

**DOCKETED**

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<b>Filer:</b>	Carlos Baez
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**CALIFORNIA ENERGY COMMISSION**

1516 Ninth Street  
Sacramento, California 95814

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

**INITIAL STATEMENT OF REASONS**

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to repeal the self-contained lighting control requirements, provide updates to reflect current federal law, remove the outdated minimum lumen output requirement for portable luminaires, and modify data submittal requirements for certain appliances in the Appliance Efficiency Regulations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.

**PROBLEM STATEMENT**

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 CEC 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). 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 self-contained lighting controls in the Title 20 Appliance Efficiency Regulations to avoid duplicative regulation. In addition, the CEC is providing updates to reflect current mandatory federal laws, removing the outdated minimum lumen output requirement 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.

## **PURPOSE**

The purpose 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.

## **BENEFITS**

The benefits of the proposed regulations 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 will allow 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.

## **STATEMENT OF SPECIFIC PURPOSE AND NECESSITY**

### **SECTION 1601. SCOPE SPECIFIC PURPOSE**

The specific purpose is to delete self-contained lighting controls from the scope of the Appliance Efficiency Regulations.

### **NECESSITY**

#### Subsection (l):

It is necessary to delete “...and self-contained lighting controls” from subsection (l) as the CEC is proposing to completely remove the requirements for self-contained lighting controls from the Title 20 Appliance Efficiency Regulations.

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 self-contained lighting controls in the Title 20 Appliance Efficiency Regulations to avoid duplicative regulation.

### **SECTION 1602. DEFINITIONS SPECIFIC PURPOSE**

The specific purpose is to delete all definitions related to self-contained lighting controls, delete the definitions for “*Evaporative cooler efficiency ratio (ECER)*” and “*input power*”, and to make non-substantive changes for clarity and consistency.

### **NECESSITY**

Definitions are necessary to ensure that the terms used within regulations will have clear and unambiguous meaning to readers, including the public, and particularly to the persons and organizations affected by the regulations.

#### Subsection (d):

It is necessary to remove the definition for “*Evaporative cooler efficiency ratio (ECER)*” as this is an outdated definition regarding evaporative coolers. This definition defines a required data field in Table X in Section 1606 for the evaporative coolers appliance type. However, due to the proposed removal of ECER as a required field in Table X, it is no longer necessary to have a definition for it. This term does not appear anywhere else in the regulations.

#### Subsection (e):

This is a non-substantive change to delete the definition for “*Combustion efficiency of a space heater*” in one place and move it to be in correct alphabetical order. This is necessary to effectively communicate the regulation in a precise and clear manner. The proposed non-substantive change does not materially alter any requirement, right, responsibility, condition, prescription, or other regulatory element of any CCR provision, nor do they have any other regulatory effect.

This is a non-substantive change to delete a definition for “*Combination space-heating and water-heating appliance*” because this exact definition appears twice in this subsection. This is necessary to effectively communicate the regulation in a precise and clear manner. The proposed non-substantive change does not materially alter any requirement, right, responsibility, condition, prescription, or other regulatory element of any CCR provision, nor do they have any other regulatory effect.

Subsection (f):

This is a non-substantive change to add the first quotation mark in front of “*Gas-fired...*” in the definition for “*Gas-fired instantaneous water heater*”. This is necessary to be grammatically correct and to effectively communicate the regulation in a precise and clear manner. The proposed non-substantive change does not materially alter any requirement, right, responsibility, condition, prescription, or other regulatory element of any CCR provision, nor do they have any other regulatory effect.

Subsection (l): Self-Contained Lighting Controls

It is necessary to delete “...*and Self-Contained Lighting Controls*” from the Title of subsection (l) and to delete all definitions related to self-contained lighting controls under subsection (l) as the CEC is proposing to completely remove the requirements for self-contained lighting controls from the Title 20 Appliance Efficiency Regulations.

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 self-contained lighting controls in the Title 20 Appliance Efficiency Regulations to avoid duplicative regulation. None of these definitions are relevant to any other appliance type in the regulations and are no longer needed.

Subsection (l) Input Power

It is necessary to remove the definition for “*Input power*” as this is an outdated definition regarding emergency lighting and has been replaced by the existing term “*Input power demand*”. Input power demand is the terminology used by the Department of Energy and ENERGY STAR and sufficiently covers the parameter for exit signs (which are regulated as emergency lighting). The term “*Input power*” is not used for any other appliances and is no longer needed.

Documents Incorporated by Reference:

It is necessary to correct the title of ANSI C78.20-2003 in the documents incorporated by reference to read “*American National Standard for Electric Lamps*”. This is necessary as the title was erroneously cut off. A copy of ANSI C78.20-2003 is provided as a document relied upon for reference.

It is necessary to correct the title of ANSI C78.81-2003 in documents incorporated by reference to read “*Electric Lamps-Double-Capped Fluorescent Lamps – Dimensional and Electrical Characteristics*”. The title currently reads “*American National Standard for Electric Lamp Bases*”, which is incorrect. A copy of ANSI C78.81-2003 is provided as a document relied upon for reference.

Both of these documents were adopted as documents incorporated by reference in previous rulemaking proceedings. The documents have not changed, nor have their regulatory effect, and correcting the titles here does not trigger the need to incorporate them by reference a second time.

#### **SECTION 1604. TEST METHODS SPECIFIC PURPOSE**

The specific purpose is to delete the testing requirements for self-contained lighting controls, correct a test method reference for battery chargers, and to make non-substantive changes for clarity and consistency.

#### **NECESSITY**

##### Subsections (g)(2)(C) and (k)(4):

These are non-substantive changes to update the cross-references due to the proposed renumbering within Section 1607(d). This is necessary 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.

##### Subsection (l):

It is necessary to delete “...*and Self-Contained Lighting Controls*” from the Title of Subsection (l) and to delete (l)(2) in its entirety as the CEC is proposing to completely remove the requirements for self-contained lighting controls from the Title 20 Appliance Efficiency Regulations.

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 self-contained lighting controls in the Title 20 Appliance Efficiency Regulations to avoid duplicative regulation.

Subsection (n)(4)(A):

These are non-substantive changes to correct a cross-reference and remove an outdated reference to Table K-1. These changes are necessary to correctly reflect where to find the test method and 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.

Subsection (w)(2)(D):

It is necessary to correct the C.F.R. reference for the small battery charger systems test method from C.F.R. 420.23 to reflect the correct test method which is C.F.R. 430.23. Section 420.23 does not exist. This was a typographical error in the regulations and several other subdivisions reference the correct citation for the document. Correcting this subdivision will avoid confusion and ensure the Appliance Efficiency Regulations reflect current federal law providing clarity and regulatory certainty to regulated parties. A copy of 430.23 is provided as a document relied upon for reference.

This document was adopted as a document incorporated by reference in a previous rulemaking proceeding. The document has not changed, nor has its regulatory effect, and correcting the reference here does not trigger the need to incorporate it by reference a second time.

Documents incorporated by reference – FEDERAL TEST METHODS

This is a non-substantive change to add an “s” at the end “section” as there is more than one section. This is necessary to be grammatically correct and to effectively communicate the regulation in a precise and clear manner. The proposed non-substantive change does not materially alter any requirement, right, responsibility, condition, prescription, or other regulatory element of any CCR provision, nor do they have any other regulatory effect.

**SECTION 1605. ENERGY PERFORMANCE, ENERGY DESIGN, WATER PERFORMANCE, AND WATER DESIGN STANDARDS: IN GENERAL.**

**SPECIFIC PURPOSE**

The specific purpose is to make a non-substantive change to subsection (g) for clarity and consistency.

**NECESSITY**

Subsection (g):

This is a non-substantive change to add “...of this Article” to the sentence. This is necessary for consistency and to effectively communicate the regulation in a precise and clear manner. The proposed non-substantive change does not materially alter any requirement, right, responsibility, condition, prescription, or other regulatory element of any CCR provision, nor do they have any other regulatory effect.

## **SECTION 1605.1. FEDERAL AND STATE STANDARDS FOR FEDERALLY REGULATED APPLIANCES**

### **SPECIFIC PURPOSE**

The specific purpose is to make edits to reflect current federal law, delete cross-references for self-contained lighting controls, and to make non-substantive changes for clarity and consistency.

### **NECESSITY**

#### Subsection (a)(1)(A):

This is a non-substantive change to remove the text “...*that are manufactured on or after the effective dates shown...*” because there are no effective dates shown in Table A-2. This is necessary to effectively communicate the regulation in a precise and clear manner. The proposed non-substantive change does not materially alter any requirement, right, responsibility, condition, prescription, or other regulatory element of any CCR provision, nor do they have any other regulatory effect.

In addition, it is necessary to add language to clarify which products are exempt from these federal standards as found in 10 C.F.R. Section 430.32(a). The proposed language is taken from the federal language in 10 C.F.R. 430.32. This will ensure the Appliance Efficiency Regulations will reflect current federal law, providing clarity and regulatory certainty to regulated parties. A copy of 10 C.F.R. Section 430.32(a) is provided as a document relied upon for reference.

#### Subsection (a)(7):

It is necessary to add the appliance names for clarity and formatting consistency in the regulations and to add clarifying text to state that the state standards for coolers only apply to products manufactured before October 28, 2019. It is necessary to delete text to clarify that there are only state energy efficiency standards for coolers and water dispensers, but not energy design standards.

#### Subsection (a)(7)(B):

It is necessary to remove outdated text for clarification as there are no state standards for freezers in Section 1605.3.

#### Subsection (c)(1) Table C-5:

This specific capacity range between 65,000 and 135,000 Btu/h for “*Cooling Capacity*” is a federal requirement that was inadvertently left out of the table in error. It is necessary to add this information to accurately reflect the federal standards found in 10 C.F.R. section 431.97 for cooling capacity. This will ensure the Appliance Efficiency Regulations will reflect current federal law, providing clarity and regulatory certainty to regulated parties. A copy of 10 C.F.R. section 431.97 is provided as a document relied upon for reference.

#### Subsection (d)(1), (d)(2), and (d)(4):

These are non-substantive changes to capitalize appliance names for consistency with other subsection headings. This is necessary to effectively communicate the regulation in a precise and clear manner. The proposed non-substantive changes do not materially alter any requirement, right, responsibility, condition, prescription, or other regulatory element of any CCR provision, nor do they have any other regulatory effect.

Subsection (d)(1) Table D-4:

In the first row of this table, add the word “*Minimum*” before “*Efficiency*.” This is necessary to accurately reflect the parameter of this federal standard as found in 10 C.F.R Section 430.32(s). This will ensure the appliance efficiency regulations will reflect current federal law, providing clarity and regulatory certainty to regulated parties. A copy of 10 C.F.R Section 430.32(s) is provided as a document relied upon for reference.

Subsection (d)(4) Table D-11:

In the first row of the table, change the units of the residential furnace fan standards from “*FER<sup>1</sup> (Watts/cfm)*” to “*FER<sup>1</sup> (Watts/1000 cfm)*”. This was originally a typo made by the DOE and the DOE corrected the typo in February 2019 by adding “1000” before “*cfm*.” This change is necessary to accurately reflect the parameters of the current federal standards found in 10 C.F.R.430.32(y) and will ensure the appliance efficiency regulations will reflect current federal law, providing clarity and regulatory certainty to regulated parties. A copy of 10 C.F.R.430.32(y) is provided as a document relied upon for reference.

Subsection (d)(5):

This is a non-substantive change to add the appliance name (Portable Air Conditioners) right after the number. This is necessary for formatting consistency in the regulations and to effectively communicate the regulation in a precise and clear manner. The proposed non-substantive change does not materially alter any requirement, right, responsibility, condition, prescription, or other regulatory element of any CCR provision, nor do they have any other regulatory effect.

Subsection (d)(6):

The change is necessary to remove the outdated text that says there are no efficiency standards for ceiling fans. There are efficiency standards for ceiling fans in Section 1605.1(d).

Subsection (f)(3) Table F-5:

This is a non-substantive change to add periods between the letters of “*C.F.R.*” This is necessary for correct grammar and formatting consistency in the regulations to effectively communicate the regulation in a precise and clear manner. The proposed non-substantive change does not materially alter any requirement, right, responsibility, condition, prescription, or other regulatory element of any CCR provision, nor do they have any other regulatory effect.

Subsection (g)(6) Table G-2:

The change is necessary to correct the Equipment class in the last row in the table from “*ST.1800 VL*” to “*St. 3600.VL*” to accurately reflect the current federal standards for pumps in 10 C.F.R. Section 431.465. This will ensure the Appliance Efficiency Regulations will reflect current federal law, providing clarity and regulatory certainty to regulated parties. A copy of 10 C.F.R. Section 431.465 is provided as a document relied upon for reference.

Subsections (j) “Exceptions” to (j)(1) and (2),  
(k)(2)(A) Exception,  
(k)(2)(B),  
(k)(3)(B),  
(k)(4)(B),  
(k)(5)(B),  
(n)(2) “Exception” to (n)(2)(B) and (n)(2)(C)  
(s)(4) “Exceptions” to (s)(2), (s)(3), (s)(4), and  
(x).

These are non-substantive changes to add the phrase “...of this Article” after a reference to a specific section or subsection in the regulations. This is necessary for consistency to effectively communicate the regulation in a precise and clear manner. The proposed non-substantive changes do not materially alter any requirement, right, responsibility, condition, prescription, or other regulatory element of any CCR provision, nor do they have any other regulatory effect.

Subsection (l):

It is necessary to remove “...and Self-Contained Lighting Controls” from the subsection heading and remove Section 1605.1(l)(2) in its entirety as the CEC is proposing to completely remove the requirements for self-contained lighting controls from the Title 20 Appliance Efficiency Regulations.

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 self-contained lighting controls in the Title 20 Appliance Efficiency Regulations to avoid duplicative regulation.

**SECTION 1605.2 STATE STANDARDS FOR FEDERALLY REGULATED APPLIANCES**

**SPECIFIC PURPOSE**

The specific purpose is to delete cross-references related to self-contained lighting controls and to make non-substantive edits for clarity and consistency.

## **NECESSITY**

### Subsection (a)(2):

It is necessary to add text to clarify that the state standards for coolers only apply to products manufactured before October 28, 2019. It is necessary to delete text to clarify that there are only state energy efficiency standards for coolers and water dispensers, not energy design standards. It is necessary to delete language related to freezers to clarify that there are no state standards for freezers in Section 1605.3.

### Subsection (d)(1):

It is necessary to add text to clarify that there are energy efficiency standards in addition to energy design standards for both ceiling fans and ceiling fan light kits.

### Subsection (d)(1)(B):

It is necessary to delete “*ceiling fan light kits*” in the text here as they are already mentioned above in (d)(1), making this redundant language.

### Subsection (d)(3):

It is necessary to delete this text regarding ceiling fans as this information is outdated and incorrect. There are energy efficiency standards for ceiling fans located in 1605.1(d).

### Subsections (g)(3) and (x):

This is a non-substantive change to add the phrase “*...of this Article*” after a reference to a specific section or subsection in the regulations for clarity and consistency. This is a non-substantive change to effectively communicate the regulation in a precise and clear manner. The proposed non-substantive changes do not materially alter any requirement, right, responsibility, condition, prescription, or other regulatory element of any CCR provision, nor do they have any other regulatory effect.

### Subsection (l):

It is necessary to remove “*...and Self-Contained Lighting Controls*” from the subsection heading and remove Section 1605.1(l)(2) in its entirety as the CEC is proposing to completely remove the requirements for self-contained lighting controls from the Title 20 Appliance Efficiency Regulations.

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 self-contained lighting controls in the Title 20 Appliance Efficiency Regulations to avoid duplicative regulation.

## **SECTION 1605.3 STATE STANDARDS FOR NON-FEDERALLY REGULATED APPLIANCES**

### **SPECIFIC PURPOSE**

The specific purpose is to remove the state standards for self-contained lighting controls, remove an outdated standard for portable luminaires, and make non-substantive changes for clarity and consistency.

### **NECESSITY**

#### Subsection (c)(2):

This is a non-substantive change to state the actual effective date of these standards (October 29, 2006), instead of stating, "...*the dates shown*..." in the table for clarification since there is only one date in Table C-11, not "dates." This is necessary for clarity and to effectively communicate the regulation in a precise and clear manner. The proposed non-substantive changes do not materially alter any requirement, right, responsibility, condition, prescription, or other regulatory element of any CCR provision, nor do they have any other regulatory effect.

#### Subsection (d)(2), (3), and (4):

The changes are necessary to update the text to reflect that there are existing federal energy efficiency standards and energy design standards for both ceiling fans and ceiling fan light kits and to add the appliance name after the subsection number for consistency with other similar subsections.

#### Subsection (h)(5) Table H-5:

This is a non-substantive change to correct a cross-reference. This is necessary to provide the correct maximum flow rate information for showerheads. The tables were renumbered in a previous rulemaking and this footnote reference was erroneously not updated. This will effectively communicate the regulation in a precise and clear manner. The proposed non-substantive change does not materially alter any requirement, right, responsibility, condition, prescription, or other regulatory element of any CCR provision, nor do they have any other regulatory effect.

#### Subsection (k)(1) Table K-8:

This is a non-substantive change to remove the colon after "*K-8*". This is necessary for consistency and to effectively communicate the regulation in a precise and clear manner. The proposed non-substantive change does not materially alter any requirement, right, responsibility, condition, prescription, or other regulatory element of any CCR provision, nor do they have any other regulatory effect.

#### Subsection (k)(2)(A)5. and (k)(3):

It is necessary to edit the text to clarify that the rated life of the appliance is obtained by performing the portion of the required test procedure called "*time to failure*" and that this test procedure can be found in Section 1604(k)(3) of the regulations. The procedure referenced in (k)(3) is 10 C.F.R. section 430.23 (Appendix BB to Subpart B of part 430) and the complete title is:

*“Uniform Test Method for Measuring the Input Power, Lumen Output, Lamp Efficacy, Correlated Color Temperature (CCT), Color Rendering Index (CRI), Power Factor, Time to Failure, and Standby Mode Power of Integrated Light-Emitting Diode (LED) Lamps”*

This change is necessary to accurately reflect the current federal test procedure and to effectively communicate the regulation in a precise and clear manner. A copy of this C.F.R. section is provided in documents relied upon for reference.

Subsection (l):

It is necessary to delete “...and Self-Contained Lighting Controls” from the Title of Subsection (l) and to delete all the state standards for self-contained lighting controls contained in Section 1605.3(l)(2) as the CEC is proposing to completely remove the requirements for self-contained lighting controls from the Title 20 Appliance Efficiency Regulations.

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 self-contained lighting controls in the Title 20 Appliance Efficiency Regulations to avoid duplicative regulation.

Subsection (n)(3) Table N-3:

It is necessary to delete the minimum lumen output requirement for portable luminaires in Table N-3, as this table only applies to LED light engines and luminaires. The original intent of this lumen output standard was to ensure that LED bulbs sold with a portable luminaire were a high enough lumen output to be useful, to prevent a consumer from immediately replacing the bulb with a different one. However, a subsequent rulemaking specifically for LED bulbs (“*State-regulated LED lamps*” [Docket 15-AAER-06](#)) created new energy efficiency standards for LED bulbs and removed the requirement to comply with Table N-3 when the bulb is packaged with a portable luminaire. Now, this table only applies to LED light engines and luminaires. The existing lumen output requirement results in more energy use in some applications where an output less than 200 lumens is appropriate (e.g., directional reading lamps). Because the regulations are intended to reduce energy use, removing the minimum lumen output requirement is appropriate. The remaining standards in Table N-3 ensure that the portable luminaire is energy efficient and provides a good quality of light.

Subsection (u)(1):

The changes are necessary for clarification. The updated text reflects that there is only one effective date (July 1, 2008) and only one energy performance standard for external power supplies in “no-load mode” shown in Table U-4.

Subsection (v)(4)(C):

The change to state that the screen luminance must be less than or equal to “270  $cd/m^2$ ” rather than “200  $cd/m^2 \pm 35\text{ percent}$ ” is to provide clarity. This is a non-substantive change as this edit does not change the screen luminance value required for compliance. This change is necessary because the existing requirement sets a maximum luminance allowance, so it does not make sense to have a lower bound. Because only a maximum upper bound is needed to express the requirement, it is clearer to state the requirement as a single integer rather than a range of numbers. The proposed non-substantive change does not materially alter any requirement, right, responsibility, condition, prescription, or other regulatory element of any CCR provision, nor do they have any other regulatory effect.

Subsection (v)(7)(B):

These are non-substantive changes necessary for consistency. In the cross-reference to Section 1605.3(v)(7)(A)2., add a period after the “2” and add “...of this Article” for consistency with other subsection in the regulations and to effectively communicate the regulation in a precise and clear manner. The proposed non-substantive changes do not materially alter any requirement, right, responsibility, condition, prescription, or other regulatory element of any CCR provision, nor do they have any other regulatory effect.

Subsection (w)(1) Table W-2:

This is a non-substantive change in Table W-2, in the column for “*Standard*”, to use the symbols for “greater than or equal to” ( $\geq$ ) and “less than or equal to” ( $\leq$ ) rather than text. This is necessary for consistency and to effectively communicate the regulation in a precise and clear manner. The proposed non-substantive change does not materially alter any requirement, right, responsibility, condition, prescription, or other regulatory element of any CCR provision, nor do they have any other regulatory effect.

Subsections (w)(2) and (w)(3):

These are non-substantive changes to correct an error in cross-references. The changes are necessary because the text regarding small battery charger systems references Table W-2. However, the correct reference for small battery charger systems is to Table W-3. Table W-2 is for large battery charger systems. The proposed non-substantive change does not materially alter any requirement, right, responsibility, condition, prescription, or other regulatory element of any CCR provision, nor do they have any other regulatory effect.

## **SECTION 1606. FILING BY MANUFACTURERS; LISTING OF APPLIANCES IN THE MAEDbS**

### **SPECIFIC PURPOSE**

The specific purpose is to make edits to Table X to reflect current federal requirements, delete requirements for self-contained lighting controls, amend certain requirements for evaporative coolers and emergency lighting, and make non-substantive changes for clarity and consistency.

## NECESSITY

State law (Public Resources Code Section 25402(c)(1)) requires manufacturers to certify to the CEC that their appliances comply with the applicable efficiency standards before they are sold or offered for sale in the state. The Appliance Efficiency Regulations require manufacturers to report specified information for this purpose to the CEC's Modernized Appliance Efficiency Database System (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 helps the CEC and consumers verify compliance with the applicable federal and state efficiency standards.

Table X provides the reporting requirements for manufacturers for each regulated appliance. The reporting requirements specify product details and performance data that are required to be reported when submitting models of appliances to MAEDbS for certification. It is necessary that manufacturers know the reporting requirements to certify each model to MAEDbS to comply with the regulations and be able to sell their products in California. The reporting requirements ensure that all necessary information to validate the submitted data is provided to the CEC and are necessary to determine if all test results meet the applicable standards. Manufacturers obtain all of the data points and other information required in Table X by performing the specific test procedure required for the appliance type, as specified in Section 1604. Because of this, amending or adding new required fields to Table X does not increase the burden of testing for manufacturers.

### Table X (A) Refrigerated Bottled or Canned Beverage Vending Machines:

This is a non-substantive change to capitalize the "f" in "false" for consistency. The proposed non-substantive change does not materially alter any requirement, right, responsibility, condition, prescription, or other regulatory element of any CCR provision, nor do they have any other regulatory effect.

### Table X (A) Miscellaneous Refrigeration Products:

It is necessary to add "Miscellaneous Refrigeration Products" as a new appliance to reflect the current federal requirements found in Section 1605.1(a)(1)(B). Although this is a new appliance type in Table X, it is not a newly regulated product. The standards for miscellaneous refrigeration products became effective on October 28, 2019, and were added to the Title 20 Appliance Efficiency Regulations in a previous rulemaking. This proposed change will ensure that manufacturers can certify compliance in MAEDbS with the applicable standards and provide clarity and regulatory certainty to regulated parties.

### Table X (D) Evaporative Coolers:

It is necessary to delete "ECER" as a required field. This field no longer serves a useful purpose and is not needed to determine compliance. There are currently no energy performance standards for evaporative coolers. The remaining required fields provide sufficient performance data and other information for evaporative coolers certified to MAEDbS.

Table X (D) Ceiling Fans:

It is necessary to update the reporting requirements for ceiling fans to align with the new federal standards that went into effect on January 21, 2020, for this appliance type and can be found in Section 1605.1(d)(1). This proposed change will ensure that manufacturers can certify compliance in MAEDbS with the applicable standards and provide clarity and regulatory certainty to regulated parties.

Table X (D) Ceiling Fan Light Kits:

This is a non-substantive change to add the word “section” before the section number (two instances) for consistency. The proposed non-substantive change does not materially alter any requirement, right, responsibility, condition, prescription, or other regulatory element of any CCR provision, nor do they have any other regulatory effect.

Table X (D) Dehumidifiers:

It is necessary to update the reporting requirements for dehumidifiers to align with the new federal standards that went into effect on June 13, 2019, for this appliance type and can be found in Section 1605.1(d)(3). This includes removing two fields that are no longer relevant (“*Product capacity*” and “*Energy factor*”). This proposed change will ensure that manufacturers can certify compliance in MAEDbS with the applicable standards and provide clarity and regulatory certainty to regulated parties.

Table X (D) Residential Furnace Fans:

This is a non-substantive change to add the acronym “(MH-WG)” to the last permissible answer for the field “*Furnace Fan Types*.” This is necessary for consistency with similar permissible answers and to effectively communicate the regulation in a precise and clear manner. The proposed non-substantive change does not materially alter any requirement, right, responsibility, condition, prescription, or other regulatory element of any CCR provision, nor do they have any other regulatory effect.

Table X (G) Pumps:

This is a non-substantive change to add the missing parenthesis in the field “*Number of stages tested (RSV and ST pumps only)*”. This is necessary for grammatical correctness and to effectively communicate the regulation in a precise and clear manner. The proposed non-substantive change does not materially alter any requirement, right, responsibility, condition, prescription, or other regulatory element of any CCR provision, nor do they have any other regulatory effect.

Table X (L) Emergency Lighting:

It is necessary to delete “*Ballast Luminous Efficiency*”, “*Circuit Design*”, “*Start*”, “*Ballast Frequency*”, and “*Average Total Lamp Arc Power*” as required fields as these terms are all related to ballasts. Exit signs no longer use ballasts, making these fields and terms outdated. These fields are no longer useful to the CEC and are not necessary to determine compliance with the current standards.

It is necessary to change the name of the field “*Input Power*” to “*Input Power Demand*” to match the terminology used by the Department of Energy for this federally regulated

appliance. Input power demand is the parameter of the federal performance standard for this appliance type.

In the permissible answers for the fields “*Light Source Type*” and “*Sign Format*”, remove the term “*(specify)*” from the answer choice “*other (specify)*”. The term “*other*” is sufficient for compliance purposes; there is no need to further specify this selection when certifying the model to MAEDbS

Table X (L) Self-Contained Lighting Controls:

It is necessary to remove the appliance type “*Self-Contained Lighting Controls*” from Table X and all of the fields associated with it as the CEC is proposing to completely remove the requirements for self-contained lighting controls from the Title 20 Appliance Efficiency Regulations.

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 self-contained lighting controls in the Title 20 Appliance Efficiency Regulations to avoid duplicative regulation.

Table X (X) Spray Sprinkler Body

This is a non-substantive change from “*Body*” to “*Bodies*” for consistency with the rest of the appliance names in the regulations. The proposed non-substantive change does not materially alter any requirement, right, responsibility, condition, prescription, or other regulatory element of any CCR provision, nor do they have any other regulatory effect.

Subsection (a)(4)(A)4. Item (7):

It is necessary to remove “*self-contained lighting controls*” from the list of Exceptions to Section 1606 as the CEC is proposing to completely remove this appliance type from Title 20.

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 self-contained lighting controls in the Title 20 Appliance Efficiency Regulations to avoid duplicative regulation.

Subsection (f)(1)(A)1.:

This is a non-substantive change to update a cross-reference to Section 1601. Due to a recent rulemaking, Section 1601 now contains Subsections (a)-(x) rather than (a)-(w) and this needs to be reflected in the text here. The proposed non-substantive change does not materially alter any requirement, right, responsibility, condition, prescription, or

other regulatory element of any CCR provision, nor do they have any other regulatory effect.

Table X (D) Ceiling fan light kits (two instances),  
Subsection (a)(4)(A)4.h.,  
Subsection (a)(4)(A)4.i.,  
Subsection (e)(3) (two instances), and  
Subsection (j)(1)

These are non-substantive changes to add the phrase "...of this Article" after a reference. This is necessary for consistency in the regulations and 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.

## **SECTION 1607. MARKING APPLIANCES SPECIFIC PURPOSE**

The specific purpose is to delete the marking requirements for self-contained lighting and to make other non-substantive changes for clarity and consistency.

### **NECESSITY**

#### Subsection (d)(1):

This is a non-substantive change to correct the format and numbering of the list and is necessary for clarification and consistency with similar lists in the regulations. The proposed non-substantive change does not materially alter any requirement, right, responsibility, condition, prescription, or other regulatory element of any CCR provision, nor do they have any other regulatory effect.

#### Subsection (d)(11):

This deletion of (d)(11) is necessary as the CEC is proposing to completely remove the requirements for self-contained lighting controls from the Title 20 Appliance Efficiency Regulations. This subsection contains marking requirements for self-contained lighting controls. It is necessary to delete "*Emergency Lighting*" from the title as well as there is nothing in the deleted paragraph that pertains to emergency lighting. As such, there is no reason to leave Subsection (d)(11) here.

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 self-contained lighting controls in the Title 20 Appliance Efficiency Regulations to avoid duplicative regulation.

Subsections (d)(12), (13), (14) and (15):

These changes are non-substantive changes related to formatting and correcting cross-references. Due to the proposed removal of Section 1607(d)(11) for lighting controls, we renumber the rest of the Section 1607(d) subsections (12 through 15). Also, for Section 1607(d)(13) (previously 1607(d)(14)) specifically, update the cross-references within the text (four instances) due to the renumbering of this subsection. 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.

**TECHNICAL, THEORETICAL, OR EMPIRICAL STUDIES, REPORTS, OR SIMILAR DOCUMENTS.**

The CEC relied upon the following documents:

- ANSI C78.20-2003 *American National Standard for Electric Lamps - cover page only*
- ANSI C78.81-2003 *Electric Lamps-Double-Capped Fluorescent Lamps – Dimensional and Electrical Characteristics- cover page only.*
- 2019 Building Energy Efficiency Standards Section 110.9 related to lighting controls.
- 10 C.F.R. Section 430.32(a)
- 10 C.F.R. Section 431.97
- 10 C.F.R. Section 430.32(s)
- 10 C.F.R. Section 430.32(y)
- 10 C.F.R. Section 431.465.
- 10 C.F.R. Section 430.23 (Appendix BB to Subpart B of part 430)

**CONSIDERATION OF REASONABLE ALTERNATIVES, INCLUDING THOSE THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS**

No reasonable alternatives to the proposed regulations have been proposed that would lessen any adverse impact on small businesses or that would be less burdensome and equally effective in achieving the purposes of the regulation in a manner that achieves the purposes of the statute being implemented.

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, removing the outdated minimum lumen output requirements for portable luminaires and making modifications to 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 performance standards and testing requirements, providing clarity and regulatory certainty to the regulated parties. The removal of the outdated minimum lumen output requirement for portable luminaires will allow manufacturers to design portable luminaries that provide less than 200 lumens, if desired, leading to better product availability for consumers.

## **SPECIFIC TECHNOLOGIES OR EQUIPMENT**

None

## **ECONOMIC IMPACT ANALYSIS/ASSESSMENT**

### The Creation or Elimination of Jobs within the State of California

The proposed regulations may provide a small cost benefit to manufacturers of self-contained lighting controls as they will no longer have to certify self-contained lighting controls to the CEC MAEDbS. 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. Because of this, it is accurate to say that 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. This 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 jobs. 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 jobs. Therefore, the CEC has determined the proposed regulations are unlikely to create or eliminate jobs in California.

### The Creation of New Businesses or the Elimination of Existing Businesses within the State of California

The proposed regulations may provide a small cost benefit to manufacturers of self-contained lighting controls as they will no longer have to certify self-contained lighting controls to the CEC MAEDbS. 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. Because of this, it is accurate to say

that 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. This 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 jobs. 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 new or existing businesses. Therefore, the CEC has determined the proposed regulations are unlikely to create or eliminate any new or existing businesses in California.

#### The Expansion of Businesses Currently Doing Business within the State of California

The proposed regulations may provide a small cost benefit to manufacturers of self-contained lighting controls as they will no longer have to certify self-contained lighting controls to the CEC MAEDbS. 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. Because of this, it is accurate to say that 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. This 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 expansion of business. 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 expansion of business. Therefore, the CEC has determined it is unlikely that businesses currently doing business within California will expand.

#### Benefits of the Regulations to the Health and Welfare of California Residents, Worker Safety, and the State's Environment

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.

#### Results of the Economic Impact Assessment/Analysis

The CEC concludes that: (1) it's unlikely the proposal will create jobs within California, (2) it's unlikely that the proposal will eliminate jobs within California, (3) It's unlikely the proposal is 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.

#### **DUPLICATION OR CONFLICTS WITH FEDERAL REGULATIONS**

These proposed regulations do not duplicate or conflict with any federal regulations contained in the Code of Federal Regulations.

#### **EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT AFFECTING BUSINESS**

The CEC has made an initial determination that the proposed regulations are unlikely to have a significant 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 modifications to 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 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 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. This 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 rebranded appliances to the CEC; therefore, they will incur costs associated with reporting to the MAEDbS.

#### **FOR FURTHER INFORMATION**

Inquiries concerning all aspects of the rulemaking process, including the substance of the proposed regulations or any other information upon which the rulemaking is based, should be directed to Corrine Fishman at [Corrine.Fishman@energy.ca.gov](mailto:Corrine.Fishman@energy.ca.gov) or (916) 654-4976. If Corrine Fishman is unavailable, you may contact Carlos Baez at (916) 654-4719 or [carlos.baez@energy.ca.gov](mailto:carlos.baez@energy.ca.gov).