

FTC Fiscal Year 2024 Agency Report

1. Please provide a summary of your agency’s activities undertaken to carry out the provisions of OMB Circular A-119, “Federal Participation in the Development and Use of Voluntary Consensus Standards and in Conformity Assessment Activities” and the National Technology Transfer and Advance Act (NTTAA). The summary should contain a link to the agency’s standards-specific website(s) where information about your agency’s standards and conformity assessment related activities are available.

The Federal Trade Commission (“FTC” or “Commission”) is an agency of the United States Government charged with enforcing competition and consumer protection laws. The Commission’s primary contact with voluntary consensus standards and the organizations that produce them is in connection with the enforcement of the Federal Trade Commission Act, which prohibits unfair methods of competition and unfair or deceptive acts and practices in or affecting commerce. Consistent with its statutory authority, the Commission occasionally has promulgated consumer protection regulations that incorporate voluntary consensus standards. *See, e.g.*, 16 C.F.R. § 306.5 (provision of FTC’s “Fuel Rating Rule”); 16 C.F.R. § 460.5 (provision of FTC’s “R-Value Rule”). FTC staff monitors complaints about products and may conduct investigations, including testing, to ensure accurate labeling or advertising. The Commission does not participate in the standards development activities of voluntary consensus standards bodies.

To carry out the provisions of OMB Circular A-119, the FTC has designated the Deputy General Counsel for Legal Counsel as its Agency Standards Executive. The FTC’s Office of the General Counsel, under the direction of the Agency Standards Executive, provides advice to FTC staff regarding implementation of revised OMB Circular A-119.

2. Please record any government-unique standards (GUS) your agency began using in lieu of voluntary consensus standards (VCS) during FY 2024. Please note, GUS which are still in effect from previous years should continue to be listed, and you do not need to report your agency’s use of a GUS where no similar VCS exists.

Start by reviewing Table 1: Current Government Unique Standards FY2023.

To add a new GUS, please include:

- 1. The name of the GUS:** 16 C.F.R. § 432.3(e), Standard test conditions
- 2. The name(s) and version(s) of the VCS(s) that might have been used, but after review, found to be inappropriate:** ANSI/CTA-490-B
- 3. A brief rationale on why the VCS(s) was not chosen:** Pursuant to its ongoing regulatory review schedule, in 2020, the Commission sought comment on its Amplifier Rule, which is codified at 16 C.F.R. part 432. 85 FR 82391 (Dec. 18, 2020). In response, the FTC received 550 unique comments. The comments indicated that there was a continuing need for the rule. In addition, many commenters urged the Commission to standardize certain test conditions in the rule that are used in consumer disclosures, thus enabling consumers to meaningfully compare amplifier performance attributes. The Commission therefore published a Notice of Proposed Rulemaking (NPRM) as well as a Supplemental Notice of Proposed Rulemaking (SNPRM) seeking comment

on the test conditions proposed by commenters. *See* 87 FR 45047 (Jul. 27, 2022); 88 FR 56780 (Aug. 21, 2023). The FTC received nine comments in response to the NPRM and four comments in response to the SNPRM, including comments from the voluntary consensus body that promulgated the VCS at issue. No commenters suggested that the FTC adopt the VCS at issue. Therefore, consistent with the rulemaking record, the FTC amended the Amplifier Rule to add the test conditions in 16 C.F.R. § 432.3(e). 89 FR 49799 (Jun. 12, 2024).

Current total GUS = 1

Table 1: Current Government Unique Standards FY2023
