

DOCKETED	
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Project Title:	Repeal of Portable Luminaires
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RESOLUTION NO: 23-0228-3b

DOCKET NO. 22-AAER-02

STATE OF CALIFORNIA

**STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION**

RESOLUTION: REPEAL OF PORTABLE LUMINAIRE REGULATIONS

WHEREAS, on November 10, 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 the Repeal of Portable Luminaires, the Express Terms of the proposed regulations, an Initial Statement of Reasons (ISOR) describing the rationale for the proposal, and the fiscal and economic impact analysis; and

WHEREAS, on November 11, 2022, the NOPA was published in the California Regulatory Notice Register, delivered to the Secretary of the California Natural Resources Agency; and

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

WHEREAS, on November 28, 2022, updated versions of the NOPA, ISOR, Express Terms, and the fiscal and economic impact analysis were published; and

WHEREAS, on January 17, 2023, the 45-day written comment period established by the updated NOPA closed; and

WHEREAS, on January 18, 2023, the CEC held a public hearing, as noticed in the updated NOPA, to receive comments on the proposed regulation amendments; and

WHEREAS, on January 19, 2023, the CEC issued a Notice of New Adoption Hearing Date, rescheduling the date on which the CEC would consider adoption of the regulation amendments to February 28, 2023.

THEREFORE, THE CALIFORNIA ENERGY COMMISSION FINDS:

With regard to the California Environmental Quality Act (CEQA):

- The CEC has considered the application of CEQA to the proposed regulations and concluded that the proposed regulations are exempt from CEQA under the common sense exemption (California Code Regulations (CCR), title 14, section 15061(b)(3)) because it can be seen with certainty that there is no possibility that the proposed amendments will have a significant effect on the environment; and

With regard to the Warren-Alquist Act:

- The proposed amendments will, by ensuring the standards 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 require a significant amount of energy or water 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 appliances concerned; 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 regulations will impose no direct costs 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 are 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, worker safety, or the state's environment; and
- The proposed regulations have no alternatives that would be more effective in carrying out the purposes 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 of any new report; and
- None of the comments received during the comment period, public hearing, or at the public adoption hearing, and nothing else in the record, justified any changes to the proposed regulations as published on November 28, 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 common sense exemption ((CCR, title 14, section 15061(b)(3)) 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 its Repeal of Portable Luminaires regulations, as set forth in the updated express terms that were published on November 28, 2022.

The CEC takes this action under the authority of sections 25213 and 25218(e) of the Public Resources Code, which authorizes the CEC to adopt rules or regulations, as reasonable and necessary, to implement Public Resources Code sections 25218(e) and 25402; 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 in the custody of the Docket Unit and online at [Docket Number 22-AAER-02](https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=22-AAER-02), <https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=22-AAER-02>; and

FURTHER BE IT RESOLVED, the CEC delegates the authority and directs CEC 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; and

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 February 28, 2023.

AYE: Hochschild, Gallardo, Gunda, McAllister, Monahan

NAY: NONE

ABSENT: NONE

ABSTAIN: NONE

Dated: February 29, 2023

SIGNED BY:

Liza Lopez
Secretariat