

## First Air Cleaner Regulation Due Date and Possible Amendments

This email notice is to follow up on our June 12, 2009 workshop at which we discussed several possible amendments to our air cleaner regulation. Our plans have been finalized, and this email plus the information at the website indicated below provides important information. Most importantly, the first compliance date of October 18, 2009 will remain in effect; by this date, manufacturers must notify the distributors, retailers, and sellers of their air cleaners about the regulation and submit documentation of that notification, along with contact information, to ARB. Instructions for providing the documentation to ARB and an updated sample letter which manufacturers may use for the notification are provided on our website at <http://www.arb.ca.gov/research/indoor/aircleaners/aircleaners.htm>.

Subsequent to the June 12 workshop, a second laboratory, Intertek Testing Services, was approved to conduct the ozone emissions test for air cleaners. Additionally, Underwriters Laboratories, Inc. (UL) issued two Certification Requirement Decisions (CRDs) that clarified portions of the ozone emission test protocol, which have the net effect of shortening the time required to test some models (and a third CRD is expected to be issued in a few weeks). These actions plus our assessment of the number of air cleaners that need to be tested for ozone led us to conclude that an extension to the original compliance date of October 18, 2010 for testing and certification is not needed. Consequently, we do not intend to extend that compliance date. However, in response to manufacturers' concerns regarding labeling, ARB staff plan to propose an extension of the deadline for package labeling for one year, to October 18, 2011, and to allow the use of adhesive labels (rather than printing on the package) until October 1, 2012.

Several additional amendments have also been identified by ARB staff as necessary to improve implementation of the regulation. These amendments would (1) allow "mechanical filtration only" air cleaners to be tested for electrical safety at additional facilities; (2) incorporate into the regulation the three CRDs to the ozone test protocol issued by UL; and (3) refine the definition of "mechanical filtration only" to reference all pollutants (not just particles) and be fully consistent with the rest of the regulation.

Staff will be presenting a brief update on the implementation of the regulation to the Board at its October 22, 2009 hearing in Sacramento. Staff also will request that the Board delegate to the Executive Officer authority to hear comments and approve amendments to the regulation. If that authority is granted, we anticipate release of a staff report (Initial Statement of Reasons) and the recommended amendments in November, 2009 for a 45-day public review period, with a possible hearing and decision early in 2010. More information will be available in the public notice for the October Board hearing, which is anticipated to be released on September 22, 2009.

For further information about the regulation, please contact Jim Behrmann at 916-322-8278 or [jbehrman@arb.ca.gov](mailto:jbehrman@arb.ca.gov), or Peggy Jenkins at 916-323-1504 or [mjenkins@arb.ca.gov](mailto:mjenkins@arb.ca.gov).

For further information regarding the certification application and required tests, please contact Ryan Johnson at 916-323-2190, or [rjohnson@arb.ca.gov](mailto:rjohnson@arb.ca.gov).

If you have problems accessing the webpages, please contact Susan Lum at [aircleaners@listserv.arb.ca.gov](mailto:aircleaners@listserv.arb.ca.gov) or by phone at 916-323-5043.