

NEW – CORRECTED SECTION 94802 OF AIR CLEANER REGULATION

There was an error in the proposed regulation published as Appendix B of the Staff Report for the *Proposed Regulation to Limit Ozone Emissions from Indoor Air Cleaning Devices*, which was released on August 10, 2007. This section of the proposed regulation identifies the dates after which non-certified air cleaners cannot be manufactured for, sold, or introduced into commerce in California. The corrected Section 94802 of the proposed regulation is provided below. This corrected version will be presented to our Board at their September 27, 2007 meeting in Diamond Bar, California; thus, comments prepared for the Board meeting should address this version of Section 94802, not the version in the August 10 release. We apologize for any inconvenience this error may have caused. All other portions of the regulation remain as proposed on August 10.

This corrected version also will be made available to the public after the Board meeting for a 15 day public comment period, along with any other revisions made to the proposed regulation at the Board meeting. These modifications and instructions on how to comment on them will be available after the Board meeting at this website: <http://www.arb.ca.gov/regact/2007/iacd07/iacd07.htm> .

The corrected language is as follows:

Revised § 94802. Standards for Indoor Air Cleaning Devices.

Except as provided in Section 94803 (Exclusions and Exemptions), Title 17, California Code of Regulations, no person shall manufacture for use in California 12 months after the effective date of this regulation, or sell, supply, offer for sale, or introduce into commerce in California 21 months after the effective date of this regulation, any indoor air cleaning device unless the device is certified by ARB to produce an emission concentration not exceeding 0.050 ppm, as specified in Section 94804; is labeled as required in Section 94806; meets all requirements of this article; and continues to meet all requirements of this article, including the ozone emissions limit as determined by the test procedure in Section 94805. The 9 month sell-through period is allowed provided there is no evidence that indoor air cleaning devices were stockpiled to avoid the effective date of this regulation. Further, any person who sells or supplies a non-certified air cleaning device to a distributor or retailer during the 9 month sell through period must notify the distributor or retailer in writing regarding the end date of the sell-through period.

NOTE: Authority cited: Section 41986, Health and Safety Code. Reference: Sections 41985, 41985.5, and 41986, Health and Safety Code; 21 CFR 801.415.