

DOCKETED	
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Project Title:	Air Filters
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Document Title:	Notice of Availability - Public Notice 3rd-public comment period Air Filters
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CALIFORNIA ENERGY COMMISSION

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CEC-057 (Revised 1/21)

Notice of Availability

NOTICE OF 3rd 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 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.

On October 28, 2022, the CEC published a public notice announcing a 2nd 15-day comment period for the changes to the proposed regulation for air filters. Comments were received into the docket during the public comment period, which concluded on November 14, 2022.

Based on the comments received during the 2nd 15-day comment period, the CEC is proposing additional changes to the proposed regulatory language offered on March 25, 2022; August 29, 2022; and as proposed to be modified on October 28, 2022. **Any interested persons are invited to review and provide written comments to the CEC for consideration during the 3rd 15-day comment period from December 2, 2022, through December 20, 2022.** The CEC appreciates receiving written comments at the earliest possible date.

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 with 20 California Code of Regulations section 1208.1. The maximum file 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 3rd 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 to date in developing the 3rd 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. Amendments proposed as part of the updated 2nd 15-day notice of October 28, 2022, are shown in bold-italics strikethrough (~~**example**~~) for deletions and bold-italics wavy underline (**example**) for additions. The amendments proposed under this third 15-day notice are shown in italics double-strikethrough dot-dot-dash underline (~~*example*~~) to indicate deletions and italics dot-dot-dash underline (*example*) to indicate additions.

¹ [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 Administrative Procedure Act requires an agency to respond to the comments received that are specifically directed at the agency's proposed action or the procedures followed by the agency in proposing or adopting the action. In the Final Statement of Reasons, staff will respond to all comments meeting these requirements that are submitted during the comment periods in accordance with the instructions provided in this and previous notices.

BUSINESS MEETING

PLEASE TAKE NOTICE that the CEC will consider and possibly adopt the proposed regulation at the 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 regulation 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, January 25, 2023
10:00 AM (Pacific time)

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 1607:

- Necessary changes were made to the language clarifying the visibility requirements of the marking. The change was considered necessary to avoid any ambiguity on the intent of the regulation.

Summary of recommendations not implemented

Section 1602:

- The recommended changes to the Air Filter definitions were not implemented because the recommendations either added ambiguity or were deemed redundant since the language suggested is part of a defined term currently used in section 1602(c) of Title 20.

Section 1606 & 1607

- The recommendation to further delay the effective date of July 1, 2024, was not implemented because CEC considers the current effective date to provide manufacturers with ample time to make the necessary changes to provide stores with the necessary information on filters manufactured prior to July 1, 2024.
- CEC staff also concluded that the new amendments discussed in this public notice will not require the further delay of the effective date of July 1, 2024, because manufacturers will have ample time for compliance with a January 25, 2023, adoption.