



**Kelley Kline**  
Counsel, Regulatory &  
Product Stewardship Program Manger

Appliance Park  
AP2-225  
Louisville, KY 40225T 502-452-7603  
kelley.kline@ge.com

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Federal Trade Commission  
Office of the Secretary  
600 Pennsylvania Avenue NW  
Suite CC-5610 (Annex E)  
Washington, DC 20580

<https://ftcpublic.commentworks.com/ftc/energylabeling>

**Re: GE Appliances Comments on FTC's Energy Labeling Amendments (16 CFR Part 305)(Project No. R611004)**

GE Appliances (GEA) respectfully submits these comments in regard to FTC's Energy Labeling Amendments (16 CFR Part 305)(Project No. R611004). We would like to incorporate by reference the comments of the Association of Home Appliance Manufacturers, and, with the exception of certain additions on water heater labels described below, the concerns outlined by AHRI.

### **I. Online Label Database**

As with AHAM, GEA opposes the requirements for manufacturers and private labelers to submit links to their EnergyGuide labels through Compliance Certification Management System (CCMS) reports. While this may prove workable for certain product types, such as those covered by the AHRI Directory which handles certification and the creation of a PDF EnergyGuide label for participating members, this would only cover a fraction of the products covered by this rule. For the majority of products such as major appliances, no such system exists and the FTC proposal raises practical realities in product certification/path to market.

As well outlined by AHAM, CCMS certification is often undertaken well ahead of, or at a minimum on a different path from, creation of an EnergyGuide label for a product. This raises significant timing concerns, with potential implications for delaying product CCMS certifications while product labels/marketing materials are created and/or pushing product certifications as a matter of course to a later point in the product development cycle. Both of these potential scenarios raise questions about DOE's interpretation of when a product is distributed in commerce (and thus required to be certified). In addition, it will create substantial burdens on manufacturers to monitor links over the lifetime of a product to ensure there are no

changes over time, in systems that may be out of their control, to ensure CCMS reports remain accurate. Given this tension, at a minimum, this proposal should be conducted through a DOE rulemaking regarding the CCMS system, but in our view, given its questionable additional value, should be abandoned at this time.

## **II. Proposed Water Heater Label**

GEA agrees that water heater labels should be modified in response to the new DOE test procedure for water heaters, and supports FTC's direction in this effort. GEA shares the concerns outlined by AHRI related to First Hour Rating, Storage Vessel Capacity, and Ranges of Comparability, and adopts them by reference. GEA does, however, believe both the FTC and AHRI proposal do not include certain important elements, highlighted below, and have included a proposed revised label illustrating those concepts as Attachment A.

### **A. Transitional Label**

Similar to recent test procedure changes for refrigerators and clothes washers, the significance of the test procedure changes triggers changes in the energy information that should be disclosed. It is critical to highlight for the consumer the transition in energy metrics for water heaters to aid them in their comparison shopping during this transitional period. In the refrigeration and clothes washer examples, FTC adopted a label format clearly indicating the energy cost and electricity use in yellow text framed by block boxes and containing the statement "Compare ONLY to other labels with yellow numbers. Labels with yellow numbers are based on the same test procedures." Changes like these are especially critical for water heaters where the test procedure amendment is driving numerous changes including a change in metric from EF to UEF and focus on First Hour Rating. To that end, we have suggested a modified label, included as Attachment A, incorporating the same yellow test/black box configuration and statement cautioning to only compare to similar labels described above. This proposed label also includes a reference to "Hourly Hot Water Output" implies a time period beyond the first hour, GE suggest to change this to "Hot Water Output" rather than "Hourly Hot Water Output" along with a clarification that the term refers to "(How much hot water you get in 1<sup>st</sup> hour)" to address the concern that as proposed to FTC it may imply a timer period beyond the first hour.

### **B. Estimated Yearly Electricity Use**

GEA believes it is important to continue to include the estimated annual energy use in therms or kWh for gas and electric products respectively. Given the potential significance of the label changes, it is important to retain this fundamental metric indicating the amount of energy use, and not rely on a consumer to complete a conversion with annual energy cost to reach a direct comparison between products. The proposed label at Attachment A illustrates a way to maintain this metric while also incorporating the other important features detailed above and in the proposed FTC and AHRI labels.

### III. Miscellaneous

For purposes of additional clarity in implementation of the labeling rules, GEA also asks the FTC to consider certain updates to the sample labels for Refrigeration contained in Appendix L to address observed areas of confusion. Specifically, 16 CFR §305.7 is clear that the capacity of refrigeration products shall be the total refrigerated volume (VT) rounded to the nearest one-tenth of a cubic foot, as determined according to appendix A to 10 CFR part 430, subpart B. To remove any potential confusion, FTC should update its sample label in Appendix L to specify a capacity of "23.0 Cubic Feet." In addition, it would be helpful in 16 CFR 305.11 to be more specific in terms of required Refrigerator-Freezer attributes that are outlined in Appendix L (automatic defrost, side-mounted freezer, through the door ice) to specify that these are meant to be a finite list of attributes, in reference to defining the relevant product classes contained within the appendices of A1-B3. GEA has observed instances of product descriptors (e.g. with an automatic icemaker) not associated with these classifications being used, and believe there may be ambiguity on this point. As such, GEA urges FTC to consider referring specifically to the required label content on product attributes, as it has done with other portions of the label covered in 16 CFR 305.11(9), to resolve this ambiguity.

GE Appliances appreciates the opportunity to submit these comments related to FTC's Energy Labeling Amendments (16 CFR Part 305)(Project No. R611004), and are happy to answer any question you may have.

Sincerely,

Kelley Kline 



U.S. Government

Federal law prohibits removal of this label before consumer purchase.

# ENERGYGUIDE

Water Heater – Heat Pump

Tank Size: 50 gallons

XXX Corporation

Model XXX-X



**Compare ONLY to other labels with yellow numbers**  
Labels with yellow numbers are based on the same test procedures.

## Estimated Yearly Energy Cost

**\$220**

\$220

Cost range of "Medium" Usage Models

\$264

## Hot Water Output

(How much hot water you get in 1<sup>st</sup> hour)

very small	low	<b>medium</b>	high
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**1830** kWh

Estimated Yearly Electricity Use

**Your cost will depend on your utility rates and use.**

- ◆ Cost range based only on heat pump water heater models of similar capacity.
- ◆ Estimated energy cost based on a national average electricity cost of 12 cents per kWh.
- ◆ For more information, visit [www.ftc.gov/energy](http://www.ftc.gov/energy)

