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STATE OF CALIFORNIA

ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

Appliance Efficiency Regulations: Lighting)	Docket No. 05-AAER-2
)	Order Number 06-0426-11

ORDER ADOPTING REGULATIONS,
DIRECTING ADDITIONAL RULEMAKING ACTIVITIES, AND
DIRECTING SUBMITTAL OF DATA

I. INTRODUCTION

The California Energy Commission ("Commission") hereby adopts amendments to its appliance efficiency regulations. (California Code of Regulations, title 20, Sections 1601 - 1608). We take this action under the authority of, and to implement, interpret, and make specific, Sections 25213, 25216.5(d), 25218(e), and 25402(c) of the Public Resources Code.

On January 6, 2006, the Commission published a Notice of Proposed Action ("NOPA") concerning the potential adoption of amended regulations on appliance efficiency, along with the Express Terms of the proposed regulations ("45-Day Language") and an Initial Statement of Reasons describing the rationale for the proposal. The NOPA designated March 1, 2006, for a hearing to consider adoption of the proposed amendments. The Commission's Efficiency Committee ("Committee," Vice Chair Pfannenstiel, Presiding Member, and Commissioner Rosenfeld, Associate Member) also held a public hearing, on February 14.

In response to public comments received on the 45-Day Language, on March 1 we decided not to adopt the proposed amendments, but rather to issue a revised proposal ("15-Day Language"). We published 15-Day Language on April 10, 2006, and simultaneously noticed an adoption hearing for April 26.

Today, we adopt the April 10 15-Day Language. The amendments will provide revised, higher efficiency standards for State-Regulated General Service and Enhanced Spectrum Incandescent lamps, Incandescent Reflector Lamps and Metal Halide Luminaires; additional data submittal requirements; and minor corrections and clarification to the regulations, particularly definitions of various

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Lighting, Refrigerator, Refrigerator-Freezer, Freezer, Cooking Product, and Food Service Equipment appliances.

II. FINDINGS

Based on the entire record of this proceeding, we find as follows:

A. The Warren-Alquist Act. The adopted standards:

(1) are based on reasonable use patterns;

(2) apply to appliances whose use requires a significant amount of energy on a statewide basis;

(3) require efficiencies that are feasible and attainable; and

(4) do not result in any added total costs to the consumer over the designed life of the appliances concerned.

B. The Administrative Procedure Act. The adopted regulations:

(1) will not result in a significant statewide adverse impact directly affecting business, including the ability of California businesses to compete with businesses in other states;

(2) will not create or eliminate a significant number of jobs in California;

(3) will not create new businesses, eliminate existing businesses, or have an effect on the expansion of businesses in California;

(4) will not impose costs on private persons;

(5) will impose no direct costs or direct or indirect requirements on state agencies, local agencies, or school districts, including but not limited to costs that are required to be reimbursed under Part 7 (commencing with Section 17500) of the Government Code;

(6) will result in no costs or savings in federal funding to the State;

(7) will not affect housing costs;

(8) will have no significant adverse effect on businesses in general or small businesses in particular;

(9) will have no significant costs that a representative person or business would incur in compliance ($360 per year per appliance for appliance manufacturers); and

(10) have no alternatives that would be more effective in carrying out the purposes of the Warren-Alquist Act without increasing burdens, or that would be as effective and less burdensome in carrying out the purposes.

C. The California Environmental Quality Act. The adopted regulations will not result in a direct, or reasonably foreseeable indirect, significant adverse effect on the environment. (See Appendix A.)

III. CONTINUATION OF DELEGATION OF AUTHORITY TO THE EFFICIENCY COMMITTEE; DIRECTIVES TO THE COMMITTEE

The Commission continues in effect its delegation to the Committee of the authority to take, on behalf of the Commission, all actions reasonably necessary to have the adopted regulations go into effect, including but not limited to any appropriate nonsubstantive, editorial-type changes; and preparing and filing all appropriate documents, such as the Final Statement of Reasons, at the Office of Administrative Law.

This rulemaking is a continuation of a previous rulemaking that culminated in an Adoption Order on December 15, 2004. In that Order we directed the Committee to examine various issues and report back to us. The Committee has resolved most of the issues in the regulations that we are adopting today, but a few matters, mainly relating to potential incentive programs for lighting equipment, remain outstanding. Therefore, this rulemaking proceeding shall remain in effect for the consideration of those matters and other issues the Committee finds appropriate. Such issues shall include, but are not limited to, the 6-hour test requirement for metal halide luminaire ballasts in section 1604(n)(2)(E).

IV. DATA-SUBMITTAL BY NEMA

The 45-Day Language contained proposed amendments that would have established efficiency standards for "enhanced spectrum" (or "modified spectrum")

incandescent lamps. (45-Day Language, proposed § 1605.3(k)(3) & Table K-4.) We have decided not to adopt those standards, largely because of comments from the National Electrical Manufacturers Association ("NEMA"). NEMA argued that enhanced spectrum bulbs have only a small percentage of the incandescent lamp market and that there would be excessive costs necessary to obtain significant energy savings in that small market. We take NEMA's assertion at face value; however, we are concerned that not enough is known about the lighting market and that exempting enhanced spectrum bulbs from the standards could inadvertently lead to substantial growth in market share for this inefficient (because unregulated) class of bulbs. Therefore, pursuant to our authority in Public Resources Code sections 25210, 25216.5(d), and 256218(e), we direct NEMA to provide appropriate market data on the enhanced spectrum market and other relevant lighting issues; the precise nature of the data and how it will be submitted shall be determined by the Committee. If the Committee believes that the data indicate that standards are needed for enhanced spectrum lamps, it shall immediately begin a rulemaking to consider such standards.

April 26, 2006

ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION

JOSEPH DESMOND
Chairman

(Absent)
JACKALYNE PFANNENSTIEL
Vice Chair

ARTHUR H. ROSENFELD, Ph.D.
Commissioner

JAMES D. BOYD
Commissioner

JOHN L. GEESMAN
Commissioner

Appendix A: Addendum to Negative Declaration in Docket No. 04-AAER-01

On December 15, 2004 the Energy Commission approved an Initial Study and Negative Declaration ("NegDec") for appliance efficiency regulations proposed (and in part adopted) in Docket No. 04-AAER-01. The NegDec determined that the proposed regulations would have "No Impact" on the environment.

Among the regulations assessed in the NegDec were proposed efficiency standards (both "Tier 1" and "Tier 2") for State-Regulated General Service Incandescent Lamps; proposed standards for State Regulated General Service Incandescent Reflector Lamps; and proposed standards for Luminaires for Metal Halide Lamps. (See items 14, 15, & 17, "II. Proposed Project," NegDec p. 2.) The Commission adopted only some of the proposed standards.

The proposed standards that were not adopted in Docket No. 04-AAER-01 are essentially the same as proposed standards that are being considered in Docket No. 05-AAER-2. Because those standards were already considered in the NegDec for Docket No. 04-AAER-01, it is appropriate to rely on the findings in that NegDec for the environmental assessment in Docket No. 05-AAER-2. The NegDec assesses the environmental impact of those standards as follows:

(a) State-Regulated General Service Incandescent Lamps, Tier 2

The proposed Tier 2 standards in Docket No. 05-AAER-2 are similar to but less stringent than those proposed in Docket No. 04-AAER-01. The Initial Study for this appliance showed "No Impact" overall for the proposed standards, and showed a positive environmental benefit in air emission reductions for NOx, CO, and PM10. (See NegDec, App. A, p. 15.) Because the standards proposed in Docket No. 05-AAER-2 are somewhat less stringent, there will be less environmental benefit, but still no adverse impact; thus the "No Impact" determination in the NegDec is still valid.

(b) State Regulated General Service Incandescent Reflector Lamps

The proposed standards in Docket No. 05-AAER-2 are the same as those proposed in Docket No. 04-AAER-01, except that there are more exceptions to the standards. The Initial Study for this appliance showed "No Impact" overall for the proposed standards, and showed a positive environmental benefit in air emission

reductions for NOx, CO, and PM10. (See NegDec, App. A, p. 16.) Because the standards proposed in Docket No. 05-AAER-2 are somewhat less stringent (as a result of there being more exceptions), there will be less environmental benefit, but still no adverse impact; thus the "No Impact" determination in the NegDec is still valid.

(c) Luminaires for Metal Halide Lamps

The proposed standards in Docket No. 05-AAER-2 are similar to but less stringent than those proposed in Docket No. 04-AAER-01. The Initial Study for this appliance showed "No Impact" overall for the proposed standards, and showed a positive environmental benefit in air emission reductions for NOx, CO, and PM10. (See NegDec, App. A, p. 18.) Because the standards proposed in Docket No. 05-AAER-2 are somewhat less stringent, there will be less environmental benefit, but still no adverse impact; thus the "No Impact" determination in the NegDec is still valid.