- The disclosures of light output, energy used, and life when operated at 120 volts appeared elsewhere on the package.
- The following explanatory statement appeared clearly and conspicuously on the primary display panel:

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.¹¹

• All panels of the package that contained a claim about light output, energy used, or life clearly and conspicuously identified the lamp as "(125 volt/130 volt)."

B. Light Output Disclosures for Reflector Lamps

In response to NEMA's January 30 letter, the Commission proposed amending the Appliance Labeling Rule to clarify that the required light output disclosure for incandescent reflector lamps is of "total forward lumens" instead of lumens "at beam spread." 12 The Commission also proposed amending the Rule to delete the requirement that the lumen light output disclosure be followed by the phrase "at beam spread." Lastly, the Commission proposed amending the Rule to allow manufacturers, at their option, to insert in the required Advisory Statement a reference to selecting a lamp with the "beam spread," as well as the light output, purchasers need.

IV. Comments and Final Amendments

A. Comments Received

The Commission received eight comments in response to the notice soliciting comments on the proposed amendments.¹³ Four comments

specifically support both sets of proposed amendments.¹⁴ None of the comments object to the proposed amendments. Six comments pertain to issues the Commission addressed in the original rulemaking proceeding and do not contain new evidence to support their positions. 15 One comment requests that the Commission exempt small producers and suppliers from the labeling requirements. 16 The Commission does not have the authority under EPCA to grant such relief. Two comments address the definition of incandescent reflector lamps "designed for rough or vibration service applications." These lamps are exempted by EPCA from the Commission's labeling rules and the minimum efficiency standards.¹⁷ DOE currently is addressing the issue of what lamps qualify for that exemption. 18

Lastly, one comment requests that the Commission require the first annual report from lamp manufacturers no

Lighting Corporation ("Marvel"), the National Electrical Manufacturers Association ("NEMA"), and Rensselaer Polytechnic Institute ("Rensselaer").

¹⁴LBL (agrees with proposed amendments for lamps with a design voltage other than 120 volts; concurs with proposed clarification of incandescent reflector lamp lumens and labeling changes); Marvel (supports greater flexibility in disclosures and any changes that would clarify labeling requirements proposed by NEMA); NEMA (supports proposed amendments); Rensselaer (supports NEMA's proposal for alternative disclosure format for lamps with a design voltage other than 120 volts and FTC's proposal to require the more detailed explanatory statement; agrees with use of total forward lumens for reflector lamps, consistent with light output definition in EPA 92).

15 Arkalite (comparison 120 volt/130 volt information on packages of 130 volt A-bulbs sold as long life is confusing and consumers do not know how many lumens to look for); Hytron (longlife lamps may be more efficient for fixtures not readily accessible when comparing lumen-per-watt cost to lamp replacement cost); LBL (preferable to use term "power" to describe wattage because term "energy used" is technically incorrect and misleading); Marvel (new labeling requirements will be confusing and meaningless to consumers); ME (laboratory-measured life ratings under ideal conditions are misleading because lab conditions have little correlation to actual use); Rensselaer (marketing "long life" 130 volt lamps for use on 120 volt circuits will mislead consumers if long-life claims are on package with data at 130 volts).

¹⁶Marvel (exempt small producers and suppliers from labeling requirements to alleviate tremendous cost imposed and allow them to survive financially; cumulative sales of small distributors and manufacturers with probably less than 2% of total lamp sales will not have much effect on energy consumption for country as a whole).

¹⁷ Hytron (multiple support filament, long-life incandescent lamps should be considered to be rough/vibration service lamps); ME (lamps with multiple supports designed for rough service last much longer under actual operating conditions than those with no filament supports; exclude lamps with four or more filament supports from labeling requirements to keep consumers from comparing lab life ratings of lamps that may have different actual ratings).

¹⁸ Notice of Proposed Rule and Public Hearing, 59 FR 49478 (1994).

earlier than March 1, 1997 because imposing a new reporting requirement immediately after changing the substantial number of labels affected would be unfair and unduly burdensome. 19 This reporting requirement is mandated directly by EPCA, although the Commission has authority to specify the date on which the annual reports are required. The Commission has stayed this reporting requirement under the lamp labeling rules until DOE adopts final test procedures for lamp products under the EPA 92 amendments to EPCA.²⁰ Although DOE has published interim final testing rules, DOE has not yet issued its final rules. The Commission will address the issue of when the first annual report will be due under the Rule after DOE takes final action on its testing rules.

B. Final Amendments

Based on NEMA's Petition, NEMA's January 30 letter, and the comments the Commission received in response to the March 22 notice, the Commission has determined to adopt the amendments to the Appliance Labeling Rule it proposed in the notice.²¹ The amended Rule will give manufacturers of incandescent lamp products with a design voltage other than 120 volts greater flexibility in designing packages to make the required labeling disclosures and will clarify that the light output disclosure for incandescent reflector lamps is total forward lumens, which is the lumen measurement used to determine whether those lamps meet EPCA's minimum efficiency standards. The amended Rule thus will reduce the regulatory burden imposed by the Rule. At the same time, the amended Rule will ensure that purchasers are provided with accurate information they need to select the most energy efficient lamps that meet their requirements, and it will meet the statutory standard that required disclosures for incandescent lamps be based on operation at 120 volts.

1. Disclosures at Design Voltage Other Than 120 Volts

The EPA 92 amendments to EPCA 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, has analyzed the record evidence

¹¹ NEMA proposed the use of a shorter 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." Petition at 6. NEMA stated that it would accept a more detailed version of the explanatory statement. *Id.* at note 6. The Commission proposed requiring the more detailed explanatory statement that NEMA suggested.

¹² The proposed amendments would clarify that the lumen disclosure for incandescent reflector lamps is consistent with the light output measurement used by the Department of Energy ("DOE") in determining the efficiency of these products under the minimum efficiency standards set by the EPA 92 amendments to EPCA. See Interim final rule, 59 FR 49468 (1994). DOE published its interim final rule for testing to comply with the minimum efficiency standards on September 28, 1994, after the Commission published the lamp labeling rule amendments to the Appliance Labeling Rule.

¹³ Arkalite Manufacturing Co., Inc. ("Arkalite"), General Electric Company ("GE"), Hytron Electric Products ("Hytron"), Lawrence Berkeley Laboratory ("LBL"), Maintenance Engineering ("ME"), Marvel

¹⁹ GE.

^{20 59} FR at 25176, 25201-02.

²¹ Although the amendments are effective today, the Commission's Enforcement Policy Statement published on March 22, 1995, applies to the amendments. *See* note 2, *supra*.