



FEDERAL TRADE COMMISSION

16 CFR Part 305

RIN 3084-AB15

Energy Labeling Rule

AGENCY: Federal Trade Commission.

ACTION: Final rule.

SUMMARY: The Federal Trade Commission (“Commission”) amends its Energy Labeling Rule (“Rule”) by publishing new ranges of comparability for required EnergyGuide labels on televisions.

DATES: The amendments are effective [INSERT DATE 90 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

ADDRESSES: Relevant portions of the record of this proceeding, including this document, are available at <https://www.ftc.gov>.

FOR FURTHER INFORMATION CONTACT: Hampton Newsome, (202) 326-2889, or Hong Park, (202) 326-2158, Attorneys, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, Room CC-6316, 600 Pennsylvania Avenue, N.W., Washington, DC 20580.

SUPPLEMENTARY INFORMATION:

I. Background

The Commission issued the Energy Labeling Rule in 1979 pursuant to the Energy Policy and Conservation Act of 1975 (“EPCA”).¹ The Rule covers several categories of major household products, including televisions. It requires manufacturers of covered products to disclose specific energy consumption or efficiency information (derived from

¹ 42 U.S.C. 6294; 44 FR 66466 (Nov. 19, 1979). EPCA also requires the Department of Energy (“DOE”) to set minimum efficiency standards and develop test procedures to measure energy use.

Department of Energy (“DOE”) test procedures) at the point of sale. In addition, each label must include a “range of comparability” indicating the highest and lowest energy consumption or efficiencies for comparable models. The Commission updates these ranges periodically.

II. Range Updates for Televisions

The Commission amends its television ranges in 16 C.F.R. section 305.25(f)(5) based on test data generated from DOE’s revised test procedure. In a rule document published in October 2022 issuing range updates for other covered products, the Commission postponed television range updates until DOE finalized a new test procedure for those products.² The document stated the FTC would publish updated ranges after data derived from the upcoming test procedure became available. DOE has issued a final test update, and new data is now available.³ Accordingly, this publication contains the updates to the television ranges, along with related sample labels. In addition, these amendments update the cost figure on the television label to 16 cents per kWh based on the most recent national electricity cost information published by DOE.⁴ Manufacturers should begin using the new ranges on labels for newly-produced units no later than [INSERT DATE 90 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

III. Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to a Regulatory Flexibility Act analysis⁵ are not applicable to this proceeding because the amendments do not impose any new obligations on entities regulated by the Energy Labeling Rule. These technical amendments merely provide a routine change to the range and cost information

² 87 FR 61465 (Oct. 12, 2022); *see* 87 FR 11892 (Mar. 2, 2022) (DOE NPRM).

³ 88 FR 16082 (Mar. 15, 2023) (DOE Final Rule).

⁴ 88 FR 58575 (Aug. 28, 2023) (cost figure rounded consistent with 16 CFR 305, Appendices K1 and K2).

⁵ *See* 5 U.S.C. 603-604.

already required on EnergyGuide labels. The Commission has concluded, therefore, that a regulatory flexibility analysis is not necessary, and certifies, under Section 605 of the Regulatory Flexibility Act, that the amendments announced today will not have a significant economic impact on a substantial number of small entities.⁶

IV. Paperwork Reduction Act

The current Rule contains recordkeeping, disclosure, testing, and reporting requirements that constitute information collection requirements as defined by 5 CFR 1320.3(c), the definitional provision within the Office of Management and Budget (“OMB”) regulations that implement the Paperwork Reduction Act (“PRA”). OMB has approved the Rule’s existing information collection requirements through February 29, 2024 (OMB Control No. 3084-0069). The amendments now being adopted do not change the substance or frequency of the recordkeeping, disclosure, or reporting requirements and, therefore, do not require further OMB clearance.

V. Other Matters

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), the OMB’s Office of Information and Regulatory Affairs designated this rule as not a “major rule,” as defined by 5 U.S.C. 804(2).

List of Subjects in 16 CFR Part 305

Advertising, Energy conservation, Household appliances, Labeling, Reporting and recordkeeping requirements.

Accordingly, 16 CFR Part 305 is amended as follows:

PART 305 - ENERGY AND WATER USE LABELING FOR CONSUMER PRODUCTS UNDER THE ENERGY POLICY AND CONSERVATION ACT (“ENERGY LABELING RULE”)

1. The authority citation for Part 305 continues to read as follows:

⁶ 5 U.S.C. 605.

AUTHORITY: 42 U.S.C. 6294.

2. In § 305.25, revise paragraphs (f)(4) and (5) to read as follows:

§ 305.25 Television labeling.

* * * *

(f) * *

(4) Estimated annual energy costs determined in accordance with this part, and based on a usage rate of 5 hours in on mode and 19 hours in standby (sleep) mode per day, and an electricity cost rate of 16 cents per kWh.

(5) The applicable ranges of comparability for estimated annual energy costs based on the labeled product's diagonal screen size, according to the following table:

Table 1 to paragraph (f)(5)

	Annual Energy Cost Ranges for Televisions	
Screen Size (diagonal)	Low	High
16 - 20" (16.0 to 20.49")	\$7	\$7
21 - 23" (20.5 to 23.49")	*	*
24 - 29" (23.5 to 29.49")	\$5	\$15
30 - 34" (29.5 to 34.49")	\$8	\$30
35 - 39" (34.5 to 39.49")	\$19	\$20
40 - 44" (39.5 to 44.49")	\$13	\$51
45 - 49" (44.5 to 49.49")	\$40	\$40
50 - 54" (49.5 to 54.49")	\$22	\$51
55 - 59" (54.5 to 59.49")	\$24	\$69
60 - 64" (59.5 to 64.49")	\$29	\$113
65 - 69" (64.5 to 69.49")	\$27	\$110
69.5" or greater	\$32	\$155

* No data.

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3. In § 305.27, revise paragraph (b)(1)(i)(F) to read as follows:

§ 305.27 Paper catalogs and websites.

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(b) * * *

(1) * * *

(i) * * *

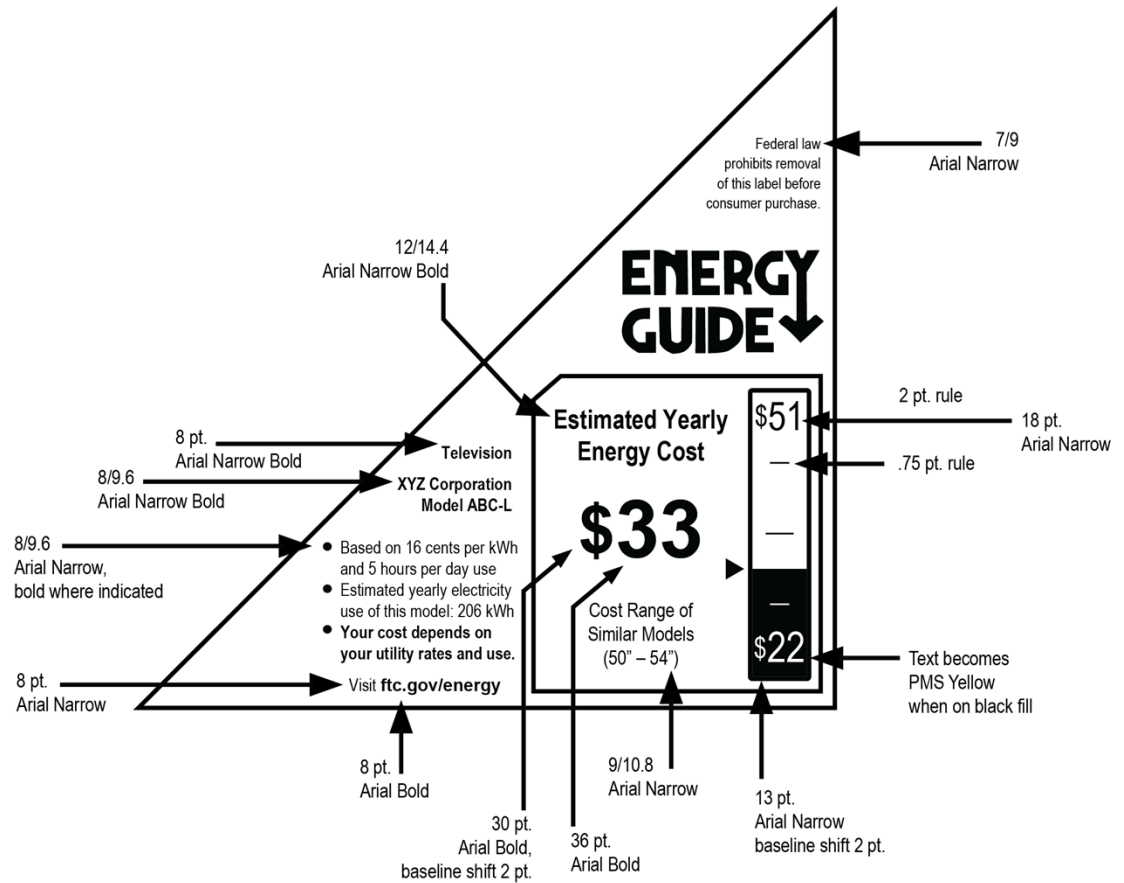
(F) *Televisions*. The estimated annual operating cost determined in accordance with this part, and a disclosure stating “Your energy cost depends on your utility rates and use. The estimated cost is based on 16 cents per kWh and 5 hours of use per day. For more information, visit *www.ftc.gov/energy*.”

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4. Revise Prototype Labels 8, 9, and 10 and Sample Labels 14, 15, and 16 in Appendix L to read as follows:

APPENDIX L TO PART 305—SAMPLE LABELS

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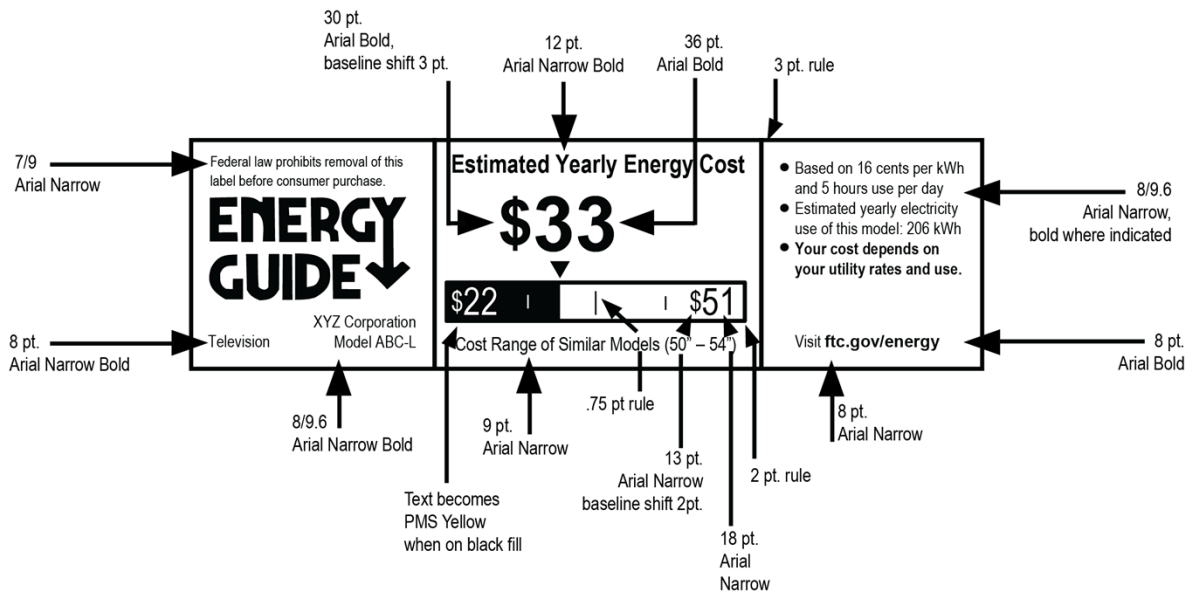


Minimum label size right angle triangle 4.5" x 4.5"

* Typeface is Arial Narrow and Arial or equivalent type style. Type sizes shown are minimum allowable. Use bold or heavy typeface where indicated. Type is black printed on process yellow or equivalent color background. Energy Star logo, if applicable, must be at least 0.36" wide.

Prototype Label 8

Triangular Television Label

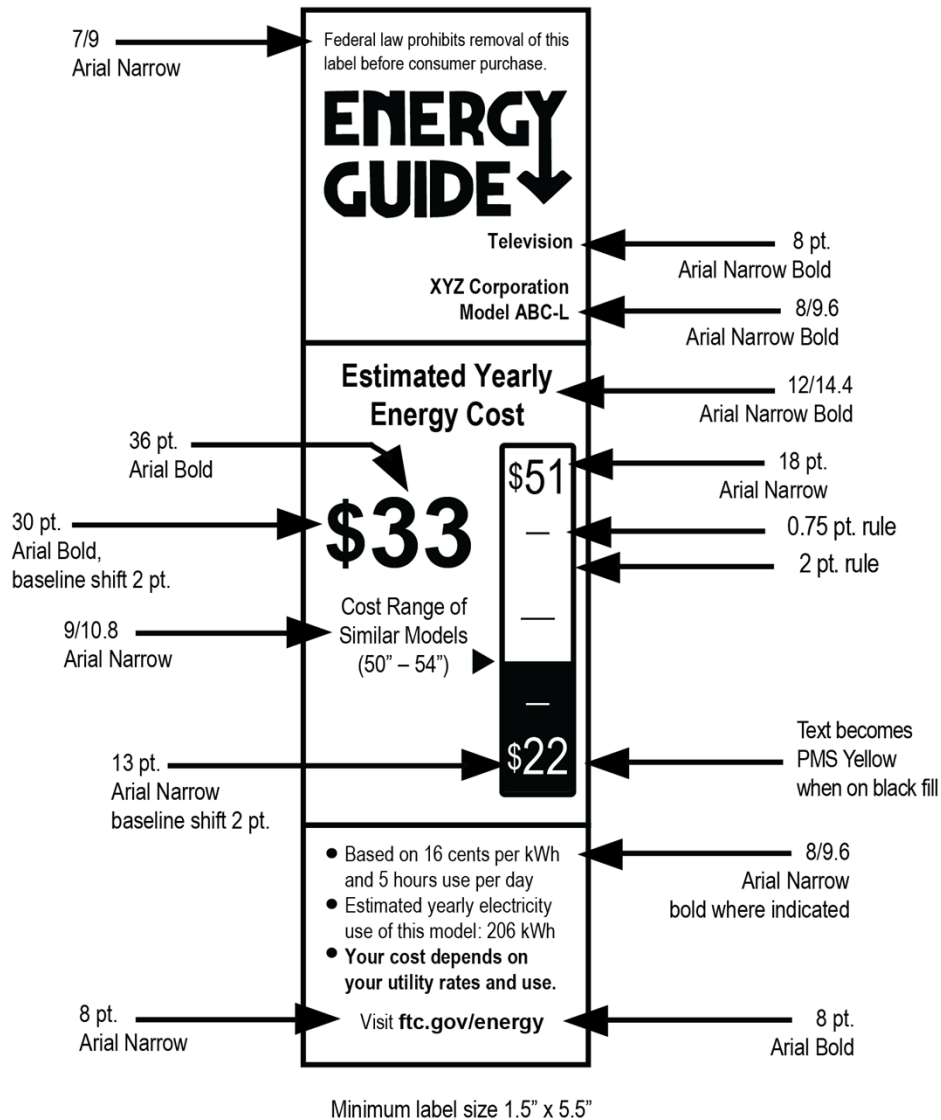


Minimum label size 1.5" x 5.25

* Typeface is Arial Narrow and Arial or equivalent type style. Type sizes shown are minimum allowable. Use bold or heavy typeface where indicated. Type is black printed on process yellow or equivalent color background. Energy Star logo, if applicable, must be at least 0.36" wide.

Prototype Label 9

Horizontal Rectangular Television Label

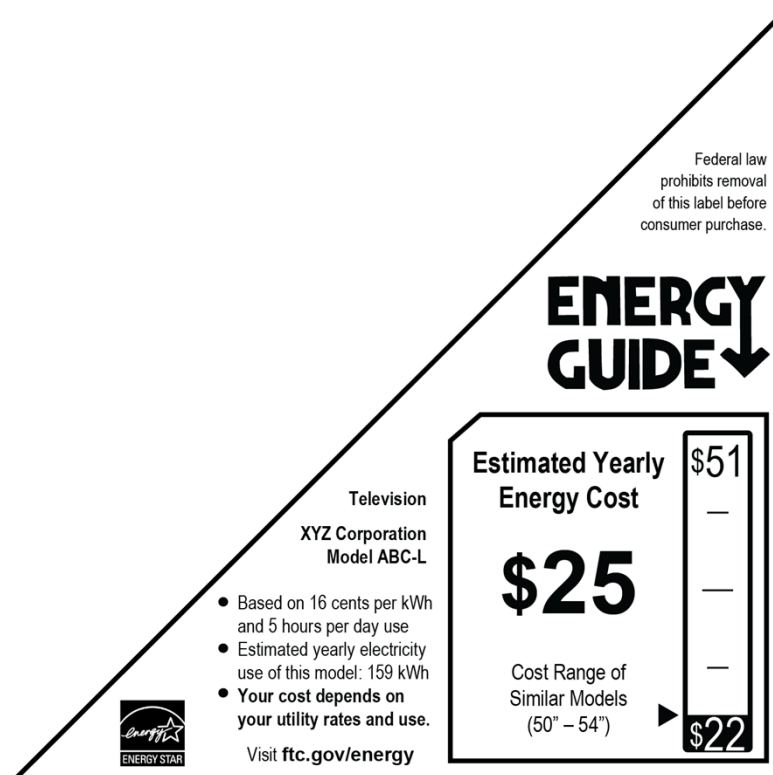
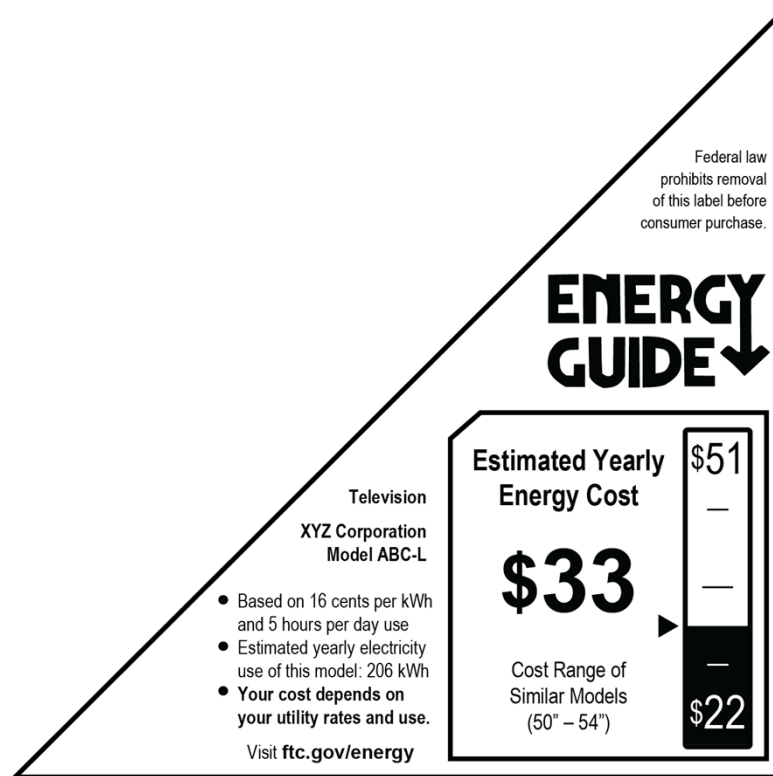


* Typeface is Arial Narrow and Arial or equivalent type style. Type sizes shown are minimum allowable. Use bold or heavy typeface where indicated. Type is black printed on process yellow or equivalent color background. Energy Star logo, if applicable, must be at least 0.36" wide.

Prototype Label 10

Vertical Rectangular Television Label

* * * * *



Sample Label 14

Triangular Television Labels

Federal law prohibits removal of this label before consumer purchase.

ENERGY GUIDE

Television

XYZ Corporation
Model ABC-L

Estimated Yearly Energy Cost

\$33

Cost Range of Similar Models (50" – 54") ▶

\$51

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\$22

- Based on 16 cents per kWh and 5 hours use per day
- Estimated yearly electricity use of this model: 206 kWh
- **Your cost depends on your utility rates and use.**

Visit ftc.gov/energy

Federal law prohibits removal of this label before consumer purchase.

ENERGY GUIDE

Television

XYZ Corporation
Model ABC-L

Estimated Yearly Energy Cost

\$25

Cost Range of Similar Models (50" – 54") ▶

\$51

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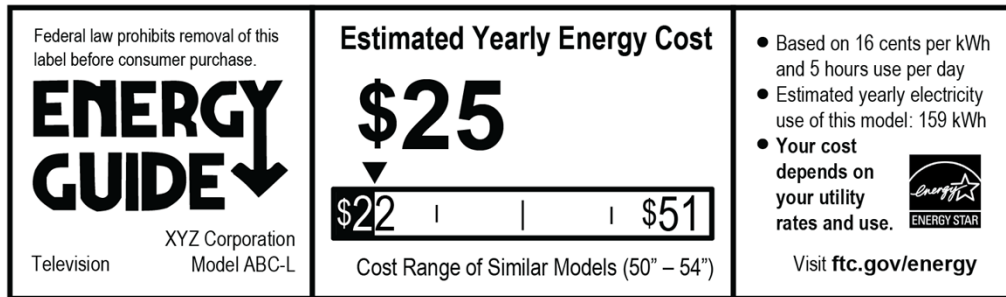
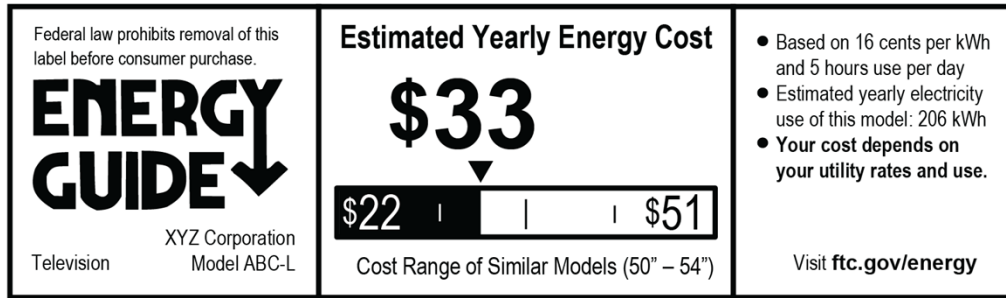
\$22

- Based on 16 cents per kWh and 5 hours use per day
- Estimated yearly electricity use of this model: 159 kWh
- **Your cost depends on your utility rates and use.**

Visit ftc.gov/energy

Sample Label 15

Vertical Television Labels



Sample Label 16

Horizontal Television Labels

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By direction of the Commission.

April J. Tabor,

Secretary.