

Sunshine Act Meetings

Federal Register

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Friday, July 1, 1994

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

NATIONAL LABOR RELATIONS BOARD

TIME AND DATE: 11 a.m., Wednesday, July 6, 1994.

PLACE: Board Conference Room, Eleventh Floor, 1099 Fourteenth St., NW., Washington, DC 20570.

STATUS: Closed to public observation pursuant to 5 U.S.C. Section 552b(c)(2) (internal personnel rules and practices) and (c)(6) (personal information where disclosure would constitute a clearly unwarranted invasion of personal privacy).

MATTERS TO BE CONSIDERED: Personnel matters.

CONTACT PERSON FOR MORE INFORMATION: John C. Truesdale, Executive Secretary, Washington, DC 20570, Telephone: (202) 273-1940.

Dated: Washington, DC, June 28, 1994.

By direction of the Board:

John C. Truesdale,

Executive Secretary, National Labor Relations Board.

[FR Doc. 94-16171 Filed 6-29-94; 1:13 pm]

BILLING CODE 7545-01-M

UNITED STATES INSTITUTE OF PEACE

DATE/TIME: Thursday, July 7, 1994, 9:15 a.m.-5:00 p.m.

LOCATION: First Floor Conference Room, 1550 M Street, NW., Washington, DC 20005.

STATUS: (Open Session)—Portions may be closed pursuant to Subsection (c) of Section 552(b) of Title 5, United States Code, as provided in subsection 1706(h)(3) of the United States Institute of Peace Act, Public Law 98-525.

AGENDA: Approval of Minutes of the Sixty-fifth Meeting of the Board of Directors; Chairman's Report; President's Report; General Issues; Selection of Spring Cycle of Unsolicited Grants; Selection of 1995 Solicited Grant Topic.

CONTACT: Mr. Gregory McCarthy, Director, Public Affairs and Information, Telephone: (202) 457-1700.

Dated: June 29, 1994.

Charles E. Nelson,
Executive Vice President, United States
Institute of Peace.

[FR Doc. 94-16170 Filed 6-29-94; 1:12 pm]

BILLING CODE 3155-01-M

UNITED STATES INTERNATIONAL TRADE COMMISSION

[USITC SE-94-25]

TIME AND DATE: July 29, 1994 at 2:30 p.m.

PLACE: Room 101, 500 E Street SW., Washington, DC 20436.

STATUS: Open to the public.

1. Agenda for future meeting.
2. Minutes.
3. Ratification list.
4. Inv. No. 731-TA-659 (Final) (Grain Oriented Silicon Electrical Steel from Italy)—briefing and vote.
5. Outstanding action jacket: None.

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

CONTACT PERSON FOR MORE INFORMATION: Donna R. Koehnke, Secretary, (202) 205-2000.

Issued: June 23, 1994.

Donna R. Koehnke,

Secretary.

[FR Doc. 94-16126 Filed 6-28-94; 5:04 pm]

BILLING CODE 7020-02-P-M

UNITED STATES INTERNATIONAL TRADE COMMISSION

[USITC SE-94-24]

TIME AND DATES: July 20, 1994 at 2:30 p.m.

PLACE: Room 101, 500 E Street SW., Washington, DC 20436.

STATUS: Open to the public.

1. Agenda for future meeting.
2. Minutes.
3. Ratification list.
4. Inv. No. 731-TA-706 (Preliminary) (Pineapple from Thailand)—briefing and vote.
5. Outstanding action jacket: None.

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

CONTACT PERSON FOR MORE INFORMATION: Donna R. Koehnke, Secretary, (202) 205-2000.

Issued: June 23, 1994.

Donna R. Koehnke,

Secretary.

[FR Doc. 94-16125 Filed 6-28-94; 5:04 pm]

BILLING CODE 7020-02-P

UNITED STATES INTERNATIONAL TRADE COMMISSION

[USITC SE-94-23]

TIME AND DATE: July 12, 1994 at 2:30 p.m.

PLACE: Room 101, 500 E Street SW., Washington, DC 20436.

STATUS: Open to the public.

1. Agenda for future meeting
2. Minutes
3. Ratification list
4. Inv. No. 731-TA-702 (Preliminary) (Ferrovanadium from Russia)—briefing and vote
5. Inv. Nos. 731-TA-703-705 (Preliminary) (Furfuryl Alcohol from China, South Africa, and Thailand)—briefing and vote
6. Outstanding action jackets:
 1. GC-94-067: Federal Register notice in Inv. No. 337-TA-360 (Certain Devices for Connecting Computers via Telephone Lines)
 2. OP-94-002: Inv. No. 332-344 (The Economic Effects of Anti-dumping and Countervailing Duty Orders and Suspension Agreements)

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

CONTACT PERSON FOR MORE INFORMATION: Donna R. Koehnke, Secretary (202) 205-2000.

Issued: June 23, 1994.

Donna R. Koehnke,

Secretary.

[FR Doc. 94-16124 Filed 6-28-94; 5:04 pm]

BILLING CODE 7020-02-P

UNITED STATES INTERNATIONAL TRADE COMMISSION

[USITC SE-94-22]

TIME AND DATE: July 8, 1994 at 4:00 p.m.

PLACE: Room 101, 500 E Street S.W., Washington, DC 20436.

STATUS: Open to the public.

1. Agenda for future meeting
2. Minutes
3. Ratification list
4. Inv. No. 22-54 (Wheat, Wheat Flour, and Semolina)—briefing and vote.
5. Outstanding action jackets:
 1. GC-94-065: A matter concerning Inv. No. 337-TA-333 (Certain Woodworking Accessories) (Ancillary Proceedings)

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

CONTACT PERSON FOR MORE INFORMATION: Donna R. Koehnke, Secretary, (202) 205-2000.

Issued: June 23, 1994.

Donna R. Koehnke,
Secretary.

[FR Doc. 94-16123 Filed 6-28-94; 5:04 pm]

BILLING CODE 7020-02-P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

INSTITUTE OF MUSEUM SERVICES

SUMMARY: This notice sets forth the agenda of a forthcoming meeting of the National Museum Services Board. This notice also describes the functions of the Board. Notice of this meeting is required under the Government through the Sunshine Act (Public Law 94-409) and regulations of the Institute of Museum Services, 45 CFR 1180.84.

TIME/DATE: 9:00 a.m. to 3 p.m.—Friday—July 22, 1994.

STATUS: Open.

ADDRESS: Nancy Hanks Center at the Old Post Office Pavilion, 1100 Pennsylvania Avenue, NW., Room 527, Washington, DC 20506, 202/606-8536.

FOR FURTHER INFORMATION CONTACT: Elsa Mezvinsky, Special Assistant to the Director, Institute of Museum Services, 1100 Pennsylvania Avenue, NW., Room 510, Washington, DC 20506—(202) 606-8536.

SUPPLEMENTARY INFORMATION: The National Museum Services Board is established under the Museum Services Act, Title II of the Arts, Humanities, and Cultural Affairs Act of 1976, Public Law 94-462. The Board has responsibility for the general policies with respect to the powers, duties, and authorities vested in the Institute under the Museum Services Act.

The meeting of Friday, July 22, 1994 will be open to the public.

If you need special accommodations due to a disability, please contact: Institute of Museum Services, 1100 Pennsylvania Avenue, NW., Washington, DC 20506—(202) 606-8536—TDD (202) 606-8636 at least seven (7) days prior to the meeting date.

NATIONAL MUSEUM SERVICES BOARD:

July 22, 1994—Meeting Agenda

- I. NMSB Chairman's Report and Approval of Minutes from April 21, 1994 Meeting
- II. Guest Address to the Board
- III. Agency Director's Report
- IV. Agency Agenda Reports: Programs
- V. Agency Agenda Reports: Appropriations/ Reauthorization
- VI. Agency Agenda Reports: Legislative Other/Public Affairs

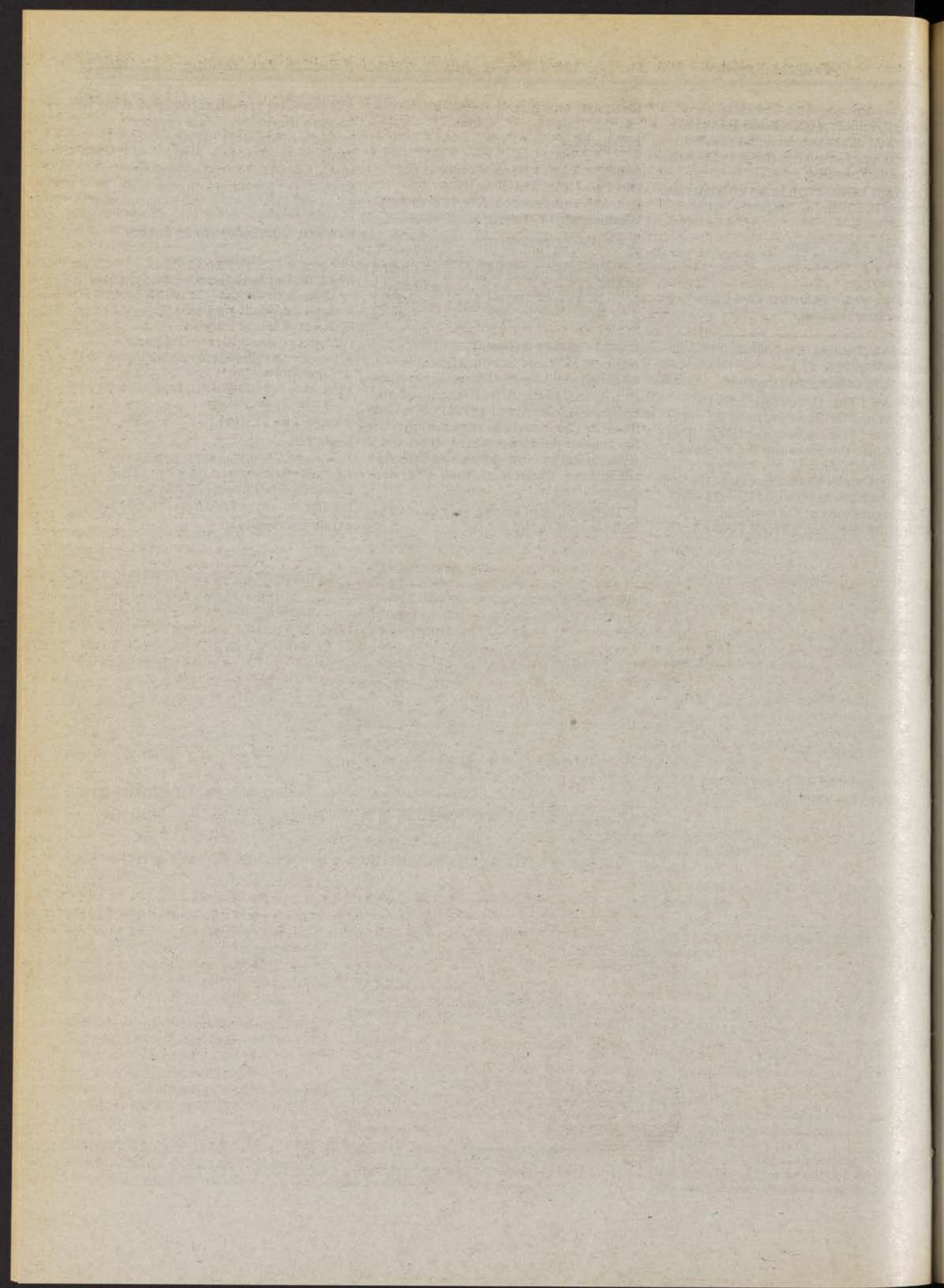
Dated: June 21, 1994.

Linda Bell,

*Director of Policy, Planning and Budget,
National Foundation on the Arts and the
Humanities, Institute of Museum Services.*

[FR Doc. 94-16122 Filed 6-28-94; 5:03 pm]

BILLING CODE 7036-01-M



Test Report Federal Trade

Friday
July 1, 1994

Part II

Federal Trade Commission

16 CFR Part 305

Rule Concerning Disclosures Regarding
Energy Consumption and Water Use of
Certain Home Appliances and Other
Products Required Under the Energy
Policy Act; Final Rule

FEDERAL TRADE COMMISSION

16 CFR Part 305

Rule Concerning Disclosures Regarding Energy Consumption and Water Use of Certain Home Appliances and Other Products Required Under the Energy Policy and Conservation Act ("Appliance Labeling Rule")

AGENCY: Federal Trade Commission.

ACTION: Final rule.

SUMMARY: The Federal Trade Commission ("Commission") announces amendments to 16 CFR Part 305, hereinafter referred to as "the Appliance Labeling Rule" or "the Rule". The Commission initiated this rulemaking to address issues raised by Commission staff and interested parties during the course of rule enforcement since 1980. Some amendments are to the format of the required EnergyGuide labels. Other amendments will require product-specific labels on furnaces; give furnace manufacturers the option of disclosing additional energy usage information on fact sheets or in an industry directory; modify the sub-categories used in connection with the ranges of comparability for certain products; require the disclosure of different energy usage descriptors for some product categories; change the specifications for label adhesion strength; and modify the Rule in certain other minor respects.

EFFECTIVE DATE: December 28, 1994.

FOR FURTHER INFORMATION CONTACT: James Mills, Attorney, 202-326-3035, Enforcement Division, FTC, Washington, D.C. 20580.

SUPPLEMENTARY INFORMATION:

I. Introduction

On March 5, 1993, the Commission published a Notice of Proposed Rulemaking ("the 1993 NPR") proposing changes to the Rule.¹ Some of the Commission's proposals in the 1993 NPR were based on comments submitted in response to an earlier Notice of Proposed Rulemaking published on June 13, 1988 ("the 1988 NPR"), proposing changes to the Rule.² The Commission initiated this rulemaking in 1988 because various interested persons had asked the Commission to consider modifications to the Rule since it became effective on May 19, 1980.³ The 1988 NPR invited

comment on a number of suggestions interested persons had proposed, including the effect of the National Appliance Energy Conservation Act ("NAECA 87")⁴ appliance efficiency standards, and a proposal to exempt from coverage certain unvented space heaters.

The 1993 NPR addressed certain issues and proposed amendments that had not been raised in the 1988 NPR, such as changes in the form and substance of the EnergyGuide labels, proposals to update the Rule in light of changes in related Department of Energy ("DOE") regulations, and changes in the energy efficiency descriptor nomenclature. The Commission also allowed comment on the other proposed amendments that had been subject to prior comment. The Commission requested in the 1993 NPR that any such additional comments be in the nature of rebuttal comments identifying analytical flaws or misunderstandings, rather than repetitions of earlier comments. Finally, in accordance with a statutory directive, the Commission invited comment on whether metric terms should be included in certain Rule provisions.

Parts III and IV, below, discuss the issues on which comments were sought, the comments the Commission received, and the responsive amendments the Commission has adopted. Part V discusses new issues raised by the most recent round of comments; Part VI addresses the comments on the use of metric terms in connection with certain of the Rule's requirements; and Parts VII and VIII discuss the requirements of the Regulatory Flexibility Act and the Paperwork Reduction Act, respectively. The amended Rule sections appear in "Text of Amendments."

II. Background

The Energy Policy and Conservation Act of 1975 ("EPCA"),⁵ as amended,

Flexibility Act regarding ways to modify the Rule. The Commission announced the completion of the review of the Rule under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) in the *Federal Register* on June 13, 1988, at 53 FR 22022.

¹ The National Appliance Energy Conservation Act ("NAECA 87"), Pub. L. 100-12, 101 Stat. 103 (1987).

² Pub. L. 94-163, 89 Stat. 871 (1975), as amended by the National Energy Conservation Policy Act, Pub. L. 95-619, 92 Stat. 3258, (1978), the National Appliance Energy Conservation Act, Pub. L. 100-12, 101 Stat. 103 (1987), the National Appliance Energy Conservation Amendments of 1988, Pub. L. 100-357, 102 Stat. 671 (1988), and the Energy Policy Act of 1992, Pub. L. 102-486, 106 Stat. 2776 (1992), 42 U.S.C. 6291 *et seq.* The Commission is currently considering whether to include pool heaters as covered products under the Rule. 58 FR 7852 (Feb. 9, 1993). The products in categories (14)-(18) were recently added to the list of covered products in EPCA by the Energy Policy Act of 1992. 42 U.S.C.A. 6292(a)(14)-(18) (West Supp. 1993).

requires the Commission to prescribe labeling rules for the disclosure of estimated annual energy cost or alternative energy consumption information for the following products: (1) Refrigerators, refrigerator-freezers, and freezers; (2) room air conditioners; (3) central air conditioners and heat pumps; (4) water heaters; (5) furnaces; (6) dishwashers; (7) clothes washers; (8) clothes dryers; (9) direct heating equipment; (10) kitchen ranges and ovens; (11) pool heaters; (12) television sets; (13) fluorescent lamp ballasts; (14) specified lamp products; (15) showerheads, except safety shower showerheads; (16) faucets; (17) water closets; (18) urinals; and (19) any other type of product that the Department of Energy ("DOE") classifies as a covered product. 42 U.S.C. 6292(a); 6294(a)(1), (2)(A-E). For products in categories (1) through (12) and (19), the Commission is not required to prescribe labeling rules until DOE has prescribed test procedures to measure the energy use of a particular covered product. 42 U.S.C. 6294(b)(3). Moreover, the Commission may exempt from the Rule products in categories:

(a) 1, 2, 4, 6 and 8 through 12 if it determines that labeling is not technologically or economically feasible, 42 U.S.C. 6294(a)(1); and,

(b) 3, 5 and 7 if labeling is not technologically or economically feasible or not likely to assist consumers in making purchasing decisions, 42 U.S.C. 6294(a)(2)(A).⁶

With regard to products in categories (1) through (12) and (19), EPCA states that the Commission must require the labels to disclose the estimated annual operating cost of such products, as determined by DOE test procedures, unless DOE determines that disclosure of estimated annual operating costs is not technologically feasible, or the Commission determines that such disclosure is not likely to assist consumers in making purchasing decisions or is not economically feasible. If DOE or the Commission makes these determinations, then the Commission must require disclosure of a different useful measure of energy consumption, as determined in accordance with DOE test procedures. 42 U.S.C. 6294(c).

On November 19, 1979 the Commission issued a final Rule covering seven appliance categories

The Commission amended the Rule to address products in categories (15)-(18) on October 25, 1993 (58 FR 54955) and products in category (14) on May 13, 1994 (58 FR 25176).

⁶ There is an additional exemption provision for lamps that is not pertinent to this analysis. See 42 U.S.C.A. 6294(a)(2)(C)(ii) (West Supp. 1993).

¹ 58 FR 12818. The Commission's Rule is codified at 16 CFR Part 305.

² 53 FR 22106.

³ The Commission also had received comments during the review of the Rule under the Regulatory

then covered by DOE test procedures: refrigerators and refrigerator freezers, freezers, dishwashers, water heaters, clothes washers, room air conditioners, and furnaces.⁷ The Rule subsequently was amended to cover central air conditioners and air conditioning heat pumps, fluorescent lamp ballasts, plumbing products, and lamps.⁸ For most product categories, the Rule requires that annual operating costs in dollars and related information be disclosed on labels, called EnergyGuides, and in retail sales catalogs. For three categories (room air conditioners, furnaces, and central air conditioners (including heat pumps)), in which usage cycles depend on disparate climate conditions across the U.S. and an "average" energy cost would be irrelevant to many consumers (and therefore not likely to assist in making purchasing decisions), the required disclosure is the energy efficiency rating ("EER").⁹ For room and central air conditioners, the EERs must be disclosed on labels; for furnaces, the EERs must be disclosed on fact sheets.¹⁰ Corresponding cost information must be disclosed on the label for room air conditioners, on fact sheets for furnaces, and on fact sheets or in an industry directory for central air conditioners.¹¹

⁷ 16 CFR Part 305. The Statement of Basis and Purpose ("SBP") for the Rule describes why the Commission exempted the other categories. 44 FR at 66467-69.

⁸ 52 FR 46888 (Dec. 10, 1987) (air conditioners and heat pumps); 54 FR 28031 (July 5, 1989) (lamp ballasts); pursuant to the National Appliance Energy Conservation Amendments of 1988, the Rule requires these products to bear a capital letter "E" to show that they meet the statute's minimum energy efficiency standards, rather than the information the Rule requires for other product categories; 58 FR 54955 (Oct. 25, 1993) (showerheads, faucets, water closets and urinals; water usage, rather than energy usage, must be disclosed for these products); 58 FR 25176 (May 13, 1994) (general service incandescent lamps including incandescent reflector lamps, compact fluorescent lamps, and general service fluorescent lamps).

⁹ When promulgating the test procedures, DOE, as required by EPCA, developed two measures of energy consumption for each appliance category: (1) estimated dollar cost of operation, and (2) the energy factor, a measure of the useful output of an appliance's services divided by the energy input. For climate control equipment, under the Rule, the energy factor currently must be referred to as the "EER" (energy efficiency rating). As discussed in Part IV.B.3., below, however, the Commission is amending the Rule so that the acronyms used in the DOE tests and by the industry ("SEER," "AFUE," "HSPF," etc.) instead must be used in advertising as well as on fact sheets and labels.

¹⁰ As discussed in Part IV.A.2., below, however, the Commission is amending the Rule to require labels for furnaces to disclose product-specific information and a range of energy usage for all furnaces using the same fuel as the labeled model.

¹¹ As discussed in Part IV.A.2., below, the Commission is amending the Rule to permit manufacturers of furnaces, like manufacturers of

In addition, certain point-of-sale promotional materials must disclose the availability of energy cost or energy efficiency rating information.

III. Issues Discussed in the 1993 NPR

The 1993 NPR solicited comments on two sets of issues. The first set included proposals on which the Commission had sought comment in the 1988 NPR and about which the Commission had reached tentative conclusions. The 1993 NPR summarized the comments received in response to the 1988 NPR and explained the Commission's tentative conclusions. For these proposals, listed below, the 1993 NPR solicited only limited rebuttal comments:

- (1) The effect of the implementation of NAECA 87 on the Rule;
- (2) Proposed amendments to the requirements for furnaces;
- (3) Proposed amendments to the requirements for central air conditioners;
- (4) Proposed amendments to change the sub-categories on which ranges of comparability are based for room air conditioners;
- (5) Proposed amendments to change the sub-categories on which ranges of comparability are based for certain other products;
- (6) Proposed amendments to change the energy usage descriptor for several products from dollars to an alternate descriptor;
- (7) Proposed changes to the label adhesion strength requirements;
- (8) An industry suggestion to label only display models in retail outlets;
- (9) A proposal to extend the "directory option" to manufacturers of water heaters; and,
- (10) A proposal to label certain unvented heaters.

The 1993 NPR also solicited comments on a second group of proposals, listed below, that had not been previously discussed in the 1988 NPR:

- (1) An industry proposal to exempt central air conditioners from labeling requirements;
- (2) Minor revisions to update and improve the Rule;
- (3) Using, in lieu of the term "EER," the industry terms "AFUE," "SEER," and "HSPF" as the required descriptors of the energy usage of climate control products; and,
- (4) Changing the format of the required EnergyGuide labels.

The 1993 NPR also solicited comment on whether the Commission should

central air conditioners, to disclose the additional information in an industry directory.

require metric measurements. Finally, to obtain information relating to the Regulatory Flexibility Act and Paperwork Reduction Act, the 1993 NPR asked about the effect of the proposed amendments on small businesses and the burden of the Rule's reporting and recordkeeping provisions.

In accordance with 42 U.S.C. 6306(a), the 1993 NPR afforded interested persons the opportunity to present their views in writing and orally at a public hearing. The Presiding Officer did not receive any requests for an oral presentation, so no hearing was held. During the comment period, which extended from March 5 through May 20, 1993, the Commission received 34 comments.¹² These comments were from five appliance manufacturers, three appliance industry trade associations, nineteen public utilities, two utilities trade associations, two state energy offices, one federal agency, one city and one consumer group.¹³

¹² The comments are found on the Public Record at the Federal Trade Commission in Washington, DC under Rulemaking Record Number R611004 (Appliance Labeling Rule). They are grouped under Category D (Comprehensive Review—Industry Comments) and Category DD (Comprehensive Review—Comments from Other Sources). Other material submitted to the Public Record in this proceeding can be found under Category A (Public Notices and Petitions) and Category B (Miscellaneous Staff Materials Assembled Prior to the Initiation of the Rulemaking Proceeding).

¹³ The commenters were: Amana, D-1 and D-2 (references will be to D-1, which is the later version); Whirlpool Corporation ("Whirlpool"), D-3; Maytag, D-4; The Association of Home Appliance Manufacturers ("AHAM"), D-5; The Air Conditioning and Refrigeration Institute ("ARI"), D-6; New Harmony Systems Corporation ("New Harmony"), D-7; Speed Queen, D-8; The Gas Appliance Manufacturers Association ("GAMA"), D-9; Public Service Company of North Carolina, Inc. ("PSCNC"), DD-1; Brooklyn Union Gas ("Brooklyn Gas"), DD-2; The Peoples Gas Light and Coke Company ("Peoples Gas"), DD-3; Mississippi Valley Gas Company ("Mississippi Gas"), DD-4; Pennsylvania Gas and Water Company ("PG&W"), DD-5; Atlanta Gas Light Company ("Atlanta Gas"), DD-6; Piedmont Natural Gas Company ("Piedmont Gas"), DD-7; The American Council for an Energy Efficient Economy ("ACEEE"), DD-8; The Washington State Energy Office ("WSEO"), DD-9; Elizabethtown Gas Company ("Elizabethtown Gas"), DD-10; Covington Gas Company ("Covington Gas"), DD-11; The U. S. Environmental Protection Agency ("USEPA"), DD-12; Gibson County Utility District ("Gibson County Utility"), DD-13; Mountain Fuel Supply Company ("Mountain Fuel"), DD-14; Texas Gas Transmission Corporation ("Texas Gas"), DD-15; City of Palmdale ("Palmdale"), DD-16; Oklahoma Natural Gas Company ("Oklahoma Gas"), DD-17; Memphis Light, Gas and Water Division ("Memphis Electric and Gas"), DD-18; Louisville Gas and Electric Company ("LG&E"), DD-19; Laclede Gas Company ("Laclede Gas"), DD-20; The Electric & Gas Industries Association ("EGIA"), DD-21; The American Gas Association ("AGA"), DD-22; The California Energy Commission ("CEC"), DD-23; ENTEX, a Division of ARKLA, Inc. ("ENTEX"), DD-24; Consolidated Natural Gas Company ("CNG"), DD-25; UGI Utilities, Inc. ("UGI"), DD-26.

IV. Discussion of Comments and Disposition of Issues

A. 1988 NPR Issues on Which Limited Comment Was Solicited

1. The Effect of the Implementation of NAECA 87 on the Rule

NAECA 87 established minimum efficiency standards for many appliances covered by the Rule, which became effective at staggered intervals between January 1, 1988, and January 1, 1993.¹⁴ DOE has adopted rules implementing the standards requirements (hereinafter "DOE's Minimum Efficiency Standards Rule").¹⁵ The 1988 NPR asked whether these standards would narrow the energy usage ranges of comparable products to the point that labeling would no longer be useful and whether, for this reason, the Rule should be modified.¹⁶ In the 1993 NPR, the Commission tentatively concluded that the 1988 NPR record did not support eliminating any product categories because of the new NAECA 87 product standards.¹⁷

Two comments addressed the Commission's tentative 1993 NPR conclusion. CEC agreed with the Commission that the record does not support eliminating any product categories.¹⁸ AHAM recommended that the Commission continue the Rule, but monitor the effect of the new energy standards on the products being offered for sale.¹⁹ Accordingly, the Commission concludes that the current comments do not support any modification of its earlier tentative decision not to eliminate any specific product category from coverage because of the NAECA 87 minimum efficiency standards.

2. Furnace Labeling Requirements

a. Current furnace labeling requirements. Currently, furnaces

(which are defined to include boilers) must bear a label containing only general energy-saving tips and referring the consumer to a fact sheet that retailers must make available to consumers. 305.3(g); 305.11(a)(5)(ii) and Figure 3; 305.11(b)(1)(ii).²⁰ The fact sheets show the combinations of components available and the overall efficiency of any set of component combinations.²¹ In addition, the fact sheets provide costs grids for estimating what the "system" would cost the consumer to operate, depending on geographic location and utility rate structures. 305.11(b)(3)(viii).

b. *The Directory option and product-specific label amendments.* The 1988 NPR proposed to require that the furnace labels disclose (a) the specific product's energy factor, identified as the EER, (b) a "generic" range of EER's for all furnaces that use the same fuel as the labeled unit, and, (c) stronger language directing consumers to either fact sheets or a directory for detailed cost information.

The 1993 NPR analyzed the comments and proposed amending the Rule to require each furnace to bear a label that discloses product-specific information showing the unit's annual fuel utilization efficiency ("AFUE") and a generic range based on the sub-categories in DOE's Minimum Efficiency Standards Rule. The Commission also proposed permitting manufacturers that are members of an industry trade association with a certification program and a directory to make the required efficiency and cost disclosures through the directory instead of preparing fact sheets, provided that the directory met the Rule's criteria.²²

²⁰ The Commission's reasons for the current label and fact sheet disclosure requirements for furnaces are discussed in the SBP at 44 FR 66470-71.

²¹ For example, whether the furnace would be available with a vent damper, standby pilot, automatic ignition, etc.

²² See the discussion in the 1993 NPR at 58 FR 12820-23. In addition to these product-specific label and directory option modifications to the Rule, the Commission proposed the following specific requirements to accommodate several potential difficulties with product-specific labels that some comments raised (see the discussion at 58 FR 12822-23):

(1) When the working units of boilers (or furnaces) are shipped separately from the outer jackets, the units would have to be labeled with hang-tag labels that also have adhesive backing, so the installer could affix the label to the outside of the jacket after the unit is installed;

(2) When boilers are shipped with more than one input nozzle, they would have to be labeled to show the AFUE of the unit when it is set up with the highest firing rate; and,

(3) Boilers that may be set up as either steam or hot water units would have to be labeled with the hot water AFUE.

The Commission did not receive comment on these 1993 NPR proposals, and has incorporated

Five comments responded to the 1993 NPR's request for comments on the above proposals. Amana stated that most central furnace dealers also sell central air conditioning products, so allowing furnace manufacturers the option of being listed in an industry directory in lieu of providing facts sheets would standardize the labeling protocol for these very similar product classes.²³ Amana stated, however, that product-specific furnace labels are of minimal value to consumers for the reasons previously given by GAMA.²⁴ GAMA again opposed a product-specific furnace label requirement, but supported the directory option. It noted that the proposed distribution requirements for directories are reasonable.²⁵

CEC stated that product-specific information on individual products is helpful both to CEC's own standards program and the State's utility incentive programs.²⁶ A building code inspector also commented that his job is made easier and quicker when there are product-specific labels on appliances. Otherwise, it is time-consuming for inspectors to track down the information needed to approve a new or replacement installation of equipment.²⁷

Laclede Gas suggested that if product-specific labels are required, they should show detailed cost information as well as the AFUE.²⁸

Based on these comments, the Commission has determined to adopt its proposed amendments. GAMA's reasons for opposing furnace labeling continue to be unpersuasive to the Commission.²⁹ Similarly, the Commission continues to believe that requiring cost information on furnace labels (as suggested by Laclede Gas) is not advisable, for the reasons discussed in the Rule's Statement of Basis and Purpose.³⁰ Therefore, the Commission is amending

them into the Rule. See section 305.11(a)(5)(ii)(I)-(L) of the amended Rule in "Text of Amendments," below.

²³ Amana, D-1, 1.

²⁴ Amana, D-1, 2. GAMA's reasons for opposing product-specific furnace labels are detailed in the 1993 NPR at 58 FR 12821. See also GAMA's comment (D-9) at page 1.

²⁵ GAMA, D-9, 1-2.

²⁶ CEC, DD-23, 4. CEC stated that it is often difficult to identify the precise model from the model numbers contained in reported information alone, and that it is very useful to have the energy usage on the label attached to the model itself.

²⁷ City of Palmdale, DD-16, 1.

²⁸ Laclede Gas, DD-20, 5.

²⁹ See the discussion at 58 FR 12821-22.

³⁰ See 44 FR 66466 at 66470-71. The differences in regional climate and consumer use patterns make it impractical to disclose estimated annual operating cost as the primary energy usage disclosure for these products.

¹⁴ See 42 U.S.C. 6295. After the effective date of a standard, the manufacture of non-complying products is prohibited. See 42 U.S.C. 6302(a)(5).

¹⁵ 10 CFR Part 430, Subpart C.

¹⁶ Manufacturers annually submit to the Commission energy usage data for their various appliance models. The Commission analyzes these data and publishes "ranges" consisting of the highest and lowest energy use figures for certain appliance categories. The manufacturers disclose the industry-wide ranges on their EnergyGuide labels by means of a bar scale, with a mark indicating where their appliances fall on the bar. For example, the 1992 range for standard size dishwashers was from \$46.00 to \$82.00 (when using electrically heated water) and from \$25.00 to \$46.00 (when heating water with gas). Some manufacturers suggested that, once efficiency standards are implemented, the range for a given product could be so limited (for example, from \$39 to \$41) that providing range information would not be useful.

¹⁷ See 58 FR 12819-20 (March 5, 1993).

¹⁸ CEC, DD-23, 3.

¹⁹ AHAM, D-5, 3.

the requirements for furnaces as proposed in the 1993 NPR. See sections 305.11(a)(5) and .11(c) of the amended Rule in "Text of Amendments," below.

c. New sub-categories for furnaces.

The 1988 NPR proposed that the ranges of comparability for furnaces be reduced from the 70 currently required ranges to a single "generic" range for each fuel type (gas, oil, and electric).³¹ The 1993 NPR proposed instead to adopt as the Rule's ranges of comparability for furnaces the nine sub-categories for furnaces listed in NAECA 87 and used in DOE's Minimum Efficiency Standards Rule, which include a sub-category for both forced-air furnaces and boilers of each fuel type and separate sub-categories for small gas furnaces, mobile home furnaces, and gas steam boilers.³²

Three comments addressed this issue. Amana commented that the NAECA 87 categories would improve consumers' ability to compare products.³³ GAMA and CEC also supported the proposal, but recommended against establishing a separate category for "Small Furnaces."³⁴ GAMA stated that all warm-air furnaces (other than mobile home furnaces) have to meet the same standard and that the NAECA standards, as GAMA believes they will be amended, will not make a distinction between "furnaces" and "small

furnaces."³⁵ CEC showed, on the basis of energy usage figures relating to furnaces marketed in California and received by CEC in connection with its own minimum efficiency standards program, that the ranges of comparability of Gas Furnaces and Small Gas Furnaces are identical at the low end (the minimum efficiency standard) and virtually the same at the high end. CEC also suggested minor nomenclature revisions for purposes of clarification.³⁶

Based on these comments, the Commission is amending Appendix G to the Rule (pertaining to furnaces) in general accordance with the 1993 NPR proposal. The Commission is persuaded by the GAMA and CEC comments, however, that adoption of the proposed sub-category "Appendix G2 to Part 305—Small Furnaces—Gas (Under 45,000 Btu's/hr. Input)" would not provide consumers with significantly different efficiency information from what the Furnaces—Gas sub-category (Appendix G1) will provide. See the amendments to Appendix G in "Text of Amendments," below.

3. Central Air Conditioner and Heat Pump Amendments to Require Range Information on Fact Sheets or in Directories (as Well as on Labels)

Currently, for central air conditioners and heat pumps, the Rule requires that range information appear only on the label.³⁷ In the 1988 NPR, the Commission sought comment on a proposal to amend the Rule to require that the EER and range information appear in fact sheets or directories as well as on the labels. This proposal was expected to assist consumers who might not see the labeled units because they are shopping for these products through directories or fact sheets.³⁸

In the 1993 NPR, noting that no comment was received on this issue in response to the 1988 NPR, the Commission tentatively concluded that adoption of this requirement would be in the public interest. The Commission also noted that ARI's current practice was (as it still is) to include the ranges

in its Directory.³⁹ Amana supported this proposal without giving any specific reasons.⁴⁰

The Commission has determined to amend the Rule as proposed to require that the EER and range information appear on fact sheets or in directories as well as on labels, for the reasons expressed in the 1988 NPR. This amendment parallels the requirements being announced today for furnaces. See sections 305.11(b)(3)(vi) and .11(c)(3)(vi) of the amended Rule in "Text of Amendments," below.

4. Proposed Amendments to Modify Room Air Conditioner Range Sub-categories

Currently, Appendix E to the Rule contains 37 ranges for room air conditioners. The energy efficiency range information the Commission published prior to 1988 indicated that the range of efficiencies of room air conditioners was virtually the same for each of the capacity groupings. Accordingly, reducing the number of ranges from 37 to one was expected to decrease the industry's labeling burden without affecting the information provided to consumers, and the 1988 NPR proposed amending this provision to establish a single generic range.⁴¹

The comments in response to the 1988 NPR on this proposal, however, persuaded the Commission that, because products in the different sub-categories have different features and applications and were required to meet (as of January 1, 1990) different minimum efficiency standards, consumer confusion could result if there were only a single product category range. Further, because NAECA 87 and the DOE's Minimum Efficiency Standards Rule set five different minimum EER's among the ten different capacity groupings, different capacity grouping also seemed justified.⁴² Therefore, the 1993 NPR proposed amending the Rule to include the sub-categories and capacity groupings for room air conditioners appearing in DOE's Minimum Efficiency Standards Rule (which were derived from NAECA 87).

Four comments addressed this issue. Whirlpool unequivocally supported adoption of the proposed NAECA 87/DOE sub-categories.⁴³ AHAM stated that, although there was no consensus among its membership as to how to

³¹ The 70 currently required ranges consist of fourteen ranges, according to capacity rating, for Btu's of input per hour, for each of the three fuel types, with furnaces and boilers fueled by natural gas and oil broken out separately. A "generic range" would encompass all sizes within a fuel type (i.e., one range, rather than fourteen ranges based on capacity groupings, for electric furnaces). See 53 FR 22109.

³² 58 FR 12823; 12839-46 (Proposed Appendices G1-G9 to the Rule). The Commission's reasons for proposing the NAECA 87 sub-categories for furnaces were as follows:

Using the DOE sub-categories would result in consistency between the ranges required by the Rule and DOE's minimum efficiency standards for these sub-categories and thus help manufacturers. These sub-categories also would help consumers in their shopping efforts. For example, for non-gas steam boilers, the lowest efficiency permitted by the standards is 80% (75% for gas-steam boilers). The low end of a single range for all gas-fueled boilers, as proposed in the (1988) NPR would be 75%. Using that figure as an end point on the range would inaccurately suggest to a shopper looking for a gas hot water boiler that a model with an efficiency of 75% would be available, when the least efficient model of that sub-category permitted by the standards would be 80% efficient. Under the system proposed today, with separate ranges for each sub-category, the ranges for boilers (except gas-steam) would show the bottom end of the efficiency range to be at the pertinent minimum efficiency standard of 80%.

Id. at 12823.

³³ Amana, D-1, 1.

³⁴ GAMA, D-9, 2; CEC, DD-23, 4-5.

³⁵ GAMA, D-9, 2. The DOE minimum efficiency standards for both of these sub-categories are the same (78% AFUE). See 10 CFR 430.32(a) (1992).

³⁶ For example, renaming the categories other than "Mobile Home Furnaces" to indicate that they do not include mobile home furnaces, and changing "Boilers-Gas (except gas/steam)" to "Boilers-Gas (except steam)" for consistency. CEC, DD-23, 5. The Commission believes that following this suggestion could result in confusion because of the resultant difference in nomenclature between DOE's furnace sub-categories and the Commission's. Therefore, the Commission is not adopting CEC's suggestion.

³⁷ 305.11(a)(5)(iii)(D) and (E).

³⁸ 53 FR 22109, note 17.

³⁹ See 58 FR 12823-24.

⁴⁰ Amana, D-1, 2.

⁴¹ See 53 FR 22109.

⁴² See 42 U.S.C. 6295(c) and 54 FR 6062, at 6072 (Feb. 7, 1989).

⁴³ Whirlpool, D-3, 4.

group the products, all agree the existing 37 sub-categories are too many.⁴⁴ Amana agreed with reducing and reorganizing the subcategories, but suggested its own groupings, which are somewhat more detailed than those proposed in the 1993 NPR.⁴⁵ CEC stated that it is not necessary for the Commission to use divisions for ranges of comparability that DOE uses for setting standards.⁴⁶ CEC, therefore, suggested instead two sub-categories: "Non-heat-pumps" (broken down into three capacity groupings) and "Heat Pumps" (in one all-inclusive capacity grouping).⁴⁷

CEC's more inclusive sub-categories may frustrate consumers looking for the most efficient product with particular features because they group together room air conditioners with many different features.⁴⁸ On the other hand, Amana did not explain sufficiently why its numerous sub-categories are preferable. The Commission finds that the sub-categories proposed in the 1993 NPR are sufficiently detailed to help consumers select the most efficient product with the features they want. Accordingly, Appendix E of the amended Rule in "Text of Amendments," below, reflects the groupings proposed in the 1993 NPR.

5. Other Products—Proposals to Change Sub-categories

a. *Refrigerators, Refrigerator-freezers and Freezers.* Under the current Rule, there is one range category for refrigerators, one for refrigerator-freezers, and one for freezers.⁴⁹ In response to the 1988 NPR, four comments recommended that the Commission adopt new range categories that parallel the sub-categories established by NAECA 87 and

prescribed in DOE's Minimum Efficiency Standards Rule.⁵⁰

In the 1993 NPR, the Commission proposed adopting the NAECA 87 refrigerator, refrigerator-freezer and freezer sub-categories. The Commission stated that the NAECA 87 sub-categories would enable a consumer who has decided on a product with certain features and a specific door configuration to see a cost range on the label that includes only models with the same features as the labeled unit. The 1993 NPR also proposed adding a sub-category for "All-Refrigerators with Automatic Defrost" (meaning a single-door refrigerator, with automatic defrost, that has a small compartment for ice trays but no compartment for frozen food storage), noting that a separate range would be useful to those consumers who are looking only for such a product.⁵¹ In addition, the Commission proposed changing the span of the capacity groupings within the sub-categories from two cubic feet to four cubic feet.⁵² This would result in fewer (and larger) groupings within each of the 11 sub-categories, with more models within each group for consumers to compare.

Four comments addressed these proposals. Amana, Whirlpool and AHAM supported adoption of the NAECA 87 sub-categories.⁵³ Amana also supported changing from two- to four-cubic-foot increments,⁵⁴ but Whirlpool and AHAM opposed this change. Whirlpool contended that such increments would depict larger units in a given category as being less efficient, which would be inaccurate, since "a higher kWh/year does not mean the unit is less efficient."⁵⁵ AHAM said four-

cubic-foot increments would make it harder for consumers to compare the energy efficiency of similarly sized products.⁵⁶

CEC disagreed with the 1993 NPR's proposed sub-categories, critiquing some assumptions and definitions upon which they were based.⁵⁷ In addition, CEC opposed the Commission's proposal to adopt a sub-category for "All-refrigerators with Automatic Defrost," noting that the term "All-refrigerator" is not used in DOE's Minimum Efficiency Standards Rule, and is defined only in the DOE test procedure for refrigerators, refrigerator-freezers and freezers.⁵⁸

CEC proposed sub-categories very similar to those currently provided in the Rule. The CEC proposal is based on an analysis of different possible sub-category combinations using the actual number of these products in the State of California.⁵⁹ The recommended sub-categories were: Refrigerators; Refrigerator-freezers; and Freezers (with a further breakout into Upright and Chest). Capacity groupings were in four-cubic-foot increments, as proposed in the 1993 NPR. However, CEC's proposal still differs from the current requirements in its breakout of Freezers into Upright and Chest.

The Commission is not persuaded by CEC's comments that the NAECA 87 sub-categories are inappropriate. The NAECA 87 sub-categories are based on features and door configurations; they will benefit consumers because these features are of major significance to them when shopping.⁶⁰ Therefore, the amended Rule adopts the NAECA 87 sub-categories for refrigerators, refrigerator-freezers and freezers. See Appendices A1-A8 and B1-B3 in "Text of Amendments," below.

After analyzing the distribution of models among the capacity groupings, however, the Commission has determined to retain the two-cubic foot increments currently required in the ranges of comparability for these products. There are enough models available in the more popular size groupings so that two-cubic-foot increments will provide consumers with meaningful selections among these

⁴⁴ AHAM, D-5, 3-4.

⁴⁵ Amana, D-1, 2. Attachment. Beyond stating that the proposal does not "accurately group similar products," however, Amana did not explain why its suggested groupings would be preferable to those proposed in the NPR.

⁴⁶ CEC, DD-23, 6.

⁴⁷ *Id.* at 8. The comment contained sample ranges of comparability charts based on CEC's recommended sub-categories. CEC derived the sample range charts using energy usage data on room air conditioners sold in California that had been submitted to CEC in connection with CEC's minimum efficiency standards program. CEC also provided figures showing the number of each model type in each grouping that was marketed in the State of California.

⁴⁸ For example, louvered room air conditioners cannot be used for through-the-wall installation, so consumers looking for a built-in product would find efficiency information for the louvered products superfluous.

⁴⁹ See Appendices A-1, A-2 and B.

⁵⁰ See the discussion in the 1993 NPR at 58 FR 12824-25. NAECA 87 divides refrigerators and refrigerator-freezers into seven sub-categories, based on the configuration of the doors to the two compartments and whether the defrost systems are manual or automatic. It divides freezers into three sub-categories: two for upright (depending on type of defrost system) and one for chest and all other types of freezers. DOE has adopted these sub-categories in its Minimum Efficiency Standards Rule. See 10 CFR 430.32(a).

⁵¹ The DOE test procedure for refrigerators and refrigerator-freezers defines "all-refrigerator" as "an electric refrigerator which does not include a compartment for the freezing and long time storage of food at temperatures below 32 degrees F (0.0 degrees C). It may include a compartment of 0.50 cubic capacity (14.2 liters) or less for the freezing and storage of ice." 10 CFR Part 430, Subpart B, Appendix A-1, 1.4 (1992).

⁵² For example, instead of grouping products in increments of two cubic feet, such as: 5.5 to 7.4, 7.5 to 9.4, etc., the amended appendices would group them in four-cubic-foot increments, such as: 5.5 to 9.4, 9.5 to 13.4, etc.

⁵³ Amana, D-1, 1; Whirlpool, D-3, 4; AHAM, D-5, 4-5.

⁵⁴ Amana, D-1, 1.

⁵⁵ Whirlpool, D-3, 4.

⁵⁶ AHAM, D-5, 4-5.

⁵⁷ CEC, DD-23, 9-19.

⁵⁸ *Id.* at 11. A footnote in the table setting out the minimum efficiency standards for refrigerators, refrigerator-freezers and freezers in DOE's Minimum Efficiency Standards Rule refers to "all refrigerators with automatic defrost," without a hyphen between "all" and "refrigerators." CEC contends that this simply means "all refrigerators," which could just as easily be written "refrigerators."

⁵⁹ *Id.* at 12-19.

⁶⁰ See the discussion in the NPR at 58 FR 12825.

products within the new sub-categories. Moreover, the Commission agrees with AHAM that consumers could find it more difficult to use the ranges of comparability to compare similar models if the capacity groupings were broken into four-cubic-foot increments. The number of different models in some of the four-foot groupings would be so large as to inhibit the consumer selection process. For example, consider a consumer looking for a 19-cubic-foot refrigerator-freezer with automatic defrost and top-mounted freezer and without through-the-door ice service. If the appropriate subcategory were divided into two-cubic-foot increments (18.5 cu. ft. to 20.4 cu. ft.), the consumer would be comparing the labeled model with 180 other models. The use of four-cubic-foot increments would result in the addition of another 215 models, most of which would be sufficiently larger than the desired 19-cubic-foot model (they would be from 20.5 to 22.4 cu. ft.) that the information would be superfluous and likely confusing. Accordingly, the Commission finds that two-cubic-foot increments would be more likely to assist consumer selection efforts than four-cubic-foot increments.

In response to CEC's comments on the proposed "All-Refrigerator with Automatic Defrost" sub-category, the Commission has changed the designation of Appendix A1 from the previously proposed "All-Refrigerators with Automatic Defrost" to "Refrigerators with Automatic Defrost," and is including a definition of "all-refrigerator" within the definition of "electric refrigerator."⁶¹ See Appendix A1 and section 305.3(a)(1) of the amended Rule in "Text of Amendments," below.

b. *Clothes washers and dishwashers.* The 1988 NPR solicited comment on whether the Commission should adopt different sub-categories for other products. The current Rule prescribes for dishwashers and clothes washers two sub-categories each ("Standard" and "Compact").⁶² In response to the 1988 NPR, one comment suggested revising the current two sub-categories for dishwashers based on the internal

water-heating feature for some dishwashers and the two sub-categories for clothes washers based on tub capacity, door configuration, and other features.⁶³ In the 1993 NPR, the Commission proposed to retain the existing sub-categories for dishwashers and clothes washers, noting that NAECA 87 did not create new sub-categories for these two products.⁶⁴ At that time, the standards for the products in DOE's Minimum Efficiency Standards Rule involved only the mandatory inclusion of an energy-saving feature consisting of an option to dry without heat for dishwashers and an unheated wash option for clothes washers.⁶⁵ The Commission noted, however, that if future revisions to the DOE standards appeared to warrant a change in the categories for these products, the Commission would consider the issue at that time.

Five comments addressed this issue. All five supported retaining the current sub-categories for dishwashers.⁶⁶ Four comments, however, suggested changing the sub-categories for clothes washers by adding two further subdivisions—horizontal axis and vertical axis.⁶⁷ In support, AHAM stated that the technologies of the two proposed subdivisions are different and that consumers interested in the horizontal axis market niche should be able to compare products within that subdivision.⁶⁸

Horizontal axis clothes washers (which are generally front-loading) are significantly more energy-efficient than vertical axis washers (generally top-loading). Because the typical door configurations for these products are different, consumers may shop for only one configuration, and information respecting the energy usage of products having the other configuration may not be useful. For example, consumers wanting to stack a clothes dryer on top of their washer to conserve space would only be interested in a front loading washer.

⁶¹ See 58 FR 12825 (March 5, 1993).

⁶² *Id.*

⁶³ See 54 FR 6062, 6077 (Feb. 7, 1989). Both standards were prescribed earlier in NAECA 87, however, and became effective on January 1, 1989.

⁶⁴ Whirlpool, D-3, 4; AHAM, D-5, 5; New Harmony, D-D-7, 1-3 and Attachment; Speed Queen, D-8, 2; CEC, DD-23, 20 (CEC also supported the proposal not to change the sub-categories for clothes washers).

⁶⁵ Whirlpool, D-3, 4; AHAM, D-5, 5; New Harmony, D-D-7, 1-3 and Attachment; Speed Queen, D-8, 2; New Harmony suggested modifying the definition for "energy factor" to include the subdivisions, and Speed Queen suggested that front loaders (usually horizontal axis) should not be included in the same sub-categories with top loaders (usually vertical axis).

⁶⁶ AHAM, D-5, 5.

The Commission finds, therefore, that separate ranges of comparability for these products would benefit consumers. Accordingly, the Commission is retaining the current sub-categories for dishwashers but amending the sub-categories for clothes washers to reflect a further subdivision into top-loading and front-loading models. See Appendix F—Clothes Washers, in "Text of Amendments," below.

6. Energy Cost Descriptor—Proposals to Change From Estimated Annual Operating Cost to an Alternative Descriptor for Some Products

For five appliance categories (refrigerators and refrigerator-freezers, freezers, dishwashers, clothes washers and water heaters), the Rule requires that labels reflect the estimated annual dollar cost of operation for the product and the applicable range of comparable products. This cost information is calculated by using the National Average Representative Unit Costs ("NARUCs") for energy that DOE develops and publishes annually in the *Federal Register*.⁶⁹ The Commission publishes revised ranges of comparability annually in the *Federal Register* if the upper or lower limits change by 15% or more from the previously published ranges. If the ranges do not change, the Commission publishes a notice that the prior range is still applicable for the next year.

The 1988 NPR solicited comment on using alternate energy descriptors that would remain constant, rather than dollar descriptors. It proposed that the labels disclose energy usage in kilowatt-hours for electrically fueled products, therms for natural gas products, and gallons for oil-fueled water heaters. In the alternative, the 1988 NPR proposed using an energy factor similar to the EER for furnaces, room air conditioners, and central air conditioners.⁷⁰ The comments submitted in response to the 1988 proposal generally favored the elimination of dollar energy usage descriptors in favor of an energy consumption descriptor on labels for refrigerators, refrigerator-freezers and freezers, clothes washers, and dishwashers. In contrast, the comments generally favored either retention of dollar cost or use of an energy factor on labels for water heaters.⁷¹

In the 1993 NPR, the Commission noted that most appliance models

⁶⁹ See 42 U.S.C. 6293(b)(4). These energy cost figures are incorporated into § 305.9 of the Commission's Rule.

⁷⁰ See 53 FR 22100-10.

⁷¹ See 58 FR 12826-28.

⁶¹ CEC also stated that refrigerator-freezers with internal freezers are not mentioned in DOE's or the Commission's regulations but should be covered by the Rule. DD-24 at 12. In fact, these products are already covered by the definition of refrigerator-freezer in section 305.3(a)(2) of the Rule. Finally, CEC expressed dissatisfaction with the fact that refrigerators combined with other appliances (usually stoves) are not covered by the Rule. Such coverage is not possible, however, because there is at this time no DOE test to measure their energy use.

⁶² See Appendix C (Dishwashers) and Appendix F (Clothes washers).

change about every three years, whereas the DOE energy costs change annually because of fuel cost changes. If energy cost changes affect the upper or lower limits of the ranges of comparability by 15% or more, new labels are required. As a result, a floor model on display for a lengthy time may show an operating cost that is different from the cost shown on an identical, newer unit delivered to a consumer's home because the Commission has required new labels, not because of any change in the product's efficiency. For the same reason, two identical floor models, manufactured in different years, may display different operating costs. Also, models with different features can have labels based on different DOE cost figures, making it unlikely that average consumers can accurately compare their energy usage. As a result, many consumers who are familiar with energy cost information may question the accuracy of cost information on labels.⁷²

Pursuant to EPCA, labels may disclose an alternate energy use figure, determined in accordance with DOE tests, if the Commission determines that estimated annual operating cost is not likely to assist consumers in making purchasing decisions or is not economically feasible.⁷³ For the reasons set forth in the 1993 NPR, the Commission concludes that use of a dollar figure as the primary descriptor of energy usage is not likely to assist consumers in making purchasing decisions regarding refrigerators, refrigerator-freezers, freezers, clothes washers, dishwashers, and water heaters. Providing such label information may adversely affect the value of the labeling program.⁷⁴ Below, the Commission discusses the specific alternative disclosures to be made for each product category.

a. Refrigerators, refrigerator-freezers and freezers. In the 1993 NPR, the Commission proposed using kilowatt-hours per year ("kWh/year") as the primary energy usage descriptor instead of a dollar cost on labels for refrigerators, refrigerator-freezers and freezers.⁷⁵ The Commission stated that, although a kWh/year energy usage descriptor is more technical, its use would minimize label changes. The Commission said that those consumers who want to use a dollar cost figure can use the cost grid on the label that was proposed to supplement the kWh/year energy usage descriptor.

The eight comments that addressed the proposal strongly supported it.⁷⁶ Several noted that this type of disclosure is advantageous because it is the same disclosure that Canada requires on its EnerGuide labels for appliances.⁷⁷ Two suggested that labels include definitions of kWh/year.⁷⁸ Therefore, the Commission has determined to require the disclosure of kWh/year as the energy usage descriptor for refrigerators, refrigerator-freezers and freezers. The Commission also is requiring that a definition for kWh/year be used on the labels.

Because the kWh/year figures can easily be multiplied by an appropriate cost per year for electricity to provide an estimated annual operating cost for the labeled product and the ranges of comparability, the Commission has determined to no longer require that the labels for refrigerators, refrigerator-freezers and freezers contain a cost grid. However, the primary kWh/year disclosure will be supplemented by a single disclosure of estimated annual operating cost in the form of a statement at the bottom of the label. This statement will show the operating cost for the labeled product derived using the DOE annual average cost for electricity. The statement will identify the specific costs per unit for electricity and the year DOE published it.⁷⁹ Because the cost figure in the statement will be supplemental information, rather than the primary basis for product comparisons, the cost figure only need be revised whenever a general revision of labels is occasioned by a change of more than 15% in the kWh/year ranges of comparability.⁸⁰ This approach will enable consumers to compare generally the energy usage of products expressed as an operating cost. This figure supplements the main energy usage descriptor by giving consumers some sense at a glance of how energy usage differences are translated into dollars and cents. This should be helpful for those consumers who do not know their local utility

rates. See § 305.11(a)(5)(i)(E) and the Sample Label for refrigerator-freezers in the Amended Rule in "Text of Amendments," below.

b. Clothes washers and dishwashers. The Rule currently requires labels for clothes washers and dishwashers to contain two energy descriptors—one to show the cost of operation for each water-heating method (electricity or gas).⁸¹ The 1988 NPR proposed replacing the two dollar operating cost disclosures with disclosures of kWh/year and therms per year.⁸² Specifically, the Commission proposed that one disclosure would show kWh per cycle (to run the machine and heat the water) when an electric water heater is used. The other would show kWh per cycle (to run the machine) and therms of gas per cycle (to heat the water) when the product is used with a gas water heater. This approach would require two sets of ranges, as well—one under each disclosure.

In the 1993 NPR, the Commission reiterated that use of a dollar cost disclosure for these products is unlikely to assist consumers in making purchase decisions, and that simplified labels that used alternative energy usage descriptors would be better. The Commission further stated that disclosing the energy used per cycle, as proposed in the 1988 NPR, would require two disclosures that would clutter the label and possibly confuse consumers.⁸³

In the 1993 NPR, the Commission therefore proposed using an energy factor as the alternative descriptor because it would result in a label with only one energy usage descriptor and range disclosure, as on labels for all other products. As discussed in note nine, above, an energy factor is a numerical measure of the useful output of an appliance's services divided by the energy input. The DOE test procedures assume, for purposes of calculating the energy factor, that the water used by the appliances is electrically heated. Accordingly, the procedures yield a single energy factor for a dishwasher or clothes washer disclosure, instead of two. The Commission also proposed

⁷⁶ Amana, D-1, 2-3; Whirlpool, D-3, 2; Maytag, D-4, 1-2; AHAM, D-5, 6-10; ACEEE, DD-8, 1; WSEO, DD-9, 2; EGIA, DD-21, 1-2; CEC, DD-23, 20.

⁷⁷ Amana, D-1, 3; Maytag, D-4, 3-4; AHAM, D-5, 8-9.

⁷⁸ ACEEE, DD-8, 1: "A kilowatt-hour is a measure of electricity use." ACEEE also suggested making clear that the lower the kWh/year, the better the efficiency of the product; WSEO, DD-9, 2: "Energy efficient freezers use fewer kilowatt-hours per year and cost less to run. A kilowatt-hour is a measure of electricity."

⁷⁹ See discussion of the operating cost statement in connection with the elimination of cost grids in Part IV.B.4.b., below.

⁸⁰ The operating cost statement will not include a range of operating costs.

⁸¹ See Sample Labels for clothes washers and dishwashers in Appendix K of the Rule. Although the motors that power clothes washers and dishwashers run on electricity, the source of the energy used to heat the water they use could be either natural gas or electricity. When these products use water heated with natural gas, heating the water accounts for fifty percent of the energy consumed during testing. When they use electrically heated water, eighty percent of the energy used by the product is consumed in heating the water.

⁸² See 53 FR 22110 at note 22.

⁸³ See 58 FR 12827.

⁷² See 58 FR 12827 at note 85.

⁷³ 42 U.S.C. 6294(c)(1)(A)(ii).

⁷⁴ See 58 FR 12827.

⁷⁵ Id.

retaining the two cost grids that are on the labels: one showing various annual costs of operation with electrically heated water (calculated using various costs for electricity), and one for gas-heated water (using various costs for gas). The Commission suggested that this labeling approach would permit easier comparisons among similar models and that the two cost grids would enable consumers to calculate annual operating costs and compare models on the basis of how their water is heated.

Eighteen comments addressed this proposal.⁸⁴ Four supported the proposal.⁸⁵ ACEEE preferred energy factor to EER,⁸⁶ and WSEO supported use of an energy factor because "it is consistent with past practice, industry terminology and the DOE test procedures."⁸⁷ CEC noted that "there is no easily understood way of describing the efficiency of a dishwasher, clothes washer, or water heater. Thus, the best we can hope for is to have an energy factor which the consumer recognizes as a measure of efficiency and that the consumer recognizes that a high [energy] factor means high efficiency."⁸⁸

Fourteen comments opposed the proposal.⁸⁹ These comments contended that an energy factor is too complicated and confusing and will mean nothing to consumers.⁹⁰ Five suggested changing

to an energy consumption disclosure, such as kilowatts per cycle or per year.⁹¹ Nine recommended retaining the estimated annual operating cost.⁹²

Two of the comments favoring estimated annual operating cost included consumer survey results in support of their position. ENTEX attached consumer survey results indicating that 80% of 200 consumers surveyed preferred the current label when asked to compare the 1993 NPR Sample 4 dishwasher label with the current (estimated annual operating cost) dishwasher label.⁹³ Mississippi Gas's results of a similar consumer survey indicated that 48.5% of 200 mall intercept consumers⁹⁴ preferred an estimated annual operating cost disclosure, as did nine out of ten consumers interviewed on videotape.⁹⁵

Some of the comments supporting a cost disclosure contended that an energy factor disclosure actually would mislead consumers.⁹⁶ Several referred to the 1979 Statement of Basis and Purpose, in which the Commission concluded that, for appliances other than climate control equipment, any alternative to the estimated annual operating cost disclosure predicated on the DOE tests (including the most often cited alternative—the energy factor) would not be likely to assist consumers in making purchasing decisions.⁹⁷

The five comments favoring an energy consumption disclosure recommended the use of kilowatt-hours—four suggesting kilowatt-hour use per cycle (kWh/cycle)⁹⁸ and one suggesting kWh/cycle or kilowatt-hour use per year (kWh/year).⁹⁹ Whirlpool, Maytag, and AHAM commented that consumers are familiar with kilowatt-hours because they see them every month on their electric bills.¹⁰⁰ Whirlpool contended that, with a disclosure of kWh/cycle, dual disclosures and cost grids would not be necessary, since consumers would have all they need to make a comparative purchasing decision.

Whirlpool suggested that those few consumers who would want to know the estimated annual operating cost of their appliance with a gas water heater could probably obtain the information from the manufacturer.¹⁰¹ AHAM recommended disclosing kWh/cycle as the main disclosure and disclosing additionally the percentage reduction in operating cost if a gas water heater is used.¹⁰² AHAM and Speed Queen pointed out that a kilowatt-hour disclosure would be consistent with the requirements of the Canadian Energuide labels for these products, with Speed Queen specifically mentioning kWh/year, rather than kWh/cycle.¹⁰³

In the 1993 NPR, the Commission explained its reasons for proposing not to require the disclosure of estimated annual operating cost as the primary energy usage disclosure on labels. Those reasons are summarized in Part IV.A.6., immediately above.¹⁰⁴ The comments favoring the continued use of estimated annual operating cost on labels for these products have not provided any new information that would support a change in the Commission's tentative conclusion about this issue. The Commission rejects, therefore, the suggestions that operating cost be retained as the primary descriptor on dishwasher and clothes washer labels, and reiterates its conclusion that estimated annual operating cost as the primary energy usage disclosure is not likely to assist consumers in making purchasing decisions with respect to these products.

The comments supporting the Commission's proposed use of energy factor did not elaborate on why they believed this descriptor would be appropriate.¹⁰⁵ In contrast, the comments opposing the use of energy factor were unanimous in the specific criticism that the term would mean nothing to consumers and would confuse them.¹⁰⁶ For example, Maytag stated that it was difficult to explain energy factor sufficiently to Maytag employees, even when the person

⁸⁴ Comments from the appliance industry, the state agencies, and the consumer group were specifically related either to both dishwashers and clothes washers, or clothes washers only (New Harmony, D-7, 1-3, and Speed Queen, D-8, 1). Comments from gas utilities generally encompassed dishwashers, clothes washers, and water heaters, with a clear emphasis on water heaters. Some utilities rejected use of an energy factor without mentioning any specific product category (see, Brooklyn Gas, DD-2, 1; Mississippi Gas, DD-4, 1-2, 4; PG&W, DD-5, 1; Memphis Electric and Gas, DD-18, 1-2).

⁸⁵ ACEEE, DD-8, 1; WSEO, DD-9, 1-2; CEC, DD-23, 20; New Harmony did not specifically endorse the use of an energy factor, but did suggest a specific definition for the term, thus implying acceptance of it. D-7, 1-3.

⁸⁶ ACEEE, DD-8, 1. The comment was in response to a question in the 1993 NPR (see Question 1. a., at 58 FR 12830).

⁸⁷ WSEO, DD-9, 2.

⁸⁸ CEC, DD-23, 23.

⁸⁹ Whirlpool, D-3, 2; Maytag, D-4, 1-2; AHAM, D-5, 6-7, 9-10; Speed Queen, D-8, 1; PSCNC, DD-1, 2; Brooklyn Gas, DD-2, 1; Peoples Gas, DD-3, 1; Mississippi Gas, DD-4, 1-2, 4; PG&W, DD-5, 1; Memphis Electric and Gas, DD-18, 1-2; LG&E, DD-19, 3-4; EGIA, DD-21, 2; AGA, DD-22, 2-4; ENTEX, DD-24, 2-3.

⁹⁰ See, for example, Whirlpool, D-3, 3 (energy factors have meaning to engineers, but not to consumers); Maytag, D-4, 1-2 (energy factors would be very difficult and even overwhelming to consumers and retail salespeople). Mississippi Gas suggested that the use of an energy factor could discriminate against minority and low income households and attached the results of a consumer survey in support of its contention. DD-4, 1-2.

⁹¹ Whirlpool, D-3, 2; Maytag, D-4, 1-2; AHAM, D-5, 6-7, 9-10; Speed Queen, D-8, 1; EGIA, DD-21, 2.

⁹² PSCNC, DD-1, 2; Brooklyn Gas, DD-2, 1; Peoples Gas, DD-3, 1; Mississippi Gas, DD-4, 1-2, 4; PG&W, DD-5, 1; Memphis Electric and Gas, DD-18, 1-2; LG&E, DD-19, 3-4; AGA, DD-22, 2-4; ENTEX, DD-24, 2-3.

⁹³ DD-24, 4, Attachment, 16.

⁹⁴ DD-4, 3, Attachment, 17-18.

⁹⁵ DD-4, Attachment, 30.

⁹⁶ This argument pertains only to water heaters, however, as discussed in Part IV. A. 6. c., below.

⁹⁷ The reference is to 44 FR 66478 (Nov. 19, 1979). See Brooklyn Gas, DD-2, 1; LG&E, DD-19, 2; AGA, DD-22, 2-3.

⁹⁸ Whirlpool, D-3, 2; Maytag, D-4, 1-2; AHAM, D-5, 6-7, 9-10; EGIA, DD-21, 2.

⁹⁹ Speed Queen, D-8, 1.

¹⁰⁰ Whirlpool, D-3, 3; Maytag, D-4, 2; AHAM, 10.

¹⁰¹ Whirlpool, D-3, 3.

¹⁰² AHAM, D-5, 6-7, 9-10.

¹⁰³ AHAM, D-5, 8-9; Speed Queen, D-8, 1.

¹⁰⁴ See 58 FR 12826-27.

¹⁰⁵ ACEEE supported its use without elaboration. ACEEE, DD-8, 1. WSEO favored energy factor because its use would be consistent with the DOE test and with "industry terminology and past practice," (presumably a reference to its use in the GAMA Directory for water heaters, because the current labels for clothes washers and dishwashers require the disclosure of estimated annual operating cost, not an energy factor.) WSEO, DD-9, 2. CEC acknowledged that communication of energy usage for these two product categories is difficult to accomplish, and that an energy factor is the best one could hope for. CEC, DD-23, 23.

¹⁰⁶ See note 89, above.

explaining the term thoroughly understood the concept. Maytag also contended that consumers seeing energy factors would be confused by the association of higher numbers with higher efficiency. For operating cost descriptors for clothes washers and dishwashers, "smaller is better."¹⁰⁷ The Commission is therefore persuaded by the comments that the energy factor proposed in the 1993 NPR is not the most appropriate alternative to operating cost as an energy usage descriptor for these two product categories.

The Commission concludes that an energy consumption descriptor in terms of kilowatt-hours of electricity consumed per year (kWh/year) would be the best alternative disclosure of energy usage for clothes washers and dishwashers. As several comments pointed out, consumers are familiar with kilowatt-hours from their utility bills, so kilowatt-hour use will be more familiar than an energy factor.¹⁰⁸ The required disclosure will be in terms of electricity consumed using an electric water heater alone, without showing energy consumption for use of the product with both an electric and gas water heater. By comparing the kWh/year of one product to another, consumers will be able to see how the products use energy relative to one another.¹⁰⁹ This fulfills the EnergyGuide program's purpose of providing consumers with comparative energy usage information for making purchasing decisions.

The Commission agrees with Whirlpool that use of a kilowatt-hour usage descriptor eliminates the need for a cost grid because those consumers who so wish may multiply the kWh figure by a cost per kWh for electricity and convert the descriptor into a cost-per-year figure.¹¹⁰ However, as with labels for refrigerators, refrigerator-freezers and freezers, water heaters, and room air conditioners, the primary kWh/year disclosure will be supplemented by an estimated annual operating cost disclosure in the form of a statement at the bottom of the label. For clothes washers and dishwashers, this statement will show two operating costs for the labeled product—one calculated on the basis of its use with an electric water heater, and one with a

gas water heater—both derived using the DOE annual average cost for electricity and gas. (As in the case of the current labels, the cost for operation with an oil-fired water heater is not included because these products account for less than one percent of all residential water heater sales.) The statement will identify the specific costs per unit for the two fuels and the year DOE published them.¹¹¹ This supplemental disclosure will enable consumers to obtain a sense of the magnitude of the monetary difference in operating costs between different models, without requiring that they make their own mathematical calculation.

The Commission is amending the Rule to require a disclosure of kWh/year on labels for these products, rather than adopting a kWh/cycle descriptor, as several comments suggested.¹¹² A kWh/year disclosure, because it provides a larger spread of figures than would a kWh/cycle, discloses differences in energy usage that will be easier for consumers to perceive. Obviously, much more electricity is consumed during a year than during one cycle of operation. Thus, kWh/year will show larger figures and greater intervals between the figures for different models and, therefore, will illustrate more clearly the magnitude of the efficiency difference. Moreover, a kWh/year disclosure will be consistent with the amended disclosure requirements for the other non-climate-control products and with the Canadian EnerGuide program's required disclosures for these two products (as well as the other products covered by the Canadian program.) Accordingly, the final amended Rule requires that labels for dishwashers and clothes washers disclose the products' energy usage in terms of kilowatt-hours used per year. See section 305.11(a)(5)(i)(E) through (J), Appendices C and F, and Sample Labels for dishwashers and clothes washers in "Text of Amendments," below.

c. *Water heaters.* As discussed in the 1993 NPR, the comments responding to the proposal to change from a cost disclosure to energy factor or kWh, therms (of gas), or gallons (of oil) per year for water heaters were divided between keeping the estimated annual operating cost and switching to the energy factor.¹¹³ Citing its reasoning in the 1988 NPR, the Commission tentatively concluded in the 1993 NPR

that, as a primary disclosure of energy cost, a dollar disclosure is not likely to assist consumers in making purchasing decisions.¹¹⁴ Because the energy factor is already in use within the industry and is easily converted to estimated annual operating cost, the Commission proposed to require it for water heaters, even though it could make accurate cross-fuel comparisons difficult.¹¹⁵

Of the 23 comments on this proposal,¹¹⁶ only three favored replacing estimated annual operating cost with an energy factor for water heaters.¹¹⁷ ACEEE and WSEO favored the use of energy factor with little elaboration.¹¹⁸ As with dishwashers and clothes washers, CEC supported the energy factor as the best way to communicate the efficiency of water heaters.¹¹⁹ CEC noted that federal standards and enforcement actions and incentive payments from utilities are all based on efficiency values, rather than dollar values, which can cause confusion by changing annually for the same basic design.¹²⁰

Almost all 20 comments opposing the replacement of estimated annual operating cost with the energy factor disclosure stated that energy factors would be much more confusing to consumers, who understand and are used to dollar cost disclosures. Many argued that an energy factor disclosure could mislead consumers because the range of energy factors is from approximately .55 to .65 for gas water heaters and from .86 to .95 for electric water heaters. They suggested that this could lead consumers to conclude erroneously that electric water heaters would be less costly to run.¹²¹ Some

¹¹⁴ See 53 FR 22109-10. See also 42 U.S.C. 6294(c)(1)(A)(ii).

¹¹⁵ The Commission noted that consumers who wished to, could use the cost grids at the bottom of the labels to make cross-fuel comparisons.

¹¹⁶ PSCNC, DD-1, 2; Brooklyn Gas, DD-2, 1; Peoples Gas, DD-3, 1; Mississippi Gas, DD-4, 1-2, 4; PG&W, DD-5, 1; Atlanta Gas, DD-6, 1; Piedmont Gas, DD-7, 1-2; ACEEE, DD-8, 1; WSEO, DD-9, 1-2; Elizabethtown Gas, DD-10, 1-2; Covington Gas, DD-11, 1; Gibson County Utility, D-13, 1; Mountain Fuel, DD-14, 1-2; Texas Gas, DD-15, 3-4; Oklahoma Gas, DD-17, 1-2; Memphis Electric and Gas, DD-18, 1-2; LG&E, DD-19, 3-4; Laclede Gas, DD-20, 1-5; AGA, DD-22, 2-4; CEC, DD-23, 20, 23; ENTEX, DD-24, 2-3; Consolidated Natural Gas, DD-25, 1-4; UGI, DD-26, 1-2.

¹¹⁷ ACEEE, DD-8, 1, WSEO, DD-9, 1-2, and CEC, DD-23, 20.

¹¹⁸ ACEEE, DD-8, 1, WSEO, DD-9, 2.

¹¹⁹ CEC, DD-23, 23.

¹²⁰ *Id.* at 20.

¹²¹ See, e.g., Peoples Gas, DD-3, 1; Piedmont Gas, DD-7, 1-2; Elizabethtown Gas, DD-10, 1-2; Mountain Fuel, DD-14, 1-2; Texas Gas, DD-15, 3-4; Oklahoma Gas, DD-17, 1-2; LG&E, DD-19, 3-4; Laclede Gas, DD-20, 1-5; ENTEX, DD-24, 2-3. The current ranges of estimated annual operating costs for all sizes of water heaters are from \$122 to \$216.

¹⁰⁷ Maytag, D-4, 1.

¹⁰⁸ Whirlpool, D-3, 3; Maytag, D-4, 2; AHAM, 10.

¹⁰⁹ The range of comparability scale will, as before, provide information as to how the labeled product compares in energy usage to all other similarly sized products.

¹¹⁰ Whirlpool, D-3, 3. See the discussion of elimination of cost grids on all labels in Part IV.B.4.b., below.

¹¹¹ See discussion of the operating cost statement in connection with the elimination of cost grids in Part IV.B.4.b., below.

¹¹² See Whirlpool, D-3, 2; Maytag, D-4, 1-2; AHAM, D-5, 6-7, 9-10; EGIA, DD-21, 2.

¹¹³ See discussion at 58 FR 12827-28.

stated that requiring energy factors would make it difficult for consumers to compare water heaters using different fuels.¹²²

Several comments also stated that energy factors do not take into consideration the total system efficiency of the energy source fueling the water heater.¹²³ The implication is that electricity is considerably more expensive and energy-intensive to produce than natural gas. For example, Laclede Gas contended that from extraction to point of end use, 91% of the energy content of natural gas is delivered to customers, whereas for electricity, 27% of the energy content is delivered.¹²⁴

Eight comments contended that consumers are frequently in a position to judge energy cost before making their selection because they have increasing opportunities to see water heaters before purchase in building supply stores, retail outlets and in new homes.¹²⁵ They concluded that such consumers, therefore, should be provided with estimated annual operating cost on labels. Several comments quoted with approval the Commission's conclusion in the 1979 Statement of Basis and Purpose that any alternative to the estimated annual operating cost disclosure predicated on the DOE tests (including the most often cited alternative—the energy factor) would not be likely to assist consumers in making purchasing decisions.¹²⁶

As with dishwashers and clothes washers, the Commission explained in the 1993 NPR why it proposed changing from requiring an estimated annual operating cost disclosure as the primary energy usage descriptor on labels for water heaters.¹²⁷ Those reasons are summarized in Part IV.A.6., above.¹²⁸ As with clothes washers and dishwashers, the comments favoring the continued use of estimated annual operating cost on labels for water heaters have not provided any new information that would support a change in the Commission's tentative decision on this issue. The Commission rejects, therefore, the suggestions that operating

cost be retained as the primary disclosure of energy usage on water heater labels, and reiterates its conclusion that estimated annual operating cost as a primary energy usage descriptor is not likely to assist consumers in making purchasing decisions with respect to these products.

As in the case of clothes washers and dishwashers, the comments supporting the Commission's proposed use of energy factor for water heaters did not elaborate on why they believed this descriptor would be appropriate. ACEEE supported its use without further comment.¹²⁹ WSEO favored energy factor because its use would be consistent with the DOE test and with "industry terminology and past practice," which is presumably a reference to its use in the GAMA Directory for water heaters.¹³⁰ CEC acknowledged that communication of energy usage for water heaters is difficult to accomplish, and that an energy factor is the best that could be hoped for.¹³¹ The Commission is persuaded by the comments that the energy factor is not the best energy usage descriptor for water heaters.

The Commission has determined to amend the Rule instead to require that labels for water heaters disclose the products' energy usage in terms of kilowatt-hours used per year (for electric water heaters), therms of natural gas used per year (for natural gas-fueled water heaters), and gallons used per year (for propane-gas-fueled and oil-fueled water heaters), as proposed in the 1988 NPR.¹³² As in the case of dishwashers and clothes washers, this disclosure has the advantage of obviating the need for cost grids on the labels by providing consumers with the option of determining cost by multiplying the labeled value by the appropriate cost per unit of the applicable fuel, which will also be disclosed (see below). This calculation will facilitate consumers' ability to make cross-fuel comparisons, if they wish to do so. Moreover, it provides a disclosure in terms that will be familiar to consumers because they see kWh, therms or gallons on their fuel bills. Finally, it maintains consistency among all the labels for non-climate-control products covered by the Rule.

This primary disclosure will be supplemented by an estimated annual operating cost disclosure in the form of a statement at the bottom of the label.

This statement will show the operating cost for the labeled product derived using the DOE annual average cost for electricity, gas, or oil, as appropriate. The statement will identify the specific cost per unit for the applicable fuel and the year DOE published it.¹³³ This statement will provide a basis for making cross-fuel comparisons. The additional advantages of retaining operating cost as supplemental information have been discussed in Part IV.A.6.a. and b., above.¹³⁴ See Amended Rule sections 305.11(a)(5)(i)(E) through (J), Appendices D1 through D3, and the Sample Labels for water heaters in "Text of Amendments," below.

7. Proposed Changes in Label Adhesion Strength Requirement

Section 305.11(a)(4)(i) of the Rule specifies the paper stock and minimum peel adhesion capacity of labels for covered products. In addition to requiring that adhesive labels be applied "so they can be easily removed without use of tools or liquids, other than water," this section requires that the label adhesive must have "a minimum peel adhesion capacity of 24 ounces per inch width." Prior to the 1988 NPR, the Commission received requests to amend this provision to make the labels easier for consumers to remove. The 1988 NPR sought comment on whether to lower the minimum peel adhesion capacity, and on whether a performance standard should be adopted instead.¹³⁵

In the 1993 NPR, the Commission discussed the comments responding to the 1988 NPR, which favored an amendment that would make it easier to remove labels. The Commission concluded that the current standard can result in labels sticking to products with excessive tenacity and proposed a specific performance standard. To provide the industry with guidance as to an acceptable minimum adhesion capacity sufficient to meet the performance standard, the Commission also proposed changing the minimum peel adhesion capacity in the Rule from 24 to 12 ounces and changing it from a requirement to a suggestion.¹³⁶

Four comments addressed this issue. One supported the proposal, saying that excessive label tenacity has been an annoying problem.¹³⁷ Three others

for gas water heaters and from \$377 to \$464 for electric water heaters. 56 FR 46534 (Sept. 13, 1991).

¹²² See, e.g., Brooklyn Gas, DD-2, 1; PG&W, DD-5, 1; Consolidated Gas, DD-25, 3.

¹²³ See, e.g., Peoples Gas, DD-3; Mississippi Gas, DD-4, 4; Laclede Gas, DD-20, 3.

¹²⁴ Laclede Gas, DD-20, 3.

¹²⁵ Peoples Gas, DD-3, 1; Elizabethtown Gas, DD-10, 1-2; Covington Gas, DD-11, 1; Gibson County Utility, D-13, 1; Texas Gas, DD-15, 4; AGA, DD-22, 3; Consolidated Gas, DD-25, 1-2; UGI, DD-26, 2.

¹²⁶ See note 97, above.

¹²⁷ See 58 FR 12828.

¹²⁸ See 58 FR 12826-27.

¹²⁹ ACEEE, DD-8, 1.

¹³⁰ WSEO, DD-9, 2.

¹³¹ CEC, DD-23, 23.

¹³² See 53 FR 22110, note 22.

¹³³ See discussion of the operating cost statement in connection with the elimination of cost grids in Part IV.B.4.b., below.

¹³⁴ See also the discussion of the elimination of cost grids in Part IV.B.4.b., below.

¹³⁵ See 53 FR 22111.

¹³⁶ See 58 FR 12825-26 and 12835 (proposed section 305.11(a)(4)(i)).

¹³⁷ Amana, D-1, 2.

supported the proposal, but emphasized that the Rule should not require any specific adhesion capacity.¹³⁸

The Commission concludes that the record supports revising the Rule to state a performance standard for label adhesion capacity without requiring any specific adhesion capacity number. The Rule will state, for guidance only, an adhesion capacity number (12 ounces) that the Commission deems adequate to comply with the performance standard. See section 305.11(a)(4)(i) of the Amended Rule in "Text of Amendments," below.

8. Suggestion To Label Only Display Models In Retail Outlets

The 1988 NPR also requested comment on a manufacturer's suggestion that the Rule permit manufacturers to label only display models in retail outlets to reduce labeling cost while still providing information to the public. Because the Commission interprets EPCA as requiring a label on all models of covered products,¹³⁹ the 1988 NPR sought comment on whether the Commission should submit a special report to Congress recommending a change in EPCA to allow the Commission to amend the Rule in this regard.¹⁴⁰

The six comments responding to the discussion of this issue in the 1988 NPR opposed the proposal to label only display models. In the 1993 NPR, therefore, the Commission stated that it intended to take no action on it.¹⁴¹ The one comment on the proposal to label only display models supported the Commission's 1993 NPR tentative decision to take no action on the proposal.¹⁴² The Commission, therefore, will not submit a special report to Congress recommending such a change.

9. Directory Option for Water Heaters

The 1988 NPR solicited comment on a proposal from GAMA to repeal the current product-specific labeling requirements for water heaters and, instead, to allow manufacturers to provide required energy usage information in an industry directory and to label their products with labels that provide no energy usage information or

limited information. Of the six comments addressing this proposal, only one favored it and the Commission decided to leave the current water heater labeling requirements unchanged. The Commission noted that GAMA's Directory can be a useful voluntary supplement to the labels for those consumers and industry members who choose to use it.¹⁴³

Four comments addressed this issue.¹⁴⁴ No new evidence or arguments were raised. GAMA reiterated its previous position that furnaces and water heaters typically are purchased from contractor-installers and are not seen on display by consumers before their purchase and installation and, therefore, should not be subject to mandatory labeling requirements.¹⁴⁵ Atlanta Gas supported, without specific reasons, the Commission's position to continue requiring product-specific labels for water heaters instead of requiring only that they be listed in a directory.¹⁴⁶ A comment from a building code inspector stated that labels on products reduce building code inspection delays and make inspections easier.¹⁴⁷ CEC reported that the major manufacturers use so many manufacturers' names, trade names, and model numbers that it is often very difficult to determine with any degree of certainty what data in a directory, either GAMA's or CEC's, pertain to any specific unit.¹⁴⁸

Eight other comments bear on this issue; all of these were received from members of the natural gas industry who opposed requiring energy factors on labels for water heaters, clothes washers, and dishwashers. They commented that appliances, including water heaters, increasingly are on display in stores, building supply outlets, and new homes. They concluded that consumers can therefore make purchasing decisions that consider the information on labels attached to the products.¹⁴⁹

¹³⁸ See 58 FR 12826.

¹³⁹ GAMA, D-9, 1; Atlanta Gas, DD-6, 2; Palmdale, DD-16, 1; CEC, DD-23, 20.

¹⁴⁰ GAMA, D-9, 1.

¹⁴¹ Atlanta Gas, DD-6, 2.

¹⁴² Palmdale, DD-16, 1.

¹⁴³ CEC, DD-23, 20.

¹⁴⁴ Peoples Gas, DD-3, 1; Elizabethtown Gas, DD-10, 1-2; Covington Gas, DD-11, 1; Gibson County Utility, D-13, 1; Texas Gas, DD-15, 4; AGA, DD-22, 3; Consolidated Gas, DD-25, 1-2. "Market trends suggest that labels do indeed assist a large number of consumers in purchases of appliances such as water heaters. The fact that most water heaters are purchased either as emergency replacement of leaking water heaters or in connection with the purchase of a new home does not necessarily lead one to conclude that consumers do not take the time to look at the labels on appliances that they are planning to purchase. In

Accordingly, the Commission is retaining the product-specific labeling requirements for water heaters.

10. Proposal to Label Certain Unvented Heaters

The Commission in 1979 exempted electric unvented heaters, or "space heaters," from the Rule.¹⁵⁰ In 1984, DOE published a final test procedure for "unvented heaters" that use natural gas, propane and kerosene.¹⁵¹ Consequently, in the 1988 NPR, the Commission sought comment on whether to label these other unvented heaters.¹⁵²

In the 1993 NPR, after analyzing the comments on the issue, the Commission tentatively concluded that unvented heaters fueled by natural gas, propane and kerosene should be exempted from the Rule because all models are 100% efficient. They are not vented to the outside and, therefore, all the heat produced remains in the area being heated. In addition, compared to the other products covered by the Rule, they consume minor amounts of energy. The Commission found there is no significant difference in operating cost among similarly sized models and, therefore, that labels disclosing costs would not help consumers make purchasing decisions.¹⁵³ The Commission tentatively concluded that requiring the labeling of these products would not be economically feasible unless the cost of labeling were offset by some significant benefit to consumers.

Two comments addressed this issue. GAMA favored exempting these products.¹⁵⁴ CEC opposed an exemption, stating that the fact that there is no real difference in efficiency among these unvented space heaters is in itself an important piece of information that should be communicated to consumers.¹⁵⁵

In the case of new homes, it is similarly difficult to conclude that the consumer/homebuyer never actually takes the time to at least casually inspect the water heater and thus see the water heater label." UGI, DD-26, 2.

¹⁵⁰ The Commission found that, because all these products operate with virtually the same efficiency, the cost that would be incurred by industry in implementing label disclosures could not be economically justified. The Commission determined that the cost of testing and labeling would be substantial and would increase the products' cost by about 3%. The evidence also did not indicate that labeling would enable consumers to make more informed purchasing decisions because these products are all essentially 100% efficient in producing heat and operate with little variation in energy costs. 44 FR 66466, at 66468 (Nov. 19, 1979).

¹⁵¹ 49 FR 12148 (March 28, 1984).

¹⁵² See 53 FR 22111.

¹⁵³ The Commission assumed that consumers understand that models that provide more heat cost more to operate. See 58 FR 12828.

¹⁵⁴ GAMA, D-9, 2.

¹⁵⁵ CEC, DD-23, 21.

¹³⁸ Whirlpool, D-3, 5; AHAM, D-5, 6; ARI, D-6, 2.

¹³⁹ Section 324(c)(1) (42 U.S.C. 6294(c)(1)) states that "a rule prescribed under this section shall require that each covered product in the type or class of covered products to which the rule applies bear a label which discloses . . ." (emphasis added).

¹⁴⁰ This procedure is permitted under Section 6(f) of the FTC Act (15 U.S.C. 46(f)).

¹⁴¹ See 58 FR 12826.

¹⁴² CEC, DD-23, 20.

information that should be communicated to consumers.¹⁵⁵

The Commission has the discretion to exempt unvented heaters from labeling if labeling would not be technologically or economically feasible.¹⁵⁶ The Commission finds that the cost of labeling would exceed whatever benefit that consumers may obtain from learning that all competing models of a product are about equal in efficiency. The Commission concludes, therefore, that a labeling requirement is not economically feasible, and exempts these products from the Rule.

B. Issues Not Raised in the 1988 NPR

1. Industry Proposal To Exempt Central Air Conditioners From Labeling Requirements

In responding to the 1988 NPR, one manufacturer requested that the Commission repeal the recently adopted requirement for product-specific labels on central air conditioners. In discussing this comment in the 1993 NPR, the Commission stated that its reasoning for requiring product-specific labels for central air conditioners is described in the Statement of Basis and Purpose published with the central air conditioner amendments,¹⁵⁷ and that the comment did not contain any new information to justify reconsidering the Rule's requirements in this regard.¹⁵⁸

Three comments addressed this issue. ARI favored repealing the labeling requirement, contending that consumers do not use labels in their purchasing decisions and that all that is needed is a directory listing and a generic label referring consumers to it.¹⁵⁹ CEC opposed repealing the labeling requirement because the label information is useful to consumers, to utilities with incentive rebate programs for installation of efficient equipment, and to enforcement officials.¹⁶⁰ Palmdale also described how labels on heating and cooling equipment are useful to building code inspectors.¹⁶¹

The ARI comment does not provide any new information to justify repealing the central air conditioner labeling requirements. In contrast, the CEC and Palmdale comments strongly suggest that the information on central air conditioner labels is used by the public. The Commission therefore concludes that the record supports retaining the

labeling requirement for central air conditioners.

2. Minor Revisions to the Rule

a. Descriptions of covered products. In the 1993 NPR, the Commission stated that new definitions for certain products appear in NAECA 87, and that the DOE test procedure product definitions, from which the definitions in the Rule are derived, have been amended over the years. As a result, some of the definitions of covered products in section 305.3 of the Rule are no longer up-to-date.¹⁶² In addition, DOE has approved test procedures for new product categories and has adopted minimum efficiency standards pursuant to NAECA 87.¹⁶³ Because the Commission's Rule and DOE's test procedures and standards work in tandem to regulate the products enumerated in EPCA, the Commission proposed to revise the Rule's definitions to establish as much consistency as possible with DOE's test procedures and standards to avoid confusion.

Two comments generally supported these proposed amendments to the Rule.¹⁶⁴ No comments opposed them. The Commission, therefore, has amended the definitions in accordance with the proposals in the 1993 NPR. The amended sections of the Rule describing covered products are contained in "Text of Amendments," below, at sections 305.3 (a), (b), and (e) through (i).

b. Determinations of energy usage. Section 305.5 of the Rule refers to the DOE test procedures that manufacturers must follow in determining the energy usage figures to be used in complying with the required disclosures. In the 1993 NPR, the Commission proposed amending section 305.5 to reflect that the primary disclosure of energy usage on labels for products that had disclosed estimated annual operating cost would be in terms of either kilowatt-hour use per year or energy factor, instead of estimated annual operating cost.¹⁶⁵ Only CEC commented on this, and it supported it.¹⁶⁶

The Commission is amending section 305.5 of the Rule. The section will now refer to kilowatt-hours per year, therms per year, or gallons per year because the Commission has decided to require the disclosure of energy consumption

descriptors rather than energy factors. See section 305.5 in "Text of Amendments," below.

c. Determinations of capacity. Section 305.7 of the Rule establishes the methodology for determining the capacity, or size, of covered products. This is accomplished by a general definition of capacity for each product followed by a reference to the specific section of the DOE test that contains the procedure for determining the capacity of the product. Because the DOE tests have been modified since these references were published in the Rule, many references are now incorrect. The Commission proposed, in the 1993 NPR, correcting the references in section 305.7.

Two comments supported these proposed amendments and none opposed them.¹⁶⁷ Accordingly, the Commission has amended the references as proposed in the 1993 NPR. See section 305.7 in "Text of Amendments," below.

d. Past effective dates. Since the Rule was first published in 1979, section 305.18 has itemized the effective dates for the Rule's various requirements for all the covered product categories. The effective dates for the Rule's particular reporting requirements also have appeared separately in § 305.8(a). Because of various amendments to the Rule over the years, § 305.18 and, to a lesser extent, § 305.8(a) now list many different effective dates.

In the 1993 NPR, the Commission proposed deleting § 305.18 entirely and eliminating the effective dates provisions in § 305.8(a). The Commission tentatively found that their continued inclusion in the codified version of the Rule is of questionable value, that inclusion of all these effective dates in the Code of Federal Regulations version of the Rule is optional, and that deleting them will have no substantive effect on the Rule. The actual effective dates, if of historical interest, can be found in the relevant Federal Register notices. Finally, deletion of this information will simplify the Rule and reduce printing costs. The only comment on this issue supported the proposal.¹⁶⁸ Accordingly, for the reasons previously set forth, the Commission is amending the Rule by deleting § 305.18 entirely and by eliminating the effective dates in § 305.8(a). See §§ 305.8(a), 305.18 and 305.19 (which will be renumbered 305.18) in "Text of Amendments," below.

¹⁵⁵ GAMA, D-9, 2.

¹⁵⁶ CEC, DD-23, 21.
¹⁵⁷ 42 U.S.C. 6294(a)(1) and 6294(b)(5).
¹⁵⁸ 52 FR 46888, 46891-2 (Dec. 10, 1987).
¹⁵⁹ See the discussion of Carrier's comment at 58 FR 12828.

¹⁶⁰ ARI, D-6, 1.

¹⁶¹ CEC, DD-23, 21.
¹⁶² See 58 FR 12829.

¹⁶³ CEC, DD-23, 3, 21.

¹⁶⁴ ARI, D-6, 2; CEC, DD-23, 3, 21.

¹⁶⁵ CEC, DD-23, 25.

3. Energy Efficiency Descriptors

Currently, the Rule requires the use of the term "Energy Efficiency Rating (EER)" to describe the energy usage of room air conditioners, central air conditioners (including heat pumps), and furnaces.¹⁶⁹ The Commission adopted this single term so consumers could learn to recognize and associate it with energy efficiency measurement. The industry, however, describes the same rating with several terms based on the product category: e.g., "Energy Efficiency Ratio (EER)" for room air conditioners, "Annual Fuel Utilization Efficiency (AFUE)" for furnaces, "Seasonal Energy Efficiency Ratio (SEER)" for central air conditioners and the cooling side of heat pumps, and "Heating Seasonal Performance Factor (HSPF)" for the heating side of heat pumps. These terms also are found in the DOE test procedures.

During the 1988 NPR comment period, several comments proposed changing the Rule's use of the single term, "EER," to the terms the industry uses for each product category. The comments noted that, although the term "EER" is used on labels, fact sheets and in catalogs, the industry still uses the other terms extensively and most consumers understand them.

In the 1993 NPR, the Commission proposed amending section 305.2(i) of the Rule to permit disclosure of the descriptors that are commonly used by the industry and referenced in the DOE tests. Eight comments addressed the proposal. Five supported it.¹⁷⁰ CEC also urged that the Commission not just allow use of the industry terms, but require their use.¹⁷¹ Two comments said average consumers would not understand the industry terms.¹⁷²

The Commission is not persuaded that average consumers will be unable to understand the industry terms. In light of the general support for this proposal, the Commission has decided to adopt these instead of the term "EER." Further, the Commission has decided to follow CEC's suggestion and to mandate the use of these terms in required disclosures. This will make the Rule consistent with DOE's Minimum Efficiency Standards Rule and industry practice. See section 305.2(i) in "Text of Amendments," below.

¹⁶⁹ Section 305.2(i).

¹⁷⁰ Amana, D-1, 3; ARI, D-6, 2; WSEO, DD-9, 1; Palmdale, DD-16, 1. In supporting the proposal, GAMA opined that the industry descriptors could always have been used and that the Rule only needs to be modified to reflect this fact more clearly. GAMA, D-9, 2.

¹⁷¹ CEC, DD-23, 21-22.

¹⁷² PSCNC, DD-1, 2; Mississippi Gas, DD-4, 2.

4. New EnergyGuide Label Format

As discussed in Part IV.A.6., above, the 1993 NPR sought comment on possible alternatives to dollar energy usage figures on labels, such as energy factor or kilowatt-hour, therm, or gallon usage. In preparing proposed sample labels displaying the new descriptors for public comment, the Commission's staff determined that additional changes to the labels were necessary. Specifically, the Commission needed to add explanatory language for such terms as "energy factor" and "kilowatt-hours per year," and needed to adjust the labels' design to accommodate the disclosures proposed for clothes washers and dishwashers. Finally, consumer research conducted by DOE in 1984 and 1985 had suggested that the current label format could benefit from simplification.¹⁷³

The Commission, therefore, prepared simplified labels that were intended to be more "user-friendly." In consultation with DOE's Office of Codes and Standards, the Commission prepared three different prototype dishwasher labels—a vertical graph, a bar graph, and one that used the current horizontal graph configuration. The 1993 NPR also included a fourth label that showed the bar graph against a grid background, with the high end bar occupying the full height of the graph and with the low end bar coming up only to the first line in the grid.

The Commission conducted consumer research involving 120 shopping mall consumers on the proposed alternative labels. The study showed consumers preferred the bar graph format over the other two (as well as over the current, dual-disclosure label). The Commission placed the results of the study on the rulemaking record to aid the public in commenting on the proposed labels.¹⁷⁴

In an effort to understand better how consumers perceive, understand and use information on energy efficiency, the 1993 NPR asked: how would "energy factor" and "kilowatt-hour use per year" be perceived and understood by consumers; what fuel cost figures and what fuel cost figure intervals would be appropriate in the cost grids on labels for certain appliances; how easy is it for consumers to use the cost grids to compare the relative costs of alternative products; and, would the costs to industry of newly designed labels be justified by the improvement in communication. The Commission also asked whether the Rule's dimension requirements for labels

should be changed and for other suggestions for improving label design.

The Commission has divided the discussion of the format of EnergyGuide labels into two issues: format of the primary disclosure, and cost grids.

a. Format of the primary disclosure. Eleven comments addressed the format change issue. Five comments indicated a preference for one or another of the proposed sample formats, thereby implicitly supporting change from the current format.¹⁷⁵ Six advocated keeping the format of required labels the same or essentially the same.¹⁷⁶

All of the comments that expressed a preference for any of the proposed sample labels favored Sample 4 (the bar graph with grids).¹⁷⁷ Speed Queen preferred the overall format of Sample 4, but suggested that the lower half of Sample 3 was preferable because it emphasized the definition of "energy factor."¹⁷⁸ ACEEE and WSEO preferred Sample 4 and suggested minor improvements.¹⁷⁹ WSEO also commented that the proposed changes to the labels are necessary to improve their usefulness, and that the costs of the improvements will probably be low compared to the benefits.¹⁸⁰ USEPA preferred Sample 4 because of the cross grids behind the bar graph and found it the easiest to read and understand.¹⁸¹

Whirlpool commented that the present horizontal format has been in use for the past 13 years with no adverse consumer feedback that would indicate misunderstanding or confusion about the ranges of comparability. It further noted that maintaining consistency with the present format would reduce costs to manufacturers and, ultimately, to consumers. It also would reduce confusion and the need for reeducation among retail salespeople and consumers.¹⁸² Whirlpool, Maytag and AHAM asked that the EnergyGuide

¹⁷⁵ Amana, D-1, 3; Speed Queen, D-8, 2; ACEEE, DD-8, 1; WSEO, DD-9, 1-2; USEPA, DD-12, 1.

¹⁷⁶ Whirlpool, D-3, 5; AHAM, D-5, 10-11; ARI, D-6, 2; GAMA, D-9, 2; Mississippi Gas, DD-4, 4; Texas Gas, DD-15, 5-6.

¹⁷⁷ Amana, D-1, 3 ("no objection to the Sample 4"); Speed Queen, D-8, 2; ACEEE, DD-8, 1; WSEO, DD-9, 1-2; USEPA, DD-12, 1.

¹⁷⁸ Speed Queen, D-8, 2 (the comment noted that the definition would not be necessary if kWh/cycle were used instead of energy factor).

¹⁷⁹ ACEEE appeared to recommend omitting the definition of "energy factor" from the bar graph box. DD-8, 2. WSEO suggested rearrangement of some of the wording on the label and use of "kilowatt-hour," rather than "kilowatt." DD-9, 2-3.

¹⁸⁰ WSEO DD-9, 3.

¹⁸¹ USEPA, DD-12, 1.

¹⁸² Whirlpool, D-3, 5.

¹⁷³ See DOE materials at B-1 through B-3.

¹⁷⁴ See B-4.

format be consistent with the Canadian EnergyGuide label format.¹⁸³

AHAM opposed any format changes except to the extent necessary to accommodate new energy usage descriptors because consumers have become accustomed to reading the existing EnergyGuide labels.¹⁸⁴ AHAM suggested, however, as did Whirlpool, that the format be changed slightly to allow for flexibility in size so labels could range between 5.25 and 5.50 inches in width, which would include the presently required 5 1/8" width specification. According to Whirlpool, this would provide some latitude to allow for minor variations in printing operations.¹⁸⁵

Speed Queen asked that labels not become larger, because the present size specifications optimize the number of labels that can be printed from a sheet of paper stock.¹⁸⁶ Amana, Maytag, and AHAM requested that the final label format be printable with manufacturers' existing printing systems.¹⁸⁷ ARI and GAMA commented that, if labels are to be required, they should remain the same because none of the proposed new formats would provide any significant, cost-justifiable benefits.¹⁸⁸

The Commission has determined not to make major changes in the format of the primary energy usage disclosure on EnergyGuides except those that are necessary because the Commission is amending the Rule to require the use of new energy usage descriptors. The Commission also is eliminating cost grids from labels for refrigerators, refrigerator-freezers, freezers, water heaters, clothes washers, dishwashers, and room air conditioners. See the discussions in Parts IV.A.6. b. and c., above and IV.B.4.b., below. Consumers are familiar with the current horizontal bar format, which has been in use for twelve years. The Commission also has concluded that the record is inconclusive about the need for and advantages of a different format for presentation of the primary energy usage disclosure.¹⁸⁹ Finally, retaining

the existing horizontal format of the primary disclosure has the advantage of continued consistency with Canada's EnergyGuide labels.¹⁹⁰

Within the context of the existing horizontal bar format, however, the Commission is making certain changes to make the labels simpler and more "user-friendly." The Commission proposed many of these changes as part of the Sample Labels in the 1993 NPR.¹⁹¹

Specifically, to simplify the appearance of the labels overall, the Commission has removed all text from the labels above the "EnergyGuide" logo and moved the phrase "Based on standard U.S. Government tests" from its present location under the horizontal bar so it appears as the only text immediately below the EnergyGuide logo. The Commission has increased the size of the type of this phrase so consumers can clearly see that the energy usage information is based on government standards.¹⁹² The Commission also has changed the arrangement of the text on the labels somewhat to maximize the use of the free space resulting from the elimination of the cost grids and the references to cost calculation that accompanied them (discussed in Part IV.B.4.b., below.)

In addition, to emphasize to consumers that the information on the

labels is for use in comparative shopping (rather than to provide exact energy usage of the appliance in the home), the Commission has added the headline "Compare the [Energy Use or Energy Efficiency] of this [Product] with Others Before You Buy."

The Commission recognizes that, at least at first, the energy consumption descriptors on the amended labels may not be as familiar to consumers as the estimated annual dollar operating cost figures on the current labels have been, and that the product-specific efficiency descriptors may also seem unfamiliar. For each energy consumption descriptor (kWh/year, therms per year, and gallons per year) and energy efficiency descriptor (EER, SEER, AFUE, and HSPF), therefore, the Commission will require that the labels include a simple definition.

Finally, the Commission also is amending slightly the size requirements for the labels in section 305.11(a)(1) of the Rule to permit some flexibility in the label's width, as requested by AHAM and Whirlpool. This accommodates the needs of the industry and will have a *de minimis* effect on label size consistency.

The above-described modifications are reflected in the amended Sample Labels in "Text of Amendments," below.

b. *Cost grids.* Labels for refrigerators, refrigerator-freezers and freezers, dishwashers, clothes washers, water heaters, and room air conditioners currently contain cost grids to enable consumers to estimate the annual operating cost of the product based on their own utility rates. In the 1993 NPR, the Commission proposed that the amended labels contain similar, although simpler, cost grids. One element of these cost grids would be a range of costs for the fuel used by the product (electricity, natural gas, etc.). The Commission asked what cost figures and what intervals between the cost figures would be appropriate. The Commission asked in particular how easy it is for consumers to use the cost grid to compare the relative costs of alternative products. Although the Commission did not propose eliminating cost grids from the labels, the Commission asked for suggestions for improving the design of the proposed labels.

Ten comments addressed these questions. Four supported the continued use of cost grids, some suggesting minor modifications.¹⁹³ The

¹⁸³ See comments on this subject from Amana, D-1, 3; Whirlpool, D-3, 5; Maytag, D-4, 3-4; AHAM, D-5, 2, 8-9; ARI, D-6, 3; Speed Queen, D-8, 2; GAMA, D-9, 3. With their comments, AHAM and Maytag provided copies of a marketing research study conducted by the Canadian Government's Ministry of Energy, Mines and Resources ("EMR") summarizing and discussing focus group interviews used to test consumer comprehension of alternative energy label formats. EMR conducted the study in connection with revisions to Canada's "EnerGuide" labels for appliances. Consumers were exposed to alternative formats of labels disclosing three measures of energy usage—energy efficiency, operating cost, or energy consumption.

The study indicated that a simple and clear disclosure of energy consumption, in the form of kilowatt-hours per year, was the easiest for consumers to understand. Labels disclosing estimated annual operating cost or energy efficiency seemed to be more confusing. The study also showed consumer preference for energy usage disclosure on a scale measuring from "low" on the left to "high" on the right.

The revised label format that will be issued for final comment by EMR discloses energy usage in the form of estimated annual energy consumption (in kWh/yr.) over a horizontal bar showing the energy usage range, with color shading increases in intensity from left to right as energy consumption increases. The energy consumption of the labeled appliance is indicated with a pointer located at the appropriate position on the scale.

¹⁹¹ See proposed Sample Labels 1-4 at 58 FR 12847-50.

¹⁹² One of the findings in the DOE-sponsored assessment of DOE's Appliance Labeling Rule consumer education program was that labels must display more clearly the government's role in the tests for the labeling program to have more credibility. B-3, 35.

¹⁸⁴ Whirlpool, D-3, 5; Maytag, D-4, 4-5; AHAM, D-5, 11-12. The Canadian label, which was provided in Attachments to both Maytag's and AHAM's comments, is based on a horizontal scale similar to the current EnergyGuide label.

¹⁸⁵ AHAM, D-5, 11.

¹⁸⁶ AHAM, D-5, 10-11; Whirlpool, D-3, 5.

¹⁸⁷ Speed Queen, D-8, 2.

¹⁸⁸ Amana, D-1, 3; Maytag, D-4, 3; AHAM, D-5, 12. None of these comments, however, provided any specific information on how to assure this.

¹⁸⁹ ARI, D-6, 2; GAMA, D-9, 2.

¹⁹⁰ See comments of PSCNC, who questioned making decisions on the basis of such a small consumer survey (DD-1, 1-2) and Mississippi Gas, whose own consumer study suggests that the Commission should conduct further study in its development of an effective energy label (DD-4, 4).

¹⁹³ ACEEE, DD-8, 1-2; WSEO, DD-9, 2; Texas Gas, DD-15, 4; CEC, DD-23, 24.

other six ranged from questioning the need for cost grids to recommending that they be eliminated from all labels.¹⁹⁴

ACEEE commented that the cost grids, as shown on Sample Labels 1-4, are well-designed and useful to the consumer. The comment, however, suggested standardizing the ranges of costs for electricity and gas on labels for all products, so every label would show the same fuel cost numbers (and intervals between them) on the grids.¹⁹⁵ WSEO said the grids are helpful and simple and agreed with the cost figures and the intervals between them.¹⁹⁶ Texas Gas commented that the cost grids are most useful for making cross-fuel comparisons and that the grids on water heater labels should be expanded to show annual energy costs for operation of the water heater on electricity, gas, and oil, regardless of what fuel the labeled product actually uses.¹⁹⁷ CEC stated that the 1993 NPR cost grids are adequate.¹⁹⁸

Amana commented that cost grids are inappropriate for climate control products because of the complexity of calculating heating and cooling loads. Amana was concerned that large increments in energy cost values on cost grids, caused by label space constraints, could confuse consumers who have trouble calculating the costs. Amana stated that Canada's energy label for refrigerators has for years disclosed kWh/year with no cost grids.¹⁹⁹

Whirlpool stated that the grids only approximate annual operating cost, while kWh/cycle or kWh/year, in conjunction with local rates, would provide precise cost figures. It recommended replacing the grids with instructions on how to consult with a local utility company and to calculate the annual operating cost based on kWh/cycle or kWh/year.²⁰⁰ Maytag also recommended eliminating cost grids from all labels, contending that they complicate the message of the label and make it less likely to be used by consumers. Also, according to Maytag, the grids are redundant because it is obvious that the more kilowatt-hours of

energy consumed, the more costly the operation of the product will be.²⁰¹

AHAM, while supporting the existing EnergyGuide format in general, encouraged the Commission to eliminate cost grids from the labels. AHAM cited a DOE study referenced in the 1993 NPR indicating that consumers rarely use cost grids and often consider them to contain extraneous information.²⁰² AHAM also contended that eliminating the grids would further harmonize the Commission's EnergyGuide labels with Canada's EnerGuide.²⁰³

EGIA commented that the cost grids are confusing to customers and, therefore, confusing to salespeople.²⁰⁴ Laclede Gas, in opposing the use of energy factors on water heater labels, noted that the inclusion of simplified cost grids would not be sufficient to overcome the distorted information provided by the energy factor disclosure.²⁰⁵

The Commission's authority to require cost grids is derived from section 324(c)(5) of EPCA.²⁰⁶ This section permits, but does not direct, the Commission to require additional information on labels relating to energy consumption if the Commission determines that such information would assist consumers in making purchasing decisions and would not be unduly burdensome to manufacturers. Therefore, the Commission has the authority to eliminate cost grids from labels if it no longer believes that they will assist consumers in making purchasing decisions.

Some industry members contended that consumers often find that the cost grids are confusing and detract from the basic message of the labels.²⁰⁷ As explained earlier, other amendments the Commission is adopting will provide consumers with energy consumption information that can be readily converted to provide the labeled product's operating cost. Specifically, the Commission's adoption of estimated annual energy consumption disclosures for refrigerators, refrigerator-freezers,

freezers, water heaters, clothes washers, and dishwashers makes cost grids on labels for those products unnecessary because the information they provide will now be available by multiplying the energy consumption figure by an appropriate cost per kWh, therm or gallon.²⁰⁸ Accordingly, the Commission has determined to eliminate cost grids from labels for these products.

The Commission believes, however, that consumers may want and benefit from a simplified direct disclosure of estimated annual operating cost. Therefore, the Commission will now require, on labels for refrigerators, refrigerator-freezers, freezers, clothes washers, dishwashers, and water heaters, a statement that shows the operating costs for the labeled product derived using the DOE annual average cost for electricity, natural gas, propane, or heating oil, as appropriate. This will provide consumers with an estimate, for purposes of comparison, of the product's energy usage expressed as an operating cost. The statement will identify the specific costs per unit for the appropriate fuel and the year DOE published it. Because the statement will not include operating cost ranges of comparability, however, the Commission will require updating of these cost figures only in connection with label changes occasioned by the publication of revisions to the energy consumption ranges that must appear with the primary energy consumption disclosure. The statement will read as follows:

[Products] using more energy cost more to operate. This model's estimated yearly operating cost is:

[Cost figure will be boxed] Based on a [Year] U.S. Government national average cost of \$_____ per [kWh, therm, or gallon] for [electricity, natural gas, propane, or oil]. Your actual operating cost will vary depending on your local utility rates and your use of the product.²⁰⁹

The primary energy usage disclosure on the current labels for room air conditioners is an energy efficiency figure identified as an "energy efficiency ratio (EER)" in the

¹⁹⁴ Maytag, D-4, 2.

¹⁹⁴ Amana, D-1, 3; Whirlpool, D-3, 4; Maytag, D-4, 3; AHAM, D-5, 11; Laclede Gas, DD-20, 1-5; EGIA, DD-21, 2.

¹⁹⁵ ACEEE, DD-8, 1-2.

¹⁹⁶ WSEO, DD-9, 2. WSEO noted, however, that the cost grids are not the most important part of the label.

¹⁹⁷ Texas Gas, DD-15, 4.

¹⁹⁸ CEC, DD-23, 24.

¹⁹⁹ Amana, D-1, 3. Canada's soon-to-be-revised EnerGuide labels are not likely to require cost grids on labels for any covered product categories. See Attachments to comments from Maytag and AHAM.

²⁰⁰ Whirlpool, D-3, 4.

²⁰² See the 1993 NPR at 58 FR 12829 and B-2, 38-39. The same discussion in the DOE study also includes the opinions of some consumers who favored the cost grids.

²⁰³ AHAM, D-5, 11.

²⁰⁴ EGIA, DD-21, 2.

²⁰⁵ Laclede Gas, DD-20, 4. The comment was in opposition to the proposal to require energy factors on water heater labels, supplemented by a cost grid to enable consumers to estimate the annual operating cost of the products based on local utility rates.

²⁰⁶ 42 U.S.C. 6294(c)(5).

²⁰⁷ See Maytag, D-4, 2; AHAM, D-5, 11; EGIA, DD-21/2.

²⁰⁸ See Parts IV.A.6.a., b., and c., above.

²⁰⁹ For clothes washers and dishwashers, the statement will read: [Product]s using more energy cost more to operate. This model's estimated yearly operating cost is:

[Electric cost figure will be boxed] when used with an electric water heater

[Gas cost figure will be boxed] when used with a natural gas water heater

Based on a [Year] U.S. Government national average cost of \$_____ per kWh for electricity, and \$_____ per therm for natural gas. Your actual operating cost will vary depending on your local utility rates and your use of the product.

industry.²¹⁰ The labels also must disclose a cost grid based on different costs per kWh for electricity and different hours of use per year of the product. Like the cost grids on current labels for the products just discussed, these cost grids are complicated and occupy a significant amount of label space. Although they are not being amended to disclose an energy consumption descriptor like the amended labels for these other products, the Commission believes that, as with the other labels, room air conditioner labels would benefit by replacement of the cost grids with the operating cost statement, and is amending the Rule to that effect. The space on all these labels that was previously occupied by the cost grids and text references to cost will be available for the remaining text of the labels, which will be presented in a cleaner, more readable format.²¹¹

To implement the elimination of cost grids from labels, the Commission is amending the Sample Labels for refrigerators, refrigerator-freezers, freezers, clothes washers, dishwashers, water heaters, and room air conditioners. The Commission also is amending the Appendices that pertain to these categories to delete the cost grid materials there contained (see Appendices A1-F in "Text of Amendments," below) as well as the section of the Rule that requires cost grids to be on labels for these products (see section 305.11(a)(5)(i)(H) in "Text of Amendments," below.)

V. Miscellaneous Issues

Several comments submitted in response to the 1993 NPR raised issues that the Commission has not identified for comment, or were related only indirectly to the proposals in the NPR. These issues are discussed below.

A. Effective Date

AHAM and ARI requested, without elaboration, that the Commission allow six months until the amendments become effective.²¹² Section 324 of EPCA provides that a labeling rule must take effect not later than three months after the date it is prescribed, except that the effective date can be extended to six months if the Commission determines that such extension is necessary to allow adequate time for compliance.²¹³ Because of the nature and extent of the amendments being

announced today, and in view of the request by the two trade associations, the Commission finds that the six-month period is necessary to allow those who are subject to the Rule to come into compliance with the amendments. The effective date of these amendments, therefore, will be six months from the date of their publication in the Federal Register.

B. Central Air Conditioner Labeling

ARI requested that the Commission amend the Rule to require manufacturers of split-system central air conditioners and the evaporator coils (sometimes sold separately) that are a part of them to base their representations of energy usage on the DOE test procedures.²¹⁴ ARI also suggested that certain disclosures on central air conditioner labels be amended.²¹⁵ The Commission believes that soliciting public comment on the proposal in the Federal Register may be required before imposing such an amendment.²¹⁶ The Commission will take these suggestions under advisement for future amendments.

C. Cost Grids and Furnace Labeling

ACEEE made several suggestions pertaining to figures and disclosures for use on cost grids.²¹⁷ Because the Commission is eliminating cost grids from labels on refrigerators, refrigerator-freezers, freezers, clothes washers, dishwashers, water heaters, and room air conditioners, these suggestions are no longer relevant. ACEEE also provided an alternative Heat Loss Table for use with the Appendices pertaining to furnaces.²¹⁸ The Commission cannot modify the Heat Loss Tables, however, because they are provided by DOE as a part of the test procedure for furnaces.²¹⁹

²¹⁴ ARI, D-6, 3-4. Split system central air conditioners consist of a condensing unit, which is usually installed outside, and an evaporator coil, which is installed in the duct work inside the house. These two parts can be purchased from the same manufacturer or from two different manufacturers.

²¹⁵ ARI asked that the text on central air conditioner labels be changed to eliminate, from the following statement, the assertion that ratings may vary "slightly": "This energy rating is based on U.S. Government standard tests of this condenser model combined with the most common coil. The rating will vary slightly with different coils and in different geographic regions." ARI also asked that the statement suggest that consumers contact dealers for the actual efficiency rating of the purchased combination.

²¹⁶ 42 U.S.C. 6306(a)(1).

²¹⁷ ACEEE, DD-8, 1-3. For example, ACEEE suggested a map showing regional zones for room air conditioners similar to the map used for central air conditioners.

²¹⁸ *Id.*, at 3.

²¹⁹ 42 U.S.C. 324(c)(1).

D. Water Use Disclosures

USEPA suggested that the Rule be expanded to include a disclosure of the water-use efficiency of appliances that use water.²²⁰ Because EPCA does not give the Commission the authority to require such disclosures, the Commission cannot expand the Rule as USEPA requests. In a related matter, however, the Commission recently has amended the Rule to require disclosure of the water use of certain plumbing products, in accordance with a directive in the Energy Policy Act of 1992.²²¹

E. Data Submissions, Ranges of Comparability, and Testing

CEC suggested specific revisions to three sections of the Rule. First, CEC suggested that section 305.8 be amended so required submissions of data could be made to the Commission "or its designated representative."²²² Second, CEC requested adding language to section 305.9 that would give the Commission the authority to change the ranges of comparability in circumstances other than when the range limits change by more than 15%.²²³ Third, CEC proposed several changes to section 305.16, which relates to required testing by designated laboratories for enforcement purposes. CEC stated that the section should clarify whether "no more than two" samples must be tested and should provide for verification testing without the notice and reverification procedures currently in the section, and that the Commission should not pay for the tests when they are required.²²⁴

The Commission appreciates CEC's suggestions. However, before adopting any such amendments, the Commission would need to solicit public comment on them. The Commission will take these suggestions under advisement for possible future amendment proceedings.

VI. Metric Usage

Section 205b of the Metric Conversion Act, as amended by the Omnibus Trade and Competitiveness Act, states that the metric measurement system is the preferred system of weights and measures in the United States.²²⁵ It also requires federal agencies to use the metric system in all procurements, grants and other business-related activities (which include rulemakings), except to the extent that such use is impractical or is likely to cause

²²⁰ USEPA, DD-12, 1-2.

²²¹ See 58 FR 54955 (Oct. 25, 1993).

²²² CEC, DD-23, 27-28.

²²³ *Id.*, 28.

²²⁴ *Id.*, 28-30, j.

²²⁵ 15 U.S.C. 205b.

²¹⁰ See the discussion of the Commission's adoption of industry terms for required energy efficiency descriptors in Part IV.B.3., above.

²¹¹ See the discussion of the text of the labels in Part IV.B.4.a., above.

²¹² AHAM, D-5, 14; ARI, D-6, 5.

²¹³ 42 U.S.C. 6294(b)(4).

significant inefficiencies or loss of markets to United States firms. Because of its general support of the policy stated in the Omnibus Trade and Competitiveness Act, the Commission solicited comment, in the 1993 NPR, on three areas of the Rule (described below) with a potential for the use of metric terms—either in place of or in addition to inch-pound measurements.

First, the Commission asked whether section 305.11(a) of the Rule should specify the dimensions of the required EnergyGuides in metric or dual terms, or remain unchanged. Second, the Commission solicited comment on whether the Rule should require that the capacity descriptors for covered products be expressed in metric or dual terms.²²⁶ Manufacturers must annually submit to the Commission energy efficiency data on their products, based on DOE tests, that are categorized on the basis of these capacity descriptors. These data then form the basis for the ranges of comparability on the EnergyGuides. See section 305.8 of the Rule. The Commission asked whether to leave the present requirements unchanged, or to require the reports to the Commission and/or the disclosures on the EnergyGuides to be in metric or in dual terms. Third, the cost grids currently required on EnergyGuides for clothes washers, dishwashers, and water heaters show, as one factor of the grid, a fuel cost expressed in terms of kilowatt-hours for electricity, therms for natural gas, and gallons for heating oil. None of these is a completely metric term. See Appendices C, D, and F. The Commission solicited comment on whether to require metric or dual disclosures, or to leave the present requirements unchanged.

Ten comments addressed the issue of metric usage.²²⁷ Only CEC supported adopting metric or dual measurements in any of the Rule's requirements. The others recommended leaving the Rule unchanged.

CEC recommended that the dimension specifications for the labels and the capacity descriptors on labels be specified in dual terms. CEC stated that the Rule should continue to allow that submissions be made in inch-pound units because Commission staff could make the conversion to metric units

more easily after preparing ranges of comparability. On cost grids, CEC recommended keeping kWh without inch-pound equivalents, and requiring that therms and gallons be disclosed with their metric equivalents.²²⁸

Amana, Speed Queen and Texas Gas opposed amending the label dimension specifications.²²⁹ Amana contended that there is no benefit to metric dimensioning, and Speed Queen stated that metric or dual dimensions would most likely conflict with printing industry standards for type font sizing and spacing.²³⁰

Most of the comments that opposed requiring label disclosures in metric or dual units stated that the labels with metric or dual disclosures would be cluttered and complicated,²³¹ would confuse consumers,²³² and would be less "consumer-friendly," contrary to the Commission's goals in revising label format.²³³ GAMA contended that consumers would not understand metric terms and that the DOE tests do not use them. GAMA further stated that a dual disclosure requirement would make the already full GAMA Directory confusing and unwieldy.²³⁴ ACEEE stated that dual or metric disclosures would educate consumers as to metric measurements but confuse them as to energy usage and complicate the labels.²³⁵

Four comments contended that requirements to submit or disclose capacities in metric or dual terms would be place a burden on the industry, although none quantified the burden.²³⁶ AHAM and Texas Gas declared that a change to metric or dual disclosures would be burdensome, and Amana predicted that the use of dual terms would add time to the preparation of data submissions.²³⁷ ARI stated that requiring submissions in metric terms would defeat the purpose of permitting industry efficiency descriptors (such as "AFUE" and "SEER"), and that showing information on labels in metric terms

would be a burden on industry that would not benefit consumers.²³⁸

The Commission has determined that requiring manufacturers to disclose label information in metric terms could cause significant inefficiencies by confusing consumers. As ACEEE stated, such a requirement may raise consumers' awareness of metric terms, but at the expense of the basic purpose of the labeling program—effective communication of energy usage of labeled products. The Commission also has concluded that dual disclosures would unacceptably complicate labels. Because the Rule will not require metric or dual disclosures on labels, the Commission is not requiring submissions in those terms.

To support the policy articulated in the Metric Conversion Act, the Commission is amending section 305.11(a)(1) of the Rule to have it express the dimensions of the labels in inch-pound and metric units. The Commission is leaving unchanged the font, type-point-size and pica specifications in the sample labels that show them, however, because they are for use only by the printing industry in setting up and producing the labels and because there are no direct metric equivalents for them.²³⁹

VII. Regulatory Flexibility Act

In the 1988 NPR, the Commission concluded, on a preliminary basis, that an initial regulatory flexibility analysis was not necessary for the proposed amendments to the Rule because the amendments, if promulgated, would not have a significant economic impact on a substantial number of small entities.²⁴⁰ The Commission stated that its conclusion was based on information presently available and requested comment on the subject. No comments were received on this issue.

In the 1993 NPR, the Commission again sought comment on this issue. No comments were received. Accordingly, the Commission has no reason to believe that the amendments it is adopting will have a significant economic impact on a substantial number of small entities.

First, the amendments relating to energy usage disclosures for furnaces will not have a significant impact because the two proposed changes are likely to offset each other in terms of

²²⁶ CEC, DD-23, 25-26.

²²⁹ Amana, D-1, 4; Speed Queen, D-8, 1; Texas Gas, DD-15.5-6.

²³⁰ Amana, D-1, 4; Speed Queen, D-8, 1.

²³¹ ARI, D-6, 2; ACEEE, DD-8, 2; Texas Gas, DD-15, 5-6; Laclede Gas, DD-20, 6.

²³² ARI, D-6, 2; Speed Queen, D-8, 1; ACEEE, DD-8, 2; Laclede Gas, DD-20, 6.

²³³ Whirlpool, D-3, 6; Speed Queen, D-8, 1; ACEEE, DD-8, 2.

²³⁴ GAMA, D-9, 2-3.

²³⁵ ACEEE, DD-8, 2.

²³⁶ Amana, D-1, 4; AHAM, D-5, 13; ARI, D-6, 2-3; Texas Gas, DD-15, 5.

²³⁷ AHAM, D-5, 13; Texas Gas, DD-15, 5; Amana, D-1, 4.

²³⁸ ARI, D-6, 2-3. See discussion of industry efficiency descriptors at Part IV.B.3., above.

²³⁹ The Commission could require that the dimensions of the printed areas of the labels and the type size specifications be expressed in millimeters.

²⁴⁰ See Regulatory Flexibility Act, 5 U.S.C. 603-605; see also 53 FR 22113.

²²⁶ Currently, section 305.7 of the Rule requires that the capacity descriptors for some products be in inch-pound measurement: cubic feet for refrigerators, refrigerator-freezers and freezers, Btu's for climate control products, and first hour rating in gallons for water heaters.

²²⁷ Amana, D-1, 4; Whirlpool, D-3, 6; AHAM, D-5, 12-13; ARI, D-6, 2-3; Speed Queen, D-8, 1; GAMA, D-9, 2-3; ACEEE, DD-8, 2; Texas Gas, DD-15, 5-6; Laclede Gas, DD-20, 6; CEC, DD-23, 25-26.

cost and burden. To the extent that manufacturers will have to prepare the product-specific labels, instead of the labels presently required, they will incur somewhat greater administrative and printing expenses. This will be offset, to some extent, because they will be able to disclose required information in an industry directory instead of preparing fact sheets. Overall, the Commission expects that most firms, regardless of size, will experience a reduction of expense primarily because of lower printing costs.

Second, the amendments relating to the creation of new range sub-categories for furnaces, room air conditioners, clothes washers, refrigerators, refrigerator-freezers, and freezers will not have a significant economic impact. The amendments will impose few, if any, additional costs. In addition, these products would now be categorized in accordance with the subdivisions in DOE's minimum efficiency standards program, making it administratively easier for the affected organizations, which will no longer be required to comply with two sets of similar, but inconsistent, regulations.

Finally, the amendments relating to the use of a different label format and different energy usage descriptors on labels will not have a significant economic impact. Although there will be a small initial cost in changing current labels, the cost is likely to be offset in future years because fewer annual label changes are likely to be required with the use of the new descriptors which, unlike current dollar descriptors, will not be subject to annual changes.

Because it appears, on the basis of evidence presently available, that these changes will not be likely to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act and its implementing regulation, the Commission concludes that a final regulatory flexibility analysis is unnecessary. In light of the above, the Commission certifies, under the provisions of Section 5 of the Regulatory Flexibility Act, that the amendments it is adopting today will not have a significant economic impact on a substantial number of small entities.²⁴¹

VIII. Paperwork Reduction Act

In the 1988 NPR, the Commission stated that the Rule contains disclosure and reporting requirements that constitute "information collection requirements" as defined by 5 C.F.R. 1320.7(c), the regulation that

implements the Paperwork Reduction Act ("PRA").²⁴² The Commission noted that the Rule had been reviewed and approved in 1984 by the Office of Management and Budget ("OMB") and assigned OMB Control No. 3084-0068. Since the 1988 NPR was published, the Supreme Court has determined that agency regulations requiring disclosures to third parties are not subject to the PRA.²⁴³ OMB has again reviewed the Rule and extended its approval for its recordkeeping and reporting requirements until February 28, 1996. The amendments now being adopted do not alter the recordkeeping or reporting requirements and, therefore, do not require further OMB clearance.

List of Subjects in 16 CFR Part 305

Advertising, Energy conservation, Household appliances, Incorporation by reference, Labeling, Reporting and recordkeeping requirements, Water conservation.

For the reasons set forth in the preamble, 16 CFR is amended as follows:

Text of Amendments

PART 305—RULE CONCERNING DISCLOSURES REGARDING ENERGY CONSUMPTION AND WATER USE OF CERTAIN HOME APPLIANCES AND OTHER PRODUCTS REQUIRED UNDER THE ENERGY POLICY AND CONSERVATION ACT ("APPLIANCE LABELING RULE")

1. Part 305 is amended by revising the heading to read as set forth above.
2. The authority citation for part 305 continues to read as follows:

Authority: 42 U.S.C. 6294.

3. Sections 305.2 (h) through (j) are revised to read as follows:

§ 305.2 Definitions.

(h) *Estimated annual energy consumption and estimated annual operating cost.* (1) *Estimated annual energy consumption* means the energy or (for products described in sections 305.3(k)-(n)) water that is likely to be consumed annually in representative use of a consumer product, as determined in accordance with tests prescribed under section 323 of the Act (42 U.S.C. 6293).

(i) *Kilowatt-hour use per year*, or *kWh/yr.*, means estimated annual energy consumption expressed in kilowatt-hours of electricity.

²⁴² 44 U.S.C. 3501-3520.

²⁴³ *Dole v. United Steelworkers of America*, 494 U.S. 26 (1990).

(ii) *Therm use per year*, or *therms/yr.*, means estimated annual energy consumption expressed in therms of natural gas.

(iii) *Gallon use per year*, or *gallons/yr.*, means estimated annual energy consumption expressed in gallons of propane or No. 2 heating oil.

(2) *Estimated annual operating cost* means the aggregate retail cost of the energy that is likely to be consumed annually in representative use of a consumer product, as determined in accordance with tests prescribed under section 323 of the Act (42 U.S.C. 6293).

(i) *Energy efficiency rating* means the following product-specific energy usage descriptors: "annual fuel utilization efficiency (AFUE)" for furnaces; "energy efficiency ratio (EER)" for room air conditioners; "seasonal energy efficiency ratio (SEER)" for the cooling function of central air conditioners and heat pumps; and, "heating seasonal performance factor (HSPF)" for the heating function of heat pumps, as all four descriptors are determined in accordance with tests prescribed under section 323 of the Act (42 U.S.C. 6293). These product-specific energy usage descriptors shall be used in satisfying all the requirements of this part.

(j) *Range of estimated annual energy consumption* means the range of estimated annual energy consumption per year of all models within a designated range of comparability.

4. Sections 305.3 (a) and (b) are revised to read as follows:

§ 305.3 Description of covered products to which this part applies.

(a) *Refrigerators and refrigerator-freezers.* (1) *Electric refrigerator* means a cabinet designed for the refrigerated storage of food at temperatures above 32 °F., and having a source of refrigeration requiring single phase, alternating current electric energy input only. An electric refrigerator may include a compartment for the freezing and storage of food at temperatures below 32 °F., but does not provide a separate low temperature compartment designed for the freezing and storage of food at temperatures below 8 °F. An "all-refrigerator" is an electric refrigerator which does not include a compartment for the freezing and long time storage of food at temperatures below 32 °F (0.0 °C). An "all-refrigerator" may include a compartment of 0.50 cubic capacity (14.2 liters) or less for the freezing and storage of ice.

(2) *Electric refrigerator-freezer* means a cabinet which consists of two or more compartments with at least one of the compartments designed for the

²⁴¹ 5 U.S.C. 605(b).

refrigerated storage of food at temperatures above 32 °F. and with at least one of the compartments designed for the freezing and storage of food at temperatures below 8 °F. which may be adjusted by the user to a temperature of 0 °F. or below. The source of refrigeration requires single phase, alternating current electric energy input only.

(b) *Freezer* means a cabinet designed as a unit for the freezing and storage of food at temperatures of 0 °F. or below, and having a source of refrigeration requiring single phase, alternating current electric energy input only.

5. Section 305.3 is amended by adding paragraph (c)(1) and reserving paragraph (c)(2) to read as follows:

§ 305.3 Description of covered products to which this part applies.

(c) * * *

(1) *Water Heating Dishwasher* means a dishwasher which is designed for heating cold inlet water (nominal 50 °F.) or a dishwasher for which the manufacturer recommends operation with a nominal inlet water temperature of 120 °F. and may operate at either of these inlet water temperatures by providing internal water heating to above 120 °F. in at least one wash phase of the normal cycle.

6. Section 305.3(e) is revised to read as follows:

§ 305.3 Description of covered products to which this part applies.

(e) *Room air conditioner* means a consumer product, other than a packaged terminal air conditioner, which is powered by a single phase electric current and which is an encased assembly designed as a unit for mounting in a window or through the wall for the purpose of providing delivery of conditioned air to an enclosed space. It includes a prime source of refrigeration and may include a means for ventilating and heating.

7. Section 305.3(f) introductory text is revised to read as follows:

§ 305.3 Description of covered products to which this part applies.

(f) *Clothes washer* means a consumer product designed to clean clothes, utilizing a water solution of soap and/or detergent and mechanical agitation or other movement, and must be one of the following classes: automatic clothes

washers, semi-automatic clothes washers, and other clothes washers.

8. Section 305.3(g) is revised to read as follows:

§ 305.3 Description of covered products to which this part applies.

(g) *Furnaces*. (1) *Furnace* means a product which utilizes only single-phase electric current, or single-phase electric current or DC current in conjunction with natural gas, propane, or home heating oil, and which—

(i) Is designed to be the principal heating sources for the living space of a residence;

(ii) Is not contained within the same cabinet with a central air conditioner whose rated cooling capacity is above 65,000 Btu per hour;

(iii) Is an electric central furnace, electric boiler, forced-air central furnace, gravity central furnace, or low pressure steam or hot water boiler; and

(iv) Has a heat input rate of less than 300,000 Btu per hour for electric boilers and low pressure steam or hot water boilers and less than 225,000 Btu per hour for forced-air central furnaces, gravity central furnaces, and electric central furnaces.

(2) *Electric central furnace* means a furnace designed to supply heat through a system of ducts with air as the heating medium, in which heat is generated by one or more electric resistance heating elements and the heated air is circulated by means of a fan or blower.

(3) *Forced air central furnace* means a gas or oil burning furnace designed to supply heat through a system of ducts with air as the heating medium. The heat generated by combustion of gas or oil is transferred to the air within a casing by conduction through heat exchange surfaces and is circulated through the duct system by means of a fan or blower.

(4) *Gravity central furnace* means a gas fueled furnace which depends primarily on natural convection for circulation of heated air and which is designed to be used in conjunction with a system of ducts.

(5) *Electric boiler* means an electrically powered furnace designed to supply low pressure steam or hot water for space heating application. A low pressure steam boiler operates at or below 15 pounds per square inch gauge (psig) steam pressure; a hot water boiler operates at or below 160 psig water pressure and 250 °F. water temperature.

(6) *Low pressure steam or hot water boiler* means an electric, gas or oil burning furnace designed to supply low pressure steam or hot water for space

heating application. A low pressure steam boiler operates at or below 15 pounds psig steam pressure; a hot water boiler operates at or below 160 psig water pressure and 250 °F. water temperature.

(7) *Outdoor furnace or boiler* is a furnace or boiler normally intended for installation out-of-doors or in an unheated space (such as an attic or a crawl space).

(8) *Weatherized warm air furnace or boiler* means a furnace or boiler designed for installation outdoors, approved for resistance to wind, rain, and snow, and supplied with its own venting system.

9. Section 305.3(h) introductory text and paragraph (h)(3) are revised, and paragraphs (h) (4) and (5) are added, to read as follows:

§ 305.3 Description of covered products to which this part applies.

(h) *Central air conditioner* means a product, other than a packaged terminal air conditioner, which is powered by single phase electric current, air cooled, rated below 65,000 Btu per hour, not contained within the same cabinet as a furnace, the rated capacity of which is above 225,000 Btu per hour, and is a heat pump or a cooling only unit.

(3) *Evaporator coil* means a component of a central air conditioner which is designed to absorb heat from an enclosed space and transfer the heat to a refrigerant.

(4) *Single package unit* means any central air conditioner in which all the major assemblies are enclosed in one cabinet.

(5) *Split system* means any central air conditioner in which one or more of the major assemblies are separate from the others.

10. Section 305.3(i) is revised to read as follows:

§ 305.3 Description of covered products to which this part applies.

(i) *Heat pump* means a product, other than a packaged terminal heat pump, which consists of one or more assemblies, powered by single phase electric current, rated below 65,000 Btu per hour, utilizing an indoor conditioning coil, compressor, and refrigerant-to-outdoor air heat exchanger to provide air heating, and may also provide air cooling, dehumidifying, humidifying, circulating, and air cleaning.

11. The section heading and the introductory text of paragraph (a) of § 305.5 are revised to read as follows:

§ 305.5 Determinations of estimated annual energy consumption, estimated annual operating cost, and energy efficiency rating, and of water use rate.

(a) Procedures for determining the estimated annual energy consumption, the estimated annual operating costs, the energy efficiency ratings and the efficacy factors of covered products are those found in 10 CFR Part 430, Subpart B, in the following sections:

12. Section 305.7 is revised to read as follows:

§ 305.7 Determinations of capacity.

The capacity of covered products shall be determined as follows:

(a) *Refrigerators and refrigerator-freezers.* The capacity shall be the total refrigerated volume (VT) in cubic feet, rounded to the nearest one-tenth of a cubic foot, as determined according to Appendix A1 to 10 CFR Part 430, Subpart B.

(b) *Freezers.* The capacity shall be the total refrigerated volume (VT) in cubic feet, rounded to the nearest one-tenth of a cubic foot, as determined according to Appendix B1 to 10 CFR Part 430, Subpart B.

(c) *Dishwashers.* The capacity shall be the place-setting capacity, determined according to Appendix C to 10 CFR Part 430, Subpart B.

(d) *Water heaters.* The capacity shall be the first hour rating, as determined according to Appendix E to 10 CFR Part 430, Subpart B.

(e) *Room air conditioners.* The capacity shall be the cooling capacity in Btu's per hour, as determined according to Appendix F to 10 CFR Part 430, Subpart B, but rounded to the nearest value ending in hundreds that will satisfy the relationship that the value of EER used in representations equals the rounded value of capacity divided by the value of input power in watts. If a value ending in hundreds will not satisfy this relationship, the capacity may be rounded to the nearest value ending in 50 that will.

(f) *Clothes washers.* The capacity shall be the tub capacity, rounded to the nearest gallon, as determined according to Appendix J to 10 CFR Part 430, Subpart B, in the terms "standard" or "compact" as defined in Appendix J.

(g) *Furnaces.* The capacity shall be the heating capacity in Btu's per hour, rounded to the nearest 1,000 Btu's per hour, as determined according to Appendix N to 10 CFR Part 430, Subpart B.

(h) *Central air conditioners, cooling.* The capacity shall be the cooling capacity in Btu's per hour, as determined according to Appendix M to 10 CFR Part 430, Subpart B, rounded to the nearest 100 Btu's per hour for capacities less than 20,000 Btu's per hour; to the nearest 200 Btu's per hour for capacities between 20,000 and 37,999 Btu's per hour; and to the nearest 500 Btu's per hour for capacities between 38,000 and 64,999 Btu's per hour.

(i) *Central air conditioners, heating.* The capacity shall be the heating capacity in Btu's per hour, as determined according to Appendix M to 10 CFR Part 430, Subpart B, rounded to the nearest 100 Btu's per hour for capacities less than 20,000 Btu's per hour; to the nearest 200 Btu's per hour for capacities between 20,000 and 37,999 Btu's per hour; and to the nearest 500 Btu's per hour for capacities between 38,000 and 64,999 Btu's per hour.

(j) *Fluorescent lamp ballasts.* The capacity shall be the ballast input voltage, as determined according to Appendix Q to 10 CFR Part 430, Subpart B.

13. Section 305.8(a)(1) is revised to read as follows:

§ 305.8 Submission of data.

(a)(1) Each manufacturer of a covered product (except manufacturers of fluorescent lamp ballasts, showerheads, faucets, water closets or urinals) shall submit annually to the Commission a report listing the estimated annual energy consumption (for refrigerators, refrigerator-freezers, freezers, clothes washers, dishwashers and water heaters) or the energy efficiency rating (for room air conditioners, central air conditioners, heat pumps and furnaces) for each basic model in current production, determined according to § 305.5 and statistically verified according to § 305.6. The report must also list, for each basic model in current production: the model numbers for each basic model; the total energy consumption, determined in accordance with § 305.5, used to calculate the estimated annual energy consumption or energy efficiency rating; the number of tests performed; and, its capacity, determined in accordance with § 305.7. For those models that use more than one energy source or more than one cycle, each separate amount of energy consumption or energy cost, measured in accordance with § 305.5, shall be listed in the report. Appendix J illustrates a suggested reporting format. Starting serial numbers or other numbers identifying the date of

manufacture of covered products shall be submitted whenever a new basic model is introduced on the market.

* * * * *

§ 305.9 [Amended]

14. Section 305.9(b) is amended by removing the second sentence.

15. Section 305.10 is revised to read as follows:

§ 305.10 Ranges of estimated annual energy consumption and energy efficiency ratings.

(a) The range of estimated annual energy consumption or energy efficiency ratings for each covered product (except fluorescent lamp ballasts, showerheads, faucets, water closets or urinals) shall be taken from the appropriate appendix to this rule in effect at the time the labels are affixed to the product. The Commission shall publish revised ranges annually in the *Federal Register*, if appropriate, or a statement that the specific prior ranges are still applicable for the new year. Ranges will be changed if the estimated annual energy consumption or energy efficiency ratings of the products within the range change in a way that would alter the upper or lower estimated annual energy consumption or energy efficiency rating limits of the range by 15% or more from that previously published. When a range is revised, all information disseminated after 90 days following the publication of the revision shall conform to the revised range. Products that have been labeled prior to the effective date of a modification under this section need not be relabeled.

(b) When the estimated annual energy consumption or energy efficiency rating of a given model of a covered product falls outside the limits of the current range for that product, which could result from the introduction of a new or changed model, the manufacturer shall

(1) Omit placement of such product on the scale, and

(2) Add one of the two sentences below, as appropriate, in the space just below the scale, as follows:

The estimated annual energy consumption of this model was not available at the time the range was published.

The energy efficiency rating of this model was not available at the time the range was published.

16. In § 305.11, paragraphs (a)(1), (2), (3) and (4)(i) are revised to read as follows:

§ 305.11 Labeling for covered products.

(a) *Labels for covered products other than fluorescent lamp ballasts, showerheads, faucets, water closets and urinals—(1) Layout.* All energy labels

for each category of covered product shall use one size, similar colors and typefaces with consistent positioning of headline, copy and charts to maintain uniformity for immediate consumer recognition and readability. Trim size dimensions for all labels shall be as follows: width must be between 5 1/4 inches and 5 1/2 inches (13.34 cm. and 13.97 cm.); length must be 7 3/4 inches (18.73 cm.). Copy is to be set between 27 picas and 29 picas and copy page should be centered (right to left and top to bottom). Depth is variable but should follow closely the prototype labels appearing at the end of this part illustrating the basis layout. All positioning, spacing, type sizes and line widths should be similar to and consistent with the prototype labels.

(2) *Type style and setting.* The Helvetica Condensed series typeface or equivalent shall be used exclusively on the label. Specific sizes and faces to be used are indicated on the prototype labels. No hyphenation should be used in setting headline or copy text. Positioning and spacing should follow the prototypes closely. Generally, text must be set flush left with two points leading except where otherwise indicated. Helvetica Condensed Regular shall be used for all copy except the large number indicating the estimated annual energy consumption or energy efficiency rating, which shall be in Helvetica Condensed Black, and all other numerals and letters used in immediate connection with the Energy Efficiency Scale, which shall be in Helvetica Condensed Bold. See the prototype labels for specific directions.

(3) *Colors.* The basic colors of all labels shall be process yellow or equivalent and process black. The label shall be printed full bleed process yellow. All type and graphics shall be print process black.

(4) *Paper stock—(i) Adhesive labels.* All adhesive labels should be applied so they can be easily removed without the use of tools or liquids, other than water, but should be applied with an adhesive with an adhesion capacity sufficient to prevent their dislodgment during normal handling throughout the chain of distribution to the retailer or consumer. The paper stock for pressure-sensitive or other adhesive labels shall have a basic weight of not less than 58 pounds per 500 sheets (25" x 38") or equivalent, exclusive of the release liner and adhesive. A minimum peel adhesion capacity for the adhesive of 12 ounces per square inch is suggested, but not required if the adhesive can otherwise meet the above standard. The pressure-sensitive adhesive shall be applied in no fewer than two strips not

less than 0.5 inches (1.27 cm.) wide. The strips shall be within 0.25 inches (.64 cm.) of the opposite edges of the label. For a "flap-tag" label, the pressure-sensitive adhesive shall be applied in one strip not less than 0.5 inches (1.27 cm.) wide. The strip shall be within 0.25 inches (.64 cm.) of the top edge of the label.

* * * * *

§ 305.11 [Amended]

17. Section 305.11(a)(5)(i)(A) is amended by removing the second sentence.

18. In § 305.11, paragraphs (a)(5)(i)(E) through (H) and (J) are revised to read as follows:

§ 305.11 Labeling for covered products.

(a) * * *

(5) * * *

(i) * * *

(E) Estimated annual energy consumption for refrigerators, refrigerator-freezers, freezers, clothes washers, dishwashers and water heaters and energy efficiency ratings for room air conditioners are as determined in accordance with § 305.5.

(F) Ranges of comparability and of estimated annual energy consumption and energy efficiency ratings, as applicable, are found in the appropriate appendices accompanying this part.

(G) Placement of the labeled product on the scale shall be proportionate to the lowest and highest estimated annual energy consumption or energy efficiency ratings forming the scale.

(H) Labels must contain a statement disclosing the product's estimated annual operating cost derived using the DOE National Average Representative Unit Cost for the appropriate fuel that was current when the label was printed. The statement must disclose the specific cost per unit for the fuel and the year DOE published it.

(I) For refrigerators, refrigerator-freezers, freezers, and water heaters, the statement will read as follows (fill in the blanks with the appropriate appliance name, the operating cost, the year, and the energy cost figures):

⌞[Refrigerators, or Freezers, or Water Heaters] using more energy cost more to operate.

This model's estimated yearly operating cost is: [Cost figure will be boxed] Based on a [Year] U.S. Government national average cost of \$ _____ per [kWh, therm, or gallon] for [electricity, natural gas, propane, or oil]. Your actual operating cost will vary depending on your local utility rates and your use of the product.

(J) For clothes washers and dishwashers, the statement will read as follows (fill in the blanks with the

appropriate appliance name, the operating cost, the number of loads per week, the year, and the energy cost figures):

[Clothes Washers, or Dishwashers] using more energy cost more to operate.

This model's estimated yearly operating cost is: [Electric cost figure will be boxed] when used with an electric water heater [Gas cost figure will be boxed] when used with a natural gas water heater.

Based on [6 washloads a week for dishwashers, or 8 washloads a week for clothes washers], a [Year] U.S. Government national average cost of \$ _____ per kWh for electricity, and \$ _____ per therm for natural gas. Your actual operating cost will vary depending on your local utility rates and your use of the product.

(J) For room air conditioners, the statement will read as follows (fill in the blanks with the appropriate operating cost, the year, and the energy cost figures):

More efficient air conditioners cost less to operate.

This model's estimated yearly operating cost is: [Cost figure will be boxed] Based on a [Year] U.S. Government national average cost of \$ _____ per kWh for electricity. Your actual operating cost will vary depending on your local utility rates and your use of the product.

(J) A statement that the estimated annual energy consumption and energy efficiency ratings, as applicable, are based on U.S. Government standard tests is required on all labels, as indicated in the prototype labels.

19. In § 305.11, paragraphs (a)(5)(ii) (C) through (E) are revised and paragraphs (a)(5)(ii) (F) through (L) are added to read as follows:

§ 305.11 Labeling for covered products.

(a) * * *

(5) * * *

(ii) * * *

(C) The annual fuel utilization efficiency for furnaces is determined in accordance with § 305.5.

(D) Each furnace label shall contain a generic range consisting of the lowest and highest annual fuel utilization efficiencies for all furnaces that utilize the same energy source.

(E) Placement of the labeled product on the scale shall be proportionate to the lowest and highest annual fuel utilization efficiency ratings forming the scale.

(F) The following statement shall appear on the label beneath the range(s) in bold print:

Federal law requires the seller or installer of this appliance to make available a fact sheet or directory giving further information regarding the efficiency and operating cost of this equipment. Ask for this information.

(G) A statement that the annual fuel utilization efficiency ratings are based on U.S. Government standard tests is required on all labels.

(H) The following statement shall appear at the bottom of the label:

IMPORTANT: REMOVAL OF THIS LABEL BEFORE CONSUMER PURCHASE IS A VIOLATION OF FEDERAL LAW (42 U.S.C. 6302).

(I) No marks or information other than specified in this part shall appear on or directly adjoining this label except for a part or publication number identification, as desired by the manufacturer. The identification number shall be in the lower right-hand corner of the label, and characters shall be in 6 point type or smaller.

(J) Manufacturers of boilers that are shipped without jackets must label their products with hang-tags that also have adhesive backing on them that complies with the specifications contained in § 305.11(a)(4).

(K) Manufacturers of boilers shipped with more than one input nozzle to be installed in the field must label such boilers with the AFUE of the system when it is set up with the nozzle that results in the lowest annual fuel utilization efficiency rating.

(L) Manufacturers that ship out boilers that may be set up as either steam or hot water units must label the boilers with the AFUE rating derived by conducting the required test on the boiler as a hot water unit.

20. The first two sentences of § 305.11(a)(5)(iii)(C) introductory text are revised to read as follows:

§ 305.11 Labeling for covered products.

- (a) * * *
- (5) * * *
- (iii) * * *

(C) The seasonal energy efficiency ratio for the cooling function of central air conditioners is determined in accordance with § 305.5. For the heating function, the heating seasonal performance factor shall be calculated for heating Region IV for the standardized design heating requirement nearest the capacity measured in the High Temperature Test in accordance with § 305.5. * * *

21. Section 305.11(a)(5)(iii)(D) is revised to read as follows:

§ 305.11 Labeling for covered products.

- (a) * * *
- (5) * * *
- (iii) * * *

(D)(1) Each cooling only central air conditioner label shall contain a generic

range consisting of the lowest and highest seasonal energy efficiency ratios for all cooling only central air conditioners.

(2) Each heat pump label, except as noted in paragraph (a)(5)(iii)(D)(3) of this section, shall contain two generic ranges. The first range shall consist of the lowest and highest seasonal energy efficiency ratios for the cooling side of all heat pumps. The second range shall consist of the lowest and highest heating seasonal performance factors for the heating side of all heat pumps.

(3) Each heating only heat pump label shall contain a generic range consisting of the lowest and highest heating seasonal performance factors for all heating only heat pumps.

22. Sections 305.11(a)(5)(iii)(G) (1) through (3) are revised to read as follows:

§ 305.11 Labeling for covered products.

- (a) * * *
- (5) * * *
- (iii) * * *
- (G) * * *

(1) For labels disclosing the seasonal energy efficiency ratio for cooling, the statement should read:

This energy rating is based on U.S. Government standard tests of this condenser model combined with the most common coil. The rating may vary slightly with different coils.

(2) For labels disclosing both the seasonal energy efficiency ratio for cooling and the heating seasonal performance factor for heating, the statement should read:

This energy rating is based on U.S. Government standard tests of this condenser model combined with the most common coil. The rating will vary slightly with different coils and in different geographic regions.

(3) For labels disclosing the heating seasonal performance factor for heating, the statement should read:

This energy rating is based on U.S. Government standard tests of this condenser model combined with the most common coil. The rating will vary slightly with different coils and in different geographic regions. Central air conditioner labels disclosing the efficiency ratings for specific condenser/coil combinations do not have to contain any of the above three statements. They must contain only the general disclosure that the energy costs and efficiency ratings are based on U.S. Government tests.

23. Section 305.11(b)(3)(vi) is revised to read as follows:

§ 305.11 Labeling for covered products.

- (b) * * *
- (3) * * *

(b) * * *

(3) * * *

(vi) Ranges of comparability and of energy efficiency ratings are found in section 1 of the appropriate appendices accompanying this part.

* * *

24. Sections 305.11(b)(3)(x) (A) through (C) are revised to read as follows:

§ 305.11 Labeling for covered products.

* * *

(b) * * *

(3) * * *

(x) * * *

(A) For fact sheets disclosing the seasonal energy efficiency ratio for cooling, the statement should read:

This energy rating is based on U.S. Government standard tests of this condenser model combined with the most common coil. The rating may vary slightly with different coils.

(B) For fact sheets disclosing both the seasonal energy efficiency ratio for cooling and the heating seasonal performance factor for heating, the statement should read:

This energy rating is based on U.S. Government standard tests of this condenser model combined with the most common coil. The rating will vary slightly with different coils and in different geographic regions.

(C) For fact sheets disclosing the heating seasonal performance factor for heating, the statement should read:

This energy rating is based on U.S. Government standard tests of this condenser model combined with the most common coil. The rating will vary slightly with different coils and in different geographic regions.

25. In § 305.11, paragraphs (c) introductory text and (c)(1) are revised, and paragraph (c)(3)(vi) is added to read as follows:

§ 305.11 Labeling for covered products.

* * *

(c) Manufacturers of furnaces and central air conditioners may elect to disseminate information regarding the efficiencies and costs of operation of their products by means of a directory or similar publication, rather than on fact sheets, provided the publication meets the following criteria:

(1) *Distribution.*

(i) It must be distributed to substantially all retailers and assemblers of central air conditioners and furnaces selling or assembling models listed in the directory.

(ii) It must be made available at cost to all other interested parties.

* * *

(3) *Contents.* * * *

(vi) Ranges of comparability and of energy efficiency ratings are found in Section 1 of the appropriate appendices accompanying this part.

26. Section 305.13 is revised to read as follows:

§ 305.13 Promotional material displayed or distributed at point of sale.

(a)(1) Any manufacturer, distributor, retailer or private labeler who prepares printed material for display or distribution at point of sale concerning a covered product (except fluorescent lamp ballasts, showerheads, faucets, water closets or urinals) shall clearly and conspicuously include in such printed material the following required disclosure:

Before purchasing this appliance, read important information about its estimated annual energy consumption or energy efficiency rating that is available from your retailer.

(2) Any manufacturer, distributor, retailer or private labeler who prepares printed material for display or distribution at point of sale concerning a covered product that is a fluorescent lamp ballast to which standards are applicable under section 325 of the Act, shall disclose conspicuously in such printed material, in each description of such fluorescent lamp ballast, an encircled capital letter "E".

(3) Any manufacturer, distributor, retailer or private labeler who prepares printed material for display or distribution at point of sale concerning a covered product that is a showerhead, faucet, water closet, or urinal shall clearly and conspicuously include in such printed material the product's water use, expressed in gallons and liters per minute (gpm/Lpm) or per cycle (gpc/Lpc) or gallons and liters per flush (gpf/Lpf), as specified in § 305.11(e).

(b) This section shall not apply to:

(1) Written warranties.

(2) Use and care manuals, installation instructions, or other printed material containing primarily post-purchase information for the purchaser.

(3) Printed material containing only the identification of a covered product,

pricing information and/or non-energy related representations concerning that product.

(4) Any printed material distributed prior to the effective date listed in § 305.4(e).

27. Section 305.14 is revised to read as follows:

§ 305.14 Catalogs.

(a) Any manufacturer, distributor, retailer, or private labeler who advertises in a catalog a covered product (except fluorescent lamp ballasts, showerheads, faucets, water closets or urinals) shall include in such catalog, on each page that lists the covered product, the following information required to be disclosed on the label:

(1) The capacity of the model.

(2) The estimated annual energy consumption for refrigerators, refrigerator-freezers, freezers, clothes washers, dishwashers and water heaters.

(3) The energy efficiency rating for room air conditioners, central air conditioners, and furnaces.

(4) The range of estimated annual energy consumption or energy efficiency ratings, which shall be those that are current at the closing date for printing or the printing deadline of the catalog.

(b) Any manufacturer, distributor, retailer, or private labeler who advertises fluorescent lamp ballasts that are "covered products," as defined in § 305.2(o), and to which standards are applicable under section 325 of the Act, in a catalog, from which they may be purchased by cash, charge account or credit terms, shall disclose conspicuously in such catalog, in each description of such fluorescent lamp ballasts, a capital letter "E" printed within a circle.

(c) Any manufacturer, distributor, retailer, or private labeler who advertises a covered product that is a showerhead, faucet, water closet or urinal in a catalog, from which it may be purchased, shall include in such catalog, on each page that lists the covered product, the product's water use, expressed in gallons and liters per minute (gpm/Lpm) or per cycle (gpc/

Lpc) or gallons and liters per flush (gpf/Lpf) as specified in § 305.11(e).

28. Section 305.16 is revised to read as follows:

§ 305.16 Required testing by designated laboratory.

Upon notification by the Commission or its designated representative, a manufacturer of a covered product shall supply, at the manufacturer's expense, no more than two of each model of each product to a laboratory, which will be identified by the Commission or its designated representative in the notice, for the purpose of ascertaining whether the estimated annual energy consumption, the estimated annual operating cost, or the energy efficiency rating disclosed on the label or fact sheet or in an industry directory, or, as required in a catalog, or the representation made by the label that the product is in compliance with applicable standards in section 325 of the Act, 42 U.S.C. 6295, is accurate. Such a procedure will only be followed after the Commission or its staff has examined the underlying test data provided by the manufacturer as required by § 305.15(b) and after the manufacturer has been afforded the opportunity to reverify test results from which the estimated annual energy consumption, the estimated annual operating cost, or the energy efficiency rating for each basic model was derived. A representative designated by the Commission shall be permitted to observe any reverification procedures required by this part, and to inspect the results of such reverification. The Commission will pay the charges for testing by designated laboratories.

§ 305.18 [Removed]

29. Section 305.18 is removed.

§ 305.19 [Redesignated as § 305.18]

30. Section 305.19 is redesignated as § 305.18.

31. Appendices A1 and A2 to part 305 are revised; Appendices A3 through A8 are added; Appendix B is removed; and Appendices B1 through B3 are added, to read as follows:

APPENDIX A1 TO PART 305—REFRIGERATORS WITH AUTOMATIC DEFROST
[Range Information]

Manufacturer's rated total refrigerated volume in cubic feet	Range of estimated annual energy consumption (kWh/yr.)	
	Low	High
Less than 2.5		
2.5 to 4.4		
4.5 to 6.4		
6.5 to 8.4		
8.5 to 10.4		
10.5 to 12.4		
12.5 to 14.4		
14.5 to 16.4		
16.5 and over		

APPENDIX A2 TO PART 305—REFRIGERATORS AND REFRIGERATOR-FREEZERS WITH MANUAL DEFROST
[Range Information]

Manufacturer's rated total refrigerated volume in cubic feet	Range of estimated annual energy consumption (kWh/yr.)	
	Low	High
Less than 2.5		
2.5 to 4.4		
4.5 to 6.4		
6.5 to 8.4		
8.5 to 10.4		
10.5 to 12.4		
12.5 to 14.4		
14.5 to 16.4		
16.5 to 18.4		
18.5 to 20.4		
20.5 to 22.4		
22.5 to 24.4		
24.5 to 26.4		
26.5 to 28.4		
28.5 and over		

APPENDIX A3 TO PART 305—REFRIGERATOR-FREEZERS WITH PARTIAL AUTOMATIC DEFROST
[Range Information]

Manufacturer's rated total refrigerated volume in cubic feet	Range of estimated annual energy consumption (kWh/yr.)	
	Low	High
Less than 10.5		
10.5 to 12.4		
12.5 to 14.4		
14.5 to 16.4		
16.5 to 18.4		
18.5 to 20.4		
20.5 to 22.4		
22.5 to 24.4		
24.5 to 26.4		
26.5 to 28.4		
28.5 and over		

APPENDIX A4 TO PART 305—REFRIGERATOR-FREEZERS WITH AUTOMATIC DEFROST WITH TOP-MOUNTED FREEZER WITHOUT THROUGH-THE-DOOR ICE SERVICE
[Range Information]

Manufacturer's rated total refrigerated volume in cubic feet	Range of estimated annual energy consumption (kWh/yr.)	
	Low	High
Less than 10.5		
10.5 to 12.4		

**APPENDIX A4 TO PART 305—REFRIGERATOR-FREEZERS WITH AUTOMATIC DEFROST WITH TOP-MOUNTED FREEZER
WITHOUT THROUGH-THE-DOOR ICE SERVICE—Continued**
[Range Information]

Manufacturer's rated total refrigerated volume in cubic feet	Range of estimated annual energy consumption (kWh/yr.)	
	Low	High
12.5 to 14.4		
14.5 to 16.4		
16.5 to 18.4		
18.5 to 20.4		
20.5 to 22.4		
22.5 to 24.4		
24.5 to 26.4		
26.5 to 28.4		
28.5 and over		

**APPENDIX A5 to Part 305—Refrigerator-Freezers With Automatic Defrost With Side-Mounted Freezer Without
Through-the-Door Ice Service**
[Range Information]

Manufacturer's rated total refrigerated volume in cubic feet	Range of estimated annual energy consumption (kWh/yr.)	
	Low	High
Less than 10.5		
10.5 to 12.4		
12.5 to 14.4		
14.5 to 16.4		
16.5 to 18.4		
18.5 to 20.4		
20.5 to 22.4		
22.5 to 24.4		
24.5 to 26.4		
26.5 to 28.4		
28.5 and over		

**APPENDIX A6 TO PART 305—REFRIGERATOR-FREEZERS WITH AUTOMATIC DEFROST WITH BOTTOM-MOUNTED FREEZER
WITHOUT THROUGH-THE-DOOR ICE SERVICE**
[Range Information]

Manufacturer's rated total refrigerated volume in cubic feet	Range of estimated annual energy consumption (kWh/yr.)	
	Low	High
Less than 10.5		
10.5 to 12.4		
12.5 to 14.4		
14.5 to 16.4		
16.5 to 18.4		
18.5 to 20.4		
20.5 to 22.4		
22.5 to 24.4		
24.5 to 26.4		
26.5 to 28.4		
28.5 and over		

**APPENDIX A7 TO PART 305—REFRIGERATOR-FREEZERS WITH AUTOMATIC DEFROST WITH TOP-MOUNTED FREEZER WITH
THROUGH-THE-DOOR ICE SERVICE**
[Range Information]

Manufacturer's rated total refrigerated volume in cubic feet	Range of estimated annual energy consumption (kWh/yr.)	
	Low	High
Less than 10.5		
10.5 to 12.4		
12.5 to 14.4		

APPENDIX A7 TO PART 305—REFRIGERATOR-FREEZERS WITH AUTOMATIC DEFROST WITH TOP-MOUNTED FREEZER WITH THROUGH-THE-DOOR ICE SERVICE—Continued
 [Range Information]

Manufacturer's rated total refrigerated volume in cubic feet	Range of estimated annual energy consumption (kWh/yr.)	
	Low	High
14.5 to 16.4		
16.5 to 18.4		
18.5 to 20.4		
20.5 to 22.4		
22.5 to 24.4		
24.5 to 26.4		
26.5 to 28.4		
28.5 and over		

APPENDIX A8 TO PART 305—REFRIGERATOR-FREEZERS WITH AUTOMATIC DEFROST WITH SIDE-MOUNTED FREEZER WITH THROUGH-THE-DOOR ICE SERVICE
 [Range Information]

Manufacturer's rated total refrigerated volume in cubic feet	Range of estimated annual energy consumption (kWh/yr.)	
	Low	High
Less than 10.5		
10.5 to 12.4		
12.5 to 14.4		
14.5 to 16.4		
16.5 to 18.4		
18.5 to 20.4		
20.5 to 22.4		
22.5 to 24.4		
24.5 to 26.4		
26.5 to 28.4		
28.5 and over		

APPENDIX B1 TO PART 305—UPRIGHT FREEZERS WITH MANUAL DEFROST
 [Range Information]

Manufacturer's rated total refrigerated volume in cubic feet	Range of estimated annual energy consumption (kWh/yr.)	
	Low	High
Less than 5.5		
5.5 to 7.4		
7.5 to 9.4		
9.5 to 11.4		
11.5 to 13.4		
13.5 to 15.4		
15.5 to 17.4		
17.5 to 19.4		
19.5 to 21.4		
21.5 to 23.4		
23.5 to 25.4		
25.5 to 27.4		
27.5 to 29.4		
29.5 and over		

APPENDIX B2 TO PART 305—UPRIGHT FREEZERS WITH AUTOMATIC DEFROST
 [Range Information]

Manufacturer's rated total refrigerated volume in cubic feet	Range of estimated annual energy consumption (kWh/yr.)	
	Low	High
Less than 5.5		
5.5 to 7.4		
7.5 to 9.4		

APPENDIX B2 TO PART 305—UPRIGHT FREEZERS WITH AUTOMATIC DEFROST—Continued
 [Range Information]

Manufacturer's rated total refrigerated volume in cubic feet	Range of estimated annual energy consumption (kWh/yr.)	
	Low	High
9.5 to 11.4		
11.5 to 13.4		
13.5 to 15.4		
15.5 to 17.4		
17.5 to 19.4		
19.5 to 21.4		
21.5 to 23.4		
23.5 to 25.4		
25.5 to 27.4		
27.5 to 29.4		
29.5 and over		

APPENDIX B3 TO PART 305—CHEST FREEZERS AND ALL OTHER FREEZERS
 [Range Information]

Manufacturer's rated total refrigerated volume in cubic feet	Range of estimated annual energy consumption (kWh/yr.)	
	Low	High
Less than 5.5		
5.5 to 7.4		
7.5 to 9.4		
9.5 to 11.4		
11.5 to 13.4		
13.5 to 15.4		
15.5 to 17.4		
17.5 to 19.4		
19.5 to 21.4		
21.5 to 23.4		
23.5 to 25.4		
25.5 to 27.4		
27.5 to 29.4		
29.5 and over		

32. Appendix C to part 305 is revised to read as follows:

Appendix C to Part 305—Dishwashers

Range Information

"Compact" includes countertop dishwasher models with a capacity of fewer than eight (8) place settings.

"Standard" includes portable or built-in dishwasher models with a capacity of eight (8) or more place settings.

Place settings shall be in accordance with Appendix C to 10 CFR Part 430, Subpart B. Load patterns shall conform to the operating normal for the model being tested.

Capacity	Range of estimated annual energy consumption (kWh/yr.)	
	Low	High
Compact		
Standard		

33. Appendices D1-D3 to Part 305 are revised to read as follows:

APPENDIX D1 TO PART 305—WATER HEATER—GAS
[Range Information]

Capacity	Range of estimated annual energy consumption (therms/yr. and gallons/yr.)			
First hour rating	Natural gas therms/yr.		Propane gal- lons/yr.	
	Low	High	Low	High
Less than 21				
21 to 24				
25 to 29				
30 to 34				
35 to 40				
41 to 47				
48 to 55				
56 to 64				
65 to 74				
75 to 86				
87 to 99				
100 to 114				
115 to 131				
Over 131				

APPENDIX D2 TO PART 305—WATER HEATER—ELECTRIC
[Range Information]

Capacity	Range of estimated annual energy consumption (kWh/yr.)	
First hour rating	Low	High
Less than 21		
21 to 24		
25 to 29		
30 to 34		
35 to 40		
41 to 47		
48 to 55		
56 to 64		
65 to 74		
75 to 86		
87 to 99		
100 to 114		
115 to 131		
Over 131		

APPENDIX D3 TO PART 305—WATER HEATER—OIL
[Range Information]

Capacity	Range of estimated annual energy consumption (gallons/yr.)	
First hour rating	Low	High
Less than 65		
65 to 74		
75 to 86		
87 to 99		
100 to 114		
115 to 131		
Over 131		

34. Appendix E to Part 305 is revised to read as follows:

APPENDIX E TO PART 305—ROOM AIR CONDITIONERS
[Range Information]

Manufacturer's rated cooling capacity in Btu's/hr.	Range of energy efficiency ratios (EERs)	
	Low	High
Without Reverse Cycle and with Louvered Sides:		
Less than 6,000 Btu		
6,000 to 7,999 Btu		
8,000 to 13,999 Btu		
14,000 to 19,999 Btu		
20,000 and more Btu		
Without Reverse Cycle and without Louvered Sides:		
Less than 6,000 Btu		
6,000 to 7,999 Btu		
8,000 to 13,999 Btu		
14,000 to 19,999 Btu		
20,000 and more Btu		
With Reverse Cycle and with Louvered Sides.		
With Reverse Cycle, without Louvered Sides.		

35. Appendix F to part 305 is revised to read as follows:

Appendix F to Part 305—Clothes Washers

Range Information

"Compact" includes all household clothes washers with a tub capacity of less than 1.6 cu. ft. or 13 gallons of water.

"Standard" includes all household clothes washers with a tub capacity of 1.6 cu. ft. or 13 gallons of water or more.

Capacity	Range of estimated annual energy consumption (kWh/yr.)	
	Low	High
Compact:		
Top Loading		
Front Loading		
Standard:		
Top Loading		
Front Loading		

36. Appendices G1 through G5 of Part 305 are revised, and Appendices G6 through G8 are added to read as follows:

APPENDIX to Part 305—FURNACES—GAS

[1. Range Information]

Manufacturer's rated heating capacities (Btu's/hr.)	Range of annual fuel utilization efficiencies (AFUE's)	
	Low	High
All Capacities		

[2. Yearly Cost Information: Cost Grid]

Cost per kilowatt hour ¹	Btu heat loss of home (see chart below)
4¢	
6¢	
8¢	
10¢	
12¢	
14¢	

¹ For charts on natural gas, oil and propane gas, substitute the following cost figures:

a. Cost per therm—10¢, 20¢, 30¢, 40¢, 50¢, 60¢.

b. Cost per gallon (oil)—76¢, 79¢, 82¢, 85¢, 88¢, 91¢, 94¢, 97¢, \$1.00.

c. Cost per gallon (propane)—35¢, 40¢, 45¢, 50¢, 55¢, 60¢.

The following table shows the heat loss values (in thousand Btu's/hr.) to be used in the cost grid:

[Heat Loss Table]

Manufacturers rated heat output of model to be labeled (Btu's per hour)	Design heat loss of model to be labeled (1,000 Btu's per hour)	Heat loss values to be used on the grid (1,000 Btu's per hour)
5,000 to 10,000	5	5
11,000 to 16,000	10	5, 10
17,000 to 25,000	15	10, 15
26,000 to 42,000	20	15, 20, 25
43,000 to 59,000	30	25, 30, 35, 40
60,000 to 76,000	40	35, 40, 45, 50
77,000 to 93,000	50	40, 45, 50, 60
94,000 to 110,000	60	50, 60, 70, 80
111,000 to 127,000	70	60, 70, 80, 90
128,000 to 144,000	80	70, 80, 90, 100
145,000 to 161,000	90	80, 90, 100, 110, 120
162,000 to 178,000	100	90, 100, 110, 120, 130
179,000 to 195,000	110	100, 110, 120, 130, 140
196,000 and over	130	120, 130, 140, 150, 160

Beside each cost in the cost grid, and below the appropriate heat loss value taken from the heat loss table, place the cost estimate for the model being labeled using the table costs in place of the national average cost and using the heat loss values in place of the design heat loss used in the table with the national average cost.

APPENDIX G2 TO PART 305—FURNACES—ELECTRIC

[1. Range Information]

Manufacturer's rated heating capacities (Btu's/hr.)	Ranges of annual fuel utilization efficiencies (AFUE's)	
	Low	High
All Capacities		

[2. Yearly Cost Information; Cost Grid]

Cost per kilowatt hour ¹	Btu heat loss of home (see chart below)
4c	
6c	
8c	
10c	
12c	
14c	

¹ For charts on natural gas, oil and propane gas, substitute the following cost figures:

a. Cost per therm—10¢, 20¢, 30¢, 40¢, 50¢, 60¢.

b. Cost per gallon (oil)—76¢, 79¢, 82¢, 85¢, 88¢, 91¢, 94¢, 97¢, \$1.00.

c. Cost per gallon (propane)—35¢, 40¢, 45¢, 50¢, 55¢, 60¢.

The following table shows the heat loss values (in thousand Btu's/hr.) to be used in the cost grid:

[Heat Loss Table]

Manufacturers' rated heat output of model to be labeled (Btu's per hour)	Design heat loss of model to be labeled (1,000 Btu's per hour)	Heat loss values to be used on the grid (1,000 Btu's per hour)
5,000 to 10,000	5	5
11,000 to 16,000	10	5, 10
17,000 to 25,000	15	10, 15
26,000 to 42,000	20	15, 20, 25

[Heat Loss Table]

Manufacturers' rated heat output of model to be labeled (Btu's per hour)	Design heat loss of model to be labeled (1,000 Btu's per hour)	Heat loss values to be used on the grid (1,000 Btu's per hour)
43,000 to 59,000	30	25, 30, 35, 40
60,000 to 76,000	40	35, 40, 45, 50
77,000 to 93,000	50	40, 45, 50, 60
94,000 to 110,000	60	50, 60, 70, 80
111,000 to 127,000	70	60, 70, 80, 90
128,000 to 144,000	80	70, 80, 90, 100
145,000 to 161,000	90	80, 90, 100, 110, 120
162,000 to 178,000	100	90, 100, 110, 120, 130
179,000 to 195,000	110	100, 110, 120, 130, 140
196,000 and over	130	120, 130, 140, 150, 160

Beside each cost in the cost grid, and below the appropriate heat loss value taken from the heat loss table, place the cost estimate for the model being labeled using the table costs in place of the national average cost and using the heat loss values in place of the design heat loss used in the table with the national average cost.

APPENDIX G3 TO PART 305—FURNACES—OIL

[1. Range Information]

Manufacturer's rated heating capacities (Btu's/hr.)	Range of annual fuel utilization efficiencies (AFUE's)	
	Low	High
All Capacities		

[2. Yearly Cost Information: Cost Grid]

Cost per kilowatt hour ¹	Btu heat loss of home (see chart below)
4¢	
6¢	
8¢	
10¢	
12¢	
14¢	

¹ For charts on natural gas, oil and propane gas, substitute the following cost figures:

- a. Cost per therm—10¢, 20¢, 30¢, 40¢, 50¢, 60¢.
 b. Cost per gallon (oil)—76¢, 79¢, 82¢, 85¢, 88¢, 91¢, 94¢, 97¢, \$1.00.
 c. Cost per gallon (propane)—35¢, 40¢, 45¢, 50¢, 55¢, 60¢.

The following table shows the heat loss values (in thousand Btu's/hr.) to be used in the cost grid:

[Heat Loss Table]

Manufacturers' rated heat output of model to be labeled (Btu's per hour)	Design heat loss of model to be labeled (1,000 Btu's per hour)	Heat loss values to be used on the grid (1,000 Btu's per hour)
5,000 to 10,000	5	5
11,000 to 16,000	10	5, 10
17,000 to 25,000	15	10, 15
26,000 to 42,000	20	15, 20, 25
43,000 to 59,000	30	25, 30, 35, 40
60,000 to 76,000	40	35, 40, 45, 50
77,000 to 93,000	50	40, 45, 50, 60
94,000 to 110,000	60	50, 60, 70, 80
111,000 to 127,000	70	60, 70, 80, 90
128,000 to 144,000	80	70, 80, 90, 100
145,000 to 161,000	90	80, 90, 100, 110, 120

[Heat Loss Table]

Manufacturers' rated heat output of model to be labeled (Btu's per hour)	Design heat loss of model to be labeled (1,000 Btu's per hour)	Heat loss values to be used on the grid (1,000 Btu's per hour)
162,000 to 178,000	100	90, 100, 110, 120, 130
179,000 to 195,000	110	100, 110, 120, 130, 140
196,000 and over	130	120, 130, 140, 150, 160

Beside each cost in the cost grid, and below the appropriate heat loss value taken from the heat loss table, place the cost estimate for the model being labeled using the table costs in place of the national average cost and using the heat loss values in place of the design heat loss used in the table with the national average cost.

APPENDIX G4 TO PART 305—MOBILE HOME FURNACES

1. [Range Information]

Manufacturer's rated heating capacities (Btu's/hr.)	Range of annual fuel utilization efficiencies (AFUE's)	
	Low	High
All Capacities.....		

[2. Yearly Cost Information: Cost Grid]

Cost per kilowatt hour ¹	Btu heat loss of home (see chart below)
4.....	
6.....	
8.....	
10.....	
12.....	
14.....	

¹ For charts on natural gas, oil and propane gas, substitute the following cost figures:

- a. Cost per therm—10-, 20-, 30-, 40-, 50-, 60-.
- b. Cost per gallon (oil)—76-, 79-, 82-, 85-, 88-, 91-, 94-, 97-, \$1.00.
- c. Cost per gallon (propane)—35-, 40-, 45-, 50-, 55-, 60-.

The following table shows the heat loss values (in thousand Btu's/hr.) to be used in the cost grid:

[Heat Loss Table]

Manufacturers' rated heat output of model to be labeled (Btu's per hour)	Design heat loss of model to be labeled (1,000 Btu's per hour)	Heat loss values to be used on the grid (1,000 Btu's per hour)
5,000 to 10,000	5	5
5,000 to 10,000	5	5
11,000 to 16,000	10	5, 10
17,000 to 25,000	15	10, 15
26,000 to 42,000	20	15, 20, 25
43,000 to 59,000	30	25, 30, 35, 40
60,000 to 76,000	40	35, 40, 45, 50
77,000 to 93,000	50	40, 45, 50, 60
94,000 to 110,000	60	50, 60, 70, 80
111,000 to 127,000	70	60, 70, 80, 90
128,000 to 144,000	80	70, 80, 90, 100
145,000 to 161,000	90	80, 90, 100, 110, 120
162,000 to 178,000	100	90, 100, 110, 120, 130
179,000 to 195,000	110	100, 110, 120, 130, 140
196,000 and over	130	120, 130, 140, 150, 160

Beside each cost in the cost grid, and below the appropriate heat loss value taken from the heat loss table, place the cost estimate for the model being labeled using the table costs in place of the national average cost and using the heat loss values in place of the design heat loss used in the table with the national average cost.

APPENDIX G5 TO PART 305—BOILERS—GAS (EXCEPT STEAM)

[1. Range Information]

Manufacturer's rated heating capacities (Btu's/hr.)	Range of annual fuel utilization efficiencies (AFUE's)	
	Low	High
All Capacities		

[2. Yearly Cost Information: Cost Grid]

Cost per kilowatt hour ¹	Btu heat loss of home (see chart below)
4¢	
6¢	
8¢	
10¢	
12¢	
14¢	

¹ For charts on natural gas, oil and propane gas, substitute the following cost figures:

- a. Cost per therm—10¢, 20¢, 30¢, 40¢, 50¢, 60¢.
 b. Cost per gallon (oil)—76¢, 79¢, 82¢, 85¢, 88¢, 91¢, 94¢, 97¢, \$1.00.
 c. Cost per gallon (propane)—35¢, 40¢, 45¢, 50¢, 55¢, 60¢.

The following table shows the heat loss values (in thousand Btu's/hr.) to be used in the cost grid:

[Heat Loss Table]

Manufacturers' rated heat output of model to be labeled (Btu's per hour)	Design heat loss of model to be labeled (1,000 Btu's per hour)	Heat loss values to be used on the grid (1,000 Btu's per hour)
5,000 to 10,000	5	5
11,000 to 16,000	10	5, 10
17,000 to 25,000	15	10, 15
26,000 to 42,000	20	15, 20, 25
43,000 to 59,000	30	25, 30, 35, 40
60,000 to 76,000	40	35, 40, 45, 50
77,000 to 93,000	50	40, 45, 50, 60
94,000 to 110,000	60	50, 60, 70, 80
111,000 to 127,000	70	60, 70, 80, 90
128,000 to 144,000	80	70, 80, 90, 100
145,000 to 161,000	90	80, 90, 100, 110, 120
162,000 to 178,000	100	90, 100, 110, 120, 130
179,000 to 195,000	110	100, 110, 120, 130, 140
196,000 and over	130	120, 130, 140, 150, 160

Beside each cost in the cost grid, and below the appropriate heat loss value taken from the heat loss table, place the cost estimate for the model being labeled using the table costs in place of the national average cost and using the heat loss values in place of the design heat loss used in the table with the national average cost.

APPENDIX G6 TO PART 305—BOILERS—GAS (STEAM)

[1. Range Information]

Manufacturer's rated heating capacities (Btu's/hr.)	Range of annual fuel utilization efficiencies (AFUE's)	
	Low	High
All capacities		

[2. Yearly Cost Information: Cost Grid]

Cost per kilowatt hour ¹	Btu heat loss of home (see chart below)
4¢	
6¢	
8¢	
10¢	
12¢	
14¢	

¹ For charts on natural gas, oil and propane gas, substitute the following cost figures:

- a. Cost per therm—10¢, 20¢, 30¢, 40¢, 50¢, 60¢.
 b. Cost per gallon (oil)—76¢, 79¢, 82¢, 85¢, 88¢, 91¢, 94¢, 97¢, \$1.00.
 c. Cost per gallon (propane)—35¢, 40¢, 45¢, 50¢, 55¢, 60¢.

The following table shows the heat loss values (in thousand Btu's/hr.) to be used in the cost grid:

[Heat Loss Table]

Manufacturers' rated heat output of model to be labeled (Btu's per hour)	Design heat loss of model to be labeled (1,000 Btu's per hour)	Heat loss values to be used on the grid (1,000 Btu's per hour)
5,000 to 10,000	5	5
11,000 to 16,000	10	5, 10
17,000 to 25,000	15	10, 15
26,000 to 42,000	20	15, 20, 25
43,000 to 59,000	30	25, 30, 35, 40
60,000 to 76,000	40	35, 40, 45, 50
77,000 to 93,000	50	40, 45, 50, 60
94,000 to 110,000	60	50, 60, 70, 80
111,000 to 127,000	70	60, 70, 80, 90
128,000 to 144,000	80	70, 80, 90, 100
145,000 to 161,000	90	80, 90, 100, 110, 120
162,000 to 178,000	100	90, 100, 110, 120, 130
179,000 to 195,000	110	100, 110, 120, 130, 140
196,000 and over	130	120, 130, 140, 150, 160

Beside each cost in the cost grid, and below the appropriate heat loss value taken from the heat loss table, place the cost estimate for the model being labeled using the table costs in place of the national average cost and using the heat loss values in place of the design heat loss used in the table with the national average cost.

APPENDIX G7 TO PART 305—BOILERS—OIL

[1. Range Information]

Manufacturer's rated heating capacities (Btu's/hr.)	Range of annual fuel utilization efficiencies (AFUE's)	
	Low	High
All Capacities		

[2. Yearly Cost Information: Cost Grid]

Cost per kilowatt hour ¹	Btu heat loss of home (see chart below)
4¢	
6¢	
8¢	
10¢	
12¢	
14¢	

¹ For charts on natural gas, oil and propane gas, substitute the following cost figures:

- a. Cost per therm—10¢, 20¢, 30¢, 40¢, 50¢, 60¢.

- b. Cost per gallon (oil)—76¢, 79¢, 82¢, 85¢, 88¢, 91¢, 94¢, 97¢, \$1.00;
c. Cost per gallon (propane)—35¢, 40¢, 45¢, 50¢, 55¢, 60¢.

The following table shows the heat loss values (in thousand Btu's/hr.) to be used in the cost grid:

[Heat Loss Table]

Manufacturers' rated heat output of model to be labeled (Btu's per hour)	Design heat loss of model to be labeled (1,000 Btu's per hour)	Heat loss values to be used on the grid (1,000) Btu's per hour)
5,000 to 10,000	5	5
11,000 to 16,000	10	5, 10
17,000 to 25,000	15	10, 15
26,000 to 42,000	20	15, 20, 25
43,000 to 59,000	30	25, 30, 35, 40
60,000 to 76,000	40	35, 40, 45, 50
77,000 to 93,000	50	40, 45, 50, 60
94,000 to 110,000	60	50, 60, 70, 80
111,000 to 127,000	70	60, 70, 80, 90
128,000 to 144,000	80	70, 80, 90, 100
145,000 to 161,000	90	80, 90, 100, 110, 120
162,000 to 178,000	100	90, 100, 110, 120, 130
179,000 to 195,000	110	100, 110, 120, 130, 140
196,000 and over	130	120, 130, 140, 150, 160

Beside each cost in the cost grid, and below the appropriate heat loss value taken from the heat loss table, place the cost estimate for the model being labeled using the table costs in place of the national average cost and using the heat loss values in place of the design heat loss used in the table with the national average cost.

APPENDIX G8 TO PART 305—BOILERS—ELECTRIC

[1. Range Information]

Manufacturer's rated heating capacities (Btu's/hr.)	Range of annual fuel utilization efficiencies (AFUE's)	
	Low	High
All Capacities		

[2. Yearly Cost Information: Cost Grid]

Cost per kilowatt hour ¹	Btu heat loss of home (see chart below)
4¢	
6¢	
8¢	
10¢	
12¢	
14¢	

¹ For charts on natural gas, oil and propane gas, substitute the following cost figures:

- a. Cost per therm—10¢, 20¢, 30¢, 40¢, 50¢, 60¢;
b. Cost per gallon (oil)—76¢, 79¢, 82¢, 85¢, 88¢, 91¢, 94¢, 97¢, \$1.00;
c. Cost per gallon (propane)—35¢, 40¢, 45¢, 50¢, 55¢, 60¢.

The following table shows the heat loss values (in thousand Btu's/hr.) to be used in the cost grid:

[Heat Loss Table]

Manufacturers' rated heat output of model to be labeled (Btu's per hour)	Design heat loss of model to be labeled (1,000 Btu's per hour)	Heat loss values to be used on the grid (1,000) Btu's per hour)
5,000 to 10,000	5	5
11,000 to 16,000	10	5, 10
17,000 to 25,000	15	10, 15

[Heat Loss Table]

Manufacturers' rated heat output of model to be labeled (Btu's per hour)	Design heat loss of model to be labeled (1,000 Btu's per hour)	Heat loss values to be used on the grid (1,000 Btu's per hour)
26,000 to 42,000	20	15, 20, 25
43,000 to 59,000	30	25, 30, 35, 40
60,000 to 76,000	40	35, 40, 45, 50
77,000 to 93,000	50	40, 45, 50, 60
94,000 to 110,000	60	50, 60, 70, 80
111,000 to 127,000	70	60, 70, 80, 90
128,000 to 144,000	80	70, 80, 90, 100
145,000 to 161,000	90	80, 90, 100, 110, 120
162,000 to 178,000	100	90, 100, 110, 120, 130
179,000 to 195,000	110	100, 110, 120, 130, 140
196,000 and over	130	120, 130, 140, 150, 160

Beside each cost in the cost grid, and below the appropriate heat loss value taken from the heat loss table, place the cost estimate for the model being labeled using the table costs in place of the national average cost and using the heat loss values in place of the design heat loss used in the table with the national average cost.

37. Page 1 of the Sample Fact Sheet in Appendix H to Part 305 is revised as follows:

Appendix H to Part 305—Cooling Performance and Cost for Central Air Conditioners

[An example of a fact sheet for central air conditioners or for only the cooling function of heat pumps]

ENERGYGUIDE



Split System Central Air Conditioner (Cooling Only)

Cooling Capacity:

Models	XXX/C1	31,000 BTU/hr
	XXX/C2	31,400 BTU/hr
	YYY/C3	29,000 BTU/hr
	YYY/C6	29,400 BTU/hr

Cooling Performance:

Model XXX/C1
12.7 SEER



Energy efficiency range of all similar models

Least Efficient Model
10.0

Most Efficient Model
16.9

Model XXX/C2
12.6 SEER



Energy efficiency range of all similar models

Least Efficient Model
10.0

Most Efficient Model
16.9

Model YYY/C3
13.0 SEER



Energy efficiency range of all similar models

Least Efficient Model
10.0

Most Efficient Model
16.9

Model YYY/C6
12.9 SEER



Energy efficiency range of all similar models

Least Efficient Model
10.0

Most Efficient Model
16.9

This (or these) energy rating(s) is (or are) based on U.S. Government standard tests of this (or these) condenser model(s) combined with the most common coil(s). The ratings may vary slightly with different coils.

[This is Page 1 of Sample Fact Sheet]

38. Page 1 of the Sample Fact Sheet in Appendix I to Part 305 (down to "NATIONAL AVERAGE ANNUAL HEATING COST TABLE (\$ PER YEAR)") is revised as follows:

Appendix I to Part 305—Heating Performance and Cost for Central Air Conditioners

BILLING CODE 6750-01-P

[An example of a fact sheet showing only the heating function for heat pumps]

ENERGYGUIDE



Heating Capacity:

Models	XXX/C1	33,000 BTU/hr
	XXX/C2	35,000 BTU/hr

Heating Performance for Region IV

Model XXX/C1

7.9HSPF

Energy efficiency range of all similar models

Least Efficient Model
6.8

Most Efficient Model
10.2

Model XXX/C2

8.9HSPF

Energy efficiency range of all similar models

Least Efficient Model
6.8

Most Efficient Model
10.2

This (or these) energy rating(s) is (or are) based on U.S. Government standard tests of this (or these) condenser model(s) combined with the most common coil(s). The ratings will vary slightly with different coils and in different geographic regions.

[This is Page 1 of Sample Fact Sheet]

39. Section 8. of Appendix J to Part 305 is revised to read as follows:

Appendix J Part 305—Suggested Data Reporting Format

8. Estimated Annual Energy Consumption or Energy Efficiency Rating

40. Appendix K to Part 305 is revised as follows:

Appendix K to Part 305—Sample Labels

BILLING CODE 6750-01-P

All copy Helvetica Condensed Regular or Black

All copy x 28 pi.

10/12 Helv. Cond. Reg. → Based on standard U.S. Government tests

ENERGYGUIDE

10/12 Helv. Cond. Reg. → Refrigerator-Freezer
With Automatic Defrost
With Side-Mounted Freezer
Without Through-the-Door-Ice Service

XYZ Corporation
Model ABC-W
Capacity: 23 Cubic Feet

10/12 Helv. Cond. Reg. ←

Compare the Energy Use of this Refrigerator with Others Before You Buy.

20/22 Helv. Cond. Black ←

14/14 Helv. Cond. Black Reg. → **This Model Uses**
776kWh/year

.5 pt. rule →

20 pt. rule →

10/12 Helv. Cond. Reg. ←

10' Helv. Cond. Reg. ←

14' Helv. Cond. Black ←

14/14 Helv. Cond. Black ←

10/12 Helv. Cond. Reg. Use Helv. Cond. Black where indicated →

.5 pt. rule →

18' Helv. Cond. Black →

10/12 Helv. Cond. Reg. →

6' Helv. Cond. Reg. →

Energy use (kWh/year) range of all similar models

Uses Least Energy
776

Uses Most Energy
1467

kWh/year (kilowatt-hours per year) is a measure of energy (electricity) use. Your utility company uses it to compute your bill. Only models with 22.5 to 24.4 cubic feet and the above features are used in this scale.

**Refrigerators using more energy cost more to operate.
This model's estimated yearly operating cost is:**

\$64

14/14 Helv. Cond. Black ←

Box: 24' tall

Based on a 1992 U.S. Government national average cost of 8.25¢ per kWh for electricity. Your actual operating cost will vary depending on your local utility rates and your use of the product.

Important: Removal of this label before consumer purchase is a violation of Federal law (42 U.S.C. 6302).

Prototype Label 1

All copy Helvetica Condensed Regular or Black

All copy x 28 pt.

10/12 Helv.
Cond. Reg.

Based on standard U.S. Government tests

ENERGYGUIDE

10/12 Helv.
Cond. Reg.Clothes Washer
Capacity: Standard
Top LoadingXYZ Corporation
Model(s) MR328, XL12, NAA8310/12 Helv.
Cond. Reg.**Compare the Energy Use of this Clothes Washer
with Others Before You Buy.**20/22 Helv.
Cond. BlackNumeral: 14'
Helv. Cond.**This Model Uses****873 kWh/year**14/14 Helv.
Cond. Black10' Helv.
Cond. Reg.

.5 pt. rule

20 pt. rule

Energy use (kWh/year) range of all similar models**Uses Least
Energy
267****Uses Most
Energy
1818**14' Helv.
Cond. Black14/14 Helv.
Cond. Black10/12 Helv.
Cond. Reg.
Use Helv. Cond.
Black where
indicated

kWh/year (kilowatt-hours per year) is a measure of energy (electricity) use.
Your utility company uses it to compute your bill. Only standard size, top loading
clothes washers are used in this scale.

.5 pt. rule

**Clothes washers using more energy cost more to operate.
This model's estimated yearly operating cost is:**14/14 Helv.
Cond. Black18' Helv.
Cond. Black**\$72**

when used with an electric water heater

\$28

when used with a natural gas water heater

Box:
24' tall10/12 Helv.
Cond. Reg.10/12 Helv.
Cond. Reg.

Based on eight loads of clothes a week and a 1992 U.S. Government national average cost
of 8.25¢ per kWh for electricity and 58¢ per therm for natural gas. Your actual operating
cost will vary depending on your local utility rates and your use of the product.

6' Helv. Cond.
Reg.

Important: Removal of this label before consumer purchase is a violation of Federal law (42 U.S.C. 6302).

Prototype Label 2

All copy Helvetica Condensed Regular or Black

All copy x 28 pt.

10/12 Helv. Cond. Reg. → Based on standard U.S. Government tests

ENERGYGUIDE

10/12 Helv. Cond. Reg. → Water Heater—Natural Gas
Capacity (first hour rating):
60 gallons

XYZ Corporation
Model(s) RP23,
RP 38

10/12 Helv. Cond. Reg. →

Compare the Energy Use of this Water Heater with Others Before You Buy.

20/22 Helv. Cond. Black →

14/14 Helv. Cond. Black →

.5 pt. rule →

20 pt. rule →

10/12 Helv. Cond. Reg. →

10' Helv. Cond. Reg. →

10/12 Helv. Cond. Reg. →

14/14 Helv. Cond. Black →

10/12 Helv. Cond. Black →

This Model Uses
240 therms/year

Energy use (therms/year) range of all similar models

Uses Least Energy
245

Uses Most Energy
295

The Estimated Annual Energy Consumption of this model was not available at the time the range was published.

10/12 Helv. Cond. Reg. Use Helv. Cond. Black where indicated →

.5 pt. rule →

Therms/year is a measure of energy use. Your utility company uses it to compute your bill. Only models with first hour ratings of 56 to 64 gallons are used in this scale.

14/14 Helv. Cond. Black →

Natural gas water heaters that use fewer therms/year cost less to operate. This model's estimated yearly operating cost is:

18' Helv. Cond. Black →

\$140

Box: 24' tall

10/12 Helv. Cond. Reg. →

6' Helv. Cond. Reg. →

Based on a 1992 U.S. Government national average cost of \$0.58 per therm for natural gas. Your actual operating cost will vary depending on your local utility rates and your use of the product.

Important: Removal of this label before consumer purchase is a violation of Federal law (42 U.S.C. 6302).

Prototype Label 3

All copy Helvetica Condensed Regular or Black

All copy x 28 pt.

10/12 Helv.
Cond. Reg.

Based on standard U.S. Government tests

ENERGYGUIDE10/12 Helv.
Cond. Reg.Central Air Conditioner
Cooling Only
Split SystemXYZ Corporation
Model 12234510/12 Helv.
Cond. Reg.**Compare the Energy Efficiency of this
Air Conditioner with Others Before You Buy.**20/22 Helv.
Cond. Black**This Model's Efficiency****11.5 SEER**14/14 Helv.
Cond. Black

.5 pt. rule

20 pt. rule

Energy efficiency range of all similar models**Least
Efficient
10.0****Most
Efficient
16.9**14' Helv.
Cond. Black14/14 Helv.
Cond. Black10/12 Helv.
Cond. Reg.Use Helv.
Cond. Black
where indicated

SEER, the Seasonal Energy Efficiency Ratio, is the measure of energy efficiency for central air conditioners.

.5 pt. rule

**Central air conditioners with higher SEERs are more
energy efficient.**14/14 Helv.
Cond. Black

Bullets; 7'

- This energy rating is based on U.S. Government standard tests of this condenser model combined with the most common coil. The rating may vary slightly with different coils.
- Federal law requires the seller or installer of this appliance to make available a fact sheet or directory giving further information about the efficiency and operating cost of this equipment. Ask for this information.

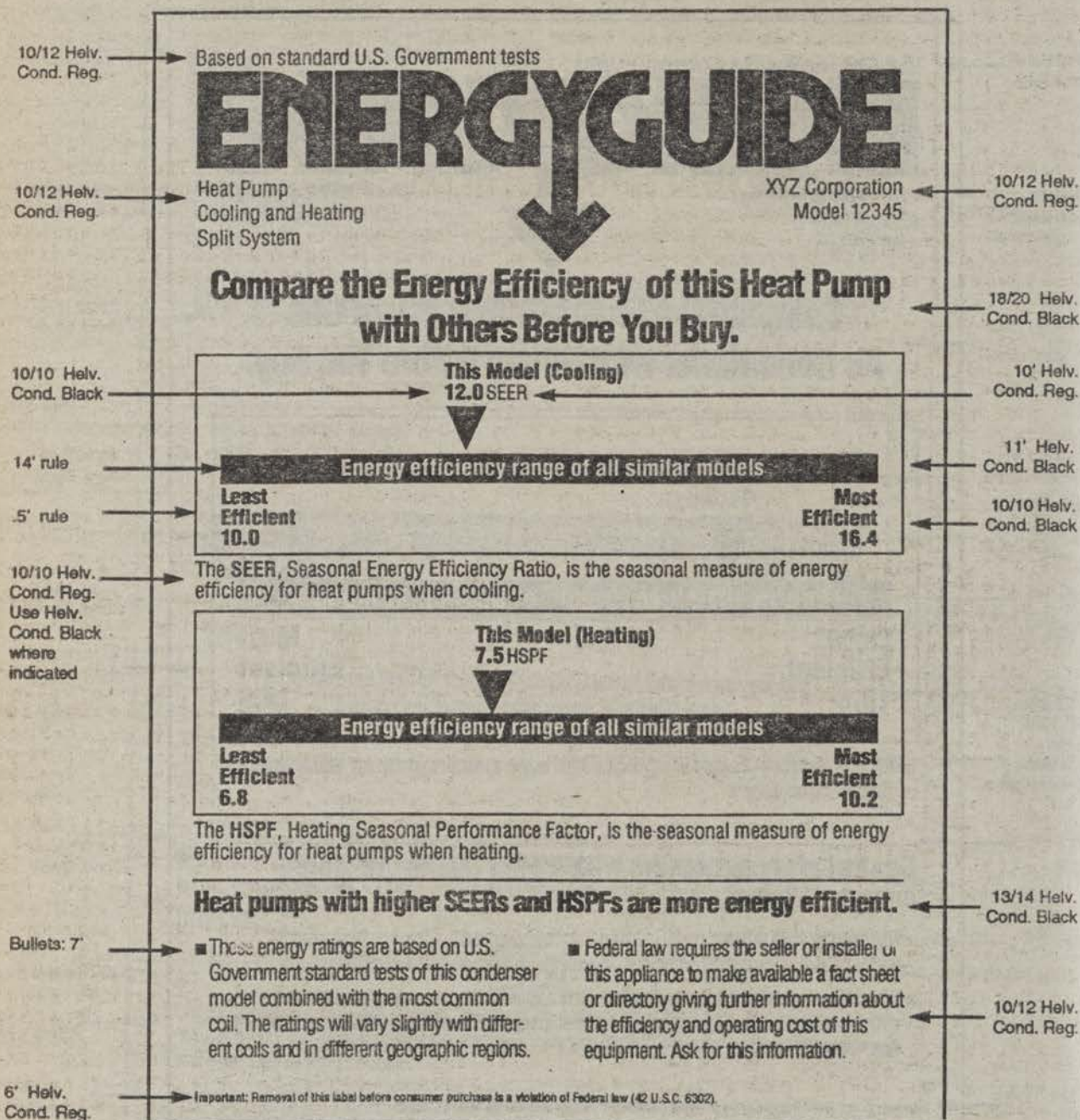
10/12 Helv.
Cond. Reg.6' Helv. Cond.
Reg.

Important: Removal of this label before consumer purchase is a violation of Federal law (42 U.S.C. 6302).

Prototype Label 4

All copy Helvetica Condensed Regular or Black

All copy x 28 pt.



Prototype Label 5

Based on standard U.S. Government tests

ENERGYGUIDE



Refrigerator-Freezer
With Automatic Defrost
With Side-Mounted Freezer
Without Through-the-Door-Ice Service

XYZ Corporation
Model ABC-W
Capacity: 23 Cubic Feet

**Compare the Energy Use of this Refrigerator
with Others Before You Buy.**

This Model Uses

776 kWh/year



Energy use (kWh/year) range of all similar models

**Uses Least
Energy
776**

**Uses Most
Energy
1467**

kWh/year (kilowatt-hours per year) is a measure of energy (electricity) use.
Your utility company uses it to compute your bill. Only models with 22.5 to 24.4
cubic feet and the above features are used in this scale.

**Refrigerators using more energy cost more to operate.
This model's estimated yearly operating cost is:**

\$64

Based on a 1992 U.S. Government national average cost of 8.25¢ per kWh for
electricity. Your actual operating cost will vary depending on your local utility rates
and your use of the product.

Important: Removal of this label before consumer purchase is a violation of Federal law (42 U.S.C. 6302).

Sample Label 1

Based on standard U.S. Government tests

ENERGYGUIDEFreezer
Upright Type
With Manual DefrostXYZ Corporation
Model(s) MR328, XL 12, NA83
Capacity: 21.2 Cubic Feet**Compare the Energy Use of this Freezer
with Others Before You Buy.****This Model Uses****764 kWh/year****Energy use (kWh/year) range of all similar models****Uses Least
Energy
630****Uses Most
Energy
1079**

kWh/year (kilowatt-hours per year) is a measure of energy (electricity) use.
Your utility company uses it to compute your bill. Only models with 19.5 to 21.4
cubic feet with the above features are used in this scale.

**Freezers using more energy cost more to operate.
This model's estimated yearly operating cost is:****\$63**

Based on a 1992 U.S. Government national average cost of 8.25¢ per kWh for
electricity. Your actual operating cost will vary depending on your local utility rates
and your use of the product.

Important: Removal of this label before consumer purchase is a violation of Federal law (42 U.S.C. 6302).

Sample Label 2

Based on standard U.S. Government tests

ENERGYGUIDE



Clothes Washer
Capacity: Standard
Top Loading

XYZ Corporation
Model(s) MR328, XL12, NAA83

**Compare the Energy Use of this Clothes Washer
with Others Before You Buy.**

This Model Uses
873 kWh/year



Energy use (kWh/year) range of all similar models

**Uses Least
Energy**
267

**Uses Most
Energy**
1818

kWh/year (kilowatt-hours per year) is a measure of energy (electricity) use.
Your utility company uses it to compute your bill. Only standard size, top loading
clothes washers are used in this scale.

**Clothes washers using more energy cost more to operate.
This model's estimated yearly operating cost is:**

\$72

when used with an electric water heater

\$28

when used with a natural gas water heater

Based on eight loads of clothes a week and a 1992 U.S. Government national average cost
of 8.25¢ per kWh for electricity and 58¢ per therm for natural gas. Your actual operating
cost will vary depending on your local utility rates and your use of the product.

Important: Removal of this label before consumer purchase is a violation of Federal law (42 U.S.C. 6302).

Sample Label 3

Based on standard U.S. Government tests

ENERGYGUIDEDishwasher
Capacity: StandardXYZ Corporation
Model(s) MR328, XL12, NAA83**Compare the Energy Use of this Dishwasher
with Others Before You Buy.****This Model Uses
860 kWh/year****Energy use (kWh/year) range of all similar models****Uses Least
Energy
558****Uses Most
Energy
994**

kWh/year (kilowatt-hours per year) is a measure of energy (electricity) use.
Your utility company uses it to compute your bill. Only standard size dishwashers
are used in this scale.

**Dishwashers using more energy cost more to operate.
This model's estimated yearly operating cost is:****\$71**

when used with an electric water heater

\$39

when used with a natural gas water heater

Based on six washloads a week and a 1992 U.S. Government national average cost of
8.25¢ per kWh for electricity and 58¢ per therm for natural gas. Your actual operating cost
will vary depending on your local utility rates and your use of the product.

Important: Removal of this label before consumer purchase is a violation of Federal law (42 U.S.C. 6302).

Sample Label 4

Based on standard U.S. Government tests

ENERGYGUIDE



Water Heater—Natural Gas
Capacity (first hour rating):
60 gallons

XYZ Corporation
Model(s) RP23,
RP 38

**Compare the Energy Use of this Water Heater
with Others Before You Buy.**

This Model Uses
240 therms/year

Energy use (therms/year) range of all similar models

**Uses Least
Energy**
245

**Uses Most
Energy**
295

**The Estimated Annual Energy Consumption of this model was not
available at the time the range was published.**

Therms/year is a measure of energy use. Your utility company uses it to compute your bill. Only models with first hour ratings of 56 to 64 gallons are used in this scale.

**Natural gas water heaters that use fewer therms/year cost
less to operate. This model's estimated yearly operating
cost is:**

\$140

Based on a 1992 U.S. Government national average cost of \$0.58 per therm for natural gas. Your actual operating cost will vary depending on your local utility rates and your use of the product.

Important: Removal of this label before consumer purchase is a violation of Federal law (42 U.S.C. 6302).

Sample Label 5

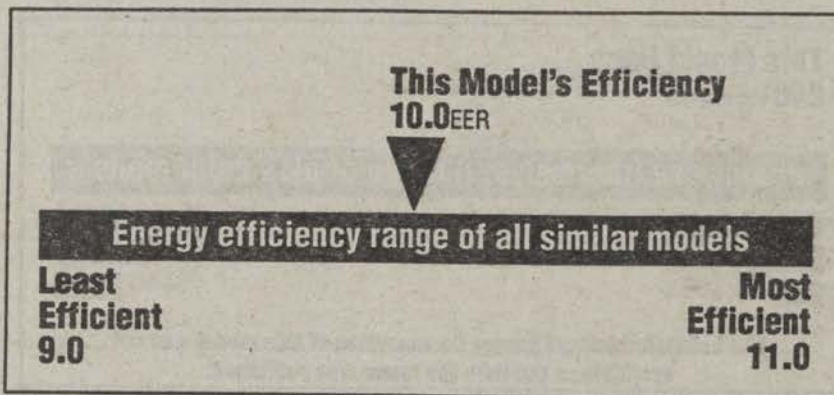
Based on standard U.S. Government tests

ENERGYGUIDE

Room Air Conditioner
Without Reverse Cycle
With Louvered Sides

XYZ Corporation
Model 122345
Capacity: 13,000 BTUs

**Compare the Energy Efficiency of this
Air Conditioner with Others Before You Buy.**



EER, the Energy Efficiency Ratio, is the measure of energy efficiency for room air conditioners. Only models between 8,000 and 13,000 BTUs with the above features are used in this scale.

**More efficient air conditioners cost less to operate.
This model's estimated yearly operating cost is:**

\$80

Based on a 1992 U.S. Government national average cost of 8.25¢ per kWh for electricity. Your actual operating cost will vary depending on your local utility rates and your use of the product.

Important: Removal of this label before consumer purchase is a violation of Federal law (42 U.S.C. 6302).

Sample Label 6

Based on standard U.S. Government tests

ENERGYGUIDE

Furnace—Natural Gas

XYZ Corporation
Model 2345X

**Compare the Energy Efficiency of this
Furnace with Others Before You Buy.**

This Model's Efficiency**80.7_{AFUE}****Energy efficiency range of all similar models****Least
Efficient
78.0****Most
Efficient
97.0**

The AFUE, Annual Fuel Utilization Efficiency, is the measure of energy efficiency for furnaces and boilers. Only furnaces fueled by natural gas are used in this scale.

**Natural gas furnaces that have higher AFUEs are more
energy efficient.**

Federal law requires the seller or installer of this appliance to make available a fact sheet or directory giving further information about the efficiency and operating cost of this equipment. Ask for this information.

Important: Removal of this label before consumer purchase is a violation of Federal law (42 U.S.C. 6302).

Sample Label 7

Based on standard U.S. Government tests

ENERGYGUIDE

Central Air Conditioner
Cooling Only
Split System

XYZ Corporation
Model 122345

**Compare the Energy Efficiency of this
Air Conditioner with Others Before You Buy.**

This Model's Efficiency
11.5^{SEER}



Energy efficiency range of all similar models

**Least
Efficient**
10.0

**Most
Efficient**
16.9

SEER, the Seasonal Energy Efficiency Ratio, is the measure of energy efficiency for central air conditioners.

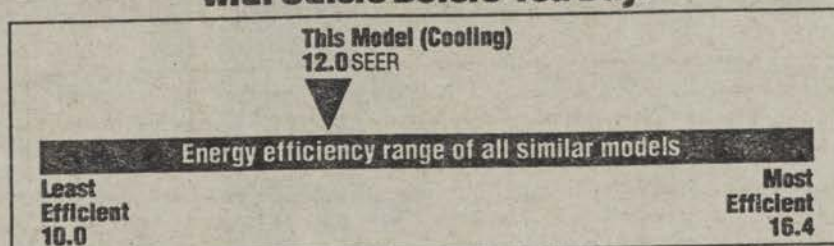
Central air conditioners with higher SEERs are more energy efficient.

- This energy rating is based on U.S. Government standard tests of this condenser model combined with the most common coil. The rating may vary slightly with different coils.
- Federal law requires the seller or installer of this appliance to make available a fact sheet or directory giving further information about the efficiency and operating cost of this equipment. Ask for this information.

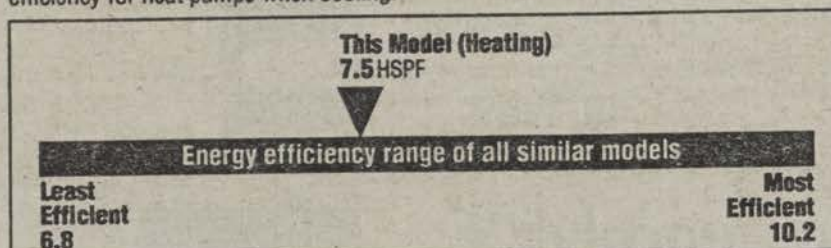
Important: Removal of this label before consumer purchase is a violation of Federal law (42 U.S.C. 6302).

Sample Label 8

Based on standard U.S. Government tests

ENERGYGUIDEHeat Pump
Cooling and Heating
Split SystemXYZ Corporation
Model 12345**Compare the Energy Efficiency of this Heat Pump
with Others Before You Buy.**

The SEER, Seasonal Energy Efficiency Ratio, is the seasonal measure of energy efficiency for heat pumps when cooling.



The HSPF, Heating Seasonal Performance Factor, is the seasonal measure of energy efficiency for heat pumps when heating.

Heat pumps with higher SEERs and HSPFs are more energy efficient.

- These energy ratings are based on U.S. Government standard tests of this condenser model combined with the most common coil. The ratings will vary slightly with different coils and in different geographic regions.
- Federal law requires the seller or installer of this appliance to make available a fact sheet or directory giving further information about the efficiency and operating cost of this equipment. Ask for this information.

Important: Removal of this label before consumer purchase is a violation of Federal law (42 U.S.C. 6302).

Sample Label 9

By direction of the Commission.

Donald S. Clark,

Secretary.

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