

DOCKETED

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Project Title:	Air Filters
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Document Title:	Adoption Modifications to the Air Filters Regulation
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RESOLUTION NO: 23-0125-09

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STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION: ADOPTION MODIFICATIONS TO THE AIR FILTERS REGULATION

WHEREAS, on March 24, 2022, the State Energy Resources Conservation and Development Commission ("California Energy Commission" or CEC) mailed and posted on the CEC's website a Notice of Proposed Action (NOPA) formally notifying the public of the CEC's intent to adopt proposed regulations for Air Filters, the Express Terms of the proposed regulations, an Initial Statement of Reasons (ISOR) describing the rationale for the proposal, and the Economic Impact Statement (Form 399); and

WHEREAS, on March 25, 2022, the NOPA was published in the California Regulatory Notice Register, delivered to the Secretary of the California Natural Resources Agency, and distributed to the CEC's Rulemaking and Appliances email subscription lists. The NOPA stated that a Public Hearing (Public Hearing) to hear comments on the proposed amendments would be held on May 10, 2022, and that the CEC would consider and possibly adopt the proposed amendments at a July 13, 2022, Business Meeting of the CEC; and

WHEREAS, on May 9, 2022, the 45-day written comment period established by the NOPA closed; and

WHEREAS, on May 10, 2022, the CEC staff for the rulemaking held a Public Hearing, as noticed in the NOPA, to receive oral comments on the proposed amendments to the Air Filters regulations; and

WHEREAS, on July 8, 2022, the CEC staff posted a Notice of Postponement of Adoption Hearing, informing interested parties and the public that the proposed amendments to the Air Filters regulations would be considered for adoption at a time later than the originally posted date of July 13, 2022; and

WHEREAS, On August 22, 2022, the CEC published a Notice of 15-day comment period proposing changes to the Express Terms based on comments received during the 45-day comment period and the May 10, 2022, Public Hearing; and

WHEREAS, On August 29, 2022, the CEC published a Notice of 15-day comment period replacing the Notice issued on August 22, 2022, restarting the 15-day comment period due to technical problems with distribution of the original 15-day Notice; and

WHEREAS, On September 13, 2022, the 15-day comment period closed; and

WHEREAS, On October 28, 2022, the CEC published a second Notice of 15-day comment period proposing further changes to the Express Terms based on comments received during the prior 15-day comment period; and

WHEREAS, On November 14, 2022, this second 15-day comment period closed; and

WHEREAS, On December 05, 2022, the CEC published a third Notice of 15-day comment period proposing further changes to the Express Terms based on a comment received during the second 15-day comment period; and

WHEREAS, On December 20, 2022, this third 15-day comment period closed; and

WHEREAS, each of the above-referenced documents and notices was provided to every person on the CEC's Appliances email subscription list and to every person who had requested notice of such matters, and was posted to the CEC's website; and;

WHEREAS, on January 25, 2023, the CEC considered adoption of the proposed amendments at its Business Meeting.

THEREFORE, THE CALIFORNIA ENERGY COMMISSION FINDS:

With regard to the California Environmental Quality Act:

- The CEC has considered the application of the California Environmental Quality Act (CEQA) to the proposed regulations and concluded that the proposed regulations are exempt from CEQA requirements under the categorical exemptions under sections 15306, 15307, and 15308 of title 14 of the California Code of Regulations and under the common sense exemption pursuant to section 15061 of title 14 of the California Code of Regulations; and

With regard to the Warren-Alquist Act:

- The proposed regulations will, by ensuring the standards for testing and marking these appliances are clear and up-to-date, guarantee that the appliance efficiency regulations continue to reduce the wasteful, uneconomic, inefficient, and unnecessary consumption of energy for appliances that utilize air filters that require a significant amount of energy on a statewide basis; and
- The proposed regulations are feasible and attainable; and
- The proposed regulations do not result in any added total costs to the consumer over the designed life of the air filter; and

With regard to the Administrative Procedure Act:

- The proposed regulations will not result in the creation of new businesses or elimination of existing businesses, will not result in the expansion of businesses currently doing business in California, and will not result in a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states; and
- The proposed regulation will impose no direct cost or savings, or direct or indirect requirements or mandates, on state agencies, local agencies, or school districts, including but not limited to costs that are required to be reimbursed under Part 7 (commencing with section 17500) of Division 4 of the Government Code, when savings accruing over the lifetime of the appliance is considered; and
- The proposed regulations will not result in the creation or elimination of jobs within California; and
- The proposed regulations will result in no costs or savings in federal funding to the State of California; and
- The proposed regulations will result in no nondiscretionary costs or savings to local agencies or school districts; and
- The proposed regulations will have no impact on housing costs; and
- The proposed regulations will result in no cost impacts to representative private persons or businesses in reasonable compliance with the regulations; and
- The proposed regulations will not adversely impact the health and welfare of California residents, or worker safety, or the state's environment; and
- The proposed regulations have no alternatives that would be more effective in carrying out the purpose of the statutes for which it is proposed, that would be as effective and less burdensome to affected private persons in carrying out those purposes, or that would be more cost effective to affected private persons and equally effective in implementing those purposes; and
- The proposed regulations will not have a significant adverse economic impact on small business and no alternatives were proposed that would lessen any adverse economic impact on small business; and
- The proposed regulations will not require completion on any new report, but minimal additional information will be required. It is necessary for the health, safety, and welfare of the people of the state that these regulations apply to business; and

- None of the comments received during the three separate comment periods, public hearing, or at the public adoption hearing, and nothing else in the record, justified any changes to the proposed regulations as published on December 2, 2022.

THEREFORE, BE IT RESOLVED, that, on the basis of the entire record before it, the CEC finds that the proposed regulations are exempt from CEQA under the categorical exemption under sections 15306, 15307, and 15308, and the commonsense exemption because it can be seen with certainty that there is no possibility that the proposed regulations will have a significant effect on the environment; and

FURTHER BE IT RESOLVED, after considering all comments received and the staff's responses, and based on the entire record of this proceeding, the CEC hereby adopts the amendments to its Air Filters regulations, as set forth in the express terms that were published on December 2, 2022.

The CEC takes this action under the authority of sections 25213, 25216.5(d), 25218(e), and 25402(c)(1)(A) of the Public Resources Code, which authorize the CEC to collect data and information and adopt rules and regulations to reduce the wasteful, uneconomic, inefficient, or unnecessary consumption of energy, including the energy associated with the use of water, including cost-effective measures other than efficiency standards, such as energy labeling, that promote the use of energy- and water-efficient appliances; and

FURTHER BE IT RESOLVED, that documents and other materials that constitute the rulemaking record can be found at the CEC, 715 P Street, Sacramento, California, 95814. Many of these documents are available online in [Docket Number 20-AAER-02](https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=20-AAER-02), <https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=20-AAER-02>; and

FURTHER BE IT RESOLVED, the CEC delegates the authority and directs staff to take, on behalf of the CEC, all actions reasonably necessary to have the proposed regulations go into effect, including but not limited to making any appropriate non-substantive changes to the regulations; preparing all appropriate documents, such as the Final Statement of Reasons; compiling and submitting the rulemaking file to the Office of Administrative Law (OAL); making any changes to the rulemaking file required by OAL; and preparing and filing the Notice of Exemption with the State Clearinghouse.

CERTIFICATION

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the CEC held on January 25, 2023.

AYE: Hochschild, Gunda, McAllister, Monahan

NAY: NONE

ABSENT: NONE

ABSTAIN: NONE

Dated: January 30, 2023

SIGNED BY:

Liza Lopez
Secretariat