

State of California  
AIR RESOURCES BOARD

**Third Notice of Public Availability of Additional Documents**

**PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE  
REGULATION FOR LIMITING OZONE EMISSIONS FROM INDOOR AIR CLEANING  
DEVICES**

Public Hearing Date: December 9, 2009  
First Public Availability Dates: February 11, 2010 – February 26, 2010  
Second Public Availability Dates: April 08, 2010 – April 23, 2010  
Third Public Availability Date: June 3, 2010  
Deadline for Public Comment: June 18, 2010

At its December 9, 2009 public hearing, the Air Resources Board (ARB or Board) approved amendments to sections 94801, 94804, 94805, and 94806, title 17, California Code of Regulations, the Regulation for Limiting Ozone Emissions from Indoor Air Cleaning Devices. The amendments include a one-year extension of the compliance deadline for meeting package labeling requirements, a one-year extension for the use of adhesive labels, and several amendments relating mostly to testing protocols.

As described below, at the hearing the Board approved additional modifications to the originally proposed regulatory language which was released in the Staff Report: Initial Statement of Reasons on October 23, 2009. The modifications approved by the Board, and changes made by staff following Board approval, were made available for public comment through two 15-day notices dated February 11, 2010 and April 8, 2010. By this third notice, two additional references are being made available for public comment prior to final action by the Board's Executive Officer.

**The Board's Action**

At the December 9, 2009 public hearing, the Board unanimously approved Resolution 09-65, which approved the proposed amendments originally described in the Staff Report: Initial Statement of Reasons released on October 23, 2009. Board Resolution 09-65 approved modifications to sections 94801, 94804, 94805, and 94806, title 17, California Code of Regulations (shown in Attachment A to the Resolution). The resolution and all other regulatory documents for this rulemaking are available online at the following ARB website: <http://www.arb.ca.gov/regact/2009/iacd09/iacd09.htm>.

At the hearing, the Board also approved several additional revisions to California Code of Regulations, title 17, sections 94801 and 94805 (shown in Attachment B to the Resolution). These additional revisions were made available in the first subsequent notice for public comment. A second notice for public comment added one additional supplemental testing program (Supplemental Program 10) to section 94805(d), and added one new reference.

## **Additions and Corrections to the List of References in the Rulemaking Record**

No further changes are being made to the regulation. As discussed below, in this notice two additional references are being added to the reference list provided in the Initial Statement of Reasons released on October 23, 2009, and one reference included in that list is being corrected.

1. The Staff Report: Initial Statement of Reasons included a discussion (on page 21) of “multi-function appliances,” i.e. portable devices whose primary function is something other than air cleaning, but which include an air cleaning component and must therefore meet the requirements of this regulation. The Staff Report identified portable electric heaters and portable air conditioners as examples of multi-function appliances that would normally be tested for electrical safety under ANSI/UL Standards 1278 and 484, respectively. The original proposed regulatory text in the Staff Report included definitions for ANSI/UL Standard 484 and Standard 1278 as additions to section 94801(a)(3c) and 94801(a)(3d), respectively. However, the two standards were inadvertently omitted from the list of references contained in the Staff Report on page 29. The two references are being added to the list of references in the rulemaking record which the Board has compiled for this rulemaking action, including all the information upon which the proposal is based.

The two standards were available for inspection during the original 45-day public review period prior to the December 9, 2009 public hearing. By this notice this material is being made available once again for inspection at the offices of the Air Resources Board, 1001 I Street, Sacramento, California, 95814 upon request to the following contact persons from 8:00 am to 5:00 pm Monday through Thursday: Ms. Lori Andreoni, Manager, Board Administration & Regulatory Coordination Unit (BARCU), (916) 322-4011; or Ms. Trini Balcazar, Regulations Coordinator, BARCU, (916) 445-9564. The references are as follows:

ANSI/UL, 2007b. UL 484 Standard for Safety for Room Air Conditioners, Eighth Edition, dated December 21, 2007 with revisions through March 27, 2009, and most recently approved by ANSI on March 27, 2009.

ANSI/UL, 2000. UL 1278 Standard for Safety for Movable and Wall- or Ceiling-Hung Electric Room Heaters, Third Edition, dated June 21, 2000 with revisions through July 30, 2008, and most recently approved by ANSI on July 30, 2008.

2. The Staff Report released for public review on October 23, 2009, contained an incomplete reference to the ANSI/UL 867 Standard. The correct citation should be as follows, and this standard also is available for inspection from the contact persons indicated above:

ANSI/UL, 2007a. UL 867 Standard for Safety for Electrostatic Air Cleaners, Fourth Edition, dated December 21, 2007 with revisions through December 21, 2007, and most recently approved by ANSI on December 21, 2007.

## **Comments and Subsequent Action**

In accordance with the Government Code, section 11346.8, the Board directed the Executive Officer to adopt the proposed modifications to sections 94801 and 94805, California Code of Regulations, title 17, after making them available to the public for comment for a period of at least fifteen days. The Board further provided that the Executive Officer shall consider such written comments as may be submitted during this period, shall make such modifications as may be appropriate in light of the comments received, and shall present the regulations to the Board for further consideration if warranted.

Written comments will only be accepted on the additional standards documents identified in this notice. Comments may be submitted by postal mail or electronic mail submittal as follows:

Postal mail: Clerk of the Board, Air Resources Board  
1001 I Street, Sacramento, California 95814

Electronic submittal: <http://www.arb.ca.gov/lispub/comm/bclist.php>

Please note that under the California Public Records Act (Gov. Code § 6250 *et seq.*), your written and oral comments, attachments, and associated contact information (e.g., your address, phone, email, etc.) become part of the public record and can be released to the public upon request. Additionally, this information may become available via Google, Yahoo, and any other search engines.

In order to be considered by the Executive Officer, comments must be directed to ARB in one of the two forms described above and received by ARB by 5:00 p.m., on the deadline date for public comment listed at the beginning of this notice. Only comments relating to the above-described standards documents shall be considered by the Executive Officer.

If you need this document in an alternate format (i.e., Braille, large print, etc.) or another language, please contact the Clerk of the Board at (916) 322-5594 or by facsimile at (916) 322-3928 no later than five (5) business days from the release date of this notice. TTY/TDD/Speech to Speech users may dial 711 for the California Relay Service.

Si necesita este documento en un formato alternativo (por decir, sistema Braille, o en impresión grande) u otro idioma, por favor llame a la oficina del Secretario del Consejo de Recursos Atmosféricos al (916) 322-5594 o envíe un fax al (916) 322-3928 no menos de cinco (5) días laborales a partir de la fecha del lanzamiento de este aviso. Para el Servicio Telefónico de California para Personas con Problemas Auditivos, ó de teléfonos TDD pueden marcar al 711.

*The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see ARB's website at [www.arb.ca.gov](http://www.arb.ca.gov).*