



Consumer Federation of America



VIA FTC COMMENT WORKS

Federal Trade Commission
Office of the Secretary
600 Pennsylvania Avenue, NW
Suite CC-5610 (Annex B)
Washington, D.C. 20580

Re: Energy Label Ranges, Matter No. R611004

December 4, 2017

The American Council for an Energy-Efficient Economy, Appliance Standards Awareness Project, Consumer Federation of America, and Earthjustice (“Joint Commenters”) submit the following comments on the Federal Trade Commission’s (“FTC’s”) notice of proposed rulemaking concerning revisions to the Energy Labeling Rule.¹ In general, the Joint Commenters support FTC’s proposal to update the range and cost information for several products to reflect current product availability, and we agree that the proposed compliance date for the room air conditioner label location change provides ample time for manufacturers to redesign the packaging for those products. We appreciate the Commission’s ongoing commitment to improve the Labeling Rule’s effectiveness. However, we respectfully call on FTC to reconsider its proposal not to update the range and cost information for clothes washers.

Updating the EnergyGuide labels for clothes washers is necessary because compliance with new federal energy and water conservation standards will be required on January 1, 2018.² The new Department of Energy (“DOE”) clothes washer standards significantly increase the minimum integrated modified energy factor for top-loading compact and standard-size washers. For standard-

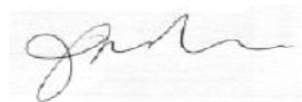
¹ See 82 Fed. Reg. 52,024 (Nov. 9, 2017) (to be codified at 16 C.F.R. Part 305).

² See 10 C.F.R. § 430.32(g)(4) (applying more stringent energy and water conservation standards to top-loading washers manufactured on or after January 1, 2018).

size models, the increase is more than 20 percent, while for compact models the increase is more than 30 percent. In addition, the new standards make similar adjustments to the maximum allowable integrated water factor for these washers. Based on a review of DOE's public database of certified models, it appears nearly half of standard-size top-loading washers and the majority of compact top-loader models will be discontinued in less than a month. These significant changes in the clothes washer market need to be reflected on EnergyGuide labels to ensure that consumers have accurate information when making purchasing decisions.

Delaying updates to the range information for clothes washers, as FTC has proposed, will result in label ranges showing products that are no longer manufactured. By comparing current clothes washer models to obsolete ones that do not comply with updated efficiency standards, the existing ranges will mislead consumers about the efficiency and operating costs of available models. For example, the comparison ranges would mislead consumers into thinking they are selecting a washer with enhanced efficiency features when in fact they are viewing a minimally-compliant model. To avoid this outcome, the Energy Policy and Conservation Act requires FTC to ensure labels provide range information for "covered products to which the rule applies."³ Allowing clothes washer label ranges to include products that are no longer made and to which the Energy Labeling Rule does not apply violates the statute's plain language. It is also inconsistent with past FTC practice, as the Commission has previously recognized that synchronizing label range and cost updates with the compliance dates of DOE standards is needed to mitigate the problem of many models becoming obsolete when new DOE standards take effect.⁴ Such synchronization is needed here to avoid presenting outdated information to clothes washer purchasers.

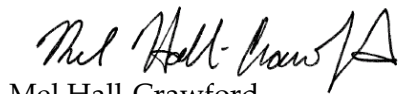
Thank you for the opportunity to participate.



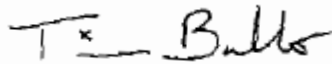
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³ 42 U.S.C. § 6294(c)(1)(B).

⁴ 79 Fed. Reg. 34,642, 34,657 n.114.