

DOCKETED

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**INTERNATIONAL ASSOCIATION OF
PLUMBING AND MECHANICAL OFFICIALS**

66 Liberty Drive
Dayton, New Jersey 08810

Ph: 732.329.1237 | Fax: 732.274.0183
<http://www.iapmo.org>

May 21, 2015

Mr. Andrew McAllister, Commissioner
California Energy Commission
1516 Ninth Street, MS 34
Sacramento, CA 95814

Dear Commissioner McAllister,

Regarding the April 1 Executive Order B-29-15, the International Association of Plumbing and Mechanical Officials (IAPMO), with headquarters in Ontario, California, urges that you reconsider the California Energy Commission's [CEC] regulation adopted April 8, 2015 regarding the lowering of flow rates in residential bathroom faucets to 1.2 gallons per minute (gpm).

IAPMO was founded in 1926, and is the pre-eminent code development, product certification and testing, and training/curriculum providing organization for plumbing, mechanical, swimming pool, solar and radiant heating industries in the United States and around the world. With approximately 5,000 members, IAPMO remains the only standards body where plumbing, mechanical and solar codes are developed employing a true and fully voluntary consensus process. We proudly publish our flagship model codes, the *Uniform Plumbing Code*, *Uniform Mechanical Code*, *Uniform Solar Energy Code* and *Uniform Swimming Pool, Spa and Hot Tub Code*, as designated as American National Standards, accredited by the American National Standards Institute (ANSI).

As a California based association, we fully understand the urgent need to improve water efficiency and reduce water consumption in the State. However, this particular ill-advised regulation will not result in significant water savings, will certainly waste energy (and the embedded water in that energy), poses potential health and safety risks that far outweigh the questionable water savings, and may cause significant marketplace disruptions related to supply chain issues and lead to conformity assessment problems resulting from an overly aggressive enactment date.

The U.S. EPA's WaterSense program, an incentive labeling program similar to Energy Star, already stratifies the residential bathroom faucet market by requiring a maximum flow rate of 1.5 gpm, a significant reduction from the 2.2 gpm maximum flow rate requirement contained in the ANSI/ASME consensus standard. The problems associated with lowering flow rates beyond the WaterSense level are multifaceted:

- Wasted Water and Energy - As flow rates are lowered, it takes longer for



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water to travel the distance between the water heater and the point of use. This condition is made even worse by the fact that energy wasting heat losses will increase as the hot water slowly makes its way to the faucet. As a result, consumers will be more likely to turn on their bathroom faucet and leave the bathroom while waiting for hot water to arrive. It is logical to predict that this water wasting behavior will increase as wait times for hot water delivery get longer and increasingly unacceptable to users. With ever-greater attention being given to Water-Energy Nexus concerns, we need to recognize that this wasted energy carries with it a water waste quotient. Thus, this regulation has the potential to actually decrease both water and energy efficiencies in the State.

- **Health and Safety** - There is a growing body of evidence that suggests an increased health and safety risk associated with the lowering of flow rates in premise plumbing systems. With lower water flow velocities in water supply pipes, scouring action on interior pipe walls is reduced. Current research indicates a correlation between lower flow rates and an increase in biofilm growth. These biofilms contain opportunistic pathogens, such as legionella, which pose a significant health risk, especially to the elderly and people living with compromised immune systems. While additional research is desperately needed to more fully understand these implications, it is clear that putting those already fragile populations at an increased health risk in an attempt to attain the questionable water savings associated with this regulation is ill considered to the extreme.
- **Marketplace Implications** - Should the emergency provision to stand in spite of the above concerns, IAPMO encourages you to consider the very real problems associated with the current January 1, 2016 implementation date for the 1.2 gpm provision. The IAPMO Group fully supports the concerns articulated by the Plumbing Manufacturers International regarding the potential for supply chain disruptions and resulting marketplace confusions that can result. Supply chains for manufacturers are complex and additional time beyond January 1, 2016 for manufacturers to be able to react and get compliant product into the marketplace is clearly needed. As an independent certification body, IAPMO R&T will be tasked with ensuring that the products being installed in the State are compliant with the requirements contained in the Uniform Plumbing Code and all applicable additional regulations. Thus, in addition to getting compliant products developed, manufactured, and into their distribution systems, manufacturers will also be required to have these



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products independently retested and listed by a certification body, such as IAPMO R&T, in order to have those products legally installed in the State. Please refer to PMI implementation timeline attached to this letter and note the significant time allotted for product testing, certification and listing. While IAPMO R&T will do everything possible to assist manufacturers in obtaining the required certifications, we can say from a wealth of experience that a rush to market drastically increases the potential for problems and mistakes to happen, even amongst the companies with robust compliance programs in place. We ask that the Commission also consider that cheap, non-compliant products are getting past U.S. Customs and finding their way to our shores and into our marketplace. Thus, this regulation will increase costs for manufacturers that work hard to comply with all applicable regulations while providing additional monetary incentives for un-reputable manufacturers to exploit.

For these reasons, the IAPMO Group urges the Commission to re-consider and revise its emergency regulation as it pertains to residential lavatory faucets.

Thank you for your consideration.

Respectfully,

A handwritten signature in black ink, appearing to read "Peter DeMarco". The signature is written in a cursive, flowing style.

Peter DeMarco
Senior Vice President of Advocacy & Research
The IAPMO Group

