FEDERAL TRADE COMMISSION

16 CFR Part 305

Rule Concerning Disclosures Regarding Energy Consumption and Water Use of Certain Home Appliances and Other Products Required Under the Energy Policy and Conservation Act (''Appliance Labeling Rule'')

AGENCY: Federal Trade Commission.

ACTION: Proposed rule and request for comments.

SUMMARY: The Federal Trade Commission (''Commission'') proposes amendments to the Appliance Labeling Rule (''Rule''), in response to a petition and a separate written request, to allow manufacturers of general service incandescent lamps (including incandescent reflector lamps) with a design voltage other than 120 volts an option as to where on the package specific disclosures must be made; to clarify the light output measure that manufacturers of incandescent reflector lamps must disclose on lamp labels; to delete the requirement that the lumen disclosure for incandescent reflector lamps be followed by the term ''at beam spread;'' and, to allow manufacturers of incandescent reflector lamps the option of adding a reference to ''beam spread'' to the Advisory Statement about saving energy costs. The Commission is soliciting written data, views and arguments concerning these amendments.

DATES: Written comments must be submitted on or before April 21, 1995.

ADDRESSES: Written comments should be submitted to Office of the Secretary, Federal Trade Commission, Room 159, Sixth and Pennsylvania Avenue NW., Washington, DC 20580, telephone number 202/326–2506. Comments should be identified as ''16 CFR Part 305—Comment—Lamp Products.'' Written comments should be provided, when feasible and not burdensome, in five copies.

FOR FURTHER INFORMATION CONTACT: Kent C. Howerton, Attorney, Division of Enforcement, Bureau of Consumer Protection, Room S–4631, Federal Trade Commission, Washington, D.C. 20580, telephone 202/326–3013.

SUPPLEMENTARY INFORMATION:

I. Introduction

On May 13, 1994, the Commission published amendments to bring certain lamp products under the Rule's coverage,[1] which will become effective on May 15, 1995. The Commission initiated the proceeding to bring certain lamp products under the Rule's coverage in response to a directive in the Energy Policy Act of 1992 (''EPA 92'').[2]

In a petition dated January 31, 1995 (''Petition''), the Lamp Section of The National Electrical Manufacturers Association (''NEMA'')[3] requested that the Commission:

> (1) allow manufacturers of specific types of lamp products an option as to where on the package specific disclosures must be made; and
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> (2) stay, through November 30, 1995, ''compliance against manufacturers who, in good faith and despite the exercise of due diligence, are unable to change all of their lamp packages prior to the May 15, 1995 effective date of the Lamp Labeling Rule.''

NEMA requested expedited treatment of its request to enable manufacturers to complete the design of affected lamp packages and to order necessary printing plates and packaging inventory, costing millions of dollars, as soon as possible.

In a separate letter to the Commission's staff dated January 30, 1995, NEMA also requested a written staff opinion concerning several issues on which staff already has informally advised NEMA and various lamp manufacturers. One item raised in this letter, concerning disclosure requirements for incandescent reflector lamps (spotlights and floodlights), raises issues that the Commission determined could not be resolved, as NEMA requested, simply by a staff opinion letter. The Commission, therefore, has included consideration of these issues in this Notice.

For the reasons discussed below, the Commission proposes adopting amendments to the lamp labeling requirements of the Appliance Labeling Rule that would give manufacturers of general service incandescent lamps (including incandescent reflector lamps) greater flexibility in making disclosures for lamps that have a design voltage of other than 120 volts. The amended Rule would continue to require that specific information about each covered lamp's operation at 120 volts be disclosed on product labels, as required by EPA 92, but the disclosures would not have to be included on the principal panel of the packaging. In addition, the Commission proposes adopting amendments to the Rule to clarify the light output measure in lumens that manufacturers of incandescent reflector lamps must disclose on lamp labels, to delete the requirement that the lumen disclosure for incandescent reflector lamps be followed by the term ''at beam spread,'' and to allow manufacturers of incandescent reflector lamps the option of adding a reference to ''beam spread'' to the Advisory Statement about how to save energy costs that must appear on the principal display panel of each lamp package. The latter amendments primarily would correct an inadvertent technical error and effectuate the original intent of the Rule's requirements. The Commission is seeking written public comments on these proposed amendments, and it will announce its final decision regarding the proposed amendments after reviewing the comments it receives.

In light of these proposed amendments, the difficulties manufacturers of incandescent lamps have encountered in complying with both the requirements of the Appliance Labeling Rule and the Commission's preexisting Light Bulb Rule, 16 CFR Part 409, and the need to minimize relabeling costs, the Commission has determined to issue an Enforcement Policy Statement. In a document published elsewhere in this issue of the **Federal Register**, the Enforcement Policy Statement explains that the Commission has determined to not take law enforcement action until December 1, 1995 against manufacturers of general service incandescent lamp products (including incandescent reflector lamps) for labeling not in compliance with the disclosure requirements of the Appliance Labeling Rule. This determination does not affect any other compliance obligations imposed by the lamp labeling requirements of the Rule that will become effective on May 15, 1995.

II. Background

On May 13, 1994, the Commission published final labeling rules for various types of lamp products (''light bulbs''), including general service fluorescent lamps, general service incandescent lamps (including reflector incandescent lamps), and medium base compact fluorescent lamps,[4] as

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[1] Final rule and Statement of Basis and Purpose (''SBP''), 59 FR 25176. On December 29, 1994, the Commission published minor, technical amendments to resolve certain inconsistencies in paragraph numbering and language that had arisen during the course of four recent proceedings amending the Rule. 59 FR 67524.

[2] Pub. L. 102–486, 106 Stat. 2776, 2817–2832 (Oct. 24, 1992) (codified at 42 U.S.C. 6201, 6291–6309).

[3] NEMA is a trade association representing the nation's largest manufacturers of lamp products. Its members produce more than 90 percent of the lamp products subject to the lamp labeling requirements of the Appliance Labeling Rule. Petition at 2.

[4] 59 FR 25176. In the current Notice, citations to evidence are based on the citation system used in the SBP for these lamp labeling requirements.

mandated by EPA 92.[5] The Commission issued the lamp labeling rules as amendments to the Appliance Labeling Rule, 16 CFR Part 305. These lamp labeling amendments will become effective on May 15, 1995.[6]

In the Statement of Basis and Purpose for the lamp labeling amendments, the Commission determined to require disclosures on labels of specific information relating to the performance of these lamp products. In brief, the amendments require disclosures on the primary display panel of package labels of light output (in lumens), energy use (in watts), and life (in hours), plus an Advisory Statement that explains how purchasers can save on energy costs. For incandescent reflector lamps (used to focus or spread light on a particular object or objects), the amendments additionally require that the disclosure of light output (in lumens) be for the lamp's ''beam spread,'' and that the disclosure of lumens be followed clearly and conspicuously by the phrase ''at beam spread.''

Based on the statutory directive that the Commission promulgate these labeling rules and that labeling information be based on performance at 120 volts, the lamp labeling amendments to the Rule require that the disclosures for general service incandescent lamps (including incandescent reflector lamps) appear on the primary display panel based on operation at 120 volts, regardless of the lamp's design voltage. The amendments, however, allow manufacturers the option of adding disclosures based on operation at a different design voltage, either on the primary display panel or on a separate panel on the package.

The lamp labeling amendments to the Appliance Labeling Rule overlap certain disclosures already required on packages of non-reflector general service incandescent bulbs by the Commission's Light Bulb Rule.[7] This Rule, unlike the lamp labeling amendments to the Appliance Labeling Rule, requires that package labels clearly and conspicuously disclose average initial wattage, light output expressed in average initial lumens, and average laboratory life expressed in hours, based on operation at the bulb's *stated design voltage*.[8] Under the Light Bulb Rule, the disclosures must appear on at least two panels of the outer sleeve or container in which bulbs are displayed and additionally on all panels of the inner and the outer sleeve that contain any reference to wattage, lumens, life or voltage. The disclosures, however, need not be made on the primary display panel.[9]

When it promulgated the lamp labeling amendments to the Appliance Labeling Rule, the Commission noted two provisions of the Light Bulb Rule that are different from the lamp labeling requirements under the Appliance Labeling Rule. The first provision concerns the format requirements for disclosing the wattage, light output and laboratory life ratings of general service incandescent nonreflector lamps. The second provision concerns the Light Bulb Rule's requirement that the testing for, and required disclosures of, wattage, light output and laboratory life ratings of general service nonreflector lamps be at the lamp's design voltage. Because these different rule provisions are not contradictory, the Commission stated that manufacturers will be able to comply with both without incurring significant additional costs.[10]

Nevertheless, the Commission stated that, following that rulemaking proceeding, it would consider whether any additional action is necessary concerning the Light Bulb Rule.[11] To amend or repeal the Light Bulb Rule, the Commission's Rules of Practice require the Commission to use different, and more lengthy, rulemaking procedures than those specified in EPA 92 for the lamp labeling amendments to the Appliance Labeling Rule. Thus, because of the statutory deadline for issuing the lamp labeling rules under EPA 92, the Commission determined to review the Light Bulb Rule in a separate proceeding. The Commission has scheduled the Light Bulb Rule for review during 1995 as part of the Commission's ongoing program to review all Commission rules and guides.[12]

III. Petition

A. NEMA's Request (Disclosures at 120 Volts)

NEMA's Petition requests that the Commission approve an optional, but not required, labeling format scheme for packages of incandescent lamp products with a design voltage other than 120 volts. NEMA states that manufacturers design some lamp products for operation at either 125 or 130 volts,[13] and that line voltages of other than 120 volts are prevalent in certain regions of the country.[14] The Petition also notes that the Light Bulb Rule requires disclosures of a general service incandescent lamp's light output, wattage and life, measured at design voltage. Based on these assertions, the Petition contends that the lamp labeling requirements in the Appliance Labeling Rule, ''by requiring that a lamp package's principal display panel contain performance ratings measured at 120 volts, and designated 'at 120 volts,' will cause considerable confusion for consumers who use lamps designed for the local line voltage which is other than 120 volts.'' NEMA contends that, because light output of a given lamp is lower at 120 volts than at higher voltages, consumers in non-120 volt regions may seek a higher wattage lamp than needed to obtain the light output they desire. NEMA asserts that this would undermine the energy efficiency objectives of the Appliance Labeling Rule.[15]

NEMA's Petition states that consumers in regions with line voltages other than 120 volts should be able to find lamp packages labeled on the principal display panel with performance ratings measured at the lamp's design voltage. NEMA claims that, under the Appliance Labeling Rule, this would require manufacturers to provide dual-voltage information for each performance rating on the primary display panel. In support of its Petition,

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Documents are numbered sequentially, such as Document No. G–1, Document No. G–2. Comments are cited by an identification of the commentor, the comment number and the relevant page number(s), *e.g.*, ''Angelo, G–1, 1–3.'' Supplemental comments are designated in addition as: ''(Supp.).'' Discussion by more than one party in the transcript of the Public Workshop Conference is cited by a reference to the transcript and the relevant page number(s), *e.g.*, ''Tr., 15–20.'' Discussion by one party in the transcript is cited by an identification of the party, a reference to the transcript and the relevant page number(s), *e.g.*, ''Osram (Tr.), 80–81.''

[5] EPA 92 amended the Energy Policy and Conservation Act of 1975 (''EPCA''). 42 U.S.C. 6291 *et seq.*

[6] The statute required the Commission's rules to become effective 12 months after their publication in the **Federal Register**. Because May 13, 1995, falls on a Saturday, the effective date is Monday, May 15. 42 U.S.C. 6294(a)(2)(C)(i).

[7] 16 CFR Part 409. The Light Bulb Rule, issued in 1970, was intended to prevent deceptive or unfair practices in the sale of incandescent light bulbs. Other types of lamps covered by the Appliance Labeling Rule amendments (including incandescent reflector lamps) are not covered by the Light Bulb Rule.

[8] *Id.* at 409.1 n. 1.

[9] *Id.* at 409.1 n. 4.

[10] 59 FR at 25177.

[11] 59 FR at 25176.

[12] 60 FR 6463 (Feb. 2, 1995).

[13] Petition at 2. The voltage provided by electric utilities in the United States for lighting purposes is primarily 120 volts, but may range from approximately 115 to 125 volts. Voltage is not a characteristic of a lamp product, but the operation of a lamp is affected by the voltage at which it operates. For a given lamp, the higher the voltage, the higher the light output in lumens, the higher the wattage, and the shorter the life.

[14] *Id.* NEMA states that the prevailing voltage for these areas is 125 volts, though actual line voltage within these areas varies. *Id.* at 2 note 3.

[15] *Id.*

NEMA submitted examples of labels that contain performance disclosures on the primary display panel based on operation at both 120 volts and the lamp's different design voltage. NEMA believes the resulting complexity of the package is certain to confuse even the most energy-conscious consumer.[16]

NEMA proposes an alternative, optional disclosure format to comply with the labeling requirements under Section 305.11(e)(1)(iii) of the Appliance Labeling Rule. Specifically:

> As an optional disclosure under Section 305.11(e)(1)(iii), for lamps with a design voltage other than 120 volts, light output, energy used, and life ratings displayed on the principal display panel could be measured at design voltage, provided that such ratings measured at 120 volts are disclosed on another panel of the package, and that the principal display panel clearly and conspicuously identifies the lamp's design voltage and clearly and conspicuously contains the following explanatory statement:
>
> [125/130] volt design. At 120 v., light output and efficiency are noticeably reduced. See [side/back] panel for data at 120 v.[17]

NEMA also states it would accept a more detailed explanatory statement, which could read:

> This product is designed for [125/130] volts. When used on the normal line voltage of 120 volts, the light output and efficiency are noticeably reduced. See [side/back] panel for 120 volt ratings.[18]

NEMA believes that its proposal fully satisfies the Commission's objectives and the requirements of Section 324(a)(2)(C)(i) of EPCA, which states: ''Labeling information for incandescent lamps shall be based on performance when operated at 120 volt input, regardless of the rated lamp voltage.'' NEMA also believes that its proposal provides accurate and meaningful information.[19]

B. Background

The issue of the voltage at which the proposed disclosures of watts, light output, life and energy efficiency should be based was not specifically raised in the Notice of Proposed Rulemaking (''NPR'').[20] However, this issue was the subject of considerable discussion during the Public Workshop the Commission conducted on January 19, 1994, as part of the rulemaking proceeding, as well as in two post-Workshop comments.[21] In addition, the statutory language mandating the information disclosures is explicit in requiring disclosures to be based on operation at 120 volts, regardless of the lamp's design voltage.

Several industry representatives supported requiring disclosure of wattage, light output in lumens, and average laboratory life based on operation of the lamp at its design voltage, if the design voltage is other than 120 volts.[22] They suggested that only the energy index proposed in the NPR (i.e., lumens per watt) should be disclosed at 120 volts, regardless of the lamp's design voltage.[23] They argued that only the efficiency measure (energy index) is covered by the requirement in EPCA that labeling disclosures for incandescent lamps be measured at 120 volts.[24] Other participants contended, however, that for general service incandescent lamps the labeling rules should require that the wattage, light output, life and energy index disclosures be made at 120 volts because most purchasers operate lamps at 120 volts and performance claims should be based on a uniform standard.[25]

Both the statute and its legislative history are silent about the specific purpose and meaning of the mandate that labeling information shall be based on operation at 120 volts. The Commission, therefore, analyzed the record evidence concerning the methods of sales distribution and the uses of these lamp products, as well as the manner in which purchasers could best be provided with accurate and important information to enable them ''to select the most energy efficient lamps which meet their requirements.'' [26]

According to the rulemaking record, the majority of the service voltage of electricity supplied by local utilities for lighting is 120 volts. The rest is supplied at 125 volts, primarily in the Pacific Northwest and the Tennessee Valley. No evidence was presented that any local utility supplies electricity at 130 volts, or at service voltage other than 120 or 125 volts. The lamp manufacturers who participated in the proceeding stated that they distribute incandescent lamps with a design voltage of 120 volts for sale in 120 voltage service regions. They also stated, however, that while they distribute incandescent lamps with a design voltage of 125 volts primarily to regions with 125 voltage service, they cannot guarantee that lamps with a design voltage of 125 volts are only offered for sale in 125 voltage service regions. Manufacturers that distribute incandescent lamps with a design voltage of 130 volts stated that they distribute these lamps, which are marketed as long-life lamps, in both 120 and 125 voltage service regions.

In light of the statutory standard and the rulemaking record, the Commission determined to require disclosure on the primary display panel of the specific lamp performance information based on operation of the lamp at 120 volts.

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[16] *Id.*

[17] *Id.* at 6.

[18] *Id.* at 6 note 6.

[19] *Id.* at 5–6.

[20] In the NPR, 58 FR 60147 (1993), the Commission proposed requiring disclosure of an energy efficiency number. Based on the definition of ''lamp efficacy'' in the EPA 92 amendments to EPCA, the NPR proposed requiring disclosure on lamp packages of an ''Energy Index,'' based on each lamp product's lumens per watt rating. When it issued the final labeling rules, the Commission determined not to require this disclosure.

[21] See (Tr.), 35–65, 201–205. See also Osram (G–11) (Supp.), 2; NEMA (G–10) (Supp.), 19–21.

[22] NEMA (Tr.), 39–40, 54, (Supp.), G–10, 19–21 (the Commission views these statements as NEMA's final position on the issue); Osram (Tr.), 41, (Supp.), G–11, 2. *See also* Angelo, G–1, 2 (but note that Angelo later recommends disclosures at 120 volts in the Workshop at Tr. 57); GE, G–2, 7, (Ans.), 1; Osram (Tr.), 41, 58–59, (Supp.), G–11, 2; ACEEE, GG–1, 1 (ACEEE, too, later recommends in the Workshop that all disclosures be at 120 volts, (Tr.), 59); OR DOE, GG–13, 7; WA SEO, GG–18, 1.

[23] See note 20, *supra.*

[24] In its supplemental comment, NEMA stated:

> A question was raised at the Workshop as to whether the last sentence of section [324(a)(2)(C)(i) of EPCA] should be interpreted to apply only to energy efficiency labeling or to all items required to be disclosed under the Commission's regulations. There is no published legislative history interpreting this provision. However, NEMA representatives were involved in extensive discussions with energy efficiency organizations and congressional staff over the language of the Energy Policy Act. Throughout those discussions, everyone's attention was focused on how best to educate consumers to select the most energy efficient lamp. NEMA representatives sought inclusion of the requirement that all lamps' efficiency ratings be based on a comparable operation at 120 volts. NEMA's objective was to prevent some manufacturers or importers from disguising low efficiency lamps by claiming efficiency ratings at voltages greater than 120 volts. NEMA was concerned that if a consumer faced 120 and 130 volt lamps in the same store, it be clear that the 130 volt lamp would be substantially less efficient when operated at 120 volts (Tr. 40–41). NEMA did not intend to force manufacturers to cease production or alter existing ratings of higher voltage lamps for use in niche markets. Thus, in construing section [324(a)(2)(C)(i)] of EPCA, NEMA urges that the provision be fairly read in the context of the legislative discussions and that congressional intent is best served by requiring that only lumens per watt measurements be based on 120 volts operation.
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> NEMA (Supp.), G–10, 20–21. *See also* GE (Supp.), G–9, Ex. 4; Osram (Tr.), 51–52 (most purchasers do not see mix of products based on different voltages on store shelves, but purpose of the statute's requirement was to require that efficiency be based on constant voltage for situations when mix of products were on shelves at same time). *But see* NEMA, G–3, 45 (''The Commission's regulations should expressly require manufacturers of incandescent lamps to disclose all performance characteristics when operated at 120 volts, regardless of the rated voltage.'').

[25] See MN DPS, GG–9, 2; NEPS (Tr.), 44; LRC (Tr.), 44, 54–55; Angelo (Tr.), 57; ACEEE (Tr.), 59; IES (Tr.), 62.

[26] 42 U.S.C. 6294(a)(2)(C)(i).

Otherwise, purchasers in most parts of the country who purchase lamps with a design voltage of 125 or 130 volts could be misled by exaggerated light output claims.[27] In order to ensure that purchasers in 125 volt service regions are provided accurate performance information, and to allow manufacturers flexibility in marketing longer-life, 130-volt design voltage lamps, however, the Commission determined to allow manufacturers, at their option, to disclose performance information at an additional design voltage. This information could be included on the primary display panel, or on a different package panel.[28]

C. Proposed Amendments

NEMA's Petition raises no legal analysis that was not presented in the original rulemaking record, nor does it present any empirical information indicating that consumers would be misled by the dual sets of disclosures on the primary panel. NEMA, however, asserts that marketing considerations will lead manufacturers to want to put design voltage information on the primary display panel.[29] A review of the sample labels with dual disclosures on the primary display panel indicates that they may be confusing to consumers. The Commission believes that the approach NEMA suggests will be adequate to meet the statutory standard and ensure that purchasers receive accurate information they need in making purchase decisions.

Although the statute states that labeling information for these lamps shall be based on operation at 120 volts, regardless of the rated (or design) lamp voltage, it does not prohibit the Commission from allowing additional disclosures based on operation of the lamp at a different design voltage. The statute also leaves to the Commission's discretion both the specific disclosures that should be required and the manner and format in which the disclosures should be made. The Commission, therefore, proposes amending the Rule to allow an optional disclosure format, as NEMA requests, for incandescent lamps with design voltages of 125 or 130 volts.[30] The Commission proposes amending the Rule to require use of the more detailed explanation regarding operation at 120 volts and to allow the placement of information on packages that NEMA proposed. In addition, to ensure that purchasers are aware that they are selecting a bulb with a design voltage of 125 volts or 130 volts, the Commission proposes amending the Rule to require that all panels of the package that contain a claim about lumen light, wattage or life clearly and conspicuously identify the lamp as ''[125 volt/130 volt].'' [31]

The Commission proposes promulgating the optional compliance method requested by NEMA as amendments to the Appliance Labeling Rule. The proposed amendments would comply with the statutory mandate because they would require clear and conspicuous disclosure on labels of the specific performance information for the lamps when they are operated at 120 volts. The proposed amendments would impose no additional requirements on manufacturers, but merely would allow an alternative format for manufacturers to make the required disclosures. At the same time, the proposed amendments would ensure that purchasers are provided with accurate information they need about the most efficient lamps that meet their requirements when they make purchase decisions.

IV. Other Issues

A. NEMA's Request (Disclosures for Reflector Lamps)

NEMA believes that the existing lamp labeling requirements in the Appliance Labeling Rule may be based on a technical misunderstanding of incandescent reflector lamp characteristics, and would lead consumers to purchase more energy intensive lamps than are needed.[32] Accordingly, NEMA requests that the Appliance Labeling Rule be either interpreted or amended as follows: [33]

(1) to require that disclosure of light output for an incandescent reflector lamp shall be given for the lamp's ''total forward lumens;'' and

(2) to delete the requirement that the disclosure of light output be followed by the phrase ''at beam spread.''

NEMA further requests that Section 305.11(e)(1)(vi) of the Appliance Labeling Rule be either interpreted or amended to permit, but not require, a manufacturer the option to insert into the required Advisory Statement the following italicized words:

''To save energy costs, find the bulb with the *beam spread and* light output you need, then choose the one with the lowest watts.''

In support of these requests, NEMA explains that it may not clearly have communicated to the Commission during the rulemaking proceeding the difference between total lumens (or total forward lumens), which are measured independently of beam spread, and beam intensity, which is a measure of a reflector lamp's performance independent of lumens. NEMA asserts that the requirement that the lumen disclosure be labeled ''at beam spread,'' consequently, confuses two distinct performance characteristics of reflector lamps. NEMA states that reflector lamp purchasers choose a beam spread for a particular lighting task, whether requiring sharply concentrated light or more dispersed light. Then, purchasers determine how much light output or total forward lumens they need, rather than beam lumens. Finally, NEMA asserts that purchasers should be directed to the most efficient lamp at a given beam spread, which will be the lamp with the lowest wattage for the desired total lumen output.[34]

NEMA believes that the existing requirements would merely confuse purchasers and distract them from purchasing the most efficient lamp that meets their needs. Such confusion would arise because, for lamps with the same total forward lumens, the spotlight or narrow beam lamp will always have fewer beam lumens than a floodlight. Labeling incandescent reflector lamps only in terms of beam lumens thus would often bias purchasers into selecting higher wattage lamps than are needed to meet their lighting needs, or to save energy. Further, NEMA states that the lamp efficiency standards specified by EPA 92 are based on total

[27] See Angelo (Tr.), 63: [P]eople may choose life or lumen output but if it's tested at 120 then there's no reason to go through the deception of saying it's a 130-volt lamp. It's simply enough to say that this lamp is going to produce less lumens[,] meaning it's going to have a different filament and it has really nothing to do with design wattage, it has to do with life and lumens. So in the circumstance of the people who were buying it for that reason, why go through a deception? Why not just tell them [it's] at 120 and let it be billed as a 120-volt lamp with less lumens and more life?

[28] See 16 CFR 305.11(e)(1)(C).

[29] NEMA also has indicated that, although less than 10% of the lamps sold have a design voltage of other than 120 volts, of the three largest manufacturers of the broad range of general service incandescent lamps, the percentage of stock-keeping units (''SKUs'') designed for other than 120 volts ranges from between 40% and 50% for one manufacturer, to approximately 30% for another, and 10% to 20% for the third.

[30] If interested parties demonstrate that covered incandescent lamps at additional design voltages are produced and sold, the Commission can consider adding the additional design voltages to the option.

[31] NEMA's counsel agreed that this condition would be appropriate.

[32] Letter dated November 11, 1994, to Kent C. Howerton and James G. Mills, FTC, from Mark L. Perlis, Counsel to NEMA, at 2. *See also* Letter dated December 5, 1994, to Kent C. Howerton, FTC, from Mark L. Perlis, Counsel to NEMA.

[33] Petition at 1–3.

[34] Letter dated November 11, 1994, to Kent C. Howerton and James G. Mills, FTC, from Mark L. Perlis, Counsel to NEMA, at 2.

forward lumens rather than beam lumens.[35]

B. Background

Not all light produced by an incandescent reflector lamp is reflected forward as useable light.[36] Some light may escape around the base of the cone and be lost into the lamp fixture. Some light may be reflected back and forth inside the cone and not be emitted as useful light output. In an attempt to ensure that only useable forward light output would be disclosed as the lamp's lumen light output, Section 305.11(e)(1)(iv) of the Appliance Labeling Rule requires that the light output disclosed shall be for the lamp's ''beam spread,'' and be followed clearly and conspicuously by the phrase ''at beam spread.''

C. Proposed Amendments

The Commission agrees with NEMA's explanation and analysis. During the rulemaking proceeding, and in discussions between the Commission's staff and NEMA and various lamp manufacturers since the Commission issued the final lamp labeling amendments to the Appliance Labeling Rule, there has been confusion about the use of such terms as ''beam spread,'' ''beam angle,'' ''total lumens,'' and ''total forward lumens'' for incandescent reflector lamps. NEMA's proposal would clarify that the required light output disclosure is for the useable light output reflected forward (as was intended by the Commission), and not merely of light focused within the more narrow ''beam spread.'' The proposal also would clarify that the lumen disclosure for incandescent reflector lamps is consistent with the lumen measurement used by the Department of Energy (DOE) in determining the efficiency of these products under the minimum efficiency standards set by EPA 92.[37]

Accordingly, the Commission proposes amending Section 305.11(e)(1)(iv) of the Appliance Labeling Rule to clarify that the required lumen disclosure for incandescent reflector lamps is of ''total forward lumens'' instead of lumens ''at beam spread.'' The Commission also proposes amending Section 305.11(e)(1)(iv) to delete the requirement that the lumen disclosure be followed by the phrase ''at beam spread.'' Because the lumen disclosure for all incandescent reflector lamps must be based on the same lumen measurement, it is unnecessary to specify that the disclosure is ''at beam spread.'' Lastly, the Commission proposes amending § 305.11(e)(1)(vi) to allow manufacturers, at their option, to insert in the Advisory Statement the reference to selecting a lamp with the ''beam spread,'' as well as the light output purchasers need. The Commission believes that the optional Advisory Statement for incandescent reflector lamps would more appropriately advise purchasers that, to save on energy costs, they should select the lamp with the light output they need at the lowest watts after first selecting the type of incandescent reflector lamp (spotlight or floodlight) they need.

The Commission believes that the proposed amendments would impose no additional requirements on manufacturers. Instead, they merely would clarify the existing lamp labeling rules and allow manufacturers an option in making the Advisory Statement disclosure. At the same time, the Commission believes that the proposed amendments would ensure that purchasers are provided with accurate information they need about the most efficient lamps that meet their requirements when they make purchase decisions.

List of Subjects in 16 CFR Part 305

Advertising, Consumer protection, Energy conservation, Household appliances, Labeling, Lamp products, Penalties, Reporting and recordkeeping requirements.

V. Text of Proposed Amendments

Accordingly, the Commission proposes that 16 CFR Part 305 be amended as follows:

PART 305—RULE CONCERNING DISCLOSURES REGARDING ENERGY CONSUMPTION AND WATER USE OF CERTAIN HOME APPLIANCES AND OTHER PRODUCTS REQUIRED UNDER THE ENERGY POLICY AND CONSERVATION ACT (''APPLIANCE LABELING RULE'')

1. The authority citation for Part 305 continues to read as follows:

Authority: 42 U.S.C. 6294.

2. Section 305.11, to become effective May 15, 1995, is amended by revising paragraph (e)(1)(iii), (iv), and (vi) as follows:

§ 305.11 Labeling for covered products.

* * * * *

(e) *Lamps*—

(1) * * *

(iii) The light output, energy usage and life ratings of any covered product that is a medium base compact fluorescent lamp or general service incandescent lamp (including an incandescent reflector lamp), shall be measured at 120 volts, regardless of the lamp's design voltage. If a lamp's design voltage is 125 volts or 130 volts, the disclosures of the wattage, light output and life ratings shall in each instance be:

(A) At 120 volts and followed by the phrase ''at 120 volts.'' In such case, the labels for such lamps also may disclose the lamp's wattage, light output and life at the designed voltage (*e.g.,* ''Light Output 1710 Lumens at 125 volts''); or

(B) At the design voltage and followed by the phrase ''at [125 volts/130 volts]'' if the ratings at 120 volts are disclosed clearly and conspicuously on another panel of the package, and if all panels of the package that contain a claimed light output, wattage or life clearly and conspicuously identify the lamp as ''[125 volt/130 volt],'' and if the principal display panel clearly and conspicuously discloses the following statement:

This product is designed for [125/130] volts. When used on the normal line voltage of 120 volts, the light output and energy efficiency are noticeably reduced. See [side/back] panel for 120 volt ratings.

(1)(iv) For any covered product that is an incandescent reflector lamp, the required disclosure of light output shall be given for the lamp's total forward lumens.

* * * * *

(vi) For any covered product that is a compact fluorescent lamp or a general service incandescent lamp (including an incandescent reflector lamp), there shall be clearly and conspicuously disclosed on the principal display panel the following statement:

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[35] *Id.*

[36] Incandescent reflector lamps (also known as reflectorized incandescent lamps) are cone-shaped with a reflectorized coating applied to the cone-shaped part of the bulb. Incandescent reflector lamps thus allow light output to be directed and focused forward through the face of the lamp. They may be used, for example, to provide lighting from recessed ceiling fixtures or as spotlights or floodlights.

[37] See Interim final rule, 59 FR 49468 (1994). The EPA 92 amendments to EPCA specify minimum efficiency standards for incandescent reflector lamps and require DOE to issue rules specifying the test procedures to be used in enforcing the minimum efficiency standards. DOE published its interim final rule for testing to comply with EPA 92's minimum efficiency standards on September 28, 1994, after the Commission published the lamp labeling rule amendments to the Appliance Labeling Rule.

To save energy costs, find the bulbs with the [beam spread and] light output you need, then choose the one with the lowest watts.

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By direction of the Commission.

Donald S. Clark,

Secretary.

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