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CALIFORNIA ENERGY COMMISSION

FINAL STATEMENT OF REASONS

AMENDMENTS TO

**CALIFORNIA CODE OF REGULATIONS, TITLE 20:
CHAPTER 2, SUBCHAPTER 4, ARTICLE 4, SECTIONS 1601-1608:
APPLIANCE EFFICIENCY REGULATIONS**

Docket No. 06-AAER-1

May 2006

Table of Contents

I.	Introduction	1
II.	The Energy Commission’s Appliance Standards Programs.....	1
III.	Procedural History of the Rulemaking.....	2
IV.	Updated Informative Digest	3
V.	Update of ISOR Information.....	4
VI.	Findings.....	5
VII.	Authority and Reference	6
VIII.	Comments Received and the Commission’s Responses to the Comments	6
	A. List of Comments Opposing, or Recommending Changes in the Regulations.....	6
	B. Comments Supporting the Regulations	7
	C. The Commission’s Responses to Comments Recommending Changes To, or Opposing, the Proposed Regulations	7
	D. Comments Submitted to the Commission In Response To Previously-Docketed Comments.....	16

I. INTRODUCTION

The California Energy Commission (Commission) has amended its regulations regarding the energy efficiency of appliances. The regulations will take effect on June 30, 2006, except as otherwise noted in the text of the regulations.

This document is the final statement of reasons (FSOR) required by Government Code sections 11346.9 and 11347.3(b)(2).

II. THE ENERGY COMMISSION'S APPLIANCE STANDARDS PROGRAM

The Legislature has directed the Commission to adopt energy efficiency standards for all appliances "whose use, as determined by the commission, requires a significant amount of energy on a statewide basis." (Public Resources Code section 25402(c)(1).) The standards must "not result in any added total costs to the consumer over the designed life of the appliances concerned." (*Id.*) In other words, the standards must be cost-effective in that the dollar value of the energy savings produced by the standards must exceed any additional purchase costs caused by the standards. In addition, the standards "shall be based on feasible and attainable efficiencies or feasible improved efficiencies" (*Id.* § 25402(c)(1).) The Commission's standards cover heating and air-conditioning equipment, water heaters, refrigerators, plumbing fittings, and other major appliances.

The Commission first adopted appliance regulations in 1976, and since then the efficiency standards have saved California consumers over 10 billion dollars on their electricity and natural gas bills. In AB 970 the Legislature directed the Commission to update the standards to obtain the "maximum feasible reductions in wasteful, uneconomic, inefficient, or unnecessary consumption of electricity." (Stats. 2000, ch. 329, section 5; Public Resources Code section 25553(b).)

The appliance regulations include the following major provisions:

Section 1601 lists the appliances that are covered by the regulations.

Section 1602 defines the terms that are used in the regulations.

Sections 1603 and 1604 establish test methods for the appliances covered by the regulations. In order to assess the efficiency of any particular appliance fairly and accurately, there must be a test method that is strictly controlled and that applies to all manufacturers. Manufacturers use the test methods to show that their appliances meet the energy efficiency standards.

Sections 1605, 1605.1, 1605.2, and 1605.3 establish the energy efficiency standards.

Section 1606 contains the requirements for manufacturers to submit information to the Commission on various aspects of energy performance. Collecting, organizing, and dissemination data is a key part of the Commission's appliance program. The Commission's electronic database, which contains information on over 170,000 appliance models, is the most thorough and extensive appliance database in the world, and is used hundreds of times every day by consumers, building officials, energy researchers, other government agencies, utility program managers, and manufacturers themselves. Other information sources, such as the U.S. Environmental Protection Agency's Energy StarTM program and utility efficiency programs, rely heavily on the Commission's database.

Section 1607 requires that appliances be marked with certain basic information about their energy characteristics.

Section 1608 contains compliance and enforcement procedures and other administrative matters.

For more details about the regulations, please see the Initial Statement of Reasons published in February 2006.

III. PROCEDURAL HISTORY OF THE RULEMAKING

On February 27, 2006, the Commission published a Notice of Proposed Action (NOPA) and made publicly available the Express Terms (45-day language) of proposed amendments, along with an Initial Statement of Reasons (ISOR) that summarized and explained the rationale for the proposed amendments. The NOPA was provided to every person on the Commission's appliance mailing lists for Consumer Audio and Video Equipment, External Power Supplies, the Appliance Listserver, and to every person who had requested notice of such matters. The NOPA, the ISOR, and the Express Terms were also posted on the Commission's website.

On March 27, 2006, the Commission's Efficiency Committee (Commissioner Jackalyne Pfannenstiel, Presiding Member, and Commissioner Art Rosenfeld, Associate Member) held a hearing, and on April 12, 2006 the full Commission held a hearing to receive comments on the 45-day language.

On April 24, 2006, the Commission published revisions to the 45-day language (15-day language). On that date the Commission provided a notice that included (1) the 15-day language, (2) an explanation of the rationales for the changes, and (3) notification of the public hearing for adoption. The notice was sent to all persons on the mailing list for the NOPA and to any additional persons

who had commented on the 45-day language. The notice, the 15-day language, and the explanation of rationales were also posted on the Commission's website. All of the changes made in the 15-day language were sufficiently related to the original text in the 45-day language that the public was adequately placed on notice that the changes could result from the originally-proposed text (no commenter asserted otherwise).

On May 24, 2006, the Commission decided to split this rulemaking package and only adopted the 15-day language for external power supplies. The Commission directed the staff to continue the rulemaking process for digital television adapters and propose adopting new 15-day language at a later date.

IV. UPDATED INFORMATIVE DIGEST

In the rulemaking that is the subject of this Final Statement of Reasons, the Energy Commission amended the Appliance Efficiency Regulations to delay the effective dates for external power supplies by six months for external power supplies used with laptop computers, mobile phones, printers, print servers, scanners, personal digital assistants, and digital cameras. The effective date for external power supplies used with wireline telephones and all other applications was delayed by 12 months. This contrasts with the original NOPA, which proposed only a six-month delay for all categories of external power supplies.

Also in the original NOPA, we indicated that we were going to amend the scope of single-voltage external power supplies to “exclude specified medical devices”. In the amendments that were adopted at the May 24, 2006, the scope was amended to specifically exclude “power supplies that are classified as devices for human use under the Federal Food, Drug, and Cosmetic Act and that require U.S. Food and Drug Administration listing and approval as a medical device”.

Additionally, the original NOPA indicated that we would be extending the effective dates for external power supplies by six months. This six month extension in the effective dates also included the effective dates for power supplies that are made available as accessories, service parts, and spare parts. In the amendments that were adopted at the May 24, 2006 hearing, the wording indicating the effective dates for accessories, service parts, and spare parts as originally in the Appliance Efficiency Regulations was replaced by an “Exception” to Section 1605.3(u)(1), indicating that power supplies made available by a manufacturer directly to a consumer or to a service or repair facility, after and separate from the original sale of the product requiring a power supply as a service part or spare part, shall not be required to meet the Standards for Power Supplies in Table U-1 and U-2 until five years after the effective dates indicated in Table U-1 and Table U-2.

Finally, the original NOPA proposed that the effective date of the standard for digital television adapters was to be delayed by 12 months. This delay was not adopted by the Commission at the May 24, 2006 hearing, as the rulemaking was split so such a delay for digital television adapters will be considered under a continuation of this rulemaking.

V. UPDATE OF ISOR INFORMATION

Section 1602(u), definitions for power supplies and consumer audio and video equipment, has been amended to add definitions that were not indicated in the ISOR. New definitions are included for “computer”, “digital camera”, “mobile phone”, “personal digital assistant (PDA)”, and “wireline telephone”. The specific purpose and rationale for adding these new definitions was to clearly define those appliances that would be subject to the 6-month delay versus those appliances that would be subject to the 12-month delay for the external power supply standards. Providing definitions for the subject appliances removes any ambiguity as to what we intend to be covered by each effective date.

Section 1605.3(u)(1), standards for power supplies, has been amended to include an “exception” statement that incorporates the language excluding service or spare parts (and completely removing the term “accessories”) from the efficiency standards for external power supplies for a period of 5 years from the effective dates indicated in the standards requirements tables U-1 and U-2. The standards effective dates have also been changed to delay the effective date by 6 months for external power supplies used with laptop computers, mobile phones, printers, print servers, scanners, personal digital assistants, and digital cameras. The effective date for external power supplies used with wireline telephones and all other applications has been delayed by 12 months. The ISOR indicated only a 6-month delay of the effective dates for all power supply applications. Additionally, the amendments as adopted do not include the 1-year delay in the effective date for digital television adapter standards, as reflected in the ISOR. Rather, this issue will be dealt with in a continuance of this rulemaking.

The purpose and rationale for adopting these various delays for the effective date was to limit the loss of energy savings by allowing those appliances that are already using more efficient power supplies to have only a 6-month delay in the standard effective date, and for those appliance types that are largely still using less efficient power supplies a longer period to design and implement more efficient power supplies. The longer 12-month delay for wireline telephones was also justified because of the need to design an efficient power supply that also has greater surge protection than do most other power supply applications. The purpose of including an Exception to Section 1605.3(u)(1) was to more clearly indicate what the conformance requirements are for service parts and spare parts, and to remove the ambiguous and undefined term “accessories” from the exception language.

Section 1607(d)(9)(i) a., marking of external power supplies, the amendments as adopted include additional language that was not contained in the ISOR. The purpose and rationale for this additional language is that it is necessary to clarify the marking requirements for those power supplies that meet the efficiency standards only at 115 volts.

VI. FINDINGS

Based on the record of the rulemaking proceeding, the Commission made all findings required by the Administrative Procedure Act, such as those related to costs on businesses and local agency mandates, in the Order adopting the regulations. The Order reflected most of the initial findings in the NOPA, which includes a more detailed discussion of the rationales for the findings. There were no comments on the findings themselves, but there were some comments on a few of the matters covered by the findings; those comments are discussed in Part VIII of this FSOR, beginning on page 5 below.

The Commission found:

- (1) Direct Adverse Impacts on Business. The adopted regulations will not result in a significant statewide adverse impact directly affecting business, including the ability of California businesses to compete with businesses in other states.
- (2) Creation and Elimination of Businesses. The adopted regulations are not expected to create new businesses or eliminate existing businesses.
- (3) Expansion of Businesses. The adopted regulations will have no significant effect on the expansion of businesses in California.
- (4) Impacts on Jobs. The adopted regulations will not create or eliminate a significant number of jobs within California.
- (5) Costs to Private Persons. The adopted regulations will impose initial increased costs on private persons, but will save much more in energy costs over the life of the appliances than the initial increases in purchase price.
- (6) Requirements for State and Local Agencies and School Districts. The adopted regulations will impose no direct requirements on state agencies, local agencies, or school districts.
- (7) Federal Funding. The adopted regulations will result in no costs or savings in federal funding to the State.

- (8) Reimbursable Costs. The adopted regulations will result in no costs to any local agency or school district that are required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of the Government Code.
- (9) Housing Costs. The adopted regulations will not affect housing costs.
- (10) Small Businesses. The adopted regulations will have no significant adverse effect on businesses in general or small businesses in particular.
- (11) Alternatives. There are no alternatives to adoption of the regulations that would be more effective in carrying out the energy-savings purposes of the regulations, without increasing burdens, or that would be as effective and less burdensome in carrying out the purposes.

VII. AUTHORITY AND REFERENCE

The Commission adopted the regulations under the authority of Public Resources Code sections 25213, 25216(b), 25216.5(d), 25218(e), 25402(a)-(c), 25553(b), and 25960. The adopted regulations implement, interpret, and make specific Public Resources Code sections 25216.5, 25402(a)-(c), 25553(b), and 25960.

VIII. COMMENTS RECEIVED AND THE COMMISSION'S RESPONSES TO THE COMMENTS

The following discussion summarizes all of the comments received in the rulemaking, on both the 45-day language and the 15-day language. The discussion also describes the Commission's reply to each comment: either (1) how the Commission modified the proposed regulations in response to the comment, or (2) the reasons why the change requested by the commenter was not made.

In general, the comments are organized by section number of the regulations. If a section number is not listed, no comments on the 45-day language or on the 15-day language were received for that section.

A. List of Comments Opposing, or Recommending Changes in, the Proposed Amendments to the Regulations

AHAM 3-27-06 Committee Hearing
Conair 3-20-2006, 3-27-06 Committee Hearing
Consumer Electronics Association 3-27-2006, 3-27-06 Committee Hearing
Harman Music Group 2-22-2006, 3-27-06 Committee Hearing, 4-21-2006,
and 4-24-2006
Konica Minolta 4-12-2006
Kyushu Mitsumi 4-12-2006
Mattel 4-12-2006
Panasonic 3-27-06 Committee Hearing
Philips 3-23-2006
QIS 4-10-2006
RadioShack 3-27-06 Committee Hearing
TIA 3-20-2006, 3-27-06 Committee Hearing
Uniden 3-27-06 Committee Hearing
VTech 3-27-06 Committee Hearing
Wahl 3-20-2006, 3-27-06 Committee Hearing

B. List of Comments Supporting the Proposed Amendments to the Regulations

AHAM 4-10-2006
Conair 4-21-2006
EBI 4-5-2006
Hewlett Packard 3-27-06 Committee Hearing
Leveler 4-17-2006
NRDC 4-10-2006 and 4-17-2006
Omron 4-12-2006

C. The Commission's Responses to Comments Recommending Changes To, or Opposing, the Proposed Regulations

Section 1601 - Scope

Section 1601 lists the appliances that are within the scope of the regulations

Section 1601(u) – Power Supplies

Comment: AHAM 3-27-06 Committee Hearing asks that the Commission exclude from the scope for external power supplies those power supplies that are used with battery chargers.

Response: The Commission is currently working on getting a test method specifically designed for the testing of power supplies used with battery chargers,

and until that test method is complete we believe the best way to measure and limit the energy consumption of power supplies used with battery chargers is the test method currently required for external power supplies in general.

Comment: Conair 3-20-06 and 3-27-06 Committee Hearing asks the Commission to consider excluding certain types of end-use products from the scope of external power supplies, including small, motor-operated heated massaging appliances and therapeutic pad-type products, i.e. massagers, heating pads, and non-rechargeable grooming products. The rationale for this request is that these products are not continuously plugged into an electrical outlet and are used only for short periods of time.

Response: The Commission has found the request to exclude power supplies used with FDA-approved medical devices to be reasonable, and has allowed for such an exclusion in the Appliance Efficiency Regulations. Allowing for exclusions for power supplies used with “small, motor-operated heated massaging appliances and therapeutic pad-type products” is not a well-defined category, and there does not appear to be any compelling reason to exclude such appliances from the external power supply standards.

Comment: CEA 3-27-06 asks that external power supplies used with limited-use end products be exempted from the efficiency standards. The rationale for this is that the standards in this case would be costly without a resulting benefit to the consumer.

Response: The category “limited-use” end product would be impossible to define for purposes of imposing the external power supply standards, and would likely create a loophole in the Appliance Efficiency Regulations that could be used to circumvent the standards. As such, the Commission determined that allowing for such an exclusion was not reasonable.

Comment: Harman Music Group 3-27-06 Committee Hearing asks that AC to AC external power supplies such as used with their audio equipment be exempted from the external power supply standards requirements.

Response: The Commission believes that a large loophole would be created in the external power supply standards if AC to AC power supplies were excluded from the scope of the standards. As such, the Commission believes that it is more reasonable to give an extra year to comply with the minimum efficiency standards for the type of equipment that Harman Music Group is concerned about. The Commission has implemented this 1-year delay in the effective date in this rulemaking.

Comment: Harman Music Group 4-21-06 states that AC to AC adapters that meet the Commission’s standards are not attainable in a cost effective manner,

and request an exemption for AC to AC external power supplies for which safety approval under UL 60065 Audio/Video Safety Standards are required.

Response: The Commission believes that a large loophole would be created in the external power supply standards if AC to AC power supplies were excluded. Because of this, the Commission believes that it is more reasonable to give an extra year to comply with the minimum efficiency standards for the type of equipment that Harman Music Group is concerned about. The Commission has implemented this 1-year delay in the effective date in this rulemaking.

Comment: Konica Minolta 4-12-06 asks that AC adapters used with industrial scientific and medical instruments be exempt from the standards. The rationale for this request is that there are not compliant power supplies available for this type of end-use equipment

Response: The Commission has found the request to exclude power supplies used with FDA-approved medical devices to be reasonable, and has allowed for such an exclusion in the Appliance Efficiency Regulations. The request for an exclusion for “industrial scientific” instruments was not found to be compelling, and would be difficult to define such a category for the purpose of applying a standard, and as such the Commission did not allow for such an exclusion in the Appliance Efficiency Regulations.

Comment: Kyushu Mitsumi 4-12-06 does not believe that external power supplies used with medical equipment should be excluded from the [regulations]. The rationale for this appears to be that linear power supplies are less efficient than switching power supplies.

Response: The Commission understands that the exemption for power supplies used with medical devices will allow for less efficient power supplies to be used with FDA-approved equipment, but the reasoning to exempt such power supplies was compelling and the Commission believes that the number of power supplies affected by the exclusion will be a small fraction of the total number of power supplies in use in California.

Comment: Philips 3-23-06 requests that the Commission separate battery chargers from the external power supply standards. The primary rationale for this request is that Philips claims that its personal grooming products have little or no standby power use and very minimal maintenance power use.

Response: The Commission is currently working on a test method that is specifically designed for the testing of battery chargers. Once this test method is completed, there will be an opportunity to devise standards specifically for battery chargers. In the meantime, the Commission believes that the current external power supply test method and standards can be accurately used for those

battery charger power supplies that fall within the scope of the current power supply standards.

Comment: Wahl 3-20-06 requests the CEC to exempt appliance battery charger products that operate at less than 2 watts of energy in the maintenance mode in the “new battery charger standard”.

Response: Because the Commission has yet to devise standards specifically for power supplies used for battery chargers, it is premature to exempt certain categories of battery chargers at this point in time.

Section 1604. Test Methods for Specific Appliances.

Section 1604 contains the test methods for energy performance that are applicable to each specific appliance.

Section 1604(u), Test Methods for Power Supplies and Consumer Audio and Video Equipment.

Section 1605, Energy Performance, Energy Design, Water Performance, and Water Design Standards.

Section 1605 summarizes the basic requirements for compliance with standards and outlines the three types of appliance efficiency standards contained in the regulations. In brief:

Section 1605.1 contains federal standards for federally-regulated appliances. (The federal standards are also adopted as state standards to the extent that they apply to appliances installed in new construction.)

Section 1605.2 contains state standards for appliances that are federally-regulated. The Section 1605.2 standards will become effective only when California obtains a waiver from federal preemption.

Section 1605.3 contains state standards for appliances that are not federally-regulated.

Section 1605.3, State Standards for Non-Federally-Regulated Appliances

1605.3(u), Standards for Power Supplies and Consumer Audio and Video Equipment.

Comment: CEA 3-27-06 and 3-27-06 Committee Hearing claims that a 12-month delay rather than the six-month delay being proposed in 45-Day Language is required for the external power supply standards effective date. CEA cites supply and cost issues, technical issues, safety certification and compliance issues, and industry product development cycles as the rationale for needing a longer delay in the effective date.

Response: The Commission agrees that a 12-month delay is appropriate for some categories of external power supplies, and as a result has implemented a 12-month delay for power supplies used with wireline telephones and “all other applications” (those end-use appliances that were not specifically identified for the 6-month delay in the effective date of the standards). For those appliance types that industry indicated would not require a 12-month delay in the effective date of the standards, including laptop computers, mobile phones, printers, print servers, scanners, personal digital assistants, and digital cameras, a 6-month delay in the standards has been implemented.

Comment: CEA 3-27-06 is requesting an effective date of July 1, 2008 for external power supplies used with wireline telephones. The rationale for this request is the need to establish conformance of products for safety, radio frequency interference, durability, and performance.

Response: The Commission has implemented a 12-month delay in the standards for external power supplies used with wireline telephones, and believes that this delay is adequate for industry to comply with the power supply standards. Compliant products have been found to exist on the market now and the 12-month delay allows for increased production of compliant power supplies and for supply to keep up with demand for this product.

Comment: CEA 3-27-06 and 3-27-06 Committee Hearing claims that a 7-year spare parts exemption is necessary to comply with California law (CCR Section 1793.03).

Response: The Commission has allowed for a 5-year exemption from the standards for external power supplies used as spare parts or service parts. The Commission believes that this 5-year period satisfies the requirements in CCR Section 1793.03.

Comment: Harman Music Group 2-22-06 states that there are no “drop-in replacement” external power supplies for their AC to AC power supply

requirement, and as such the CEC should reconsider its “proposed” mandatory regulations for external power supplies, making them voluntary instead.

Response: The Commission has allowed for a 12-month delay in the standards for power supplies used with the type of equipment that Harman Music Group manufactures, and the Commission believes that this delay is more than adequate to allow industry to gain adequate supplies of compliant power supplies.

Comment: Harman Music Group 3-27-06 Committee Hearing asks that the Commission consider “reverting everything to a form of a voluntary basis”.

Response: The Energy Commission has been given the authority to set minimum efficiency standards for appliances, and is not in a position to make such standards voluntary.

Comment: Konica Minolta 4-12-06 asks that the Commission delay the standards for external power supplies to later than 2010.

Response: The Commission believes that a 12-month delay is appropriate for some categories of external power supplies, and as a result has implemented a 12-month delay for power supplies used with wireline telephones and “all other applications” (those end-use appliances that were not specifically identified for the 6-month delay in the effective date of the standards). For those appliance types that industry indicated would not require a 12-month delay in the effective date of the standards, including laptop computers, mobile phones, printers, print servers, scanners, personal digital assistants, and digital cameras, a 6-month delay in the standards has been implemented. The Commission does not believe a delay in the effective date until 2010 is either needed or justified.

Comment: Kyushu Mitsumi 4-12-06 asks that the effective date of the standards for external power supplies be delayed by 6 months for each tier.

Response: The Commission agrees that a 12-month delay is appropriate for some categories of external power supplies, as a result has implemented a 12-month delay for power supplies used with wireline telephones and “all other applications” (those end-use appliances that were not specifically identified for the 6-month delay in the effective date of the standards). For those appliance types that industry indicated would not require a 12-month delay in the effective date of the standards, including laptop computers, mobile phones, printers, print servers, scanners, personal digital assistants, and digital cameras, a 6-month delay in the standards has been implemented. A 6-month delay has also been implemented for the second-tier power supply standards effective date.

Comment: Mattel 4-12-06 asks that the Commission extend the effective date of the external power supply standards to January 2008. The rationale for this is to

harmonize the standards with Washington, Arizona, and Massachusetts, and to allow the industry to ensure adequate supply availability and safety compliance.

Response: The Commission believes that a 12-month delay is appropriate for some categories of external power supplies, and as a result has implemented a 12-month delay for power supplies used with wireline telephones and “all other applications” (those end-use appliances that were not specifically identified for the 6-month delay in the effective date of the standards). For those appliance types that industry indicated would not require a 12-month delay in the effective date of the standards, including laptop computers, mobile phones, printers, print servers, scanners, personal digital assistants, and digital cameras, a 6-month delay in the standards has been implemented. The Commission does not believe that a delay in the effective date in the standards until January 2008 (an 18-month delay) to “harmonize” with other states’ standards effective date is necessary.

Comment: Mattel 4-12-06 believes that spare parts must be exempted from the regulations for single-voltage AC to DC power supplies.

Response: The Commission has allowed for a 5-year exemption from the standards for external power supplies used as spare parts or service parts. The Commission believes that this 5-year period satisfies the requirements in CCR Section 1793.03.

Comment: Panasonic 3-27-06 Committee Hearing requests a 12-month delay rather than the 6-month delay proposed in the 45-Day Language for the external power supply standards effective date. The rationale for this request is that a 12-month delay in the effective date would synchronize with companies’ product development cycle.

Response: The Commission agrees that a 12-month delay is appropriate for some categories of external power supplies, as a result has implemented a 12-month delay for power supplies used with wireline telephones and “all other applications” (those end-use appliances that were not specifically identified for the 6-month delay in the effective date of the standards). For those appliance types that industry indicated would not require a 12-month delay in the effective date of the standards, including laptop computers, mobile phones, printers, print servers, scanners, personal digital assistants, and digital cameras, a 6-month delay in the standards has been implemented.

Comment: QIS 4-10-06 indicates that they have been unable to locate suitable replacement AC to AC power supplies for their products that comply with the Commission’s standards for external power supplies.

Response: The Commission has adopted a 12-month delay in the effective date for power supplies used for the type of equipment that QIS is having difficulty in

locating power supplies for. This delay should allow QIS to locate a suitable replacement power supply prior to the revised effective date.

Comment: RadioShack 3-27-06 Committee Hearing asks that the effective date of the standards for external power supplies be extended by 6 months or one year in order to find standards-compliant power supplies that do not cause interference with audio and video circuitry.

Response: The Commission agrees that a 12-month delay is appropriate for some categories of external power supplies, as a result has implemented a 12-month delay for power supplies used with wireline telephones and “all other applications” (those end-use appliances that were not specifically identified for the 6-month delay in the effective date of the standards). For those appliance types that industry indicated would not require a 12-month delay in the effective date of the standards, including laptop computers, mobile phones, printers, print servers, scanners, personal digital assistants, and digital cameras, a 6-month delay in the standards has been implemented.

Comment: TIA 3-10-06 and 3-27-06 Committee Hearing asks that the CEC delay the effective date for power supplies used with wireline telephones to July 1, 2008. The rationale for this request is that the technology needed to make power supplies that are both compliant with the CEC’s standards and providing acceptable protection from damage caused by power surges is still under development.

Response: Although the Commission does not believe that a 2-year delay in the effective date for external power supplies is necessary, it does agree that a 12-month delay is appropriate for some categories of external power supplies, and as a result has implemented a 12-month delay for power supplies used with wireline telephones and “all other applications” (those end-use appliances that were not specifically identified for the 6-month delay in the effective date of the standards). For those appliance types that industry indicated would not require a 12-month delay in the effective date of the standards, including laptop computers, mobile phones, printers, print servers, scanners, personal digital assistants, and digital cameras, a 6-month delay in the standards has been implemented.

Comment: Uniden 3-27-06 Committee Hearing states that “the power supply that’s needed for telephone products does not exist”.

Response: The Commission has adopted a 12-month delay in the effective date for power supplies used for wireline telephones. This delay should allow Uniden and other companies in a similar situation to locate suitable replacement power supplies prior to the revised effective date.

Comment: VTech 3-27-06 Committee Hearing asks that the CEC delay the effective date for power supplies used with wireline telephones by 18 months. The rationale for this request is that the technology needed to make power supplies that are both compliant with the CEC's standards and providing acceptable protection from damage caused by power surges is still under development.

Response: Although the Commission does not believe that an 18 month delay in the effective date is necessary, it does agree that a 12-month delay is appropriate for some categories of external power supplies, as a result has implemented a 12-month delay for power supplies used with wireline telephones and "all other applications" (those end-use appliances that were not specifically identified for the 6-month delay in the effective date of the standards). For those appliance types that industry indicated would not require a 12-month delay in the effective date of the standards, including laptop computers, mobile phones, printers, print servers, scanners, personal digital assistants, and digital cameras, a 6-month delay in the standards has been implemented.

Comment: Wahl 3-20-06 and 3-27-06 Committee Hearing requests that the CEC delay the effective date of the test procedure and efficiency standard for external power supplies until July 1, 2007. The rationale for this is that the current regulations do not address battery charger power supply issues in different charge modes, and there are no off-the-shelf compliant battery charger power supplies for Wahl's 1.2 volt appliances.

Response: The Commission agrees that a 12-month delay is appropriate for some categories of external power supplies, as a result has implemented a 12-month delay for power supplies used with wireline telephones and "all other applications" (those end-use appliances that were not specifically identified for the 6-month delay in the effective date of the standards). For those appliance types that industry indicated would not require a 12-month delay in the effective date of the standards, including laptop computers, mobile phones, printers, print servers, scanners, personal digital assistants, and digital cameras, a 6-month delay in the standards has been implemented.

Section 1607, Marking of Appliances.

Section 1607(b), Name, Model Number, and Date, Section 1607(d)(9), Energy Performance Information for External Power Supplies.

Comment: Mattel 4-12-06 states that they feel that the "California-specific marking requirement" would be an unnecessary burden, and adding a marking that has little meaning to the consumer on an "already crowded" power supply would "dilute the value of other meaningful safety markings". The date of manufacture is specifically mentioned.

Response: It is not clear what “California-specific” markings Mattel is referring to, since the only marking requirements that we are requiring for external power supplies is the manufacturer’s name, the brand name, the model number, the date of manufacture, and the commonly-used Roman numeral marking that is required to indicate compliance with specific efficiency levels. None of these marking requirements is unique to California’s Appliance Efficiency Regulations, but is used by the EPA EnergyStar program and other entities.

D. Comments Submitted to the Commission In Response To Previously-Docketed Comments

The Consumer Electronics Association (CEA) submitted a letter to the Commission on May 24, 2006, after the adoption of the Amendments to the Appliance Efficiency Regulations at the May 24, 2006 Adoption Hearing. The CEA letter is a retort to docketed input by the Natural Resources Defense Council (NRDC). CEA’s letter does not object or make recommendations specifically directed at the Commissions proposed regulations or to the procedures followed by the Commission in proposing or adopting this action. The Commission has noted the comments for the record but does not find it necessary to respond to CEA’s comments under “Government Code section 11346.9(a)(3).