

State of California
AIR RESOURCES BOARD

Notice of Public Availability of Modified Text

**AMENDMENTS TO THE REGULATION FOR LIMITING OZONE EMISSIONS FROM
INDOOR AIR CLEANING DEVICES**

Public Hearing Date: December 12, 2019
Public Availability Date: January 13, 2020
Deadline for Public Comment: January 28, 2020

At its December 12, 2019, public hearing, the California Air Resources Board (CARB or Board) approved for adoption amendments to sections 94800 – 94809, Title 17, of the California Code of Regulations that regulate ozone emissions from indoor air cleaning devices.

The Board directed the Executive Officer to determine if additional conforming modifications to the regulation were appropriate and to make any proposed modified regulatory language available for public comment, with any additional supporting documents and information, for a period of at least 15 days in accordance with Government Code section 11346.8. The Board further directed the Executive Officer to consider written comments submitted during the public review period and make any further modifications that are appropriate available for public comment for at least 15 days, and present the regulation to the Board for further consideration if warranted, or take final action to adopt the regulation after addressing all appropriate modifications.

The resolution and all other regulatory documents for this rulemaking are available online at the following CARB website:

<https://ww2.arb.ca.gov/rulemaking/2019/aircleaner2019>

The text of the modified regulatory language is shown in Attachment A. The originally proposed regulatory language is shown in ~~strike through~~ to indicate deletions and underline to indicate additions. New deletions and additions to the proposed language that are made public with this notice are shown in ~~double strike through~~ and double underline format, respectively.

In the Final Statement of Reasons, staff will respond to all comments received on the record during the comment periods. The Administrative Procedure Act requires that staff respond to comments received regarding all noticed changes. Therefore, staff will only address comments received during this 15-day comment period that are responsive to this notice, documents added to the record, or the changes detailed in Attachment A.

Summary of Proposed Modifications

1. In section 94801(a)(38), the definition of “UVGI” for the purposes of this regulation was clarified to include light emitted from a UV lamp that only emits wavelengths greater than 240 nanometers. The original definition specified that UVGI light was emitted from a “coated lamp” which emitted light greater than 240 nanometers in wavelength and had a spectral peak of 254 nanometers. Manufacturers expressed concern that this definition of UVGI was too narrow and would exclude UV lamps that do not have a spectral peak at 254 nm, but still do not produce ozone. The revised definition includes LED UV lamps that emit at 240 nanometers or higher and emit no measurable ozone. The definition was expanded to address manufacturers’ concerns by being more inclusive, while still protecting California consumers from exposure to ozone from indoor air cleaning devices.
2. In section 94802, clarifying language was added to specify that portable air cleaners manufactured after the 12 months-period following the effective date of the amendments must comply with new labeling and safety mark requirements. This addition was requested by a manufacturers’ trade association and is intended to provide a sell-through period for portable air cleaners subject to new requirements.
3. In subsection 94804(b), clarifying language was added to specify that the electrical safety reports for portable air cleaners using only UVGI lamps must indicate the wavelength(s) of the UV lamp(s) used, the lamp manufacturer, and the lamp model number. This language was added in response to a concern from a manufacturers’ trade association that the original amendment implied that all portable air cleaners must include such information.

In addition to the modifications described above, additional modifications correcting typographical or grammatical errors, punctuation and spelling may have been made throughout the proposed changes. Modifications may also include changes in numbering or formatting, or other non-substantive revisions made to improve clarity. These changes are non-substantive.

These documents are available for inspection by contacting Chris Hopkins, Regulations Coordinator, at (916) 445-9564.

Agency Contacts

Inquiries concerning the substance of the proposed regulatory action may be directed to the agency representative, Julia Gress, Air Pollution Specialist, Indoor Exposure Assessment Section, at (916) 324-9233 or Patrick Wong, Manager, Indoor Exposure Assessment Section, at (916) 323-1505 (the designated back-up contact).

Public Comments

Written comments will only be accepted on the modifications identified in this Notice. Comments may be submitted by postal mail or by electronic submittal no later than the due date to the following:

Postal mail: Clerks' Office, California Air Resources Board
1001 I Street, Sacramento, California 95814

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

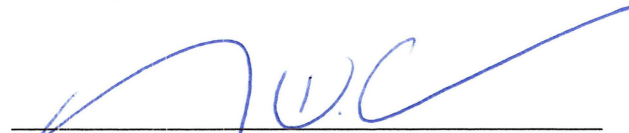
Please note that under the California Public Records Act (Gov. Code § 6250 et seq.), your written and verbal comments, attachments, and associated contact information (e.g., your address, phone, email, etc.) become part of the public record and can be released to the public upon request.

In order to be considered by the Executive Officer, comments must be directed to CARB in one of the two forms described above and received by CARB no later than the deadline date for public comment listed at the beginning of this notice. Only comments relating to the above-described modifications to the text of the regulations shall be considered by the Executive Officer.

If you need this document in an alternate format or another language, please contact the Clerks' Office 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 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.

CALIFORNIA AIR RESOURCES BOARD



Richard W. Corey
Executive Officer

Date: *January 13, 2020*

Attachment

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 CARB's website (www.ARB.ca.gov).