



October 20, 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)

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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.

PMI appreciates the fact that the FTC agrees with our comments to remove ASME product standard marking requirements for showerheads, faucets, water closets and urinals from 16 CFR Part 305.16. As recognized by the FTC, these standard markings have outlived their usefulness and are no longer required by the latest versions of the ASME standards.

However, in the actual proposed rule for 16 CFR Part 305.16 (dated September 12, 2016), it does not clearly show the deletion of the text for ASME marking requirements. Therefore, in order to make the FTC's recommendations clear within the proposed rulemaking, PMI recommends the following revisions:

§ 305.16 Labeling and marking for plumbing products.

(a) Showerheads and faucets. Showerheads and faucets shall be marked and labeled as follows:

(1) Each showerhead and flow restricting or controlling spout end device shall bear a permanent legible marking indicating the flow rate, expressed in gallons per minute (gpm) or gallons per

¹PMI'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.

cycle (gpc), and the flow rate value shall be the actual flow rate or the maximum flow rate specified by the standards established in subsection (j) of section 325 of the Act, 42 U.S.C. 6295(j). Except where impractical due to the size of the fitting, each flow rate disclosure shall also be given in liters per minute (L/min) or liters per cycle (L/cycle). For purposes of this section, the marking indicating the flow rate will be deemed "legible," in terms of placement, if it is located in close proximity to the manufacturer's identification marking.

- (2) Each showerhead and faucet shall bear a permanent legible marking to identify the manufacturer. This marking shall be the trade name, trademark, or other mark known to identify the manufacturer. Such marking shall be located where it can be seen after installation.
- ~~(3) Each showerhead and faucet shall be marked "A112.18.1M" to demonstrate compliance with the applicable ASME standard. The marking shall be by means of either a permanent mark on the product, a label on the product, or a tag attached to the product.~~
- (4) ~~(3)~~ The package for each showerhead and faucet shall disclose the manufacturer's name and the model number.
- ~~(5)~~ (4) The package or any label attached to the package for each showerhead or faucet shall contain at least the following: ~~"A112.18.1M"~~ and the The flow rate expressed in gallons per minute (gpm) or gallons per cycle (gpc), and the flow rate value shall be the actual flow rate or the maximum flow rate specified by the standards established in subsection (j) of section 325 of the Act, 42 U.S.C. 6295(j). Each flow rate disclosure shall also be given in liters per minute (L/min) or liters per cycle (L/cycle).

(b) Water closets and urinals. Water closets and urinals shall be marked and labeled as follows:

- (1) Each such fixture (and flushometer valve associated with such fixture) shall bear a permanent legible marking indicating the flow rate, expressed in gallons per flush (gpf), and the water use value shall be the actual water use or the maximum water use specified by the standards established in subsection (k) of section 325 of the Act, 42 U.S.C. 6295(k). Except where impractical due to the size of the fixture, each flow rate disclosure shall also be given in liters per flush (Lpf). For purposes of this section, the marking indicating the flow rate will be deemed "legible," in terms of placement, if it is located in close proximity to the manufacturer's identification marking.
- (2) Each water closet (and each component of the water closet if the fixture is comprised of two or more components) and urinal shall be marked with the manufacturer's name or trademark or, in the case of private labeling, the name or registered trademark of the customer for whom the unit was manufactured. This mark shall be legible, readily identified, and applied so as to be permanent. The mark shall be located so as to be visible after the fixture is installed, except for fixtures built into or for a counter or cabinet.
- ~~(3) Each water closet (and each component of the water closet if the fixture is comprised of two or more components) and urinal shall be marked at a location determined by the manufacturer with the designation "ASME A112.19.2M" to signify compliance with the applicable standard. This mark need not be permanent, but shall be visible after installation.~~

- ~~(4)~~ *(3) The package, and any labeling attached to the package, for each water closet and urinal shall disclose the flow rate, expressed in gallons per flush (gpf), and the water use value shall be the actual water use or the maximum water use specified by the standards established in subsection (k) of section 325 of the Act, 42 U.S.C. 6295(k). Each flow rate disclosure shall also be given in liters per flush (Lpf).*
- ~~(5)~~ *(4) With respect to any gravity tank-type white 2-piece toilet offered for sale or sold before January 1, 1997, which has a water use greater than 1.6 gallons per flush (gpf), any printed matter distributed or displayed in connection with such product (including packaging and point-of-sale material, catalog material, and print advertising) shall include, in a conspicuous manner, the words "For Commercial Use Only."*

Furthermore, PMI would like to request that the proposed rulemaking go into effect no later than 30 days after it is published in the Federal Register. The reason for this request is to allow manufacturers that choose to eliminate ASME markings from their products, in accordance with the new rule, the ability to do so as soon as legally possible.

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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cc: PMI Board of Directors