



December 31, 2015

Federal Trade Commission
Office of the Secretary
600 Pennsylvania Avenue NW
Suite CC-5610 (Annex E)
Washington, DC 20580

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RE: Energy Labeling Amendments (16 CFR part 305) (Project No. R611004)

Dear Mr. Newsome:

Plumbing Manufacturers International (PMI) appreciates the opportunity to provide comments to the Federal Trade Commission (FTC) in regards to the Energy Labeling Amendments (16 CFR part 305). PMI is an international, U.S.-based trade association representing 90% of plumbing products sold in the United States. It has made the promotion of water efficiency and safety a top priority and has included it in its mission statement.¹ PMI's members are industry leaders in producing safe, reliable and innovative water efficient plumbing technologies and have supported water efficiency legislation and codes in California, as well as the voluntary US EPA WaterSense® program.

In regards to the proposed plumbing ASME reference updates, PMI proposes that ASME product standard marking requirements for showerheads and faucets (A112.18.1), as well as water closets and urinals (A112.19.2), be removed from 16 CFR part 305 for the following reasons:

- The current markings were incorporated into the FTC regulations at the urging of plumbing manufacturers to align with marking requirements in both standards in force at the time, which included the "M" designation. The current revision of both standards referenced by the DOE and FTC no longer require these markings and deleting them would again align the FTC marking requirements with the standards, and therefore in accordance with EPCA's labeling requirements in 42 U.S.C. 6294(a)(2)(E)(ii) and 42 U.S.C. 6294(a)(2)(F)(ii).
- Other appliances types, such as refrigerators and air conditioners, do not require a standard marking, e.g. – 16 CFR parts 305.11(f) & 305.12(f), and label examples in Appendix L. Consistent with these other appliance types, the only product/package marking information in 16 CFR part 305.16 that is truly useful for a consumer is the flow rate/water use and manufacturer identification, which we are in full support of keeping. Retaining the flow rate and water use information is consistent with EPCA's requirements in 42 U.S.C. 6294(a)(2)(E)(i) and 42 U.S.C. 6294(a)(2)(F)(i).

¹ PMI's Mission: To promote the water efficiency, health, safety, quality and environmental sustainability of plumbing products while maximizing consumer choice and value in a fair and open marketplace. To provide a forum for the exchange of information and industry education. To represent openly the members' interests and advocate for sound environmental and public health policies in the regulatory/legislative processes. To enhance the plumbing industry's growth and expansion.

- All plumbing codes require manufacturers to third-party certify their products to the current applicable standard, such as ASME A112.18.1/CSA B125.1 (2012). This certification requires testing to all applicable product standard requirements including flow rate. Furthermore, third-party certification requires periodic auditing of the product and manufacturing facilities to assure ongoing compliance with the current standard. The ASME A112.18.1 and ASME A112.19.2 markings (with or without the “M”) have absolutely no effect on the products being produced as they must be in compliance with the latest revision of the standards.
- A third-party certification mark of conformance on the product, e.g. – UPC, CSA, NSF, etc., is the assurance to the marketplace that a product has met all applicable product requirements. Therefore, the ASME A112.18.1 and A112.19.2 markings are redundant and unnecessary with the required third-party certification marks.
- Many other appliance types do not require such rigid oversight, but instead are permitted to be self-certified.
- The general public is unaware of the significance of the “M”, and of the ASME A112.18.1 and A112.19.2 markings as a whole. No harm has been done to consumers because of this out-of-date marking and they have, and will continue to receive, the most current products regardless of the marking.
- The current markings are applied onto products and product packaging by various manufacturing methods including molding, stamping, casting, pad printing, laser etching and printing. Continuing to require these insignificant markings minus the “M” will entail modifying thousands of items (products and packaging) at significant cost to manufacturers, e.g. – a 16 cavity mold may cost several thousand dollars to modify plus the cost of lost production time.
- Even an implementation time longer than two years will not alleviate the time-consuming, costly modifications and production disruption required to come into compliance.

In closing, PMI respectfully requests that the FTC consider our comments to the proposed rulemaking. Furthermore, we would like to thank the FTC for the opportunity to provide comments for the proposed Energy Labeling Amendments (16 CFR part 305). Our partnership with the federal regulatory and stakeholder communities will continue to promote water efficiency that will produce safe, sanitary, efficient and reliable plumbing products.

Sincerely,



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