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Project Title:	Appliance Efficiency Regulations for Dipper Wells
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Document Title:	CEC's Response Letter to the Dipper Wells Proposal in IAPMO's WE Stand
Description:	On June 19, 2025, IAPMO held a meeting a Technical Committee Meeting for the 2027 WE-STAND Code Development. This letter was read and submitted to the committee that day in response to a proposal that would increase the flow rate on dipper wells.
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June 19, 2025

IAPMO's WE-Stand Technical Committee
4755 E. Philadelphia St.
Ontario, California 91761

**California Energy Commission's Comments on the 2025 WE-Stand
Technical Committee Monograph – Item #018/ Dipper Wells**

Dear We-Stand Technical Committee,

The California Energy Commission (CEC) is the primary energy policy and planning agency for the State of California. One of the CEC's chief mandates is, "to reduce the wasteful, uneconomic, inefficient, and unnecessary consumption of energy, including the energy associated with the use of water..." in the state by prescribing standards for minimum levels of operating efficiency for appliances that consume a significant amount of energy or water on a statewide basis.¹

In pursuit of this goal, the CEC initiated a rulemaking proceeding in October 2021 focused on improving the water efficiency of dipper wells. This proceeding will evaluate and potentially establish comprehensive regulations for dipper wells, including efficiency standards, test procedures, marking, and certification requirements. These regulations would fall under Title 20, California Code of Regulations, Sections 1601–1609, also known as California's Appliance Efficiency Regulations. The goal of this proceeding is to reduce wasteful and unnecessary water and energy consumption in the state of California.

The CEC appreciates the opportunity to comment on item #018 submitted by Kyle Thompson on behalf of Plumbing Manufacturers International (PMI), which proposes to remove the existing requirement of metered or sensor activated flow and to change the maximum flow rate for dipper wells from 0.2 gallons per minute (gpm) to 2.2 gpm.²

¹ State of California, Public Resources Code, Section 25402.

² The proposal suggests revising the text of Section 407.5 of the upcoming 2027 IAPMO We-Stand. The proposal can be found in the 2025 We-Stand Technical Committee Meeting Monograph found at:

https://codes.iapmo.org/docs/2027/WESTAND/2025_WESTand_TC_Meeting_Monograph.pdf

While we acknowledge the importance of food safety highlighted in the substantiation of the proposal, we respectfully oppose increasing the maximum flow rate to 2.2 gpm.

Our primary concern with the proposal stems from the fundamental misconception that dipper wells should be used for utensil sanitation. **A dipper well is not a sanitation device.** Its intended purpose is to maintain utensils in a state of readiness by preventing the buildup of particulate matter between uses, or as a temporary holding location before proper washing. It is not designed, nor should it be relied upon, to sanitize or even thoroughly clean utensils. Proper sanitation involves comprehensive steps, including washing utensils with soap and water, followed by rinsing and then chemical or heat-based sanitization.³

The proposal cites FDA Food Code Section 3-304.12 (D), which requires "running water of sufficient velocity to flush particulates to the drain" for certain moist foods. We agree with the necessity of flushing particulates. However, it's crucial to examine the full context of how the FDA Food Code describes "in-use utensils" and their storage. The FDA Food Code provides various options for storing in-use utensils, six to be exact, which helps frame the dipper well's actual role.

The FDA Food Code specifies that once a utensil starts being used, it's an "in-use utensil" and "must be cleaned and sanitized on a schedule that precludes the growth of pathogens."⁴ And "based on the type of operation, there are a number of methods available for storage of in-use utensils during pauses in food preparation or dispensing, such as in the food, clean and protected, or under running water to prevent bacterial growth." Or "if stored in a container of water, the water temperature must be at least 135°F."⁵ This detailed guidance on storage methods reinforces that when running water is used for in-use utensils, the purpose is storage and preventing particulate buildup, not achieving full sanitation. Furthermore, the Food Code notes that "the handles of utensils, even if manipulated with gloved hands, are particularly susceptible to contamination,"⁶ emphasizing that proper handling and thorough cleaning or sanitizing is of critical importance, not just continuous flushing in a dipper well.

³ 2022 U.S. FDA Food Code, Section 4-6: Cleaning of Equipment and Utensils, and Section 4-7: Sanitization of Equipment and Utensils.

⁴ 2022 U.S. FDA Food Code, Annex 3: Public Health Reasons/Administrative Guidelines; and Section 3-304.12 In-Use Utensils, Between-Use Storage.

⁵ 2022 U.S. FDA Food Code, Annex 7: Model Forms, Guides, and Other Aids, Section 43. In-Use Utensil; Properly Stored; and Chapter 3. Food, Section 3-304.12 In-Use Utensils, Between-Use Storage.

⁶ 2022 U.S. FDA Food Code, Annex 3: Public Health Reasons/Administrative Guidelines, Section 3-304.11 Food Contact with Equipment and Utensils.

For heavier residues like sauces, cheese, or grease, a dipper well, regardless of its flow rate, is an inadequate primary cleaning method. Food establishments commonly utilize other FDA Food Code approved storage methods for these types of heavier residues. As the Food Code permits, these in-use utensils are often stored directly “in the food with their handles above the top of the food and the container.”⁷ Examples include ladles used for dressings in a salad bar, utensils in various food types in a hot bar, or utensils in hot food well warmers in a fast-food establishment. Relying on an increased dipper well flow rate for this purpose could create a false sense of security regarding utensil cleanliness and divert attention from essential multi-step cleaning and sanitizing processes. Lastly, in considering efficiency standards for dipper wells the CEC organized an industry working group with the goal of developing a test standard for dipper wells, and in these meetings it was discussed that a flow rate of 2.2 gpm would be inappropriate for dipper well applications, causing splashing and conditions not ideal for a kitchen setting.

For the reasons stated above, the CEC opposes the dipper well proposal submitted by PMI and urges the We-Stand Technical Committee to reject the proposed revision.

The CEC appreciates the opportunity to comment on the 2025 WE-Stand Monograph. If there are any questions about these comments, please contact Jessica Lopez at jessica.lopez@energy.ca.gov.

Sincerely,

Peter Strait
Appliance Efficiency Branch Manager
California Energy Commission

⁷ 2022 U.S. FDA Food Code, Section 3-304.12 In-Use Utensils, Between-Use Storage, Parts (A) and (B).