

Frequently Asked Questions

California's Regulation to Limit Ozone Emissions From Indoor Air Cleaning Devices

Last updated November 28, 2011

The following questions and responses are provided to help those affected by our air cleaner regulation to quickly gain an understanding of its provisions and how manufacturers can have their air cleaner models certified as meeting the regulation. The information below does not replace the regulation language; all air cleaner manufacturers and others affected by the regulation should review the Final Regulation Order and other official documents on our webpage at <http://www.arb.ca.gov/research/indoor/aircleaners/manufacturers.htm>. The most recent new amendments to the air cleaner regulation can be found at <http://arb.ca.gov/regact/2009/iacd09/iacd09.htm>.

In the case of any discrepancy between the information provided below and the Final Regulation Order and the required test standards and related documents, the official documents at the websites above will be controlling. If your questions are not answered by the information below or the websites cited in this document, please contact us at aircleaners@listserv.arb.ca.gov, or 916-445-0753, or see the list of contacts at the end of this document.

APPLICABILITY

1. Who must comply with the regulation?

The regulation applies to any person or business that manufactures, sells, supplies, offers for sale, or introduces into commerce in California, indoor air cleaning devices, including both medical and non-medical devices, used or intended for use in occupied spaces such as homes, businesses, schools, etc. This includes air cleaners advertised on Internet web pages in English.

2. Does the regulation apply to air cleaning devices that are manufactured in California, but are only sold outside of California?

By being manufactured in California the regulation applies to such devices under section 94800, but if the devices are not sold here they would not have to meet the standard specified in section 94802 and would not have to be tested and certified. However, if the non-certified devices show up in commerce and for sale in California, they would be in violation of the regulation and fines could be imposed or other enforcement actions taken. We would caution that air cleaners manufactured in California, but not expected to be sold in the state, may have a greater likelihood of being brought back into California for subsequent sale depending on where they are

distributed. Given the size of the California market, we recommend that all such devices be tested and certified.

The labeling provision of the regulation would also apply even if the devices were not sold in California (section 94806[e]). Any device for non-industrial use that is advertised or sold via the Internet or by catalog that has not been tested and certified, must display the following advisory in a prominent place on the primary web pages, catalog pages, and related materials where such a device is advertised or displayed for sale: "Does not meet California requirements; cannot be shipped to California."

3. What is considered an "indoor air cleaning device"?

An "indoor air cleaning device" is an energy-consuming product used for reducing the concentration of airborne pollutants, including but not limited to allergens, microbes (e.g., bacteria, fungi, viruses, and other microorganisms), dusts, particles, smoke, fumes, gases or vapors and odorous chemicals, from the air inside an enclosed space. Such products include, but are not necessarily limited to, portable devices of any size used for cleaning the air nearest a person (e.g., worn or carried by the person), in a room of any size, in a whole house or building, or in a motor vehicle; and stand-alone devices designed to be attached to a wall, ceiling, post or other indoor surface. These may include mechanical air cleaners (e.g., those with pleated filters only), ionizers, electrostatic precipitators, photocatalytic oxidation air cleaners, plasma cluster devices, corona discharge or UV ozone generators, and other technologies. A product with a primary purpose other than air cleaning that includes an air cleaner or a component that is claimed to clean the air is also considered an indoor air cleaning device.

4. What are the compliance dates, and what is required by those dates?

ARB's air cleaner regulation to limit the amount of ozone produced from indoor air cleaning devices became final on October 18, 2008. Additionally, several amendments to the regulation received final State approval on September 9, 2010. Manufacturers had three compliance dates to meet:

- **October 18, 2009** Notification deadline
- **October 18, 2010** Testing and certification deadline
- **October 18, 2011** Labeling deadline (adhesive labels allowed until October 1, 2012)

The notification deadline was October 18, 2009. Manufacturers were required to notify their distributors, retailers, and sellers about the regulation and provide copies of the final regulation to them, and to provide documentation to the ARB that this has been accomplished as required in Section 94807 of the regulation. Manufacturers who have not yet met this requirement are not in compliance with the regulation and should contact Susan Lum of ARB (see contact information at the end of these FAQs) and fulfill this requirement right away. Penalties may be imposed on those who have not met this

requirement. For more information on meeting this requirement, please see <http://www.arb.ca.gov/research/indoor/aircleaners/manufacturers.htm>.

As of October 18, 2010, air cleaner models marketed or sold in California must first be tested and certified as required by the regulation, including air cleaners sold via the Internet. Specifically, as of that date, no person or business shall manufacture, sell, supply, offer for sale or introduce into commerce, for use in California, any indoor air cleaning device for use or intended for use in occupied spaces unless the device is certified by the California Air Resources Board (ARB) to produce an ozone emission concentration that does not exceed 0.050 parts per million (ppm).

As of October 18, 2011, all packaging must show the required label indicating certification. This label can be an adhesive sticker, rather than printing on the package, until October 1, 2012. Air cleaning devices also must be marked as required, and must meet and continue to meet all regulation requirements. Please see <http://www.arb.ca.gov/research/indoor/aircleaners/manufacturers.htm> for updates.

5. Are any air cleaners excluded or exempt from the regulation?

Yes. Air cleaners manufactured, marketed, and used solely for certain specified industrial uses (see Question 6) or as a fully integrated “in-duct” system (see Question 7), are exempt from the regulation. However, air cleaners used in industrial use settings must be marketed solely through industrial supply outlets or businesses and prominently labeled as “Solely for industrial use. Potential health hazard: emits ozone.”

6. What does “industrial use” or “industrial application” mean?

“Industrial use” or “industrial application” means the use of ozone for the following purposes and conditions:

- (A) purification of water in an industrial plant, water treatment facility, municipal water facility, or similar facility, and swimming pools and spas
- (B) the destruction of microbes on produce in an agricultural processing plant, refrigerated transport truck, or related facility
- (C) chemical oxidation and disinfection in the electronics, pharmaceutical, biotechnology and chemical industries
- (D) bleaching and other processing purposes in the pulp and paper industry
- (E) odor control from industrial stack gases or wastewater treatment facilities
- (F) odor and smoke control in the hotel industry, provided no people are physically present
- (G) mold remediation, provided no people are physically present
- (H) fire and smoke damage remediation, provided no people are physically present
- (I) odor control in the motor vehicle reconditioning and detailing industry provided no people are physically present.

7. What is an “in-duct system”?

An “in-duct system” is an air cleaning device designed, marketed, and used solely as a fully physically integrated part of a central heating, air conditioning or ventilating system. Typically such systems are dependent on the HVAC system for airflow or ignition, and sometimes for power. Systems that merely attach to the outside of a duct or are placed at an intake or supply vent may not qualify for the in-duct exemption. Manufacturers with such devices should check with ARB to confirm their device’s exempt status.

8. Who is required to submit an application for certification?

Each manufacturer of an indoor air cleaning device that will be used, or sold for use, in California is required to submit an application for certification to the ARB. Alternatively, a professional association or certification organization may submit the application on behalf of the manufacturer, as long as all required information and signatures from the manufacturer and test laboratory are included.

TESTING AND CERTIFICATION

9. Is there a fee for submitting an application?

No, there is no fee for submitting an application. However, applicants must cover the costs of testing; the state does not cover such costs.

10. Where can I obtain an application?

The application and instructions for filling it out can be obtained through the ARB’s website at <http://www.arb.ca.gov/research/indoor/aircleaners/certification.htm>. Instructions are also provided in Chinese and Korean.

11. How do I apply for certification?

The application steps are as follows:

- Step 1. Obtain an application form from our website (see Question 10).
- Step 2. Obtain an application number from ARB by sending an email request to aircleaners@listserv.arb.ca.gov. An application is needed for each model to be tested and certified. Application numbers are not needed for other models in the same model group (see Question 13) that will not actually be tested.
- Step 3. Review the detailed instructions at <http://www.arb.ca.gov/research/indoor/aircleaners/instructions-03.pdf>.
- Step 4. Complete pages 1 through 3 of the application (and 6, if there is additional information that needs to be included on the form).
- Step 5. Have an approved laboratory conduct the test, if applicable, and complete pages 4 and 5 of the form (see Question 15).

- Step 6. For a device required to undergo the Section 37 ozone testing, if the electrical safety testing was conducted at a Nationally Recognized Testing Laboratory (NRTL) other than the NRTL that is conducting ozone testing, the former facility must fill out the supplemental form, available at <http://www.arb.ca.gov/research/indoor/aircleaners/supplemental.pdf>.
- Step 7. Submit the completed application form and the supplemental form (if applicable) as directed in the application instructions. Please note that failure to include all required signatures, test results, and documentation will delay the processing of your application.

12. What tests are required?

The tests required depend on the type of air cleaning device submitted for certification.

a) All **electronic air cleaners** (i.e., electrostatic precipitators [ESPs], ionizers photocatalytic oxidation devices, devices with UV bulbs and all other air cleaners that do not meet the definition of “mechanical filtration only” below), must be tested to meet the December 21, 2007 version of the American National Standards Institute/Underwriters Laboratories, Inc. (ANSI/UL) [Standard 867](#). This standard includes electrical safety requirements, and Section 37 of the Standard includes the required ozone emissions test, which was updated by UL. UL also has issued six “Certification Requirement Decisions” (CRDs) for Standard 867 that clarify portions of Section 37; these must be followed by the test laboratories when they conduct the test. All of the CRDs are available at <http://www.arb.ca.gov/research/indoor/aircleaners/manufacturers.htm>; scroll down to the section entitled “Instructions for Testing and Certification of Air Cleaners”. Alternatively, you may purchase the recently revised ANSI/UL Standard 867, Fifth Edition, which incorporates all of the CRDs, from UL at <http://www.comm-2000.com>.

b) **“Mechanical filtration only”** devices must meet the September 27, 2007 version of ANSI/UL Standard 507, a standard for electrical safety that does not include an ozone emissions test. “Mechanical filtration only” air cleaners are those that remove contaminants from air only via filtration through a physical barrier using non-electronic techniques, i.e., where air is forced through a filter medium. Materials used in the construction of the filter media include substances such as activated charcoal, paper, foam, synthetics, ceramics or natural fibers.

Note: Mechanical filtration devices that include a UV bulb not only must meet the electrical safety requirements of Standard 507 but must also pass the ozone emission test in Section 37 of Standard 867.

c) **Multi-function appliances**, which are devices that contain an air cleaning component in addition to their primary purpose, must be tested for electrical safety to the ANSI/UL standard most appropriate for their primary purpose, and

to Section 37 of Standard 867 for the ozone test, if necessary. For example, a portable air conditioner that contains an ionizer air cleaning feature would be tested to ANSI/UL Standard 484 (Room Air Conditioners) for electrical safety, and to Section 37 of Standard 867 for an ozone emissions test.

Other electrical safety standards for multi-function devices that are now specified in the regulation include the following:

- i) ANSI/UL Standard 1278 (Movable and Wall- or Ceiling-Hung Electric Room Heaters),
- ii) ANSI/UL Standard 1017 (Vacuum Cleaners, Blower Cleaners, and Household Floor Finishing Machines), and
- iii) ANSI/UL Standard 1993 (Self-Ballasted Lamps and Lamp Adapters).

Please review Sections 94801(a)(3c), 94801(a)(3e), 94801(a)(3d), and 94801(a)(3f), respectively, in the regulation for more information on these four standards.

Note that the manufacturer of a multi-function device, such as an air conditioner containing an air cleaner, must have the device tested and certified by ARB even if the manufacturer does not advertise the air cleaner function or multi-function device(s). The test facility may need to identify another appropriate way to test the device under UL Standard 867.

13. Must every model be tested?

No. Only one representative model of an indoor air cleaning device within a model group as defined in the regulation must be evaluated under the test method. Note that “model group” is not the same as “model family”.

14. What is a “model group”? How is it different than a “model family”?

A “model group” is comprised of indoor air cleaning devices sharing the same design, operational features, device output, and performance characteristics, and made by the same manufacturer. Units in the same model group may be marketed under different brand names. Units that differ only in decorative treatments such as color, remote control, types of on-off switches or other cosmetic features not related to ozone output typically will belong to the same model group. Units with different power levels or sources, different housing, varying types of filters, or other potentially significant differences are typically not in the same model group.

“Model family” is a broader term used in the industry and is not the same as the regulation’s definition of “model group”. Manufacturers are encouraged to review their product lines carefully, and if they have any questions regarding whether their models comprise more than one model group, they are encouraged to contact ARB.

15. Who can conduct the tests?

Testing of indoor air cleaning devices must be conducted by a laboratory currently recognized as a Nationally Recognized Testing Laboratory (NRTL) by the U.S. Occupational Safety and Health Administration (OSHA). The laboratory must be approved by OSHA to perform testing for the entire ANSI/UL Standard 867, ANSI/UL Standard 507, or other ANSI/UL Standard for a multi-function device, whichever is applicable. Recently approved amendments permit the electrical safety testing to also be conducted by other testing facilities under contract to an NRTL through OSHA Supplemental Programs 2, 3, 4, 5, 6 and 10 as described in the amendments to the regulation. (Supplemental Program 10 is also known as the Satellite Notification and Acceptance Program, or SNAP.)

However, the ANSI/UL Standard 867 Section 37 ozone testing required in this regulation may only be performed by an NRTL or an NRTL utilizing a Supplemental Program 2 testing laboratory that has passed an initial ARB audit and annual reviews to verify their ability to accurately perform the ozone emissions testing procedure as described in ANSI/UL Standard 867 Section 37. Currently, only UL (using the Air Quality Sciences laboratory), Intertek Testing Services (Cortland, New York facility only), and the Canadian Standards Association (CSA, also using the Air Quality Sciences facility) are approved to conduct the test. For contact information for acceptable laboratories, please visit

<http://www.arb.ca.gov/research/indoor/aircleaners/certification.htm>.

16. Does the same Nationally Recognized Testing Laboratory (NRTL) have to conduct both the electrical safety testing AND the Section 37 ozone testing required by ANSI/UL Standard 867? In other words, can the electrical safety and ozone tests be conducted by different laboratories as long as they are NRTLs that meet the requirements of section 94805[d]?

All certified devices must carry the mark of the responsible laboratory. Thus, products not previously tested or marked should have all testing conducted at one laboratory. For existing products, the electrical safety and ozone tests can be conducted by different NRTLs if that is more convenient for the manufacturer, but the Section 37 ozone test must be conducted by an NRTL that has been reviewed, audited and certified by ARB. NRTLs may, but are not obligated to, accept test data, from another NRTL. Therefore, manufacturers must be sure one laboratory will accept the other laboratory's data and provide the authorization to mark. Our application now includes a Supplemental form for this type of situation (go to Question 11, Step 6 for more information).

17. Who will verify “mechanical filtration only” air cleaning devices?

The ARB will verify that an air cleaner is a mechanical-filtration-only air cleaning device that is not subject to ozone emission testing, based on review of the product design specifications and other documentation submitted by the manufacturer, and laboratory

certification under ANSI/UL 507, as specified in the certification application instructions at <http://www.arb.ca.gov/research/indoor/aircleaners/certification.htm>.

18. If my “mechanical filtration only” model was previously tested under ANSI/UL Standard 507, do I have to have it re-tested?

It depends on the date of the previous testing. For “mechanical filtration only” devices tested on or before October 18, 2008, a new test is not required; manufacturers may either have the laboratory where the device was tested fill out Sections E & F of the application and sign Section F (this is preferred), or submit a copy of the signed letter or notice received from the test laboratory at the time the test was conducted, showing the model was approved under ANSI/UL Standard 507. Some examples of acceptable documentation include a UL Notice of Authorization (NOA), UL Certificate of Compliance (C of C), UL Certificate of Conformity Assessment (C of A), Intertek Authorization to Mark (ATM), and the NRTL Listing Report. We require one of the documents listed plus the laboratory’s current online listing of the device. If those are not available, then the laboratory must fill out Sections E and F and sign page 5 of the application. Note that the air cleaners must continue to meet the requirements of Standard 507; typically this is documented by a current listing on the laboratory’s webpage directory of products certified to that standard.

For mechanical models tested after October 18, 2008, devices must be tested under ANSI/UL Standard 507, Ninth Edition, September 27, 2007 version, and testing must be conducted by an NRTL or an acceptable NRTL contract facility as specified in Question 15. The testing laboratory must fill out the appropriate sections of the application form. The detailed requirements for “mechanical filtration only” air cleaners are provided in the certification application instructions available at <http://www.arb.ca.gov/research/indoor/aircleaners/certification.htm>.

LABELING AND MARKING REQUIREMENTS

19. What are the specific labeling requirements?

The regulation specifies that a “label” is an area on the product packaging containing the required certification statement in an easily readable format, separate from unrelated text. This is printing on the product package. Under the approved amendments, air cleaner models that have been certified by October 18, 2010 could still be sold without the required labeling on the package until October 18, 2011. After that date, the package must be labeled, but a manufacturer may use an adhesive label for devices sold prior to October 1, 2012. After October 1, 2012, all packaging must show the required label printed on the package.

For non-medical devices, Section 94806 of the regulation specifies that the label must be at least 1 inch by 2 inches in size, easily readable, and must state “This air cleaner complies with the federal ozone emissions limit. ARB certified” in bold type whose uppercase letters are not less than 3 millimeters (mm) high. This label should be readily

visible to the consumer, on the top or side of the package, not on the bottom of the package.

For multi-function devices, such as a portable air conditioner that includes an air cleaner within the appliance, the most appropriate label wording would read: "The air cleaner included in this unit complies with the federal ozone emissions limit. ARB certified". Companies with similar situations should check with ARB regarding an appropriate label for their devices.

For medical devices, the label must be in compliance with federal law, including Section 801.415 of Title 21 of the Code of Federal Regulations (see http://edocket.access.gpo.gov/cfr_2004/apr/qtr/pdf/21cfr801.415.pdf.) This label must also state "ARB certified."

20. What about non-certified products sold via the Internet or catalogs – can they be shipped to a California customer? Are specific labels needed?

- a) Products not exempt as industrial use: After October 18, 2010, only products that are certified by the ARB can be shipped to a California customer. Any indoor air cleaning device for non-industrial use that is advertised or sold via the Internet or catalog, but which has not been certified by the ARB must display the following advisory in a prominent place on the primary web pages, catalog pages, and related materials where such a device is advertised or displayed for sale: "Does not meet California requirements; cannot be shipped to California." Enforcement actions will be taken if such devices are shipped to or sold in California (see Question 31).
- b) Products exempt as industrial use as defined by the regulation: For products exempt under industrial use (as defined in the regulation), the product must be labeled using the language specified in Section 94803 of the regulation, "Solely for industrial use. Potential health hazard: emits ozone."

21. Are there safety certification and listing mark requirements?

Yes. The safety certification or listing mark for ANSI/UL Standards 867 and 507 used by the testing laboratory must be displayed on each certified air cleaner. Both medical and non-medical indoor air cleaning devices must show this information on the device. For more information please see Section 94806(d) of the Final Regulation Order, which can be found at <http://www.arb.ca.gov/research/indoor/aircleaners/manufacturers.htm>.

22. When will I be notified whether or not my product has been certified?

Within 30 days of receipt of the certification application, the ARB will provide written notification indicating whether the certification application has been accepted for review or, if incomplete, the additional information that is required. Within 30 days after acceptance of an application as complete, the ARB will provide written notification of certification approval or disapproval. These time periods may be extended by the

ARB's Executive Officer if deemed necessary because of extenuating circumstances. In some instances, the ARB may complete the reviews for application acceptance and approval simultaneously within the first 30 days; in such cases the manufacturer will receive just one letter stating both that the application is complete and the device is approved for certification.

It remains the manufacturer's responsibility to submit an application sufficiently in advance of the needed approval date to allow for ARB's normal review process, which may take up to 60 days. However, the ARB understands the occasional need for rush reviews due to the need to meet distributor contracts, impending shipping dates, and related deadlines. If a manufacturer needs an expedited application review, they should indicate this in their cover email at the time of submittal and ARB staff will attempt to meet the manufacturer's specific needs.

NOTIFICATION OF DISTRIBUTORS

23. If I am a manufacturer, must I notify my product distributors, retailers and sellers about the regulation?

Yes. The deadline was October 18, 2009. By this deadline, makers of indoor air cleaning devices manufactured, sold, supplied, offered for sale or introduced into commerce in California were required to submit documentation that they provided to all of their known distributors, retailers, and sellers true and accurate copies of the final regulation adopted by the ARB. Manufacturers that have not yet complied with this requirement should do so immediately. Please review the responses below and visit the website provided in response to question 25 below for specific instructions.

24. What is the difference between a distributor and an end user?

A "distributor" is defined in the regulation as "any person to whom an indoor air cleaning device is sold or supplied for the purposes of resale or distribution in commerce" (section 94801[a][10]). Even if a distributor starts out just as an end user, they may be, or become, a distributor. Factors to consider, for example, would be whether they place multiple orders, order multiple units at a time, have a business license or commercial identification, have an obvious commercial relationship with another organization, and so on. If it appears that they may re-sell the device, they need to be included in the manufacturers' notification.

25. How should I notify my distributors, retailers and sellers about the regulation?

Notification about the regulation must be made in writing, by mail or email. As indicated in Section 94807 of the regulation, acceptable documentation submitted to the ARB of a mailed notification includes a hard copy of the materials mailed and the associated mailing list with complete contact information for each addressee. Acceptable documentation of an email notification includes a copy of the email and the complete contact information for each email addressee. Such information will be kept confidential

upon request as specified in Sections 91000 et seq. of title 17, chapter 1, subchapter 4 (Disclosure of Records) of the California Code of Regulations. Non-compliance with Section 94807 of the regulation may result in rejection or revocation of certification. For new distributors, retailers and sellers who become known to manufacturers after manufacturers' initially notified their distributors and retailers, manufacturers must provide similar notice to them and provide contact information to the ARB. There is no specific time limit specified in the regulation for future notifications of new distributors, retailers, and sellers. However, notification should be made as soon as possible after entering into a business relationship with a new distributor, retailer, or seller, and prior to distribution and sale of air cleaners by that entity. It is in the manufacturer's best interest to notify them as soon as possible. It is suggested that documentation of such notification be submitted to the ARB on a quarterly basis. If no new distributors, retailers or sellers have been added during a quarter, no notification to the ARB is required.

Further instructions for submitting the documentation and a sample letter for manufacturers to use in notifying their distributors and sellers are available on the ARB's website at <http://www.arb.ca.gov/research/indoor/aircleaners/manufacturers.htm>.

26. What if a distributor or seller is unwilling to provide, or allow the manufacturer to provide, their contact information? What is the manufacturer's obligation, and what is the distributor's/seller's obligation?

Manufacturers, and in turn distributors, sellers and retailers, are obligated to comply with the regulation. Manufacturers must provide the ARB with whatever contact information they have for all known distributors, retailers and sellers. Manufacturers would be in violation of the regulation if they do not provide the necessary information to the ARB. The notification requirement exists to assure that all parties in the distribution and retail chains are informed about the regulation and that it is a violation to sell a non-certified device in California after the October 18, 2010 compliance date. If the distributor or seller is concerned about privacy, the regulation does contain a provision that contact information may be kept confidential upon request.

27. If an air cleaner product is sold via the internet and sent to a distribution center, and the manufacturer does not know where the air cleaners go from the distribution center, what distribution list or contact information does the manufacturer have to give to the ARB?

The manufacturer would provide contact information for the distribution center and would not need to provide contact information for individual purchasers unless they in turn can sell or distribute the air cleaner. For internet sales, we would recommend that sellers require the purchaser to specify if the purchased air cleaner is for personal use or for resale. In short, the manufacturer is required to provide the contact information for all of its known distributors, sellers and retailers, but not the end users.

28. Do our (ARB's) regulations providing for manufacturers to deem certain information confidential (such as contact information for distributors) prevent us (ARB) from sending letters to their distributors?

No, the ARB can send letters to distributors, sellers and retailers if needed. Any communication sent to a distributor does become a separate record that can be requested by a member of the public, but the distributor's name and contact information would be removed or blocked if confidentiality had been requested.

29. Once my product(s) is (are) certified, how will consumers be informed?

Consumers will be informed by the product label and a listing on the ARB's website at <http://www.arb.ca.gov/research/indoor/aircleaners/certified.htm>. All indoor air cleaning devices are required to display an ozone emissions certification label on the product packaging after completion of certification requirements and no later than October 18, 2011, unless they are exempt from the regulation. "Industrial use" devices that meet the definition in Question 6 must be labeled as indicated in response (b) to Question 20.

RECORDS MANAGEMENT

30. Must I maintain records of my product(s) or certification?

Yes. Manufacturers, distributors, retailers, sellers, and test laboratories are required to maintain records related to this regulation for at least three years. Relevant records include distributor notification materials, and production, quality control, sales or testing records for products sold, supplied, offered for sale, introduced into commerce or manufactured for sale within California. Such records must be made available to the ARB upon request. Such information will be kept confidential by the ARB upon request as specified in Sections 91000 et seq. of title 17, chapter 1, subchapter 4 (Disclosure of Records) of the California Code of Regulations.

ENFORCEMENT

31. Are there any penalties for non-compliance?

The ARB is responsible for ensuring that portable air cleaners sold in California after October 18, 2010 are certified as having been tested and found to emit less than 50 ppb of ozone, and that they also comply with other requirements of the air cleaner regulation (title 17, sections 94800 – 94810, California Code of Regulations). Enforcement of the regulation ensures that ozone emissions are controlled to protect public health, and that there is a level playing field among manufacturers and the sellers of air cleaners.

There are a variety of actions the ARB can take such as searching the Internet, reviewing submittals from manufacturers, conducting random inspections of retail outlets throughout California, and purchasing air cleaners offered for sale (through retail

outlets, direct marketing, or the Internet). Inspectors will look for compliance with labeling requirements, and purchased air cleaners may be tested according to the ozone testing protocol specified in the regulation (ANSI/UL Standard 867). Records documenting a manufacturer's efforts to inform distributors and other sellers about the air cleaner regulation may be examined.

After initial investigation, if an air cleaner is found to be in violation, the ARB may seek additional information from the manufacturer. A notice of violation may be issued, an application for certification may be denied, or a certification may be revoked or suspended, for failure to comply with any provision of the regulation. If the Executive Officer determines that a violation of the regulation has occurred, he or she may order that the product(s) involved in or affected by the violation be recalled and replaced with product(s) that complies(comply) with the regulation.

All other penalties authorized by law also apply. Appropriate civil or administrative action can be taken by the ARB to enforce notices of violation issued under this regulation. Civil penalties can be imposed as provided in state law (Health and Safety Code [HSC] sections 42402 *et seq.*) such as penalties of \$1000 per day, up to \$1,000,000 per day, for violations, depending on the specific circumstances of the violation. Criminal cases may be referred to the appropriate prosecuting agency and would be subject to penalties under Health and Safety Code sections 42400 *et seq.*

FURTHER ASSISTANCE

32. Whom can I contact if I have other questions?

For further information regarding the **certification application and required tests**, please contact Michael Gabor at 916-323-2190, or mgabor@arb.ca.gov.

For further information regarding the **notification requirement**, please contact Susan Lum at 916-323-5043, or slum@arb.ca.gov.

For general information about the **regulation and questions regarding potentially exempt products**, please contact Peggy Jenkins at 916-323-1504, or mjenkins@arb.ca.gov.

For problems printing or viewing this document or our webpages, or with listserve announcements, please contact Susan Lum at 916-323-5043, or slum@arb.ca.gov.