

January 7, 2016

Federal Trade Commission

Office of the Secretary

600 Pennsylvania Avenue NW

Suite CC-5610 (Annex E)

Washington, DC 20580

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

Dear Mr. Newsome:

CSA Group appreciates the opportunity to provide comments to the Federal Trade Commission (FTC) in regards to the Energy Labeling Amendments (16 CFR part 305). CSA Group is a standards developer and certifier for various consumer products in the U.S. as well as a US EPA WaterSense® partner and US DOE Approved Testing Laboratory. We develop a majority of plumbing standards and are one of the major certification bodies in North America for plumbing products.

In regards to the proposed plumbing ASME reference updates, CSA Group 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 appliance 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).
- All plumbing codes require manufacturers to certify their products with a third party 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. – CSA, NSF, UPC 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.
- With harmonization of product standards between the U.S. and Canada, plumbing fixtures and fittings are now certified to the same standards. However, the Canadian government does not have a similar federal marking requirement. The lack of a federal marking requirement in Canada has not caused harm to Canadian residents.

In closing, CSA Group 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).

Sincerely,



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