



Office of the Chair

UNITED STATES OF AMERICA
Federal Trade Commission
WASHINGTON, D.C. 20580

**Statement of Chair Lina M. Khan
Regarding the Advance Notice of Proposed Rulemaking
on Improvements to the Energy Labeling Rule
Commission File No. R611004**

October 14, 2022

Today, the Commission voted to issue an Advance Notice of Proposed Rulemaking seeking comment on proposed improvements to the Energy Labeling Rule. Among other areas, the Notice asks whether consumers and independent repair shops would benefit from repair information being more widely available on energy labels. As I noted when the Commission issued its *Policy Statement on Right to Repair* in July 2021, I believe it is vital that the Commission use every tool available to it to vindicate Americans' right to repair their own products,¹ and I am pleased that we are continuing to follow through on that commitment here.

The Energy Policy and Conservation Act of 1975 gives the Commission clear statutory authority to require manufacturers to provide consumers with “additional information relating to energy consumption, including instructions for the maintenance, use, or repair of the covered product” if the Commission finds such information would assist with purchasing decisions or in the use of the product.² For the first time, the Commission is deploying this tool to ask whether consumers and independent repair shops would benefit from having repair information more widely available on energy labels. Such a provision could help consumers more easily repair everything from refrigerators and dishwashers to washing machines, air conditioners, water heaters, and televisions—products currently covered under the Rule—as well as new products that the Commission is considering adding to the Rule, including clothes dryers, air purifiers, humidifiers, hearths and outdoor heaters, cooking tops, and electric spas.

As the FTC's work has documented,³ companies routinely use a wide array of practices to restrict Americans from repairing their own products. These restrictions can raise costs for consumers, stifle innovation, close off business opportunity for independent repair shops, create

¹ Remarks of Chair Lina M. Khan Regarding the Proposed Policy Statement on Right to Repair (July 21, 2021), https://www.ftc.gov/system/files/documents/public_statements/1592358/p194400khanremarksrighttorepair.pdf.

² 42 U.S.C. § 6294(c)(5).

³ In July 2019, the Commission held a workshop and a call for research on the prevalence and impact of manufacturers' repair restrictions. Nixing the Fix: A Workshop on Repair Restrictions, Fed. Trade Comm'n (July 2019), <https://www.ftc.gov/news-events/events/2019/07/nixing-fix-workshop-repair-restrictions>. In May 2021, the Commission issued a report to Congress that identified various types of repair restrictions and explored how the Commission could best address repair restriction concerns. FED. TRADE COMM'N, NIXING THE FIX: AN FTC REPORT TO CONGRESS ON REPAIR RESTRICTIONS (May 2021), https://www.ftc.gov/system/files/documents/reports/nixing-fix-ftc-report-congress-repair-restrictions/nixing_the_fix_report_final_5521_630pm-508_002.pdf.

unnecessary electronic waste, delay timely repairs, and undermine resiliency.⁴ Today's action demonstrates the Commission's commitment to using every tool it has available to advance Americans' ability to access independent repair. It builds on the *Policy Statement on Right to Repair* that the Commission issued in July 2021, affirming our intent to root out illegal repair restrictions.⁵ The Commission has since brought numerous right to repair cases, addressing unlawful repair restrictions affecting a variety of products, including motorcycles and outdoor electric power generators.⁶

I thank our staff for their work on this important matter and look forward to hearing from the public during this rulemaking proceeding.

⁴ Remarks of Chair Lina M. Khan Regarding the Proposed Policy Statement on Right to Repair, *supra* note 1.

⁵ Press Release, Fed. Trade Comm'n, FTC to Ramp Up Law Enforcement Against Illegal Repair Restrictions (July 21, 2021), <https://www.ftc.gov/news-events/news/press-releases/2021/07/ftc-ramp-law-enforcement-against-illegal-repair-restrictions>.

⁶ Press Release, Fed. Trade Comm'n, FTC Takes Action Against Harley-Davidson and Westinghouse for Illegally Restricting Customers' Right to Repair (June 23, 2022), <https://www.ftc.gov/news-events/news/press-releases/2022/06/ftc-takes-action-against-harley-davidson-westinghouse-illegally-restricting-customers-right-repair-0>; Press Release, Fed. Trade Comm'n, FTC Takes Action Against Weber for Illegally Restricting Customers' Right to Repair (July 7, 2022), <https://www.ftc.gov/news-events/news/press-releases/2022/07/ftc-takes-action-against-weber-illegally-restricting-customers-right-repair>.