

DOCKETED

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Project Title:	2022 Amendments to the Appliance Efficiency Regulations
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Document Title:	Notice of Availability - 15 Day Comment Period
Description:	Notice of Availability for the federal and administrative updates rulemaking. Based on comments received during the 45-day comment period, the CEC is proposing additional changes to the proposed regulatory language offered on November 20, 2023. This new 15-day comment period will initiate on March 8, 2024, and end on March 24, 2024. Also included in this Notice is a summary of the new changes.
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CALIFORNIA ENERGY COMMISSION

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CEC-057 (Revised 1/21)



Notice of Availability

15-DAY PUBLIC COMMENT PERIOD PROPOSED REVISIONS TO THE FEDERAL AND ADMINISTRATIVE UPDATES FOR THE TITLE 20 APPLIANCE EFFICIENCY REGULATIONS

California Energy Commission
Docket No. 22-AAER-04

On November 20, 2023, the California Energy Commission (CEC) published a Notice of Proposed Action for Federal and Administrative Updates for the Appliance Efficiency Regulations of Title 20, Article 4, Sections 1601 – 1609 of the California Code of Regulations. The CEC made all the documents available for a 45-day comment period that started on November 24, 2023, and ended with the public hearing of January 9, 2024.

Based on comments received during the 45-day comment period, the CEC is proposing additional changes to the proposed regulatory language offered on November 20, 2023. **Any interested persons are invited to review and provide written comments to the CEC for consideration during the 15-day comment period that will initiate on March 8, 2024, and end on March 24, 2024.** The CEC appreciates receiving written comments at the earliest possible date. Comments submitted after **March 24, 2024**, are considered untimely and the CEC may, but is not required to, respond to such comments, including those raising significant issues.

The CEC encourages use of its electronic commenting system. Visit the e-commenting page at our "[Federal and Administrative Updates for Title 20 Appliance Efficiency Regulations](https://www.energy.ca.gov/proceeding/federal-and-administrative-updates-title-20-appliance-efficiency-regulations)" webpage, which links to the comment page for this docket. Enter your contact information and a comment title describing the subject of your comment(s).¹

¹ [Federal and Administrative Updates for Title 20 Appliance Efficiency Regulations](https://www.energy.ca.gov/proceeding/federal-and-administrative-updates-title-20-appliance-efficiency-regulations),

https://www.energy.ca.gov/proceeding/federal-and-administrative-updates-title-20-appliance-efficiency-regulations?auHash=yF-j6t_nS1-xnc9TbJ4DLLvOOOf3P4TkMg8zIbN0DNs

Comments may include in the “Comment Text” box or attached as a downloadable, searchable document consistent with Title 20, CCR, Section 1208.1. The maximum files size allowed is 10 MB.

Written comments may also be submitted by email. Include docket number 22-AAER-04 in the subject line and email to docket@energy.ca.gov.

A paper copy may be sent to:

California Energy Commission
Docket Unit
Docket No.22-AAER-01
715 P Street, MS-4
Sacramento, CA 95814

All comments received will become part of the proceeding’s public record. To ensure you receive notice of any changes to the proposed regulations in this proceeding, please follow the instructions provided at the end of this notice to join the proceedings email subscriber list or provide a valid email or mailing address with your comments.

The proposed regulatory language for this 15-day public comment period and related documents are available for review on the CEC website at the “[Federal and Administrative Updates for Title 20 Appliance Efficiency Regulations](#)” website which links to the docket log for Docket 22-AAER-04.

In accordance with Government Code sections 11346.8 and 11347.1, these documents are made available for public comment at least 15 days before the CEC’s consideration and possible adoption of the proposed regulations. Copies of these documents are available for public inspection at the CEC located at the address above. The CEC has considered all public comments received during the 45-day public comment period in developing the proposed language open for 15-day public comment period.

The text of the modified regulatory language is also included as Attachment A. Amendments to the existing code that were made public with the 45-day notice on November 20, 2023, are shown in ~~strike-through~~ to indicate deletions and underline to indicate additions. Amendments proposed with the 15-day notice of March 8, 2024, are shown in ~~double-strike-through~~ for deletions and double underline for additions.

In the Final Statement of Reasons, staff will respond to all comments received on the record during the 45-day and 15-day public 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 opportunities to comment that are responsive to this notice, documents added to the record, or the changes detailed in the 15-day proposed language at the above-referenced website.

To stay informed about this proceeding and receive documents and notices of upcoming workshops and hearings as they are filed, please subscribe to the proceeding email subscription using the “SUBSCRIBE” area of the [Federal and Administrative Updates for Title 20 Appliance Efficiency](#) website. You can also subscribe using the CEC’s “[Subscriptions](#)” website where you can use the “[Efficiency](#)” link to subscribe.^{2,3} The email subscription sends out email notifications and direct links when documents and notices are filed in the proceeding docket. If you are unable to access the website and would like a copy of the rulemaking documents mailed or emailed to you, or if you have any questions, please contact Corrine Fishman at corrine.fishman@energy.ca.gov.

The CEC’s Public Advisor provides the public assistance in participating in CEC proceedings. If you want information on how to participate in this forum, please contact the Public Advisor at publicadvisor@energy.ca.gov, or by phone at (916) 957-7910. Requests for language services and reasonable accommodations should be made as soon as possible or at least five days in advance. The CEC will work diligently to accommodate late requests.

Direct media inquiries to the Media and Public Communications Office at (916) 654-4989, or by email at mediaoffice@energy.ca.gov.

If you have question on the subject matter of this notice, please contact Carlos Baez at Carlos.Baez@energy.ca.gov

SUMMARY OF IMPLEMENTED MODIFICATIONS

The following is a summary of the amendments proposed for 15-days of public review and comment.

Section 1602:

- 1602(a): “*Alternate efficiency determination method (AEDM)*”. Adding this as a new general definition to align with federal law in 10 C.F.R. section 429.70. This replaces the need to have specific AEDM definitions for each relevant appliance type.
- 1602(a): “*Retailer*”. For this proposed new definition, making an edit to use the term “appliances” rather than “goods” for consistency with related definitions.
- 1602(c): “*Alternate efficiency determination method or AEDM, means, with respect to a central air conditioner...*”. Removing this as a proposed new

² [CEC Subscriptions website](https://www.energy.ca.gov/subscriptions), <https://www.energy.ca.gov/subscriptions>

³ [Efficiency Subscription link](https://public.govdelivery.com/accounts/CNRA/signup/31895), <https://public.govdelivery.com/accounts/CNRA/signup/31895>

definition. Rather than having appliance specific AEDM definitions, now adding a general AEDM definition to section 1602(a) for clarity.

- 1602(c): *“Unitary dedicated outdoor air system (DOAS)”*. Adding this as a new definition to align with federal law in 10 C.F.R. section 431.92.
- 1602(d): *“High-speed small-diameter (HSSD) ceiling fan”*. Addressing a typographical error. Adding a period at the end of the last sentence.
- 1602(d): *“Safety fan”*. Addressing a typographical error. Changing a period to a hyphen to accurately reflect the document name.
- 1602(s): *“Alternate efficiency determination method or AEDM, means, with respect to an electric motor...”*. Removing this existing definition. Rather than having appliance specific AEDM definitions, now adding a general AEDM definition to section 1602(a) for clarity.
- 1602(s): *“Alternate efficiency determination method or AEDM, means, with respect to a state-regulated compressor...”*. Removing this existing definition. Rather than having appliance specific AEDM definitions, now adding a general AEDM definition to section 1602(a) for clarity.

Section 1603

- 1603(a)(4): Adding a new subsection (a)(4)(A) to expressly state that the requirement to provide “test reports” includes providing equivalent supporting documentation when an AEDM is used, consistent with federal law in 10 C.F.R. sections 429.70 and 71.
- 1603 Documents Incorporated by Reference: Adding the document 10 C.F.R. section 429.71 to the list of documents incorporated by reference. This document is being referenced in the proposed new subsection 1603(a)(4)(A).

Section 1604

- 1604(p)(1): Making additional edits to align with federal law. For clothes washers that are consumer products both Appendices J and J2 of 10 C.F.R. section 430.23(j) are applicable.
- 1604(w)(1): Making additional edits for clarity and to align with federal law. For federally regulated battery chargers and federally regulated uninterruptible power supplies, both Appendices Y and Y1 of 10 C.F.R. section 430.23(aa) are applicable. Also, removing the proposed new subsection (w)(1)(A) related to wireless chargers. Wireless chargers are a type of federally regulated battery charger and there is no need to specifically reference wireless chargers alone.

Section 1605.1

- 1605.1(c)(1): Making clarification edits to reflect the new tables and values being added to subsection (c)(1).
- 1605.1(c)(1) Table C-3: Making additional edits to Table C-3 to further clarify and align with the federal standards in 10 C.F.R. section 430.32(c) that were in effect from January 1, 2015, to January 1, 2023, and fixing a typographical error in the last column (The correct subscript should be “*w,off*” not “*w.pff*”).
- 1605.1(c)(1) Table C-4: Addressing a typographical error. In the last column, the correct subscript should be “*w,off*” not “*w.pff*”.
- 1605.1(e)(2) Table E-4: Making formatting edits to Table E-4. Now splitting cells that were previously merged.
- 1605.1(h)(4)(C): No longer proposing to remove the cross-reference to the state standards for commercial pre-rinse spray valves. The state standards are no longer proposed to be removed (see change in section 1605.3(h)), so the cross-reference is still needed.

Section 1605.3

- 1605.3(h): No longer proposing to remove the state minimum spray force standard for commercial pre-rinse spray valves. After further analysis, it’s been determined that federal preemption does not apply to this requirement due to an explicit exemption from preemption and this existing state standard can therefore remain in place. Also, as a result of this new change, staff are no longer proposing the subsequent renumbering change and the change regarding the cross-reference to section 1605.1(h).
- 1605.3(k)(1)(A): Removing the historical state standards (including the existing Table K-8) for general service lamps that were in effect before January 1, 2020. There is no longer a need to list these outdated standards.
- 1605.3(k)(2): Renumbering the existing Table K-9, as a result of the proposed removal of Table K-8 from section 1605.3(k)(1)(A). Also, adding a missing comma in subsection (k)(2)(B).

Section 1606:

- 1606(a): Adding a sixth “Exception” for single and dual duct portable air conditioners with variable speed motors. On May 14, 2023, the U.S. Department of Energy (DOE), published a final rule for portable air conditioners that both amended Appendix CC and introduced a new test procedure for portable air conditioners in Appendix CC1. The amendments to Appendix CC expand the scope of testing to include equipment with variable-speed motors. Due to the phrasing of section 1606, this federal expansion of scope would automatically cause an identical expansion of the scope of state testing and reporting requirements, contrary to the requirements of the Administrative Procedures Act.

This exception ensures that certification requirements set in 20 CCR section 1606 are applicable only to portable air conditioners that use single-speed electric motors, consistent with the original scope at adoption.

- 1606(a)(3)(A): Generalizing the language in the first Exception to this section and removing duplicative, appliance specific versions of the same Exception for consistency with the proposed adoption of a general definition of “AEDM” in place of several appliance specific definitions of the same term. Also, adding a “1” after “EXCEPTION” in the heading to indicate that it’s the first of three exceptions.
- Table X: For the field “*Regulatory status*” within “All Appliances”, adding “other” as a new possible answer for this field. “Other” helps to distinguish appliances subject to unique regulatory statuses that are not already covered under the other options.
- Table X (D): Removing the last three fields for “Commercial and Industrial Fans and Blowers” (“*Is the model a Series tested fan?*”, “*Associated Series Tested Fan Model Number*”, and “*Method used to determine FEP_{act} of test method in section 1604(d)(2)...*”). Reporting of this information does not assist sellers or users in determining compliance or assessing efficiency, and the information is available to staff on an as-needed basis via requests for supporting documentation. Removing these fields addresses concerns by commenters regarding potential confusion in how to categorize and report AEDM data.
- Table X (P): For clothes washer that are consumer products, adding the new field “*corrected remaining moisture content*”. This field is found in the required test method stated in section 1604(p) and is needed to help verify the information submitted. For commercial clothes washers, no longer proposing to remove the field “*remaining moisture content*”. This field should be kept along with “*corrected remaining moisture content*” and is needed to help verify the information submitted.
- Table X (V): Adding and amending multiple fields for the new proposed appliance type called “Televisions (manufactured on or after September 11, 2023, and within the scope of 10 C.F.R. section 430)”. The data from the new and amended fields are all captured by performing the required test method stated in section 1604(v) and provide useful information regarding the product performance.
- 1606(a)(4)(A)4.i. and j.: Making edits to subsection (a)(4)(A)4.i. and removing subsection (a)(4)(A)4.j. to clarify the language regarding AEDM use. Rather than calling out specific appliances, now using general language that’s applicable to any appliance subject to an AEDM.

Section 1607:

- 1607(d)(12)(C): Renumbering the existing Table K-10, as a result of the proposed removal of Table K-8 from section 1605.3(k)(1)(A).

- 1607(d)(12)(E): Removing this subsection (E) regarding making claims for the “*California Quality LED Lamp Specification*”. California Quality Light Emitting Diode (LED) Lamp Specification version 3.0 aligned with mandatory Title 20 appliance efficiency standards adopted by the CEC and effective on January 1, 2018. The goal of this alignment was to prepare the market in advance of mandatory efficiency standards. Because the adopted standards are currently in full effect, this specification is now obsolete and should be removed from the regulations and references.
- 1607 Documents Incorporated by Reference: Removing the document “*California Energy Commission Voluntary California Quality Light Emitting Diode (LED) Lamp Specification (December 2017)*” from the list of documents incorporated by reference since its reference is proposed to be removed from section 1607(d)(12). This document is not referenced anywhere else in the regulations.

Section 1608:

- 1608(a): Adding a sixth “Exception” for single and dual duct portable air conditioners with variable speed motors (See change in section 1606(a), this list is intended to mirror the list in section 1606(a)).