

§ 305.9

16 CFR Ch. I (1-1-04 Edition)

Product category	Deadline for data submission
Fluorescent lamp ballasts .....	Mar. 1
Showerheads .....	Mar. 1
Faucets .....	Mar. 1
Water closets .....	Mar. 1
Urinals .....	Mar. 1
Fluorescent lamps .....	Mar. 1 [Stayed]
Medium Base Compact Fluorescent Lamps ...	Mar. 1 [Stayed]
Incandescent Lamps, incl. Reflector Lamps ....	Mar. 1 [Stayed]

mitted for new models prior to any distribution of such model. Models subject to design or retrofit alterations which change the data 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.

[52 FR 46894, Dec. 10, 1987, as amended at 54 FR 28035, July 5, 1989; 59 FR 54965, Oct. 25, 1993; 59 FR 49564, Sept. 28, 1994; 59 FR 67527, Dec. 29, 1994; 60 FR 14210, Mar. 16, 1995; 67 FR 35008, May 17, 2002; 68 FR 8449, Feb. 21, 2003]

(2) 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 period.

(c) All information required by paragraph (a) of this section must be sub-

**§ 305.9 Representative average unit energy cost.**

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

TABLE 1—REPRESENTATIVE AVERAGE UNIT COST OF ENERGY FOR FIVE RESIDENTIAL ENERGY SOURCES (2003)

Type of energy	In commonly used terms	As required by DOE test procedure	Dollars per million Btu <sup>1</sup>
Electricity .....	8.41c/kWh <sup>2,3</sup> .....	\$0.0841/kWh .....	\$24.65
Natural Gas .....	81.6c/therm <sup>4</sup> or \$8.37/MCF <sup>5</sup> .....	\$0.00000816/Btu .....	\$8.16
No. 2 heating oil .....	\$1.22/gallon <sup>7</sup> .....	\$0.00000880/Btu .....	\$8.80
Propane .....	\$1.21/gallon <sup>8</sup> .....	\$0.00001325/Btu .....	\$13.25
Kerosene .....	\$1.43/gallon <sup>9</sup> .....	\$0.00001059/Btu .....	\$10.59

<sup>1</sup> Btu stands for British thermal unit.

<sup>2</sup> kWh stands for kilowatt hour.

<sup>3</sup> 1 kWh=3,412 Btu.

<sup>4</sup> 1 therm=100,000 Btu. Natural gas prices include taxes.

<sup>5</sup> MCF stands for 1,000 cubic feet.

<sup>6</sup> For the purposes of this table, 1 cubic foot of natural gas has an energy equivalence of 1,027 Btu.

<sup>7</sup> For the purposes of this table, 1 gallon of No. 2 heating oil has an energy equivalence of 138,690 Btu.

<sup>8</sup> For the purposes of this table, 1 gallon of liquid propane has an energy equivalence of 91,333 Btu.

<sup>9</sup> For the purposes of this table, 1 gallon of kerosene has an energy equivalence of 135,000 Btu.

(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.

[52 FR 46894, Dec. 10, 1987, as amended at 59 FR 5700, Feb. 8, 1994; 59 FR 34033, July 1, 1994; 60 FR 9296, Feb. 17, 1995; 61 FR 5680, Feb. 14, 1996; 62 FR 67562, Dec. 29, 1997; 64 FR 7784, Feb. 17, 1999; 65 FR 20354, Apr. 17, 2000; 66 FR 27858, May 21, 2001; 67 FR 39271, June 7, 2002; 68 FR 23586, May 5, 2003]

**§ 305.10 Ranges of estimated annual energy consumption and energy efficiency ratings.**

(a) The range of estimated annual energy consumption or energy efficiency ratings for each covered product (except fluorescent lamp ballasts, showerheads, faucets, water closets or urinals) shall be taken from the appro-

priate appendix to this rule in effect at the time the labels are affixed to the product. The Commission shall publish revised ranges annually in the FEDERAL REGISTER, if appropriate, or a statement that the specific prior ranges are still applicable for the new year. Ranges will be changed if the estimated annual energy consumption or energy efficiency ratings of the products within the range change in a way that would alter the upper or lower estimated annual energy consumption or energy 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 the revision shall conform to the revised range. Products that have been labeled prior to the effective date of a

modification under this section need not be relabeled.

(b) When the estimated annual energy consumption or energy efficiency rating of a given model of a covered product falls outside the limits of the current range 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 one of the two sentences below, as appropriate, in the space just below the scale, as follows:

The estimated annual energy consumption of this model was not available at the time the range was published.

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

[59 FR 34033, July 1, 1994, as amended at 67 FR 35008, May 17, 2002; 68 FR 8449, Feb. 21, 2003]

#### REQUIRED DISCLOSURES

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

(a) *Labels for covered products other than fluorescent lamp ballasts, general service fluorescent lamps, medium base compact fluorescent lamps, general service incandescent lamps (including incandescent reflector lamps), showerheads, faucets, water closets and urinals*—(1) *Layout*. All energy labels for each category of covered product shall 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 dimensions for all labels shall be as follows: width must be between 5¼ inches and 5½ inches (13.34 cm. and 13.97 cm.); length must be 7¾ inches (18.73 cm.). Copy is to be set between 27 picas and 29 picas and copy page should be centered (right to left and top to bottom). Depth is variable but should follow closely the prototype labels appearing at the end of this part illustrating the basis layout. All positioning, spacing, type sizes and line widths should be similar to and consistent with the prototype labels.

(2) *Type style and setting*. The Helvetica Condensed series typeface or equivalent shall be used exclusively on

the label. Specific sizes and faces to be used are indicated on the prototype labels. No hyphenation should be used in setting headline or copy text. Positioning and spacing should follow the prototypes closely. Generally, text must be set flush left with two points leading except where otherwise indicated. Helvetica Condensed Regular shall be used for all copy except the large number indicating the estimated annual energy consumption or energy efficiency rating, which shall be in Helvetica Condensed Black, and all other numerals and letters used in immediate connection with the Energy Efficiency Scale, which shall be in Helvetica Condensed Bold. See the prototype labels for specific directions.

(3) *Colors*. The basic colors of all labels shall be process yellow or equivalent and process black. The label shall be printed full bleed process yellow. All type and graphics shall be print process black.

(4) *Paper stock*—(i) *Adhesive labels*. All adhesive labels should be applied so they can be easily removed without the use of tools or liquids, other than water, but should be applied with an adhesive with an adhesion capacity sufficient to prevent their dislodgment during normal handling throughout the chain of distribution to the retailer or consumer. 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. A minimum peel adhesion capacity for the adhesive of 12 ounces per square inch is suggested, but not required if the adhesive can otherwise meet the above standard. The pressure-sensitive adhesive shall be applied in no fewer than two strips not less than 0.5 inches (1.27 cm.) wide. The strips shall be within 0.25 inches (.64 cm.) 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 (1.27 cm.) wide. The strip shall be within 0.25 inches (.64 cm.) 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