

DOCKETED

Docket Number:	20-AAER-01
Project Title:	Amendments to the Title 20 Appliance Efficiency Regulations Rulemaking
TN #:	235149
Document Title:	Notice of Proposed Action (NOPA)
Description:	Notice of Proposed Action (NOPA) for the 2020 Repeal of Self-Contained Lighting Controls and Other Amendments Rulemaking
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Organization:	California Energy Commission
Submitter Role:	Commission Staff
Submission Date:	10/8/2020 10:51:06 AM
Docketed Date:	10/8/2020

CALIFORNIA ENERGY COMMISSION

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Main website: www.energy.ca.gov
CEC-57 (Revised 1/19)

**NOTICE OF PROPOSED ACTION**

Title 20. Public Utilities and Energy
Division 2. State Energy Resources Conservation and Development Commission
Chapter 4. Energy Conservation
Article 4. Appliance Efficiency Regulations

2020 Repeal of Self-Contained Lighting Controls and Other Amendments
Docket No.20-AAER-01
Notice Published on October 9, 2020

INTRODUCTION

The California Energy Commission (CEC) proposes to repeal the self-contained lighting control requirements, provide updates to reflect current federal law, remove the outdated minimum lumen output requirement for portable luminaires, and modify data submittal requirements for certain appliances in the Appliance Efficiency Regulations after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

The CEC will hold a public hearing for the proposed regulations on the following date and time. Interested persons, or his or her authorized representative, may present oral and written 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.*

The public hearing will be held remotely, consistent with Executive Orders N-25-20 and N-29-20 and the recommendations from the California Department of Public Health to encourage physical distancing to slow the spread of COVID-19. Instructions for remote participation are provided below.

Thursday, December 3, 2020
10:00 a.m. (Pacific Time)

REMOTE PARTICIPATION

Remote Attendance Participants may join by accessing Zoom at: <https://energy.zoom.us/j/95873994727?pwd=c2d1OXNqMWtCcDRQTIJYODRNbDBTZz09> and enter the unique Webinar ID and password for each session (listed below). Zoom technical support is available at 1-888- 799-9666 ext. 2, or you may contact the CEC's Public Advisor's Office via email or phone. To comment or ask a question, dial *9 to use the "raise hand" feature in Zoom.

Meeting ID: 958 7399 4727

Password: 342552

To participate by telephone, call Zoom at 1-877-853-5257 or 1-888-475-4499 (toll free). When prompted, input the unique 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 Public Advisor’s Office provides the public assistance in participating in CEC proceedings. For information on how to participate in this forum, or to request language services or other reasonable accommodations, please contact the Public Advisor, Noemi O. Gallardo, at publicadvisor@energy.ca.gov, or by phone at (916) 654-4489, toll free at (800) 822-6228, or by fax at (916) 654-4493. Requests for language services and reasonable accommodations should be made at least five days in advance. The CEC will work diligently to accommodate late requests.

Zoom: If you experience difficulties with the Zoom platform, please contact the Public Advisor’s office via email or phone.

NEWS MEDIA INQUIRIES

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

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments to the CEC for consideration on or prior to November 23, 2020. The CEC appreciates receiving written comments at the earliest possible date.

Please submit comments using the CEC’s e-commenting feature by going to the web page found at <https://www.energy.ca.gov/rules-and-regulations/appliance-efficiency-regulations-title-20/amendments-title-20-appliance>, Docket Number 20-AAER-01, then select the “Submit e-comment” link. A full name, e-mail address, comment title, and either a comment or an attached document (.doc, .docx, or .pdf format) is mandatory. After a challenge-response test used by the system to ensure that responses are generated by a human user, click on “Agree & Submit Your Comment” to submit the comment to the CEC’s Docket Unit.

Please note that written comments, attachments, and associated contact information included within the written comments and attachments (e.g., your address, phone, email, etc.) become part of the viewable public record.

You are encouraged to use the electronic filing system, described above, to submit comments. All written comments submitted prior to the hearing must be submitted to the docket. If you are unable to submit electronically, a paper copy of your comments may be sent to:

Docket Unit
California Energy Commission
Docket No.20-AAER-01
1516 9th Street, MS-4
Sacramento, CA 95814
Telephone: (916) 654-5076
Or by [email](mailto:docket@energy.ca.gov) to docket@energy.ca.gov.
Or fax them to Dockets at (916) 654-4354.

All written comments shall comply with the requirements of 20 C.C.R. § 1208.1.

STATUTORY AUTHORITY AND REFERENCE

Public Resources Code Section 25213, 25218(e), and 25402(c) authorize the Energy Commission to adopt rules or regulations, as necessary, to implement Public Resources Code Sections 25216.5(d) and 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 mandates and/or authorizes that the Energy Commission 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 (California Code of Regulations (CCR), 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.

In January 2012, the requirements for self-contained lighting controls were moved from the California Building Energy Efficiency Standards (Title 24) to the California Appliance Efficiency Regulations (Title 20). These regulations established energy design standards, data submittal requirements, and marking requirements for self-contained lighting controls. However, since then the manufacture and operation of lighting controls began to shift towards a group of devices working as a system, rather than a group of independent, discrete devices, making it more appropriate to regulate

these appliances through building energy efficiency standards rather than appliance efficiency standards.

During development of the 2019 Building Energy Efficiency Standards the CEC included requirements for lighting control devices, whether they work as a system or independently. These requirements became effective January 1, 2020, and supersede those in the Title 20 Appliance Efficiency Regulations.

Therefore, with the 2019 Building Energy Efficiency Standards effective on January 1, 2020, the CEC is proposing to repeal the self-contained lighting controls in the Appliance Efficiency Regulations to avoid duplicative regulations. In addition, the CEC is providing updates to reflect current mandatory federal laws, removing the outdated minimum lumen output requirements for portable luminaires, modifying data submittal requirements for certain appliances, and making non-substantive changes to effectively communicate the regulations in a precise and clear manner.

Difference from existing comparable federal regulation or statute

The Energy Commission has determined that there are no existing comparable federal regulations or statutes.

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

The broad objective of this rulemaking is to provide updates to the Appliance Efficiency Regulations. This includes the repeal of the self-contained lighting control requirements, updates to reflect current federal laws, modifications to data submittal requirements for certain appliances, the removal of the outdated minimum lumen output requirement for portable luminaires, and non-substantive changes for clarity and consistency.

The specific benefits of the proposed regulation will be to eliminate duplicative and outdated information and enhance the clarity and regulatory certainty of the regulations. We are repealing the self-contained lighting requirements as these requirements have been moved to the 2019 Building Energy Efficiency Standards (Title 24) effective January 1, 2020. As such, the requirements in the Appliance Efficiency Regulations for this appliance type are duplicative and unnecessary. The CEC is also providing updates to reflect current federal laws. The 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 current federal law, providing clarity and regulatory certainty to regulated parties. Third, the modifications to data submittal requirements for certain appliances will ensure that manufacturers can properly certify to MAEDbS that their regulated products are compliant with the most current energy performance standards and testing requirements. Finally, the removal of the outdated minimum lumen output requirement for portable luminaires allows for manufacturers to design portable luminaires that provide less than 200 lumens, if desired, leading to better product

availability for consumers. The CEC is also proposing to make non-substantive numbering, ordering, cross-reference, and grammatical changes to Title 20 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.

Determination of inconsistency or incompatibility with existing state regulations

The Energy Commission has conducted an evaluation for other regulations in this area. As previously mentioned, the 2019 Building Energy Efficiency Standards now include requirements for lighting controls, whether they work as a system or independently, that became effective January 1, 2020 and supersede those in Title 20 Appliance Efficiency Regulations. As such, the CEC proposes to repeal the regulations for self-contained lighting controls in Title 20, the Appliance Efficiency Regulations, to avoid duplicative regulation and public confusion.

The CEC has determined that the proposed regulations are neither inconsistent nor incompatible with existing state regulations but necessary to avoid duplicative regulation on self-contained lighting controls.

DOCUMENTS INCORPORATED BY REFERENCE

None

MANDATED BY FEDERAL LAW OR REGULATIONS

None

OTHER STATUTORY REQUIREMENTS

None

FISCAL IMPACTS

The Energy Commission has made the following initial determinations:

- Mandate on local agencies or school districts: None
- Cost to any local agency or school district requiring reimbursement pursuant to 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 are unlikely to have a statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

During development of the 2019 Building Energy Efficiency Standards the CEC included requirements for lighting control devices. These requirements became effective January 1, 2020 and supersede those requirements in the Title 20 Appliance Efficiency Regulations. As such, the CEC is proposing to repeal self-contained lighting controls in Title 20 to avoid duplicative regulations. There may be a small cost benefit to manufacturers of self-contained lighting controls, as they will no longer be required to certify self-contained lighting controls to the CEC's Modernized Appliance Efficiency Database System (MAEDbS).

The CEC is also providing updates to reflect current federal laws and modifying data submittal requirements for certain appliances. The proposed changes will ensure the Appliances Efficiency Regulations will reflect current federal law and ensure that manufacturers can properly certify to MAEDbS that their regulated products are compliant with the most current energy performance standards and testing requirements, providing clarity and regulatory certainty to the regulated parties.

Ceiling fans and dehumidifiers are not being added as new appliances to Table X in Section 1606. Rather, the specific data fields required for these appliance types are being updated in order for manufacturers to certify compliance with current standards to MAEDbS. As such, this will have no economic impact since manufacturers had to certify these appliances before and will continue doing so.

Miscellaneous refrigeration products are the only new appliance type that is being added to Table X for data submittal requirements. Although this is a new appliance type in Table X, it is not a newly regulated product. The federal standards had already been added to the Title 20 Appliance Efficiency Regulations through a rulemaking that became effective on October 28, 2019. Requiring submittal to MAEDbS may have a small impact on manufacturers who have not previously had to certify these to MAEDbS. However, any economic impact is expected to be insignificant compared to the total sales of these entities, and insufficient to support the creation or cause the elimination of any business including the ability of businesses to compete with other states.

The removal of the minimum lumen output requirement for portable luminaires allows for manufacturers to design portable luminaires that provide less than 200 lumens, if desired. The economic impact here is also expected to be insignificant compared to the total sales of these entities and insufficient to support the creation or cause the elimination of any business including the ability of businesses to compete with other states.

Under the Appliance Efficiency Regulations, retailers are responsible for ensuring that the regulated products they sell are certified to the CEC and appear in the CEC's MAEDbS before they are sold or offered for sale in California. Because data submittal requirements have been added to certify miscellaneous refrigeration products, the CEC assumes that retailers of these products will experience some additional costs associated with checking MAEDbS to ensure that the products they sell appear in the MAEDbS and are therefore compliant and lawful to sell in the state.

Some retailers may choose to incur additional costs if they rebrand a regulated appliance that is not certified to MAEDbS and wish to sell it in California. These retailers would be required to certify the appliances to the CEC; therefore, they will incur costs associated with reporting to the MAEDbS.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS/ASSESSMENT

The CEC concludes that: (1) it's unlikely the proposal will create jobs within California, (2) it's unlikely the proposal will eliminate jobs within California, (3) it's unlikely the proposal will create new businesses in California, (4) it's unlikely the proposal will eliminate existing businesses within California, (5) it's unlikely the proposal will 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 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 significant 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.

During development of the 2019 Building Energy Efficiency Standards the CEC included requirements for lighting control devices. These requirements became effective January 1, 2020 and supersede those requirements in the Title 20 Appliance Efficiency Regulations. As such, the CEC is proposing to repeal self-contained lighting controls in the Title 20 to avoid duplicative regulations. There may be a small cost benefit to manufacturers of self-contained lighting controls as they will no longer be required to certify self-contained lighting controls to the CEC's Modernized Appliance Efficiency Database System (MAEDbS).

The CEC is also providing updates to reflect current federal laws and modifying data submittal requirements for certain appliances. The proposed changes will ensure the

Appliance Efficiency Regulations will reflect current federal law and ensure that manufacturers can properly certify to MAEDbS that their regulated products are compliant with the most current energy performance standards and testing requirements, providing clarity and regulatory certainty to the regulated parties.

Ceiling fans and dehumidifiers are not being added as new appliances to Table X. Rather, the specific data fields required for these appliance types are being updated in order for manufacturers to certify compliance with current standards. As such, this will have no economic impact since manufacturers had to certify these appliances before and will continue doing so.

Miscellaneous refrigeration products are the only new appliance type that is being added to Table X, for data certification requirements. Although this is a new appliance type in Table X, it is not a newly regulated product. The federal standards have already been added to the Title 20 Appliance Efficiency Regulations that became effective on October 28, 2019. Submittal to MAEDbS will have a small impact on manufacturers who have not previously had to certify these to MAEDbS. However, the economic impact is expected to be insignificant compared to the total sales of these entities, and insufficient to support the creation or cause the elimination of any business including the ability of businesses to compete with other states.

The removal of the minimum lumen output requirement for portable luminaires allows for manufacturers to design portable luminaires that provide less than 200 lumens, if desired. The economic impact here is also expected to be insignificant compared to the total sales of these entities and insufficient to support the creation or cause the elimination of any business including the ability of businesses to compete with other states.

Under the Appliance Efficiency Regulations, retailers are responsible for ensuring that the regulated products they sell are certified to the CEC and appear in the CEC's MAEDbS before they are sold or offered for sale in California. Because data submittal requirements have been added to certify miscellaneous refrigeration products, the CEC assumes that retailers of these products will experience some additional costs associated with checking MAEDbS to ensure that the products they sell appear in the MAEDbS and are therefore compliant and lawful to sell in the state.

Some retailers may choose to incur additional costs if they rebrand a regulated appliance that is not certified to MAEDbS and wish to sell it in California. These retailers would be required to certify the rebranded appliances to the CEC; therefore, they will incur costs associated with reporting to the MAEDbS.

BUSINESS REPORT

The regulations impose a new reporting requirement for manufacturers of miscellaneous refrigeration products. However, although this is a new appliance type in Table X, it is not a newly regulated product. The federal standards have already

been added to the Title 20 Appliance Efficiency Regulations that became effective on October 28, 2019.

State law (Public Resources Code Section 25402(c)(1)) requires manufacturers to certify to the CEC that their appliances comply with the applicable energy efficiency standards before they are sold or offered for sale in the state. The Appliance Efficiency Regulations require manufacturers to provide specified information for this purpose to the MAEDbS. MAEDbS is used by manufacturers and maintained by the CEC to list the appliances authorized to be sold or offered for sale in California. This is necessary to help the CEC and consumers verify compliance with applicable federal and state efficiency standards. Some retailers may choose to act as a manufacturer when they rebrand a product and assume the certification burden for that pool pump model.

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.

SMALL BUSINESS

The proposed regulation may affect small business. However, the CEC is not aware of any significant cost impacts that a small business would incur in reasonable compliance with the proposed action.

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

Please direct inquiries concerning all aspects of the rulemaking process including requests for copies of the proposed text (express terms), the initial statement of reasons (ISOR), any modified version of the regulations, the substance of the proposed regulations, or any other information upon which the rulemaking is based to:

Corrine Fishman
Regulations Manager, Efficiency Division
1516 Ninth Street
Sacramento, CA 95814-5512
(916) 654-4976
corrine.fishman@energy.ca.gov

If Corrine Fishman is unavailable, you may contact Carlos Baez at (916) 654-4719 or carlos.baez@energy.ca.gov.

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

The Energy Commission 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 Economic and Fiscal Impact Statement (399), express terms, the ISOR, and documents relied upon. Copies may be obtained by contacting Corrine Fishman at the address or phone number above or accessed through the Energy Commission's website at <https://www.energy.ca.gov/rules-and-regulations/appliance-efficiency-regulations-title-20/amendments-title-20-appliance>.

AVAILABILITY OF SUBSTANTIAL 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 substantively 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 Energy Commission considers changes to the proposed regulations 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 Energy Commission 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 visiting the Energy Commission's website at <https://www.energy.ca.gov/rules-and-regulations/appliance-efficiency-regulations-title-20/amendments-title-20-appliance> or contacting the contact person above.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

The Energy Commission maintains a website to facilitate public access to documents prepared and considered as part of this rulemaking proceeding. Documents prepared by the Energy Commission for this rulemaking can be found at: <https://www.energy.ca.gov/rules-and-regulations/appliance-efficiency-regulations-title-20/amendments-title-20-appliance>