

DOCKETED

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Project Title:	Repeal of Portable Luminaires
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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**

2022 Appliance Efficiency Rulemaking for Repeal of Portable Luminaires Regulations
Docket No. 22-AAER-02
Notice Published on November 11, 2022

INTRODUCTION

Notice is hereby given that the California Energy Commission (CEC) proposes to repeal the existing regulations for portable luminaires 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 regulatory changes at the date and time listed below. Interested persons, or their authorized representative, may present statements, arguments, or contentions relevant to the proposed regulatory changes at the public hearing. *The record for this hearing will be kept open until every person has had an opportunity to provide comment.*

Tuesday January 10, 2023
10:00 a.m. (Pacific Time)

The public hearing will be held remotely to improve and enhance public access to meetings allowing broader access through teleconferencing options. Instructions for remote participation for the public hearing are below.

BUSINESS MEETING

PLEASE TAKE NOTICE that the CEC will consider and possibly adopt the proposed regulatory changes at a CEC Business Meeting at the date and time listed below. Interested persons, or their authorized representative, may present oral and written statements, arguments, or contentions relevant to the proposed regulatory changes 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.

California Energy Commission
Business Meeting
Wednesday, February 15, 2023
10:00 a.m. (Pacific Time)

Pursuant to CCR Title 20, section 1104(e), any person may make oral comment on any agenda item at the Business Meeting. Please consult the public agenda, which will be posted ten days before the Business Meeting, for important details.

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.

Link: <https://energy.zoom.us/j/97494919182?pwd=NFpnbUJoczRXRY3FGTWNXNGtEcFRoZz09>

Webinar ID: 974 9491 9182

Passcode: 416075

To participate by telephone dial (213) 338-8477 or (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.

NEWS MEDIA INQUIRIES

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

PUBLIC COMMENT PERIOD

The written public comment period for the proposed repeal of portable luminaires regulations will be held from **November 11, 2022, through December 27, 2022**. Any interested person, or their authorized representative, may submit written comments to the CEC for consideration on or prior to **December 27, 2022**. The CEC appreciates receiving written comments at the earliest possible date. Comments submitted outside

this comment period are considered untimely. The 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-13> 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, CCR, section 1208.1. The maximum files size allowed is 10 MB.

Written comments may also be submitted by email. Include docket number 22-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. 22-AAER-02
715 P Street, MS-4
Sacramento, CA 95814

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.

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

STATUTORY AUTHORITY AND REFERENCE

Public Resources Code sections 25213, 25218(e), and 25402(a) - (c) authorize the CEC to adopt rules or regulations, as necessary, to implement Public Resources Code section 25402(c).

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 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.

On December 3, 2008, the CEC adopted changes to Appliance Efficiency Regulations (CCR, Title 20, sections 1601 through 1609) to include new efficiency regulations for portable luminaires. These regulations included definitions, testing requirements, certification requirements, and energy performance standards for portable luminaires. In addition, portable luminaires were required to comply with the general marking requirements that are applicable to all regulated appliances.

On December 9, 2020, the CEC adopted a rulemaking which included several amendments to the Appliance Efficiency Regulations. One of the adopted changes was the removal of the minimum lumen output performance requirement for portable luminaires. No other requirements or information related to portable luminaires were changed as part of this rulemaking.

The CEC is now proposing to completely remove the portable luminaires appliance type from the Appliance Efficiency Regulations. The existing performance standards have become redundant. The original energy saving goals of the performance standards are now accomplished through more recent regulations regarding other lighting products. The lighting market has transformed in such a way that portable luminaires being sold in California will be energy efficient even without the portable luminaires regulations in place.

Difference from existing comparable Federal regulation or statute

The CEC has determined that there are no existing comparable Federal regulations or statutes.

Broad objectives of the regulatory changes and the specific benefits anticipated by the proposed amendments

The broad objective of the regulatory changes is to repeal portable luminaires as a regulated appliance type in the Title 20 Appliance Efficiency Regulations. The intended goals of the portable luminaires performance standards are now accomplished through the more recent lighting regulations in the Title 20 Appliance Efficiency Regulations. Removal of the portable luminaires requirements would have no impact to the energy performance of these products. These products are now energy efficient due to the existing lighting market in California.

The specific benefits of repealing the portable luminaires regulations will be to eliminate redundant and outdated requirements thereby enhancing the clarity and regulatory certainty of the regulations.

Determination of inconsistency or incompatibility with existing state regulations

The CEC has conducted an evaluation and determined that the proposed repeal of the portable luminaires regulations would not prevent compliance with existing state regulations and are neither inconsistent nor incompatible with any other existing state regulations.

DOCUMENTS INCORPORATED BY REFERENCE

None

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 Government Code section 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 an initial determination that the proposed regulatory changes will not have a statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The CEC is proposing to completely remove the portable luminaires appliance type from the Appliance Efficiency Regulations as the existing performance standards have become redundant. Because there will be no changes to portable luminaires on the

market as a result of repealing the regulations, no impacts to businesses are expected.

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 benefits of repealing the portable luminaires regulations will be to eliminate redundant and outdated requirements thereby enhancing the clarity and regulatory certainty of the regulations.

The proposed regulatory changes will not adversely impact 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 person or business would necessarily incur in reasonable compliance with the Proposed Action.

Because there will be no changes to portable luminaires on the market as a result of repealing the regulations, no impacts to businesses or representative persons are expected.

BUSINESS REPORT

The proposed regulatory changes do not impose a new reporting requirement for businesses.

EFFECT ON SMALL BUSINESS

The proposed regulatory changes will not affect small business as there will be no changes to portable luminaries on the market as a result of repealing the regulations.

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

Carlos Baez
Efficiency Division
715 P Street
Sacramento, CA 95814
(916) 805-7465

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

The CEC will have the entire rulemaking file available for inspection and copying throughout the rulemaking process 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, and the ISOR. Copies may be obtained by contacting Corrine Fishman above or accessed through the CEC's website at <https://www.energy.ca.gov/rules-and-regulations/appliance-efficiency-regulations-title-20/appliance-efficiency-proceedings-13>

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 regulatory changes could be changed as a result of public comment, staff recommendation, or recommendations from CEC Commissioners. Moreover, changes to the Proposed Action 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 Action 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 contacting the person above or by visiting the CEC's website at <https://www.energy.ca.gov/rules-and-regulations/appliance-efficiency-regulations-title-20/appliance-efficiency-proceedings-13>

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 at <https://www.energy.ca.gov/rules-and-regulations/appliance-efficiency-regulations-title-20/appliance-efficiency-proceedings-13>

[regulations/appliance-efficiency-regulations-title-20/appliance-efficiency-proceedings-13](https://www.energy.ca.gov/rules-and-regulations/appliance-efficiency-regulations-title-20/appliance-efficiency-proceedings-13)

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 proceeding subscription service at the following link: <https://www.energy.ca.gov/rules-and-regulations/appliance-efficiency-regulations-title-20/appliance-efficiency-proceedings-13>

The subscription service 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 subscription service but still would like to receive documents and notices, please contact the contact Corrine Fishman at corrine.fishman@energy.ca.gov.