



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

February 19, 2019

Via Online Comment Portal

Secretary Donald S. Clark  
Federal Trade Commission  
Office of the Secretary  
600 Pennsylvania Ave., NW  
Washington, D.C. 20580

<https://ftcpublishcommentworks.com/ftc/energylabeling>

Re: Energy Labeling Reorganization (16 CFR 305), Project No. R611004

Dear Secretary Clark:

The Association of Home Appliance Manufacturers (AHAM) respectfully submits the following comments to the Federal Trade Commission (FTC or Commission) on its proposed Energy Labeling Reorganization, (16 CFR Part 305), Matter No. R611004, (Dec. 10, 2018).

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 supports the FTC and Department of Energy (DOE) in efforts to save energy and help consumers make informed purchase decisions by energy use and efficiency. We recognize that an integral part of the appliance program is appliance labeling.

Overall, AHAM supports this amendment of reorganizing energy labeling rules under 16 CFR Part 305. It does streamline some areas and reduce redundancy. AHAM would like to provide some specific comments to the Energy Labeling Rule.

## I. Labeling

AHAM thanks the Commission for adjusting the effective date for room air conditioners energy labels. The October 1, 2019 date will allow manufacturers to cost-effectively transition their packaging to the new label without interruption to production.

Mentioned in earlier comments<sup>1</sup> regarding energy label ranges, there is still some confusion about the text required for the through-the-door-ice feature on refrigerator/freezer labels. The sample label and the applicable regulatory text do not match. The sample label uses “no through-the-door ice” whereas the regulatory text in Appendix A says “without through-the-door-ice.” In addition, Appendix A capitalizes Through-the-Door-Ice, whereas the sample label does not. AHAM’s understanding is that manufacturers have continued to use the language on the sample label. AHAM asks that FTC correct these discrepancies and allow manufacturers sufficient time to change labels should they need to do so. In addition, given that manufacturers likely have labels printed based on the current discrepancy, should FTC require different language than what is currently on the sample label, AHAM requests that manufacturers be permitted to use their full supply of labels to avoid waste and unnecessary cost. Given that these changes are not substantive, it does not seem that continuing to use old labels would confuse consumers.

Similarly, there is discrepancy in the color requirement for the dishwasher ENERGY STAR logo. The sample label uses white lettering and a white border, however the regulatory text, section 305.13(d), states “the basic color of all labels ... shall be process or equivalent and process black. The label shall be printed full bleed process yellow.” AHAM respectfully requests that FTC correct this discrepancy and ensure the regulatory text and the sample labels match and allow manufacturers sufficient time to change labels should they need to do so. AHAM does not anticipate any consumer confusion resulting from these changes.

According to the regulatory text, section 305.13(e)(2), hangtags must be affixed to the interior of the product. For clothes washers, to place the hangtag on the interior of the product will make placement difficult and may end up in a location not easily seen by the purchaser, for example the back or bottom of a clothes drum. There may be insufficient light in that location and may require the purchaser to stretch or bend in an awkward position to see it. AHAM respectfully requests that FTC allow manufacturers the option to place hangtags on the outside of clothes washers, giving them the same general point of view as the adhesive labels.

AHAM would like to highlight a discrepancy in the regulation and the sample label regarding ENERGY STAR logo sizing. Under the regulations, section 305.14-18(b)(3), the ENERGY STAR logo must be 1 inch by 1 inch, however the sample labels provided by FTC have ENERGY STAR logos that vary in size, which can be less than 1 inch. Given the varying size, what are the tolerance requirements allowed by manufacturers to adapt accordingly?

---

<sup>1</sup> AHAM Comments; Energy Label Ranges (16 CFR Part 305) (Matter No. R611004) (Dec. 4, 2017).

## II. General

AHAM would also like to take this opportunity to reiterate some general comments regarding energy labeling and efficiency regulations. It is critical that FTC not unnecessarily increase the compliance burden on manufacturers, particularly where the burden is not balanced by a demonstrable benefit to consumers. AHAM understands FTC maintaining its annual certification requirements and prefers it in comparison to the broader DOE annual reporting requirement. This includes FTC permitting manufacturers to meet compliance by submitting the required DOE annual report on CCMS. AHAM strongly urges FTC and DOE to continue to make efforts to streamline data reporting of the same data and continue to encourage the agencies to work together so that manufacturers can file one report with the Federal government. AHAM believes that, ultimately, harmonization between the two agencies' reports is critical. Annual reporting is burdensome and any effort to minimize that burden is appreciated.

AHAM appreciates the opportunity to submit these comments on the Commission's proposed Energy Labeling Reorganization and would be glad to discuss these matters in more detail should you so request.

Respectfully Submitted,

  
Kevin Messner  
Senior Vice President, Government Relations