



1111 19th Street NW > Suite 402 > Washington, DC 20036  
t 202.872.5955 f 202.872.9354 www.aham.org

August 18, 2014

Submitted Online

Hampton Newsome  
Attorney, Division of Enforcement  
Bureau of Consumer Protection  
Federal Trade Commission  
Room M-8102B  
600 Pennsylvania Ave., NW  
Washington, DC 20580

<https://public.commentworks.com/ftc/energyguidereview>

Re: AHAM Comments; Supplementary Notice of Proposed Rulemaking on Energy Labeling Rule Regulatory Review (16 CFR Part 305) (Project No. R611004)

Dear Mr. Newsome:

The Association of Home Appliance Manufacturers (AHAM) respectfully submits the following comments to the Federal Trade Commission (FTC or Commission) on its Supplementary Notice of Proposed Rulemaking on Energy Labeling Rule Regulatory Review (16 CFR Part 305) (Project No. R611004), 79 Fed. Reg. 34642 (June 18, 2014).

AHAM represents manufacturers of major, portable and floor care home appliances, and suppliers to the industry. AHAM's more than 150 members employ tens of thousands of people in the U.S. and produce more than 95% of the household appliances shipped for sale within the U.S. The factory shipment value of these products is more than \$30 billion annually. The home appliance industry, through its products and innovation, is essential to U.S. consumer lifestyle, health, safety and convenience. Through its technology, employees and productivity, the industry contributes significantly to U.S. jobs and economic security. Home appliances also are a success story in terms of energy efficiency and environmental protection. New appliances often represent the most effective choice a consumer can make to reduce home energy use and costs.

AHAM appreciates the Commission's efforts to review the Energy Labeling Rule to update it, increase its effectiveness, and reduce burden on manufacturers. We thank the Commission for proposing to update the disclosed metric on the room air conditioner label and for not proposing to change the timeline for revisions to ranges of comparability. We strongly oppose, however, the Commission's proposal to consolidate ranges for many refrigerator/freezers. We also have concerns, detailed below, regarding the Commission's proposals to develop an online label

database and require more durable labels for refrigerator/freezers, dishwashers, and clothes washers.

## **I. Online Label Database**

FTC indicated that it believes that a centralized public database with easy access to labels would benefit consumers. Thus, FTC and Department of Energy (DOE) staff are considering regulatory changes to require manufacturers to submit URL links to covered product labels as part of their CCMS submissions. Under this proposal, manufacturers may be required to post a link on the webpage displaying the label corresponding to each of their covered products. FTC did not propose specific regulatory text for this proposal, but did seek comment on the proposal.

FTC stated that it believes the proposal will benefit consumers and retailers. According to the Commission, consumers will have access to a comprehensive database, DOE's Certification Compliance Management System (CCMS), that will include label images for covered products and online retailers will have access to digital labels for advertising. FTC does not believe that the proposal will create undue burden on manufacturers because a manufacturer could add a link from its webpage. FTC believes that the only added burden on manufacturers would be to paste URL links to web pages that already exist and to delete links when removing or replacing corresponding web pages.

Without the proposed regulatory text, it is difficult to fully evaluate the proposal. Based on the limited information the Commission provided, however, AHAM opposes the concept of a requirement for manufacturers to post links to labels. Given the absence of proposed regulatory text, should the Commission continue to pursue this proposal above our objection, we would respectfully request that FTC not finalize this proposal until it proposes regulatory text and allows stakeholders with a more meaningful opportunity to comment. In the interim, AHAM has a number of questions and concerns about the (incomplete) proposal:

- Certification on CCMS may often occur far in advance of entering a product into commerce or even designing the label. The manufacturer's website containing the label is not usually available at the same time as the CCMS certification. And making the website available before certification could be considered marketing before certification, which would be inconsistent with DOE's requirements.<sup>1</sup> This could also result in marketing a product as meeting ENERGY STAR criteria before it receives final approval from EPA because the ENERGY STAR certification could be in process at the same time certification occurs.

---

<sup>1</sup> See, e.g., 10 C.F.R. 429.12(a) ("Each manufacturer, before distributing in commerce any basic model of a covered product or covered equipment subject to an applicable energy conservation standard set forth in parts 430 or 431, and annually thereafter on or before the dates provided in paragraph (d) of this section, shall submit a certification report to DOE certifying that each basic model meets the applicable energy conservation standard(s)."). EPCA defines "distribute in commerce" as "to sell in commerce, to import, to introduce or deliver for introduction into commerce, or to hold for sale or distribution after introduction into commerce."

- Whether consumers will benefit if FTC (and DOE) adopt this proposal is questionable at best. AHAM does not believe that consumers use CCMS as a resource in shopping for products. EPA agrees.<sup>2</sup>
- We are also not aware that retailers use CCMS as a reference. The labels are already available to retailers per FTC's requirements. There is no added benefit to providing the link on CCMS. In addition to availability on manufacturer websites per FTC's requirements, it is simple to "google" a model number and pull up a label.
- Some manufacturers provide information other than the label on the webpage that includes the label. Would the CCMS link need to be just an image of the label? If so, that would require redesign of web pages for some manufacturers.
- The label image could be on a private labeler's website and a requirement to provide the link could require additional coordination with the private labeler that could slow down the certification process and increase burden.
- Does FTC view this proposal as a way to mitigate the incidence of missing labels on showroom floors? If so, AHAM would have concerns because it is unlikely that a printed copy of the label from a website would meet the other durability requirements for the label that already exist and that FTC is proposing in this rulemaking.

In addition, we disagree with the Commission's conclusion that the proposal will not create undue burden on manufacturers. To comply with what FTC is proposing would not be as simple as cutting and pasting a link or deleting links that are no longer relevant. Changes to the web page link would now require revisions to CCMS, which is an added burden. In addition, it will require constant supervision to determine when CCMS certifications need to be updated to include new or revised links. The initial change to include the link in annual certifications will add burden because manufacturers will need to look up the webpage for each and every model. Depending on the number of models in a manufacturer's product line, that could be a significant amount of time. In addition, as mentioned above, it would require coordination with private labelers.

Adding information to certification reports, especially information like a website that may be frequently revised, also increases the potential for error in certification reports. These typos or untimely updates to links could be considered certification violations by DOE and, thus, could subject manufacturers to civil penalties.<sup>3</sup>

---

<sup>2</sup> See EPA, ENERGY STAR Draft Version 1.0 Clothes Dryer Specification Supplemental Proposal (Dec. 19, 2013) ("While there are publicly available sources of U.S. dryer energy efficiency data available online (e.g., the DOE Certification Database and the California Energy Commission Appliance Database), these data sets are not necessarily geared to a typical consumer.").

<sup>3</sup> See DOE, Civil Penalties for Energy Conservation Standards Program Violations – Policy Statement (Issued May 7, 2010; Rev. Mar. 13, 2014) ("In the past, DOE has generally sought penalties only for a failure to submit a certification report or for significant inaccuracies in certification reports; however, DOE may seek penalties for repeated submissions of invalid certification reports.").

Given these concerns and ambiguities, if FTC and DOE proceed with this proposal, the agencies should not only work together, but should also discuss the concept thoroughly with manufacturers before making a proposal. And, specific regulatory text should be proposed so that interested parties have the opportunity to comment.

## **II. Refrigerator Comparability Range Categories**

The Commission proposes consolidating ranges for certain types of refrigerator/freezer models. The Commission believes that the consolidation of ranges will facilitate comparison shopping across different model configurations, simplify the range categories, and alert consumers to the relative energy efficiency of various refrigerator types. In making its proposal, FTC relied on data presented by energy efficiency advocates (the Joint Commenters):

- A. In 2012, the Joint Commenters indicated that 40 percent of visitors to consumer reports' online refrigerator/freezer ratings reviewed multiple configurations. But Consumer Reports is known for informative editorial reviews, including features *beyond energy*. It looks at temperature performance, noise, ease of use, capacity, and other non-energy related features. It is likely that consumers would go to this online resource to narrow their choices prior to shopping.
- B. The Joint Commenters argued that, according to AHAM data, more than half of side-by-side refrigerator-freezer owners buy replacement units with a different configuration. The Joint Commenters believe that this is a conservative estimate because it does not include owners who bought similarly configured replacement units with different features. AHAM notes that consumers who bought similarly configured replacement units with different features were able to compare the energy cost implications of that decision under the current labeling approach and, thus, it does not seem relevant. In addition, it does not necessarily follow that simply because a consumer replaced a unit with a different configuration, they initially considered more than one configuration. It could be that a consumer decided to replace a side-by-side refrigerator-freezer with a top- or bottom-mount and shopped specifically for that model. What this data point demonstrates is simply that consumers are about as likely to replace a side-by-side model with another side-by-side model as they are to select another configuration. That could mean that, 46 percent of the time, consumers are shopping only for one configuration (side-by-side) and the other 54 percent of the time they consider something else—that something else could be limited to one configuration or could be an array of configurations. We are not aware of data demonstrating whether consumers replacing side-by-side configuration models with other configurations shop with a particular configuration in mind or not. Accordingly, the Commission should not base its decision on this data point.

- C. A survey of EarthJustice members showed that more than 2/3 of respondents indicated that a label that compared across subcategories would be more likely to assist them in making purchasing decisions. The Commission should disregard this data because it comes from a biased sample of respondents that may have a better understanding of energy consumption than the average consumer. In fact, AHAM data show that awareness of the EnergyGuide label is slightly higher among energy conscious consumers and that those consumers have a much higher understanding of the label than the general population. Making changes to the current label will likely un-do any progress FTC has made in educating the public on the label, as discussed more fully below. AHAM hopes to provide updated data, at a later date, on this point to the Commission for inclusion on the docket.
- D. The Joint Comments suppose that, even if some consumers limit themselves to a certain configuration, an EnergyGuide label illustrating the cost range over all categories may spur them to consider other categories. This supposition is not based on any data—the Commission should not rely on it in making its final decision. As described more fully below, AHAM also questions the accuracy of this supposition.

The Commission sought comment on its proposal. The Commission did not, however, provide proposed regulatory text. Instead, FTC stated that “proposed changes to ranges would require extensive conforming amendments. In the interest of brevity, the Commission has not included specific language in this document.” Without a specific proposal on regulatory requirements, it is impossible to fully evaluate or comment on the Commission’s proposal, which would represent a significant change in the way refrigerator/freezers are labeled. Nevertheless, based on the limited information the Commission provided, AHAM strongly opposes the concept of consolidating the comparability ranges. Should the Commission continue to pursue this proposal, over AHAM’s strenuous objection, we request that the Commission not issue a final rule until it has proposed specific regulatory language and allowed stakeholders a formal opportunity to comment on its proposal.

AHAM believes that the existing product categories provide valuable information to consumers on features, such as through-the-door ice, and help provide consumers with groupings for comparison. This helps to reduce the amount of information consumers are required to compare. Energy cost is not the only relevant factor for comparing a product and making a purchase decision, and the existing labeling scheme recognizes that. Configuration is very important to the consumer, particularly because of space considerations in the home. When replacing, AHAM always recommends considering door-swing. The dimensions of a door are greatly influenced by the product’s configuration. For example, the door swing of a top-mount refrigerator-freezer is much wider than a side-by-side door swing. One must first consider the configuration of a replacement to determine if the new unit will fit in the existing space. A consolidated range label could mislead consumers to buy products solely based on an annual cost to operate rather than meeting their other product needs.

AHAM is also concerned that the consolidated range will be too wide and will, therefore, actually provide consumers with less information and un-do some of the improvements FTC made to the label. Under the current labeling scheme, consumers can still compare across

product categories even if the ranges on each label are not all-inclusive. But, if the comparability range is too wide, consumers will lose the ability to easily compare within product configurations because models with larger differences in annual cost to operate will appear closer to each other on the scale.

Regarding the specific product configurations to be combined together for purposes of the range of comparability, FTC's selections seem arbitrary. The consolidated categories do not seem to correspond to what consumers might compare and are not based on any empirical data on consumer shopping habits. Without that data, the Commission must not proceed with this proposal. AHAM is currently researching how consumers make decisions on refrigerator-freezer purchases and, if AHAM is able to obtain meaningful data within the next couple of months, we will share it with the Commission for inclusion on the docket.

In addition, the Commission's arbitrary consolidation of categories is not consistent with the Energy Policy and Conservation Act's, as amended, (EPCA) intent.<sup>4</sup> EPCA delineates in law and DOE's regulations implement specific refrigerator/freezer product categories. Those product classes were identified not by chance or by some arbitrary whim, but rather by a recognition that refrigerator/freezer configurations represent significant specific consumer benefits, preferences, and utilities.<sup>5</sup> In fact, EPCA's safe harbor provision protects these categories.

The Commission should not attempt to overrule this simply because the Joint Commenters have proposed it. The idea—accepted by the proactive ENERGY STAR program—is to provide comparable information for comparable products. And the fact is, consumers consider these products to be quite different. Of course, consumers should consider energy consumption when they determine whether to buy one feature/configuration or another, and, as discussed above, they easily and practically can do this now since the labeled energy consumption information allows for that comparison without the need to combine the categories. The Commission's proposed action essentially would undermine the emphasis on consumer interests that Congress enacted by making it difficult to determine within any configuration which are the least consuming products.

---

<sup>4</sup> DOE has stated, for example, that, per EPCA “[i]n evaluating and establishing energy conservation standards, DOE generally divides covered products into classes by the type of energy used, or by capacity or other performance-related feature that justifies a different standard for those products. . . . In deciding whether a feature justifies a different standard, DOE must consider factors such as the utility of the feature to users.” Energy Conservation Program: Energy Conservation Standards for Residential Refrigerators, Refrigerator-Freezers, and Freezers, Final Rule, 76 Fed. Reg. 57516, 57534 (Sept. 15, 2011).

<sup>5</sup> See, e.g., *id.* at 57535 (“EPCA provides that separate product classes be based on either (A) consumption of a different kind of energy from that consumed by other covered products within such type (or class); or (B) a capacity or other performance-related feature which other products within such type (or class) do not have, where such feature justifies a higher or lower standard from that which applies to other products within such type (or class). . . . The second of these criteria applies to all of the new product classes in this [refrigerator/freezer] rulemaking.”).

### **III. Retailer Responsibility**

In response to comments urging the Commission to hold retailers responsible for ensuring the label's presence on covered products sold in their stores, the Commission indicated that it plans to pursue its proposals for improvements in label design to increase label presence on showroom display models before pursuing new responsibilities for retailers.

AHAM continues to believe that retailer responsibility needs to be addressed, though perhaps not through a rule change given that the rule already prohibits removal or rendering illegible the EnergyGuide label. The Commission's regulations, 16 C.F.R. 305.4, prohibit manufacturers, distributors, retailers, and private labelers from knowingly removing or rendering illegible any marking or label required by the rule.

AHAM agrees with the Commission that it is beneficial to ensure that consumers are able to easily and readily access the information on the EnergyGuide label. (Our comments on the Commission's proposals for label design improvement are detailed below). As important as label design, however, are Commission statements about the implications of removing the label at different points in the retail chain. We note that missing labels on showroom floors, for example, are not the manufacturer's responsibility. Once the units leave the factory, they are no longer under the manufacturer's control. In fact, retailers become the owners of the products they sell to consumers. In order to address issues of missing labels on showroom floors, therefore, we respectfully request that the Commission expressly state, either in the preamble to the final rule or in the rule itself, that once a product leaves the manufacturer's control, ensuring the presence of labels is no longer the manufacturer's responsibility. And the Commission should consider these facts as it decides where to focus its enforcement discretion.

### **IV. Schedule For Range Revisions**

The Commission did not propose changes to update the schedule for comparability ranges and fuel rates. AHAM agrees that the Commission should not update the schedule for comparability ranges and fuel rates—the current five year schedule should be retained. The existing five-year schedule strikes the proper balance between maintaining consistent labels and providing updates to the cost and range updates. The transition periods between updates creates inconsistent labels which causes confusion, makes comparison shopping more difficult, and may reduce consumer confidence in the label. As the Commission noted, frequent updates could also impact label information during the transition periods and make it difficult for consumers to compare old and new labels.

### **V. More Durable Labels for Clothes Washers, Dishwashers, and Refrigerators**

The Commission declined to propose a required adhesive label, but did propose to retain adhesive labels as an *option*. Based on AHAM's previous comments, the Commission reasoned that it did not want to impose labeling requirements that could lead to the damage of stainless steel products and cause significant costs to manufacturers. AHAM thanks the Commission for not pursuing required adhesive labels and agrees that adhesive labels should remain an option for labeling.

The Commission did, however, propose amending its rule to require that hang tags be affixed using cable ties, double strings with reinforced punch holes, or material with equivalent or greater strength, connected with reinforced punch holes. In FTC's view, these methods "should" improve label resilience, which, in turn, "should" reduce the incidence of missing labels. The Commission invited comments on its proposal, including suggestions of other effective label attachment methods.

AHAM appreciates the Commission's efforts to attempt to decrease the incidence of missing labels. But we oppose FTC's proposal because we do not believe it is likely to accomplish that goal (though it will increase cost to manufacturers). The Commission has not presented any data to suggest that the proposal will increase label durability or, more importantly, that increased label durability will reduce the incidence of missing labels. And the proposal will add cost and burden to manufacturers. Without data to justify that additional burden, FTC cannot move forward with its proposal.

We question whether the Commission's proposal will decrease missing labels. The fact remains that the attaching material (cable tie, double string, etc) is stronger than (even reinforced) paper. If a consumer (or retailer) is determined to remove the tag, it will still be possible. In addition, depending on the product, it is possible that this proposal will have no impact. For example, for a refrigerator without a wire shelf or door handle, there may be no option but to tape the tag to a shelf. The strength of that attachment will not change because cable ties or double strings are used—tape will still be holding the cable tie or double string to the shelf.

This is a good example of a situation requiring increased interaction between the Commission and retailers. For example, FTC could work with retailers to find ways for retailers to display labels in such a way that consumers do not try to detach labels (or that retailers themselves do not feel compelled to remove them in order to effectively display the product). Retailers are in the best position to display labels in a way that prevents removal.

Moreover, most labels never see the showroom floor because only a handful of units are used as display models. Most labels will be viewed by consumers only upon delivery of the product and, at that point, consumers want to be able to easily remove the label from the product. Thus, the Commission's proposal is not narrowly tailored to address the issue at hand. And this further supports our above suggestion that the Commission explore other methods for retailers to display the labels rather than addressing missing labels by increasing durability requirements with which manufacturers must comply.

If the Commission does move forward with its proposal, how long will manufacturers have to make the changes to the label?

## **VI. Labels on Room and Portable Air Conditioner Boxes**

The Commission proposed to require EnergyGuide labels on room air conditioner boxes. The Commission sought comment on its proposal, including whether two years is sufficient lead-time to come into compliance without undue burden, or whether the changes can be made more quickly.

If Canada would agree to harmonize its EnerGuide labeling requirements with the Commission's proposal, AHAM would not object to the proposal to require EnergyGuide labels on room air conditioner boxes as set forth in the Commission's current proposal. Accordingly, we respectfully request that FTC work with Natural Resources Canada to see whether it would be possible to change the label in Canada. The same products are sold in the U.S. and Canada, and so harmonization is critical. It is also consistent with the President's directive to agencies regarding international regulatory cooperation.<sup>6</sup> If the Commission does move forward with the proposal and Canada will harmonize its requirements *on the same timeline*, then AHAM believes that a two year period to implement the changes would be acceptable, assuming that those changes would be from the date the product is manufactured and that products that are labeled prior to the effective date, including imports, need not comply.

If harmonization with Canada is not possible, AHAM must strongly oppose the proposal. Because the same room air conditioners are generally sold in both the US and Canada, without harmonization, the Commission's proposal would necessitate a label on the product to comply with Canadian requirements and one on the box to require with US requirements. Accordingly, the burden, cost, and complexity of complying with the Commission's proposed change would be too high if requirements in North America were not harmonized.

## **VII. New Energy Metric On Room Air Conditioner Labels**

Per AHAM's request, the Commission proposed to change the room air conditioner label to replace EER ratings with CEER ratings consistent with recent DOE energy conservation standards changes. AHAM strongly supports this change and thanks the Commission for proposing it so that the label will be consistent with the metric manufacturers are now reporting to DOE.

---

<sup>6</sup> See Executive Order, Promoting International Regulatory Cooperation (May 12, 2012) ("The regulatory approaches taken by foreign governments may differ from those taken by U.S. regulatory agencies to address similar issues. In some cases, the differences between the regulatory approaches of U.S. agencies and those of their foreign counterparts might not be necessary and might impair the ability of American businesses to export and compete internationally. In meeting shared challenges involving health, safety, labor, security, environmental, and other issues, international regulatory cooperation can identify approaches that are at least as protective as those that are or would be adopted in the absence of such cooperation. International regulatory cooperation can also reduce, eliminate, or prevent unnecessary differences in regulatory requirements.")

## **VIII. Portable Air Conditioner Labels**

The Commission proposed requiring EnergyGuide labels for portable air conditioners in light of DOE's recent proposal to designate these products as covered products under EPCA. The Commission expects the rule would require the same or similar labeling as that required for room air conditioners. No label would be required until DOE completes a test procedure. The Commission sought comment on its proposal, including whether different treatment from room air conditioners is appropriate.

AHAM does not oppose EnergyGuide labels for portable air conditioners, assuming DOE finalizes a regulation including these as covered products and completes a test procedure. We note, however, that FTC must have the requisite data to demonstrate that a label is appropriate per EPCA's requirements. And, before finalizing a rule, FTC should provide a more detailed proposal and allow stakeholders the opportunity to provide comments.

If the Commission moves forward with a portable air conditioner label, we agree that these products are similar to room air conditioners and, thus, that the label requirements should be similar. Like room air conditioners, retail display of portable air conditioners is mixed (both in and out of the box) and, so, AHAM would not oppose requiring the label to be in the same location as the room air conditioner label.

## **IX. Clarifications to Refrigerator/Freezer Labels**

### **A. Appendix References**

It has come to AHAM's attention that 16 C.F.R. 305.7 still references 10 C.F.R. 430, Appendices A1 and B1 instead of Appendices A and B for the measurement of volume. As of September 15, 2014, DOE will require volume to be measured per Appendices A and B, and thus, we respectfully request that FTC issue a correction to its regulation to update this reference.

### **B. Products Operable As Refrigerator Or Freezer**

DOE's recent final rule amending the refrigerator/freezer test procedure indicates that refrigerator/freezers that are convertible (i.e., can operate as a refrigerator or a freezer) must be tested and certified as meeting both the refrigerator standard and the freezer standard. AHAM seeks clarification on how these products should be labeled. We would suggest that convertible products be labeled with the most energy intensive configuration, which would be consistent with how manufacturers are currently labeling those products (because, before DOE's rule, we understand industry practice was to certify convertible products according to the most energy intensive configuration).

## **X. Correction to Clothes Washer Label Regulation**

It has come to AHAM's attention that the font size for two locations on the clothes washer EnergyGuide label (transitional label) is too large and will cause text not to fit in the "black box" areas. Specifically, the font size for the dollars per year for gas water heating is required to be 50

font size. But, if size 50 is used, it seems to displace the text below it such that the third line of text will not be visible. Instead, we believe the font size should be 36. Similarly, the text “(when used with natural gas water heater),” is required to be size 11. If that size is used, however, the word “heater” will not fit into the black box. Accordingly, we believe font size 9 should be used.

We also note that FTC’s website for the transitional label seems to have different information. The template shows the word “only” to be in lowercase letters and includes the text “These appliances were tested according to the same US Government requirements,” whereas the link to Appendix L shows the word “only” in uppercase letters and includes the correct text, “Labels with yellow numbers are based on the same test procedures.” We respectfully request that FTC correct the template to conform to the requirements in Appendix L.

## **XI. QR Codes on EnergyGuide Labels**

The Commission did not propose requiring QR codes on EnergyGuide labels. AHAM agrees with FTC’s determination that it is premature to propose or adopt a specific vehicle for linking consumers to supplemental information.

The label already contains the information consumers need. And the label is already crowded. Adding QR codes to it would only serve to confuse consumers. Manufacturers should have the ability to add QR codes to their own labels (i.e., those other than the EnergyGuide label) and product literature and to direct consumers to their website, not to a government or other outside website that provides only redundant information already available on the EnergyGuide label or elsewhere. As FTC recognized, use of QR codes is rapidly evolving—thus, we agree that the Commission should avoid prescriptive rules at this stage.

In addition, as we previously commented, a required QR code would be overly burdensome, especially if it required additional data collection and/or reporting (GHG emissions, etc.). To add a QR code to the label would require special software be developed. And manufacturers already have burdensome annual reporting requirements under the Commission and DOE rules. There is no need to add to that burden with a requirement that would serve only to provide unnecessary or duplicative information to consumers.

AHAM appreciates the opportunity to submit these supplemental comments on the FTC’s Supplementary Notice of Proposed Rulemaking on Energy Labeling Rule Regulatory Review, and we would be glad to further discuss this matter should you so request.

Respectfully Submitted,

Jennifer Cleary  
Director, Regulatory Affairs