



February 14, 2022

Maryland House Environment and Transportation Committee
Chair Kumar Barve
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Annapolis, MD 21401
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RE: Maryland HB 772 – Energy and Water Efficiency Standards

Dear Delegate Kumar Barve:

Plumbing Manufacturers International (PMI) appreciates this opportunity to provide comments regarding Maryland HB 772 that the House Environment and Transportation Committee will be considering.

Regarding the proposed bill, PMI **supports** the proposed efficiency standards for plumbing products which are in line with the flow rates of the EPA WaterSense® program. However, we believe the following additional comments and modifications should be considered before the adoption and passage of this bill into law.

The page and line references are in relationship to the introduced draft of HB 772 dated February 3, 2022. PMI's proposed bill text changes are indicated in **red** below:

- There are several plumbing product definitions in the bill that are not defined in accordance with national standards that are referenced in the Maryland Plumbing Code. These national standards are ASME A112.18.1/CSA B125.1 for plumbing fixture fittings such as faucets and showerheads and ASME A112.19.2/CSA B45.1 for plumbing fixtures such as urinals and water closets. The below definitions should be revised in accordance with the national standards and common industry usage for proper application and enforcement as follows:
 - On page 3 (line 23 –24), (9)“Public Lavatory Faucet” means a ***fitting intended to be installed in a non-residential bathroom that is exposed to walk-in traffic faucet designed to be installed in a public bathroom.***
 - On page 4 (lines 7 – 10), (13)(I) “Showerhead” means ***an accessory to a supply fitting for spraying water onto a bather, typically from an overhead position ~~a device or set of devices~~ that 1. Attached to a single water supply fitting; and 2. Used for spraying water for bathing..***
 - On Page 4 (lines 11-13), (II) “Showerhead” includes a showerhead that can be held or fixed in place ***for spraying water onto a bather*** and ***that is*** connected by a flexible hose (also known as a hand-held showerhead).

- On page 4 (lines 22 - 26), (15) (I) “Urinal” means a plumbing fixture that: ~~1. Is designed to receives~~ only liquid body waste ~~from a standing person;~~ and ~~2. conveys the waste~~ through a trap into a drainage system.
- On page 5 (lines 16 - 18), (16) (I) “Water Closet” means a plumbing fixture ~~having with a water-containing~~ receptor receptacle that receives ~~designed to dispose of~~ liquid and solid body waste and on actuation conveys the waste through an exposed integral trap into a drainage system.
- On page 11 (lines 7 – 11), regarding the sell through date for product specified in Subsection (B)(1)(III) through (XII) of the proposed bill. The existing text is unclear as to the meaning of the phrase “New Product”. From the perspective of a manufacturer “New Product” is that which is newly produced. However, it is also understood that from the perspective of a store customer a “New Product” could be that which is purchased new from the store. To clarify the sell through date, and the meaning of the term “New Product”. And to ensure that retailers and distributors (including local hardware stores) have sufficient time to vend inventoried product without incurring excessive costs or hardship. PMI recommends, revising the text as follows:

(2) BEGINNING JANUARY 1, 2024, A NEW PRODUCT MANUFACTURED ON OR AFTER THIS DATE AND SPECIFIED IN SUBSECTION (B)(1)(III) THROUGH (XIII) OF THIS SECTION MAY NOT BE SOLD OR OFFERED FOR SALE IN THE STATE UNLESS THE EFFICIENCY OF THE NEW PRODUCT MEETS OR EXCEEDS THE EFFICIENCY STANDARDS SPECIFIED IN THE REGULATIONS ADOPTED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

- On pages 11 and 12 (lines 30 – 34 and 1 – 4), the text as proposed appears to permit the Maryland Energy Administration to increase the efficiency standards for new products identified in this bill without any public input at all. PMI is very concerned with this text. Such changes could have a significant, long-term impact on the health and safety of the public, and should be required to, at a minimum, seek public input. Any amendment to efficiency standards should provide for a public input period of no less than 45 days which is the common practice of other states. PMI recommends including the following section:

(3) In considering new or amended standards, the Administration shall propose new or amended efficiency standards if it determines that any new or increased efficiency standards would:

- (i) serve to promote energy conservation in the State;*
- (ii) be life-cycle cost effective for consumers who purchase and use the new products; and*
- (iii) be technologically feasible and economically justified.*

(4) Proposals for new or increased efficiency standards shall be posted for public input for at least 45 days. The Administration, after reasonable notice other than publication in the Maryland Register, shall hold a public hearing to receive public comment.

(4) (5) A new or increased efficiency standard may not become effective less than 1 year after the adoption of that standard.

PMI is an international, U.S.-based trade association representing manufacturers that provide 90% of the plumbing products sold in the United States. PMI members manufacture water-efficient toilets, urinals, faucets, showerheads, and other plumbing products at more than 70 locations across the country for the residential and commercial marketplace. These products are readily available at home improvement

stores, hardware stores and showrooms in all 50 states, as well as online. **In Maryland, plumbing manufacturers contribute \$796.4 million to the economy, provide more than 5,000 good paying jobs with their wholesale and retail partners, and generate \$280.6 million in wages.**

Thank you for considering our comments. If you have any questions regarding our comments, please do not hesitate to contact me.

Sincerely,



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Plumbing Manufacturers International
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cc: Members of the House Environment and Transportation Committee

PMI Members

*Bradley Corporation *Brasscraft Manufacturing Company *CSA Group *Delta Faucet Company *Dornbracht Americas, Inc. *Duravit USA, Inc.
*Fisher Manufacturing Company *Elkay Manufacturing Company *Fluidmaster, Inc. *Gerber Plumbing Fixtures, LLC *Hansgrohe, Inc.
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