

Dissenting Statement of Commissioner Christine S. Wilson
Energy Labeling Rule
Matter No. R611004
October 22, 2019

I dissent from the Commission’s decision to issue a Federal Register Notice (FRN) announcing changes to the Energy Labeling Rule. When the Commission published a Notice of Proposed Rulemaking (NPRM) in December 2018 first proposing these changes to the Energy Labeling Rule, I also dissented.¹ I noted at that time my appreciation for staff’s efforts to undertake a review of this Rule to improve its organization and clarity. Given the highly prescriptive requirements in this Rule, though, I

³ See Comment Submitted by the Association of Home Appliance Manufacturers (Feb. 19, 2019), <https://www.ftc.gov/policy/public-comments/2019/02/19/comment-00016>.

and furnaces explaining that the labels “impose unnecessary costs on manufacturers” and, given the circumstances under which consumers typically purchase these items, provide little utility to the purchase decision.⁴

The Commission has a laudable practice of conducting regular reviews of our Rules and Guides on a ten-year schedule. According to the schedule announced earlier this year, the Energy Labeling Rule is scheduled for a full review in 2025.⁵ I urge the Commission to move up the review of this Rule. The Commission has forsaken some of the invasive regulatory zeal that earned it the sobriquet of the “second most powerful legislature in Washington,”⁶ but avoiding new mistakes is not sufficient. The Commission should consider the AHAM and AHRI suggestions and conduct a comprehensive review of this Rule with a deregulatory mindset.

⁴ See Comment Submitted by the Air Conditioning, Heating, and Refrigeration Institute (Apr. 15, 2019), <https://www.regulations.gov/document?D=FTC-2019-0015-0007>.

⁵ Modified Ten-Year Regulatory Review Schedule and Intent to Request Public Comments (May 2, 2019), <https://www.ftc.gov/policy/federal-register-notices/16-cfr-chapter-i-modified-ten-year-regulatory-review-schedule-0>

⁶ See, e.g., J. Howard Beales III & Timothy J. Muris, FTC Consumer Protection at 100: 1970s Redux or Protecting Markets to Protect Consumers?, 83 Geo. Wash. L. Rev. 2157, 2159 (2015) (quoting Jean Carper, The Backlash at the FTC, Wash. Post, Feb. 6, 1977, at C1).