Federal Trade Commission

§ 305.5 Determinations of estimated annual energy consumption, estimated annual operating cost, and energy efficiency rating, and of water use rate.

(a) Procedures for determining the estimated annual energy consumption, the estimated annual operating costs, the energy efficiency ratings, and the efficacy factors of the following covered products are those located in 10 CFR part 430, subpart B. For the following list of covered products, the requirements of this part apply only to products for which the Department of Energy has adopted and published test procedures for measuring energy usage or efficiency.

(1) Refrigerators and refrigerator-freezers—§ 430.23(a).
(2) Freezers—§ 430.23(b).
(3) Dishwashers—§ 430.23(c).
(4) Water heaters—§ 430.23(e).
(5) Room air conditioners—§ 430.23(f).
(6) Clothes washers—§ 430.23(j).
(7) Central air conditioners and heat pumps—§ 430.23(m).
(8) Furnaces—§ 430.23(n).
(9) Pool Heaters—§ 430.23(p).
(10) Fluorescent lamp ballasts—§ 430.23(q).
(11) Ceiling Fans—§ 430.23.

(b) Manufacturers and private labelers of any covered product that is a general service fluorescent lamp, medium base compact fluorescent lamp, or general service incandescent lamp (including an incandescent reflector lamp), must, for any representation of the design voltage, wattage, light output or life of such lamp or for any representation made by the encircled “E” that such a lamp is in compliance with an applicable standard established by section 325 of the Act, possess and rely
§ 305.5 Determinations of estimated annual energy consumption, estimated annual operating cost, and energy efficiency rating, and of water use rate.

(a) * * *

(12) General Service Incandescent Lamps — § 430.23(r).

(13) General Service Fluorescent Lamps — § 430.23(r).

(14) Medium Base Compact Fluorescent Lamps — § 430.23(y).

(b) Unless otherwise provided in paragraph (a) of this section or § 305.8, manufacturers and private labelers of any covered product that is a general service fluorescent lamp, general service lamp, or metal halide lamp fixture, must, for any representation required by this Part including but not limited to of the design voltage, wattage, energy cost, light output, life, correlated color temperature, or color rendering index of such lamp or for any representation made by the encircled “E” that such a lamp is in compliance with an applicable standard established by section 325 of the Act, possess and rely upon a reasonable basis consisting of competent and reliable scientific tests substantiating the representation. For representations of the light output and life ratings of any covered product that is a medium base compact fluorescent lamp or incandescent lamp (including an incandescent reflector lamp), the Commission will accept as a reasonable basis competent and reliable scientific tests conducted according to the following applicable IES test protocols that substantiate the representations:

For measuring laboratory life (in hours):

<table>
<thead>
<tr>
<th>Lamps</th>
<th>IES Test Protocol</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Service Incandescent (Reflector Lamps)</td>
<td>IES LM 49</td>
</tr>
<tr>
<td>General Service Incandescent</td>
<td>IES LM 65</td>
</tr>
<tr>
<td>Compact Fluorescent</td>
<td>IES LM 40</td>
</tr>
<tr>
<td>General Service Fluorescent</td>
<td>IES LM 49</td>
</tr>
<tr>
<td>General Service Incandescent (Other than Reflectors)</td>
<td>IES LM 45</td>
</tr>
<tr>
<td>Compact Fluorescent (Other than Reflectors)</td>
<td>IES LM 20</td>
</tr>
<tr>
<td>General Service Incandescent (Reflectors)</td>
<td>IES LM 20</td>
</tr>
</tbody>
</table>

(c) Procedures for determining the water use rates of covered products are those found in the following standards:

(1) Showerheads and faucets—ASME A112.18.1M–1989, Plumbing Fixture Fittings. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of ASME A112.18.1M may be obtained from the American Society of Mechanical Engineers, 345 East 47th Street, New York, NY 10017, or may be inspected at the Federal Trade Commission, room 130, 600 Pennsylvania Avenue, NW., Washington, DC, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–0630, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

EFFECTIVE DATE NOTE: At 75 FR 41714, July 19, 2010, § 305.5 was amended by adding paragraphs (a)(12), (13) and (14) and revising paragraph (b), effective July 19, 2011. For the convenience of the user, the added and revised text is set forth as follows:

§ 305.5 Determinations of estimated annual energy consumption, estimated annual operating cost, and energy efficiency rating, and of water use rate.
§ 305.6 Sampling.

(a) For any covered product (except general service fluorescent lamps or general service lamps, including incandescent reflector lamps), any representation with respect to or based upon a measure or measures of energy consumption incorporated into § 305.5 shall be based upon the sampling procedures set forth in § 430.24 of 10 CFR part 430, subpart B.

(b) For any covered product that is a general service lamp, any representation required by § 305.15 and, for any covered product that is a general service fluorescent lamp or incandescent reflector lamp, any representation made by the encircled "E" that such lamp is in compliance with an applicable standard established by section 325 of the Act, shall be based upon tests using a competent and reliable scientific sampling procedure. The Commission will accept "Military Standard 105—Sampling Procedures and Tables for Inspection by Attributes" as such a sampling procedure.

§ 305.7 Determinations of capacity.

(a) Refrigerators and refrigerator-freezers. The capacity shall be the total refrigerated volume (VT) and the adjusted total volume (AV) in cubic feet, rounded to the nearest one-tenth of a cubic foot, as determined according to appendix A1 to 10 CFR part 430, subpart B.

(b) Freezers. The capacity shall be the total refrigerated volume (VT) and the adjusted total volume (AV) in cubic feet, rounded to the nearest one-tenth of a cubic foot, as determined according to appendix B1 to 10 CFR part 430, subpart B.

(c) Dishwashers. The capacity shall be the place-setting capacity, determined according to appendix C to 10 CFR part 430, subpart B.

(d) Water heaters. The capacity shall be the first hour rating, as determined according to appendix E to 10 CFR part 430, subpart B.

(e) Pool heaters. The capacity shall be the heating capacity in Btu’s per hour, rounded to the nearest 1,000 Btu’s per hour, as determined according to appendix P to 10 CFR part 430, subpart B.

(f) Room air conditioners. The capacity shall be the cooling capacity in Btu’s per hour, rounded to the nearest 1,000 Btu’s per hour, as determined according to appendix Q to 10 CFR part 430, subpart B.