November 18, 2022

Via Regulations.gov

Hampton Newsome
Attorney, Division of Enforcement
Bureau of Consumer Protection
Federal Trade Commission
600 Pennsylvania Ave., NW
Washington, DC  20580

Re:     Energy Labeling Rule ANPR, Matter No. R611004

Dear Mr. Newsome:


The Joint Commenters support the FTC and Department of Energy (DOE) in efforts to save energy and help consumers make informed purchase decisions based on energy use and efficiency. We recognize that an integral part of the Appliance Standards Program is appliance labeling. We appreciate the Commission’s efforts with this Advanced Notice to consider modernizing the Energy Labeling Rule. Many of our organizations have suggested and/or supported modernizing the EnergyGuide label for quite some time and we look forward to commenting on the Commission’s requests for feedback on these important issues.

We are writing at this early stage to respectfully request that the Commission extend the comment period on the Advanced Notice to January 31, 2023. We make this request in the spirit of working with the Commission to make meaningful changes to the rule that will help consumers and manufacturers alike. Our request is grounded in the following reasoning:
The comment period, which opened on October 25, 2022, and closes on December 27, 2022, includes two major holidays for which many of our staff and our members will take several vacation days. In fact, some of our members and associations are closed beginning on December 23 until the new year. This makes it quite challenging to fully evaluate and respond to FTC’s inquiries.

FTC published a Final Rule updating the ranges of comparability on October 12, 2022.\(^1\) Compliance with that rule is required in 90 days, which overlaps with the entire comment period on the Advanced Notice. Companies are busy engaging in compliance efforts and it is largely the same people that must work on ensuring compliance that are also responsible for responding to the Advanced Notice.

The issues upon which FTC seeks comment involve potential changes to the Energy Labeling Rule that are significant. Many commenters, including several of the Joint Commenters, have expressed views on these issues in the past and we are hopeful that we can successfully coordinate and provide consistent and, thus more useful, feedback to the Commission on these potentially transformational questions. This will take time as it necessitates coordination not just of our own members, but also requires us to coordinate with each other. Allowing a brief additional period of about a month for us to do this additional coordination will, however, we hope, result in a streamlined comment review by the Commission should we reach consensus on topics such as electronic labeling and repair information.

There are varied topics in the Advanced Notice which require companies to seek input from different experts within their companies. For example, the people that typically work on EnergyGuide labeling and energy issues are not necessarily the same people who work on repair regulation issues.

The questions FTC asks regarding adding repair elements to the label are novel and require our full consideration to provide meaningful and detailed feedback to the Commission. Repair issues can be complex and vary depending on the product and its regulatory and safety requirements.

Discussions related to newly regulated products or products currently undergoing rulemaking at DOE take additional time.

Many of us have already held several meetings to discuss the Advanced Notice with our members and we recognize that several more touch-points are necessary in order to fully respond to the Commission’s questions. We hope that the Commission will consider our request and respond swiftly so that we may plan accordingly.

The Joint Commenters

AHRI is the trade association representing manufacturers of heating, cooling, water heating, commercial refrigeration equipment, and refrigerant producers. More than 300 members strong, AHRI is an internationally recognized advocate for the industry, and develops standards for and certifies the performance of many of the products manufactured by our members. In North America, the annual output of the HVACR industry is worth more than $20 billion. In the United States alone, our members employ approximately 130,000 people, and support some 800,000 dealers, contractors, and technicians.

AMCA International is a not-for-profit association of manufacturers of fans, dampers, louvers, air curtains, and other air-system components for commercial HVAC, industrial-process, and power-generation applications. With programs such as certified ratings, laboratory accreditation, verification of compliance, and international standards development, its mission is to advance the knowledge of air systems and uphold industry integrity on behalf of more than 400 AMCA members worldwide.

ALA represents over 1,200 member companies in the residential lighting, ceiling fan and controls industries in the United States, Canada and the Caribbean. Member companies are manufacturers, manufacturers’ representatives, retail showrooms, and lighting designers that have the expertise to educate and serve their customers.

AHAM represents more than 150 member companies that manufacture 90% of the major, portable and floor care appliances shipped for sale in the U.S. Home appliances are the heart of the home, and AHAM members provide safe, innovative, sustainable and efficient products that enhance consumers’ lives. The home appliance industry is a significant segment of the economy, measured by the contributions of home appliance manufacturers, wholesalers, and retailers to the U.S. economy. In all, the industry drives nearly $200 billion in economic output throughout the U.S. and manufactures products with a factory shipment value of more than $50 billion.

Based in Arlington, VA, HPBA is the principal trade association representing the hearth products and barbecue industries in North America. HPBA’s members include manufacturers, retailers, distributors, manufacturers’ representatives, service installation firms, and other companies and individuals who have business interests related to the hearth, patio, and barbecue industries.

ITI is the premier global advocate for technology, representing the world’s most innovative companies. Founded in 1916, ITI is an international trade association with a team of professionals on four continents. We promote public policies and industry standards that advance competition and innovation worldwide. Our diverse membership and expert staff provide policymakers the broadest perspective and thought leadership from technology, hardware, software, services, and related industries.

NEMA represents some 325 electrical equipment and medical imaging manufacturers that make safe, reliable, and efficient products and systems. Our combined industries account for 370,000 American jobs in more than 6,100 facilities covering every U.S. state. Our industry produces
$124 billion shipments of electrical equipment and medical imaging technologies per year with $42 billion exports.

NAFEM is a trade association of more than 600 commercial foodservice equipment and supplies manufacturers – a $14.9 billion industry. These businesses, their employees and the products they manufacture, support the food away from home market – which includes more than one million locations in the U.S. and countless more around the world.

The Joint Commenters appreciate the Commission’s careful and swift consideration of this request and we would be glad to discuss it in more detail should you so request.

Respectfully Submitted,

Marie Carpizo
General Counsel
Air-Conditioning, Heating, and Refrigeration Institute

Michael Ivanovich
Senior Director, Global Affairs
AMCA International

Michael Weems
Vice President, Government Engagement
American Lighting Association

Jennifer Cleary
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(signatures continued on next page)
Ryan Carroll  
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Charlie Souhrada, CFSP  
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