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Via E-mail and U.S. Mail

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Bruce Jacobs, Chief
Spectrum Enforcement Division
Enforcement Bureau
Federal Communications Commission
445-12th Street, S.W.
Washington, D.C. 20554

Dr. Rashmi Doshi, Chief
Laboratory Division
Office of Engineering and Technology
Federal Communications Commission
7435 Oakland Mills Rd
Columbia MD 21046-1609

Re: Complaint of Violation of Part 18 Marketing Regulations
By Home Depot With Respect to RF Lighting Devices.

Dear Mr. Jacobs and Dr. Doshi:

This office represents ARRL, the national association for Amateur Radio, formally known as the American Radio Relay League, Incorporated. The purpose of this letter and the attached evidentiary document entitled "*FCC Part 18 Marketing Violations by Home Depot*" (the Report) prepared by ARRL Laboratory Staff member Mike Gruber is to request on behalf of ARRL that the Commission investigate and commence an enforcement proceeding with respect to Home Depot's marketing and retail sale of radio frequency (RF) lighting devices in the United States. ARRL purports to show that the hardware and home improvement chain is, in at least three stores located in California, Connecticut and Massachusetts (and by inference in other stores nationwide) marketing and selling to consumers (by retail sale) non-consumer, Part 18 RF lighting devices which are not intended for residential deployment, to consumers who have specifically noted their intention to deploy the devices in residential applications.

As is noted in the attached Report, there are within the Part 18 ISM rules [See Sections 18.305(c) and 18.307(c)] two classes of Conducted and Radiated Emissions limits for RF lighting devices such as CFLs and Electronic Fluorescent Light Ballasts. One is for consumer equipment (defined at Section 18.107 as that category of ISM equipment which is used or intended to be used by the general public in a residential environment, notwithstanding its use in other areas). The other is for non-consumer equipment (which of necessity is intended for non-residential applications). These classes of limits are vastly different. For example, the conducted emission limits for Amateur Radio allocations below 30 megahertz are 22 dB different as between consumer and non-consumer applications. Section 18.213(d) states that “manufacturers of RF lighting devices must provide an advisory statement, either on the product packaging or with other user documentation, similar to the following: This product may cause interference to radio equipment and should not be installed near maritime safety communications equipment or other critical navigation or communication equipment operating between 0.45-30 MHz.”

ARRL has received numerous complaints from amateur radio operators of significant noise in the Medium (MF) and High Frequency (HF) bands between 1.8 MHz and 30 MHz from “grow lights” and other Part 15 and Part 18 RF lighting devices. In response to these complaints, among other things, These devices are easily capable of emitting RF noise sufficient to preclude Amateur Radio MF and HF communications (and as well AM Broadcast station reception) throughout entire communities (and at distances of up to ½ mile from the device. ARRL has, as is noted in the attached Report, conducted studies in several states, including California, Illinois, Massachusetts and Connecticut and has discovered an alarming number of instances of retail sale of electronic lighting ballasts, in which non-consumer-rated ballasts were mixed in with consumer ballasts and other consumer products. Furthermore, the display signage in many cases did not mention or adequately address FCC Part 18 requirements as they pertain to interference in a residential environment. In most of the stores surveyed, unsuspecting consumers have no way of knowing the significance of consumer vs. non-consumer ballasts. In some cases, “commercial” grade ballasts, with their associated non-consumer emissions limits, appeared to be a heavier duty or superior product. The display signage typically used implies, therefore, that commercial ballasts are also a product upgrade for home use. It typically does not include or mention the applicable FCC requirements.

Although Part 18 only describes limits for consumer and non-consumer RF Lighting Devices, many ballasts are only labeled as either Part 18A or 18B. This nomenclature is clearly an adaptation from Part 15A and 15B, which pertains to commercial/industrial and residential digital devices, respectively. Part 18 does not include an A or B designation for RF lighting devices and the labelling is not at all helpful to consumers.

In the four cases of actual purchases of RF Lighting devices at retail from Home Depot, the purchasers specifically asked about residential deployment of non-consumer RF lighting ballasts. The device was actually purchased in each case cited. It is readily

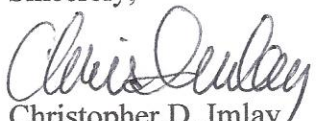
apparent that Home Depot (and, in ARRL's experience, other similar hardware retail sellers) are actively and knowingly engaged on a daily basis in selling non-consumer, commercial RF lighting products to Home Depot customers for residential deployment. If this activity is left unchecked the Commission will continue to note a deterioration in ambient noise levels and preclusive interfering signals for both AM Broadcasters and Amateur Radio licensees in the entirety of the High Frequency bands.

ARRL respectfully requests that all non-consumer devices be removed from retail sale and marketing at Home Depot. Those non-consumer devices that have been sold to consumers should be tracked and recalled.

Given the foregoing, on behalf of the more than 730,000 licensed radio amateurs in the United States who have a significant interest in avoiding interference in residential environments from RF lighting devices which were never intended to be deployed in a residential environment, ARRL respectfully requests that your offices take the appropriate action with respect to Home Depot and other similar chains of retail sales of these devices without delay.

Should any additional information be called for, please contact the undersigned, General Counsel for ARRL. Thank you very much for your consideration of this request.

Sincerely,


Christopher D. Imlay
General Counsel, ARRL

Attachment

Copy to: Home Depot Atlanta Store Support Center, 2455 Paces Ferry Road, S.E.
C-22, Atlanta, GA 30339 (Attention: Teresa Wynn Roseborough,
Executive Vice President, General Counsel and Corporate Secretary)