

DOCKETED	
Docket Number:	20-AAER-02
Project Title:	Air Filters
TN #:	243146
Document Title:	Public Hearing Transcript Air Filters
Description:	Transcript for the public hearing for the proposed regulations on Air Filters
Filer:	Alex Galdamez
Organization:	California Energy Commission
Submitter Role:	Commission Staff
Submission Date:	5/19/2022 12:35:11 PM
Docketed Date:	5/19/2022

CALIFORNIA ENERGY COMMISSION

In the matter of:

2021 Appliance Efficiency)	Docket No. 22-AAER-02
Rulemaking for Air Filters)	
Workshop)	
_____)	

PROPOSED ACTION

REMOTE VIA ZOOM

TUESDAY, APRIL 10, 2022

10:00 A.M.

Reported by:

Martha Nelson

APPEARANCES

COMMISSIONER

Andrew McAllister, Lead Commissioner

CEC STAFF

Alejandro Galdamez, Mechanical Engineer

PUBLIC COMMENT

Laura Petrillo-Groh, AHRI

Vivian Cox, AHRI

James Mullarky, Protect Plus Air

Bryan Gerhardt, 3M

Nathaniel Nance, American Air Filter

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1 filters. They only cover ducted systems, filters
2 for ducted systems. It's not a new standard but
3 it will provide consumers the necessary
4 information that they need through database
5 certification and product marking.

6 And we all know, you know, indoor air
7 quality is a huge issue and growing. Filtration
8 is a key element of that. and we really need the
9 marketplace to be able to operate and make good
10 decisions based on clear and accurate
11 information. And so that's really this labeling,
12 set of labeling requirements, is really important
13 for us going forward.

14 In California, just air quality is super
15 important and only getting more so, especially as
16 we have different air quality events and we have,
17 you know, really, you know, fires and smoke and,
18 you know, we're more conscious of pathogens. So
19 really having this marketplace function a little
20 bit better is important.

21 So the rulemaking is proposing to update
22 the test procedure to the most recent iterations
23 of the ANSI and ASHRAE Standards, and AHRI
24 Standard, as well, so Alex and the team will walk
25 you through that.

1 And then I think, importantly, you know,
2 back in the first round we heard that the testing
3 was kind of more sort of granular than many of
4 the manufacturers thought was necessary and so we
5 revisited that issue. And now the proposed
6 regulations do allow the size of the filter used
7 for testing to be chosen by the manufacturer as
8 the basic model for the entire filter family.
9 And so that's a bit of flexibility that we figure
10 is workable and wanted to talk through with -- or
11 wanted to sort of update in this process, as
12 well.

13 So, yeah, so I think that's about it for
14 me. I just wanted to sort of set the context a
15 little bit. I hopefully haven't said too much
16 that Alex was going to say, as well. But really
17 just want to thank the whole team, you know,
18 including Alex, for pushing this forward and
19 getting us to today. and looking forward to
20 everyone's comments and participation and moving
21 forward after today with the final.

22 So I'll kick it back to you, Alex.
23 Thanks a lot.

24 MR. GALDAMEZ: Thank you, Commissioner.

25 So, well, everybody, good morning. I'm

1 Alejandro Galdamez. I'm a Mechanical Engineer
2 for the Energy Commission. Welcome to the public
3 hearing for air filters.

4 Again, thank you, Commissioner
5 McAllister, for the opening remarks.

6 So the purpose of this public hearing is
7 to review the proposed regulatory amendments for
8 air filter regulations. All documents related to
9 the regulatory amendments for air filters can be
10 found on the California Energy Commission's
11 website in Docket number 20-AAER-02. This docket
12 is available for stakeholders to provide public
13 comments on the proposed regulation amendments
14 for the air filters proceedings during the public
15 comment.

16 No decision will be made at this public
17 hearing. The CEC will receive your public verbal
18 comments during this hearing and review the
19 written comments to Docket 20-AAER-02. CEC
20 responses to the comments will be made available
21 to the public in the final rulemaking package.

22 This public hearing is being recorded by
23 a court reporter and on Zoom and all the
24 statements made today will become part of the
25 public record.

1 So for now, all lines are muted. The
2 comments will be taken at the end of the
3 presentation. For general clarification
4 questions, type your questions in the Q&A
5 section. To comment, use the raise-your-hand
6 option in the -- in Zoom. For those on the
7 phone, you can raise your hand by pushing star
8 nine and I will give you the ability to speak
9 once I see your raised hand. Just remember that
10 star six unmutes and mutes your phone.

11 Please make sure to state your name and
12 affiliation clearly prior to providing your
13 comment. And please speak clearly and slowly so
14 that it can be recorded.

15 We are going to start the hearing by
16 explaining the rulemaking process governed by the
17 California Administrative Procedures Act, or APA.
18 We will then explain the process -- the proposed
19 language for Air Filters Regulations. And
20 finally, we will accept the public comments
21 orally, so there we go.

22 So let's start where we are in the
23 regulatory process.

24 We have just finalized the participation
25 of the public comment period for written comments

1 that started March 25th and it ended on May 9th,
2 if I am correct. Then, today is the last chance
3 to provide your comments verbally at this public
4 hearing; right?

5 The CEC will respond to the comments
6 received, both written and verbally, today on a
7 Response to Comments document that is part of the
8 final package of the rulemaking. The CEC will
9 respond -- sorry.

10 After the comments are resolved, the CEC
11 adopts the regulation at the CEC business
12 meeting. After the CEC adoption, the final
13 rulemaking package is submitted to the oral -- I
14 mean Office Administrative Law for approval. The
15 regulation is adopted and will become effective
16 in less than a year for this regulation.

17 Let's discuss the proposed update to
18 existing regulations for air filters.

19 The proposed for this rulemaking is to
20 address stakeholders' concerns regarding some of
21 the existing regulatory language in Title 20,
22 especially concerning testing and certification
23 requirements. Our goal is to resolve
24 stakeholders' concerns and ensure that the
25 requirements are clear.

1 An updated scope of the regulations is
2 for air filters as defined under the proposed
3 regulation. The proposed update to the
4 regulation defines an air filter as an air
5 cleaning device used for removing particulate
6 matter for air and design for installation in
7 residential ducted forced air heating and cooling
8 systems.

9 The proposed updated definition for the
10 basic model of an air filter means all units of a
11 given type of air filter, irrespective of the
12 face area dimensions that have the same depth and
13 the same construction, including type of grade of
14 air filter media, pleat height, pleat support,
15 and filter frame pattern.

16 The proposed updates to the test
17 procedures are the latest versions of the test
18 procedures in the current regulation. Those are
19 ANSI/ASHRAE Standard 50.2-2017 [sic], Method of
20 Testing General Ventilation Air-Cleaning Devices
21 for Removal Efficiency by Particulate Size, and
22 AHRI Standard 650 [sic] (I-P)-2017, Standard for
23 Performance Rating Residential Air Filter
24 Equipment.

25 The CEC has an additional procedure to be

1 used to calculate the air flow rate value in
2 cubic feet at an initial resistance pressure
3 different of 0.1 inches of water column,
4 utilizing the data compiled from the ANSI/ASHRAE
5 Standard 50.2 or AHRI Standard 650.

6 The proposed update to the regulation
7 will be required that the defined basic model, as
8 discussed in the previous slide, be tested. This
9 proposal removes the three undefined sizes of
10 small, medium and large required for testing
11 under the existing regulation.

12 For certification into CEC's MAEDbS
13 database, the proposed regulation will require
14 the size of the basic model used for testing, the
15 test procedure used, the face velocity utilized
16 for the test procedure, the calculated airflow at
17 the initial resistance, as noted on the previous
18 slide, the final resistance at the point where
19 the test is terminated, and the dust holding
20 capacity at maximum rated airflow, and three
21 particle size values or PM values, and four to
22 five airflow and resistance datapoints. This
23 depends on the test procedure mentioned in the
24 previous slide. So if it's ASHRAE, it will have
25 five points. If it's the AHRI, it will have four

1 datapoints per the test procedure.

2 The labeling and marking requirements are
3 dependent on the test procedure used for testing.
4 Air filters that have not been tested need to be
5 marked with the information that is based on the
6 basic model that has been tested. The proposed
7 regulation provides two different samples of data
8 fields required for the label or marking on air
9 filters.

10 For more information on questions, please
11 feel free to contact me or Corrine. A reminder
12 to -- I mean, you already sent your comments to
13 the docket, so we'll be reviewing those.

14 I hope this presentation was helpful in
15 understanding the regulatory process and the
16 intent of the regulation. Again, the comments
17 received in written form and through the hearing
18 today will be reviewed and will be answered prior
19 to the adoption of this regulation.

20 With that, I close my presentation, and
21 thank you so much for listening. And I'm going
22 to open it for comments.

23 I want to leave that slide there.

24 So if you want to make a comment, you can
25 raise your hand and then I'll allow you to speak.

1 Please make sure to say your name and your
2 affiliation and speak clearly so that it can be
3 recorded. Let me see. There we go.

4 All right, Laura Petrillo, go ahead. I'm
5 giving you the mike. Hello Laura.

6 MS. PETRILLO-GROH: Good afternoon. This
7 is Laura Petrillo-Groh with the Air Conditioning,
8 Heating, and Refrigeration Institute.

9 Have you seen the hand up from my
10 colleague, Vivian Cox?

11 MR. GALDAMEZ: The hand out? I haven't
12 had a chance, sorry.

13 MS. PETRILLO-GROH: Oh, okay. Would you
14 check, please?

15 MR. GALDAMEZ: Was that the email today?

16 MS. PETRILLO-GROH: Yes. She said --

17 MR. GALDAMEZ: Yeah, I have --

18 MS. PETRILLO-GROH: -- she did send you
19 an email today.

20 MR. GALDAMEZ: Yeah.

21 MS. PETRILLO-GROH: But if her hand is
22 raised --

23 MR. GALDAMEZ: Yeah. I'm going to give
24 her the -- do you want me to give her the word
25 first and then you?

1 MS. PETRILLO-GROH: Yes, please.

2 MR. GALDAMEZ: Okay.

3 MS. PETRILLO-GROH: Thanks a lot.

4 MR. GALDAMEZ: No problem.

5 Vivian, so go ahead.

6 MS. COX: Hello. Can you hear me?

7 MR. GALDAMEZ: Yes.

8 MS. COX: Hi. So as Laura stated, my

9 name is Vivian Cox and I'm here on behalf of the

10 Air Conditioning, Heating, and Refrigeration

11 Institute, or AHRI, which does represent more

12 than 90 percent of the heating, ventilation, air

13 conditioning, and refrigeration or HVAC and water

14 heating equipment manufacturers.

15 AHRI is very supportive of the California

16 Energy Commission's efforts to address the 2015

17 regulation to develop a workable solution which

18 has become especially important in the wake of

19 the COVID-19 pandemic. This has brought about

20 both heightened interest in air filtration, along

21 with massive supply chain shortages. We have a

22 few suggestions to strengthen this proposal and

23 ensure that California consumers have access to

24 high-quality air filters and appropriate

25 information on product efficacy.

1 AHRI appreciates the CEC's thoughtful
2 consideration of stakeholder feedback during the
3 pre-rulemaking process and supports CEC's
4 exclusion of air filters with adjustable
5 dimensions from inclusion in the regulation's
6 language as it is not possible for manufacturers
7 to mark filters with all of the required
8 information when the final face area of the
9 filter is not a knowable quantity.

10 AHRI appreciates CEC's proposed
11 definition for basic model of an air filter as it
12 aligns with what had previously been discussed.
13 However, AHRI would like to request that CEC make
14 a slight modification to the basic model
15 definition to allow manufacturers to source
16 materials from different suppliers for products
17 sold under the same model number.

18 Please see our comments for additional
19 details.

20 MR. GALDAMEZ: Did you guys submit those
21 comments on the docket by chance?

22 MS. COX: Yes. Yes, we did. We
23 submitted them.

24 MR. GALDAMEZ: Okay. Okay.

25 MS. COX: Yeah.

1 MR. GALDAMEZ: Just making sure that you
2 did. If not, I was just going to tell you to
3 submit it in writing.

4 MS. COX: Okay. All right.

5 MR. GALDAMEZ: Yeah.

6 MS. COX: Thank you.

7 MR. GALDAMEZ: No problem.

8 MS. COX: All right, so air filters have
9 been studied extensively during the pandemic,
10 confirming that different materials with slightly
11 different pressure drops still have the same
12 level of efficacy. Unfortunately, due to
13 pandemic-related supply chain issues, dual-source
14 raw materials and components have become
15 paramount to ensuring access to finished goods,
16 such as air filters.

17 Labeling requirements that are
18 performance based rather than based on the
19 inclusion of specific parts will allow for
20 multiple sources of components without negatively
21 impacting needed filtration efficacy. This will
22 allow for swapping filter media, if needed, for
23 different particle size efficiency ranges and
24 pressure drops with differences of up to 30
25 percent, even for the same efficacy.

1 AHRI would also like to request
2 clarification from the CEC regarding the
3 requirement to have the performance table visible
4 from retail packaging. CEC previously confirmed
5 four AHRI members in 2017 that the performance
6 table did not need to be visible from the
7 shipping packaging if the product was not sold in
8 a retail setting. Manufacturers can add the
9 required performance table to the filter itself
10 with minimal difficulty but adding it to the
11 filter carton would be more costly and time
12 consuming as the filter is not that visible
13 through the packaging.

14 AHRI requests that CEC add clarifying
15 language within the regulation to avoid
16 discrepancies in compliance or confusion from
17 manufacturers regarding labeling requirements.

18 AHRI also requests confirmation that
19 filters incorporated into other products as
20 components do not need to be labeled separately.

21 Finally, AHRI would like to request that
22 CEC apply a one-year compliance date for labeling
23 and reporting requirements as required. AHRI
24 members have concerns with the proposed effective
25 date for this rulemaking. The new labeling

1 requirements add a layer of complexity to the
2 labeling process, requiring more time for
3 manufacturers to comply.

4 On March 27th, 2022, CEC gave notice of
5 the proposed regulation. Even for manufacturers
6 who immediately began the complex process of
7 retesting their materials and proposing the
8 necessary changes to retail chains selling their
9 products, it would be virtually impossible to be
10 compliant with new reg requirements by December
11 1st of this year.

12 This time line is expected to start after
13 the publication of the final rule, at which point
14 manufacturers who have not already started the
15 process of transitioning to new labeling
16 standards will find that it is not feasible to
17 comply. Details supporting the necessity are --
18 this necessity are provided in AHRI's written
19 comments which, again, were submitted yesterday
20 to the docket.

21 AHRI appreciates the opportunity to
22 provide this feedback and our detailed written
23 comments, so thank you for your time.

24 MR. GALDAMEZ: Thank you, Vivian.

25 I'm going to give the mike to James

1 Mullarky. Mullarky? Did I pronounce your last
2 name correctly? I'm sorry, make sure to unmute
3 yourself. Hello?

4 MR. MULLARKY: Can you hear me now?

5 MR. GALDAMEZ: Yes. Yes.

6 MR. MULLARKY: Ah. Thank you.

7 MR. GALDAMEZ: Please, your name and your
8 affiliation and --

9 MR. MULLARKY: Yes, sir.

10 MR. GALDAMEZ: Thank you.

11 MR. MULLARKY: All right. my name is
12 James Mullarky and I'm with Freudenberg
13 Filtration. We're with a division known as
14 Protect Plus Air. And we are a residential air
15 filter manufacturer out of North Carolina but we
16 have national distribution.

17 And we kind of came to similar
18 conclusions as the folks at AHRI, you know, that,
19 you know, the way the Act is currently written as
20 far as, you know, placing the information on the
21 frame creates some significant challenges and
22 could impact supplies because we are one of those
23 manufacturers that, I believe it was Vivian was
24 talking about, that actually has multiple
25 sources.

1 And from what we could see in the
2 rulemaking, there's nothing that really addresses
3 that, so -- and it wasn't even looked at in the
4 financial impact, as well. It was just assumed
5 that it was, you know, all media for a filter was
6 from a sole source and that you could just print
7 that data ad infinitum.

8 But in our particular instance, and
9 there's other manufacturers out there like us, we
10 have multiple sources for media, you know,
11 whether it's because it's regional differences or
12 just, as we learned with COVID, to keep our
13 customers in supply, we had to adapt and we used
14 multiple medias. They all perform, basically, as
15 claimed but we didn't go into all these specifics
16 that the Act is requiring and that becomes the
17 rub; right?

18 Because you know, do we have to, you
19 know, do we have to print what each specific
20 media does? If we do that, then our print runs
21 become shorter and more costly. And instead of
22 one pile of filter frames with everything printed
23 on it, we could have three or four, so that also
24 increases our inventory carrying cost.

25 So we think this is a great idea as far

1 as what you're trying to accomplish with the Act.
2 But you know, air filters it not like a can
3 tomato soup; right? We can't print the same
4 thing on every single filter, so it makes it --
5 it's a real big challenge and could create, you
6 know, some interruptions in distribution. So we
7 hope you'll consider how you're going to overcome
8 that.

9 You know, our suggestion maybe was to
10 start -- well, it was to just have it all
11 published online or at least start it online
12 while we kind of figure out how this is all going
13 to work in, you know, where it's printed on the
14 actual product.

15 I'm trying to think. And we did submit
16 formal comments on this --

17 MR. GALDAMEZ: Good.

18 MR. MULLARKY: -- so I hope you'll -- and
19 we kind of concluded not only -- I think 3M also
20 felt the same way, right, that -- don't print it
21 on the public but publish it online.

22 MR. GALDAMEZ: Yeah, I see some of the
23 comments. I did visit the prepared -- but, yes,
24 yes, that's where we are. Yes. Thank you.
25 Thank you.

1 MR. MULLARKY: Yes, so -- and I think --

2 MR. GALDAMEZ: Hello?

3 MR. MULLARKY: I'm sorry.

4 MR. GALDAMEZ: Oh, sorry. I thought we
5 had missed you -- we'd lost you. Sorry. Go
6 ahead.

7 MR. MULLARKY: No, no, no. But -- and
8 the other thing, too, is we -- and I'm not sure
9 how much -- how the registration process is going
10 to work but, you know, we hope that that's quite
11 transparent and speedy because, again, if we're
12 having to change out, find a new supplier at the
13 last minute for something and then it takes, you
14 know, three or four months to register the
15 product, I mean, theoretically, we can't ship,
16 you know, you know California --

17 MR. GALDAMEZ: I hear you.

18 MR. MULLARKY: -- because it's -- because
19 we don't have the registration; right? So now
20 we're out of media that we could sell in
21 California.

22 So I mean, it's not clear in the rules
23 how all that's -- you know, the time line on all
24 of that, as well, so we hope there's some
25 consideration given to that.

1 MR. GALDAMEZ: Thank you. Anything else?

2 MR. MULLARKY: No. The rest of it's in

3 the comments, you know?

4 MR. GALDAMEZ: Okay.

5 MR. MULLARKY: We just feel that there's

6 been a lot of changes in the marketplace since

7 2016 --

8 MR. GALDAMEZ: Okay.

9 MR. MULLARKY: -- that need to be given

10 further consideration, I guess.

11 MR. GALDAMEZ: All right, Laura, I see

12 you raised your hand again, so I'm going to --

13 oh, I already asked -- oh, so you just got

14 unmuted. Go ahead, Laura. Sorry.

15 MS. PETRILLO-GROH: Thank you. Good

16 morning to the folks on the West Coast. My name

17 is Laura Petrillo-Groh with the Air Conditioning,

18 Heating, and Refrigeration Institute. I just

19 have a few quick comments to add to Vivian's

20 testimony here today.

21 You know, we very much appreciate

22 California Energy Commission working with us to

23 create a workable regulation from what was

24 originally issued in 2015 and 2016. You know,

25 the one-year compliance date is incredibly

1 important given that while there has been a
2 regulation on the books we have, there has been a
3 regulatory advisory issued since before it went
4 into effect, so there are no, you know, current
5 regulatory requirements for these products. And
6 maintaining that one-year compliance is critical
7 for working through the big-box suppliers and
8 ensuring that products are marked correctly and
9 can end up on the shelf for California consumers.

10 The modification to accommodate different
11 media types would be model modification to the
12 basic model definition. And that, you know, that
13 is critical given what --

14 MR. GALDAMEZ: Hello? Laura, I think we
15 lost you.

16 Vivian, could you contact Laura to let
17 her know?

18 MS. COX: Yes, I am contacting her now.
19 Thank you.

20 MR. GALDAMEZ: Okay. Go ahead Laura.
21 You dropped out. If you can over it a second
22 again?

23 MS. PETRILLO-GROH: Oh, the joys of --

24 MR. GALDAMEZ: Of technology.

25 MS. PETRILLO-GROH: -- the remote

1 meetings. Yeah.

2 MR. GALDAMEZ: Yeah.

3 MS. PETRILLO-GROH: Thanks. So

4 apologies. I don't quite know when it dropped.

5 MR. GALDAMEZ: I think you were --

6 MS. PETRILLO-GROH: I can back up,

7 though.

8 MR. GALDAMEZ: -- explaining, you were a

9 little after you -- where you were in explaining

10 and adding comments to Vivian, and that's pretty

11 much where you were.

12 MS. PETRILLO-GROH: Oh. Oh, great, so --

13 MR. GALDAMEZ: You hadn't even started

14 the comment, so you were at that --

15 MS. PETRILLO-GROH: Nothing?

16 MR. GALDAMEZ: No. Yes. Exactly.

17 MS. PETRILLO-GROH: Awesome. I've been

18 rambling to myself. Okay.

19 Well, thank you again for having me and

20 giving me the opportunity to speak today. My --

21 it's still Laura with AHRI. And thanking, you

22 know, thanking the Commission for -- and you,

23 Alejandro, for working to create a workable

24 regulation for these products.

25 We worked very closely with CEC staff

1 after some major trouble complying with the 2015
2 regulation came to light in 2016. And you know,
3 we found staff to be, you know, responsive and
4 very engaged in developing a regulation. AHRI
5 members worked hard to revise our test procedure
6 to make sure that California consumers would have
7 access to information in a way that was not
8 unduly burdensome to manufacturers.

9 And I just wanted to express my personal
10 thanks to CEC staff for the careful work
11 throughout that process and stress that, you
12 know, the one-year compliance would be -- is
13 critical to these products given that they go
14 through, you know, big-box retailers. And those
15 big-box retailers have approvals to put products
16 on shelves and that process is lengthy, and there
17 is significant product that is in the supply
18 chain and distribution warehouses. And we want
19 to make sure that manufacturers -- that consumers
20 have the opportunity to get this critical
21 information in front of them in a reasonable
22 manner.

23 So you know, given that this rulemaking
24 really never fully got -- was put into force
25 successfully, you know, we don't quite see it as

1 an update to the regulation. It really is a
2 first-time (indiscernible) for reporting and
3 labeling initiative and really does require that
4 full year of lead-in time.

5 And I would like to also recommend, since
6 there are -- you know, AHRI recommends --
7 represents, you know, many manufacturers. We
8 don't represent all manufacturers. And I think
9 it might be very beneficial for when new, you
10 know, manufacturers come under the umbrella of
11 regulations by the California Energy Commission
12 that, you know, there be opportunities to fully
13 understand how compliance works for Title 20.

14 It is -- California is a unique state,
15 there are unique requirements and, you know, that
16 are not in other states. So if there are
17 opportunities, not only are air filters really
18 regulated but, also, commercial and industrial
19 fans and blowers, you know, it would be, I think,
20 helpful for those newly regulated to have the
21 opportunity to learn about what the California
22 compliance requirements are, you know, so that
23 manufacturers would be able to, you know, bring
24 to the table their, you know, best information
25 and streamline the processes for compliance, so

1 understanding what the testing requirements are
2 and how to use the MAEDbS system, for example. I
3 think that's not common knowledge, especially
4 where there are not industry certification
5 programs, such as on air filters, and that might
6 be particularly helpful.

7 So -- and lastly, I do recommend that
8 comments do clearly outline the changes that
9 would be needed to ensure sourcing and
10 availability of products for California consumers
11 in a reasonable way. And we appreciate the
12 opportunity to send those -- to submit those
13 written comments.

14 I did note that there was a trouble --
15 there's trouble with the docket today, at least
16 on my end. I wasn't able to pull up to see who
17 else had submitted comments, so I just wanted to
18 flag that while I've got you all on the line.

19 MR. GALDAMEZ: Yeah, we are aware of
20 that.

21 MS. PETRILLO-GROH: So thank you very
22 much.

23 MR. GALDAMEZ: We're trying to -- thank
24 you, Laura. We are aware of that, too, with the
25 docket having -- being down today but, yes. Yes.

1 Thank you so much for the comments.

2 Let me see. Anybody else that would like
3 to comment before we conclude or -- oh, there's
4 two more. Oh, there we go. Okay.

5 Laura, are you -- oh, did you raise your
6 hand again or -- just making sure? No? Okay.

7 Bryan Gerhardt, I hope I said your name
8 correctly, but go ahead.

9 MR. GERHARDT: Hello. Yeah, this is
10 Bryan Gerhardt from 3M. I'd like to echo some of
11 the comments my peers have already verbally
12 mentioned.

13 You know, with 3M's comment I provided
14 last week, I think I'd like some additional
15 clarification on the dust holding capacity. To
16 me it doesn't seem natural that it's at the max-
17 rated airflow. It's, rather, at the airflow that
18 you specified that your testing conditions are
19 completed at so, to me, that's just a little
20 misleading or misunderstood.

21 I'd also like to recommend that we
22 consider using PM language in terms of how we
23 describe our filter efficiency, more consumer-
24 friendly if we're really trying to get the
25 consumers engaged, just making sure that they're

1 selecting filters that meet their needs with PM
2 1, PM 2.5, and PM 10 language is more consumer-
3 friendly and actually recommended by the U.S.
4 Environmental Protection Agency -- or actually
5 discussed with them, I should say.

6 The other thing I'd like to consider is
7 in the regulation it says, "you shall use the
8 same filter pressure drops." And although I like
9 that regulation long term, 3M has been proactive
10 in terms of providing the filter information
11 since 2016 on our products. And without that
12 feedback on our products, we determined that some
13 of our filter pressure drops, honestly, are
14 slightly higher on smaller sizes and slightly
15 lower on larger sizes because you have more
16 effective surface area in those products or less
17 in the instance of a smaller.

18 So I'd like to consider changing that
19 "shall" to "can." As some of my peers have
20 already, you know, mentioned, this regulation, if
21 we're going to continue printing on this product,
22 does require a significant undertaking by
23 manufacturers to update their products with all
24 these requirements. You know, due to inventory
25 of semi-finished goods, RMs that go into these

1 products and such, it's a large undertaking.

2 Secondly or lastly, I guess, one of the
3 things I'd like to consider is since a lot of
4 filter sales are really moving online, if we look
5 long term, having the information on the product
6 is not meaningful if the consumer is purchasing
7 this online anyway.

8 It takes a lot of the administrative
9 duties away from manufacturers if we just have
10 the ability to direct consumers, the purchasers
11 of our products, to a California website that has
12 all the information that we're trying to share
13 with them, the filter efficiency, the pressure
14 drop, all that sort of information.

15 Why print it on a product if they can go
16 to a website to obtain that information? It
17 allows manufacturers to update information on a
18 more cost-effective basis, plus provide
19 information to consumers real-time if or when
20 product changes due to manufacturing constraints.

21 So I'd like you to take those into
22 consideration.

23 MR. GALDAMEZ: Thank you, Bryan.
24 Appreciate it.

25 MR. GERHARDT: Yup.

1 MR. GALDAMEZ: Anybody else that would
2 like to comment?

3 Mr. Mullarky, go ahead. Just unmute
4 yourself. There you go. Oh, no.

5 MR. MULLARKY: There I go. How's that?

6 MR. GALDAMEZ: Yes, there you go. Yes.

7 MR. MULLARKY: Yeah. I just wanted to
8 follow up on what Bryan said. And to his point
9 about the online, it might be a great place to
10 start. There is precedent for that, you know,
11 with some of the recent right-to-know laws that's
12 all being started on -- or was started online
13 before it moved to packaging. So that could help
14 the process along immensely, along with trying to
15 figure out some of the other wrinkles in the
16 process when there's, you know, multiple medias
17 involved.

18 So I just thought I would add to the
19 whole online thing.

20 MR. GALDAMEZ: Thank you. Thank you.

21 Anybody else that would like to comment?

22 Nathaniel, go ahead.

23 MR. NANCE: Yeah. Nathaniel Nance,
24 American Air Filter. I just want to --

25 MR. GALDAMEZ: Oh, go ahead. Did you --

1 I'm sorry. If you could introduce yourself and
2 your affiliation, I appreciate it, it's just
3 because of recording purposes.

4 MR. NANCE: Yes. Nathaniel Nance. Can
5 you hear me?

6 MR. GALDAMEZ: Yeah. Go ahead.

7 MR. NANCE: Nathaniel Nance with American
8 Air Filter.

9 MR. GALDAMEZ: Thank you.

10 MR. NANCE: I would like to reiterate
11 just what Bryan, Laura and Jim stated. I think
12 we're all in agreement, the complexity of this
13 for manufacturers. And of course, the three of
14 us are dealing with very large groups. As you
15 look at smaller manufacturers, it becomes even
16 more complex.

17 Unfortunately, the supply chain has kind
18 of changed the direction of what we had worked on
19 in 2014, '15, '16 and it really has created some
20 complexities that span out the time lines and
21 trying to first and foremost educate big-box
22 retailers that we have to change the design, we
23 need their approval, and get something other than
24 a no. That just -- it just extends the time line
25 so much on the manufacturers.

1 So anything the CEC, from a concession of
2 time line for enforcement or starting online
3 where we can bypass some of those, so we could
4 make it more palatable to both big-box retailers
5 and the manufacturers, I think that's going to
6 really help everybody out.

7 MR. GALDAMEZ: Thank you.

8 Jim, do you have your hand up or is it
9 just from the last one? Thank you, sir. Just
10 wanted to make sure.

11 MR. GERHARDT: No hand up.

12 MR. GALDAMEZ: Oh, okay. Okay. It's
13 just I see you. Okay.

14 So anybody else that would like to
15 comment? I guess every time I say that I get
16 lucky and get one, more of your comment, but no.
17 Going once, going twice, sold.

18 Okay, so with that, I guess we can
19 conclude the hearing. And we will consider every
20 comment that we got today and, also, the ones
21 that were already in the docket, and contact you
22 guys on the decision that we make as we develop
23 or edit the regulations, if needed.

24 So with that, I wish everybody a great
25 day and awesome weekend -- I mean rest of the

1 week and weekend because it's only Tuesday. To
2 tell you good weekend you'll be wishing for
3 Friday too early.

4 So with that, I guess I can stop the
5 recording or -- let's see, stop recording. Okay.
6 Yeah.

7 (Off the record at 10:41 a.m.)

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CERTIFICATE OF REPORTER

I do hereby certify that the testimony in the foregoing hearing was taken at the time and place therein stated; that the testimony of said witnesses were reported by me, a certified electronic court reporter and a disinterested person, and was under my supervision thereafter transcribed into typewriting.

And I further certify that I am not of counsel or attorney for either or any of the parties to said hearing nor in any way interested in the outcome of the cause named in said caption.

IN WITNESS WHEREOF, I have hereunto set my hand this 19th day of May, 2022.



MARTHA L. NELSON, CERT**367

CERTIFICATE OF TRANSCRIBER

I do hereby certify that the testimony in the foregoing hearing was taken at the time and place therein stated; that the testimony of said witnesses were transcribed by me, a certified transcriber and a disinterested person, and was under my supervision thereafter transcribed into typewriting.

And I further certify that I am not of counsel or attorney for either or any of the parties to said hearing nor in any way interested in the outcome of the cause named in said caption.

I certify that the foregoing is a correct transcript, to the best of my ability, from the electronic sound recording of the proceedings in the above-entitled matter.



MARTHA L. NELSON, CERT**367

May 19, 2022