

STATE OF CALIFORNIA

ENERGY RESOURCES

CONSERVATION AND DEVELOPMENT COMMISSION

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| In the matter of: |) | |
| |) | Docket No: 18-AAER-10 |
| |) | |
| Amendments to Title 20 Appliance |) | [PROPOSED] RESOLUTION |
| Efficiency Regulations Rulemaking |) | ADOPTING REGULATIONS |
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WHEREAS, on March 30, 2018, the Energy Commission published a Notice of Proposed Action (NOPA) in the California Notice Register proposing amendments to California Code of Regulations, title 20, sections 1601 to 1609 (Title 20 Appliance Efficiency Regulations); and

WHEREAS, the Energy Commission also made available to the public the Express Terms of the proposed regulations, an Initial Statement of Reasons (ISOR) describing the rationale for each amendment, and an Economic and Fiscal Impact Statement (Form 399) and Attachment analyzing the potential effects of the proposed regulations; and

WHEREAS, the NOPA, Express Terms, ISOR, and Form 399 and Attachment were posted on the Energy Commission's website and provided to every person in the Energy Commission's Appliances Listserve, to a representative number of small business enterprises or their representatives, and to every person who had requested notice of such matters; and

WHEREAS, on April 24, 2018, the Energy Commission held a Lead Commissioner's Meeting to hear comments on the proposed regulations; and

WHEREAS, the NOPA designated June 13, 2018, as the date for the public hearing to consider adoption of the proposed regulations and provided for a written comment period of 45 days; and

WHEREAS, on June 4, 2018, the Energy Commission published a Notice of Postponement of Public Hearing because changes to the proposed regulations were necessary; and

WHEREAS, on June 25, 2018, the Energy Commission published a Notice of Hearing and Notice of Availability of 15-Day Language that made changes to proposed regulations and designated July 11, 2018, as the date for the public hearing to consider adoption of the proposed regulations; and

WHEREAS, the Notice of Hearing and Notice of Availability of 15-Day Language provided for a written comment period of 15 days; and

WHEREAS, the Energy Commission accepted oral comments during the public hearing on July 11, 2018.

THEREFORE, THE CALIFORNIA ENERGY COMMISSION FINDS:

With regard to the proposed amendments to the Title 20 Appliance Efficiency Regulations:

- The amendments to reflect current federal efficiency regulations remove outdated language and provide accurate federal requirements; these changes provide greater clarity and certainty to regulated parties and consumers;
- The amendments to state-specific regulations remove state standards and state test procedures that are preempted by federal law, align state test procedures for battery chargers with federal test procedures, remove the requirement to report portable luminaire sales data, and change the marking requirement for distribution transformers; these changes clarify and simplify the regulations and reduce manufacturers' burdens and costs;
- The amendments to state-specific regulations also add new data reporting requirements for federally regulated low-profile ceiling fans, pumps, walk-in coolers and freezers to verify compliance with the new federal efficiency standards for these products and ensure that only compliant products are sold or offered for sale in California;
- The amendments to state-specific regulations also include changes to reflect the use of the new Modernized Appliance Efficiency Database System and updates to the certification process, including, but not limited to, allowing the Energy Commission to send electronic notifications of database changes instead of mail notifications by registered or certified mail and updating data reporting requirements to align with current federal or state test procedures; these changes simplify and remove burdensome procedures in the certification process and ensure compliance with the regulations;
- The amendments correct typographical errors, clarify ambiguous language, and maintain consistent terms and format throughout the regulations to improve the clarity and readability of the regulations; and
- None of the amendments change the energy or water efficiency standard of any appliance or result in any change in the estimated energy or water savings from the standards in the regulations.

With regard to the California Environmental Quality Act:

- The California Energy Commission has considered the application of the California Environmental Quality Act (CEQA) to the proposed amendments to the Title 20 Appliance Efficiency Regulations;
- The amendments to reflect current federal energy efficiency regulations will not have any direct or indirect significant effect on the environment because these federal regulations preempt state regulations and are therefore already effective regardless of California's regulations;
- The amendments to state-specific regulations and amendments to clarify the regulations will not have any direct or indirect significant effect on the environment because these amendments do not change the energy or water efficiency standards for any appliance or result in any changes in the estimated energy or water savings from the standards set by the regulations; and
- It can be seen with certainty that there is no possibility that the proposed amendments to the Title 20 Appliance Efficiency Regulations may have a significant effect on the environment.

With regard to the Administrative Procedure Act:

- The proposed regulations will not create or eliminate jobs within California;
- The proposed regulations will not create new businesses or eliminate existing businesses and will not result in the expansion of businesses currently doing business within California;
- The proposed regulations will result in savings to the Energy Commission and will result in no costs or savings to other state agencies;
- The proposed regulations will not impose any costs or mandates on local agencies or school districts, including, but not limited to, costs that are required to be reimbursed under Government Code sections 175000-17630; and
- The proposed regulations will not result in nondiscretionary costs or savings to local agencies or school districts;
- The proposed regulations will result in no costs or savings in federal funding to the State of California;
- The proposed regulations will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states;

- The proposed regulations will have no impact on housing costs;
- The proposed regulations will result in impacts on manufacturers of low-profile ceiling fans, pumps, walk-in coolers and freezers, and distribution transformers that incur costs to comply with regulations associated with the certification or labeling of their products, but these costs are not significant and there are no other costs impacts a representative business would necessarily incur in the reasonable compliance with the proposed regulations;
- The proposed regulations will not result in cost impacts on a representative private persons because the low cost associated with the certification and labeling of products is not expected to be passed on to consumers;
- The proposed regulations will benefit the health and welfare of California residents by improving compliance with and enforcement of existing regulations, which ensures that consumers received the benefits of federal and state efficiency standards, including reduced energy demand and reduced need for new power plants;
- The proposed regulations will not result in new benefits to the state's environment, but will improve compliance with existing regulations, which ensures that the anticipated energy savings and associated pollution reduction levels from the underlying regulations are met;
- The proposed regulations have no alternatives that would be more effective in carrying out the purposes of the Warren-Alquist Act, that would be as effective and less burdensome to affected private persons in carrying out those purposes, or that would be more cost effective to affected private persons and equally effective in implementing those purposes;
- The proposed regulations will result in new reporting requirements for low-profile ceiling fans, pumps, walk-in coolers and freezers regarding the efficiency and performance of these products; this information is necessary for consumers and the Energy Commission to confirm that the standards are met and that the appliances consume no more energy than allowed, so that the anticipated energy savings and cost, health, and environmental benefits will actually be achieved. Accordingly, it is necessary that these reporting requirements apply to businesses in order to protect the health, safety and welfare of the people of California, as required by Government Code section 11346.3, subdivision (d); and
- None of the comments received during the comment periods or at the adoption hearing, and nothing else in the record, justified any changes to the proposed amendments as published on June 25, 2018.

THEREFORE BE IT RESOLVED, that the Energy Commission finds that the adoption of the amendments to the Title 20 Appliance Efficiency Regulations is not

subject to CEQA under the “common sense” exemption under California Code of Regulations, title 14, section 15061, subdivision (b)(3).

BE IT FURTHER RESOLVED, based on the entire record of this proceeding, the Energy Commission hereby adopts the amendments to the Title 20 Appliance Efficiency Regulations, as set forth in the express terms that were published on June 25, 2018 (Cal. Code of Regs., tit. 20, §§ 1601-1609). We take this action under the authority of, and to implement, interpret, and make specific, sections 25210, 25213, 25218(e), 25402(c)(1) and 25402.11 of the Public Resources Code.

BE IT FURTHER RESOLVED, the Energy Commission delegates the authority and directs Energy Commission staff to take, on behalf of the Energy Commission, all actions reasonably necessary to have the adopted regulations go into effect, including but not limited to making any appropriate non-substantive changes to the regulations; preparing all appropriate documents, such as the Final Statement of Reasons; compiling and submitting the rulemaking file to the Office of Administrative Law (OAL); making any changes to the rulemaking file required by OAL; and filing the Notice of Exemption with the Office of Planning and Research.

CERTIFICATION

The undersigned Secretariat to the Energy Commission does hereby certify that the foregoing is a full, true, and correct copy of a Resolution duly and regularly adopted at a meeting of the Energy Commission held on July 11, 2018.

AYE:

NAY:

ABSENT:

ABSTAIN:

Cody Goldthrite,
Secretariat