

Appliance Standards Awareness Project
Alliance to Save Energy
American Council for an Energy-Efficient Economy
Consumer Federation of America
Natural Resources Defense Council

November 14, 2016

Mr. Hampton Newsome
Federal Trade Commission
Office of the Secretary
600 Pennsylvania Avenue NW
Suite CC-5610 (Annex E)
Washington, DC 20580

RE: Energy Labeling Amendments (16 CFR part 305) (Project No. R611004)

Dear Mr. Newsome:

This letter constitutes the comments of the Appliance Standards Awareness Project (ASAP), Alliance to Save Energy, American Council for an Energy-Efficient Economy (ACEEE), Consumer Federation of America (CFA), and Natural Resources Defense Council (NRDC) on the Federal Trade Commission's (FTC's) notice of proposed rulemaking concerning revisions to the Energy Labeling Rule. 81 Fed. Reg. 62681 (September 12, 2016).

We urge FTC to finalize labels for portable air conditioners (ACs). In the notice of proposed rulemaking, FTC proposes to wait to issue final portable AC labels until the test procedures for portable ACs and room ACs are harmonized.¹ Since the publication of FTC's previous notice of proposed rulemaking in November 2015, DOE has published a final test procedure for portable ACs. Unlike the test procedure for room ACs, which is conducted at a single outdoor temperature of 95 F, the test procedure for portable ACs is based on a weighted average of performance at two outdoor temperatures—95 F and 83 F—with the results heavily weighted towards the 83 F outdoor condition.² We appreciate FTC's consideration of our previous comments recommending the inclusion of a second range bar on portable AC labels that compares performance to room ACs.³ However, while we continue to believe that it would be valuable for consumers to be able to directly compare portable ACs and room ACs, portable AC labeling should not be delayed until there is a harmonized test procedure. We believe that portable AC labeling will provide significant value to consumers in making purchasing decisions even without a direct comparison to room ACs.

¹ 81 Fed. Reg. 62683.

² 81 Fed. Reg. 35242. (June 1, 2016). Performance at 83 F and 95 F are weighted with factors of 0.8 and 0.2, respectively.

³ https://www.ftc.gov/system/files/documents/public_comments/2016/01/00018-100137.pdf.

Portable ACs are significantly less efficient than room ACs.⁴ When tested with the finalized DOE test procedure, portable ACs will appear to be more efficient than they would be if they were tested instead at a single outdoor temperature of 95 F similar to how room ACs are tested. However, even with the less demanding test procedure, portable ACs will still have significantly lower combined energy efficiency ratio (CEER) ratings than those of room ACs, which reflects the lower efficiency of portable ACs in the field. Table 1 below shows the current CEER standards for room ACs of typical capacities along with the DOE proposed standards for portable ACs (TSL 2) and the standards that some of our organizations have urged DOE to adopt (TSL 3).⁵ For capacities from 5,000 to 9,000 Btu/h, the current CEER standards for room ACs are 10.9-11.0, while the proposed CEER standards for portable ACs are 6.2-7.5 for the same capacity range. Even at TSL 3, the CEER levels for portable ACs (7.1-8.6) are significantly lower than the current room AC standards.

Table 1. CEER standards for room ACs and potential standards for portable ACs.

Cooling Capacity (Btu/h)	CEER (Btu/Wh)		
	Room ACs	Portable ACs	
	Current Standard	Proposed Standard (TSL 2)	TSL 3
5,000	11.0	6.2	7.1
6,000	11.0	6.6	7.5
7,000	11.0	6.9	7.9
8,000	10.9	7.2	8.2
9,000	10.9	7.5	8.6

Therefore, while portable ACs will not be able to be directly compared to room ACs, portable AC labels would correctly indicate to consumers that portable ACs are less efficient than room ACs. FTC could also consider indicating on the portable AC labels that the test conditions for room ACs are more demanding than those for portable ACs.

We urge FTC to require labeling of portable ACs in advance of the compliance date of any DOE standards. In the notice of proposed rulemaking, FTC solicits comment on whether the final label requirement should coincide with the compliance date of future DOE standards or the Commission should require the new labels sooner.⁶ As of November 28, 2016, manufacturers will be required to use the DOE test procedure for making any representations of energy use or efficiency of portable ACs.⁷ The compliance date of the DOE standards will not be until 5 years after publication of the final rule.⁸ In the 2010 final rule establishing amendments to the lamp labeling requirements, FTC decided not to exempt bulbs subject to the 2013 and 2014 efficiency standards, noting that “because these bulbs will remain in production for more than a year after the effective date of the final amendments, and because Congress has identified them as inefficient, applying the new labeling requirements to the bulbs will provide benefits to

⁴ <http://homeenergypros.lbl.gov/profiles/blogs/warnings-about-portable-air-conditioners>.

⁵ <https://www.regulations.gov/document?D=EERE-2013-BT-STD-0033-0044>.

⁶ 81 Fed. Reg. 62683.

⁷ 81 Fed. Reg. 35242.

⁸ 81 Fed. Reg. 38423. (June 13, 2016).

consumers that outweigh any additional cost to industry.”⁹ Similarly, requiring portable AC labels in advance of the DOE compliance date will provide benefits to consumers in making purchasing decisions during the years before the DOE standards take effect. There is significant variation in the efficiency of current portable ACs on the market, with DOE’s analysis finding that the most efficient unit in the Department’s test sample had a CEER value that was 80% higher than that of the least efficient unit.¹⁰ Labeling during this period before the compliance date of the DOE standards will both provide consumers with information to compare portable AC units as well as an indication that portable ACs are less efficient than room ACs.

In summary, we urge FTC to finalize labels for portable ACs and to require labels in advance of the compliance date of any DOE standards. While it would be valuable for consumers to be able to directly compare portable ACs and room ACs, which may be possible in the future if the two test procedures are harmonized, establishing labeling requirements now for portable ACs will provide important benefits to consumers in making purchasing decisions.

Thank you for considering these comments.

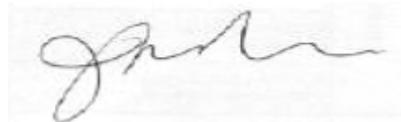
Sincerely,



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⁹ 75 Fed. Reg. 41699. (July 19, 2010).

¹⁰ 81 Fed. Reg. 38418. Ratio of the PR value of the most efficient unit (1.31) to that of the least efficient unit (0.72).