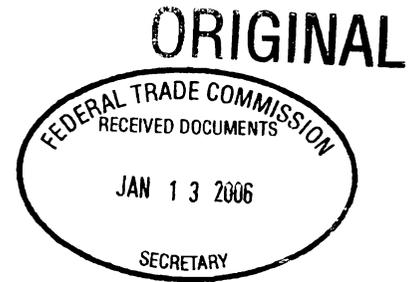




KYLE PITSOR
Vice President, Government Relations



January 13, 2005

Office of the Secretary
Room H-135 (Annex O)
United States Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580

RE: Energy Labeling, Project No. R511994

Dear Sir or Madam:

We are writing on behalf of the associated Lighting Division manufacturers who are members of the National Electrical Manufacturers Association (NEMA). The Lighting Systems Division represents the interests of lighting manufacturers producing lamps (light bulbs), ballasts, luminaires (lighting fixtures), emergency lighting, lighting controls, and solid-state lighting devices. We look forward to working with you and agency staff to accomplish common goals.

NEMA is the leading trade association in the United States representing the interests of electroindustry manufacturers. Founded in 1926 and headquartered near Washington, D.C., its 400 member companies manufacture products used in the generation, transmission and distribution, control, and end-use of electricity. Domestic shipments of electrical products within the NEMA scope exceed \$100 billion.

Federal Trade Commission and EAct 2005 Requirement:

Section 137 of the Energy Policy Act of 2005 (hereinafter EAct 2005) requires the Commission to conduct a rulemaking to examine the effectiveness of current energy efficiency labeling requirements for consumer products issued pursuant to EAct 2005. As described in the Federal Register notice dated November 2, 2005, the goal of the rulemaking is to examine "the effectiveness of the consumer products labeling program in assisting consumers in making purchasing decisions and energy efficiency." The Commission may consider changes to the labeling rules (including categorical labeling) that would improve the effectiveness of consumer product labels. The Commission, under authority of the EAct provision, has 90 days to initiate the rulemaking and two years to complete the rulemaking.

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Manufacturers Association**

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Lighting Products and FTC Disclosure Requirements:

The purpose of the Commission's appliance labeling program is to allow purchasers to compare energy efficiencies and estimated annual operating costs when making purchasing decisions among competing appliance brands and models. In the instance of lighting products, particularly lamps, lamp ballasts and luminaires, the Commission requires that the products and their packaging be marked with a capital letter "E" printed within a circle, which indicates that the device has conformed with federal efficiency standards.

NEMA Lighting Division members manufacture and sell lighting products that meet applicable standards, including appliance information disclosure requirements. As you are aware, the Rule has different requirements for consumer products other than appliances (*see* 16 CFR 305.11(d) and (e)) reflecting differences in the information requirements among types of purchasers for the respective products and channels of distribution. For example, manufacturers of fluorescent lamp ballasts and certain linear fluorescent lamps must disclose an encircled capital "E" printed on ballasts, and on luminaires containing ballasts, as well as packaging. The "E" signifies compliance with minimum DOE efficiency standards.

Manufacturers of certain incandescent lamps, spot and flood lamps, and screw-based compact-fluorescent lamps must disclose, on packaging, the light output in lumens, energy used in watts, voltage, average life, and number of lamps. Moreover, lamp product manufacturers must also explain how purchasers can select the most energy efficient lamp for their needs on the principal display panel of the package. Additionally, if a representation is made about the cost to operate a covered lamp, information must be provided about how the figure was determined.

The viability of recognized energy efficiency marks in the U.S. retail and consumer market is proven. The success of the voluntary Energy Star® program, the labeling Rule for fluorescent lamp ballasts (July, 1989) and other lighting products (May, 1994), with its encircled "E", and other voluntary programmatic activities, has provided purchasers with tools to recognize energy efficient products in the marketplace. Changes to established symbols would deteriorate years of progress and, therefore, no change in the current labeling scheme is required.

NEMA recognizes that the Commission is soliciting comment on the economic impact of and the continuing need for the Rule; possible conflicts between the Rule and State and local, or other Federal laws; and the effect on the Rule of any technological, economic, or other industry changes. More specifically, the Federal Register announcement queries whether any changes should be made to existing disclosure requirements for lighting products; and, what are the costs and benefits of any proposed labeling changes for lighting products? NEMA reserves the right to supplement, amend or provide additional comments and materials regarding FTC appliance labeling rulemaking activities; however, two broad comments are worth noting, namely: (1) continued maintenance of the current information disclosure regime for lighting products is critical to ensure national uniformity and familiarity; to preempt conflicting and confusing state information disclosure requirements, and to avoid duplicitous state labeling requirements; and (2) the lighting industry has made significant investment over the life of the information disclosure program in current product markings and packaging disclosures.

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Thank you for the opportunity to provide comment on these issues. Please do not hesitate to contact me, or Douglas Troutman at (703) 841-3245 (dou_troutman@nema.org) on these or other matters of mutual concern.

Very truly yours,

Kyle Pitsor