



NRDC Comments on FTC “Notice of Proposed Rulemaking on Expanded Bulb Coverage for the Lighting Facts Label”

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On behalf of the Natural Resources Defense Council (NRDC), an environmental advocacy group with over 1.3 million members and on line activists, enclosed are our comments that were developed in response to the information requests made by the Federal Trade Commission (FTC) in the August 1, 2011 Federal Register. NRDC has been an active participant throughout the FTC’s rulemaking to update its labeling requirements for new lamps (more commonly referred to as light bulbs) and their packaging. Armed with accurate information, consumers will more easily be able to identify the more efficient model and select a product that will cut their energy use by up to 80% compared to today’s inefficient incandescent light bulbs and save lots of money over the bulb lifetime.

Our comments supplement NRDC’s previous submissions to the FTC dated 12/22/2009 and 9/10/2010 and focus on six areas which the FTC recently requested additional input on:

- **Scope** – whether FTC should expand the definition of general service lamps to include all screw-based incandescent, CFL, and LED lamps, and also include various pin based lamps.
- **Wattage equivalency claims** – whether FTC should publish specific guidance governing wattage equivalency claims (e.g. 15W = 60W)
- **Specialty lamps** – which of the specialty lamps should be covered by the labeling requirements
- **Directional lighting** – whether or not to include unique labeling requirements for these types of lamps
- **LED light bulbs** – whether FTC should use LM-79 as the test method for determining the light output of LED light bulbs
- **Schedule** – how much time should manufacturers be provided for additional products that are covered by the FTC labeling requirements

I. Scope/Coverage

NRDC strongly supports FTC's proposal to amend the definition of "general service lamp" to cover all screw-based incandescent, CFL and LED lamps" regardless of the lamp's shape or the diameter of the base.

In our prior oral and written testimony, NRDC advocated for a comprehensive and easy approach to address the issue of scope. Simply stated, all screw based lamps should be covered by the FTC's lamp labeling requirements. It makes no difference whether the lamp: a) has the shape of a pear, globe, flame, or spiral; b) has a small, medium or large diameter screw base; or c) is based on a certain type of technology such as incandescent, halogen, LED, CFL, etc. In all cases, the lamp purchaser needs to be provided with the same basic information about the lamp such as its light output, cost of operation, life time, power use, color temperature, etc. The information needs to be accurate to help ensure the consumer is getting the performance they are paying for and lighting manufacturers operate on a level playing field.

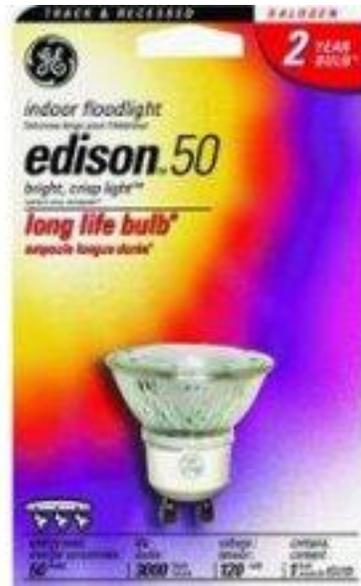
The 8/1/2011 FTC notice referenced recent comments by the lighting companies' trade association NEMA that recommended against inclusion of intermediate and candelabra based bulbs. Candelabra base lamps bulbs currently consume up to 60W of power and are frequently located in chandeliers that may have five or more sockets or a total of 300 or more Watts. Consumers who opt for more efficient CFLs or LED lamps in this case would save 225 Watts of power or roughly \$25/yr in their electric bill. Similarly, many ceiling fans contain 3 to 5 lamp sockets that may have an intermediate base socket. As with the earlier example, consumers of these types of bulbs should be provided with the same information as required for medium based sockets. We also disagree with NEMA's assertion that there will not be energy efficient alternatives that offer similar performance as conventional candelabra and intermediate based products. Many of NEMA's members already offer dimmable products that are direct substitutes for the less efficient products. These use CFL and LED technology and there is no technical reason why these products could not be made with more efficient halogen technology in the future.

As many of the new bulbs being brought to the market to comply with the federal efficiency standards set by EISA are being marketed as halogen lamps or halogen incandescents, we recommend DOE add the word halogen to its definition of general service lamp or add a clarifying note in its final rule stating that halogens are a subset of incandescent lamps and are fully covered by the labeling requirements.

NRDC also supports the FTC's proposal to include bulbs with GU-10 and GU-24 bases. GU-24 bases are a common type of base used in new construction, in particular in California homes as a means to comply with the state building code, Title 24. GU-10 bases are frequently used with low voltage halogen or LED lamps, often referred to as MR-16s that are often found in small recessed cans and track lighting. See below for an example of a 50W GE bulb with a GU-10 that is readily available at hardware stores.

While this current package does include information on the power use and life of the product, it neglects to provide the single most important piece of information – the amount of light it delivers. As this is one of the fastest growing sources of lighting fixtures in new construction, remodels and commercial spaces, we think it's critical to include products with GU-10 bases in the FTC labeling requirements.

Figure 1 – Example of popular spotlight bulb with GU-10 base



GE 16751 - 50 Watt - MR16
GU10 Base - Flood - 3,000 Life Hours - 1,000
Candlepower - 120 Volt

★★★★☆ 4 / 5

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 **GE Lighting**

This MR16 halogen lamp operates at 50 watts and 120 volts. It has a GU10 base and an average life of 3,000 hours.

Stock Code: MR16CG-GU101675

II. Wattage Equivalency Claims

The 2007 Energy Bill EISA will phase-out the 130 year-old inefficient incandescent light bulb that consumers know simply as the 25, 40, 60, 75, 100 and 150 Watt light bulbs beginning in January 2012. Consumers will then be faced with the challenge of having to figure out what lamp they should purchase to replace the one that just burned out. While there is broad consensus that consumers should be shopping for products based on their light output, the number of lumens, and not simply the power the product consumes, we expect manufacturers to continue to highlight the lamp's "power" and make marketing claims such as "15W = 60W", or "replaces 60W bulb" for the foreseeable future.

While we appreciate FTC's statement in the 8/1/2011 proposed rule "Deceptive watt-equivalence comparisons are subject to FTC law enforcement actions under section 5 of the FTC Act", we urge FTC to pursue a follow-on rule making to establish minimum equivalency requirements that manufacturer claims will be subject to. Our earlier testimony provided numerous examples of existing misleading claims where the product offered much less light than the bulb it was claiming to replace.

Greater clarity on this matter will set clear rules for manufacturers to adhere to and will remove any uncertainty during subsequent enforcement FTC may pursue in the future. As necessary, FTC could divide this rulemaking into two parts, the first and simpler one would cover the everyday light bulbs, referred to as omni-directional lamps, and the second and more complex one would cover claims that could be made for directional lamps. The directional lamp guidelines could be expanded to cover beam angle and would build off of the ongoing DOE rulemaking that is taking up metric and test method issues related to center beam candlepower, as opposed to simply reporting the light that is generated across the entire 180 degrees.

Below are two more recent examples of grossly misleading claims that leading lighting companies are making regarding "wattage equivalency". Figure 2 shows a GE halogen bulb that only provides 1120 lumens yet claims to be a "100W replacement". This bulb delivers roughly 500 fewer lumens, or 30% less light than a typical 100W incandescent bulb and is even dimmer than GE's conventional 75W soft white incandescent bulb¹. Figure 3 shows a 75W bulb marketed by Feit Electric as an "Energy Saver" that claims to provide "100W light output" even though it only gives off 1400 lumens, which is 200 lumens lower than EPA's Watt equivalency benchmark for 100W lamps of 1600 lumens.

These types of misleading claims clearly demonstrate the need for FTC to promptly develop and enforce clear guidelines governing these types of equivalency claims.

¹ GE's soft white 75W incandescent bulb is rated at 1170 lumens.

Figure 2 – GE bulb package that provides grossly misleading claim that it is a 100W bulb replacement



Figure 3 – Feit bulb package that advertises 100W light output even though it only delivers 1400 lumens



III. Specialty Lamps

On page 45717, FTC seeks comments about whether the Commission should retain existing exclusions for special use bulbs such as appliance lamps, black light lamps, marine lamps, mine service lamps, plant light lamps, rough service, shatter resistant, sign service lamps, showcase lamps, traffic signal lamps and vibration service lamps. Many of these lamps are believed to be niche or specialty products and are exempted or provided less stringent treatment by the federal energy efficiency standards set by EISA.

Due to their special treatment some of these lamps that currently have relatively low volume sales could easily see a spike in sales as they might be seen as being identical to the inefficient incandescent bulb that has been removed from the market. One could easily foresee an opportunistic manufacturer apply an inexpensive shatterproof coating to an existing inefficient and inexpensive incandescent light bulb and via this loophole continue to market it as a 100, 75, 60 or 40W bulb, the way consumers have traditionally purchased their bulbs.

Another example are vibration service lamps. Despite industry claims that these bulbs require dramatically higher production costs, we have already found on the market a 12 pack of vibration service lamps offered at only 25 cents per bulb. Once the federal standards are in full effect these bulbs would likely be the lowest cost product on the market and provide the most attractive option for consumers who base their purchase on first cost. These bulbs must be covered by the FTC rules as they can be used in most sockets in a consumer's home and are even less efficient than the conventional inefficient light bulb that is subject to the federal regulations. The product shown in Figure 4 only produces 600 lumens, which is 200 lumens less than the conventional 60W soft white bulb sold today. One should also note that this product advertises in big letters "Household Light Bulb" which diminishes the credibility of manufacturer claims that consumers are unlikely to purchase these bulbs as they are a specialty product.

While our preference is for all lamp types to be covered by the FTC labeling requirements we recommend that FTC require all special-use lamps that could conceivably serve as a replacement for the conventional general service lamps be covered by its labeling requirements. At a minimum, this should include appliance lamps, shatter resistant/proof lamps, vibration service and rough service lamps, 3-way lamps, and plant lights. These lamps look from the outside as one-for-one replacements for their current inefficient incandescent light bulb, and could easily see a spike in their sales due to the loophole provided by the federal standard. To decrease the likelihood of this happening, consumers should be provided with the information provided by the FTC lighting label requirements, in particular the light output and annual operating cost. An informed consumer would quickly be able to tell that the 25 cent bulb shown in Figure 4 is no bargain as it costs \$6 per year to operate. Consumers are unlikely to shift to less efficient unregulated lamps such as bug lights, black light lamps for their fixtures as they do not provide the desired performance and the lack of labels on these products is less critical.

Figure 4 – Low cost vibration service lamp sold by Feit Electric. This looks exactly like an everyday light bulb and despite its classification as a “special use” lamp in EISA, should be covered by FTC’s labeling requirements.



We also think it’s extremely important for the FTC rules to cover high light output lamps, e.g. those that give off more light than today’s 150W incandescent lamps. As EISA does not include energy efficiency requirements for lamps that use between 2601 to 3300 lumens, one can envision an increased push by some manufacturers to sell a slightly brighter 150W and traditional 200W incandescent lamps. To make sure consumers are properly informed of the extremely high operating costs of these bulbs (\$16.50 and \$22 per year respectively) while bulb shopping, it’s critical that these bulbs also be required to include the FTC label.

IV. Directional Light Bulbs

Down lights, also referred to as recessed cans are increasingly popular in both residential and commercial buildings. Consumers often buy the wrong type of down light due to the lack of clear information provided on the package regarding a product’s beam spread. This issue is getting worse not better due to the differing performance of

CFL, incandescent and LED as some lamps deliver light in a very narrow beam, while others spread the light over a wider angle.

We agree with NEMA and Cree that a set of standardized disclosures regarding beam spread would be useful for directional light bulbs. This could be achieved via a follow-on rulemaking by FTC.

V. Test Method for LED Light Bulbs

FTC has decided to add screw based LED light bulbs to its labeling program, which NRDC concurs with. In order to ensure all manufacturers are testing the light output and color characteristic of LED bulbs in a consistent and reliable way we support the industry proposal to use the LM-79 test method. Should this test method be modified or updated in a significant way in the future, FTC should consider shifting to the newer version.

VI. Schedule

FTC states in its proposed rule that it will “give manufacturers at least two and a half years to change their packaging to incorporate the new rules”. In this age of just in time manufacturing where manufacturers limit the amount of inventory they purchase in order to minimize costs, and the relative ease package design changes can be made due to the sophistication of computer design programs, we believe the proposed time period is unnecessarily generous.

At a minimum we encourage FTC to establish a deadline of January 1, 2014 which would coincide with the effective date of the portion of the federal standards that covers the most popular segment of the bulb market, today’s 60W bulb.

Respectfully submitted,

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