

## QUICKSILVER CAUCUS

The Association of State Drinking Water Administrators (ASDWA);  
The Association of State and Interstate Water Pollution Control Administrators (ASIWPCA);  
The Association of State and Territorial Solid Waste Management Officials (ASTSWMO);  
The Environmental Council of the States (ECOS);  
The National Association of Clean Air Agencies (NACAA);  
The National Pollution Prevention Roundtable (NPPR)

December 28, 2009

Federal Trade Commission  
Office of the Secretary  
Room H-135 (Annex N)  
600 Pennsylvania Avenue, N.W.  
Washington, D.C. 20580

RE: Comments on Proposed Rule 16 C.F.R. Part 305 [RIN 3084-AB03] Appliance Labeling Rule

To Whom It May Concern:

The Quicksilver Caucus (QSC) provides the comments below on the proposed federal rule 16 C.F.R Part 305 [RIN 3084-AB03] Appliance Labeling Rule as published in the Federal Register Vol. 74, No. 216, November 10, 2009 (74 FR 57950):

The QSC is a coalition of state environmental association leaders working to reduce mercury in the environment. The membership of the QSC includes the Environmental Council of the States, the Association of State and Territorial Solid Waste Management Officials, the National Association of Clean Air Agencies, the Association of State and Interstate Water Pollution Control Administrators, the Association of State Drinking Water Administrators, and the National Pollution Prevention Roundtable.

**General comment:**

We note that the proposed rule does not discuss the issue of state pre-emption, and we therefore assume that this federal rule would not pre-empt state product labeling laws. We firmly believe that federal pre-emption of state product labeling laws should not be allowed.

**Section IV Proposed Rule Changes, B. Proposed Package Labeling, pg. 57953:**

“The proposed required disclosures are brightness, energy cost, life, color appearance, wattage, mercury content, and, for non-standard voltage bulbs, voltage information.”

**QSC Comment:** QSC members believe that power factor should be disclosed on package labeling in addition to the disclosures in the current proposal. Power factor is a measure of the efficiency of an electrical product. The higher the power factor, the more efficient the lamp is. Because of the way electric utilities measure residential power consumption, the increased efficiency does not affect consumers’ electrical bill. However, loads to the electric

grid are reduced as the power factor of lamps increases, resulting in decreased electrical generation.

While QSC members' area of expertise is mercury, we also believe that lead content should be disclosed on CFL and LED packaging. Lead is present in CFL bases and some glass used in CFLs as well as solder used in LED lights. Lead, like mercury, is toxic. However, unlike mercury lead is not a necessary component of energy efficient lighting. Alternatives to lead are readily available for manufacture of energy efficient lighting. Information on lead content should be readily available to consumers at the time of purchase.

**Section IV Proposed Rule Changes, B. Proposed Package Labeling, 1. Front and Rear Panel Format pg. 57954:**

“The Commission seeks comment on whether the rule should require a front and back label format as proposed. The Commission also seeks comment on whether the Lighting Facts label will fit on existing packages and whether the FTC needs to specify an alternative format for packages that are too small for the proposed label.”

**QSC Comment:** Eleven QSC member states (Connecticut, Louisiana, Maine, Maryland, Massachusetts, Minnesota, New York, Oregon, Rhode Island, Vermont, & Washington) have existing laws requiring labeling of mercury containing products. The QSC recommends that the FTC adopt regulations consistent with, and at least as stringent as, those laws. Information on existing labeling laws can be found at <http://www.newmoa.org/prevention/mercury/imerc/labelinginfo.cfm>.

The QSC also recommends that any alternative format be at least as informative as the proposed label by clearly stating that the lamps contain mercury and should be disposed and/or recycled according to all federal, state, and local laws. Some lamp manufacturers use the mercury's chemical symbol (“Hg”) in a circle to identify that the lamps contain mercury. A majority of consumers do not know what this means. The QSC recommends that “mercury” be spelled out on all labels.

**Section VI Proposed Rule Changes, B. Proposed Package Labeling, 1. Required Package Disclosures, b. Energy Use/Efficiency, pg 57956:**

“As discussed in Section VI.b.1., a bulb's energy information is important to consumers whether they are concerned about their electricity bills, improving the environment by using less energy, or both. The current rule provides energy information to consumers in the form of watts. However, the FTC looked for an alternative because of consumers' tendency to equate watts with brightness.”

**QSC Comment:** As stated previously, the QSC believes that power factor should also be disclosed on the packaging. Providing that information on lamp labels will enable consumers to select the most efficient product.

**Section XIII Proposed Rule Language**

16 C.F.R. Part 305 – Rule Concerning Disclosures Regarding Energy Consumption and Water Use of Certain Home Appliances and Other Products Required under the Energy Policy and Conservation Act (“Appliance Labeling Rule”)

**§305.15 Labeling for lighting products (b)(4)(ii)(F), pg. 57966:**

“The minimum font sizes and line thicknesses as illustrated in Prototype Labels 6 and 7 to Appendix L. No information on the Lighting Facts label shall be in type smaller than 6 point font.”

**QSC Comment:** The QSC recommends that the rule require that the type be no smaller than 10 point font. This is consistent with recommendations and requirements of states with labeling laws.

**§305.15 Labeling for lighting products (b)(5)(ii), pg. 57966:**

“For general service lamps containing mercury, the following statement: “Contains mercury, See epa.gov/bulbrecycling or 1-800-XXX-XXXX.””

**QSC Comment:** The QSC agrees that lamps should be labeled. Font size should be the same as recommended for packaging, minimum 10 point font. Product labels should state that the lamp contains mercury and provide information on disposal and/or recycling requirements. Some lamp manufacturers use the mercury’s chemical symbol (“Hg”) in a circle to identify that the lamps contain mercury. A majority of consumers do not know what this means. The QSC recommends that “mercury” be spelled out on all labels.

The QSC would like to thank the FTC for this opportunity to comment on this rulemaking.

Sincerely,

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The Quicksilver Caucus is a coalition of state environmental association leaders working to reduce mercury in the environment. More information about the Caucus is available at:

[http://www.ecos.org/section/committees/cross\\_media/quick\\_silver](http://www.ecos.org/section/committees/cross_media/quick_silver)