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CALIFORNIA ENERGY COMMISSION

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**INITIAL STATEMENT OF REASONS**

2022 Appliance Efficiency Rulemaking for Repeal of Portable Luminaires Regulations
Docket No. 22-AAER-02

INTRODUCTION

The California Energy Commission (CEC) proposes to repeal existing regulations for portable luminaires in the California Code of Regulations (CCR) Title 20 ("the Proposed Action"), after considering all comments, objections, and recommendations, regarding the Proposed Action.

PROBLEM STATEMENT

The Warren-Alquist Act establishes the CEC as California's primary energy policy and planning agency. Sections 25213, 25218(e), and 25402(c) of the Public Resources Code mandates and/or authorizes that the CEC adopt rules and regulations, as necessary, to reduce the inefficient consumption of energy and water by prescribing efficiency standards and other cost-effective measures, including energy consumption and performance labeling, for appliances whose use requires a significant amount of energy or water statewide.

One of the ways the CEC satisfies this requirement is through the Appliance Efficiency Regulations, Title 20, sections 1601 through 1609, which contain definitions, test procedures, efficiency standards, and marking and certification requirements for state and federally regulated appliances. Further, the regulations require that appliance manufacturers certify to the CEC that their products meet all applicable state and Federal appliance efficiency regulations before their products can be included in the CEC's Modernized Appliance Efficiency Database System (MAEDbS) of appliances approved to be sold or offered for sale within California.

On December 3, 2008, the CEC adopted changes to Appliance Efficiency Regulations (CCR, Title 20, sections 1601 through 1609) to include new appliance efficiency regulations for portable luminaires. These regulations included definitions, testing requirements, certification requirements, and energy performance standards for portable luminaires. In addition, portable luminaires were required to comply with the

general marking and certification requirements that are required for all regulated appliances.

A subsequent lighting regulation, adopted on January 27, 2016, concerned “state-regulated light-emitting diode (LED) lamps” and “state-regulated small diameter directional lamps.” The changes included new definitions and testing, marking, certification, and performance requirements for these two appliance types. Regulated lamps that are compliant with these standards must meet minimum energy efficiency and quality standards, such as meeting a minimum color rendering index (CRI) requirement. The definitions of “state-regulated LED lamps” and “state-regulated small diameter directional lamps” cover most common types of LED lamps and directional lamps.

Another relevant lighting rulemaking, adopted on November 3, 2019, established performance standards for “general service lamps.” The scope of a “general service lamp” is broad and covers almost all types of light bulbs that are not already covered under another appliance type in the Appliance Efficiency Regulations. This scope includes most incandescent lamps, halogens, LEDs, and compact fluorescent lamps (CFLs). The performance standard for general service lamps requires the lamp to have an efficacy of 45 lumens per watt. This standard is effectively impossible to meet for lamps that use incandescent technology. As a result, most incandescent lamps cannot be sold in California since they do not comply with the performance standard.

On December 9, 2020, the CEC adopted a rulemaking which included several amendments to the Appliance Efficiency Regulations. One of the adopted changes was the removal of the minimum lumen output performance requirement for portable luminaires. No other requirements or information related to portable luminaires was changed as part of this rulemaking.

As a result of these subsequent rulemakings, the CEC’s portable luminaires performance standards have become both redundant and unnecessary. Therefore, the CEC now proposes to completely remove the “portable luminaire” appliance type from the Appliance Efficiency Regulations for the following reasons.

First, this appliance type is now obsolete given current definitions for other lighting products, including state-regulated LEDs, small diameter directional lamps, and general service lamps.

Second, as a natural consequence of overlapping scope and definitions, the existing performance standards for portable luminaires are now redundant as well. The energy savings goals for those performance standards are now accomplished by standards for broader categories of lighting products such as state-regulated LEDs, small diameter directional lamps, and general service lamps.

Third and finally, the lighting market has transformed in such a way that all lighting products installed in portable luminaires being sold or offered for sale in California are energy efficient even without the portable luminaires regulations in place.

Therefore, the CEC is now proposing to completely remove the portable luminaires appliance type from the Appliance Efficiency Regulations as the existing performance standards have become redundant. The original energy saving goals of the performance standards are now accomplished through more recent regulations regarding other lighting products (“state-regulated LED and small diameter directional lamps” and “general service lamps”). The lighting market has transformed in such a way that all lighting products installed in portable luminaires being sold or offered for sale in California are energy efficient even without the portable luminaires regulations in place.

PURPOSE

The purpose is to completely remove the portable luminaires appliance type from the Appliance Efficiency Regulations as the existing performance standards have become redundant. The original energy saving goals of the performance standards are now accomplished through more recent regulations regarding other lighting products (“state-regulated LED and small diameter directional lamps” and “general service lamps”). The lighting market has transformed in such a way that all lighting products installed in portable luminaires being sold or offered for sale in California are energy efficient even without the portable luminaires regulations in place.

BENEFITS

As a result, this rulemaking will have no impact on the energy performance of portable luminaires because the lighting products they contain are already regulated by other broader and more up-to-date regulations. Repealing portable luminaires as an appliance type will therefore remove unnecessary and duplicative regulations, helping to clarify and streamline the CEC’s Appliance Efficiency Regulations, and thereby benefitting regulated parties and the general public.

STATEMENT OF SPECIFIC PURPOSE AND NECESSITY

SECTION 1601. SCOPE

SPECIFIC PURPOSE

The specific purpose of deleting portable luminaires from the scope of the Appliance Efficiency Regulations is to remove regulations that have become unnecessary and duplicative.

NECESSITY

Section 1601(n):

It is necessary to delete “...portable luminaires...” from subsection (n) as the CEC is proposing to remove portable luminaires as a regulated appliance type in the Appliance Efficiency Regulations. The main goal of these regulations was to encourage the use of energy efficient lighting in a portable luminaires. The intended goals of the portable

luminaires performance regulations are now accomplished through the more recent lighting regulations in the Appliance Efficiency Regulations and these regulations regarding portable luminaires are no longer necessary.

SECTION 1602. DEFINITIONS SPECIFIC PURPOSE

The specific purpose of deleting all definitions related to portable luminaires and deleting associated documents incorporated by reference is to remove regulations that have become unnecessary and duplicative.

NECESSITY

Section 1602(n):

It is necessary to delete all the definitions related to only portable luminaires because the CEC is proposing to remove the requirements for portable luminaires from the Appliance Efficiency Regulations. Removal of these definitions will not impact any other regulated appliance type. Those definitions proposed for removal are:

“Art work luminaire”
“Dedicated fluorescent lamp socket”
“E12 screw-based socket”
“E17 screw-based socket”
“E26 screw-based socket”
“LED array or module”
“LED lamp, integrated”
“LED lamp, non-integrated”
“LED luminaire”
“LED package”
“Luminaire efficacy”
“Portable floor luminaire”
“Portable luminaire”
“Portable table luminaire”
“Wall mount adjustable luminaire”

Also, the definition for “General lighting application” is proposed to be removed since it is duplicative. This definition is found in both Sections 1602(a) and 1602(n). This definition is appropriately listed in Section 1602(a), which is for general definitions, since the term applies to multiple appliance types. There is no need for it to also be listed in Section 1602(n). Therefore, it is proposed to be removed from Section 1602(n).

Documents Incorporated by Reference

It is necessary to delete the following documents incorporated by reference as they are related to only the definitions listed above that are being deleted and no longer necessary:

- *IES LM-79-08 Approved Method: Electrical and Photometric Measurements of Solid-State Lighting Products.*

- *ANSI/NFPA 70 (2002) National Electrical Code*
- *UL 588 Standard for Seasonal and Holiday Decorative Products*

SECTION 1604. TEST METHODS

SPECIFIC PURPOSE

The specific purpose of deleting the testing requirements for portable luminaries is to remove regulations that have become unnecessary and duplicative.

NECESSITY

Section 1604(n)(4)

It is necessary to delete the testing requirements for portable luminaries as the CEC is proposing to remove all requirements for portable luminaries from the Appliance Efficiency Regulations.

Documents Incorporated by Reference

It is necessary to delete the following documents incorporated by reference as these documents are only referenced in the existing testing requirements for portable luminaires, which are being deleted. Therefore, listing these documents in the Documents Incorporated by Reference section is no longer required.

- *California Joint Appendix JA8 – 2008 Testing of Light Emitting Diode Light Sources*
- *IES LM-79-08 Approved Method: Electrical and Photometric Measurements of Solid-State Lighting Products.*

It is necessary to update the California Energy Commission address as they are no longer located at the 1516 Ninth Street address.

SECTION 1605.3. STATE STANDARDS FOR NON-FEDERALLY REGULATED APPLIANCES.

SPECIFIC PURPOSE

The specific purpose of deleting all the performance standards for portable luminaries and making non-substantive changes is to remove regulations that have become unnecessary and duplicative.

NECESSITY

Section 1605.3 (n)(3)

It is necessary to remove the portable luminaire performance standards from the Appliance Efficiency Regulations as these standards have become redundant and outdated. The original energy saving goals of the performance standards are now accomplished through more recent regulations regarding other lighting products. The lighting market has transformed in such a way that portable luminaires being sold in California are energy efficient even without the portable luminaires regulations in place.

It is also necessary to renumber the remaining items in Section 1605.3(n) as a result of the removal of the portable luminaires performance standards.

It is also necessary to delete *UL 153 Portable Luminaires* as a document incorporated by reference because this document is only referenced in the existing standards for portable luminaires, which are being deleted.

SECTION 1606. FILING BY MANUFACTURERS; LISTING OF APPLIANCES IN DATABASE SPECIFIC PURPOSE

The specific purpose of deleting all the certification requirements for portable luminaries and making non-substantive changes is to remove regulations that have become unnecessary and duplicative.

NECESSITY

Section N of Table X:

State law (Public Resources Code section 25402(c)(1)) requires manufacturers to certify to the CEC that their appliances comply with the applicable efficiency standards before they are sold or offered for sale in the state. The Appliance Efficiency Regulations require manufacturers to provide specified information to the CEC's Modernized Appliance Efficiency Database System (MAEDbS). MAEDbS is used by manufacturers and maintained by the CEC to list the regulated appliances authorized to be sold or offered for sale in California. This helps the CEC, retailers, and consumers verify compliance with applicable Federal and state standards and other requirements.

It is necessary to delete "Portable Luminaires" as an appliance type in Table X, along with its associated data fields, since the appliance type is being removed from the scope of the Appliance Efficiency Regulations, making certification no longer necessary.

Exceptions to Section 1606(a)(4)(A)4:

It is necessary to delete Item 6 as it relates to portable luminaries which are being removed from the Appliance Efficiency Regulations. It is also necessary to reformat the remaining exceptions section due to the deletion of item 6 and add a missing period to the section reference in the first paragraph.

TECHNICAL, THEORETICAL, OR EMPIRICAL STUDIES, REPORTS, OR SIMILAR DOCUMENTS.

The CEC relied upon input from various stakeholders, subject matter experts, and interested parties that provided information, feedback, and subject matter expertise.

The CEC also relied upon the following document:

Staff Paper: Proposed Repeal of Portable Luminaries.CEC-400-2022-005. October 2022.

CONSIDERATION OF REASONABLE ALTERNATIVES, INCLUDING THOSE THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS

No reasonable alternatives to the proposed regulations have been proposed that would lessen any adverse impact on small businesses or that would be less burdensome and equally effective in achieving the purposes of the regulations in a manner that achieves the purposes of the statute being implemented.

The CEC is proposing to remove the portable luminaires appliance type from the Appliance Efficiency Regulations as the existing performance standards have become redundant. The original energy saving goals of the performance standards are now accomplished through more recent regulations regarding other lighting products. The lighting market has transformed in such a way that portable luminaires being sold in California are energy efficient even without the portable luminaires regulations in place.

SPECIFIC TECHNOLOGIES OR EQUIPMENT

The proposed regulatory changes do not mandate proprietary technology or equipment.

ECONOMIC IMPACT ANALYSIS/ASSESSMENT

The Creation or Elimination of Jobs within the State of California

The proposed regulatory changes would repeal portable luminaires as a regulated appliance type in the Appliance Efficiency Regulations. The repeal of the requirements will not impact the sale of portable luminaires in California. Portable luminaires, along with the California regulation compliant lamps used with them, can continue to be sold. Inefficient portable luminaires are already eliminated from the market due to other appliance regulations for lighting products. Given both overlapping regulations and the current state of the market, the existing requirements have negligible (if any) impact on the number of portable luminaires sold in the state, and removal of these requirements will not cause any changes to the way these products are designed. Therefore, the CEC has determined jobs will not be created or eliminated as a result of the proposed regulations.

The Creation of New Businesses or the Elimination of Existing Businesses within the State of California

The proposed regulatory changes would repeal portable luminaires as a regulated appliance type in the Appliance Efficiency Regulations. The repeal of the requirements will not impact the sale of portable luminaires in California. Portable luminaires, along with the California regulation compliant lamps used with them, can continue to be sold. Inefficient portable luminaires are already eliminated from the market due to other appliance regulations for lighting products. Given both overlapping regulations and the current state of the market, the existing requirements have negligible (if any) impact on the number of portable luminaires sold in the state, and removal of these requirements will not cause any changes to the way these products are designed. Therefore, the CEC has determined that businesses will not be created or eliminated as a result of the proposed regulations.

The Expansion of Businesses Currently Doing Business within the State of California

The proposed regulatory changes would repeal portable luminaires as a regulated appliance type in the Appliance Efficiency Regulations. The repeal of the requirements will not impact the sale of portable luminaires in California. Portable luminaires, along with the California regulation compliant lamps used with them, can continue to be sold. Inefficient portable luminaires are already eliminated from the market due to other appliance regulations for lighting products. Given both overlapping regulations and the current state of the market, the existing requirements have negligible (if any) impact on the number of portable luminaires sold in the state, and removal of these requirements will not cause any changes to way these products are designed. Therefore, the CEC has determined that the regulations will not result in the expansion of business currently doing business within the state.

Benefits of the Regulations to the Health and Welfare of California Residents, Worker Safety, and the State's Environment

The benefits of repealing the portable luminaires regulations will be eliminating redundant and outdated regulations thereby enhancing the clarity and regulatory certainty of the regulations.

The proposed regulations will not adversely impact the health and welfare of California residents, worker safety, or the state's environment.

Results of the Economic Impact Assessment/Analysis

The CEC concludes that: (1) the proposal will not create jobs within California, (2) that the proposal will not eliminate jobs within California, (3) the proposal will not create new businesses in California, (4) the proposal will not eliminate existing businesses within California, and (5) the proposal will not result in the expansion of businesses currently doing business within the state.

DUPLICATION OR CONFLICTS WITH FEDERAL REGULATIONS

The CEC has determined that there are no existing comparable Federal regulations or statutes.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT AFFECTING BUSINESS

The CEC has made an initial determination that the proposed regulatory changes will not have a statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Because there will be no changes to portable luminaires on the market as a result of repealing the regulations, no impacts to businesses are expected.

FOR FURTHER INFORMATION

Inquiries concerning all aspects of the rulemaking process, including the substance of the proposed regulatory changes or any other information upon which the rulemaking is based, should be directed to Corrine Fishman at corrine.fishman@energy.ca.gov.