

SAMPLE NOTIFICATION LETTER FOR MANUFACTURERS

[DATE]

TO: Distributors, Retailers and Sellers of Our Air Cleaners

RE: NEW REGULATION FOR INDOOR AIR CLEANERS SOLD IN THE STATE OF CALIFORNIA, USA.

This letter is to inform you that, as of October 18, 2010, any portable air cleaning device offered for sale in California must be certified by the California Air Resources Board (ARB) as emitting no more than 0.050 parts per million of ozone. As explained below, certain labeling requirements also apply (however, the deadline for meeting labeling requirements has been extended, as indicated below). We plan to continue selling our air cleaners in California and will provide you with complying, certified products.

The regulation is the result of a new state law and concern about persons being exposed to ozone, a harmful air pollutant. The ARB regulation applies to any person who manufactures, sells, supplies, offers for sale, or introduces into commerce in California any indoor air cleaning device used or intended for use in occupied spaces. As a manufacturer or company that sells or supplies air cleaning devices, we are required to inform all of our known distributors, retailers and sellers about the regulation. A copy of the complete regulation is enclosed for your information; it also is available at http://www.arb.ca.gov/research/indoor/aircleaners/final_regulation_order_complete_reg_09-08-10.pdf.

In summary, portable air cleaners used or intended for use in occupied spaces must be: (1) tested by a Nationally Recognized Testing Laboratory for ozone emissions and electrical safety under ANSI/UL Standard 867 (or, for "mechanical filtration only" devices, tested for electrical safety under ANSI/UL Standard 507); (2) certified by ARB; and (3) labeled on the product packaging. Labels for non-medical devices (those for which no health claims are made) must read: *"This air cleaner complies with the federal ozone emissions limit. ARB certified."* Medical devices (those for which health claims are made) must use labeling required by the federal Food and Drug Administration, and include *"ARB certified"* in the label.

At its December 2009 meeting, the ARB approved amendments to extend the labeling deadline to October 18, 2011 and to allow the use of adhesive certification labels (rather than printing on the package) until October 1, 2012. These amendments have received final State approval and became effective on October 9, 2010. The current labeling requirements are found in Sections 94801(a)(16) and 94806 of the revised Final Regulation Order (at http://www.arb.ca.gov/research/indoor/aircleaners/final_regulation_order_complete_reg_09-08-10.pdf). Please note that these include specifications regarding the size, content, and placement of the label indicating the devices' compliance with the regulation on the devices' packaging.

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Some air cleaning devices are exempt from the regulation. These include indoor air cleaning devices used for certain defined industrial uses (e.g. water purification; see section 94801(a)(15) of the enclosed regulation for a list of exempt industrial uses) and also in-duct systems where the air cleaner is designed, marketed and used solely as a physically integrated part of a central heating, air conditioning, or ventilating system. Industrial use devices must be purchased solely through an industrial supply outlet or business and must be labeled as *“Solely for industrial use. Potential health hazard: emits ozone.”* Non-industrial indoor air cleaners that are not certified and are sold on the Internet or by catalog must include the following advisory, displayed prominently: *“Does not meet California requirements; cannot be shipped to California.”*

Further information is available from the ARB web site at <http://www.arb.ca.gov/research/indoor/aircleaners/manufacturers.htm>, including a fact sheet of “Frequently Asked Questions” at <http://www.arb.ca.gov/research/indoor/aircleaners/faq.pdf>.

As an air cleaner manufacturer we are also required to provide the ARB with the names and contact information of all of our known distributors, retailers and sellers. Failure to do so may result in rejection or revocation of our certification. However, as provided in the regulation, we can request that the contact information submitted be kept confidential as specified in state regulations and law. Please let [insert manufacturer contact] know if you wish to have your contact information considered confidential.

We encourage you to review the enclosed document so that you are familiar with the specific requirements of the regulation that may affect you. If you have questions about the regulation and our specific plans for meeting it that are not answered by the information above and in the enclosed document, please contact [insert manufacturer contact]. Those interested in the regulation can receive updates directly from the ARB by joining their air cleaner listserv as instructed at <http://www.arb.ca.gov/listserv/listserv.php>. For further information about the regulation, you may also call Michael Gabor of the ARB at 916-323-2190 (mgabor@arb.ca.gov).

Thank you for your attention to this information.

Sincerely,

(Manufacturer or manufacturer’s representative)

Enclosure: California’s Indoor Air Cleaner Regulation