



August 31, 2010

Docket No. EERE-2010-BT-NOA-0016  
U.S. Department of Energy  
1000 Independence Ave., S.W.  
Washington, D.C. 20585

Subject: Docket No. EERE-2010-BT-NOA-0016–Notice of Availability of Interpretive Rule on the Applicability of Current Water Conservation Standards for Showerheads

Docket Officer:

The Plumbing Manufacturers Institute (PMI) is the leading not-for-profit trade association of plumbing products manufacturers in the United States. Its more than 30 member companies employ thousands of workers in more than 20 states, and manufacture more than 95% of all the plumbing products sold in this country. PMI's companies are committed to protecting the future of the national and local water supply through water-efficient plumbing products and practices.

In its prior comments, PMI argued that the Interpretive Rule should be subject to the rulemaking procedures in the Administrative Procedures Act (APA), and that it is inconsistent with language and intent of the Energy Policy Act of 1992. Pursuant to discussions with the Department of Energy (DOE) Office of the General Counsel, PMI has received permission to submit supplemental comments focusing on the economic impacts of the Department of Energy (DOE)'s interpretation of the term 'showerhead' after the original deadline for submission of comments. Those supplemental comments are enclosed with this letter.

Because the adverse economic impacts of DOE's proposed interpretation of the term 'showerhead' substantially outweigh the water and energy conservation benefits, PMI respectfully requests that DOE withdraw its draft interpretive rule. If the Department decides to proceed, PMI requests (1) that DOE employ a notice-and-comment rulemaking approach to its showerhead rule; (2) that DOE refer the proposed definition of 'showerhead' to the Office and Management and Budget for further review; (3) that DOE develop a comprehensive study of the economic impacts of the proposed definition, with the full participation of industry and with an opportunity for comment when the study is complete; and (4) that DOE consult with ASME before finalizing any new definition.

If you have any questions concerning our submission, please do not hesitate to contact me at (847) 481-5500.

Sincerely,

A handwritten signature in black ink that reads 'Barbara C. Higgins'.

Barbara C. Higgins  
Executive Director