

FINAL REGULATION ORDER
AMENDING THE REGULATION FOR LIMITING OZONE EMISSIONS FROM
INDOOR AIR CLEANING DEVICES

CALIFORNIA CODE OF REGULATIONS, TITLE 17

NOTE: The preexisting regulation text is set forth below in normal type. The amendments are shown in underline to indicate additions and ~~strikeout~~ to indicate deletions.

Subchapter 8.7 Indoor Air Cleaning Devices

Amend sections 94801, 94804, 94805, and 94806, title 17, California Code of Regulations, as follows:

Article 1. Indoor Air Cleaning Devices

§ 94801. Definitions.

(a) For the purpose of this article, the following definitions apply:

(3b) “ANSI/UL Standard 867” means the version of ANSI/UL Standard 867 for Electrostatic Air Cleaners, Fourth Edition, published on December 21, 2007 by Underwriters Laboratories, Inc. (UL), and the associated Certification Requirement Decisions published by UL on March 4, 2008; April 17, 2008; ~~and~~ April 18, 2008; July 8, 2009; July 9, 2009; and November 23, 2009.

(3c) “ANSI/UL Standard 484” means the version of the ANSI/UL Standard for Safety for Room Air Conditioners, Eighth Edition, dated December 21, 2007 with revisions through March 27, 2009, and most recently approved by ANSI on March 27, 2009.

(3d) “ANSI/UL Standard 1278” means the version of ANSI/UL Standard for Safety for Movable and Wall- or Ceiling-Hung Electric Room Heaters, Third Edition, dated June 21, 2000 with revisions through July 30, 2008, and most recently approved by ANSI on July 30, 2008.

(3e) “ANSI/UL Standard 1017” means the version of the ANSI/UL Standard for Safety for Vacuum Cleaners, Blower Cleaners, and Household Floor Finishing

Machines, Seventh Edition, dated December 7, 2001 with revisions through June 15, 2006, and most recently approved by ANSI on June 15, 2006.

(3f) “ANSI/UL Standard 1993” means the version of the ANSI/UL Standard for Safety for Self-Ballasted Lamps and Lamp Adapters, Third Edition, dated August 28, 2009.

(16) “Label” means an area containing the required statement in an easily readable format, separate from unrelated text. This is printing on the product packaging, or, for air cleaners ~~manufactured~~ sold prior to ~~April 1, 2011~~ October 1, 2012, may be an adhesive sticker.

(17) “Listing mark” means the symbol used by Underwriters Laboratories, Inc. to indicate that a representative sample of the product bearing the symbol meets certain UL safety criteria. The safety criteria are found in UL nationally recognized Standards 867 and 507 for air cleaning device safety, and where applicable in Standards 484, 1017, 1278 and 1993 for other appliances and devices.

(20) “Mechanical filtration only” means removal of ~~suspended particles~~ contaminants from air only via filtration with physical barrier, non-electronic techniques, i.e. air is forced through a filter medium. Materials used in the construction of the filter media may include substances such as activated charcoal, paper, foam, synthetics, ceramics, or natural fibers.

NOTE: Authority cited: Section 41986, Health and Safety Code. Reference: Sections 41985, 41985.5, and 41986, Health and Safety Code; 21 C.F.R. § 801.415; 29 C.F.R. § 1910.7; and 21 U.S.C. § 321.

§ 94804. Certification Requirements.

(b) Any indoor air cleaning device using only mechanical filtration for pollutant removal is exempt from the testing requirement for the ozone emission standard of 0.050 ppm as determined in Section 94805, based on their known de minimis ozone emissions. Verification of this mechanical-filtration-only exclusion from ozone emission testing will be made by the ARB Executive Officer based on the submission of product design specifications and documentation by the manufacturer, distributor, or retailer. Documentation to the ARB shall include a

description of the air cleaning performance technology employed, as well as a block diagram and schematic of the model. Indoor air cleaning devices qualifying as “mechanical filtration only” devices shall be certified under ANSI/UL Standard 507, which is hereby incorporated by reference as defined in Section 94801. Multi-function devices that include an air cleaning component that would qualify as “mechanical filtration only” but would normally be tested for their electrical safety under another ANSI/UL Standard shall be tested for electrical safety under the applicable ANSI/UL Standard . Mechanical filtration only Devices certified to ANSI/UL Standard 507 or to another applicable ANSI/UL Standard for their electrical safety prior to the enactment of this regulation are eligible for certification without further testing provided documentation of compliance with ANSI/UL Standard 507 or the relevant ANSI/UL Standard is submitted and the model continues to comply with requirements of that standard. To be certified under this regulation, manufacturers of such indoor air cleaning devices must submit the information required in Sections 94804(c)(1) through 94804(c)(3) below, and Sections 94804(c)(4)(A) and 94804(c)(4)(F) below. These products are still subject to the labeling requirements specified in Sections 94806(b) and 94806(d).

- (c) The application for certification of air cleaning devices other than those covered in Section 94804(b) above must include the information in subsections (c)(1) through (c)(5) below, and any other information deemed necessary by the ARB Executive Officer. If the requested information is not applicable to the indoor air cleaning device in question, the applicant must indicate “not applicable”. If the Executive Officer concurs with the applicant’s judgment, the Executive Officer may waive the requirement to provide the information requested.

(4) Indoor air cleaning device test information:

- (A) Test facility identification and proof of current Nationally Recognized Testing Laboratory (NRTL) accreditation
- (B) Ozone emission concentrations for all units tested, as measured according to Section 94805, including both the 24-hour measurement as well as information regarding whether any transitory measurements exceeded 0.050 ppm
- (C) Whether a device failed the ozone emission test for any reason during final certification testing, and if so, the reason (e.g., excess transitory excursions, motor failure during the test, device not received with packaging intact, electrical part overheated/unsafe to continue, etc.)
- (D) Chain of custody of test device(s)
- (E) Statement from the testing laboratory that the ozone emissions were determined in accordance with the protocols in the December 21, 2007 Revision of Section 37 of ANSI/UL Standard 867, and the associated Certification Requirement Decisions published by UL

- (F) Notification by a testing laboratory or certification organization of compliance with the electrical safety provisions of ANSI/UL Standard 867, ~~or ANSI/UL Standard 507, or other applicable ANSI/UL Standard,~~ where applicable, for all units tested.

NOTE: Authority cited: Section 41986, Health and Safety Code. Reference: Sections 41985, 41985.5, and 41986, Health and Safety Code; 21 C.F.R. § 801.415.

§ 94805. Test Method.

- (b) Testing to determine compliance with the requirements of this article, shall be performed following the ANSI/UL Standard 867 or ANSI/UL Standard 507, whichever is applicable, in their entirety, which are hereby incorporated by reference as defined in Section 94801. Appliances with a primary purpose other than air cleaning that include an air cleaning component that meets the definition of an indoor air cleaning device given in Section 94801 shall meet the applicable ANSI/UL electrical safety standard for its primary purpose, including but not limited to ANSI/UL Standards 484, 1017, 1278, and 1993, which are hereby incorporated by reference as defined in Sections 94801(a)(3c), 94801(a)(3e), 94801(a)(3d), and 94801(a)(3f), respectively.

- (d) Testing of indoor air cleaning devices must be conducted by a laboratory currently recognized as an NRTL by the U. S. Occupational Safety and Health Administration (OSHA), to perform testing for the entire ANSI/UL Standard 867, ~~or ANSI/UL Standard 507, or other UL or ANSI/UL Standard, where as~~ applicable. If included within its scope of recognition, such an NRTL may also utilize OSHA Supplemental Programs #2, 3, 4, 5, and 6, as published in Volume 60, Federal Register, pages 12980 to 12985 (March 9, 1995), which is hereby incorporated by reference, for the ANSI/UL Standard 507, 867, or other ozone testing electrical safety testing required in this regulation. Additionally, if included within its scope of recognition, an NRTL may also utilize OSHA Supplemental Program 10 (also called Satellite Notification and Acceptance Program, or "SNAP") as published in Volume 74, Federal Register, pages 923 to 927 (January 9, 2009) for the electrical safety testing, including use of test data from Programs 2 through 6 where qualified and overseen by a Program 10 (SNAP) facility. Laboratories, including those qualifying for use in OSHA Program #2, also must pass 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 ARB audit to verify their ability to accurately perform the ozone emissions

testing procedure as described in ANSI/UL Standard 867 Section 37. The ARB audit may include, and is not necessarily limited to, review of written test protocol operating procedures, test chamber and analyzer configuration, background ozone measurements, air exchange rate, ozone half-life test results, equipment calibration and maintenance records, and other related information; and an onsite review. The audit may also include a requirement for annual submittal of internal audit reports on the ANSI/UL Standard 867 Section 37 test protocol and the performance of the chamber(s) in which ANSI/UL Standard 867 Section 37 tests are conducted, and any related follow up internal audit reports.

NOTE: Authority cited: Section 41986, Health and Safety Code. Reference: Sections 41985, 41985.5, and 41986, Health and Safety Code.

§ 94806. Labeling and Safety Mark Requirements.

- (a) All indoor air cleaning devices are required to display an ozone emissions certification label [as defined in Section 94801(a)(16)] on the product packaging after completion of requirements of Section ~~95804~~94804 prior to sale in California, unless satisfying the requirements for exemption as specified in Section 94803. Indoor air cleaning devices submitted to an approved laboratory for certification testing within 12 months of the effective date of this regulation, but unable to obtain certification pursuant to Section 94804 by the end of the 18th month after the effective date of this regulation, shall be allowed an additional 180 days after the postmark date of notification of product certification by ARB to meet the labeling requirements of this section. Indoor air cleaning devices that have been certified by October 18, 2010 may still be sold without the required labeling on the package until October 18, 2011, and may use an adhesive label until October 1, 2012.

NOTE: Authority cited: Section 41986, Health and Safety Code. Reference: Sections 41985, 41985.5, and 41986, Health and Safety Code; 21 C.F.R. §§ 801 and 801.415.
