

State of California
AIR RESOURCES BOARD

EXECUTIVE ORDER R-10-014

Public Hearing to Consider Amendments to the Regulation for Limiting Ozone
Emissions From Indoor Air Cleaning Devices

WHEREAS, on December 9, 2009, the Air Resources Board (ARB or Board) conducted a public hearing to consider amendments to the Regulation for Limiting Ozone Emissions from Indoor Air Cleaning Devices, as set forth in the Initial Statement of Reasons (ISOR) released to the public on October 23, 2009;

WHEREAS, at the December 9, 2010 public hearing the Board adopted Resolution 09-65 in which the Board approved amendments of sections 94801, 94804, 94805, and 94806, title 17, California Code of Regulations, as set forth in Appendix II of the ISOR, the incorporated Certification Requirement Decisions (CRD) issued by Underwriters Laboratories, Inc. (UL) in 2009 for the American National Standards Institute (ANSI)/UL Standard 867, entitled Chamber Setup (issued July 8, 2009), as set forth in Appendix III of the ISOR, Definition of Steady State at Hours 7-8 (issued July 9, 2009), as set forth in Appendix IV of the ISOR, and Filter Test Iterations (issued November 23, 2009), as set forth in Appendix V of the ISOR, with the additional modifications set forth in Attachment B to the Resolution;

WHEREAS, Resolution 09-65 directed the Executive Officer to take final action to adopt the regulatory amendments set forth in Attachments A and B to Resolution 09-65, with such other conforming modifications as may be appropriate, to make the modified regulatory language and any additional supporting documents and information available to the public for a period of at least 15 days, to consider such written comments as may be submitted during this period, and to make such modifications as may be appropriate in light of the comments received, or to present the regulatory amendments to the Board for further consideration if he determines that this is warranted;

WHEREAS, on February 11, 2010, the modified regulations, reflecting the amendments approved by the Board and other conforming modifications made to best reflect the intent of the Board at the hearing, were made available for public comment for a period of 15 days, with the changes to the originally proposed text clearly indicated, in accordance with the provisions of title 1, California Code of Regulations (CCR), section 44;

WHEREAS, no written comments were received during the 15-day comment period;

WHEREAS, on April 8, 2010, a second 15-day notice of public availability of modified text and availability of additional documents was prepared that described the addition of one more supplemental program for testing (in section 94805 (d)) and the availability of one additional reference that was added to the rulemaking record, and were made

available for public comment for a period of at least 15 days, in accordance with the provisions of title 1, CCR, section 44;

WHEREAS, no written comments were received during the second 15-day comment period;

WHEREAS, on June 3, 2010, a third 15-day notice of availability of additional documents was prepared and described the availability of two additional references that were added to the rulemaking record, as well as minor corrections to an existing reference in the October 23, 2009 Staff Report, and were made available for public comment for a period of at least 15 days, in accordance with the provisions of title 1, CCR, section 44; and

WHEREAS, no written comments were received during the third 15-day comment period.

NOW, THEREFORE, IT IS ORDERED that the recitals and findings contained in Resolution 09-65 are incorporated by reference herein.

IT IS FURTHER ORDERED that the amendments to California Code of Regulations, title 17, sections 94801, 94804, 94805, and 94806, and the incorporated documents therein, are adopted as set forth in Attachment 1 hereto.

Executed this 30th day of July 2010, at Sacramento, California.

/s/

James N. Goldstene
Executive Officer

Attachment