

**DOCKETED**

<b>Docket Number:</b>	21-AAER-01
<b>Project Title:</b>	Appliance Efficiency Regulations for Dipper Wells
<b>TN #:</b>	268255
<b>Document Title:</b>	CEC's Comments on the 2025 WE-Stand Report on Proposals (Item #18 - Dipper Wells)
<b>Description:</b>	The 2025 WE-Stand ROP included a proposal on dipper wells that would increase the flow rate. The CEC submitted this letter to IAPMO on January 16, 2026, recommending to reject the proposal for the 2027 WE-Stand Code Cycle.
<b>Filer:</b>	Jessica Lopez
<b>Organization:</b>	California Energy Commission
<b>Submitter Role:</b>	Commission Staff
<b>Submission Date:</b>	1/16/2026 12:18:05 PM
<b>Docketed Date:</b>	1/16/2026



## CALIFORNIA ENERGY COMMISSION



January 16, 2026

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

### **California Energy Commission's Comments on the 2025 WE-Stand Report on Proposals – 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.<sup>1</sup>

In pursuit of this goal, the CEC initiated a pre-rulemaking proceeding in October 2021 to explore water efficiency standards for 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 technical discussions within the CEC proceeding are virtually identical to the ones within the IAPMO We-Stand proceeding. Therefore, 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.<sup>2</sup> The following statement was read by CEC staff at the Technical Committee Meeting on June 19, 2025 in Ontario, CA during the discussion on item #018 and is now resubmitted to provide important clarification to the technical committee:

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<sup>1</sup> State of California, Public Resources Code, Section 25402.

<sup>2</sup> 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](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.<sup>3</sup>

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.<sup>4</sup>

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."<sup>5</sup> 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."<sup>6</sup> 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.

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

<sup>4</sup> 2022 U.S. FDA Food Code, Section 3-304.12(A)-(F): In-Use Utensils, Between-Use Storage,

<sup>5</sup> 2022 U.S. FDA Food Code, Annex 3: Public Health Reasons/Administrative Guidelines; and Section 3-304.12 In-Use Utensils, Between-Use Storage.

<sup>6</sup> 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.

Furthermore, the Food Code notes that "the handles of utensils, even if manipulated with gloved hands, are particularly susceptible to contamination,"<sup>7</sup> emphasizing that proper handling and thorough cleaning or sanitizing is of critical importance, not just continuous flushing in a dipper well.

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."<sup>8</sup> 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 also appreciated the opportunity to participate in the Dipper Well Faucets Subgroup meetings on December 10, 2025, and on January 9, 2026, organized by IAPMO to resolve disagreements regarding the We-Stand dipper wells standard. The CEC provided information at the requests of technical committee members to help guide the discussion and this information is also included with this letter as three separate attachments, as further described below.

First, the subgroup was provided with excerpts from the 2022 FDA Food Code that are related to dipper wells. The CEC wants to emphasize that the FDA Food

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<sup>7</sup> 2022 U.S. FDA Food Code, Annex 3: Public Health Reasons/Administrative Guidelines, Section 3-304.11 Food Contact with Equipment and Utensils.

<sup>8</sup> 2022 U.S. FDA Food Code, Section 3-304.12 In-Use Utensils, Between-Use Storage, Parts (A) and (B).

Code does not set a flow rate standard for dipper wells, nor does it require the use of a dipper well for in-use utensils. Instead, the FDA Food Code provides six options for storing in-use utensils where dipper wells are one of the six options described in sections 3-304.12(A) through (F). Section 3-304.12(D) states that in-use utensils can be stored “in running water of sufficient velocity to flush particulates to the drain”, which are what dipper wells are designed to do.

There are five other options for storage of in-use utensils, however, and to summarize for context, sections 3-304.12(A) and (B) allow storage within the food, where residues from contact can be presumed to remain on the utensil throughout use. Section (C) allows storage in a clean location near the food provided the utensil and location “are cleaned and sanitized at a frequency specified under §§ 4-602.11 and 4-702.11”, highlighting that requirements for the cleaning of utensils are located in Section 4-6, Cleaning of Equipment and Utensils, which is not referenced by Section 3-304.12(D). Section (E) allows storage in a clean location near the food without additional cleaning when the food “is not time/temperature control for safety”, meaning that ice or flour scoops may be expected to retain a small quantity of residual meltwater or flour dust (as respective examples). Finally, Section (F) allows storage in a container of non-running water “if the water is maintained at a temperature of at least 57°C (135°F) and the container is cleaned at a frequency specified under Subparagraph 4-602.11(D)(7)”, using temperature paired with cleaning consistent with Section 4-6 provisions to accomplish the same prevention of microbial proliferation as the continual addition of clean water.

Second, the subgroup was provided with a list of known voluntary and mandatory standards for dipper wells ranging from 0.2 gpm to 2.2 gpm. The CEC wants to highlight the origin of the 0.2 gpm standard currently in the We-Stand standard, as mentioned in the subgroup meeting on December 10, 2025. Dan Cole, a representative of IAPMO, noted that in 2014 proposals to lower the flow rate for the 2015 IAPMO Green Plumbing and Mechanical Code Supplement were proposed by Bill Hoffman (HW Hoffman & Associates) with the justification that “the Food Service Technology Center [now Frontier Energy] reports that most all dipper wells that they collect data on use 0.2 gpm or less.”

Lastly, the subgroup was provided with the three attachments enclosed within the Request for Information (RFI) published by the CEC on September 24, 2024.<sup>9</sup> Attachment A to this RFI lists draft terms and definitions developed by members of a working group conducted by the CEC in 2022 through 2024. The CEC suggests using these terms and definitions as a starting point if definitions are

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<sup>9</sup> California Energy Commission, [Request for Information \(RFI\) on Appliance Efficiency Regulations for Dipper Wells](#), September 24, 2024

needed for the proposed 2027 We-Stand standard. Attachment B to this RFI is a draft test method for continuous dipper wells based on the industry standard ASME A112.18.1 [Plumbing Supply Fittings], section 5.4 [Flow Rate], version 2018. The purpose of the test method is to measure the maximum flow rate of continuous dipper wells. This draft test method incorporates changes proposed by members of the CEC working group. Attachment C to this RFI includes responses from Environmental Health Specialists from certain local jurisdictions responsible for enforcing the California Food & Safety Code. The local jurisdictions include Sacramento County, City of Berkeley, Butte County, and El Dorado County. This outreach effort aimed to resolve questions and concerns on safety and sanitation raised by stakeholders. Responses indicate the food and safety code does not conflict with the development of a maximum flow rate for continuous dipper wells or with the installation of alternative (e.g., non-continuous) dipper wells. Experts in this field prioritize cleanliness of the device and surrounding surfaces as specified in the food and safety code.

The CEC appreciates the opportunity to comment on the 2025 WE-Stand Report on Proposals (ROP). If there are any questions about these comments, please contact Jessica Lopez at [jessica.lopez@energy.ca.gov](mailto:jessica.lopez@energy.ca.gov).

Sincerely,



David Hochschild  
Chair  
California Energy Commission

Enclosed:

1. 2022 FDA Food Code References
2. Voluntary and Mandatory Standards for Dipper Wells
3. CEC's RFI Appliance Efficiency Regulations for Dipper Wells:  
Attachments A, B, and C.

# 2022 U.S. FDA Code, Section 3-304.12

## **3-304.12 In-Use Utensils, Between-Use Storage.**

During pauses in FOOD preparation or dispensing, FOOD preparation and dispensing UTENSILS shall be stored:

- (A) Except as specified under paragraph (B) of this section, in the food with their handles above the top of the food and the container;
- (B) In food that is not time/temperature control for safety food with their handles above the top of the food within containers or equipment that can be closed, such as bins of sugar, flour, or cinnamon;
- (C) On a clean portion of the food preparation table or cooking equipment only if the in-use utensil and the food-contact surface of the food preparation table or cooking equipment are cleaned and sanitized at a frequency specified under §§ 4-602.11 and 4-702.11;

- (D) In running water of sufficient velocity to flush particulates to the drain, if used with moist food such as ice cream or mashed potatoes;
- (E) In a clean, protected location if the utensils, such as ice scoops, are used only with a food that is not time/temperature control for safety food; or
- (F) In a container of water if the water is maintained at a temperature of at least 57°C (135°F) and the container is cleaned at a frequency specified under Subparagraph 4-602.11(D)(7).

# 2022 U.S. FDA Code, Annex 3.

## **3-304.12 In-Use Utensils, Between-Use Storage.**

Refer to the public health reason for § 3-304.11.

Once a food employee begins to use a utensil such as a ladle, spatula, or knife, that has been previously cleaned and sanitized, it is then considered an in-use utensil. In-use utensils, used on a continuous or intermittent basis during preparation or dispensing, must be cleaned and sanitized on a schedule that precludes the growth of pathogens that may have been introduced onto utensil surfaces. In-use utensils may be safely stored in hot water maintained at 135°F or above during intermittent use because microbial growth is controlled at such temperatures.

A food utensil should be designed and used to prevent bare hand contact with ready-to-eat food or to minimize contact with food that is not in a ready-to-eat form. On-site evaluations can be made to determine if a utensil is improperly designed for the task or whether a food employee is misusing an appropriately designed utensil.

# 2022 U.S. FDA Code, Annex 7

## **43. In-use utensils; properly stored**

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. If stored in a container of water, the water temperature must be at least 135°F. In-use utensils may not be stored in chemical sanitizer or ice between uses. Ice scoops may be stored handles up in an ice bin except for an ice machine.

Applicable Code Sections: 3-304.12 In-Use Utensils, Between-Use Storage

# Voluntary & Mandatory Standards

Source	Maximum Flow Rate Standard	Prescriptive Measure	Enforcement Level
2003 Arizona Municipal Water User Association. Facility Managers Guide to Water Management.	0.3 gpm	NA	Recommendation
2012 BSR/ASHRAE/ASPE/AWWA Standard 191P, Standard for the Efficient Use of Water in Building Mechanical Systems (DRAFT only).	0.25 gpm	Must have a shutoff valve and flow control.	Voluntary
2015 Marin Water District (Title 13, Section 13.02.021, (4) B. Commercial Equipment Specifications, 3. Dipper Wells	0.3 gpm	NA	New or Existing Water Service
2015/2018/2021 International Association of Plumbing & Mechanical Officials (IAPMO) Uniform Plumbing Code	2.2 gpm	Must have a shutoff valve and flow control.	Mandatory if adopted by jurisdictions
2016/2019/2022 California Plumbing Code (CCR, Title 24, Part 5, Appendix L)	2.2 gpm	Must have a shutoff valve and flow control.	Mandatory if adopted by a local jurisdiction
2017/2020/2023 International Association of Plumbing & Mechanical Officials (IAPMO) Water Efficiency and Sanitation Standard (WE-Stand)	0.2 gpm	Must be metered or sensor activated. (2020/2023)	Voluntary
2022 Denver Green Code	0.3 gpm 0.1 gpm or none under drought conditions	NA	Limited Mandatory Use/Voluntary Enhanced Use
2024 IAPMO Uniform Plumbing Code (Appendix L)	0.2 gpm	Must be metered or sensor activated.	Mandatory if adopted by jurisdictions
2025 California Plumbing Code (CCR, Title 24, Part 5, Appendix L)	0.2 gpm	Must be metered or sensor activated.	Mandatory if adopted by a local jurisdiction

<b>DOCKETED</b>	
<b>Docket Number:</b>	21-AAER-01
<b>Project Title:</b>	Appliance Efficiency Regulations for Dipper Wells
<b>TN #:</b>	259263
<b>Document Title:</b>	Request for Information (RFI) on Appliance Efficiency Regulations for Dipper Wells
<b>Description:</b>	Written comments are due by November 8, 2024. The purpose of this Request for Information (RFI) is to share the results of workgroup activities, including preliminary staff and/or workgroup recommendations for continuous dipper wells, with interested stakeholders and members of the public while also seeking feedback.
<b>Filer:</b>	Jessica Lopez
<b>Organization:</b>	California Energy Commission
<b>Submitter Role:</b>	Commission Staff
<b>Submission Date:</b>	9/24/2024 10:33:58 AM
<b>Docketed Date:</b>	9/24/2024

## **Attachment A**

### **Terms and Definitions**

**Dipper well** means a container or receptacle used for temporary storage of utensils between use that is equipped with either a temperature-controlled reservoir or a faucet that provides water flow to a receiving well with drainage.

**Continuous dipper well** means a dipper well with a faucet designed to provide continuous potable water flow to a receptacle with drainage.

**Non-continuous dipper well** means a dipper well that does not rely on continuous flow of potable water, including intermittent dipper wells and heated dipper wells.

**Intermittent dipper well** means a non-continuous dipper well where potable water flow is initiated and terminated mechanically or automatically.

**Heated dipper well** means a non-continuous dipper well that is equipped with a temperature-controlled reservoir that maintains a water temperature to inhibit bacterial growth.

## Attachment B

### Draft Test Method for Continuous Dipper Wells

This test method applies to continuous dipper wells.

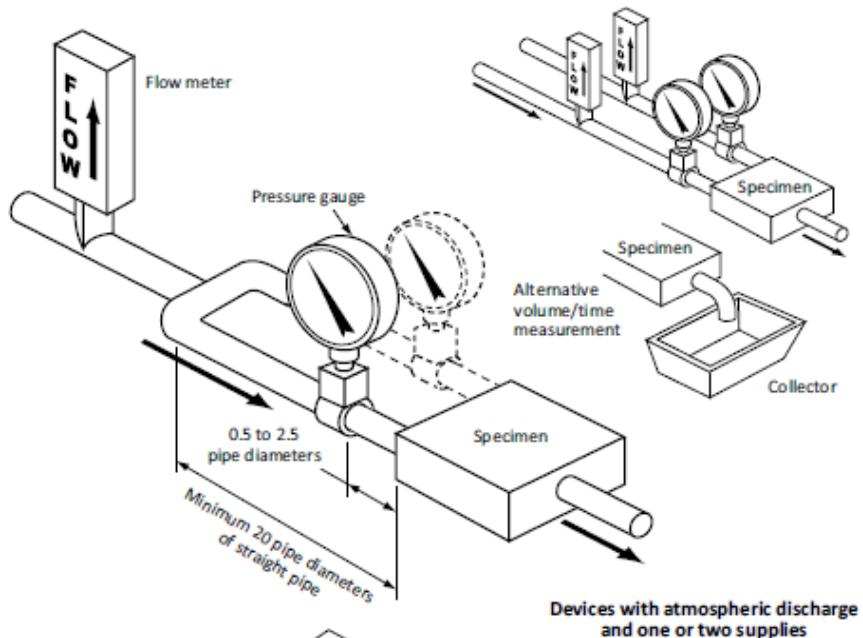
#### **1.1. Specimen**

The specimen shall

- a) be thoroughly flushed before the flow rate is measured;
- b) be connected to a smooth-interior pipe or tubing with a length equal to at least 20 times the inside diameter of the inlet(s) of the specimen;
- c) have a pipe or tubing of the length specified in Item b) connected to the outlet of the specimen if the specimen does not discharge to the atmosphere;
- d) be connected to a pipe or tubing of the same nominal size as the specimen connections.

The test set-up shall be as shown in **Figure 1**.

**Figure 1: Discharge Capacity Test Schematics**



#### **1.2. Flow Rate**

Other flow rate test conditions shall be as follows:

- a) the upstream pressure tap(s) shall be located as shown in **Figure 1**;
- b) pressure tap size and configuration shall comply with ASME PTC 19.2 or ANSI/ISA-75.02;
- c) if a fluid meter is used to measure flow rate, the installation shall be as specified in ASME PTC 19.5; and
- d) if the time/volume method is used, the container shall be of sufficient size to hold the collected water for at least 1 min.

### **1.3. Procedure**

Fittings shall be tested at the maximum flow setting with the water valve fully open.

The flow rate test shall be conducted with water between 50 and 70°F in accordance with the intended end use of the fitting and at  $410 \pm 7$  kPa ( $60 \pm 1$  psi) at the inlet when water is flowing.

## **Attachment C**

### **Responses from Experts in Food and Safety**

As recommended by stakeholders, staff initiated outreach to California experts in food and safety to resolve questions or concerns about the impact efficiency standards on dipper wells could have on sanitation of dipper wells. Below are a sample of responses from representatives of county environmental departments or divisions.

Questions posed to public health officials included the following:

- How do inspectors' grade or inspect dipper wells?
- How are alternatives to dipper wells graded or inspected?
- Is there a minimum flow rate that is considered "of sufficient velocity to flush particles" [CRFC section 114119]?
- Does the department collect information on the types of appliances used in food establishments?
- Does the inspector verify or test that the dipper well properly rinses food residue?
- Do you see a pattern in the type of locations that use dipper wells based on your experience?
- Is there a ratio of number of utensils to the volume of dipper well bowls/sinks?
- Does the county have its own food and safety code?
- Are you seeing more alternatives to continuous dipper wells such as heated dipper wells?
- Does the inspector check for equipment certification on dipper wells?

Below is a summary of the responses staff received from public health officials so far.

<b>California County</b>	
Sacramento County Environmental Management Department	<p>Response #1:</p> <p>If a dipper well is being used, it is required to be running.</p> <p>Standing water with any type of food particles or residue can provide a medium for bacterial growth. The flow of the water can be very slow as long as it is sufficient to wash away particles and residue. The dipper well should still be cleaned and sanitized routinely.</p> <p>There aren't a lot of dipper wells out there and we do not track equipment.</p>

<b>California County</b>	<b>Response</b>
	<p>Many facilities keep utensils in an ice bath (&lt;41F), in pH adjusted standing water (added vinegar), or in hot water - in insert on steam table/container on flat grill (over 135F)</p> <p>There are also fancy units that are an alternative to dipper wells and we are seeing these more often now, but they are too expensive for most food facility operators. Examples:</p> <p><a href="https://gatorchef.com/products/conservewell-heated-drop-in-utensil-holder-with-timer-server-products-87770">https://gatorchef.com/products/conservewell-heated-drop-in-utensil-holder-with-timer-server-products-87770</a></p> <p><a href="https://www.katom.com/003-87760.html?gclid=EAIAIQobChMIjKz87qb_QIVbRWtBh021gvqEAQYASABEqJ-iPD_BwE">https://www.katom.com/003-87760.html?gclid=EAIAIQobChMIjKz87qb_QIVbRWtBh021gvqEAQYASABEqJ-iPD_BwE</a></p> <p>Response #2:</p> <p>We generally make sure that the water in the dipper well is clean.</p> <p>We do see dipper wells in ice cream shops and often in restaurants like Denny's or IHOP.</p> <p>There is no ratio of utensils to bowl – it just needs to look like its functioning properly.</p> <p>All counties in California enforce the California Retail Food Code</p> <p><a href="https://emd.sacounty.gov/EH/Documents/CALIFORNIA%20RETAIL%20FOOD%20CODE.pdf">https://emd.sacounty.gov/EH/Documents/CALIFORNIA%20RETAIL%20FOOD%20CODE.pdf</a></p>
City of Berkeley Division of Environmental Health	<p>A dipper well should have cold running water and the inner and outer surfaces should be clean to be regarded as code compliant. If an ice cream case does not have a dipper well the scoop may be stored inside the freezer in a sanitized container.</p> <p>A scoop held in a dipper well is considered "rinsed" between uses. We also require sanitization every 24 hours if the water holding a utensil is below 41F. If the water is above 41F the utensil should be sanitized every 4 hours.</p> <p>We don't collect information regarding equipment used in food facilities, although all equipment is vetted for code compliance prior to use or installation.</p>

Butte County Public Health	<p>We have to follow the California Retail Food Code, and this is the section on in-use utensils:</p> <p>114119. In-use utensils, between-use storage</p> <p>During pauses in FOOD PREPARATION or dispensing, FOOD PREPARATION and dispensing UTENSILs shall be stored in the following manner:</p> <p>(a) Except as specified under subdivision (b), in the FOOD with their handles above the top of the FOOD and the container. (b) In FOOD that is not POTENTIALLY HAZARDOUS, with their handles above the top of the FOOD within containers or EQUIPMENT that can be closed, such as bins of sugar, flour, or cinnamon.</p> <p>(c) On a clean portion of the FOOD PREPARATION table or cooking EQUIPMENT only if the in-use UTENSIL and the FOOD-CONTACT SURFACE of the FOOD PREPARATION table or cooking EQUIPMENT are cleaned and sanitized at a frequency specified under section 114117.</p> <p>(d) In running water of sufficient velocity to flush particulates to the drain, if used with moist FOOD such as ice cream or mashed potatoes.</p> <p>(e) In a clean, protected location if the UTENSILs, such as ice scoops, are used only with a FOOD that is not POTENTIALLY HAZARDOUS.</p> <p>(f) In a container of water if the water is maintained at a temperature of at least 135°F and the container is cleaned at least every 24 hours or at a frequency necessary to preclude the accumulation of soil residues.</p> <p>As you can see, ice cream utensils need to be stored in running water, or the alternative could be (f) above where a steam table where the water is kept at 135°F or above.</p> <p>We just need to ensure that whatever device they are installing follows that part of the code and are NSF certified.</p>

County of El Dorado Environmental Management Department	<p>During an inspection at a typical ice cream store inspectors would evaluate food storage equipment including dipper wells. Staff would check to see that the dipper well was functioning properly by checking to see if water was flowing through the dipper well and that it was draining from the dipper well. However, we do not have a specific flow rate that we are checking when inspecting dipper wells.</p> <p>Our department evaluates equipment to be installed in restaurants when they are remodeled or when a new restaurant is being built. Although we don't have a list of equipment installed in each restaurant, we do review each piece of commercial equipment installed in each food facility.</p>