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Monday  
August 11, 1980

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**Part IV**

**Federal Trade  
Commission**

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**Rules for Using Energy Cost and  
Consumption Information Used in  
Labeling and Advertising of Consumer  
Appliances under the Energy Policy and  
Conservation Act**

**FEDERAL TRADE COMMISSION****16 CFR Part 305****Rules for Using Energy Cost and Consumption Information Used In Labeling and Advertising of Consumer Appliances Under the Energy Policy and Conservation Act****AGENCY:** Federal Trade Commission.**ACTION:** Notice of Rulemaking on Proposed Amendments of the Final Rule Concerning Central Air Conditioners and Heat Pumps.

**SUMMARY:** On November 19, 1979, the Federal Trade Commission issued a final Appliance Labeling Rule that requires the disclosure of energy efficiency or cost information in labeling and retail sales catalogs for seven categories of appliances; mandates that the energy costs or energy efficiency ratings be based on standardized test procedures; requires a general disclosure on certain point-of-sale promotional materials of the availability of energy cost or energy efficiency rating information; and requires that any claims concerning energy consumption made in writing or in broadcast advertisements be based on results of the standardized test procedures.

The Federal Trade Commission now proposes to amend the rule to include central air conditioners and heat pumps. The proposed amendments, which the Commission is required to consider under §§ 324(b)(1) and 336 of the Energy Policy and Conservation Act of 1975 (EPCA), as amended by the National Energy Conservation Policy Act of 1978, prescribe disclosure requirements and methods for determining energy efficiency information for central air conditioner and heat pump appliances. The proposed amendments are intended to insure that consumers will have pre-purchase information necessary to compare the energy efficiencies of these and other competing climate control products covered by the regulation.

Notwithstanding this notice of further rulemaking, the previously-promulgated Appliance Labeling Rule, which covers refrigerators and refrigerator-freezers, freezers, dishwashers, clothes washers, water heaters, room air conditioners and furnaces, remains in effect.

This notice sets out the text of the proposed amendments, the procedures to be followed, a list of general questions and issues upon which the Commission particularly desires comment, an invitation for written comments, and instructions for prospective witnesses and other

interested persons who desire to testify or otherwise participate in the proceedings.

**DATES:** Notification of intention to present views orally and copies of proposed testimony on or before September 10, 1980; written comments, on or before September 25, 1980. Public hearings commence September 25, 1980, in Washington, D.C.

**ADDRESS:** Submit written comments an exhibits in quintuplicate to "Raymond L. Rhine, Presiding Officer for Central Air Conditioner Rulemaking," Federal Trade Commission, Washington, D.C. 20480.

**FOR FURTHER INFORMATION CONTACT:** James Mills, 202-724-1491 or Lucerne D. Winfrey, 202-724-1453, Attorneys, Bureau of Consumer Protection, Division of Energy and Product Information, Federal Trade Commission, Washington, D.C. 20580.

**SUPPLEMENTARY INFORMATION:** The Energy Policy and Conservation Act requires the Federal Trade Commission to consider labeling rules for disclosure of annualized energy cost and alternate measures of energy consumption information for at least thirteen categories of appliances: (1) refrigerators and refrigerator-freezers; (2) freezers; (3) dishwashers; (4) clothes dryers; (5) water heaters; (6) room air conditioners; (7) home heating equipment, not including furnaces; (8) television sets; (9) kitchen ranges and ovens; (10) clothes washers; (11) humidifiers and dehumidifiers; (12) central air conditioners; and (13) furnaces. Under Section 323 of EPCA, the Department of Energy (DOE) was given the responsibility for developing test procedures that measure how much energy the appliances use. In addition, DOE was required to determine how much a consumer is likely to use each appliance on the average during a year, and the representative average cost a consumer pays for the different types of energy available.

On November 19, 1979, the Commission issued a final rule covering seven of the thirteen appliance categories: refrigerators and refrigerator-freezers; freezers; dishwashers; water heaters; clothes washers; room air conditioners; and furnaces. The Commission determined that clothes dryers, home heating equipment other than furnaces, television sets, kitchen ranges and ovens, and humidifiers and dehumidifiers should be exempted from the labeling requirements of the rule. Evidence received during the rulemaking indicated that labeling of these products would not be economically feasible or likely to assist consumers in making

purchasing decisions (44 FR 66466, 66467-69).

Labels for central air conditioners were originally contemplated in the Commission's proposed rule (43 FR 31806, July 21, 1978), based on DOE's publication of a final test procedure for central air conditioners at that time (42 FR 60150, November 25, 1977). On April 19, 1979, however, DOE withdrew this test procedure, proposing that it be amended (44 FR 23468) also to include test procedures for heat pumps and a statistical sampling plan for ensuring reliability of test results. Since there was no longer an applicable DOE test procedure in effect for labeling purposes, the final rule could not cover the central air conditioner category. On December 27, 1979, DOE published a final test procedure, including a statistical sampling plan, for central air conditioners, including heat pumps, thereby requiring the Commission again to consider labeling requirements for these appliances. (44 FR 76700). The amendment proceeding announced here will consider the appropriateness of labeling requirements, including the issue of whether labeling of central air conditioners and heat pumps would be economically feasible or likely to assist consumers in making purchasing decisions.

The proposed amendments require central air conditioners and heat pumps to carry energy labels. The labels direct consumers to energy fact sheets for these appliances which disclose their energy efficiency rating, a range of ratings of comparable models, and regional annual cost figures for various cooling system combinations. The proposed amendments describe how the label and fact sheet information is to be derived from DOE's final test procedure for these appliances. Finally, the proposed amendments contain illustrations of sample labels for central air conditioners and heat pumps.

Section 324 of EPCA directs the Commission to prescribe that energy consumption information be disclosed in terms of an estimated annual energy cost unless the Commission determines that labeling is not technologically or economically feasible or that labels are not likely to assist consumers in making purchasing decisions. In the original rulemaking, the Commission determined that a disclosure of the estimated annual energy cost for climate-sensitive products would not be feasible. The Commission found that the energy use and efficiency of climate-sensitive products vary considerably according to geography and climate, making it very difficult to quantify an average annual

energy cost for such products. Accordingly, the final rule prescribed an alternative measure of energy consumption—an energy efficiency rating—for climate-control equipment, which would be independent of usage variables such as geography and climate. Since central air conditioners and heat pumps fall into the category of climate-sensitive equipment, the proposed amendments, like the labeling provisions for furnaces and room air conditioners in the final rule, require the use of an energy efficiency rating rather than an estimated annual energy cost for these products. However, the proposed amendments still require disclosure of regional cost figures to help consumers estimate their individual energy costs for each system they consider.

Interested persons are invited to comment on any of the proposed amendments, any of the issues listed after the proposed amendments in Section C, and on any other issue of fact, law, or policy which may have some bearing on the proposed amendments.

#### Section A. Proposed Amendments

In consideration of the foregoing, the Commission proposes the following amendments to the Appliance Labeling Rule, pursuant to § 324 (42 U.S.C. 6294) of the Energy Policy and Conservation Act (Pub. L. 94-163), as amended by the National Energy Conservation Policy Act (Pub. L. 95-619), and to § 553 of Subchapter II, Chapter 5, Title 5 of the U.S. Code (Administrative Procedure). The proposed amendments appear in the following provisions of the rule:

- Sec.*  
305.2(i)  
305.3(h)-(i)  
305.4(e)(2) & (3)  
305.5(h)  
305.7(h)-(i)  
305.8(a) & (b)  
305.11(a)(3)  
305.11(a)(5)(ii)  
305.11(b)(1)(i) & (ii)  
305.11(b)(3)(viii)  
305.14(a)(3)  
Appendices H-J

This would amend Title 16, Chapter 1, by adding to Subchapter C, Part 305—Rules For Using Energy Costs and Consumption Information Used in Labeling and Advertising for Consumer Appliances Under the Energy Policy and Conservation Act—provisions covering central air conditioners and heat pumps. The final rule, including the proposed amendments (*highlighted in boldface*) and relevant appendices and illustrations, would be as follows:

### PART 305—RULES FOR USING ENERGY COSTS AND CONSUMPTION INFORMATION USED IN LABELING AND ADVERTISING FOR CONSUMER APPLIANCES UNDER THE ENERGY POLICY AND CONSERVATION ACT

#### Scope

- Sec.*  
305.1 Scope of the regulations in this part.  
305.2 Definitions.  
305.3 Description of covered products to which this part applies.

#### General

- 305.4 Prohibited acts.

#### Testing

- 305.5 Determinations of estimated annual energy cost and efficiency rating.  
305.6 Sampling.  
305.7 Determinations of capacity.  
305.8 Submission of data.

#### Representative Average Unit Energy Costs

- 305.9 Representative average unit energy costs.  
305.10 Ranges of estimated annual energy costs and energy efficiency ratings.

#### Required Disclosures

- 305.11 Labeling for covered products.  
305.12 Additional information relating to energy consumption.  
305.13 Promotional material displayed or distributed at point of sale.  
305.14 Catalogs.

#### Additional Requirements

- 305.15 Test Data records.  
305.16 Required testing by designated laboratory.

#### Effect of This Part

- 305.17 Effect of other law.  
305.18 When the rules take effect.  
305.19 Stayed or invalid parts.

- Appendix A1—Refrigerators.  
Appendix A2—Refrigerator-Freezers.  
Appendix B—Freezers.  
Appendix C—Dishwashers.  
Appendix D1—Water Heater-Gas.  
Appendix D2—Water Heaters-Electric.  
Appendix D3—Water Heaters-Oil.  
Appendix E—Room Air Conditioners.  
Appendix F—Clothes Washers.  
Appendix G—Furnaces.  
Appendix H—Central Air Conditioners, Cooling  
Appendix I—Central Air Conditioners, Heating  
Appendix J—Suggested Data Reporting Format.

Authority: Sec. 324, Energy Policy and Conservation Act, (Pub. L. 94-163, [42 U.S.C. 6294]); as amended by the National Energy Conservation Policy Act (Pub. L. 95-619).

### PART 305—RULE FOR USING ENERGY COSTS AND CONSUMPTION INFORMATION USED IN LABELING AND ADVERTISING FOR CONSUMER APPLIANCES UNDER THE ENERGY POLICY AND CONSERVATION ACT

#### Scope

##### § 305.1 Scope of the regulations in this part.

The rule in this part establishes requirements for consumer appliance products, as hereinafter described, in commerce, as "commerce" is defined in the Energy Policy and Conservation Act, 42 U.S.C. 6291, with respect to:

(a) Labeling the products with information indicating their estimated annual energy costs or energy efficiency ratings, and related information;

(b) Including in printed matter displayed or distributed at the point of sale of such products, or including in any catalog from which the products may be purchased, information concerning their energy consumption;

(c) Including on the labels, separately attaching to the products, or shipping with the products, additional information relating to energy consumption, energy efficiency, or energy cost; and

(d) Making representations, in writing or in broadcast advertising, respecting the energy consumption, energy efficiency, or the cost of energy consumed by consumer appliance products.

#### Definitions

##### § 305.2 Definitions

(a) "Act" means the Energy Policy and Conservation Act (Pub. L. 94-163), and amendments thereto.

(b) "Commission" means the Federal Trade Commission.

(c) "Manufacturer" means any person who manufactures, produces, assembles, or imports a consumer appliance product. Assembly operations which are solely decorative are not included.

(d) "Retailer" means a person to whom a consumer appliance product is delivered or sold, if such delivery or sale is for purposes of sale or distribution in commerce to purchasers who buy such product for purposes other than resale. The term "retailer" includes purchasers of appliances who install such appliances in newly constructed or newly rehabilitated housing, or mobile homes, with the intent to sell the covered appliances as part of the sale of such housing or mobile homes.

(e) "Distributor" means a person (other than a manufacturer or retailer) to whom a consumer appliance product is

delivered or sold for purposes of distribution in commerce.

(f) "Private labeler" means an owner of a brand or trademark on the label of a consumer appliance product which bears a private label.

(g) "Range of comparability" means a group of models within a class of covered products, each model of which satisfies approximately the same consumer needs.

(h) "Estimated annual operating cost" or "estimated annual energy cost" means the aggregate retail cost of the energy which is likely to be consumed annually in representative use of a consumer product, determined in accordance with tests prescribed under Section 323 of the Act (42 U.S.C. 6293).

(i) "Energy efficiency rating" means the "annual fuel utilization efficiency" for furnaces, "energy efficiency ratio" for room air conditioners, *seasonal energy efficiency ratio for the cooling function of central air conditioners*, and *the heating seasonal performance factor for the heating function of central air conditioners* determined in accordance with tests prescribed under Section 323 of the Act (42 U.S.C. 6293).

(j) "Range of estimated annual operating costs" or "range of estimated annual energy costs" means the range of estimated annual operating costs of all models within a designated range of comparability.

(k) "Range of energy efficiency ratings" means the range of energy efficiency ratings for all models within a designated range of comparability.

(l) "New covered product," as used in § 305.4, means a covered product the title of which has not passed to a purchaser who buys the product for purposes other than resale or leasing for a period in excess of one year.

(m) "Catalog" means printed material which contains the terms of sale, retail price, and instructions for ordering, from which a retail consumer can order a covered product.

(n) "Consumer appliance product" means any appliance product for which the Secretary of the Department of Energy has prescribed final test procedures pursuant to Section 323 of the Act (42 U.S.C. 6293).

(o) "Covered Product" means any consumer appliance product defined in § 305.3 of the rule which is, or may be, used for personal use or consumption by individuals.

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

(a) Refrigerators and refrigerator-freezers.

(1) "Electric refrigerator" means a cabinet designed for refrigerated storage

of food at temperatures above 32° F and having a source of refrigeration requiring an electric energy input only. It 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 of and long-term storage of food at temperatures below 8° F. It has only one exterior door, but may have interior doors or compartments.

(2) "Electric refrigerator-freezer" means a cabinet which consists of two or more compartments with at least one of the compartments designed for the refrigerated storage of foods at temperatures above 32° F and with at least one of the compartments designed for the freezing of and the storage of frozen foods at temperatures of 8° F or below and which may be capable of adjustment by the user to a temperature of 0° F or below. The source of refrigeration requires an electrical energy input only.

(b) "Freezer" means a cabinet designed as a unit for the storage of food at temperatures of 0° F or below and which has the ability to freeze food. The source of refrigeration requires an electric energy input only.

(c) "Dishwasher" means a cabinetlike appliance which, with the aid of water and detergent, washes, rinses, and dries (when a drying process is included) dishware, glassware, eating utensils and most cooking utensils by chemical, mechanical, and/or electrical means and discharges to the plumbing drainage system.

(d) "Water heater" means an automatically controlled, thermally insulated vessel designed for heating water and storing heated water. It is designed to produce hot water at a temperature of less than 180° F.

(1) "Electric water heater" means a water heater which utilizes electricity as the energy source for heating the water, which has a manufacturer's specified energy input rating of 12 kilowatts or less at a voltage of no greater than 250 volts, and which has a manufacturer's specified storage capacity of not less than 20 gallons nor more than 120 gallons.

(2) "Gas water heater" means a water heater which utilizes gas as the energy source for heating the water, which has a manufacturer's specified energy input rating of 75,000 Btu's per hour or less, and which has a manufacturer's specified storage capacity of not less than 20 gallons nor more than 100 gallons.

(3) "Oil water heater" means a water heater which utilizes oil as the energy source for heating the water, which has

a manufacturer's specified energy input rating of 103,875 Btu's per hour or less and which has a manufacturer's specified storage capacity of 50 gallons or less.

(e) "Room air conditioner" means an enclosed 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/or heating.

(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.

(1) "Automatic clothes washer" means a class of clothes washer which has a control system capable of scheduling a preselected combination of operations, such as regulation of water fill level, and performance of wash, rinse, drain and spin functions, without the need for the user to intervene subsequent to the initiation of machine operation. Some models require user intervention to initiate these different segments of the cycle after the machine has begun operation, but they do not require the user to intervene to regulate the water temperature by adjusting the external water faucet valves.

(2) "Semi-automatic clothes washer" means a class of clothes washer that is the same as an automatic clothes washer except that the user must intervene to regulate the water temperature by adjusting the external water faucet valves.

(3) "Other clothes washer" means a class of clothes washer which is not an automatic or semi-automatic clothes washer.

(g) "Furnace" means a device designed to be the principal heating source for the living space of a residence and having a heat input rate of less than 300,000 Btu's per hour for boilers and less than 225,000 Btu's per hour for furnaces.

(1) "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.

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

(3) "Electric central furnace" means a furnace designed to supply heat through a system of ducts with air as the heating medium, and 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.

(4) "Direct vent system" means a system supplied by a manufacturer which provides outdoor air directly to a furnace for combustion and draft relief if the unit is so equipped.

(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 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 a 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 psig steam pressure; a hot water boiler operates at or below 160 psig water pressure and 250° F water temperature.

(h) "Central air conditioner" means a consumer product which is powered by single phase electric current, which is rated below 65,000 Btu's per hour, which is not contained within the same cabinet as a furnace whose rated capacity is above 225,000 Btu per hour, and which is either a "heat pump" or a "cooling only unit."

(1) "Condenser-evaporator coil combination" means a condensing unit made by one manufacturer and one of several evaporator coils, either manufactured by the same manufacturer or another manufacturer, intended to be combined with that particular condensing unit.

(2) "Condensing unit" means a component of a central air conditioner which is designed to remove heat absorbed by the refrigerant and to transfer it to the outside environment, and which consists of an outdoor coil, compressor(s), and air moving device.

(3) "Cooling only unit" means a "central air conditioner" which consists of an air cooled condensing unit and an evaporator coil, and which is designed to provide air cooling, dehumidifying, circulating, and air cleaning.

(i) "Heat pump" means a "central air conditioner" which is either an "air-source heat pump" or a "water-source heat pump."

(1) "Air-source heat pump" means a "heat pump" which consists of one or more assemblies, which utilizes an indoor conditioning coil, compressor(s),

and refrigerant-to-outdoor air heat exchanger to provide air heating, and which may also provide air cooling, dehumidifying, circulating, and air cleaning.

(2) "Water-source heat pump" means a "heat pump" which consists of one assembly which utilizes and indoor conditioning coil with air moving means, compressor(s), and refrigerant-to-water heat exchanger(s) to provide both air heating and cooling, dehumidifying, circulating, and air cleaning.

#### General

##### § 305.4 Prohibited acts.

(a) It shall be unlawful and subject to the enforcement penalties of Section 333 of the Act of a maximum civil penalty of \$100 for each unit of any new covered product to which this part applies:

(1) For any manufacturer or private labeler knowingly to distribute in commerce any new covered product unless such covered product is labeled in accordance with Section 305.11 with a label, flap tag, hang tag, or energy fact sheet which conforms to the provisions of the Act and this part.

(2) For any manufacturer, distributor, retailer, or private labeler knowing to remove or render illegible any label required to be provided with such product by this part.

(3) For any manufacturer or private labeler knowingly to distribute in commerce any new covered product, if there is not included (i) on the label, (ii) separately attached to the product, or (iii) shipped with the product, additional information relating to energy consumption or energy efficiency which conforms to the requirements in this part.

(b) It shall be unlawful and subject to the enforcement penalties of section 333 of the Act of a maximum civil penalty of \$100 per day for any manufacturer or private labeler knowingly to:

(1) Refuse a request by the Commission or its designated representative for access to, or copying of, records required to be supplied under this part.

(2) Refuse to make reports or provide upon [request] by the Commission or its designated representative any information required to be supplied under this part.

(3) Refuse upon request by the Commission or its designated representative to permit a representative designated by the Commission to observe any testing required by this part while such testing is being conducted or to inspect the results of such testing. This section shall

not limit the Commission from requiring additional testing under this part.

(4) Refuse, when requested by the Commission or its designated representative, to supply at the manufacturer's expense, no more than two of each model of each covered product to any laboratory designated by the Commission for the purpose of ascertaining whether the information in catalogs or set out on the label as required by this part is accurate. This action will be taken only after review of a manufacturer's testing records and an opportunity to revalidate test data has been extended to the manufacturer.

(5) Distribute in commerce any catalog containing a listing for a covered product without the information required by section 305.14 of this Part. This subsection shall also apply to distributors and retailers.

(c) Pursuant to section 333(c) of the Act, it shall be an unfair or deceptive act or practice in violation of section 5(a)(1) of the Federal Trade Commission Act (15 U.S.C. 45(a)(1)) for any manufacturer, distributor, retailer or private labeler in or affecting commerce to display or distribute at point of sale any printed material applicable to a covered product under this rule if such printed material does not contain the information required by § 305.13. This requirement does not apply to any broadcast advertisement or to any advertisement in a newspaper, magazine, or other periodical.

(d) Effective 180 days after a test procedure applicable to a consumer appliance product is prescribed by the Secretary of the Department of Energy, pursuant to section 323 of the Act (42 U.S.C. 6293), it shall be an unfair or deceptive act or practice in violation of section 5(a)(1) of the Federal Trade Commission Act (15 U.S.C. 45(a)(1)) for any manufacturer, distributor, retailer, or private labeler to make any representation in or affecting commerce—

(1) In writing (including a representation on a label), or

(2) In any broadcast advertisement, respecting the energy consumption of the product or cost of energy consumed by the product, unless the product has been tested in accordance with the test procedure and the representation fairly discloses the results of the testing. This requirement is not limited to consumer appliance products covered by the labeling requirements of this part.

Any manufacturer, distributor, retailer, or private labeler may file a petition with the Commission not later than sixty (60) days before the expiration of the period involved for an extension of the 180-day period. If the



Commission finds that the requirements would impose an undue hardship on the petitioner, the Commission may extend the 180-day period with respect to the petitioner up to an additional 180 days.

(e) This part shall not apply to:

(1) Any covered product if it is manufactured, imported, sold, or held for sale for export from the United States, so long as such product is not in fact distributed in commerce for use in the United States, and such covered product or the container thereof bears a stamp or label stating that such covered product is intended for export.

(2) Any covered product if the manufacture of the product was completed prior to May 19, 1980. *Any central air conditioner if its manufacturer was completed prior to [the effective date of this amendment].*

(3) Any catalog or point of sale printed matter pertaining to covered products other than air conditioners and heat pumps and distributed prior to *May 19, 1980, and any catalog or point of sale printed matter pertaining to central air conditioners and heat pumps and distributed prior to [the effective date of this amendment]* except that if representations respecting the energy consumption or energy efficiency of any covered product or other consumer appliance product or cost of energy consumed by such product are included, they are subject to the requirements of paragraph (d) of this section.

(f) As used in paragraphs (a) and (b) of this section, the term "knowingly" means:

- (1) The having of actual knowledge, or
- (2) The presumed having of knowledge deemed to be possessed by a reasonable person who acts in the circumstances, including knowledge obtainable upon the exercise of due care.

#### Testing

##### § 305.5 Determinations of estimated annual energy cost and energy efficiency rating.

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

- (a) Refrigerators and refrigerator-freezers—§ 430.22(a).
- (b) Freezers—§ 430.22(b).
- (c) Dishwashers—§ 430.22(c).
- (d) Water heaters—§ 430.22(e).
- (e) Room air conditioners—§ 430.22(f).
- (f) Clothes washers—§ 430.22(j).
- (g) Furnaces—§ 430.22(n).
- (h) *Central air conditioners and heat pumps—§ 430.22(m).*

##### § 305.6 Sampling.

Any representation with respect to or based upon a measure or measures of energy consumption incorporated into § 305.5 shall be based upon the sampling procedures set forth in § 430.23 of 10 CFR Part 430, Subpart B.

##### § 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 net refrigerated volume in cubic feet, rounded to the nearest one-tenth of a cubic foot, determined according to 3.2 of Appendix A1 to 10 CFR Part 430, Subpart B.

(b) Freezers—The capacity shall be the net freezer refrigerated volume in cubic feet, rounded to the nearest one-tenth of a cubic foot, determined according to 3.2 of Appendix B to 10 CFR Part 430, Subpart B.

(c) Dishwashers—The capacity shall be the place-setting capacity, calculated in conformance with AHAM Specification DW 1.

(d) Water heaters—The capacity shall be the first hour rating, determined according to 4.8 of 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, determined according to 4.1 of 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 size shall be the tub capacity, rounded to the nearest gallon, determined according to 3.1 of Appendix J to 10 CFR Part 430, Subpart B, in the terms standard or compact as defined in Appendix J of this rule.

(g) Furnaces—The capacity shall be the heating capacity in Btu's per hours, rounded to the nearest 1,000 Btu's per hour, determined according to 4.7 or 4.10 of 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, determined according to 3.1 of Appendix M to 10 CFR Part 430, Subpart B, rounded to the nearest 1,000 Btu's per hour for capacities less than 20,000 Btu's per hour; to the nearest 2,000 Btu's per hour for capacities between 20,000 and 37,999 Btu's per hour; and to the nearest 5,000

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, determined according to 3.2 of 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 2,000 Btu's per hour for capacities between 20,000 and 37,999 Btu's per hour; and to the nearest 5,000 Btu's per hour for capacities between 38,000 and 64,999 Btu's per hour.

##### § 305.8 Submission of data.

(a) Each manufacturer of a covered product shall submit to the Commission not later than January 21, 1980 (two months after publication of a final, amended rule for central air conditioners), a report listing the estimated annual energy cost (for refrigerators and refrigerator-freezers, freezers, dishwashers, water heaters, and clothes washers) or the energy efficiency rating (for room air conditioners 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 cost or the energy efficiency rating; the number of tests performed; and its capacity, determined in accordance with § 305.7. For those models which 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 by July 21, 1980 (eight months after publication of a final, amended rule for central air conditioners).

(b) Thereafter, all data required by § 305.8(a) except serial numbers, shall be submitted to the Commission annually, on or before the following dates:

Products	Deadline for data submission	Effective mandatory labeling date
Refrigerators, refrigerator-freezers and freezers.	Aug. 1	Dec. 1
Dishwashers	June 1	Oct. 1
Water heaters	May 1	Sept. 1
Room air-conditioners	May 1	Sept. 1
Clothes washers	Mar. 1	July 1
Furnaces	May 1	Sept. 1
Central Air-conditioners	May 1	Sept. 1

All revisions to such data (both additions to and deletions from the preceding data) shall be submitted to the Commission as part of the next annual report. Serial number reports for new covered products are due sixty days after the annual effective mandatory labeling data for each product.

(c) All information required by paragraph (a) of this section must be submitted for new models prior to any distribution of such model. Models

subject to design or retrofit alterations which change the date contained in any annual report shall be reported in the manner required for new models. Models which are discontinued shall be reported in the next annual report.

#### Representative Average Unit Energy Costs

##### § 305.9 Representative average unit energy costs.

(a) Table 1, below, contains the representative unit energy costs to be utilized for all requirements of this Part.

Table 1<sup>1</sup>

	Electricity	Oil	Natural gas	Propane gas
Line:				
1	\$0.0497 per kWh.....	\$6.09 × 10 <sup>-6</sup> per Btu	\$3.67 × 10 <sup>-6</sup> per Btu	\$5.99 × 10 <sup>-6</sup> per Btu.
2	4.97¢ per kWh.....	84.1¢ per gal.....	36.7¢ per therm (100 ft <sup>3</sup> )	54.5¢ per gal.

<sup>1</sup> These figures are based on 1979 DOE calculations and are subject to change.

(b) Table 1, above will be revised on the basis of future information provided by the Secretary of the Department of Energy, but not more often than annually. Manufacturers shall use the revised information when submission of the annual data is made in accordance with § 305.8.

##### § 305.10 Ranges of estimated annual energy costs and energy efficiency ratings.

(a) The range of estimated annual energy costs or range of energy efficiency ratings for each covered product shall be taken from the appropriate appendix to this rule in effect at the time the labels are affixed to the products. The Commission shall publish revised ranges annually in the Federal Register if appropriate, or a statement that specific prior ranges are still applicable for the new year. Ranges will be changed if the estimated annual energy cost or the energy efficiency rating of the products within the range changes in a way that would alter the upper or lower cost or 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 any revision shall conform to the revised range. Products which have been labeled prior to the effective date of a modification under this section need not be relabeled.

(b) When the estimated annual energy cost or energy efficiency rating of a given model of a covered product falls outside the limits of the range found in the current appendix 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 a sentence in the space just below the scale as follows:

The energy cost of this model was not available at the time the range was published; or

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

#### Required Disclosures

##### § 305.11 Labeling for covered products.

(a) *Labels*—(1) *Layout*. All energy labels for each category of covered products 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 for all labels is 5½" × 7½". Copy is to be set ×27 picas or ×29 picas and copy page should be centered (right to left and top to bottom). Depth is variable but should follow closely Figure 1, the prototype label appearing at the end of this part illustrating the basic layout. All positioning, spacing, type sizes and line widths should be similar to and consistent with the prototype label.

(2) *Type size and setting*. The Helvetica series typeface or equivalent shall be used exclusively on the label. Specific type sizes and faces to be used are indicated on the prototype labels (Figures 1, 2 and 3). No hyphenation should be used in setting headline or text copy. Positioning and spacing

should follow the prototype closely. Generally, text may be set flush left or right, line for line, or justified with one point leading except where otherwise indicated. Helvetica medium shall be used for all copy with the following exceptions only: (i) Numerals indicating "highest" and "lowest" energy cost or efficiency rating; (ii) chart headings and, if applicable, energy cost graph headings; (iii) the line "How much will this model cost you to run yearly?"

(3) *Colors*. The basic colors of all labels shall be process yellow or equivalent and process black. The label shall printed full bleed process yellow with a window dropped out (showing as white) over the table(s) displaying yearly cost. For labels to be used on furnaces and central air conditioners, the white window shall be over the text of the three energy-saving steps enumerated on the label. The window shall flush left right, top and bottom with the table rules. All type including chart or table rules shall be print process black.

(4) *Paper stock*—(i) *Adhesive labels*. All adhesive labels should be applied so they can easily be removed without use of tools or liquids, other than water. 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" × 38") or equivalent, exclusive of the release liner and adhesive. The adhesive shall have a minimum peel adhesion capacity of 24 ounces per inch width. The pressure-sensitive adhesive shall be applied in not less than two strips not less than 0.05 inches wide. The strips shall be within 0.5 inches 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 wide. The strip shall be within 0.25 inches of the top edge of the label.

(ii) *Hang tags*. The paper stock for hang tags shall have a basic weight of not less than 110 pounds per 500 sheets (25½" × 30½" index). When materials are used to attach the hang tags to appliance products, the materials shall be of sufficient strength to insure that if gradual pressure is applied to the hang tag by pulling it away from where it is affixed to the product, the hang tag will tear before the material used to affix the hang tag to the product breaks.

(5) *Contents*—(i) Labels for refrigerators, refrigerator-freezers, freezers, dishwashers, clothes washers, water heaters and room air conditioners.

(A) Headlines and texts, as illustrated in Figures 1 and 2, are standard for all labels. At the option of the manufacturer or private labeler, the appropriate year may be inserted in that portion of the label which discloses the national average unit utility rate upon which the cost estimates are based.

(B) Name of manufacturer or private labeler shall, in the case of a corporation, be deemed to be satisfied only by the actual corporate name, which may be preceded or followed by the name of the particular division of the corporation. In the case of an individual, partnership, or association, the name under which the business is conducted shall be used. Inclusion of the name of the manufacturer or private labeler is optional at the discretion of the manufacturer or private labeler.

(A) The headline, as illustrated in Figure 3, is standard for all labels.

(B) Name of manufacturer or private labeler shall, in the case of a corporation, be deemed to be satisfied only by the actual corporate name, which may be preceded or followed by the name of the particular division of the corporation. In the case of an individual, partnership, or association, the name under which the business is conducted shall be used. Inclusion of the name of the manufacturer or private labeler is optional at the discretion of the manufacturer or private labeler.

(C) Model number(s) will be the designation given by the manufacturer or private labeler.

(D) Capacity or size is that determined in accordance with § 305.7.

(E) Estimated annual energy cost for refrigerators, refrigerator-freezers, freezers, dishwashers, clothes washers and water heaters is that determined in accordance with § 305.5. Energy efficiency rating for room air conditioners is that determined in accordance with § 305.5.

(F) Ranges of comparability and of estimated annual energy costs or energy efficiency ratings, as applicable, are found in Section 1 of the appropriate appendices accompanying this part.

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

(H) Yearly Cost text and tables are found in Section 2 of the appropriate appendices accompanying this part. Cost figures are to be determined in accordance with § 305.5 for the unit energy costs found in Section 2 of the appropriate appendices. Revised appendices will be published by the Commission whenever necessary. Use the unit energy cost figures in the latest published appendices to determine the

cost figures to be used for a particular covered product.

(I) 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).**

"Important

Removal of this label before consumer purchase is a violation of federal law (42 U.S.C. 6302)."

(J) A statement that the energy costs or energy efficiency ratings, as applicable, are based on U.S. Government standard tests is required on all labels, as indicated in Figures 1 and 2.

(K) No marks or information other than that 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.

(ii) *Labels for furnaces, and central air conditioners.*

(A) The headline, as illustrated in Figure 3, is standard for all labels.

(B) Name of manufacturer or private labeler shall, in the case of a corporation, be deemed to be satisfied only by the actual corporate name, which may be preceded or followed by the name of the particular division of the corporation. In the case of an individual, partnership, or association, the name under which the business is conducted shall be used. Inclusion of the name of the manufacturer or private labeler is optional at the discretion of the manufacturer or private labeler.

(C) The following statements shall appear on the label, as indicated in Figure 3:

You can save substantially on home heating and cooling energy costs by following the simple steps outlined below:

1. Weatherproof your house.
2. Assure energy efficient heating and cooling equipment selection and installation.
3. Operate and maintain your system to conserve energy.

Help conserve energy. Compare the energy efficiency rating and cost information for this model with others. Check the figures and spend less on energy. Your contractor has the energy fact sheets. Ask for them.

(D) 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).**

(E) 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.

(6) *Placement.* Manufacturers shall affix a label to the exterior surface on covered products in such a position that it can easily be read while standing in front of the product as it is displayed for sale. The label should be generally located on the upper-right-front corner of the product, except that for low-standing products or products with configurations that make application in that location impractical, some other prominent location may be used. The top of the label should not exceed 74 inches from the base of taller products. The label in the form of a "flap tag" shall be adhered to the top of the appliance and bent (folded at 90°) to hang over the front, if this can be done with assurance that it will be readily visible.

(7) *Use of hang tags.* Information prescribed above for labels may be displayed in the form of a hang tag, which may be used in place of an affixed label. If a hang tag is used, it shall be affixed in such a position that it will be prominent to a consumer examining the product.

(b) *Fact sheets—(1) Distribution.* (i) Manufacturers and private labelers must give distributors and retailers, including assemblers, fact sheets for the furnaces and central air conditioners they sell to them. Distributors must give the fact sheets to the retailers, including assemblers, they supply. Each fact sheet must contain the information listed in § 305.11(b)(3).

(ii) Retailers, including assemblers, who sell furnaces and central air conditioners to consumers must have fact sheets for the furnaces and central air conditioners they sell. They must make the fact sheets available to their customers. The fact sheets may be made available to customers in any manner, as long as customers are likely to notice them. For example, they can be available in a display, where customers can take copies of them. They can be kept in a binder at a counter or service desk, with a sign telling customers where the fact sheets are. Retailers, including assemblers, who negotiate or make sales at a place other than their regular place of business must show the fact sheets to their customers and let them read the fact sheets before they agree to purchase the product.



(2) *Format.* All information required to be contained in fact sheets must be disclosed clearly and conspicuously.

(3) *Contents.* (i) "Energy Guide" headline is standard for all fact sheets, as for labels.

(ii) Name of manufacturer or private labeler shall, in the case of a corporation, be deemed to be satisfied only by the actual corporate name, which may be preceded or followed by the name of the particular division of the corporation. In the case of an individual, partnership, or association, the name under which the business is conducted shall be used.

(iii) Model number(s) will be the designation given by the manufacturer or private labeler.

(iv) Capacity or size is that determined in accordance with § 305.7.

(v) Energy efficiency rating is that determined in accordance with § 305.5.

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

(vii) Placement of the labeled product on the scale shall be proportionate to energy efficiency ratings of the lowest and highest efficiency ratings forming the scale.

(viii) Yearly cost information text and tables are found in Section 2 of Appendices G, H and I accompanying this part. Cost figures are to be determined in accordance with § 305.5 for the unit energy costs found in Section 2 of Appendices G, H and I. A revised appendix will be published by the Commission whenever necessary. Use the unit energy cost figures in the latest published Appendices G, H and I to determine the cost figures to be used for furnaces and central air conditioners respectively.

(ix) A statement that the energy costs and energy efficiency ratings are based on U.S. Government standard tests is required in all fact sheets.

#### § 305.12 Additional information relating to energy consumption.

Additional information relating to energy consumption which must be included on labels, separately attached to the product, or shipped with the product will be published as a separate section 3 of the appendices accompanying this part. No additional information will be required without public notice and an opportunity for written comments.

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

(a) Any manufacturer, distributor,

retailer, or private labeler who prepares printed material for display or distribution at point of sale concerning a covered product shall clearly and conspicuously include in such printed material the following required disclosure:

"Before purchasing this appliance, read important energy cost and efficiency information available from your retailer."

(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 § 305.18(f).

#### § 305.14 Catalogs.

(a) Any manufacturer, distributor, retailer or private labeler who advertises a covered product in a catalog, from which it may be purchased by cash, charge account or credit terms, shall include in such catalog, on each page which lists a covered product, the following information required to be disclosed on the label:

(1) The capacity of the model.

(2) The estimated annual energy cost for refrigerators, refrigerator-freezers, freezers, dishwashers, clothes washers and water heaters. The representative average unit costs for electricity, natural gas, oil and propane gas, published in § 305.9, which are current at the closing date for printing or the printing deadline date of the catalog, shall be used to compute the estimated annual energy cost.

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

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

(5) The following disclosure, appearing clearly and conspicuously:

IMPORTANT ENERGY INFORMATION IS AVAILABLE. TURN TO PAGE(S) [INSERT DESIGNATED PAGE NUMBER(S)].

(b) On the page(s) designated, as referred to in § 305.14(a)(5), the manufacturer, distributor, retailer or private labeler must disclose either instructions on how cost grid information, described in

§§ 305.11(a)(5)(i)(H) and 305.11(b)(3)(viii), may be obtained from the cataloger, or the cost grid information itself, so long as all information thereon is clearly legible. Information contained in a catalog for a covered product shall be changed or modified in accordance with § 305.10.

#### Additional Requirements

##### § 305.15 Test data records.

(a) Test data shall be kept on file by the manufacturer of a covered product for a period of two years after production of that model has been terminated.

(b) Upon notification by the Commission or its designated representative, a manufacturer or private labeler shall provide, within 30 days of the date of such request, the underlying test data from which the estimated annual energy cost or energy efficiency rating for each basic model was derived.

##### § 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 cost or energy efficiency rating disclosed on the label or fact sheet, or as required by § 305.14, 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 cost of 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. Charges for testing by designated laboratories will be paid by the Commission.

#### Effect of This Part

##### § 305.17 Effect on other law.

This regulation supersedes any State regulation to the extent required by Section 327 of the Act. Pursuant to the Act, all State regulations that require the

disclosure for any covered product of information with respect to energy consumption, other than the information required to be disclosed in accordance with this Part, are superseded.

**§ 305.18 When the rules take effect.**

(Subsections (a) through (h), which do not apply directly to central air conditioning and heat pumps, are not reprinted today in order to avoid confusion.) *(i) All requirements pertaining to central air conditioners take effect not later than three months after publication of the amended rule in final form.*

**§ 305.19 Stayed or Invalid parts.**

If any section or portion of a section of this part is stayed or held invalid, the remainder of the part will not be affected.

**1. Range Information:**

**Appendix H.—Central Air-Conditioners  
Cooling Performance and Cost**

Manufacturer's rated cooling (Btu per hour)	Ranges of energy efficiency ratings	
	Low	High
Up to 10,000 .....		
10,001 to 18,000 .....		
18,001 to 22,000 .....		
22,001 to 28,000 .....		
28,001 to 34,000 .....		
34,001 to 40,000 .....		
40,001 to 46,000 .....		
46,001 to 52,000 .....		
52,001 to 58,000 .....		
58,001 to 64,000 .....		
64,001 and over.....		

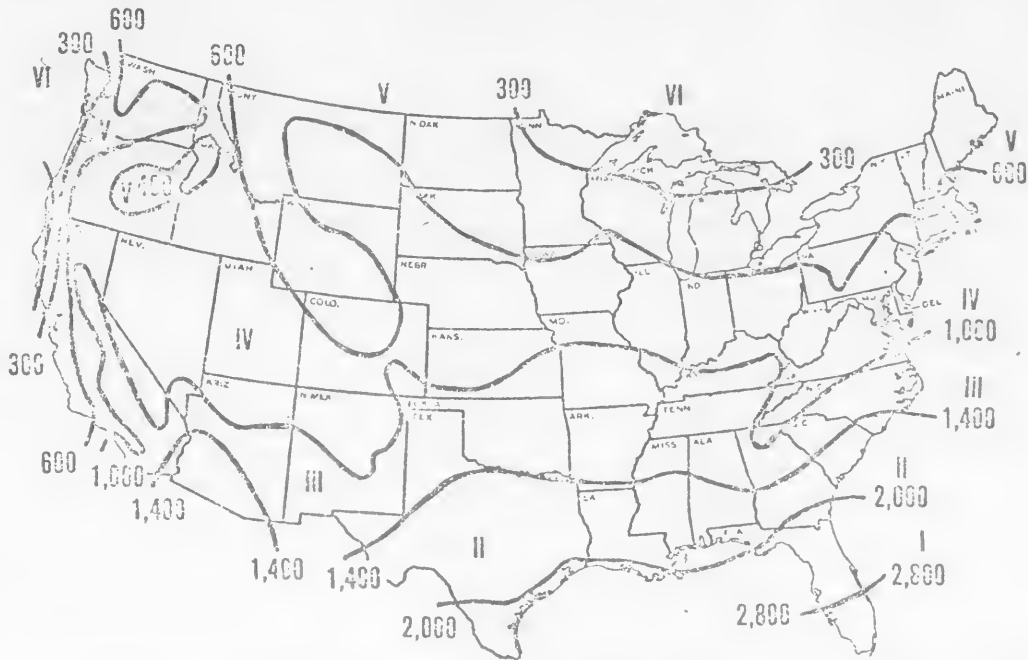
**2. Yearly Cooling Cost Information:**  
Check this table to estimate your yearly cooling cost. To determine the hours of use for each region, consult the map relating to hours of use for cooling. The illustrative table below was calculated using an average EER of 7.5.

Region	Hours of use	Cost per kilowatt hour					
		.02	.04	.06	.08	.10	.12
I.....	2,400	\$230.40	\$460.80	\$691.20	\$921.60	\$1,152.00	\$1,382.40
II.....	1,800	172.80	354.60	518.40	691.20	864.00	1,036.80
III.....	1,200	115.20	230.40	354.60	460.80	578.00	691.20
IV.....	800	76.80	153.60	230.40	307.20	384.00	460.80
V.....	400	38.40	76.80	115.20	153.60	192.00	230.40
VI.....	200	19.20	38.40	57.60	78.80	96.00	115.20

Below each kilowatt-per-hour cost in the table and beside the appropriate region, place the dollar cost estimate of the model being labeled.

**3. Additional Information: [Reserved].**

**HOURS OF USE FOR COOLING**



*This map is reasonably accurate for most parts of the United States but is necessarily highly generalized and consequently not too accurate in mountainous regions particularly in the Rockies*

**Regional Cooling Hours of Use**

Region	Hours
I	2,400
II	1,800
III	1,200
IV	800
V	400
VI	200

Region	Cooling Load Hours
Alaska	- 0
Canal Zone	- 6,000
Cuba	- 6,600
Hawaii	- 2,300
Puerto Rico	- 6,500
Samoa	- 6,600
Virgin Island	- 6,000

1. Range Information:

Appendix I.—Central Air Conditioners (Heat Pumps) Heating Performance and Cost

Manufacturer's rated heating capacity in Btu's/hr.	Ranges of energy efficiency ratings*	
	Low	High
Up to 10,000		
11,000 to 15,000		
16,000 to 20,000		
21,000 to 25,000		
26,000 to 30,000		
31,000 to 35,000		
36,000 to 40,000		
41,000 to 45,000		
46,000 to 50,000		
51,000 to 55,000		
56,000 to 60,000		
61,000 to 65,000		
66,000 and over		

\*The EER shall be a Region IV value based on the appropriate average design heat loss from the table below. To determine the hours of use for each region, consult the map relating to hours of use for heating.

2. Yearly Heating Cost Information (by Regions):

Region I Btu Heat Loss of Home<sup>1</sup>

Cost per kilowatt hour:	Average design heat loss of model to be used on the grid (KBTU/hr.)	
2¢	10	5, 10
4¢	10	5, 10, 15
6¢	15	10, 15, 20
8¢	15	10, 15, 20, 25
10¢	20	15, 20, 25, 30
12¢	25	15, 20, 25, 30, 35

<sup>1</sup> See table below.

The following table shows the heat loss values in Region I (in thousand Btu/hr.) to be used in the grid above:

Manufacturer's rated heating capacity of model to be labeled (BTU/hr.)	Average design heat loss of model to be labeled (KBTU/hr.)	Heat loss values to be used on the grid (KBTU/hr.)
Up to 10,000	10	5, 10
11,000 to 15,000	10	5, 10, 15
16,000 to 20,000	15	10, 15, 20
21,000 to 25,000	15	10, 15, 20, 25
26,000 to 30,000	20	15, 20, 25, 30
31,000 to 35,000	25	15, 20, 25, 30, 35
36,000 to 40,000	25	15, 20, 25, 30, 35, 40
41,000 to 45,000	30	20, 25, 30, 35, 40
46,000 to 50,000	35	20, 25, 30, 35, 40
51,000 to 55,000	35	25, 30, 35, 40, 50
56,000 to 60,000	40	25, 30, 35, 40, 50
61,000 to 65,000	40	30, 35, 40, 50, 60
66,000 and over	50	35, 40, 50, 60, 70

Beside each cost in the grid above, and below the appropriate heat loss value taken from the table above, place the cost estimate for the model being labeled using the table costs per kilowatt-hour and the appropriate EER for the given heat loss value.

Region II Btu Heat Loss of Home<sup>1</sup>

Cost per kilowatt hour:	Average design heat loss of model to be used on the grid (KBTU/hr.)	
2¢	10	5, 10
4¢	10	5, 10, 15
6¢	15	10, 15, 20
8¢	15	10, 15, 20, 25
10¢	20	15, 20, 25, 30
12¢	25	15, 20, 25, 30, 35

<sup>1</sup> See table below.

Region VI Btu Heat Loss of Home<sup>1</sup>

Cost per kilowatt hour:	Average design heat loss of model to be used on the grid (KBTU/hr.)	
2¢	10	5, 10, 15
4¢	10	5, 10, 15, 20
6¢	15	10, 15, 20, 25
8¢	20	15, 20, 25, 30
10¢	20	25, 30, 35, 40
12¢	35	25, 30, 35, 40, 50

<sup>1</sup> See table below.

The following table shows the heat loss values in Regions II and VI to be used in the grids above:

Manufacturer's rated heating capacity of model to be labeled (BTU/hr.)	Average design heat loss of model to be labeled (KBTU/hr.)	Heat loss values to be used on the grid (KBTU/hr.)
Up to 10,000	10	5, 10, 15
11,000 to 15,000	10	5, 10, 15, 20
16,000 to 20,000	15	10, 15, 20, 25
21,000 to 25,000	20	15, 20, 25, 30
26,000 to 30,000	20	25, 30, 35, 40
31,000 to 35,000	35	20, 25, 30, 35, 40
36,000 to 40,000	35	25, 30, 35, 40, 50
41,000 to 45,000	35	25, 30, 35, 40, 50, 60
46,000 to 50,000	40	30, 35, 40, 50, 60
51,000 to 55,000	50	35, 40, 50, 60, 70
56,000 to 60,000	50	35, 40, 50, 60, 70
61,000 to 65,000	60	40, 50, 60, 70, 80
66,000 and over	70	50, 60, 70, 80, 90

Beside each cost in the grid above, and below the appropriate heat loss value taken from the table above, place the cost estimate for the model being labeled using the table costs per kilowatt-hour and the appropriate EER for the given heat loss value.

Region III Btu Heat Loss of Home<sup>1</sup>

Cost per kilowatt hour:	Average design heat loss of model to be used on the grid (KBTU/hr.)	
2¢	10	5, 10, 15
4¢	10	5, 10, 15, 20
6¢	15	10, 15, 20, 25
8¢	20	15, 20, 25, 30
10¢	20	25, 30, 35, 40
12¢	35	25, 30, 35, 40, 50

<sup>1</sup> See table below.

The following table shows the heat loss values in Region III to be used in the grid above:

Manufacturer's rated heating capacity of model to be labeled (BTU/hr.)	Average design heat loss of model to be labeled (KBTU/hr.)	Heat loss values to be used on the grid (KBTU/hr.)
Up to 10,000	10	5, 10, 15
11,000 to 15,000	15	10, 15, 20, 25
16,000 to 20,000	20	15, 20, 25, 30
21,000 to 25,000	25	15, 20, 25, 30, 35, 40
26,000 to 30,000	30	20, 25, 30, 35, 40, 50
31,000 to 35,000	35	25, 30, 35, 40, 50
36,000 to 40,000	40	30, 35, 40, 50, 60
41,000 to 45,000	50	35, 40, 50, 60, 70
46,000 to 50,000	60	35, 40, 50, 60, 70, 80
51,000 to 55,000	70	40, 50, 60, 70, 80, 90
56,000 to 60,000	70	50, 60, 70, 80, 90, 100
61,000 to 65,000	80	50, 60, 70, 80, 90, 100

Manufacturer's rated heating capacity of model to be labeled (BTU/hr.)	Average design heat loss of model to be labeled (KBTU/hr.)	Heat loss values to be used on the grid (KBTU/hr.)
66,000 and over	90	60, 70, 80, 90, 110, 130

Besides each cost in the grid above, and below the appropriate heat loss value taken from the table above, place the cost estimate for the model being labeled using the table costs per kilowatt-hour and the appropriate EER for the given heat loss value.

Region IV Btu Heat Loss of Home<sup>1</sup>

Cost per kilowatt hour:	Average design heat loss of model to be used on the grid (KBTU/hr.)	
2¢	10	5, 10, 15
4¢	10	5, 10, 15, 20
6¢	15	10, 15, 20, 25
8¢	20	15, 20, 25, 30
10¢	20	25, 30, 35, 40
12¢	35	20, 25, 30, 35, 40

<sup>1</sup> See table below.

Region V Btu Heat Loss of Home<sup>1</sup>

Cost per kilowatt hour:	Average design heat loss of model to be used on the grid (KBTU/hr.)	
2¢	10	5, 10, 15
4¢	10	5, 10, 15, 20
6¢	15	10, 15, 20, 25
8¢	20	15, 20, 25, 30
10¢	20	25, 30, 35, 40
12¢	35	25, 30, 35, 40, 50

<sup>1</sup> See table below.

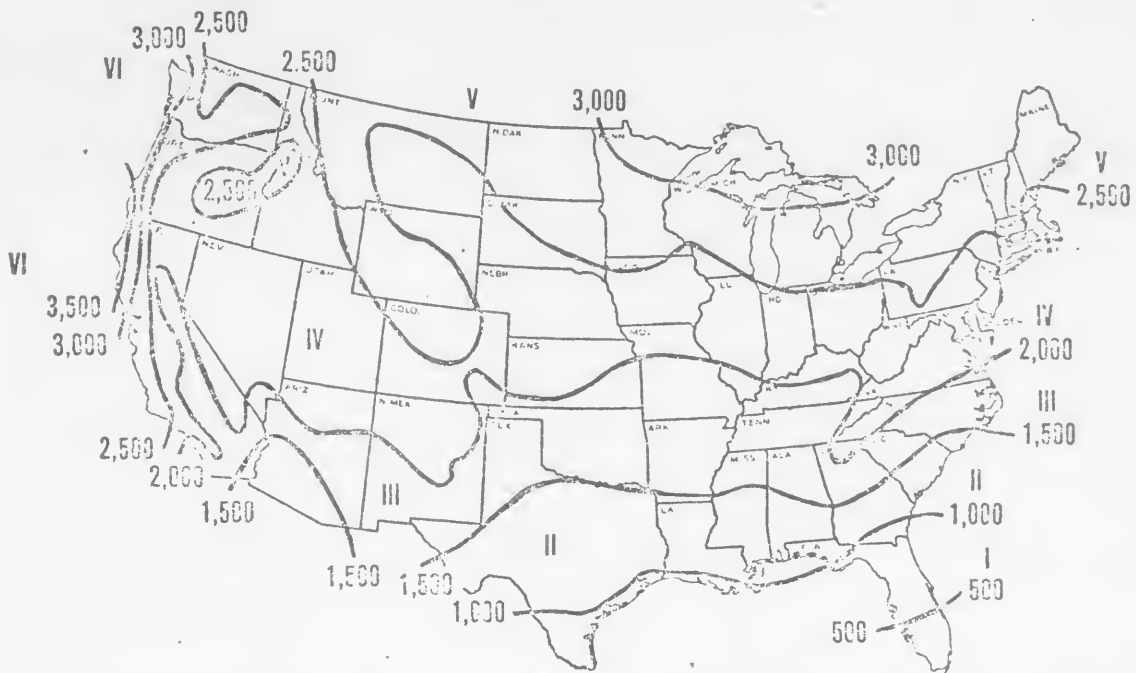
The following table shows the heat loss values in Regions IV and V to be used in the grids above:

Manufacturer's rated heating capacity of model to be labeled (BTU/hr.)	Average design heat loss of model to be labeled (KBTU/hr.)	Heat loss values to be used on the grid (KBTU/hr.)
Up to 10,000	10	5, 10, 15, 20
11,000 to 15,000	20	10, 15, 20, 25, 30
16,000 to 20,000	25	15, 20, 25, 30, 35, 40
21,000 to 25,000	30	20, 25, 30, 35, 40, 50
26,000 to 30,000	35	25, 30, 35, 40, 50, 60
31,000 to 35,000	40	30, 35, 40, 50, 60, 70, 80
36,000 to 40,000	50	35, 40, 50, 60, 70, 80, 90
41,000 to 45,000	60	40, 50, 60, 70, 80, 90, 100
46,000 to 50,000	70	50, 60, 70, 80, 90, 100, 110
51,000 to 55,000	70	50, 60, 70, 80, 90, 100, 110
56,000 to 60,000	80	60, 70, 80, 90, 100, 110
61,000 to 65,000	90	70, 80, 90, 100, 110, 130
66,000 and over	90	70, 80, 90, 100, 110, 130

Besides each cost in the grid above, and below the appropriate heat loss value taken from the table above, place the cost estimate for the model being labeled using the table costs per kilowatt-hour and the appropriate EER for the given heat loss value.

3. Additional Information (Reserved).

### HOURS OF USE FOR HEATING



*This map is reasonably accurate for most parts of the United States but is necessarily highly generalized and consequently not too accurate in mountainous regions particularly in the Rockies*

**Regional Heating Hours of Use**

Region	HLH
I	750
II	1,200
III	1,750
IV	2,250
V	2,750
VI	2,750

Alaska - 3,500 HLH  
 Hawaii and Territories - 0 HLH



**Appendix J—Suggested Data Reporting  
Format**

1. Date of Report \_\_\_\_\_
2. Company Name \_\_\_\_\_
3. City \_\_\_\_\_
4. State \_\_\_\_\_
5. Product \_\_\_\_\_
6. Energy Type (gas, oil, etc.) \_\_\_\_\_
7. Model Number \_\_\_\_\_
8. Estimated Annual Energy Cost or Energy—  
Efficiency Rating \_\_\_\_\_
9. Capacity \_\_\_\_\_
10. Number of Tests Performed \_\_\_\_\_

All copy Helvetica medium or bold

All Copy x 27 picas

10/12 Helv → (For Furnaces and Central Air Conditioners)

# ENERGYGUIDE



12/13 Helv → You can save substantially on home heating and cooling energy costs by following the simple steps outlined below:

- 
1. Weatherproof your house

---

  2. Assure energy efficient heating and cooling equipment selection and installation

---

  3. Operate and maintain your system to conserve energy.

---

10/11 Helv  
with 18'  
numerals →

12/13 Helv → Help conserve energy. Compare the energy efficiency rating and cost information for this model with others. Check the figures and spend less on energy.

12 Helv Bold → **Your contractor has the energy fact sheets. Ask for them.**14/15 Helv → **Important** Removal of this label before consumer purchase is a violation of  
8/9 Helv → federal law (42 U.S.C. 6302)

SAMPLE LABEL

### Section B. Invitation to Comment

All interested persons are hereby notified that they may submit to Raymond L. Rhine, Presiding Officer for Central Air Conditioner Rulemaking, Federal Trade Commission, Washington, D.C. 20580, data, views, or arguments on any issue of facts, law, or policy which may have some bearing upon the proposed amendment to the rule. Such written comments will be accepted until no later than September 25, 1980. To assure prompt consideration, each comment should be identified both on the document and on the envelop as "Central Air Conditioner Rulemaking Comment" and furnished, when possible, in five copies.

### Section C. General Questions and Issues

While interested persons are invited to address any questions of fact, law, or policy which they feel may have bearing upon the proposed amendments, listed below are several general questions and issues of fact bearing upon certain aspects of the proposed amendments concerning which the Commission particularly desires comments, orally or in writing, by persons concerned with and participating in this proceeding:

1. Are the requirements for additional information prescribed in the final rule applicable to and appropriate for central air conditioners and heat pumps? Is there a need for additional point-of-sale information for central air conditioners and heat pumps, beyond that already required by the final rule, which would provide suggestions for energy-efficient use of these products? If so, what information should be included?

During the development of the original labeling proposal, the Commission investigated the current availability of energy saving suggestions. With respect to central air conditioners and heat pumps, the Commission is interested in the following:

a. What energy saving suggestions, if any, are currently supplied by manufacturers?

b. Are any energy saving suggestions being made which are misleading, incomplete, or otherwise inappropriate?

c. Do consumers understand and use the suggestions currently available?

2. The Appliance Labeling Rule requires a uniform label on furnaces directing consumers to a manufacturer's energy fact sheet which contains information for recommended combinations of systems components. The same format is proposed for central air conditioners. Like furnaces, these products vary in use according to climate, geography, insulation quality of

the dwelling, and lifestyle of the purchaser's family. The Commission is interested in receiving any comments on the proposed labels and fact sheets for these products, primarily with regard to the following:

(a) Is the labeling/energy fact sheet format informative or should it be modified? If so, how?

(b) Is all the information included on the label and the fact sheets necessary?

(c) What, if any, additional information should be required on the label or fact sheet?

3. The Commission is interested in receiving comments on both the proposed measure of consumption (energy efficiency rating) and the proposed ranges of comparability for central air conditioners.

4. The Commission is interested in receiving comments concerning whether this rule is likely to have a significant adverse economic impact on small businesses. If so, how can the proposed rule be modified to minimize its economic impact, while still meeting the purposes outlined by Congress in EPCA?

5. Section 324(a)(2)(B) of the EPCA states that the Commission need not prescribe a labeling rule if the labeling "is not technologically or economically feasible or is not likely to assist consumers in making purchase decisions."

Do air central conditioners fall within these exceptions? If so, why?

6. The cooling and heating performance cost charts (Appendices H and I), prepared for the Commission by the Department of Energy, represent an effort to present a method for figuring an extremely complex problem.

a. Is either of these charts too complicated for manufacturers, contractors, or consumers to understand and use? If so, how could the charts be simplified without sacrificing reasonable accuracy?

b. If the charts are too complicated and cannot be effectively simplified, is there an alternate method for helping manufacturers, contractors and consumers figure the heating and cooling performance and cost for the central air conditioners (including heat pumps) they sell or buy?

### Section D. Public Hearings

Public hearings on the proposed rule will be held commencing on [September 25], 1980, at 10 a.m. in Room 332 of the Federal Trade Commission, Pennsylvania Avenue at Sixth Street, N.W., Washington, D.C. Persons desiring to present their views orally at these hearings should so advise Raymond L. Rhine, Presiding Officer for Central Air Conditioner Rulemaking, Federal Trade

Commission, Washington, D.C. 20580 no later than September 10, 1980, and comply with the instructions in Section F of this notice.

### Section E. Motions or Petitions

Any motions or petitions in connection with this proceeding must be filed with Raymond L. Rhine, Presiding Officer for Central Air Conditioner Rulemaking, who is responsible for the orderly conduct of the proceeding and who shall have all powers necessary to that end, including the authority to rule on all motions or petitions filed. Applications for review of a ruling will not be entertained by the Commission prior to its review of the record unless the Presiding Officer certifies in writing to the Commission that a ruling involves a controlling question of law or policy as to which there is substantial ground for difference of opinion and that an intermediate review of the ruling may materially advance the ultimate termination of the proceeding or that subsequent review will be an inadequate remedy.

### Section F. Instruction to Witnesses

1. *Advance notice.* The Commission invites any person who has an interest in the proposed rulemaking issued today, or who is a representative of a group or class of persons that has an interest, to make an oral presentation. Such a request should be directed to the Presiding Officer identified above and must be received no later than September 10, 1980. Witnesses are required to submit a written statement that can be entered into the record as submitted no later than September 10, 1980.

It will not be necessary to repeat this statement at the hearing. Submission of a written statement enables the witness to appear at the hearing, to answer questions posed by only the staff with regard to the written statement, and to deliver a short summary of the most important aspects of that statement within time limits that are established by the Presiding Officer. As a general rule, oral summaries should not exceed ten minutes. There will be no opportunity for interested persons to cross-examine witnesses.

2. *Use of exhibits.* Use of exhibits during oral testimony is encouraged, especially when they are to be used to help clarify technical or complex matters. If you plan to offer documents as exhibits, file them as soon as possible during the general comment period, but no later than [30 days from publication date], 1980. Mark each of the documents with your name, and number them in sequence, e.g., Jones Exhibit 1. The

Presiding Officer has the power to refuse to accept for the public record any hearing exhibits that are not furnished by the deadline.

3. *Expert witnesses.* If you are going to testify as an expert witness, you must attach to your statement your *curriculum vitae*, biographical sketch, resume or summary of your professional background and a bibliography of your publications. It would be helpful if you would also include documentation for the opinions and conclusions you express by footnotes to your statements or in separate exhibits. If your testimony is based or chiefly concerned with one or two major scientific works, copies should be furnished. The remaining citations to other works can be accomplished by using footnotes in your statement referring to those works.

4. *Results of surveys and other research studies.* If in your testimony you will present the results of a survey or other research study, as distinguished from simple references to previously published studies conducted by others, you must also present, as an exhibit or exhibits in compliance with paragraph 2 above, the following:

a. A complete report of the survey or other research study and the information and documents listed in (b) through (e) below if they are not included in that report.

b. A description of the sampling procedures and selection process, including the number of persons contacted, the number of interviews completed, and the number of persons who refused to participate in the survey.

c. Copies of all completed questionnaires or interview reports used in conducting the survey or study if respondents were permitted to answer questions in words of their choice rather than to select an answer from one or more answers printed on the questionnaire or suggested by the interviewer.

d. A description of the methodology used in conducting the survey or other research study including the selection of instructions to interviewers, introductory remarks by interviewers to respondents and a sample questionnaire or other data collection instrument.

e. A description of the statistical procedures used to analyze the data and all data tables which underlie the results reported.

Other interested persons may wish to examine the questionnaires, data collection forms and any other underlying data not offered as exhibits and which serve as a basis for your testimony. This information along with punch cards or computer tapes which were used to conduct analyses should

be made available (with appropriate explanatory data) upon request of the Presiding Officer. The Presiding Officer will then be in a position to permit their use by other interested persons or their counsel.

5. *Identification, number of copies and inspection.* To assure prompt consideration, all materials, including written statements, filed by prospective witnesses pursuant to the instructions contained in paragraphs 1-4 of this section should be identified both on the document and on the envelope as "Central Air Conditioner Statement" ("and Exhibits," if appropriate), and submitted in five copies when feasible and not burdensome not later than [30 days from publication date], 1980.

Copies of all materials filed by witnesses will be made available for examination in Room 130, Public Reference Room Federal Trade Commission, Pennsylvania Avenue at Sixth Street, N.W., Washington, D.C. Binder number 209-18-13 should be requested to examine all materials submitted in this rulemaking.

6. *Reason for requirements.* The foregoing requirements are necessary to permit us to schedule the time for your appearances and that of other witnesses in an orderly manner. The Commission staff must have your expected testimony and supporting documents available for study before the hearing to prepare appropriate questions. Also, such data should be of assistance to interested persons in the preparation of the filing of contradictory statements (rebuttal).

The deadlines established by this notice will not be extended and hearing dates will not be postponed unless hardship to participate can be demonstrated.

#### Section G. Post-Hearing Procedures

Interested persons will be afforded 20 days after the close of the hearings to file rebuttal submissions, which must be based only upon identified, properly cited matters already in the record. The Presiding Officer will reject all submissions that are essentially additional written comments, rather than rebuttal. The 20-day rebuttal period will commence when the final transcript of the hearings is placed on the public record by the Presiding Officer.

After the close of the rebuttal period, staff shall analyze the evidence on the record and shall prepare and submit a recommendation for the final rule which will be placed on the public record for 30 days, during which time interested persons will be afforded the opportunity to submit comments for consideration by the Commission in reaching a decision on this rule. Comments will be

submitted to James Mills, or Lucerne D. Winfrey, Attorneys, Federal Trade Commission, 414 11th Street NW., Washington, D.C. 20580. To assure prompt consideration, each comment should be identified both on the document and the envelope as "Central Air Conditioner Rulemaking Comment" and furnished when possible, in five copies.

#### Section H. Compensation for Representation in Rulemaking Proceedings

Funds may be available for reimbursement of public participation costs incurred in this proceeding to those who satisfy the requirements of § 1.17 of the Commission's rules. For further information, contact Bonnie Naradzay, Special Assistant for Public Participation Office of the General Counsel, Federal Trade Commission, Pennsylvania Avenue at Sixth Street NW., Washington, D.C. 20580, 202-357-0258.

Issued: By direction of the Commission.  
Carol M. Thomas,  
Secretary.

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