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May 7, 2003

Mr. Hampton Newsome  
Attorney  
Division of Enforcement  
Bureau of Consumer Protection  
Federal Trade Commission  
600 Pennsylvania Avenue N.W.  
Mail Stop 4302  
Washington, DC 20580



**Re: 16 CFR Part 305 – Appliance Labelling Rule**

Dear Mr. Newsome,

I am writing in response to the Federal Trade Commission’s Proposed Rule and Proposed Conditional Exemption concerning disclosures on the EnergyGuide label specifically for clothes washers.

Our understanding is that the Federal Trade Commission (FTC) proposal would allow manufacturers to report the energy rating of a clothes based on the U.S. DOE “J1” test standard ahead of the January 1, 2004 effective date. The proposed rule would also allow an EnergyGuide label that would state the 2004 “J1”-derived energy rating, and a statement identifying that only models tested to the 2004 standard should be compared. It is our understanding that this proposed rule would, if approved, come into effect in May 2003.

It is still Canada’s intention to harmonize its regulatory requirements pertaining to the minimum energy performance level and test method for household clothes washers with those of the United States on January 1, 2004, as defined in the Federal Register Notice of January 12, 2001, submitted by the U.S. Department of Energy. However, Canada would not be able to fully harmonize with the U.S. FTC labeling ruling should it go ahead as proposed, in May 2003.

Exemptions to the requirements that would allow advanced labeling provisions could only be effected by regulation in Canada - a process that requires too much time to be useful in this short time-frame. Consequently, Canadian EnerGuide labels with equivalent “J” test standard information will continue to be required for the Canadian market up to the effective standard date, expected to be January 1, 2004.

We believe there will likely be confusion created when both labels will not be reporting the same information on both sides.

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We have discussed a number of options with the Canadian Appliance Manufacturers Association (CAMA) and are willing to work with CAMA to identify non regulatory approaches to this issue that involve information placed near the current EnerGuide label that describes the new developed JI test and consumption results.

Thank you for allowing us to comment on your proposed rule.

Best regards,



Anne Wilkins  
Senior Program Manager  
Equipment Labelling  
Office of Energy Efficiency  
Natural Resources Canada