

Lamp Section of The National Electrical Manufacturers Association ("NEMA").¹

The Petition requested that the Commission allow manufacturers of incandescent lamp products with a design voltage other than 120 volts an option as to where on product labels the required disclosures must be made under the lamp labeling requirements of the Appliance Labeling Rule ("lamp labeling rules").² The January 30 letter requested clarification of the light output disclosure required for incandescent reflector lamp products (spot lights and flood lights) and acceptance of minor changes to the disclosures required for incandescent reflector lamps.

In response to the Petition and the January 30 letter, the Commission proposed amending the Rule to: (a) Allow manufacturers of incandescent lamps that have a design voltage of other than 120 volts the option of making required disclosures at 120 volts on a label panel other than the primary display panel under specific conditions; (b) clarify the measure of light output that must be disclosed for incandescent reflector lamps; (c) eliminate a required reference to "at beam spread" in connection with the disclosure of light output for incandescent reflector lamps; and (d) allow manufacturers of incandescent reflector lamps the option of adding a reference to selecting an incandescent reflector lamp with the "beam spread" the purchaser needs to a required Advisory Statement that explains how purchasers can save energy costs.

II. Background

On May 13, 1994 the Commission published final labeling rules ("lamp 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,³ as mandated by Energy Policy Act of 1992 ("EPA 92")⁴ amendments to the Energy Policy and Conservation Act of 1975 ("EPCA").⁵ The Commission issued the lamp labeling rules as amendments to the Appliance Labeling Rule, 16 CFR part 305. The lamp labeling rules became effective on May 15, 1995.⁶

These rules require disclosures on the primary display panel of package labels of light output (in lumens), energy used (in watts), and life (in hours), plus an Advisory Statement that explains how purchasers can save energy costs. For incandescent reflector lamps (used to focus or spread light on a particular object or objects), the rules 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 for incandescent lamps be based on performance at 120 volts,⁷ the lamp labeling rules require that the disclosures of light output, energy used, and life for general service incandescent lamps (including incandescent reflector lamps) appear on the primary display panel of the package label based on operation at 120 volts, regardless of the lamp's design voltage. The lamp labeling rules, 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 rules in 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.⁸ The Light Bulb Rule, unlike the lamp labeling rules in 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."⁹ 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.¹⁰

The Commission published a request for comments on the Light Bulb Rule as part of its regulatory review program on April 6, 1995, 60 FR 17491 (1995). This notice specifically solicits comments on whether the rule should be amended to reduce or eliminate any overlap it may have with the lamp labeling rules under the Appliance Labeling Rule. In addition, it seeks comments on several other questions, including whether the Light Bulb Rule is still needed, the benefits and costs of the Rule to consumers, the burdens and benefits to manufacturers, any proposed changes to the Rule, and the effect of any recent changes in technology or economic conditions. The comment period ends June 6, 1995.

III. Proposed Amendments

A. Disclosures at Design Voltage Other Than 120 Volts

In response to NEMA's Petition, the Commission proposed amending the lamp labeling rules in the Appliance Labeling Rule, as NEMA requested, to approve an optional labeling scheme for manufacturers of incandescent lamp products with a design voltage other than 120 volts. Under the proposed amendments, manufacturers could choose to limit disclosures of light output, energy used, and life on the primary display panel of the package to operation of the lamp at the lamp's design voltage if:

¹ 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.

² The Petition also requested that the Commission 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." In response to the Petition, the Commission, on March 22, 1995, exercised its prosecutorial discretion and issued an Enforcement Policy Statement ("Statement"), 60 FR 15198 (1995). The Statement explained that the Commission had determined to avoid taking law enforcement actions until December 1, 1995 against manufacturers of general service incandescent lamp products for labeling not in compliance with the disclosure requirements of the Appliance Labeling Rule. The Statement remains in effect until December 1, 1995.

³ Final rule (including Statement of Basis and Purpose ("SBP")), 59 FR 25176 (1994). 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 separate proceedings amending the Rule's requirements concerning other products. 59 FR 67524 (1994). The specific lamp products covered by the lamp labeling rules are described in § 305.3(k)-(m) of the Appliance Labeling Rule, 16 CFR 305.3(k)-(m) (1995).

⁴ Pub. L. No. 102-486, 106 Stat. 2776, 2817-2832 (Oct. 24, 1992).

⁵ 42 U.S.C. 6201, 6291-6309.

⁶ The EPA amendments to EPCA required that the lamp labeling rules become effective 12 months after the rules' publication in the **Federal Register**. Because May 13, 1995, was a Saturday, the effective date was Monday, May 15. 42 U.S.C. 6294(a)(2)(C)(i). *But see* note 2, *supra*.

⁷ Under section 324(a)(2)(C)(i) of EPCA, as amended by EPA 92: "Labeling information for incandescent lamps shall be based on performance when operated at 120 volts input, regardless of the rated lamp voltage." 42 U.S.C. 6294(a)(2)(C)(i).

⁸ 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. In this notice, references to "lamp labeling rules" refer to the lamp labeling requirements of the Appliance Labeling Rule, 16 CFR part 305, and references to the "Light Bulb Rule" refer to the Light Bulb Rule, 16 CFR part 409.

⁹ *Id.* at 409.1 n. 1.

¹⁰ *Id.* at n. 4.