

June 18, 2010

The Honorable Dr. Steven Chu
Secretary of Energy
1000 Independence Avenue, SW
Washington, DC 20585

Subject: DOE/EERE Proposal to Change Definition of Showerhead - Docket No. EERE-2010-BT-NOA-0016

Dear Secretary Chu:

In May, the U.S. Department of Energy's (DOE) Office of Energy Efficiency and Renewable Energy provided notice that it was soliciting comments on the agency's draft interpretative rule to significantly change the definition of "showerhead" (Federal Register-5/19/10 - Volume 75, Number 96, Page 27926).

After careful review, we believe that that the DOE proposal would impact the use of various types of showering systems in homes across America, including hand-held showers, body sprays, and shower systems. Many of these products are also used in hospitals, nursing homes, schools, and other therapeutic and medical facilities. Additionally, restrictions on these types of shower systems would have a significant impact on plumbing manufacturers, contractors, installers, and retailers across the country. Especially hard hit would be consumers, particularly seniors and members of the disabled community who rely on these types of shower systems as a functional necessity.

We are most concerned about the process the agency is relying upon to implement this proposal. We believe that a change of this magnitude should NOT be exempt from the notice and comment requirements of the Administrative Procedures Act as DOE has asserted. With only a 30-day comment period, DOE's proposed "*interpretative*" rule would negate the standard definition of a showerhead that has existed for decades.

Lastly, it will eliminate the opportunity for consumers to have a choice in determining what type of showering system best suits their individual needs. These showering systems have been available to consumers for over 40 years.

We are committed to the efficient and sustainable use of water; however, given the adverse impact that the agency proposal will have on the American public, we strongly urge DOE to reexamine its decision to redefine by fiat its showerhead rule. Instead, we believe DOE should provide for a fair, full, and transparent process as the agency moves forward on this significant rulemaking.

We look forward to your response on this important matter.

Sincerely,

Plumbing Manufacturers Association

cc: Assistant Secretary Cathy Zoi