

Attachment B

Staff's Suggested Modifications to the Original Proposal

Indoor Air Cleaning Device Regulation

September 27, 2007

Section 94802:

1. Corrected language was posted on August 28, 2007 that further clarified the manufacturing and sales effective dates.
2. Staff is suggesting a change to the manufacturing effective date from 12 months to 24 months. This revision is necessary because of the large number of air cleaners that will need to have ozone emissions tests performed, the time needed for testing laboratories to adapt their test chambers and protocols to the 207 ANSI/UL Standard 867 revisions and test all of the air cleaners, and the time needed for ARB certification following completion of testing. The sales effective date language will be adjusted accordingly to continue to provide for the 9 month sell-through period following the revised manufacturing effective date.

The revised language below incorporates the changes indicated above (the originally proposed text is shown in normal font; text being added by the modifications is shown by underline and text being deleted is shown in ~~strikeout~~):

§ 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~~ 24 months after the effective date of this regulation, or sell, supply, offer for sale, or introduce into commerce ~~in California 33 months after the effective date of this regulation,~~ any indoor air cleaning device ~~for use or intended for use in occupied spaces~~ 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. ~~Indoor air cleaning devices manufactured before the effective date of this regulation may be sold in California until 21 months after the effective date of this regulation,~~ The 9 month sell-through period is allowed provided there is no evidence that ~~such~~ 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.

Section 94805:

Substantive changes made to the ozone emissions test method (Section 37) during the ANSI standard revision process for ANSI/UL Standard 867 are anticipated to include the following. If the revisions are adopted in time for ARB to incorporate them in this rulemaking through a 15-day notice of modified text, they will be incorporated.

1. Run-in period prior to emissions testing will be reduced from 72 hours to 48 hours, within a temperature controlled environment (25 ± 5 °C).
2. Chamber performance characteristics will be refined. The total removal processes for ozone (surface deposition loss and dilution via air exchange) have been combined into a single loss term (called the N_{apparent}), which must be the same for each chamber. The air exchange rate is to be selected based on the measured surface deposition loss, so that the test chamber attains an ozone half-life of 31 ± 2 minutes regardless of the varying surface losses in different chambers. These changes will give the testing laboratories greater flexibility to combine different chamber building materials with the air exchange rate necessary to replicate the real-world conditions utilized to calculate N_{apparent} .
3. The ozone test may be shortened from 24 hours to 8 hours, if a steady-state concentration is maintained for a 15 minute period between hours 7 and 8, and there is no positive slope for the plot of measured room concentration versus time.
4. The number of exhaust face pre-test measurements used to determine the location of the sampling probe for the chamber emissions test will be reduced from a minimum of ten measurements to a minimum of five for devices having an exhaust face air stream area of less than 16 square inches.