Setting Standards for Excellence

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Mr. Hampton Newsome
U.S. Federal Trade Commission
Office of the Secretary
Room H-135 (Annex T)
600 Pennsylvania Avenue, NW
Washington, DC 20580

Dear Mr. Newsome,

Thank you for the opportunity to comment on the FTC Appliance Label Final Rule concerning lamps that was issued July 19, 2010.

The National Electrical Manufacturers Association (NEMA) is the trade association of choice for the electrical manufacturing industry. Founded in 1926 and headquartered near Washington, D.C., its approximately 450 member companies manufacture products used in the generation, transmission and distribution, control and end-use of electricity, including the lamps affected by this final rule.

Thank you for the consideration of these questions and we look forward to your response. If you have any questions or comments, please do not hesitate to contact Justin Neumann of NEMA Government Relations at (703) 841-3221 or justin.neumann@NEMA.org.

Sincerely,

Kyle Pitsor
Vice President
NEMA Government Relations

COMMENTS OF THE NATIONAL ELECTRICAL MANUFACTURERS ASSOCIATION ON QUESTIONS POSED BY FEDERAL TRADE COMMISSION IN FINAL RULE (APPLIANCE LAMP LABELING) 75 FED.REG 46196 (JULY 14, 2010)

1. **Should labeling be required for non-medium screw base bulbs (intermediate and candelabra base)?**

COMMENT: NEMA and its member companies do not support labeling for bulbs with these base types, as they are specialty décor lamps, not general service lamps.

   a. **Whether these bulbs use significant amounts of energy;**

   EISA 2007 limited the power (wattage) of intermediate and candelabra base lamps to 40W and 60W respectively, so one element of energy use – power – has been capped. After January 1, 2012, no lamp with either of these base types may be sold if it exceeds the maximum wattage allowed. Energy use, being the product of power and time, must certainly also consider the number of hours these types of lamps are typically on. They are used primarily in three residential applications: bathrooms, dining rooms, and some outdoor lighting decorative fixtures. According to the US Lighting Market Characterization study, Volume I, 2002 commissioned by the Department of Energy, all incandescent lamps in the residential sector operate on average only 1.9 hours per day. Couple this data point with the relatively low wattage and the relatively low number of these particular lamps compared with general service incandescent types and the fact that many of these lamps are used with dimmers that reduce power use and increase lamp life, there is not enough energy use to warrant including them in the labeling rule. For the select few bulbs that do consume more energy (e.g. 500w DE bulb), these type bulbs do not have any energy efficient alternatives for consumers to choose from.

   b. **Whether competing bulb models vary in light output, energy use, life, and color temperature;**

   While there are "competing" technologies with intermediate and candelabra bases (e.g., incandescent, CFL, LED), they do not necessarily have the same functionality and are not always considered direct substitutes by consumers. Such bulbs are typically purchased by consumers based on price, dimmability, similarity to other types in the home, or other aesthetic reasons. Most CFL replacements cannot dim and do not provide the same sparkle often required by consumers for these lamps. LED decorative lamps do not provide much light and generally do not dim. Since the incandescent versions with these bases are not

considered to be general service types, incandescent will still remain in the market and will likely be the most popular type sold for home décor. Again, we see no reason to include these base types – which are associated with décor lamps – to be included in the labeling rule.

c. Whether consumers are likely to use in-store package labels to compare products; and

Consumers purchase these types of lamps based on aesthetic shape, fit, and maximum wattage allowed in the socket they are trying to fill. We see no possibility that consumers would use in-store package labels such as the ones now required for general service lamps to make a purchasing decision. Consumers will not compare different technologies of intermediate base and candelabra base lamps based on the information provided on A-line in-store package labels.

d. Whether package size or other factors create undue burdens for manufacturers.

These are small decorative lamps typically not used for general illumination and very often packaged on cards, not in boxes. There is no room to put the type of label now required for general service lamps onto these small packages. Further, for carded products, there is no package side or back to place the information, and the lamp itself takes up most of the package "front."

2. Whether the label for IR lamps should require beam spread information and, if so, how should it be measured and described?

COMMENT: NEMA and its members assume the FTC is asking about directional IR lamps, since there will be other IR-type lamps on the market that are not directional. Regarding beam spread, we further assume that this would be expressed in degrees, since the latest ANSI standard specified the use of degrees nearly ten years ago.

While it is common for manufacturers to include some type of beam spread information on reflector and PAR lamp packaging, NEMA and its members would first want to know the nature of the consumer information problem that a mandatory labeling rule would try to solve. At this time, NEMA and its members do not see the rationale for mandating beam spread information.

It is also important to understand that there is not a one-size fits all rule that could be adopted here, and the FTC would have to understand the complexity of beam spread. If the FTC were to mandate beam spreads information, the FTC would be required to take notice of the fact that beam spreads for Reflector lamps are defined differently than beam spreads for PAR lamps. Reflector lamp technology is suited to wide beam spreads. PAR

lamp technology is best suited for tight beam spreads. Most consumers are only able to understand the differences between a Flood Light and a Spot Light. If the FTC attempted to define Flood Light and Spot Light beam patterns, definitions for Reflector lamps and PAR lamps would need to differ. Most consumers do not understand the meaning of the actual beam spread of the lamp. The beam spread is typically only used and understood by commercial users and lighting designers who use catalog information, not package information.

Adding more messaging will simply make the packages more cluttered and make all messaging less effective. This should not be mandated. Manufacturers can make a determination as to what is needed to allow customers to understand the applications and needs. For example, simple designations such as Spot and Flood are understood and accepted. Getting into angles and degrees will add yet another piece of information, adding to the confusion and making it more difficult for people to find the correct products for their applications.

3. Whether fossil fuel lamps should be a covered product?

COMMENT: NEMA and its members see no reason to label a fossil fuel lamp in the same manner that general service lamps are labeled. While those lamps have "high energy cost," they are not used in the same applications as the other covered lamps and consumers do not expect them to be energy efficient or to be compared with other light sources. This request seems out of place in this particular lamp labeling rule.

4. When a manufacturer makes a non-English claim on a product, should a bilingual label be mandatory?

COMMENT: There is simply not enough room on the packaging to accommodate an additional mandatory requirement. The FTC's Substantiation Rule requirements should be sufficient regulatory control with respect to non-English claims, and if the FTC believes that there is a problem to solve it might want to consider a requirement that if there is a non-English claim on a product or package, it should be repeated in English. With the existing pack sizes and the current requirements for not just bi-lingual but also tri-lingual packaging for some manufacturers, any additional requirements will make the messaging on the package so "busy" and so cluttered that it will only serve to further confuse the consumer and may lead them to not consider the more energy efficient lamp as they just can't be bothered to work their way through the myriad of message and labels on the package.

5. Should there be a lead content disclosure on Lighting Facts Label?

COMMENT: No. A lead content disclosure is not necessary. Manufacturers have removed most of the lead from regulated products during the past 10 years. What little lead remains in some products typically is entrained within the product and is not available for human touch.

6. **Should the FTC require a directional light disclosure (reflector and PAR lamps)?**

COMMENT: NEMA and its members support the additional requirement of disclosing Center Beam Candlepower (CBCP) on packaging for reflector lamps, including PARs. This does not take up any room on the package and will be very useful – particularly as LED's come onto the scene. This additional disclosure would ensure that consumers are getting quality lamps and they have a way of determining a lamps ability to meet the need. Without CBCP listed, consumers will have no real means to make directional lamp comparisons. The understanding of CBCP as regards directional lamps should also be part of the Federal Trade Commission's educational efforts.

7. **Should the FTC establish standards for watt equivalency claims?**

COMMENT: Perhaps. NEMA members have seen misleading if not fraudulent statements about "60-watt equivalent lamps" for LED. For example, some of these lamps produce fewer than 300 lumens. Without some action, deceptive advertising will continue to mislead the consumer. We can see only two options for eliminating this concern: 1) the FTC disallows wattage equivalency or any implications of wattage equivalency (e.g., a large "60" without the metric) from appearing anywhere on the package (or bulb), thereby eliminating the temptation for certain manufacturers to use wattage equivalency as a deceptive labeling practice, or 2) FTC establishes standards for wattage equivalency claims and couples this with restrictions on the prominence of this information, either by size or placement, so that lumens remain the dominant metric.

We prefer option #1, if this is within FTC authority. We believe the benefits of this approach would be to wean the public from comparisons to an older, nearly obsolete technology, necessitating careful consumer comparison of lumen outputs amongst technology alternatives. This approach would complement the FTC's interest in promoting consumer awareness of lumen output by requiring it be prominently displayed on the bulb and package, and it would be easy to enforce.

If it is not within FTC authority to disallow certain types of claims on packaging (including wattage equivalency) we would recommend using Energy Star standards as the basis for wattage equivalency claims for CFL and LED technologies, since Energy Star is a known and robust standard that has been accepted in the market place. In conjunction with such standards, we recommend that FTC also reduce the prominence of any wattage equivalency claims by using size and placement requirements for this information.

8. **Should the FTC consider a requirement for disclosure of power factor?**

COMMENT: No. NEMA and its members do not support a requirement to disclose power factor. Adding power factor will do nothing but confuse the consumer. Consumers are likely to view power factor as an indicator of lamp quality. There is a strong possibility that if the consumer even notices the power factor rating that high

power factor should equate to more light. In fact power factor has nothing to do with the amount of light a lamp produces. When we are trying to convert consumers to Lumens as a measure of brightness, adding power factor will serve to delay the consumer's understanding of how light is measured and plant confusion in the marketplace. Additionally, other appliances with power factors less than one (anything with an electric motor) do not disclose power factor, presumably for the same reasons; therefore we believe this should not be applied only to lighting. Commercial users might find this information useful and they can obtain it from product catalogs, but for consumers this information would not be useful.

9. **Should the FTC adopt IES-LM-79-2008 test procedure for measuring light output, LPW, and color characteristics of LED bulbs?**

COMMENT: Yes.

FINAL COMMENT: If the Federal Trade Commission is considering any additional information disclosure requirements, NEMA asks that the FTC solicit information about the cost of compliance with those proposed changes. In connection with their assessment of the cost to make changes to comply with the Final Rule, NEMA members have determined that it will cost millions of dollars for some companies and hundreds of thousands of dollars for other companies to make the requisite changes --- not the tens of thousands of dollars per company that the FTC estimated.