January 28, 2011

Federal Trade Commission  
Office of the Secretary  
Room H-113 (Annex N)  
600 Pennsylvania Avenue, N.W.  
Washington, D.C. 20580

RE: Lamp Labeling – Effective Date Extension, P-114200

To Whom It May Concern:

The Northeast Waste Management Officials’ Association’s (NEWMOA), Interstate Mercury Education and Reduction Clearinghouse (IMERC) is providing the comments below on the proposed changes to the Appliance Labeling Rule 16 C.F.R Part 305 [RIN 3084-AB03] as published in the Federal Register Vol. 75, No. 249, December 29, 2010 (75 FR 81943). The comments are in response to a petition submitted by the National Electrical Manufacturers Association (NEMA) on October 27, 2010 and the Federal Trade Commission’s (FTC) proposed amendments based on the petition.

IMERC is comprised of member-state environmental agencies of California, Connecticut, Illinois, Louisiana, Maine, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, North Carolina, Rhode Island, Vermont, and Washington. The IMERC-member states that require mercury-added product labeling meet regularly as the IMERC Product Labeling Committee to discuss issues related to implementing their laws. These member states prohibit the sale of certain mercury-added products unless they have a label indicating the product contains mercury and addressing proper disposal and/or recycling of that product. IMERC is a program of NEWMOA. For more information visit: www.newmoa.org/prevention/mercury/imerc.cfm

General comment:
IMERC believes that NEMA had sufficient time to address its member companies’ concerns about new labeling requirements proposed in the draft Appliance Labeling Rule during the initial comment period and that FTC sufficiently addressed NEMA’s concerns before publishing the final rule on July 19, 2010. However, the Clearinghouse is sympathetic to the complexities of implementing change throughout the product supply chain and supports NEMA’s request to extend the effective date of the labeling requirements to January 1, 2012.

During this delay in implementation, the Clearinghouse strongly urges NEMA’s member companies that manufacture lamps to take steps to educate consumers about the importance of energy-efficient lighting, why incandescent bulbs are becoming obsolete, and proper clean-up and disposal of lamps that contain mercury.
The Clearinghouse also urges FTC and the Department of Energy (DOE) to provide
detailed guidance on consumer education efforts required as part of the final rule. While
IMERC believes that NEMA member companies and other lamp manufacturers should
take responsibility for educating consumers about their products, the member states
believe the federal government must also play an important role in consumer education.

**A. Effective Date Extension for All Covered Bulbs:**
IMERC supports an extension of the Rule’s effective date to January 1, 2012.

Consumers need access to new lamp packaging information as soon as possible.
However, due to the complexities of global supply chains, the Clearinghouse believes a
six-month delay in implementation of the rule is reasonable to allow a wide variety of
manufacturers to come into compliance.

As stated above, the Clearinghouse strongly urges NEMA’s member companies and other
lamp manufacturers to conduct consumer outreach and education during the six-month
delay in lamp labeling implementation. IMERC believes that the member companies are
in the best position to develop and conduct these outreach campaigns. Some IMERC-
member states have public outreach and education requirements in place for which
NEMA has already created and implemented plans for its member companies in order to
meet the states’ requirements.

**B. Effective Date for CFLs:**
IMERC does not support an extension on the effective date for labeling of compact
fluorescent lamps (CFLs).

The Clearinghouse believes that any further delay in implementing CFL labeling changes
would negatively impact consumers’ ability to make educated energy-efficient lamp
purchasing decisions. The member states agree with FTC’s response that labeling of
CFLs should be implemented without delay to allow consumers to compare CFLs to
other energy-efficient choices such as halogens and light emitting diodes (LEDs) as these
lamps become more prevalent in the marketplace.

**C. Incandescent Bulbs Subject to New Federal Efficiency Standards:**
IMERC does not support allowing an exemption for additional incandescent bulbs not
already exempted by the Rule.

During the proposed rule comment period, FTC had adequate time to consider exempting
75-watt incandescent lamps that will be eliminated by new EISA efficiency standards
effective January 1, 2013 and certain incandescent reflector products that DOE efficiency
regulations will eliminate on July 14, 2012. The Clearinghouse does not believe that
NEMA has presented additional information to make a compelling argument as to why
these lamp products should be exempt from the rule.
If FTC extends the Rule’s effective date by six-months, IMERC does not believe that this extension should have a cascading effect and change other dates already established and published as the final rule.

D. Formatting Requirements for Smaller Packages:
IMERC does not support changing formatting requirements for smaller packages.

As stated in FTC’s response, the Rule specifies minimum font, leading, and line thickness required on lamp labels. Those specifications have been judged to meet the member states’ labeling requirements. Any changes to those specifications may cause some labels to no longer meet state requirements and may not be allowed for sale within those jurisdictions. The Clearinghouse supports the conclusions made in FTC’s response to this request.

Sincerely,

Stephanie D’Agostino
New Hampshire Department of Environmental Services
IMERC Chair

cc:
IMERC Product Labeling Committee:
  Robert Hannon, Connecticut Department of Environmental Protection
  Chris Piehler, Louisiana Department of Environmental Quality
  Enid Mitnik, Maine Department of Environmental Protection
  Jordan Macy, Massachusetts Department of Environmental Protection
  John Gilkeson, Minnesota Pollution Control Agency
  Peter Pettit, New York Department of Environmental Conservation
  Beverly Migliore, Rhode Island Department of Environmental Management
  Gary Gulka, Vermont Department of Environmental Conservation
  Maria Victoria Peeler, Washington Department of Ecology
  Becky Jayne, Illinois Environmental Protection Agency
  C. Mark Smith, Massachusetts Department of Environmental Protection
  Matthew Jones, Environmental Council of the States
  Ellie McCann, U.S. Environmental Protection Agency, OPPT