

## **Explanatory Statement**

The California Energy Commission (CEC) is proposing to make non-substantive changes to the Appliance Efficiency Regulations, California Code of Regulations (CCR), Title 20, Division 2, Chapter 4, Article 4, Sections 1604 and 1605.1. None of the changes materially alters any requirement, right, responsibility, condition, prescription, or other regulatory element of any CCR provision.

These changes are non-substantive due to federal preemption. The Federal Energy Policy and Conservation Act of 1975 (EPCA), as amended, preempts any state regulation concerning the energy use or energy efficiency of products with existing federal standards (see, e.g., 42 U.S.C. 6297(c)). Each of the products updated by this action are products for which federal standards exist. In order to ensure continuity and reduce potential market confusion, the proposed changes are meant to ensure the standards in the California Code of Regulations accurately reflect the applicable requirements in the Code of Federal Regulations.

The proposed changes are grouped into the following two categories:

### **1) Adding version dates to existing federal test method references.**

Section 1604 of the Appliance Efficiency Regulations lists out the testing requirements for each regulated appliance type. All federal testing requirements exist in the Code of Federal Regulations (CFR). For all federally regulated appliances (and some state-regulated appliances subject to federal testing), the specific CFR section is referenced to indicate where the testing requirements can be found. CEC staff are now adding version dates to each CFR test method citation, in order to provide the same specificity as currently provided in section 1605.1 where the exact text of corresponding CFR appliance performance standards is included.

CEC staff does not propose to include the full text of the specific CFR sections in section 1604 as that would be hundreds of pages of text, making full inclusion of all federal provisions and their own respective incorporations-by-reference cumbersome and impractical. Additionally, while 1 CCR § 20(c)(4) allows for the date to be omitted from an incorporation by reference when “*applicable law requires the adoption or enforcement of the incorporated provisions of the document as well as any subsequent amendments thereto*”, as is the case for these preemptive federal appliance standards and test procedures, there is a likelihood that the Department of Energy (DOE) may remove or renumber sections of the CFR, including removal or relocation of entire appliance test procedures, creating potential confusion if the date or version of the CFR being referenced is not expressly stated. CEC staff want to ensure that the Appliance Efficiency Regulations reflect lawfully finalized federal regulations while providing appropriate and necessary guidance to readers.

The proposed change is therefore to add a date of January 19, 2025, to all existing CFR citations regarding current federal test methods and requirements in the Appliance Efficiency Regulations. This change occurs throughout section 1604 and is based on staff’s understanding that the change in federal administration created a cutoff point for finalization of pending actions by DOE. For some specific CFR sections, recent changes were made after January 19, 2025. For these citations, a date of August 1, 2025, has been added.

### **2) Updating outdated performance standards to align with the CFR**

Section 1605.1 of the Appliance Efficiency Regulations contains the performance standards for federally regulated appliances. The text is meant to mirror what's shown in the CFR for federally regulated appliances. The Appliance Efficiency Regulations are designed to provide manufacturers, retailers, and consumers of appliances with a clear and comprehensive set of both federal and state regulations in a single location. Additionally, section 1605 contains language stating that *"Each standard in section 1605.1 of this Article is also adopted in this Article as California state law applicable to the sale and offering for sale of appliances in California, if the corresponding federal standard is repealed or becomes inoperable, inapplicable, or otherwise invalid as federal law."*

Since updating the regulations can only be accomplished through regulatory action, CEC staff cannot immediately update the performance standards when the DOE amends standards or introduces new standards. As a result, some of the standards listed in section 1605.1 are outdated, until the CEC can make updates via regulatory action. Even when outdated federal standards are shown in the Appliance Efficiency Regulations, the most current federal standards are still in effect in California (and the entire nation) due to federal preemption.

The proposed changes are to add new federal performance standards for three appliance types (microwaves, residential dishwashers, and residential clothes washers) to align with what is currently shown in existing federal law. These standards have been adopted and have upcoming mandatory compliance dates that will be in effect nationwide.

There are also other administrative and non-substantive proposed changes for clarity and consistency.

### **List of Changes**

#### **Section 1604. Test Methods for Specific Appliances.**

##### **1604 (throughout)**

- Adding a version date of "January 19, 2025", to every existing CFR citation that references a current federal test method or requirement. For some CFR sections that have been modified after January 19, 2025, adding a version date of August 1, 2025, to those specific citations.

##### **1604 – Documents Incorporated by Reference**

- Stating that the list of CFR documents listed are all the January 19, 2025, versions, unless otherwise stated.
- Adding a version date of August 1, 2025, to several applicable CFR documents that have had updates after January 19, 2025.
- Adding the historical version dates to 10 CFR 430.23 Appendices H and Y. For state-regulated televisions and signage displays and state-regulated battery charger systems, the existing regulatory text in sections 1604(v) and (w) cites historical versions of CFR test methods. This change is to accurately align the "Documents Incorporated by Reference" section with the existing text within section 1604.

#### **Section 1605.1. Federal and State Standards for Federally Regulated Appliances.**

##### **1605.1(o)**

- Adding the upcoming federal performance standards (effective April 23, 2027) for dishwashers, as a new Table O-2. These federal standards are found in 10 CFR 430.32(f). Also, renumbering the existing Table O to Table O-1, and editing this table title to clarify that the standards shown in this table are effective until April 23, 2027, at which time the standards in Table O-2 will take effect.

#### **1605.1(p)(1)**

- Adding the upcoming federal performance standards (effective March 1, 2028) for residential clothes washers as a new Table P-2. These federal standards are found in 10 CFR 430.32(g). Second, editing the existing text in subsection (p)(1) to clarify that the relevant dates and data parameters are found within the tables. Third, editing the title of the existing Table P-1 to clarify that the standards shown in this table are effective until March 1, 2028, at which time the standards in Table P-2 will take effect. Lastly, removing the outdated March 7, 2015, standards from Table P-1 since these standards are no longer in effect and are no longer shown in the CFR. It is not necessary or helpful to include these extremely outdated standards and this removal will align with what is shown in the current CFR.

#### **1605.1(p)(2)**

- Renumbering the existing Table P-2 to Table P-3 due to the addition of a new Table P-2 in subsection (p)(1).

#### **1605.1(r)(2)**

- Adding the upcoming federal performance standards (effective June 22, 2026) for microwave ovens as a new Table R-3. These federal standards are found in 10 CFR 430.32(j). Also, editing the existing text in subsection (p)(1) to clarify that the relevant dates are found within the tables. Lastly, editing the title of the existing Table R-2 to clarify that the standards shown in this table are effective until June 22, 2026, at which time the standards in Table R-3 will take effect.