

Concurring Statement of Commissioner Christine S. Wilson  
*Advance Notice of Proposed Rulemaking to Energy Labeling Rule*

October 14, 2022

Seventh time's a charm.

Today the Commission issues an Advance Notice of Proposed Rulemaking (ANPR) seeking comment on possible revisions to the Energy Labeling Rule. Specifically, the Notice asks whether the Commission should add consumer products to the labeling program, whether the label location and other requirements should be updated to reflect current shopping patterns, and whether the label content should be revised to reduce unnecessary burdens. The Notice also addresses issues related to reporting and refrigerator labels.

Since 2018, I have urged the Commission to seek comment on the more prescriptive aspects of this Rule.<sup>1</sup> The Commission has a statutory mandate to issue a labeling Rule. I strongly believe, however, that this mandate does not require the Rule to include the highly detailed and prescriptive requirements in the current Rule. For example, the Rule specifies the trim size dimensions for labels, including the precise width (between 5 1/4" to 5 1/2") and length (between 7 3/8" and 7 5/8"); the number of picas for the copy set (between 27 and 29); the type style (Arial) and setting; the weight of the paper stock on which the labels are printed (not less than 58 pounds per 500 sheets or equivalent); and a suggested minimum peel adhesive capacity of 12 ounces per square inch.

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<sup>1</sup> See Dissenting Statement of Commissioner Christine S. Wilson on the Notice of Proposed Rulemaking: Energy Labeling Rule (Dec. 10, 2018) (expressing my view that the Commission should seek comment on the prescriptive labeling requirements), <https://www.ftc.gov/public-statements/2018/12/dissenting-statement-commissioner-christine-s-wilson-notice-proposed>; Dissenting Statement of Commissioner Christine S. Wilson on the Notice of Proposed Rulemaking: Energy Labeling Rule (Oct. 22, 2019) (urging the Commission to seek comment on the labeling requirements), [https://www.ftc.gov/system/files/documents/public\\_statements/1551786/r611004\\_wilson\\_dissent\\_energy\\_labeling\\_rule.pdf](https://www.ftc.gov/system/files/documents/public_statements/1551786/r611004_wilson_dissent_energy_labeling_rule.pdf); Concurring Statement of Commissioner Christine S. Wilson on the Notice of Proposed Rulemaking: Energy Labeling Rule (Mar. 20, 2020) (commending the Commission decision to seek comment on some of the more prescriptive rule requirements), [https://www.ftc.gov/system/files/documents/public\\_statements/1569815/r611004\\_wilson\\_statement\\_energy\\_labeling\\_rule.pdf](https://www.ftc.gov/system/files/documents/public_statements/1569815/r611004_wilson_statement_energy_labeling_rule.pdf); Dissenting Statement of Commissioner Christine S. Wilson on the Notice of Proposed Rulemaking: Energy Labeling Rule (Dec. 22, 2020) (dissenting due to the Commission's decision not to make changes to the Rule requirements in response to the March 2020 Notice), [https://www.ftc.gov/system/files/documents/public\\_statements/1585242/commissioner\\_wilson\\_dissenting\\_statement\\_energy\\_labeling\\_rule\\_final12-22-2020revd2.pdf](https://www.ftc.gov/system/files/documents/public_statements/1585242/commissioner_wilson_dissenting_statement_energy_labeling_rule_final12-22-2020revd2.pdf); Dissenting Statement of Commissioner Christine S. Wilson on the Notice of Amendments to the Energy Labeling Rule (Oct. 6, 2021) (urging again seeking comment on the rule requirements), [https://www.ftc.gov/system/files/documents/public\\_statements/1597166/commissioner\\_wilson\\_dissenting\\_statement\\_energy\\_labeling\\_rule\\_2021-10-04\\_final.pdf](https://www.ftc.gov/system/files/documents/public_statements/1597166/commissioner_wilson_dissenting_statement_energy_labeling_rule_2021-10-04_final.pdf); Dissenting Statement of Commissioner Christine S. Wilson on the Notice of Proposed Rulemaking to the Energy Labeling Rule (May 11, 2022) (encouraging the Commission to seek comment on the more prescriptive requirements of the Rule), [https://www.ftc.gov/system/files/ftc\\_gov/pdf/Commission%20Wilson%20Dissenting%20Statement%20Energy%20Labeling%20Rule%205.11.22%20FINAL.pdf](https://www.ftc.gov/system/files/ftc_gov/pdf/Commission%20Wilson%20Dissenting%20Statement%20Energy%20Labeling%20Rule%205.11.22%20FINAL.pdf)

In 2020, the Commission sought comment on some of these prescriptive provisions and received some helpful and thoughtful comments. Unfortunately, the Commission did not make changes based on those comments but instead chose to make only required conforming changes at that time.<sup>2</sup> I applaud the decision today to seek comment on the Rule more broadly, to ask specifically about these highly prescriptive requirements, and to consider making changes to streamline the Rule. I look forward to reviewing the comments.

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<sup>2</sup> See Dissenting Statement of Commissioner Christine S. Wilson on the Notice of Proposed Rulemaking: Energy Labeling Rule (Dec. 22, 2020) (dissenting due to the Commission's decision not to make changes to the Rule requirements in response to the March 2020 Notice), [https://www.ftc.gov/system/files/documents/public\\_statements/1585242/commission\\_wilson\\_dissenting\\_statement\\_energy\\_labeling\\_rule\\_final12-22-2020revd2.pdf](https://www.ftc.gov/system/files/documents/public_statements/1585242/commission_wilson_dissenting_statement_energy_labeling_rule_final12-22-2020revd2.pdf).