

DOCKETED	
Docket Number:	22-AAER-02
Project Title:	Repeal of Portable Luminaires
TN #:	249870
Document Title:	Final Statement of Reasons (FSOR)
Description:	Final Statement of Reasons, including responses to all comments received, for the Repeal of Portable Luminaires Rulemaking
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CALIFORNIA ENERGY COMMISSION

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CEC-057 (Revised 1/21)



FINAL STATEMENT OF REASONS
Repeal of Portable Luminaires Regulations
OAL Z# 2022-1028-01

UPDATE OF THE INITIAL STATEMENT OF REASONS

There were no modifications to the regulation text following the close of the public comment period.

LOCAL MANDATE DETERMINATION

The California Energy Commission (CEC) has determined that this action will not result in a local mandate on local agencies or school districts.

CONSIDERATION OF ALTERNATIVE PROPOSALS

The CEC determined pursuant to Government Code section 11346.9(a)(4) that no alternative before it would be more effective in carrying out the purpose for which this action is proposed; no alternative would be as effective as and less burdensome to affected persons than the adopted regulation; and no alternative would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The adopted regulations will not have a significant adverse economic impact on small business and no alternatives were proposed that would lessen any adverse economic impact on small business.

INCORPORATION BY REFERENCE

The CEC is repealing the following documents incorporated by reference:

- IES LM-79-08 Approved Method: Electrical and Photometric Measurements of Solid-State Lighting Products
- ANSI/NFPA 70 (2002) National Electrical Code
- UL 588 Standard for Seasonal and Holiday Decorative Products
- California Joint Appendix Testing of Light Emitting Diode Light Sources JA8 – 2008
- UL 153 Portable Luminaires

The documents were made available upon request directly from the CEC throughout the course of this rulemaking action.

SUMMARY AND RESPONSES TO PUBLIC COMMENTS RECEIVED

All summaries and responses to public comments in item 8 of this rulemaking file are hereby incorporated by reference to this Final Statement of Reasons and included in the final record.

Written Comments Received
 Repeal of Portable Luminaire Regulations
 Title 20, Division 2, Chapter 4, Article 4 California Code of Regulations
 45-Day Comment Period
 November 11, 2022, Through January 17, 2023

Commenter	Date Submitted	Comments/ Suggested Revisions	Response
Rachel Michelin – California Retailers Association; Jack Monger – Industrial Environmental Association; and Chuck White – Manatt, Phelps, and Phillips, LLP	December 29, 2022	General Letter of Support.	General letter of support. No response required.
Steve Uhler	January 13, 2023	<p>“Where is the location of the rulemaking file that will be submitted to the Office of Administrative Law (OAL) for review of the regulation?</p> <p>Does the rulemaking file that will be submitted to the OAL contain the required 1 CCR 86 statement of mailing at this time?</p> <p>The docket for the rulemaking proceeding (22-AAER-02) does not contain the required 1 CCR 86 statement of mailing at this time.</p>	<p>Comment acknowledged. No changes required – comment does not relate to proposed regulatory language or request changes to such language.</p> <p>The rulemaking file being submitted to OAL will include all the rulemaking documents currently docketed in docket 22-AAER-02. The final statement of reasons with the response to comments will be added to the docket with the final approved text and the OAL approval upon</p>

Commenter	Date Submitted	Comments/ Suggested Revisions	Response
		<p>Please ensure that all records in the rulemaking file that will be submitted to the OAL are also filed in docket for the rulemaking proceeding so the public that wishes to know the complete rulemaking record does not have to request these records from the OAL after the Energy Commission submits the rulemaking file to the OAL for review.</p> <p>Please do not continue the practice of keeping two separate rulemaking files as was done for the 2022 Load Management Rulemaking proceeding (21-OIR-03)."</p>	<p>filing with the secretary of state.</p> <p>The mailing statement is added to the final rulemaking package provided to OAL.</p> <p>The complete rulemaking file is docketed upon approval by OAL.</p> <p>Some rulemakings have both a pre-rulemaking docket and a formal rulemaking docket. All documents are available to the public in both the dockets.</p> <p>It is longstanding practice among many agencies, including the CEC, to conduct a "pre-rulemaking" procedure to involve the public and parties that would be subject to the proposed regulations, and other relevant stakeholders, in addition to formal rulemaking, as contemplated by California</p>

Commenter	Date Submitted	Comments/ Suggested Revisions	Response
			Government Code section 11346.45(a).
Michael Weems – American Lighting Association	January 17, 2023	General Letter of Support.	General letter of support. No response required.
Barry Mroz – Williams-Sonoma, Inc.	March 1, 2023 (outside comment period)	“I’m trying to figure out when this repeal is effective and do not see a date on any of the documents, however I may have missed it. Also since this is a subtractive regulation, can we immediately stop including bulbs with luminaire shipments?”	<p>Comment acknowledged. No changes needed – comment inquiries about effective date and does not suggest a change to effective date.</p> <p>We anticipate the repeal will go into effect on or before July 1, 2023. The regulations for portable luminaires, including the “bulb-in-box” requirement, will remain in place until the effective date. Alternatively, the CEC may request an immediate effective date for these regulations with OAL. If an immediate effective date is granted, notice will be provided to affected parties.</p>

Verbal Comments Received
 Repeal of Portable Luminaire Regulations
 Title 20, Division 2, Chapter 4, Article 4 California Code of Regulations
 Public Hearing
 January 18, 2023

Commenter's Name	Comments/ Suggested Revisions	Response
Michael Weems – American Lighting Association	General Comment of Support.	General comment of support. No response required.