

DOCKETED

Docket Number:	20-AAER-02
Project Title:	Air Filters
TN #:	247066
Document Title:	2nd 15-day Public Notice
Description:	Public Notice to initiate 2nd public comment period for the proposed regulatory language for Air Filters
Filer:	Alex Galdamez
Organization:	California Energy Commission
Submitter Role:	Commission Staff
Submission Date:	10/28/2022 8:29:17 AM
Docketed Date:	10/28/2022

CALIFORNIA ENERGY COMMISSION715 P Street
Sacramento, California 95814energy.ca.gov

CEC-057 (Revised 1/21)

Notice of Availability

NOTICE OF 2nd 15-DAY PUBLIC COMMENT PERIOD PROPOSED REVISIONS TO THE AIR FILTERS REGULATIONS

California Energy Commission
Docket No. 20-AAER-02

On March 25, 2022, the California Energy Commission (CEC) published a Notice of Proposed Action with proposed amendments to the air filters regulations contained in the California Code of Regulations, Title 20. The CEC made all the documents available for a 45-day comment period, which ended on May 9, 2022, and held a public hearing on May 10, 2022.

On August 22, 2022, the CEC published a public notice announcing a 15-day comment period for the changes to the proposed regulation for air filters. Due to a technical issue concerning outreach, a second public notice was published on August 29, 2022, updating the August 22, 2022, public notice. Comments were received into the docket during the updated public comment period, which concluded on September 13, 2022.

Based on the comments received during the 15-day comment period, August 29, 2022, to September 13, 2022, the CEC is proposing additional changes to the proposed regulatory language offered on March 25, 2022, and as proposed to be modified on August 29, 2022. **Any interested persons are invited to review and provide written comments to the CEC for consideration during the 2nd 15-day comment period from October 28, 2022, through November 14, 2022.** The CEC appreciates receiving written comments at the earliest possible date. Comments submitted after **November 14, 2022**, are considered untimely and the CEC may, but is not required to, respond to those comments, including those raising significant issues.

The CEC encourages use of its electronic commenting system. Visit the e-commenting page for [Air Filters](https://www.energy.ca.gov/rules-and-regulations/appliance-efficiency-regulations-title-20/appliance-efficiency-proceedings-0) 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 20 California Code of Regulations section 1208.1. The maximum files size allowed is 10 MB.

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

Written 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 2nd 15-day proposed language and related documents are available for review in “PROCEEDING INFORMATION” [docket log \(20-AAER-02\)](#) of the CEC’s [Air Filters website](#).¹

In accordance with Government Code sections 11346.8 and 11347.1, these documents are made available for public comment at least 15 days before the CEC’s consideration and possible adoption of the proposed regulations. Copies of these documents are available for public inspection at the CEC located at the address above, subject to COVID-19 limitations. The CEC has considered all public comments received in developing the 2nd 15-day proposed language.

The text of the modified regulatory language is also included as Attachment A. Amendments to the existing code that were made public with the 45-day notice on March 25, 2022, are shown in strike through (~~example~~) to indicate deletions and underline (example) to indicate additions. Amendments proposed as a part of the updated 15-day notice of August 29, 2022, are shown in double strikethrough (~~example~~) for deletions and double underline (example) for additions. The amendments proposed under this second 15-day notice are shown in bold-italics strikethrough (~~***example***~~) for deletions and bold-italics underline (~~***example***~~) for additions.

In the Final Statement of Reasons, staff will respond to all comments received on the record during the comment periods. The Administrative Procedure Act requires that staff respond to the comments received regarding all noticed changes. Therefore, staff will only address comments received during opportunities to comment that are responsive

¹ [Air Filter website](https://www.energy.ca.gov/rules-and-regulations/appliance-efficiency-regulations-title-20/appliance-efficiency-proceedings-0), <https://www.energy.ca.gov/rules-and-regulations/appliance-efficiency-regulations-title-20/appliance-efficiency-proceedings-0>

to this notice, documents added to the record, or the changes detailed in the 2nd 15-day proposed language at the above-referenced website.

To stay informed about this proceeding and receive documents and notices of upcoming workshops and hearings as they are filed, please subscribe to the proceeding email subscription at the following link: [Air Filters website](https://www.energy.ca.gov/rules-and-regulations/appliance-efficiency-regulations-title-20/appliance-efficiency-proceedings-0) <https://www.energy.ca.gov/rules-and-regulations/appliance-efficiency-regulations-title-20/appliance-efficiency-proceedings-0>. The email subscription sends out email notifications and direct links when documents and notices are filed in the proceeding docket. If you are unable to access the website and would like a copy of the rulemaking documents mailed or emailed to you, or if you have any questions, please contact Corrine Fishman at corrine.fishman@energy.ca.gov.

The CEC's Public Advisor provides the public assistance in participating in CEC proceedings. If you want information on how to participate in this forum, please contact the Public Advisor at publicadvisor@energy.ca.gov, or by phone at (916) 957-7910.

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

If you have question on the subject matter of this notice, please contact Alejandro Galdamez at alejandro.galdamez@energy.ca.gov or (916) 237-2550.

Summary of Modifications

Section 1602:

- The definition of "air filter" was modified to make use of defined terms and to align to the language used for air filters in the scope of the regulations (Section 1601(c)). The change was necessary to address received public comments that the proposed definition was ambiguous, unclear, and potentially exceeded the intended scope of the proposed regulations.

Section 1606:

- Unnecessary language mentioning "particulate matter" was removed from table X regarding the particle size efficiency for particle size for 0.3 to 1.0 micrometer data point. The change was necessary for consistency with language used in the proposed test procedures and to avoid potential ambiguity.
- Unnecessary descriptors for the dust holding capacity data point in table X were removed. The change was necessary for consistency with language used in the proposed test procedures and to avoid potential ambiguity.
- Update of the applicability date from July 1, 2024, for the certification of air filters into CEC's MAEDbS.

Section 1607:

- Language relating to marking on packaging as a substitute for product marking, and to an “interim” marking that would allow for an earlier effective date, was removed. This change was necessary to be responsive to numerous public comments expressing a preference for a single effective date for a fully informative product marking, and to ensure that product markings are visible to occupants when the air filter is replaced.
- The effective date of the marking requirements was changed to July 1, 2024. The change was necessary to give manufacturers sufficient time to make production and supply changes necessary to support product marking, and specifically in recognition of the negative impacts that the COVID-19 pandemic has had on supply chains. In addition, the new effective date will prevent the unnecessary disposal of 6-months of inventory which is the average maintained by retail stores as explained in the comment received.

Summary of recommendations not implemented**Section 1602:**

- A recommendation to modify the definition for the term “basic model” was not implemented. Staff found that the recommendation would add ambiguous language and would negatively impact the intent of the proposed term and associated regulations.