

State of California  
AIR RESOURCES BOARD

**Second Notice of Public Availability of Modified Text  
and Availability of an Additional Document and Information**

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

Public Hearing Date: December 12, 2019  
Public Availability Date: March 2, 2020  
Deadline for Public Comment: March 17, 2020

At its December 12, 2019, public hearing, the California Air Resources Board (CARB or Board) approved for adoption amendments to section(s) 94800 – 94809, Title 17, of the California Code of Regulations that regulates 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. A First Notice of Public Availability of Modified Text was released for public comment on January 13, 2020, and closed on January 28, 2020.

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):

<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 ~~striketrough~~ to indicate deletions and underline to indicate additions. Modifications made during the First Notice of Public Availability of Modified text were shown in ~~double striketrough~~ to indicate deletions and double underline to indicate additions. New deletions and additions to the proposed language that are made public with this notice are shown in ~~**bold double striketrough**~~ and **bold 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**

The following summary does not include all modifications to correct typographical or grammatical errors, changes in numbering or formatting, nor does it include all of the non-substantive revisions made to improve clarity.

1. In section 94801(a)(9), updated the reference to reflect the current version of the Canadian Standards Association (CSA) “Standard for Electrostatic Air Cleaners,” C22.2 no. 187-20, as revised by CSA on January 21, 2020.
2. In section 94801(a)(17), added parenthesis around “including but not limited to, rooms, houses, apartments, stores, offices, vehicles” for grammatical clarity.
3. In section 94801(a)(18), the definition of an in-duct air cleaner is clarified by removing language that provides examples of the types of enclosed spaces where in-duct air cleaners may be used, including buildings, vehicle cabins, and boat cabins. The inclusion of only a few locations created confusion because these are the same locations where other types of air cleaners are commonly used. Including a few locations in the definition of an in-duct air cleaner focused the definition on types of enclosed spaces instead of on the placement of an air cleaning device within a heating, air-conditioning, and/or ventilation (HVAC) system.
4. In section 94802, CARB is clarifying that in-duct air cleaners *used in vehicles* are subject to the amended regulation upon its effective date (rather than 24 months after the effective date, as applies to other in-duct air cleaners). The previous draft of the amendments provided a 24-month period following the effective date of the amended regulation before in-duct air cleaners sold in California must be CARB certified. For reasons outlined below, CARB has determined that in-duct air cleaners used in vehicles should not be provided this 24-month period and should be required to be certified by the effective date of the amended regulation.

The original regulation exempted in-duct air cleaners that were integrated into central heating, air conditioning, or ventilating systems (such as those used in buildings). The primary reason in-duct devices were exempted was the lack of relevant ozone emissions and exposure data from in-duct devices, and also the need for a test method other than UL867. There is now an updated method available for testing of in-duct air cleaners used in buildings, which is described in Sections 7.5 and 7.6 of CSA C22.2 no. 187-20 (CSA), which has been incorporated into the amended regulation. The 24-month period was included to

provide adequate time for manufacturers of in-duct air cleaning devices that will be tested using the CSA method to obtain certification. Due to the number of in-duct devices that would need to be tested for ozone emissions and the amount of time it takes to complete the relatively intensive CSA testing, these devices would not all be able to be tested and certified by the effective date of the amended regulation.

In contrast, air cleaners used in vehicle ductwork have been previously certified by CARB after being tested for ozone emissions using UL867. In-duct devices used in vehicles were not considered exempt under section 94803(b) of the current regulation and are subject to the certification requirement. The devices can be tested to UL867, so providing manufacturers of these devices a 24-month period following the effective dates of the amendments before they must obtain certification would be inconsistent with the implementation of the current regulation.

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. These changes are nonsubstantive.

### **Updated Document Incorporated by Reference Added to the Record**

In the interest of using the most current test procedures possible, CARB staff is updating the test procedure below with an updated version that was not available at the time of the original notice for these amendments.

In accordance with Government Code section 11347.1, subdivision (a), staff has added to the rulemaking record and invites comments on the following:

- Canadian Standards Association (CSA) “Standard for Electrostatic Air Cleaners,” C22.2 no. 187-20, as revised by CSA on January 21, 2020. Copyrighted. Incorporated in section 94805(b).

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>

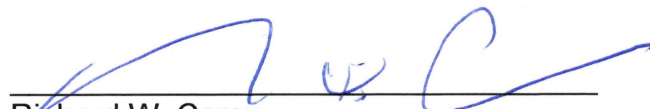
Please note that under the California Public Records Act (Gov. Code § 6250 et seq.), your written and verbal comments, attachments, and associated contact information (e.g., your address, phone, email, etc.) become part of the public record and can be released to the public upon request.

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

  
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Richard W. Corey  
Executive Officer

Date: *March 2, 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](http://www.ARB.ca.gov) (www.ARB.ca.gov).*