



Setting Standards for Excellence

KYLE PITSOR

Vice President, Government Relations

April 25, 2008

Mr. Hampton Newsome
Federal Trade Commission
Office of the Secretary
Room H-135 (Annex A)
600 Pennsylvania Avenue
N.W., Washington, D.C. 20580

Subject: Proposed Metal Halide Lamp Labeling, Matter No. R611004

Dear Mr. Newsome:

The National Electrical Manufacturers Association (NEMA) appreciates the opportunity to submit written comments responding to Federal Trade Commission's (FTC) Notice Of Proposed Rulemaking (NOPR) regarding proposed labeling of metal halide luminaires and ballasts.

NEMA is the trade association of choice for the electrical manufacturing industry. Founded in 1926 and headquartered near Washington, D.C., its approximately 450 member companies manufacture products used in the generation, transmission and distribution, control and end-use of electricity, including the luminaires and ballasts included within this rulemaking.

The labeling requirement set forth by the FTC in the NOPR states that the luminaire packaging and ballasts must be labeled, but not the luminaire itself. Since packaging is discarded and ballast labeling will not be visible, we would be willing to support a label on the fixture in addition to the fixture carton and the ballast. While this would represent incremental logistics and cost to our production, experience has shown that some manufacturers have continued to sell non-compliant products, which creates an unfair market condition for compliant manufacturers. If FTC included a requirement to label the fixture, it would provide more visibility for the enforcement of the law and ensure that compliant manufacturers remain competitive. We believe that a stronger enforcement mechanism is valuable to our business and offsets the cost of a fixture label.

We support a January 1, 2009 inclusion of "circle E" on any web sites related to the purchase of MH luminaires, but request that a relaxed requirement for any print materials (catalogs or point-of-purchase displays), which will allow printed retail catalogs to be revised based on standard print cycles. There is a large and very burdensome cost associated with reprinting such documents and displays outside of a standard print cycle.

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We oppose putting the "circle E" on shipping documents. We feel this adds no value, and by the time a person receives the shipping document, the product has already been purchased. The shipping document does not help in selecting products since it is after the purchase. Additionally, this proposal does not assist in enforcement since inspectors do not look at shipping documents. Labeling in purchasing catalogs and web sites will address the purchase.

Additionally, we oppose the yearly reporting requirement proposed by the FTC. Issuing reports each year will be very burdensome on current scarce resources. We feel that with all the additional requirements being proposed within this rulemaking, there is no need for further regulation requiring annual reports. While the FTC has estimated that there are 20 metal halide luminaire manufacturers, they have failed to indicate that there are many division/product lines, well over 100, within the manufacturers, and each of these lines/divisions will be required to submit annual reports. If the FTC is unable to forgo the reporting requirement, we would then ask that an electronic database be established to ease the incredible burden this requirement will cause.

Thank you for the consideration of these comments, and we look forward to working with you as this rulemaking progresses. If you have any questions or comments, please do not hesitate to contact Dain Hansen of NEMA Government Relations at (703) 841-3221 or dain.hansen@NEMA.org.

Sincerely,


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