

DOCKETED	
Docket Number:	22-AAER-04
Project Title:	2022 Amendments to the Appliance Efficiency Regulations
TN #:	253263
Document Title:	Notice of Proposed Action for Title 20 Update
Description:	<p>This document is the Notice of Proposed Action, sometimes abbreviated as NOPA, for the proposed update to California's Appliance Efficiency Standards in Title 20, Section 1601 et seq,</p> <p>This document provides formal notice to affected persons and the public at large that California is undertaking a proceeding to amend the regulatory language in the specified sections, describes how interested persons can provide public commentary and feedback on the proposed amendments, and states the date of the currently scheduled public workshop and deadline for submission of public comments. The document also lists all documents incorporated by reference into the proposed amended regulatory language.</p>
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Organization:	California Energy Commission
Submitter Role:	Commission Staff
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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**

Federal and Administrative Updates
Appliance Efficiency Regulations

Title 20, Article 4, Sections 1601 – 1609, California Code of Regulations

Docket No. 22-AAER-04

Notice Published on November 24, 2023

INTRODUCTION

Notice is hereby given that the California Energy Commission (CEC) proposes to amend the California Code of Regulations (CCR), Title 20, Article 4, after considering all comments, objections, and recommendations regarding the proposed action. The proposed federal and administrative updates include:

- Updates to align with current federal law.
- Updates to the data submittal requirements and processes.
- Removal of a redundant aspect of the marking requirement for commercial and industrial fans and blowers.
- Updates and streamlining to CEC's product compliance review, enforcement, and administrative proceedings.
- Administrative and non-substantive changes for clarity and consistency.

PUBLIC HEARING

A public hearing will be held on the proposed regulations at the date and time below. Interested persons or their authorized representatives may present statements, arguments, or contentions relevant to the proposed regulations at the public hearing. *The record for this hearing will be kept open until every person has had an opportunity to provide comment.*

Public Hearing
January 9, 2024
10:00 a.m. (Pacific Time)

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

REMOTE ATTENDANCE

The public hearing may be accessed by clicking the Zoom link below or visiting [Zoom](https://join.zoom.us) 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 (916) 654-4489 or toll-free at (800) 822-6228.

Zoom Link:

<https://energy.zoom.us/j/83096131403?pwd=SGdGYVNKck5jTy9Ya29MSGk4c3hpUT09>

Webinar ID: 830 9613 1403

Password: 815540

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 public assistance in participating in CEC proceedings. For information on participation or to request interpreting services or reasonable accommodations, email publicadvisor@energy.ca.gov, call (916) 654-4489, or toll-free (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 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.

MEDIA INQUIRIES

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

PUBLIC COMMENT PERIOD

The public comment period for the Proposed Action will be held from **November 24, 2023, through January 8, 2024**. Any person may submit written comments to the CEC for consideration on or prior to January 8, 2024. The CEC appreciates receiving written comments as soon as possible. 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 issues.

Written and oral comments, attachments, and associated contact information (including address, phone number, and email address if provided in a comment) will become part of the public record of this proceeding with access available via any internet search engine.

The CEC encourages the use of its electronic commenting system. Visit the e-commenting page at https://www.energy.ca.gov/proceeding/federal-and-administrative-updates-title-20-appliance-efficiency-regulations?auHash=yF-j6t_nS1-

[xnc9TbJ4DLLvOOOf3P4TkMg8zIbN0DNs](#), 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 file size allowed is 10 MB.

Written comments may also be emailed. Include docket number 22-AAER-04 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-04
715 P Street, MS-4
Sacramento, CA 95814

To ensure you receive notice of any changes to the proposed regulations 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, interpret, and make specific Public Resources Code section 25402(c).

INFORMATIVE DIGEST

Summary of existing laws and regulations/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 the CEC to adopt rules and regulations, as necessary, to reduce the wasteful, uneconomic, inefficient, or unnecessary consumption of energy and water by prescribing efficiency standards and other cost-effective measure 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, enforcement provisions, 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. Over time, previously adopted regulations can become duplicative, out of date, or require updates to best implement the CEC’s legislative mandate. To ensure Title 20, Article 4

reflects current regulatory authority consistently, CEC proposes the following federal and administrative updates.

First, the CEC is providing updates to reflect federal appliance efficiency laws from the Department of Energy. The CEC's Appliance Efficiency Regulations are designed to provide manufacturers, retailers, and consumers of appliances with a clear and comprehensive set of both federal and state regulations in a single location. These updates will ensure the Appliance Efficiency Regulations will reflect federal law, providing clarity and regulatory certainty to regulated parties. Also related to these changes is the removal of outdated state performance standards for boilers and furnaces. These appliances have existing federal standards that preempt state standards. As a result, those state standards are no longer in effect and can be removed from the Appliance Efficiency Regulations for clarity.

Second, the CEC is modifying the certification process and data submittal requirements for certain appliances to ensure that manufacturers can properly certify to MAEDbS that their regulated products are compliant with the most current energy performance standards and testing requirements. These modifications also help to streamline the certification process and help maintain the usability of MAEDbS.

Third, the CEC is removing the redundant text size requirement included within the labeling requirements for commercial and industrial fans and blowers. The label is already required to be legible, so the text size requirement places an unnecessary burden on manufacturers and serves no purpose.

Fourth, the CEC is updating and streamlining the CEC's product compliance review and administrative proceedings relating to enforcement. The amendments remove a redundant process that either has been superseded by the CEC's civil penalty authority or is not required under any statute. The amendments also reflect the evolution of the CEC's compliance program and statutory changes since the passage of Senate Bill 454 (Sen. Bill No. 454 (2011-2012 Reg. Sess.), which authorized civil penalties, and the development of implementing regulations in 2015.

Finally, The CEC is proposing to make non-substantive clarification, numbering, ordering, cross-reference, and grammatical changes to effectively communicate the regulation in a precise and clear manner. None of the proposed non-substantive changes materially alter any requirement, right, responsibility, condition, prescription, or other regulatory element of any CCR provision, nor do they have any other regulatory effect.

The proposed changes will ensure that the CEC Appliance Efficiency Regulations reflect state and federal law, ensure that manufacturers can properly certify to MAEDbS that their regulated products are compliant with the most current requirements, remove outdated and redundant language, update and streamline the CEC's product compliance review and administrative proceedings, and improve

regulatory text through clarification and formatting edits. These changes provide clarity and regulatory certainty to the regulated parties.

Difference from existing comparable federal regulations or statute

The proposed amendments ensure that the CEC's Appliance Efficiency Regulations accurately reflect current federal regulations for the purpose of including a complete set of both state and federal regulations addressing appliance water and energy efficiency. The CEC does not enforce the federal appliance efficiency standards, and there is therefore no duplication in the application of the federal standards and there are no conflicts between state and federal law.

Broad objectives of the regulations and the specific benefits anticipated by the proposed amendments

The broad objective of this rulemaking is to provide federal alignment and administrative updates to Title 20, Article 4, CCR. This includes updates to align with current federal law, updates to the data submittal requirements and processes, removal of a redundant marking requirement for fans and blowers, updates and streamlining to CEC's product compliance review, enforcement and administrative proceedings, and other administrative and non-substantive changes for clarity and consistency.

The benefits of the proposed regulations will be to eliminate duplicative and outdated information, enhance the clarity and regulatory certainty of the regulations for stakeholders, and streamline internal compliance review and administrative process.

Determination of inconsistency or incompatibility with existing state regulations

The CEC has conducted an evaluation to identify other regulations in this area and has found none. Therefore, the CEC has determined that the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

DOCUMENTS INCORPORATED BY REFERENCE

The CEC proposes to incorporate by reference the following documents which include references to federal standards that preempt state law as set forth in 42 U.S.C. § 6297(a)-(c):

- ANSI/AMCA Standard 214-21 *“Test Procedure for Calculating Fan Energy Index (FEI) for Commercial and Industrial Fans and Blowers”*
- ANSI/AMCA Standard 240-15 *“Laboratory Methods of Testing Positive Pressure Ventilators for Aerodynamic Performance Rating”*
- ASME A112.18.1 2018/CSA B125.1-18 *“Plumbing Supply Fittings”*
- 10 C.F.R. section 429.12
- 10 C.F.R. section 429.16
- 11 C.F.R. section 429.32(a)
- 10 C.F.R. section 429.69

- 10 C.F.R. section 429.70
- 10 C.F.R. section 430.23(i) (Appendix I1 to subpart B of part 430)
- 10 C.F.R. section 430.23(j) (Appendix J to subpart B of part 430)
- 10 C.F.R. section 430.23(m) (Appendix M1 to subpart B of part 430)
- 10 C.F.R. section 430.23(aa) (Appendix Y1 to subpart B of part 430)
- 10 C.F.R. section 431.92
- 10 C.F.R. section 431.154
- 10 C.F.R. section 431.174
- 10 C.F.R. section 431.174 (Appendix A to Subpart J of Part 431)

All documents are available for review at the CEC located at 715 P Street, Sacramento, California 95814

MANDATED BY FEDERAL LAW OR REGULATIONS

The proposed changes to the federal requirements in the Appliance Efficiency Regulations reflect current federal law. None of the proposed changes to the state-specific requirements conflict with federal law; rather changes are proposed, such as removing state test procedures and state standards that are preempted by federal law, to ensure consistency with federal regulations and statutes.

OTHER STATUTORY REQUIREMENTS

None

LOCAL MANDATE DETERMINATION

None

FISCAL IMPACTS

The CEC has made the following initial determinations:

- 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 regulations 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 proposed changes will ensure the Appliance Efficiency Regulations reflect current federal law, ensure that manufacturers can properly certify to MAEDbS that their regulated products are compliant with the most current requirements, remove outdated and redundant language, update and streamline the CEC's product compliance review and administrative proceedings, and improve the regulatory text through clarification and formatting edits. These changes provide clarity and regulatory certainty to the regulated parties.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

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.

Benefit of the Proposed Action: The benefits of the proposed regulations will be to eliminate duplicative and outdated information and enhance the clarity and regulatory certainty of the regulations.

The proposed regulations will not adversely affect 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 private person or business would necessarily incur in reasonable compliance with the Proposed Action.

There are no cost impacts to a representative private person, as individuals are not required to comply with the regulations.

The proposed changes will ensure the Appliance Efficiency Regulations reflect current state and federal law, ensure that manufacturers can properly certify to MAEDbS that their regulated products are compliant with the most current requirements, remove outdated and redundant language, update and streamline the CEC's product compliance review and administrative proceedings, and improve the regulatory text through clarification and formatting edits. These changes provide clarity and regulatory certainty to the regulated parties.

BUSINESS REPORT

The proposed changes to product reporting requirements for appliances subject to federal test procedures would not require additional mandatory data reporting beyond

what is already required to be collected and reported to the federal government, except for televisions. For televisions within the scope of the amended federal test procedure, the proposed regulations would amend data reporting requirements on manufacturers of these products. The proposed regulations would require manufacturers to certify each model of television within the scope of the regulations to the CEC's Modernized Appliance Efficiency Database System by submitting updated data about each television model consistent with the amended federal test procedure. This data reporting requirement is otherwise not required by federal law, unless a manufacturer makes a representation of the energy use or energy efficiency of their product. Certifying a model with updated data would also allow customers, distributors and retailers to understand the energy consumption of these products. It is necessary for the health, safety, or welfare of the people of the state, that these regulations, which require a report, apply to businesses.

EFFECT ON SMALL BUSINESS

The proposed regulations will not affect small businesses.

The proposed changes will ensure the CEC's Appliance Efficiency Regulations reflect current state and federal law, ensure that manufacturers can properly certify to MAEDbS that their regulated products are compliant with the most current requirements, remove outdated and redundant language, update and streamline the CEC's product compliance review and administrative proceedings, and improve the regulatory text through clarification and formatting edits. These changes provide clarity and regulatory certainty to the regulated parties.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5, subdivision (a)(13), the Energy Commission 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.

The Energy Commission invites interested persons to present statements or arguments concerning alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

CONTACT PERSON

Questions should be addressed to:

Corrine Fishman, Regulations Manager
Efficiency Division
Corrine.fishman@energy.ca.gov

OR

Carlos Baez
Efficiency Division
Carlos.baez@energy.ca.gov

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

The CEC will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office located at 715 P Street, Sacramento CA 95814 As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the express terms, the Initial Statement of Reasons and any documents relied upon. Copies may be obtained by contacting Corrine Fishman or accessed through the CEC website at https://www.energy.ca.gov/proceeding/federal-and-administrative-updates-title-20-appliance-efficiency-regulations?auHash=yF-j6t_nS1-xnc9TbJ4DLLvOOOf3P4TkMg8zIbN0DNs

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 regulations could be changed as a result of public comment, staff recommendation, or recommendations from Commissioners. Moreover, changes to the proposed regulations 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 regulations pursuant to Government Code Section 11346.8, a full copy of the text and any additional documents relied upon 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 once it has been prepared, by visiting the CEC website at https://www.energy.ca.gov/proceeding/federal-and-administrative-updates-title-20-appliance-efficiency-regulations?auHash=yF-j6t_nS1-xnc9TbJ4DLLvOOOf3P4TkMg8zIbN0DNs or contacting Corrine Fishman.

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 on our website at https://www.energy.ca.gov/proceeding/federal-and-administrative-updates-title-20-appliance-efficiency-regulations?auHash=yF-j6t_nS1-xnc9TbJ4DLLvOOOf3P4TkMg8zIbN0DNs

INSTRUCTIONS FOR RECEIVING NOTICES AND DOCUMENTS IN THIS PROCEEDING

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, which can be accessed here: https://www.energy.ca.gov/proceeding/federal-and-administrative-updates-title-20-appliance-efficiency-regulations?auHash=yF-j6t_nS1-xnc9TbJ4DLLvOOOf3P4TkMg8zIbN0DNs. The subscription email 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 list serve but still would like to receive documents and notices by other means, please contact corrine.fishman@energy.ca.gov.