

Appliance Standards Awareness Project  
Natural Resources Defense Council  
American Council for an Energy-Efficient Economy  
New York State Energy Research and Development Authority  
Northwest Energy Efficiency Alliance  
Washington State Department of Commerce

August 1, 2022

Mr. Bryan Berringer  
U.S. Department of Energy  
Office of Energy Efficiency and Renewable Energy  
Building Technologies Office, EE-5B  
1000 Independence Avenue SW  
Washington, DC 20585

**RE: Docket Number EERE–2019–BT–TP–0021/RIN 1904–AE75: Notice of Proposed Rulemaking for Test Procedure for Faucets and Showerheads**

Dear Mr. Berringer:

This letter constitutes the comments of the Appliance Standards Awareness Project (ASAP), Natural Resources Defense Council (NRDC), American Council for an Energy-Efficient Economy (ACEEE), New York State Energy Research and Development Authority (NYSERDA), Northwest Energy Efficiency Alliance (NEEA), and Washington State Department of Commerce on the notice of proposed rulemaking (NOPR) for test procedure for faucets and showerheads. Since states are able to and have set standards for faucets and showerheads, which must rely on the federal test procedure, states including New York and Washington have a vested interest in ensuring that the federal test procedure effectively supports the implementation of state standards. 87 Fed. Reg. 32351 (May 31, 2022). We appreciate the opportunity to provide input to the Department.

**We support DOE’s proposal to add additional direction to the industry test method.** In the NOPR, DOE proposed to update the faucet and showerhead test procedures to reference the latest version of the industry standard, ASME A112.18.1-2018. In addition, DOE proposed to supplement the industry test method with additional detail to ensure that the proposed test methods would produce more accurate results.<sup>1</sup> We appreciate DOE examining the gaps present in the industry test procedure and proposing to implement additional detail in line with current testing practices. We believe that each of the additional specifications will better ensure accurate and repeatable testing.

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<sup>1</sup> 87 Fed. Reg. 32357.

**We urge DOE to ensure that the showerhead definition includes body sprays, regardless of installation orientation.** There seems to be no technical nor market distinction that differentiates body sprays from showerheads, aside from the position of installation. However, the current definition of showerhead includes the provision “typically from an overhead position,” which is not grounded in statute. In the NOPR, DOE stated that to the extent that a body spray meets the definition of showerhead, such product is subject to the 2.5 gpm standard regardless of the consumer installation orientation, but that the Department cannot make a general statement that all body sprays are showerheads as some body sprays are installed exclusively at body height and exclusively spray horizontally.<sup>2</sup> We do not believe that the phrase “typically from an overhead position” in the showerhead definition excludes certain body sprays from the class of covered products (“showerheads”) because they spray horizontally simply due to their manner of installation. However, if DOE determines that the current definition excludes certain body sprays based on installation orientation, we encourage the Department to either explicitly include body sprays in the definition of “showerhead” or amend the definition to remove the “typically from an overhead position” language.

**We urge DOE to develop a test method for flow restrictor retention for showerheads.** By statute, the energy conservation standard for showerheads has always included a requirement for the retention of flow restricting devices.<sup>3</sup> This requirement is as much a part of the standard as the maximum flow rate, and yet the retention requirement is not addressed in the test procedure, nor is a test procedure specified in ASME A112.18.1-2018. There is currently no test method in place that would verify that the removal of a showerhead’s flow restrictor requires the application of at least 36 Newtons (8 pounds) of force, as required.

In 2013, DOE proposed but did not finalize a test method for verification of compliance with this requirement, stating that further investigation would be necessary to fully understand the impacts.<sup>4</sup> However, it does not appear that DOE has conducted further investigation since the Final Rule in 2013. In the current NOPR, DOE simply states that developing a test method may be difficult given the variation in design of flow restrictor devices. DOE also states in the NOPR that it does not have any indication that customers are removing flow restriction devices. However, numerous online articles provide detailed instructions for laypersons to easily remove flow restrictors.<sup>5</sup> Additionally, restrictors may also be removed by installers in a misguided attempt to please customers or avoid callbacks.

In 2010, DOE issued a waiver of federal preemption of state regulations concerning the water use of showerheads, faucets, water closets, and urinals,<sup>6</sup> and as a result numerous states have adopted showerhead standards that are more stringent than the federal standard of 2.5 gpm. The lack of a test method for flow restrictor retention is a particular concern for these states.

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<sup>2</sup> 87 Fed. Reg. 32356.

<sup>3</sup> 42 USC 6295(j)(1). Also 10 CFR 430.32(p).

<sup>4</sup> 87 Fed. Reg. 32358-32359.

<sup>5</sup> See for example <https://www.bomisch.com/remove-flow-restrictor-from-shower-head/> and <https://www.sunrisespecialty.com/how-to-remove-flow-restrictor-from-shower-head>.

<sup>6</sup> 75 Fed. Reg. 80289 (December 22, 2010).

Multiple showerhead manufacturers provide 1.8 gpm or 2.0 gpm showerheads with an optional 2.5 gpm flow restrictor in the box with easy instructions for how to replace the flow restrictor.<sup>7</sup> This makes compliance with the state standards the choice of the installer, and this loophole undermines significant water and energy savings nationwide.

Flow restrictors serve a critical function, and their casual removal or replacement jeopardizes the effectiveness of the standard and its intended savings of energy and water. To address this gap in the implementation of the standard, we urge the Department to develop a typology of showerhead designs and removable flow restriction devices and investigate one or more methods for measuring the force required for removal of flow restrictors. The identification of more than one test method may be necessary to accommodate different showerhead designs.

Thank you for considering these comments.

Sincerely,



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<sup>7</sup> See for example this unboxing video of a SparkPod showerhead:  
[https://www.amazon.com/vdp/041386a63959436686d67cdcf3e703d4?ref=dp\\_vse\\_rvc\\_1](https://www.amazon.com/vdp/041386a63959436686d67cdcf3e703d4?ref=dp_vse_rvc_1).