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LUKE M. HARMS  
GOVERNMENT RELATIONS SPECIALIST

July 2, 2007

Ms. Peggy L. Jenkins  
California Air Resources Board  
Research Division, Fifth Floor  
1001 I Street, P.O. Box 2815  
Sacramento, CA 95814

**Subject: ARB Draft Air Cleaner Regulations**

Dear Ms. Jenkins:

Whirlpool Corporation ("Whirlpool") is the world's leading manufacturer and marketer of major home appliances, with annual sales of more than \$18 billion, more than 73,000 employees, and more than 70 manufacturing and technology research centers around the world. The company markets Whirlpool, Maytag, KitchenAid, Jenn-Air, Amana, Brastemp, Bauknecht and other major brand names to consumers in nearly every country around the world.

Whirlpool appreciates the opportunity to comment on the California Air Resources Board (ARB) Draft Indoor Air Cleaner regulations. As a manufacturer and marketer of mechanical air cleaners, Whirlpool is concerned about several sections of the draft ARB regulations. We appreciate the changes made since the last comment period and look forward to working with the ARB as the ozone regulations for air cleaners are finalized.

**I. Section 94802 – Standards for Indoor Air Cleaners**

Whirlpool appreciates the changes to the draft regulations with regard to the addition of a sell-through period. However, we urge the ARB to make an additional change which would only ban products based on date of manufacture. Making this change would ensure that retailers and manufacturers are not left with excess inventory when the regulations go into effect. Other appliance regulations enforced by the federal Department of Energy and the California Energy Commission are based on date of manufacture only.

We also ask that the date of implementation is at least one year from when the regulations are finalized. Therefore, a delay may be necessary if the regulations are not finalized by September 30.

**II. Section 94804 – Certification**

Whirlpool is concerned about the removal of a deadline for the ARB to issue certifications for air cleaning devices. It is critical that devices are approved in a timely manner, as delays could cause manufacturers significant harm due to lost sales. We ask for a deadline of no longer than three weeks to be added to the draft regulations.

### **III. Section 94806 – Labeling**

For certified devices, Whirlpool urges the ARB to remove the words “for sale in California” from the packaging label requirement. A label stating “This air cleaner complies with the federal ozone emissions limit. ARB certified.” is adequate. Most air cleaners with this label will not be sold in California and stating “for sale in California” would be confusing to consumers.

Whirlpool also requests that the ARB remove the requirements for notification on Internet pages, mail-order catalogs and advertising materials. Requiring a state-specific label in these documents is very burdensome for manufacturers and retailers, and it is unnecessary for ARB-compliant products. If any notification is required in these documents, it should be for non-compliant products only.

### **IV. 94807 Notice to distributors and retailers**

Whirlpool urges the ARB to remove Section 94807. This section places a substantial burden on manufacturers and provides no method or procedure for compliance. As a manufacturer, Whirlpool will take responsibility for certifying devices and complying with California law. An extra requirement to notify and provide information to suppliers, distributors and retailers is unnecessary.

I appreciate the opportunity to provide these comments and hope the ARB will make additional modifications to the draft regulations. Please do not hesitate to contact me if you have any questions or concerns.

Sincerely,



Luke M. Harms  
Government Relations Specialist