

Draft Air Cleaner Regulation (AB 2276, Pavley, 2006)

California Air Resources Board Third Public Workshop

June 11, 2007

**Sierra Hearing Room, 2nd Floor
Cal/EPA Building
1001 I Street, Sacramento, CA**



Outline

- **AB 2276 provisions**
- **Regulation overview**
- **Draft regulation modifications**
- **ARB responses to comments**
- **Questions and comments**



AB 2276 Provisions

Regulation must include:

- Ozone emission concentration standard; equivalent to federal limit (0.050 ppmv)
- Medical and non-medical devices used in occupied spaces
- Test procedures: must consider existing test methods (ANSI, UL)
- Certification procedures
- Package labeling requirements

AB 2276 Provisions, cont.

Regulation may include:

- Ban on sale of devices that exceed ozone emission concentration limit
- Exemption for air cleaners that emit *de minimis* levels of ozone
- Any other element deemed necessary to protect public health

Proposed Regulation Overview

- **Devices for sale in CA must meet 0.050 ppmv ozone emission standard following the March 2007 Certification Bulletin on Section 37 of ANSI / UL Std. 867**
- **Complete electrical safety testing following ANSI / UL Std. 867 (or 507 for mechanical devices) is required**
- **Testing performed by a Nationally Recognized Testing Laboratory that has successfully completed an ARB audit**
- **ARB certification is required**
- **Devices, packaging and sales materials to be labeled**
- **Scheduled Board hearing date: Sept. 27, 2007**



Modifications to March 2007 Draft Regulation



Section 94801. Definitions

- **Note changes to the these term definitions:**
 - Industrial use: limited to specified processes
 - Occupied space: “may be occupied”
- **Note the addition of these term definitions:**
 - Medical device: FDA definition
 - Model group: more limited than “model family”
 - Non-medical device
 - Unoccupied space

Section 94802. Standard

- **Manufacture effective date**
 - **September 30, 2008**
- **Sales effective date:**
 - **March 30, 2009**
- **Allows 6 month sell-through period**

Section 94803. Exemptions

Commercial use: exemption removed

Industrial use: only devices used solely for industrial applications, as defined in 94801, would be exempt

- Must be manufactured, advertised, and marketed for industrial use only, and obtained only through industrial suppliers
- Must be labeled: “Solely for industrial use. Potential health hazard: emits ozone.”

Section 94804. Certification

- Applications may be submitted by the manufacturer, or by a professional or certification organization as their representative (with manufacturer and test laboratory signatures still required).
- Certification is issued to the manufacturer, who is responsible for complying with all requirements
- Application approval timeline eliminated

Section 94804. Certification: Information Requirements

- Model group information added, where applicable
- Device information reduced
- Test chamber performance information deleted

Section 94804. Application Format

California Air Resources Board

ARB Application No. _____

INDOOR AIR CLEANING DEVICE CERTIFICATION APPLICATION

MANUFACTURER INFORMATION:

Company Name: _____
 Phone Number: _____
 Your Name: _____
 Mailing Address: _____

 Email address: _____
 Website: _____

APPLICANT OR REPRESENTATIVE INFORMATION: (fill in only if different from manufacturer)

Your Name: _____
 Organization: _____
 Phone Number: _____
 Relationship to manufacturer: _____
 Mailing Address: _____

 Email Address: _____

INDOOR AIR CLEANING DEVICE INFORMATION:

Brand Name: _____
 Model Number: _____
 Model Name: _____
 Model Group: _____

(Please list additional models within this model group here):

This model group meets ARB definition. Signature: _____

DEVICE OPERATION:

Principles of Design and Operation: (please attach schematics, and additional documentation if necessary)

Maintenance Requirements: (please attach additional documentation if necessary)

All available marketing materials or owner's manuals should be included with application materials.

The information provided on this form is true and correct to the best of my knowledge.

Signature _____ Date: _____

California Air Resources Board

ARB Application no. _____

INDOOR AIR CLEANING DEVICE CERTIFICATION APPLICATION

AIR CLEANER TEST INFORMATION:

Test Facility Name: _____
 Test Facility ID No.: _____
 Mailing Address: _____

 Phone Number: _____
 Contact Person: _____

Electrical safety requirements of ANSVUL: (circle applicable standard and if passed)

867 Y / N 507 Y / N

Ozone emissions from unit 1 (background subtracted maximum, ppm):

Ozone emissions from unit 2 (where necessary, background subtracted maximum, ppm):

Ozone measurements were obtained following procedures in UL Section 37 March 2007 Certification Bulletin:

Circle one: Y / N

Please describe any test failures or exceedances:

Additional comments:

Please attach a copy of the chain of custody for the devices tested

I personally tested this device; the information on this page is true and correct to the best of my knowledge.

Signature: _____ Date: _____

(Test lab technician who conducted tests)



Section 94805. Test Method

- March 2007 UL Clarification of Section 37, ANSI / UL Std. 867 (no change)
- Test results will only be accepted from Nationally Recognized Testing Laboratories that maintain current accreditation and complete an ARB audit
- Testing of one model within a model group

Section 94806. Labeling

- **Medical device packaging must be labeled in compliance with federal law**
- **Non-medical devices must display the packaging label “This air cleaner complies with the federal ozone emissions limit. ARB certified for sale in California”**
- **Both medical and non-medical devices must display the appropriate electrical safety certification mark (ANSI / UL Std. 867 or 507) on the device**

Section 94806. Labeling, cont.

- **Devices for commercial use in unoccupied spaces must be prominently labeled “Solely for commercial use in unoccupied spaces. Potential health hazard: emits ozone.”**
- **Labels must appear on product packaging, all marketing materials, all advertising materials, all Internet web pages, and mail order catalog pages where the device is advertised for sale**

Section 94807. Notification

- **Before Sept. 30, 2008 manufacturers must submit documentation that they provided all their known distributors, retailers and sellers accurate copies of the final approved regulation order**
- **Manufacturers must also provide ARB contact information for all their California distributors, retailers, and sellers**

Section 94808. Recordkeeping

- **Manufacturers, distributors, retailers, sellers and test laboratories are required to maintain production, quality control, sales and testing records, as appropriate, for at least 3 years**
- **Information must be made available to ARB upon request**



Section 94809. Penalties

- Certification applications may be denied, or a certification revoked or suspended, for failure to comply with any provisions of the regulation order
- ARB may order products in violation to be recalled and replaced with compliant products
- In the event of a violation, all other penalties authorized by law apply as well

Public Comments and ARB Responses



Overall Approach Comments Considered, and Responses

- Use warning labels for high emitting devices as opposed to emission standard
- Allow devices to have occupied and unoccupied operational settings (dual use)

Responses:

- Labeling would not fully protect all Californians due to reading, language, or comprehension issues
- AB 2276 requires emission concentration standard, and consistency with FDA
- To be fully protective, certified devices should never exceed 0.050 ppm

Test Method Comments

- **Allow devices to be certified based on minimum room size application**
- **Modify the test chamber air exchange rate**
- **Modify the measurement distance for the ozone emissions test procedure (> 2 inches)**

Test Method Responses

- ARB staff reviewed several existing methods, as instructed by AB 2276
- UL method is widely used in US; its selection avoids testing redundancy, provides consistency, and is cost-effective
- UL *ad hoc* committee refined test method and reached consensus in March 2007 Cert. Bulletin
- 2-inch face measurement is health protective for all devices
- UL test is suitable for devices designed for variable room sizes, due to 2-inch measurement

Comments Considered and Responses

- Remove compliance with entire ANSI / UL Stds. 867 or 507

Response: Compliance with full standard is common – required by most retailers – and it assures electrical safety, which could be compromised by design changes

- Eliminate the notification of failed compliance with Stds. 867 or 507 for any reason

Response: Devices that fail test or cease complying with standards or certification at any time could pose a health risk; information would need to be assessed by ARB



Comments Considered and Responses, cont.

- Remove labeling requirements for mechanical filtration devices

Response: Labels are needed so that consumer can recognize devices as safe, and to enable inspectors to recognize device as certified

- Shorten the time for ARB review of certification applications

Response: ARB intends to review applications as quickly as possible, typically in much less time. The specific provision was removed because it applies to permits, not certification applications.

Changes Made in Response to Comments Received

- “Manufactured by” date added for initial effective date
- Effective sales date extended (extends timeframe and allows for a sell-through period)
- Eliminated testing of every model; allows testing of a representative model from each model group to be used for model group certification
- Allows business association or certification organization to submit applications for manufacturers
- Added labeling requirement for medical devices; corrected labeling for non-medical devices

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For further information:

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

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

Public Input

- Questions first, then comments
- Use microphone and identify yourself
- Webcast participants:
 - Email questions / comments to workshop:
sierrarm@calepa.ca.gov
- Written Comments (all):
 - By June 25, 2007
 - Send to: aircleaners@listserv.arb.ca.gov