification, and marking requirements for air filters. The proposed regulations provide consumers with information regarding replacement air filter pressure drop performance. This information allows the consumer to better match a replacement air filter with an HVAC system specification to run the system efficiently and prevent equipment damage.

BUSINESS REPORT

The regulations continue with a required reporting requirement for manufacturers of air filters.

State law (Public Resources Code Section 25402(c)(1)) requires manufacturers to certify to the CEC that their appliances comply with the applicable standard by certifying appliances to the CEC's Modernized Appliance Efficiency Database System (MAEDbS) to confirm compliance with the applicable standards and requirements, and to collect information to aid in the modification of existing or the adoption of new standards. 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 is necessary to help the CEC and consumers verify compliance with applicable federal and state efficiency standards and other requirements. Some retailers may choose to act as a manufacturer when they rebrand a product and assume the certification burden for that model.

It is necessary for the health, safety, or welfare of the people of the state, that these regulations, which require a report, apply to businesses.

EFFECT ON SMALL BUSINESS

The proposed regulations may affect small business. However, the CEC is not aware of any significant cost impacts that a small business would incur in reasonable compliance with the Proposed Action.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5, subdivision (a)(13), the CEC must determine that no reasonable alternative considered by the agency, or that has otherwise been identified and brought to the attention of the agency, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the Proposed Action; or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

CONTACT PERSON

Questions should be addressed to:

Corrine Fishman, Regulations Manager
Efficiency Division
715 P Street
Sacramento, CA 95814
(916) 805-7452
Corrine.Fishman@energy.ca.gov

Or:

Alejandro Galdamez, P.E.
Efficiency Division

(916) 237-2550
alejandro.galdamez@energy.ca.gov

COPIES OF THE INITIAL STATEMENT OF REASONS, THE EXPRESS TERMS, AND RULEMAKING FILE

The CEC will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the express terms, the Initial Statement of Reasons (ISOR) and any documents relied upon. Copies may be obtained by contacting Corrine Fishman above or accessed through the CEC website at <https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=20-aaer-02>

AVAILABILITY OF CHANGES TO ORIGINAL PROPOSAL FOR AT LEAST 15 DAYS PRIOR TO AGENCY ADOPTION/REPEAL/AMENDMENT OF RESULTING REGULATIONS

Participants should be aware that any of the proposed regulations could be changed because of public comment, staff recommendation, or recommendations from Commissioners. Moreover, changes to the proposed regulations not indicated in the express terms could be considered if they improve the clarity or effectiveness of the regulations. If the CEC considers changes to the proposed regulations pursuant to Government Code Section 11346.8, a full copy of the text will be available for review at least 15 days prior to the date on which the CEC adopts or amends the resulting regulations.

COPY OF THE FINAL STATEMENT OF REASONS

At the conclusion of the rulemaking, persons may obtain a copy of the Final Statement of Reasons (FSOR), once it has been prepared, by visiting the CEC website at <https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=20-aaer-02> or contacting the contact person listed above.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

The CEC maintains a website to facilitate public access to documents prepared and considered as part of this rulemaking proceeding. Documents prepared by the CEC for this rulemaking have been posted on our website at <https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=20-aaer-02>.

INSTRUCTIONS FOR RECEIVING NOTICES AND DOCUMENTS IN THIS PROCEEDING

To stay informed about this project and receive documents and notices of upcoming workshops and hearings as they are filed, please subscribe to the project list server, which can be accessed here: <https://www.energy.ca.gov/rules-and-regulations/appliance-efficiency-regulations-title-20/appliance-efficiency-proceedings->

[0](#). The list server sends out email notifications and direct links when documents and notices are filed in the proceeding docket. If you are unable or do not wish to sign up for the list server but still would like to receive documents and notices, please contact the contact person listed in this notice.