

January 28, 2011

Federal Trade Commission  
Office of the Secretary  
Room H-113 (Annex N)  
600 Pennsylvania Avenue, N.W.  
Washington, D.C. 20580

RE: Lamp Labeling – Effective Date Extension, P-114200

To Whom It May Concern:

The Northeast Waste Management Officials' Association's (NEWMOA), Interstate Mercury Education and Reduction Clearinghouse (IMERC) is providing the comments below on the proposed changes to the Appliance Labeling Rule 16 C.F.R Part 305 [RIN 3084-AB03] as published in the Federal Register Vol. 75, No. 249, December 29, 2010 (75 FR 81943). The comments are in response to a petition submitted by the National Electrical Manufacturers Association (NEMA) on October 27, 2010 and the Federal Trade Commission's (FTC) proposed amendments based on the petition.

IMERC is comprised of member-state environmental agencies of California, Connecticut, Illinois, Louisiana, Maine, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, North Carolina, Rhode Island, Vermont, and Washington. The IMERC-member states that require mercury-added product labeling meet regularly as the IMERC Product Labeling Committee to discuss issues related to implementing their laws. These member states prohibit the sale of certain mercury-added products unless they have a label indicating the product contains mercury and addressing proper disposal and/or recycling of that product. IMERC is a program of NEWMOA. For more information visit: [www.newmoa.org/prevention/mercury/imerc.cfm](http://www.newmoa.org/prevention/mercury/imerc.cfm)

**General comment:**

IMERC believes that NEMA had sufficient time to address its member companies' concerns about new labeling requirements proposed in the draft Appliance Labeling Rule during the initial comment period and that FTC sufficiently addressed NEMA's concerns before publishing the final rule on July 19, 2010. However, the Clearinghouse is sympathetic to the complexities of implementing change throughout the product supply chain and supports NEMA's request to extend the effective date of the labeling requirements to January 1, 2012.

During this delay in implementation, the Clearinghouse strongly urges NEMA's member companies that manufacture lamps to take steps to educate consumers about the importance of energy-efficient lighting, why incandescent bulbs are becoming obsolete, and proper clean-up and disposal of lamps that contain mercury.

The Clearinghouse also urges FTC and the Department of Energy (DOE) to provide detailed guidance on consumer education efforts required as part of the final rule. While IMERC believes that NEMA member companies and other lamp manufacturers should take responsibility for educating consumers about their products, the member states believe the federal government must also play an important role in consumer education.

**A. Effective Date Extension for All Covered Bulbs:**

IMERC supports an extension of the Rule's effective date to January 1, 2012.

Consumers need access to new lamp packaging information as soon as possible. However, due to the complexities of global supply chains, the Clearinghouse believes a six-month delay in implementation of the rule is reasonable to allow a wide variety of manufacturers to come into compliance.

As stated above, the Clearinghouse strongly urges NEMA's member companies and other lamp manufacturers to conduct consumer outreach and education during the six-month delay in lamp labeling implementation. IMERC believes that the member companies are in the best position to develop and conduct these outreach campaigns. Some IMERC-member states have public outreach and education requirements in place for which NEMA has already created and implemented plans for its member companies in order to meet the states' requirements.

**B. Effective Date for CFLs:**

IMERC does not support an extension on the effective date for labeling of compact fluorescent lamps (CFLs).

The Clearinghouse believes that any further delay in implementing CFL labeling changes would negatively impact consumers' ability to make educated energy-efficient lamp purchasing decisions. The member states agree with FTC's response that labeling of CFLs should be implemented without delay to allow consumers to compare CFLs to other energy-efficient choices such as halogens and light emitting diodes (LEDs) as these lamps become more prevalent in the marketplace.

**C. Incandescent Bulbs Subject to New Federal Efficiency Standards:**

IMERC does not support allowing an exemption for additional incandescent bulbs not already exempted by the Rule.

During the proposed rule comment period, FTC had adequate time to consider exempting 75-watt incandescent lamps that will be eliminated by new EISA efficiency standards effective January 1, 2013 and certain incandescent reflector products that DOE efficiency regulations will eliminate on July 14, 2012. The Clearinghouse does not believe that NEMA has presented additional information to make a compelling argument as to why these lamp products should be exempt from the rule.

If FTC extends the Rule's effective date by six-months, IMERC does not believe that this extension should have a cascading effect and change other dates already established and published as the final rule.

**D. Formatting Requirements for Smaller Packages:**

IMERC does not support changing formatting requirements for smaller packages.

As stated in FTC's response, the Rule specifies minimum font, leading, and line thickness required on lamp labels. Those specifications have been judged to meet the member states' labeling requirements. Any changes to those specifications may cause some labels to no longer meet state requirements and may not be allowed for sale within those jurisdictions. The Clearinghouse supports the conclusions made in FTC's response to this request.

Sincerely,

Stephanie D'Agostino  
New Hampshire Department of Environmental Services  
IMERC Chair

cc:

IMERC Product Labeling Committee:

Robert Hannon, Connecticut Department of Environmental Protection  
Chris Piehler, Louisiana Department of Environmental Quality  
Enid Mitnik, Maine Department of Environmental Protection  
Jordan Macy, Massachusetts Department of Environmental Protection  
John Gilkeson, Minnesota Pollution Control Agency  
Peter Pettit, New York Department of Environmental Conservation  
Beverly Migliore, Rhode Island Department of Environmental Management  
Gary Gulka, Vermont Department of Environmental Conservation  
Maria Victoria Peeler, Washington Department of Ecology  
Becky Jayne, Illinois Environmental Protection Agency  
C. Mark Smith, Massachusetts Department of Environmental Protection  
Matthew Jones, Environmental Council of the States  
Ellie McCain, U.S. Environmental Protection Agency, OPPT