



Setting Standards for Excellence

December 21, 2009

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

RIN NUMBER 3084 - AB03

SUBJECT: 6 CFR Part 305: Proposed Amendments to the Appliance Labeling Rule That Would Change the Existing Labeling Requirements for Lamp Products (Light Bulbs)

Dear Mr. Newsome,

On behalf of the National Electrical Manufacturers Association (NEMA), we appreciate the opportunity to submit comments on the Federal Trade Commission's (FTC) Lamp Labeling Rule, Project Number P084206.

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 included within this rulemaking.

In general, NEMA supports FTC's proposal to provide a standardized lamp package label requirement similar to a Nutritional label for food packages. We note that nutritional food labels are required on the side or back of food packages. The front of the package is left open for companies to present the product's marketing message. This message may or may not include emphasis on information found on the nutritional label. Food packages are not required to list any one particular piece of information, such as "fat content", on the front of the package. We feel that lighting packages should be treated in a similar way, with manufacturers given the option to highlight any or none of the information on the lighting label.

**National Electrical
Manufacturers Association**
www.nema.org

1300 North 17th Street, Suite 1752
Rosslyn, VA 22209
703.841.3200
Fax 703.841.5900

It is important to note, we question the usefulness and long-term accuracy of the “estimated energy cost” disclosure destined for the package front panel. The numeric operators in the Energy Cost calculation will not be consistent by region or by lamp manufacturer and the cost per kWh will change over time, which may cause consumer confusion due to the differences in dollar values displayed on lamp packages. Consumers will be misled unless they make conscious efforts to review the base cost per kWh found on the side Lighting Facts label in order to make an accurate comparison. Keeping track of the cost of power for accuracy and competitive fairness would be costly and laborious for all lamp manufacturers.

We also believe it is important for the FTC to regulate the formatting of certain non-mandatory information, whether it appears in the principle disclosure panel or elsewhere on the packaging. In other words, manufacturers should have the freedom to incorporate, “Estimated Energy Cost,” “CRI,” wattage equivalency, or certain other information in any other location on the package, but we should be governed by specific allowable formatting and underlying assumptions so consumers are not confused by the design variations that are very likely to occur amongst manufacturers for this type of information.

Moreover, NEMA sees no problem with the scope of new products covered, but respectfully disagrees with the inclusion of soon-to-be-extinct incandescent lamps. Incandescent lamp identification and selection has always been based upon wattage, so to change this in the last few years of their legal life would be confusing to the consumer and moot when considering that the overall goal of the legislation is geared to new technology. In addition, DOE regulations are proposed for Halogen PAR and linear fluorescent lamps. Any lamp that is scheduled to be discontinued in years 2012, 2013 or 2014 due to federal government regulations should be exempt from these required packaging changes.

Further, imposing packaging and etching changes for soon to be extinct lamps, such as incandescent lamps, would be an unnecessary and costly burden on lighting manufacturers

Small Packages

FTC needs to provide options for packages that are simply too small to fit the proposed label size. If the package is too small to accommodate the standardized label size, the FTC should allow manufacturers to modify as necessary, as long as all information is presented in a clear and legible manner.

Multi-Packs

If the package contains more than one lamp type, such as one incandescent lamp and one CFL lamp, or, two CFL lamps with different color temperatures, the FTC should specify the labeling requirements for such multi-packs.

Calculations and Packaging Changes

All claims on lamp packages should be based on a calculation using prescribed national averages. The proposed assumption of 3 hours per day use and 11.4 cents per kWh is acceptable in today's market; however, as noted above, average rates change over time. Manufacturers should not be allowed to vary these claims on the lighting facts package label, as essentially all manufacturers sell into a national market with varying electric rates. Manufacturers wishing to make regional claims should be allowed to do so on marketing materials or websites, but not on the package. Such a requirement will prevent gaming or exaggerated claims based on exorbitant electric rates. Placing estimated annual operating costs on the package should be optional.

We agree that national averages should be reviewed approximately every 5 years. If changes are made to these national averages, manufacturers should be allowed to incorporate these changes on a rolling basis as packages are changed over one to two years. Packaging changes are very expensive. The proposal grossly underestimates the actual costs of changing packages.

Placing extra nomenclature on a lamp is a very difficult and costly undertaking. As previously stated, the available lamp etching area is most often scarce, and the guarantee of clarity is minimal. Manufacturers currently print wattage and other regulatory requirements on the lamp product. Besides being a difficult undertaking, reworking etch plates is expensive. It should also be noted that lamp manufacturers need to continue imprinting the wattage on lamp products because many lighting fixtures contain maximum wattage safety ratings and the customer needs a ready reference when combining a lamp and fixture. It could be easily argued that the lamp wattage imprint on the product may remain the single most important piece of information on any lamp for safety purposes.

An additional thought: solid state lighting typically uses candelas to convey equivalency for reflector and PAR lamps. This makes sense as it is the light on the task that matters most with reflectors, and not total light output. It may be important to have a separate label for standard reflectors or the equivalencies claimed by solid-state lighting will not be allowed.

Consumer Education Plan

We agree that a more extensive consumer education plan is needed that goes beyond a simple conversion chart at point of sale.

Comments on Lighting Facts Label Content – Back of Package

As the inclusion of "Estimated Yearly Energy Cost" could be somewhat confusing based upon the variable operators used within the equation, NEMA suggests that this information be allowed but governed by a set of specific rules by the FTC. Per our earlier comments, it is important that all manufacturers use the same variables and calculate in the same manner in an effort to assure understanding and lessen confusion, thus not gaining unfair advantage through the use of *tricky math*.

Some manufacturers feel that LPW is a better metric than “estimated yearly energy cost” and will provide further individual comments on this concept.

Estimated Yearly Energy Cost

The concept of conveying a yearly estimated operating cost is acceptable but should be optional. *If used*, assumption of 3 hours per day use and 11.4 cents per kWh is acceptable and should be mandated for all packages. FTC needs to decide how data is rounded up or down.

The note “Your cost will depend on your rates and use” can be shortened to, “Will vary by your rates and use”. It is just as effective and uses less space.

Life In Years

It is acceptable to state life in years as long as the calculation is consistent on this label using the same 3 hours per day assumed on the estimated yearly energy cost.

Color Appearance

The Scale approach is acceptable with these additional comments:

- The scale printing is preferred in color but Black and White or one-color should be optional depending on color availability on a print run.
- As suggested, we prefer the term “Light Appearance” vs. “Color Appearance”. Color appearance may give the false impression to the uneducated consumer that the lamp is a colored lamp.
- The actual color temperature of the lamp should be printed in bold on top of the scale. The scale range should be printed below the line to provide information on the range of possible color temperatures. Further, we strongly suggest adding the word “white” to the descriptive ranges within the “Color or Light Appearance” table. Consumers find it hard to understand and relate the terms “warm” and “cool” with color appearance. By changing these descriptors to “warm white” and “cool white” there is a much better chance that a consumer will soon, if not immediately, come to understand the purpose and proper use of the scale.
- The numbers 2700K, 4100K and 6500K should also be printed below the scale to indicate the possible range. This presents a consistent scale that cannot be shown to favor one product’s position over another’s by shortening or lengthening the scale.

Color Rendering Index (Not Proposed)

NEMA would be in favor of having the option to place CRI on the “Lighting Facts” label. Since new Light-Emitting Diode technology is emerging, CRI will be ever more important. By having the option to include CRI, consumers will be more willing to investigate and understand their

purchase options which will prove valuable in determining which product to purchase to ensure satisfaction with the quality of the light that the product produces.

Energy Used

The Energy Used proposal is acceptable.

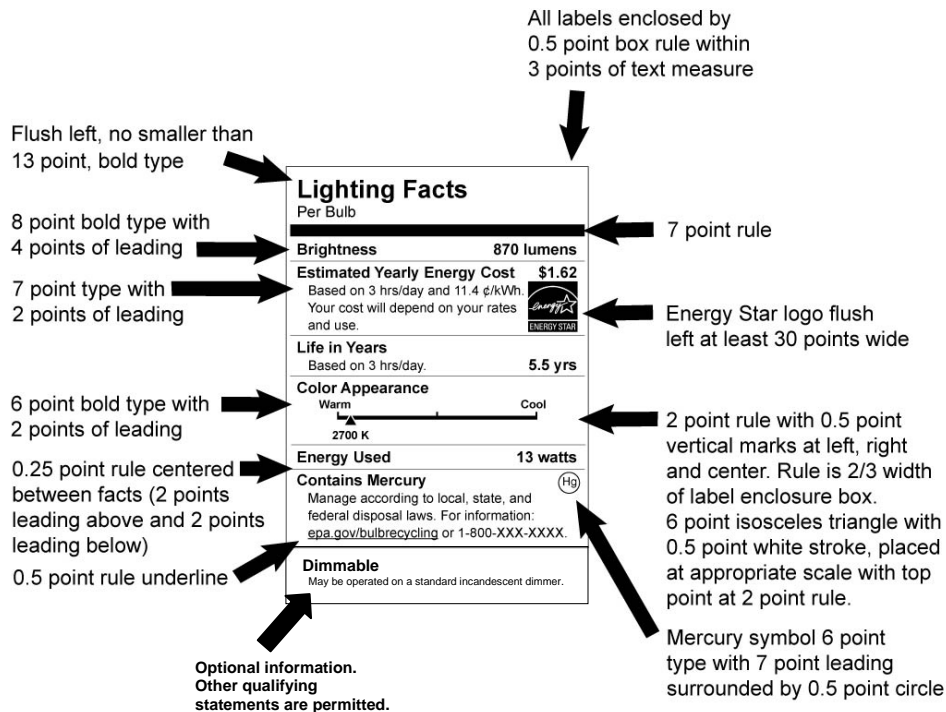
Energy Star

ENERGY STAR® should be an option on the Lighting Facts Label and not be required on both the Front of the Package and on the Lighting Facts label.

Dimmability

Labeling whether or not a lamp is dimmable should remain optional.

We must attempt to keep required text at a minimum. Percentage of dimming; recommended dimmers, consulting manufacturer is more information than should be required and will further confuse the consumer



* Typeface is Arial or equivalent type style. Type sizes shown are minimum allowable. Use bold or heavy typeface where indicated. Type is black or one color printed on a white or other neutral contrasting background.

Front of Package

Manufacturers have varying opinions on what should, or should not, be required on the front of the package. No company completely agrees with the FTC proposal for the front of the package. Individual companies will provide further comments. Some companies would like all information on the front of the package to be optional, or in a different format. Others suggest different information than suggested by the FTC, such as LPW in place of estimated yearly costs, along with Brightness and Wattage.

NEMA notes that FTC's current proposal attempts to replace the current common purchasing approach of using 40W, 60W, 75W and 100W with a new approach centered on communicating brightness in a new way and not by referring to wattage. Note that there are 4 distinct wattage numbers that are common among all manufacturers and easy for consumers to remember.

If you actually place a lumen value, measured to a single lumen, on the front of the package, manufacturers will have values that are all over the map and not easily remembered by consumers. To make the lumen value memorable and consistent, the lumen values would have to be rounded in a meaningful way. Consumers cannot perceive a brightness difference if the lumen measurement of two lamps are within 10% of each other. In other words, 820 lumens appears about the same brightness as 790 lumens to most consumers if placed side by side. To allow consumers to compare true brightness difference between products, lumen values used on the front of the package should be rounded, representing a "lumen class" of lamps. Of the two lamps shown above, the front of the package of both lamps could display the Brightness Class of "800 lumens". (The back of the package would still have the actual lumen value for those who wanted to know.)

Individual manufacturers will provide more information on approaches to address the issue of creating a notable, and easily remember-able alternative to wattage.

Consumer Research

As more and more disclosure requirements are impressed upon American products, the available space for printing and product-specific information decreases severely; thus, multi-language disclosure requirements (as implied through the Canadian survey) will further impair a manufacturer's ability to adequately market and describe its products. Further, many lighting products exist which are of small size and in small packaging, thus an increased amount of required information creates an expensive hardship. What follows are samples of how the added language(s) can adversely affect the size of the panel label:

English

Lighting Facts	
Per Bulb	
Brightness	870 lumens
Estimated Yearly Cost	\$1.62
Based on 3 hrs./day and 11.4¢/kWh Your cost will depend on your rates and use	
Life in Years	5.5 yrs
Based on 3 hrs./day	
Color Appearance	
Energy Used	13 watts
Contains Mercury Manage according to local, state, and federal disposal laws. (Hg)	
For information: www.lamprecycle.org 1-866-XXX-XXXX	

**English
French**

Lighting Facts	
Per Bulb	
Brightness	870 lumens
Estimated Yearly Cost	\$1.62
Based on 3 hrs./day and 11.4¢/kWh Your cost will depend on your rates and use	
Life in Years	5.5 yrs
Based on 3 hrs./day	
Color Appearance	
Energy Used	13 watts
Contains Mercury Manage according to local, state, and federal disposal laws. (Hg)	
For information: www.lamprecycle.org 1-866-XXX-XXXX	

Données d'éclairage	
Par lampe	
Luminosité	870 lumens
Coût annuel approximatif	\$1.62
Calculé à 3 h/jour et 11,4 cents/kWh Votre coût dépendra de votre tarif et utilisation	
Vie en années	5,5 années
Calculée à 3 h/jour	
Aspect de la couleur	
Énergie consommée	13 watts
Contient du mercure Gérer en fonction des lois régionales, provinciales et fédérales en matière d'élimination de déchets. Afin d'obtenir des renseignements: www.lamprecycle.org 1-866-XXX-XXXX (Hg)	
For information: www.lamprecycle.org 1-866-XXX-XXXX	

**English
French
Spanish**

Lighting Facts	
Per Bulb	
Brightness	870 lumens
Estimated Yearly Cost	\$1.62
Based on 3 hrs./day and 11.4¢/kWh Your cost will depend on your rates and use	
Life in Years	5.5 yrs
Based on 3 hrs./day	
Color Appearance	
Energy Used	13 watts
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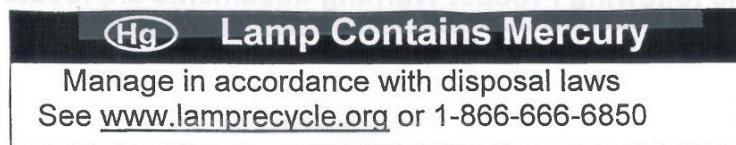
Datos de iluminación	
Por Bombilla	
Brillo	870 lúmenes
Costo Anual Estimado	\$1.62
Basado en 3 hrs/día y 11,4 centavos/kWh. Costo dependera de tasa de consumo y costo	
Años de vida	5,5 años
Basado en 3 hrs/día	
Apariencia de color	
Uso de energia	13 vatios
Contiene mercurio Administrar de acuerdo a las leyes locales, estatales y federales. por informacion: www.lamprecycle.org 1-866-XXX-XXXX (Hg)	
For information: www.lamprecycle.org 1-866-XXX-XXXX	

PACKAGE MERCURY LABEL

NEMA supports the concept of a National Mercury label for packages of Compact Fluorescent lamps, but does not agree with the specific mercury package label proposed by the FTC.

We are in favor of transferring a mercury statement, such as a similar label to that originally required by the Vermont DEC, to the "Lighting Facts" panel. There are however, some important considerations for the content and format of such information.

Currently, the unified state requirements (originated in Vermont: *10 V.S.A. § 7106. Labeling of mercury-added products*) as an accepted alternative; agreed through NEMA and Vermont; and accepted thus-far throughout the USA for the existing mercury disclosure is the following format:



We would expect that any label prescribed by the FTC as a national label would preempt state government requirements regarding its specific format. For example, the minimum font size is held at 10pt. within the aforementioned Vermont Labeling Rule, Alt#0258. Since it would be necessary to have the required font size for this information match the fonts sizes of the other information on the Light Facts label, it is imperative that the FTC sort out any discrepancies with current Hg labeling so that manufacturers are not inadvertently held to two different standards.

We would also recommend the following changes:

First Line:

On the first line, place the Circle Hg first, then the statement Contains Mercury. Additionally on the first line, we also recommend the FTC require a mercury dose level of X.X which is consistent with European requirements for CFL's effective in late 2010.

The first line of this Label would read:

(Hg) Contains Mercury X.X mg

A second option is to place a less than "X mg" of mercury, or less an "X.X mg" of mercury on the label. Such a label would look like the following:

(Hg) Contains Mercury < X mg (or < X.X mg)

Second Line:

The Second line should be shortened. The proposed statement is unnecessarily long and redundant to state that products should be managed according to "local, state and federal" disposal laws. A shorter statement more likely to be read is:

Manage According to Disposal Laws.

The third line should be changed to use the industry website of www.lamprecycle.org. This website has been in use for 10 years and is well known. It is now receiving over 90,000 unique hits per year and has been recently redesigned to be very consumer friendly. At the very least, companies should have the option of using the industry website or the EPA website, as allowed under the current ENERGY STAR® program.

The phone number should be a company's 1-800 number. Consumers call 1-800 numbers for many different reasons, not just recycling information. Only if a company did not want to use their own 1-800 number, they should have the option of using the EPA number.

The final line should read:

For Clean-Up and Disposal see: www.lamprecycle.org or 1-800-company number.

Summing all recommendations, the final recommended label would read:

(Hg) Contains Mercury X.X mg

Manage According to Disposal Laws.

For Clean-Up and Disposal see: www.lamprecycle.org or 1-800-xxx-xxxx

Therefore, NEMA strongly recommends using the *lamprecycle.org* site. The FTC proposal to use *epa.gov/bulbrecycling* is not as comprehensive at covering all of the required information as *lamprecycle.org* and, at best, should only be an option..

PRODUCT MERCURY LABEL

NEMA does not support the FTC's product mercury-labeling proposal for compact fluorescent lamps, but instead submits that marking with a circle Hg meets the spirit of the proposal – notifying the consumer about the fact that the lamp contains mercury.

Light bulbs are not like many other products, such as electronics. Most consumers purchase light bulb packages on a frequent basis. Many consumers purchase multi-packs, placing the extra bulbs in the pantry. A light bulb package is typically available for reference, unlike a refrigerator or TV box. As all light bulb packages will contain a uniform label, the consumer does not have to have the original package for reference. They can reference any light bulb package regardless of brand on hand. This makes extensive marking on the bulbs redundant and unnecessary to provide detailed mercury information.

The same light bulbs may be sold in different countries, requiring different languages. Requiring a lengthy marking on the product produces multiple problems for manufacturers if all relevant languages need to be printed on the bulb. This would necessitate an extensive and large area for printing. However, these products continue to shrink in size each year and have extremely limited space for any marking. For this reason, the industry agreed with the State of Vermont several years ago to simply place a circle-HG on the lamp, indicating that the lamp contains mercury. Additional detailed information on mercury is found on the package. Each character added takes precious space on the lamp base. There is no physical ability to place many additional characters on most lamps and certainly not enough room to place the statement “CONTAINS MERCURY. SEE epa.gov/bulbrecycling or 1-800-XXX-XXXX” on almost any lamp type made today, let alone in multiple languages. It is simply physically impossible. HG is the international symbol for mercury and requires no translation.

For these reasons, industry strongly urges FTC to mandate only the “HG in a circle” already in use today by many manufacturers as the product label.

Thank you for the consideration of these comments, and we look forward to working with you as this rulemaking progresses. If you have any questions or comments, please do not hesitate to contact Dain Hansen of NEMA Government Relations at (703) 841-3221 or dain.hansen@NEMA.org.

Sincerely,

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Kyle Pitsor
Vice President, NEMA Government Relations