

APPENDIX I

MODIFIED REGULATORY LANGUAGE FOR
15-DAY PUBLIC COMMENT PERIOD APRIL 8, 2010 – APRIL 23, 2010

REGULATION FOR LIMITING OZONE EMISSIONS FROM INDOOR AIR CLEANING DEVICES

Subchapter 8.7 Indoor Air Cleaning Devices

Adopt amendments to sections 94801 and 94805, title 17, California Code of Regulations, as follows:

[Note: Shown below are the staff's modifications to the originally proposed regulatory text set forth in Appendix II to the Staff Report: Initial Statement of Reasons, released October 23, 2009. Only those portions containing the modifications are included. This document is printed in a style to indicate changes from the originally proposed regulatory language. All originally proposed regulatory language is shown in underline to indicate additions and ~~striketrough~~ to indicate deletions. Staff's modifications to the original proposal are shown in double underline to indicate additions and ~~double striketrough~~ to indicate deletions. Asterisks indicate no change to the existing regulation.]

§ 94801. Definitions.

(a) For the purpose of this article, the following definitions apply:

(3b) "ANSI/UL Standard 867" means the version of ANSI/UL Standard 867 for Electrostatic Air Cleaners, Fourth Edition, published on December 21, 2007 by Underwriters Laboratories, Inc. (UL), and the associated Certification Requirement Decisions published by UL on March 4, 2008; April 17, 2008; ~~and April 18, 2008; July 8, 2009; July 9, 2009; and (date to be determined)~~ November 23, 2009.

(3c) "ANSI/UL Standard 484" means the version of the ANSI/UL's Standard for Safety for Room Air Conditioners, Eighth 8th Edition, published dated December 21, 2007 with revisions through March 27, 2009, and most recently approved by ANSI on March 26 27, 2009.

(3d) "ANSI/UL Standard 1278" means the version of the ANSI/UL's Standard for Safety for Movable and Wall- or Ceiling-Hung Electric Room Heaters, Third

3rd Edition, published dated June 21, 2000 with revisions through July 30, 2008, and most recently approved by ANSI on July 30, 2008.

(3e) "ANSI/UL Standard 1017" means the version of the ANSI/UL Standard for Safety for Vacuum Cleaners, Blower Cleaners, and Household Floor Finishing Machines, Seventh Edition, dated December 7, 2001 with revisions through June 15, 2006, and most recently approved by ANSI on June 15, 2006.

(3f) "ANSI/UL Standard 1993" means the version of the ANSI/UL Standard for Safety for Self-Ballasted Lamps and Lamp Adapters, Third Edition, dated August 28, 2009.

(17) "Listing mark" means the symbol used by Underwriters Laboratories, Inc. to indicate that a representative sample of the product bearing the symbol meets certain UL safety criteria. The safety criteria are found in UL nationally recognized Standards 867 and 507 for air cleaning device safety, and where applicable in Standards 484, 1017, 1278 and 1993 for other appliances and devices.

NOTE: Authority cited: Section 41986, Health and Safety Code. Reference: Sections 41985, 41985.5 and 41986, Health and Safety Code; 21 C.F.R. § 801.415; 29 C.F.R. § 1910.7; and 21 U.S.C. § 321.

§ 94805. Test Method.

(b) Testing to determine compliance with the requirements of this article, shall be performed following the ANSI/UL Standard 867 or ANSI/UL Standard 507, whichever is applicable, in their entirety, which are hereby incorporated by reference as defined in Section 94801. Appliances with a primary purpose other than air cleaning that include an air cleaning component that meets the definition of an indoor air cleaning device given in Section 94801 shall meet the applicable ANSI/UL electrical safety standard for its primary purpose, including but not limited to ANSI/UL Standards 484, 1017, ~~and~~ 1278, and 1993, which are hereby incorporated by reference as defined in Sections 94801(a)(3c), 94801(a)(3e), ~~and~~ 94801(a)(3d), and 94801(a)(3f), respectively.

(d) Testing of indoor air cleaning devices must be conducted by a laboratory currently recognized as an NRTL by the U. S. Occupational Safety and Health Administration (OSHA), to perform testing for the entire ANSI/UL Standard 867, ~~or~~ ANSI/UL Standard 507, or other UL or ANSI/UL Standard, where as

applicable. If included within its scope of recognition, such an NRTL may also utilize OSHA Supplemental Programs #2, 3, 4, 5, and 6, as published in Volume 60, Federal Register, pages 12980 to 12985 (March 9, 1995), which is hereby incorporated by reference, for the ANSI/UL Standard 507, 867, or other ozone testing-electrical safety testing required in this regulation. Additionally, if included within its scope of recognition, an NRTL may also utilize OSHA Supplemental Program 10 (also called Satellite Notification and Acceptance Program, or "SNAP") as published in Volume 74, Federal Register, pages 923 to 927 (January 9, 2009) for the electrical safety testing, including use of test data from Programs 2 through 6 where qualified and overseen by a Program 10 (SNAP) facility. Laboratories, including those qualifying for use in OSHA Program #2, also must pass However, the ANSI/UL Standard 867 Section 37 ozone testing required in this regulation may only be performed by an NRTL or an NRTL utilizing a Supplemental Program 2 testing laboratory that has passed an ARB audit to verify their ability to accurately perform the ozone emissions testing procedure as described in ANSI/UL Standard 867 Section 37. The ARB audit may include, and is not necessarily limited to, review of written test protocol operating procedures, test chamber and analyzer configuration, background ozone measurements, air exchange rate, ozone half-life test results, equipment calibration and maintenance records, and other related information; and an onsite review. The audit may also include a requirement for annual submittal of internal audit reports on the ANSI/UL Standard 867 Section 37 test protocol and the performance of the chamber(s) in which ANSI/UL Standard 867 Section 37 tests are conducted, and any related follow up internal audit reports.

NOTE: Authority cited: Section 41986, Health and Safety Code. Reference: Sections 41985, 41985.5 and 41986, Health and Safety Code.