FTC Seeks Input on Proposed EnergyGuide Labeling Rule Updates

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In keeping with its 5-year schedule for comparability range updates to the Energy Labeling Rule (Rule), the Federal Trade Commission (FTC) published a Notice of Proposed Rulemaking on May 25, 2022, seeking to revise the Rule to require EnergyGuide labels to update comparability range information on EnergyGuide labels for televisions, refrigerators and freezers, dishwashers, water heaters, room air conditioners (ranges only), clothes washers, furnaces, and pool heaters.

The Rule requires manufacturers to affix EnergyGuide labels to many consumer products and prohibits retailers from removing the labels or making them illegible. EnergyGuide labels must contain three disclosures: a product’s estimated annual energy cost, its energy consumption or energy efficiency rating as determined by Department of Energy (DOE) test procedures, and a comparability range that shows the highest and lowest energy costs or efficiency ratings for all similar models. The FTC periodically updates comparability range and annual energy cost information.
based on current manufacturer data, pursuant to the Rule. The FTC is now proposing two amendments to the Rule: revising the average energy cost figures based on the national average cost figures published by the DOE and clarifying that manufacturers must use current DOE requirements to determine capacity for room air conditioners.

Manufacturers must display the updated information on product labels 90 days from publication of the final Notice announcing updated ranges for specific products. Manufacturers of room air conditioners will have until October 1, 2022, to give them time to change their packaging to include the updated labels and to coincide with the effective date of EnergyGuide labels for portable air conditioners.

The vote to approve publication of the Notice of Rulemaking in the Federal Register was 3-1. Commissioner Christine S. Wilson dissented, arguing that while the proposed revisions to the Rule are necessary, the Commission “fail(s) to take the opportunity to revisit the Rule’s highly prescriptive requirements,” including the detailed label requirements illustrated in the Notice.

Comments are due by July 11, 2022.

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