



May 16, 2012

Federal Trade Commission
Office of the Secretary
Room H-135 (Annex A)
600 Pennsylvania Avenue, NW
Washington, DC 20580

Re: AHRI Comments – Appliance Labeling Amendments, Matter No. R611004

Dear Sir/Ma'am:

These comments are submitted by the Air-Conditioning, Heating, and Refrigeration Institute (AHRI) in response to the Federal Trade Commission's (FTC) notice of proposed rulemaking (NPR) concerning disclosures with respect to energy consumption and water use of certain home appliances and other products that are covered by the Energy Policy and Conservation Act.

AHRI is the trade association representing manufacturers of heating, cooling, water heating, and commercial refrigeration equipment including manufacturers of commercial HVAC pumps. More than 300 members strong, AHRI is an internationally recognized advocate for the industry, and develops standards for and certifies the performance of many of the products manufactured by our members. In North America, the annual output of the HVACR industry is worth more than \$20 billion. In the United States alone, our members employ approximately 130,000 people, and support some 800,000 dealers, contractors and technicians.

We applaud FTC's efforts to eliminate duplicative requirements by harmonizing the FTC and the U.S. Department of Energy (DOE) reporting and testing rules. Several manufacturers currently submit certification reports to DOE and FTC through voluntary industry certification programs (VICPs), such as AHRI. We recommend that FTC continue to recognize the reporting mechanism through VICPs, so that manufacturers who are part of such programs can avoid the burden of duplicative reporting. Duplicative reporting requirements would not provide any benefit to consumers while considerably increasing the regulatory burden on manufacturers.

FTC should consider incorporating a reference in all EnergyGuide labels to the AHRI directory of certified product performance, www.ahridirectory.org, so that consumers can ensure that the correct equipment is installed in their region. The AHRI directory of certified equipment currently plays an important role in helping consumers make informed decisions when purchasing products that are covered under the Energy Policy and Conservation Act.

We feel that placing QR (“Quick Response”) codes on EnergyGuide labels should be optional for manufacturers and FTC should not make this a mandatory requirement. FTC should take into consideration the impact QR codes on the overall size of the EnergyGuide label and whether adding the QR codes on the label will create a space limitation. There is already a considerable amount of information that manufacturers are required to include on the EnergyGuide labels. Adding more content to the labels and linking QR codes to multiple websites will inundate consumers with information that could potentially be confusing and may or may not be helpful to them. The efficiency metrics that are currently required on EnergyGuide labels and are in the current federal energy conservation standards provide adequate information to consumers.

Should a manufacturer choose to include QR codes on the EnergyGuide labels, the manufacturer should be allowed to determine or create the websites that provide detailed product information. Manufacturers should not be required to provide detailed information, such as broad energy impacts and greenhouse gas emissions associated with the product’s use. Although DOE has announced that it plans to work collaboratively with the FTC to provide consumers with information about the broad energy use impacts and greenhouse gas emissions of covered products, such regulations are not in effect yet. Additionally, continuous maintenance of the websites could be burdensome for some manufacturers. Therefore, the QR codes and the websites that are linked to the codes should be kept optional and manufacturers should not be forced to comply with labeling requirements beyond those currently published in the Code of Federal Regulations.

As far as the language proposed in §305.6 is concerned, the manufacturer should not be required to make the EnergyGuide label available on a publicly accessible website. Manufacturers are currently responsible for applying the EnergyGuide label on their products, and they should not be required to meet any additional labeling obligations as it will unnecessarily make the process burdensome for them. The process would get more complicated for those manufacturers who procure products from other manufacturers and private label those products. We feel that through the current practice of applying the EnergyGuide labels on products, manufacturers adequately communicate product information to catalog sellers, thereby fulfilling their duties. The requirement for a label to remain on a manufacturer’s website for two years after the cease of production adds an unnecessary burden on the manufacturer. The requirement would force the manufacturer to allocate additional resources to maintain the website without adding any value to the product or providing any additional benefit to the consumer.

One of the objectives of this NOPR is to reduce regulatory burden on manufacturers. We believe that harmonization of the FTC and DOE reporting and testing rules helps achieve that objective. FTC’s continuing recognition of the reporting mechanism through VICPs like AHRI will also aid in reducing the regulatory burden on manufacturers and including a reference to the AHRI directory of certified product performance in the EnergyGuide labels will provide useful information to the consumers. Lastly, the QR codes, the website information associated with the QR codes and the language in §305.6 should be made optional by FTC, so that manufacturers are not unduly burdened by these provisions.

AHRI appreciates the opportunity to provide these comments. If you have any questions regarding this submission, please do not hesitate to contact me.

Sincerely,

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