

## ATTACHMENT A

### PROPOSED REGULATION ORDER

California Code of Regulations, Title 17, Division 3, Chapter 1, Subchapter 8.7, Article 1

Amend Sections 94800, 94801, 94802, 94803, 94804, 94805, 94806, 94807, 94808 and 94809 of title 17, California Code of Regulations, to read as follows:

(Note: The proposed amendments are shown in underline to indicate additions and ~~striketrough~~ to indicate deletions from the existing regulatory text. The modified language now proposed by staff, and subject to comment, is shown in double underline to indicate additions and ~~double striketrough~~ to indicate deletions. The symbol “\*\*\*\*” means that intervening text not proposed for amendment is not shown.)

#### REGULATION FOR LIMITING OZONE EMISSIONS FROM INDOOR AIR CLEANING DEVICES

California Code of Regulations  
Title 17. Public Health  
Division 3. Air Resources  
Chapter 1. Air Resources Board  
Subchapter 8.7. Indoor Air Cleaning Devices  
Article 1. Indoor Air Cleaning Devices

##### **§ 94800. Applicability.**

Except as provided in Section 94803, this article shall apply to any person who manufactures, sells, supplies, offers for sale, or introduces into commerce in the state of California indoor air cleaning devices, including both medical and non-medical devices. ~~used or intended for use in occupied spaces.~~

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

##### **§ 94801. Definitions.**

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

(1) “Air exchange rate” means the rate at which outdoor air replaces the volume of indoor air within a given space.

(2) “ANSI” means American National Standards Institute.

(3a) “ANSI/UL Standard 507” means the version of ANSI/UL Standard 507 for

Safety for Electric Fans, Ninth Edition, published on September 27, November 09, 2017, 2007, and revised on November 15, 2018. by Underwriters Laboratories, Inc. (UL).

- (3b) “ANSI/UL Standard 867” means the version of ANSI/UL Standard 867 for Electrostatic Air Cleaners, Fifth Edition, published on August 04, 2011, and revised on August 07, 2018. 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; April 18, 2008; July 8, 2009; July 9, 2009; and November 23, 2009.
- (3c) “ANSI/UL Standard 484” means the version of the ANSI/UL Standard for Safety for Room Air Conditioners, Ninth Edition, dated February 7, 2014, and revised on September 06, 2018. Eighth Edition, dated December 21, 2007 with revisions through March 27, 2009, and most recently approved by ANSI on March 27, 2009.
- (3d) “ANSI/UL Standard 1278” means the version of ANSI/UL Standard for Safety for Movable and Wall- or Ceiling-Hung Electric Room Heaters, Fourth Edition, dated March 21, 2014, and revised on August 20, 2018. Third Edition, 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, Tenth Edition, dated September 15, 2017, and revised on July 19, 2018. 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, Fifth Edition Third Edition, dated January 27, 2017, and revised on August 06, 2018. August 28, 2009.
- (3g) “ANSI/UL Standard 73” means the version of the ANSI/UL Standard for Motor-Operated Appliances, Tenth Edition, dated March 02, 2011, and revised on August 08, 2018.
- (3h) “ANSI/UL Standard 153” means the version of the ANSI/UL Standard for Portable Electric Luminaires, Thirteenth Edition, dated March 03, 2014, and revised on July 27, 2018.
- (3i) “ANSI/UL Standard 998” means the version of the ANSI/UL Standard for Humidifiers, Fifth Edition, dated April 25, 2011, and revised on April 04, 2016.
- (3j) “ANSI/UL Standard 1995” means the version of the ANSI/UL Standard for Heating and Cooling Equipment, Fifth Edition, dated July 31, 2015, and revised on August 17, 2018.

(3k) "ANSI/UL Standard 1598" means the version of the ANSI/UL Standard for Luminaires, Fourth Edition, dated August 28, 2018.

(3l) "ANSI/UL Standard 499" means the version of the ANSI/UL Standard for Electric Heating Appliances, Fourteenth Edition, dated November 07, 2014, and revised on February 23, 2017.

(4) "CARB" means the California Air Resources Board.

(5) "Certification mark" means the symbol used by a recognized testing organization to indicate that a representative sample of the product bearing the symbol meets certain quality or safety criteria. For this regulation the organizations of interest are the ~~n~~Nationally ~~r~~Recognized ~~t~~Testing ~~l~~Laboratories (NRTL) that verify compliance with the applicable ANSI/UL or CSA Standards for indoor air cleaning devices.

(6) "CCR" means the California Code of Regulations.

(7) "CFR" means the U. S. Code of Federal Regulations.

(8) "CSA" means the Canadian Standards Association.

(9) "CSA C22.2 no. 187-15" means the version of the CSA Standard for Electrostatic Air Cleaners published on February 1, 2015.

~~(10)~~(8) "Concentration" means the amount of a specified substance in a unit amount of another substance.

~~(11)~~(9) "de minimis" refers to a quantity so little, small, miniscule or tiny that the law does not refer to it and will not consider it.

~~(12)~~(10) "Distributor" means any person to whom an indoor air cleaning device is sold or supplied for the purposes of resale or distribution in commerce.

(13) "Dual-function" means any electronic device that includes an air cleaning component in addition to its primary function.

~~(14)~~(11) "Emission" means the release or discharge of a substance into the environment.

~~(15)~~(12) "Executive Officer" means the Executive Officer of the Air Resources Board or the Executive Officer's designee.

~~(16)~~(13) "Half-life" means the time required for the concentration of a substance to be reduced to half of its initial value.

(17)(14) "Indoor air cleaning device" means an energy-using product whose

stated function is to reduce the concentration of airborne pollutants, including but not limited to, allergens, microbes (e.g., bacteria, fungi, viruses, and other microorganisms), dusts, particles, smoke, fumes, gases or vapors, and odorous chemicals, from the air entering or inside an enclosed space, including but not limited to, rooms, houses, apartments, stores, offices, vehicles, and the air surrounding a person. Such devices include, but are not necessarily limited to, portable devices of any size intended for cleaning the air nearest a person, in a room of any size, in a whole house or building, or in a motor vehicle; and stand-alone devices designed to be attached to or inserted into a window, wall, ceiling, post, duct, or other indoor surface; and personal air cleaning devices.

(18) "In-duct air cleaner" means an energy-using air cleaning device within a heating, air-conditioning, and/or ventilation system for an enclosed space, including, but not necessarily limited to, buildings, vehicle cabins, and boat cabins.

(19) (15) "Industrial use" or "industrial application" means the use of an ozone-producing air cleaning device ~~ozone~~ in the following manner:

~~(A) — purification of water in an industrial plant, water treatment facility, municipal water facility, or similar facility, and swimming pools and spas~~

~~(A)(B)~~ (B) the destruction of microbes on produce in an agricultural processing plant, refrigerated transport truck, or related facility, provided no people are physically present.

~~(B)(C)~~ (C) chemical oxidation and disinfection in the electronics, pharmaceutical, biotechnology and chemical industries, provided no people are physically present.

~~(D) — bleaching and other processing purposes in the pulp and paper industry~~

~~(E) — odor control from industrial stack gases or wastewater treatment facilities~~

~~(C)(F)~~ (F) odor and smoke control in the hotel industry, for intermittent and temporary use, carried out by trained personnel, and provided no people are physically present.

~~(G) — mold remediation, provided no people are physically present~~

~~(D)(H)~~ (H) mold, odor, fire and smoke damage remediation services, carried out by trained personnel, and provided no people are physically present.

~~(E)(I)~~ (I) odor control in the motor vehicle reconditioning and detailing industry, carried out by trained personnel, and provided no people are physically present.

~~(F)~~ (J) odor control in mausoleums, carried out by trained personnel, and provided no people are physically present.

(20)(16) "Label" means an area containing the required statement in an easily readable format, separate from unrelated text. This is printing on the product packaging, or, for air cleaners sold prior to October 1, 2012, may be an adhesive sticker.

(21)(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 quality or safety criteria. For this regulation, the organizations of interest are the Nationally Recognized Testing Laboratories (NRTL) that verify compliance with the applicable ANSI/UL or CSA Standards for indoor air cleaning devices. 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.

~~(22)~~(18) “Manufacturer” means any person who imports, manufactures, assembles, produces, or packages an indoor air cleaning device.

~~(23)~~(19) “Medical device” means “device” as defined in subsection (h) of Section 321 of Title 21 of the United States Code.

~~(24)~~(20) “Mechanical filtration only” means removal of contaminants from air only via filtration with physical barrier, non-electronic techniques, i.e. air is forced through a filter medium. Materials used in the construction of the filter media may include substances such as activated charcoal, paper, foam, synthetics, ceramics, or natural fibers.

~~(25)~~(21) “Model group” means indoor air cleaning devices sharing the same design, operational features, device output, and performance characteristics, and manufactured by the same manufacturer. Units in the same model group may be marketed under different brand names. Units that differ only in decorative treatments such as color, remote control, or other cosmetic features not potentially related to ozone output would belong to the same model group.

~~(26)~~(22) “NIST” means the U. S. National Institute of Standards and Technology.

~~(27)~~(23) “Non-medical device” means any indoor air cleaning device that does not meet the definition of “medical device” above.

~~(28)~~(24) “NRTL” means Nationally Recognized Testing Laboratory, as recognized by U. S. OSHA per section 1910.7 of Title 29 of the Code of Federal Regulations.

~~(25)~~ “Occupied space” means ~~an enclosed space intended to be occupied by people for extended periods of time, e.g., houses, apartments, hospitals and offices.~~

~~(29)~~(26) “OSHA” means U. S. Occupational Safety and Health Administration.

~~(30)~~(27) “Packaging” means the materials around the consumer or institutional product which serve only to contain, enclose, incorporate, deliver, dispense, wrap or store the product. “Packaging” includes any article onto or into which the principal display panel and other accompanying literature or graphics are incorporated, etched, printed or attached. “Packaging” does not refer to a secondary container used for shipping purposes-, unless it is the only packaging used for the product.

~~(31)~~ “Permanent filter” means a filter which cannot be removed by a consumer or testing laboratory, and is physically capable of functioning effectively for the

stated or intended lifetime of the device.

(32) "Personal air cleaning device" means a device intended to clean the air surrounding a person. It may be worn on, or carried by, a person in any way, including but not necessarily limited to, around the neck, or in a pocket, purse, or similar item.

(33) (28) "ppm" is a unit of concentration measure meaning parts per million by volume. For the purposes of this regulation the volume considered is air and the substance of interest is ozone.

(34) (29) "Retailer" means any person who sells, supplies, or offers for sale, indoor air cleaning devices, directly to consumers.

(35) (30) "Supply" means to make available for purchase or use.

(36) (31) "UL" means Underwriters Laboratories, Inc.

(37) (32) "U. S." means United States of America.

(38) "UVGI", for the purposes of this regulation, means ultraviolet germicidal irradiation and is ultraviolet (UV) light from a coated lamp that only emits light with wavelengths greater than 240 nanometers (nm), with a spectral peak of 254 nm, and produces no measureable ozone.

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.

## **§ 94802. Standards for Indoor Air Cleaning Devices.**

Except as provided in Section 94803 (Exclusions and Exemptions), title 17, California Code of Regulations, no person shall manufacture for use in California ~~24 months after the effective date of this regulation~~, or sell, supply, offer for sale, or introduce into commerce, any indoor air cleaning device ~~for use or intended for use in occupied spaces~~ unless the device is certified by CARB to produce an ozone emission concentration not exceeding 0.050 ppm, as specified in Section 94804; is labeled as required in Section 94806; meets all requirements of this article; and continues to meet all requirements of this article, including the ozone emissions limit as determined by the test procedures in Section 94805. The provisions set forth in Section 94802 shall apply 24 months after the effective date of the amendments for in-duct air cleaners. Portable air cleaners manufactured after the 12 months-period following the effective date of the amendments must comply with the labeling and safety mark requirements in Section 94806 within 12 months of the effective date of the amendments. Uncertified air cleaners sold, supplied, offered for sale, or introduced into commerce in California for an exempted industrial use must meet the requirements in Sections 94803(a) and 94807 within 12 months of the effective date of the amendments.

Note: Authority cited: Section 41986, Health and Safety Code. Reference: Sections 41985, 41985.5 and 41986, Health and Safety Code; and 21 C.F.R. § 801.415.

### § 94803. Exclusions and Exemptions.

- (a) *Industrial use*: The provisions of this article do not apply to indoor air cleaning devices manufactured, advertised, marketed, labeled, and used solely for industrial use as defined in Section 94801(a)(4519) above, provided the devices display an advisory that states: "For industrial use only. Use only in unoccupied spaces. Health hazard: emits ozone". This advisory must be clearly visible and placed near the power switch or electrical connection on the device. A graphic illustrating that people should not be present during use of the device is also required to be placed next to the text. The advisory also must be prominently displayed in all owner's, operations, and installation manuals for the device(s) and on all marketing materials, including websites. Information about potential adverse health effects associated with exposure to ozone must be included in all owners, operations and installation manuals for the device(s).

A recommendation that any enclosed space in which ozone-producing air cleaners are used should be well-ventilated for at least one hour before being re-occupied must be included in the owner's or operations manual.

Manufacturers, distributors, sellers, and retailers of ozone generating air cleaning devices must be able to demonstrate that devices are manufactured, marketed, advertised, and labeled solely for an exempted purpose(s) that they are marketed solely through industrial supply outlets or businesses and prominently labeled as "Solely for industrial use. Potential health hazard: emits ozone."

- ~~(b) *In-duct systems*: Air cleaning devices designed, marketed, and used solely as a physically integrated part of a central heating, air conditioning, or ventilating system, such as an "in-duct system," are exempt from this regulation.~~

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

### § 94804. Certification Requirements.

- (a) Each manufacturer of an indoor air cleaning device subject to Section 94802 is required to submit an application for certification to the CARB Executive Officer, P.O. Box 2815, Sacramento, CA 95812, Attn: Indoor Air Cleaning Device Certification. The application may also be submitted by email at [aircleaners@arb.ca.gov](mailto:aircleaners@arb.ca.gov) or via another CARB-approved method. Information submitted on the certification application must be true and correct. Applications may be submitted by a professional association or certification organization on behalf of a manufacturer, as long as all required information and signatures from the manufacturer and test laboratory representatives are included. Upon

verification of compliance with the test methods described in Section 94805, from a laboratory meeting the performance specifications in Section 94805(d), the CARB will issue an Executive Order that the indoor air cleaning device has completed certification for sale of the device within California. Certification will be granted to manufacturers, who have the responsibility to comply with all provisions of this article. An air cleaner manufacturer that makes medical claims for a device must submit evidence that the manufacturer has applied for FDA approval for that device prior to submitting an application for CARB certification.

- (b) Any indoor air cleaning device using only mechanical filtration for pollutant removal, and any portable air cleaning device using only UVGI lamp(s), with or without mechanical filtration, and no other electronic air cleaning technology, is exempt from the testing requirement for the ozone emission standard of 0.050 ppm as determined in Section 94805, based on their known *de minimis* ozone emissions. Verification of ~~this mechanical filtration only~~ these exclusions from ozone emission testing will be made by the CARB Executive Officer based on the submission of product design specifications and documentation by the manufacturer, distributor, or retailer. Documentation to the CARB shall include a description of the air cleaning performance technology employed, as well as an exploded parts diagram, and a block diagram, and schematic of the model-complete electrical safety report. For portable air cleaners using only UVGI lamp(s), the electrical safety report must also ~~that~~ indicates the wavelength(s) of the UV lamp(s) used, the lamp manufacturer, and lamp model number. For these devices, instructions in the owner's or operations manual must state that replacement lamp(s) must be UVGI, as defined in Section 94801(a)(38), or the device will no longer be CARB compliant, as it may produce harmful ozone. These ~~a~~ Air cleaning devices using only mechanical filtration and those using only UVGI lamps ~~Indoor air cleaning devices qualifying as "mechanical filtration only" devices~~ shall be certified under ANSI/UL Standard 507, which is hereby incorporated by reference as defined in Section 94801. Multi-function devices that include an air cleaning component that would qualify as "mechanical filtration only" but would normally be tested for their electrical safety under another ANSI/UL Standard shall be tested for electrical safety under the applicable ANSI/UL Standard. Mechanical filtration-only devices certified to ANSI/UL Standard 507 or to another applicable ANSI/UL Standard for their electrical safety prior to the enactment of this regulation are eligible for certification without further testing provided documentation of compliance with ANSI/UL Standard 507 or the relevant ANSI/UL Standard is submitted and the model continues to comply with requirements of that standard. To be certified under this regulation, manufacturers of such indoor air cleaning devices must submit the information required in Sections 94804(c)(1) through 94804(c)(3) below, and Sections 94804(c)(4)(A) and 94804(c)(4)(F) below. These products are still subject to the labeling requirements specified in Sections 94806(b) and 94806(d).
- (c) The application for certification of air cleaning devices other than those covered in Section 94804(b) above must include the information in subsections (c)(1) through (c)(5) below, and any other information deemed necessary by the



CARB Executive Officer. If the requested information is not applicable to the indoor air cleaning device in question, the applicant must indicate “not applicable”. If the Executive Officer concurs with the applicant's judgment, the Executive Officer may waive the requirement to provide the information requested.

- (1) Manufacturer name, mailing address, physical address, phone number, email address, and website, and name and phone number of the primary contact person for purposes of this certification;
- (2) Applicant or representative name, mailing address, physical address, phone number, and email address, if different from manufacturer;
- (3) Indoor air cleaning device information:
  - (A) Brand name
  - (B) Model name
  - (C) Model number
  - (D) Serial number of devices submitted for testing (where applicable)
  - (E) Manufacture date of devices submitted for testing
  - (F) Model group, and other models included in model group, where applicable
  - (G) Discussion of the principles of operation and design
  - ~~(H) Device schematics depicting operation~~(I)
  - ~~(I)~~(H) Maintenance requirements
  - ~~(I)~~ Complete electrical safety test report
  - ~~(J)~~ Ozone test report for devices tested for ozone~~(J)~~
  - ~~(J)(K) Owner's manual, Operations manual, or installation manual, if available~~
  - ~~(K)(L) Marketing materials, if available~~ Copy of the online directory listing from the testing laboratory verifying current certification
  - ~~(M)~~ Exploded parts diagram labelled in English
- (4) Indoor air cleaning device test information:
  - (A) Test facility identification and proof of current Nationally Recognized Testing Laboratory (NRTL) accreditation
  - (B) Ozone emission concentrations for all units tested, as measured according to Section 94805, including both the 24-hour measurement as well as information regarding whether any transitory measurements exceeded 0.050 ppm
  - (C) Whether a device failed the ozone emission test for any reason during final certification testing, and if so, the reason (e.g., excess transitory excursions, motor failure during the test, device not received with packaging intact, electrical part overheated/unsafe to continue, etc.)
  - (D) Chain of custody of test device(s)
  - (E) Statement from the testing laboratory that the ozone emissions were determined in accordance with the protocols in ~~the December 21, 2007 Revision of Section 3740~~ of ANSI/UL Standard 867 or, for in-duct air

- cleaning devices, Sections 7.5 and 7.6 of CSA C22.2 no. 187-15, and the associated Certification Requirement Decisions published by UL.
- (F) Notification by a testing laboratory or certification organization of compliance with the electrical safety provisions of ANSI/UL Standard 867, CSA C22.2 no. 187-15, ANSI/UL Standard 507, or other applicable ANSI/UL Standard, ~~where applicable~~ as appropriate, for all units tested.
- (5) Any additional information the laboratory needs to communicate.
- (d) Written notification will be provided within 30 days of receipt indicating whether the certification application has been accepted for review or, if incomplete, what additional information is required. Within 30 days after application acceptance as complete, written notification of certification approval or disapproval will be provided. These time periods may be extended by the Executive Officer if deemed necessary because of extenuating circumstances.
- (e) Notification must be provided to the Executive Officer within 30 days if the indoor air cleaning device fails any post-certification testing conducted to verify compliance with ANSI/UL Standard 867, CSA C22.2 no. 187-15, or ANSI/UL Standard 507, or any other standard listed in section 94801(a)(3c) through 94801(a)(3l), whichever is applicable.
- (f) Manufacturers must notify CARB if the certified device is subsequently changed in any way, other than minor cosmetic changes. If the original manufacturer of a certified device changes or a device is manufactured in a new production facility, the device must be recertified. A certified air cleaning device must also be recertified if it is sold under a different brand name or model number than the brand name and model number originally certified.
- ~~(f)~~(g) CARB may revoke certification for any device deemed noncompliant in the future when tested according to procedures described in Section 94805, or if any other CARB certification requirements are no longer met.

Note: Authority cited: Section 41986, Health and Safety Code. Reference: Sections 41985, 41985.5 and 41986, Health and Safety Code; and 21 C.F.R. § 801.415.

**§ 94805. Test Method.**

- (a) For the purpose of compliance with this regulation only a single model of indoor air cleaning device within a model group, if one exists, must be evaluated under the test methods.
- (b) Testing of indoor air cleaning devices 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. In-duct air

cleaning devices shall be tested for electrical safety according to CSA C22.2 no. 187-15 or ANSI/UL Standard 867, which are hereby incorporated by reference as defined in Section 94801. Dual-function 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 ANSI/UL Standards 73, 153, 484, 499, 998, 1017, 1278, 1598, and 1993, and 1995, which are hereby incorporated by reference as defined in Sections 94801(a)(3c), 94801(a)(3e), 94801(a)(3d), and 94801(a)(3f), 94801(a)(3g), 94801(a)(3h), 94801(a)(3i), 94801(a)(3j), 94801(a)(3k), and 94801(a)(3l) respectively.

- (c) Ozone emissions from indoor air cleaning devices, except for in-duct air cleaners, will be determined using the method described in Section 37 40 of ANSI/UL Standard 867. Ozone emissions from in-duct air cleaners shall be determined using the method described in Sections 7.5 and 7.6 of CSA C22.2 no. 187-15. For certain in-duct devices, testing under ANSI/UL Standard 867 may also be acceptable; such tests must be pre-approved by the testing laboratory and by CARB and the associated Certification Requirement Decisions, which are hereby incorporated by reference as defined in Section 94801. In accordance with ANSI/UL Standard 867 test procedures, devices must be tested with filters removed, unless the device has a permanent filter, as defined in section 94801(a)(31).
- (d) Electrical safety 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, CSA C22.2 no. 187-15, ANSI/UL Standard 507, or other UL or ANSI/UL Standard, as applicable, and when the NRTL is operating within its NRTL Scope of Recognition. Independent laboratories qualified and operating under surveillance by an NRTL may also conduct the electrical safety testing. 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 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.
- (e) However, the Ozone testing to ANSI/UL Standard 867 Section 40 37 or CSA C22.2 no. 187-15 Sections 7.5 and 7.6 ozone testing, as required in this regulation, may only be performed by an NRTL or an independent testing laboratory qualified and under supervision by an NRTL provided the utilizing a Supplemental Program 2 testing laboratory that has passed an CARB audit to

verify their ability to accurately perform the ozone emissions testing procedure. ~~as described in ANSI/UL Standard 867 Section 37.~~ The CARB audit may include, ~~and~~ but 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~~ Initial approval of the laboratory will also require an onsite review. CARB approval of the laboratory will be for a minimum of one year and ~~The audit may also include a requirement for annual submittal of internal audit reports on the ANSI/UL Standard 867 Section 3740 or CSA C22.2 no. 187-15 Sections 7.5 and 7.6 test protocols~~ and the performance of the chamber(s) in which ANSI/UL Standard 867 Section 3740 or CSA C22.2 no. 187-15 Sections 7.5 and 7.6 tests are conducted, and any related follow up internal audit reports. Subsequent audits may be required in order to maintain CARB approval to conduct ozone testing for the purposes of this regulation.

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

#### **§ 94806. Labeling and Safety Mark Requirements.**

- (a) All indoor air cleaning devices are required to display an ozone emissions certification label [as defined in Section 94801(a)(16)(20)] on the product packaging after completion of requirements of Section 94804 prior to sale in California, unless satisfying the requirements for exemption as specified in Section 94803. ~~Indoor air cleaning devices submitted to an approved laboratory for certification testing within 12 months of the effective date of this regulation, but unable to obtain certification pursuant to Section 94804 by the end of the 18th month after the effective date of this regulation, shall be allowed an additional 180 days after the postmark date of notification of product certification by CARB to meet the labeling requirements of this section. Indoor air cleaning devices that have been certified by October 18, 2010 may still be sold without the required labeling on the package until October 18, 2011, and may use an adhesive label until October 1, 2012.~~
- (b) For non-medical devices, the label shall be at least 1 inch by 2 inches in size, easily readable, and shall state ~~“This air cleaner complies with the federal ozone emissions limit. ARB certified”~~ “Meets California ozone emissions limit. CARB certified” in bold type whose uppercase letters are not less than 3 mm high. Very small air cleaning devices, including dual-function devices, may use a smaller label, although it must include the required language, be easily readable, and be approved by CARB staff prior to certification. In no case shall the label be placed on the bottom of the packaging.
- (c) For medical devices, the label shall be in compliance with federal law, including Section 801.415 of Title 21 of the Code of Federal Regulations. The label shall also state “CARB certified”.

- (d) All electronic indoor air cleaning devices (both medical and non-medical) are required to display the ANSI/UL Standard 867 safety certification or listing mark on the device, consistent with the ANSI/UL Standard 867 requirements or, for in-duct devices, the CSA C22.2 no. 187-15 requirements of the appropriate NRTL safety certification organization, after completion of requirements of Sections 94804 and 94805 and prior to sale in California, unless the device satisfies the requirements for exemption as specified in Section 94803. Devices qualifying as “mechanical filtration only” devices as described in Section 94801(a)(~~20~~)(24) and Section 94804(b) and portable air cleaning devices using only UVGI lamp(s), with or without mechanical filtration, as described in Section 94801(a)(38) and Section 94804(b) shall display the ANSI/UL Standard 507 certification mark. Dual-function devices with an air cleaning component, as described in Section 94801(a)(13), as described in Section 94801(a) and Section 94804(b) shall display the ANSI/UL Standard 507 certification mark or listing mark for the appropriate electrical safety test for its primary function.
- (e) Any indoor air cleaning device ~~for non-industrial use~~ that is advertised or sold via the Internet or by catalog but that has not been certified according to Section 94804, and is not exempt from certification according to Section 94803, must display the following advisory in a prominent place on the primary web pages, catalog pages, and related materials where such device is advertised or displayed for sale: “Does not meet California air cleaner regulation requirements; cannot be shipped to California.” This advisory must be displayed prior to customers entering their purchase information.

Note: Authority cited: Section 41986, Health and Safety Code. Reference: Sections 41985, 41985.5 and 41986, Health and Safety Code; and 21 C.F.R. §§ 801 and 801.415.

#### **§ 94807. Notice to Distributors, Retailers, and Sellers.**

Within 12 months of the effective date of this ~~regulation~~, amendment, manufacturers of uncertified indoor air cleaning devices manufactured, sold, supplied, offered for sale, or introduced into commerce in California must submit documentation that they have provided to all of their known distributors, retailers, and sellers who supply, offer to sell, or sell in California true and accurate copies of the final regulation adopted by the CARB and filed with the California Secretary of State. Accepted documentation of a mailed notification will include a hard copy of the materials mailed and the associated mailing list with complete contact information for each address submitted to the CARB Executive Officer, P.O. Box 2815, Sacramento, CA 95812, Attn: Indoor Air Cleaning Device Certification. The documentation may also be submitted by email at [aircleaners@arb.ca.gov](mailto:aircleaners@arb.ca.gov) or via another CARB-approved method. Accepted documentation of an email notification will include a copy of the email and the complete contact information for each email address submitted to the CARB Executive Officer. Such information may be kept confidential upon request as specified in Sections 91000 et seq. of title 17, chapter 1, subchapter 4 (Disclosure of Records) of the California Code of Regulations.

For new distributors, retailers and sellers who become known to manufacturers of uncertified devices after manufacturers' initial notification to their distributors and retailers, manufacturers must provide similar notice to them and provide contact information to the CARB annually. Manufacturers subject to this section must keep updated records of the notifications made pursuant to this section for as long as the device is manufactured, advertised, or marketed, and maintain the records for at least five years. The records must be made available to CARB upon request. Non-compliance with this provision may result in all penalties authorized by law, including fines, rejection or revocation of certification

Note: Authority cited: Section 41986, Health and Safety Code. Reference: Sections 41985, 41985.5 and 41986, Health and Safety Code; and Sections 91000 et seq. of Title 17, Chapter 1, Subchapter 4 of the California Code of Regulations.

#### **§ 94808. Recordkeeping Requirements.**

Manufacturers, distributors, retailers, sellers, and test laboratories are required to maintain production, quality control, sales, or testing records for products sold, supplied, offered for sale, introduced into commerce, or manufactured for sale within California for at least three years as long as the air cleaning device(s) are sold or in commerce, and to make them available to the CARB upon request. Such information may be kept confidential upon request as specified in Sections 91000 et seq. of title 17, chapter 1, subchapter 4 (Disclosure of Records) of the California Code of Regulations.

Note: Authority cited: Section 41986, Health and Safety Code. Reference: Sections 41985, 41985.5 and 41986, Health and Safety Code; and Sections 91000 et seq. of Title 17, Chapter 1, Subchapter 4 of the California Code of Regulations.

#### **§ 94809. Rejection, Revocation, Recall, and Penalties.**

An application for certification may be denied, or a certification may be revoked or suspended, for failure to comply with any provision of this article. If the Executive Officer determines that a violation of this article has occurred, he or she may order that the products involved in or affected by the violation be recalled and replaced with products that comply with this article and may withhold the issuance or renewal of a certification as necessary to protect the public health from emissions of ozone from indoor air cleaning devices. In the event of a violation of this article, all other penalties authorized by law apply as well.

Note: Authority cited: Section 41986, Health and Safety Code. Reference: Sections 41985, 41985.5 and 41986, Health and Safety Code; and Sections 91000 et seq. of Title 17, Chapter 1, Subchapter 8.7 of the California Code of Regulations