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Vice President, Government Relations

August 15, 2014

Submitted online at: <https://ftcpublishcommentworks.com/ftc/energyguidereview/>

Mr. Hampton Newsome  
U.S. Federal Trade Commission  
Office of the Secretary  
Room H-113 (Annex Y)  
600 Pennsylvania Avenue, NW  
Washington, DC 20580

**RE: 16 CFR Part 305, RIN 3084-AB03, Project No. R611004**

Dear Mr. Newsome,

Thank you for the opportunity to comment on the Supplemental Notice of Proposed Rulemaking on Expanded Bulb Coverage for the Lighting Facts Label that was issued June 18, 2014.

As you may know, NEMA is the association of electrical equipment and medical imaging manufacturers, founded in 1926 and headquartered in Arlington, Virginia. Its 400-plus member companies manufacture a diverse set of products including power transmission and distribution equipment, lighting systems, factory automation and control systems, and medical diagnostic imaging systems. The U.S. electroindustry accounts for more than 7,000 manufacturing facilities, nearly 400,000 workers, and over \$100 billion in total U.S. shipments. These comments are submitted on behalf of NEMA Light Sources Section companies.

Thank you for the consideration of these industry comments. If you have any questions or comments, please do not hesitate to contact Alex Boesenberg of NEMA Government Relations at (703) 841-3268 or [alex.boesenberg@nema.org](mailto:alex.boesenberg@nema.org).

Sincerely,

Kyle Pitsor  
Vice President  
NEMA Government Relations

**COMMENTS OF THE NATIONAL ELECTRICAL MANUFACTURERS ASSOCIATION ON  
FEDERAL TRADE COMMISSION SUPPLEMENTAL NOTICE OF PROPOSED RULEMAKING  
(SNOPR) ON EXPANDED BULB COVERAGE FOR THE LIGHTING FACTS LABEL JUNE 18,  
2014**

1. On the proposed definition of Specialty Consumer Lamp:

(z) *Specialty consumer lamp* means:

(1) Any lamp that—

(i) Is not included under the definition of general service lamp in this part;

(ii) Has a lumen range between 310 lumens and no more than 2,600 lumens or a rated wattage between 30 and 199;

(iii) Has one of the following bases:

(A) A medium screw base;

(B) An intermediate screw base;

(C) A candelabra screw base;

(D) A GU-10 base; or

(E) A GU-24 base; and

(iv) Is capable of being operated at a voltage range at least partially within 110 and 130 volts.

NEMA Comment:

*Intermediate screw base lamps.*

Intermediate screw bases are rarely used, and nearly all the intermediate base lamps use incandescent technology. Many intermediate base lamps are decorative, colored lamps. There are virtually no intermediate screw-based CFL or LED lamps on the market. This fact is important because there are no alternative lamp type options with different levels of energy use for consumers to compare energy efficiency information that would be meaningful for consumer decision-making. The Energy Independence and Security Act of 2007 capped the wattage for these lamps at 40 watts, 121 STAT 1578 (Dec. 19, 2007) and did not establish a lumens per watt requirement or any other energy-related requirement for that lamp. Since that wattage information is already on the package of intermediate screw base lamps, the consumer already has all the energy use information they need to know for this product.

Additionally, screw base adapters that would make these usable in medium screw base applications are prohibited by EISA, so there is no potential loophole for these lamps to substitute for general service lamps.

Given very low sales volumes for intermediate screw base lamps, limited technology options, and no opportunity for substitution of intermediate screw base lamps for medium screw base general service lamps, we submit that there is no justification or rationale for imposing a mandatory labeling requirement for intermediate screw based lamps. Given no benefit to the consumer from the additional information and only significant cost to lamp manufacturers to relabel, there is no economic justification for this proposal.

While NEMA agrees that intermediate screw base lamps are a “specialty lamp,” the application of the lamp labeling rules to these lamps should be rejected. As the Commission notes in the Notice of Proposed Rulemaking, 79 Fed. Reg. 34642, 34643 (June 18, 2014), its authority for this rulemaking is derived from Section 321(b) of the Energy Independence and Security Act of 2007 (EISA), P.L. 110-140, 121 STAT 1584 (Dec. 19, 2007). That provision required the Commission to “consider reopening the rulemaking . . . if the Commission determines that further labeling changes are needed to *help consumers understand lamp alternatives.*” *Id.* (emphasis supplied). There are really no meaningful lamp alternatives to the intermediate

screw base incandescent lamp, and therefore the Commission cannot possibly “determine” that changes are needed to help consumers understand lamp alternatives in this case.

### *Candelabra base lamps*

In contrast, candelabra base lamps are available in incandescent, CFL and LED options. We agree on expanding labels to include these lamp types as long as no printing is required on the lamps themselves, as the printing would ruin the aesthetic characteristic and value of these lamps. The bases of CFL lamps with candelabra bases are extremely small. It may not be physically possible to print the FTC mercury label “Mercury disposal: [epa.gov/cfl](http://epa.gov/cfl)” in a minimum 8 point font on the limited surface area. If this label cannot fit, alternative options need to be provided. These may include decreasing the font size to as little as 5 point font, or shortening the phrase, or allowing just a circle Hg to be printed on the bulb base as long as the circle Hg symbol and URL are included on the packaging.

### *GU-10 and GU-24 base lamps.*

We are in agreement with the other proposed definition parameters.

## 2. On the proposed inclusions:

(2) *Inclusions.* The term *specialty consumer lamp* includes, but is not limited to, the following lamps if such lamps meet the conditions listed in paragraph (z)(1) of this section:

- (i) Vibration-service lamps as defined at 42 U.S.C. 6291(30)(AA);
- (ii) Rough service lamps as defined at 42 U.S.C. 6291(30)(X);
- (iii) Appliance lamps as defined at 42 U.S.C. 6291(30)(T);
- (iv) Plant light lamps; and
- (iv) Shatter-resistant lamps (including a shatter-proof lamp and a shatter protected lamp) as defined in 42 U.S.C. 6291(30)(Z).

NEMA Comment: NEMA agrees that these lamp types are specialty lamps. We also bring to the Commission’s attention that NEMA has just recently submitted to the Department of Energy a petition containing a proposed definition of plant light lamps.<sup>1</sup> NEMA does not agree that these lamps should require information identical to the disclosures required for general service lamps.

While Vibration Service, Rough Service, Appliance Lamps and Shatter-resistant lamps have the same base as standard incandescent lamps, they are generally less efficient than general service incandescent lamps and, because of their special characteristics and higher costs, they are poor substitutes for standard general service lighting applications. However, within these lamps types, there are alternative lamp technologies available. A label may inform a residential user of the lumen and life differences of vibration service, rough service, appliance and shatter-resistant lamps, and this information may have some value for the consumer.

In contrast, it is highly unlikely that a user will choose a plant light for standard lighting applications, due to their unique color spectrum. These lamps typically have no or very low lumen output. It is not a lamp that is suitable for general illumination. It is used to highlight the

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<sup>1</sup> “Plant light lamp means a lamp with an external attenuation coating designed to filter out certain wavelengths of visible light to enhance the color of plants or promote plant growth. The designation shall be on the lamp packaging, and marketing materials shall identify the lamp as being a plant light lamp or similar designation.”  
*Petition of the National Electrical Manufacturers Association  
To Undertake Rulemaking To Exclude Expressly Infrared Heat Lamps, Shatterproof Lamps, and Plant Lights from Coverage of Energy Conservation Standards for Incandescent Reflector Lamps* (July 29, 2014).

color of plants or for plant growth purposes. We do not agree that plant lights should have a mandatory labeling requirement. Plant light lamps should continue to remain excluded from mandatory labeling requirements. Producers can voluntarily display uniquely relevant information for plant lights as they deem appropriate.

3. On the proposed exclusions:

(3) *Exclusions.* The term *specialty consumer lamp* does not include:

- (i) A black light lamp;
- (ii) A bug lamp;
- (iii) A colored lamp;
- (iv) An infrared lamp;
- (v) A left-hand thread lamp;
- (vi) A marine lamp;
- (vii) A marine signal service lamp;
- (viii) A mine service lamp;
- (ix) A sign service lamp;
- (x) A silver bowl lamp;
- (xi) A showcase lamp;
- (xii) A traffic signal lamp;
- (xiii) A G-shape lamp with diameter of 5 inches or more;
- (xiv) A C7, M-14, P, RP, S, or T shape lamp.

NEMA Comment: Per our comments to items 1 and 2 above, add to the list of exclusions here: “(xv) Plant light lamps”, and “(xvi) Intermediate screw base lamps.” Otherwise, we agree with these exclusions.

4. On the proposed data submission requirements:

**§ 305.8 Submission of data.**

(a) \* \* \*

(3) This section does not require reports for general service light-emitting diode (LED or OLED) lamps or specialty consumer lamps.

NEMA Comment: We agree

5. On the proposed labeling requirements:

(c) *Specialty consumer lamps.* (1) Any specialty consumer lamp that is a vibration-service lamp as defined at 42 U.S.C. 6291, rough service lamp as defined at 42 U.S.C. 6291(30), appliance lamp as defined at 42 U.S.C. 6291(30), plant light lamp; or shatter resistant lamp (including a shatter proof lamp and a shatter protected lamp) must be labeled pursuant to the requirements in paragraph (b).

(2) *Specialty Lighting Facts Label Content.* All specialty consumer lamps not covered by paragraph (c)(1) of this section shall be labeled either in accordance with paragraph (b) of this section or as follows:

(i) The principal display panel of the product package shall be labeled clearly and conspicuously with the following information consistent with the Prototype Label \_\_ in Appendix L:

(A) The light output of each lamp included in the package, expressed as “Brightness” in average initial lumens rounded to the nearest five; and

(B) The estimated annual energy cost of each lamp included in the package, expressed as “Estimated Energy Cost” in dollars and based on usage of 3 hours per day and 11 cents (\$0.11) per kWh.

(C) The life, as defined in § 305.2(w), of each lamp included in the package, expressed in years rounded to the nearest tenth (based on 3 hours operation per day);

(ii) If the lamp contains mercury, the principal display panel shall contain the following statement:

“Contains Mercury For more on clean up and safe disposal, visit [epa.gov/cfl](http://epa.gov/cfl).”

The manufacturer may also print an “Hg[Encircled]” symbol on package after the term “Contains Mercury.”

(iii) If the lamp contains mercury, the lamp shall be labeled legibly on the product with the following statement: “Mercury disposal: [epa.gov/cfl](http://epa.gov/cfl)” in minimum 8 point font.

(4) *Standard Lighting Facts label format.* Information specified in paragraph (c)(3) of this section shall be presented on covered lamp packages in the format, terms, explanatory text, specifications, and minimum sizes as shown in Prototype Labels \_\_ in appendix L and consistent in format and orientation with Sample Labels in appendix L. The text and lines shall be all black or one color type, printed on a white or other neutral contrasting background whenever practical.

(i) The Lighting Facts information shall be set off in a box by use of hairlines and shall be all black or one color type, printed on a white or other neutral contrasting background whenever practical.

(ii) All information within the Lighting Facts label shall utilize:

(A) Arial or an equivalent type style;

(B) Upper and lower case letters;

(C) Leading as indicated in Prototype Label \_\_ in appendix L;

(D) Letters that never touch;

(E) The box and hairlines separating information as illustrated in Prototype Labels \_\_ in appendix L; and

(F) The minimum font sizes and line thicknesses as illustrated in Prototype Label \_\_ in appendix L.

(4) *Bilingual labels.* The information required by paragraphs (c) of this section may be presented in a second language either by using separate labels for each language or in a bilingual label with the English text in the format required by this section immediately followed by the text in the second language. All required information must be included in both languages. Numeric characters that are identical in both languages need not be repeated.

(d) For lamps that do not meet the definition of general service lamp or specialty consumer lamp, manufacturers and private labelers have the discretion to label with the Lighting Facts label as long as they comply with all requirements applicable to specialty consumer lamps.

\* \* \* \* \*

(f)(1) The required disclosures of any covered product that is a general service lamp or specialty consumer lamp shall be measured at 120 volts, regardless of the lamp's design voltage. If a lamp's design voltage is 125 volts or 130 volts, the disclosures of the wattage, light output, energy cost, and life ratings shall in each instance be:

\* \* \* \* \*

(4) For any covered product that is a general service lamp or specialty consumer lamp and operates at discrete, multiple light levels (e.g., 800, 1600, and 2500 lumens), the light output, energy cost, and wattage disclosures required by this section must be provided at each of the lamp's levels of light output and the lamp's life provided on the basis of the shortest lived operating mode. The multiple numbers shall be separated by a "/" (e.g., 800/1600/2500 lumens) if they appear on the same line on the label.

**NEMA Comment:** Please note our previous comments about the appropriateness or inappropriateness of required disclosures for the different types of specialty lamps.

For products sold in blister packs/cards, many of these existing packaging options are too small for any sort of label on the front, so manufacturers would have to increase the size of the blister pack. If the size of the package has to increase to accommodate the Lighting Facts label, retailers would be required to reset every peg board display in every store because of the new longer, wider (or both) packages. A conservative estimate places this cost around \$600,000 to \$750,000 (mostly labor). An additional manufacturer cost would be the increased material cost associated with the new, larger packaging. Likewise, blister cards have limited front space because that is where the blister is, so the Lighting Facts label might not fit on the front without changes to the label or to the package. It would help if we could refer the consumer to the back of the package where the label would appear, i.e. let the front label move to the back for blister packs.

Another potential way to mitigate this burden is to allow the front and back lighting facts labels on lamps to be reduced to 80% or enlarged to 120% based on the packaging space available. This type of adjustment is commonly allowed on similar types of labels required on food packaging.

### **Final Additional Comments**

1. Relative to this and the previous rulemaking for appliance labeling, Industry does not agree that URL links to lighting facts label images are necessary as part of the DOE Compliance Certification Management System (CCMS) process. Such a change would require a significant amount of work to update the links over time. The current system is workable. Industry disagrees with the assessment that the proposal benefits consumers and does not cause any burden due to the perceived requirement for manufacturers to update thousands of entries to add a URL. The average consumer will not look to the CCMS database for URL

information; they will go to a company website first. Likewise, manufacturers already maintain their own databases, so the CCMS database is not necessarily useful as a repository for industry. Changing the CCMS reporting requirements to include the link to the Lighting Facts label is an unnecessary burden on industry with little benefit to the consumer.

2. Lighting Facts label templates available on the FTC website currently do not show a non-Mercury labelled Standard Wide Format or a Non-Mercury labelled Standard Tall Format. Industry requests that FTC show these labeling options without the mercury label as an official template.

3. Per the discussion under the supplemental proposal clause II K regarding Range Revisions (see pages FR 34656-7), industry agrees with the FTC decision to continue to update cost information no sooner than every 5 years.