



Shaping Tomorrow's Global Built Environment Today

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ASHRAE Society President, 2025-2026

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July 10, 2025

Mr. Lou Hrkman
Principal Deputy Assistant Secretary
Office of Energy Efficiency and Renewable Energy
Building Technologies Office
U.S. Department of Energy
1000 Independence Avenue Southwest
Washington, D.C. 20585

Re: Energy Conservation Program: Energy Conservation Standards for Faucets; Notice of proposed rulemakings; request for comments (Docket: [EERE-2025-BT-STD-0021](https://www.eere.doe.gov/energy-conservation-program/energy-conservation-standards-for-faucets))

Sent via email to: Faucets2025STD0021@ee.doe.gov

Dear Principal Deputy Assistant Secretary Hrkman:

Thank you for the opportunity to provide input on the May 16, 2025 Notice of Proposed Rulemaking (NPRM) issued by the U.S. Department of Energy (DOE) titled, "Energy Conservation Program: Energy Conservation Standards for Faucets." This proposed rulemaking would rescind the maximum water use requirements for faucets codified in title 10 of the Code of Federal Regulations (CFR) 430.32(o), that adopted ASME/ANS Standard A112.18.1M-1996. ASHRAE is providing comments on a narrow element of the rulemaking, specifically regarding DOE's questioning of whether the maximum water use requirements for faucets resulted in "an unconstitutional delegation of legislative power to a private entity." ASHRAE is not opining on the merits of the ASME standard itself.

ASHRAE, founded in 1894, is a professional and technical society of more than 54,000 members who focus on building systems, energy efficiency, indoor air quality, refrigeration and resiliency within the built environment. Through research, standards writing, publishing and continuing education, ASHRAE shapes tomorrow's global built environment today.

ASHRAE is actively engaged in the development of robust, voluntary, consensus-based standards for the built environment that focus on heating, ventilating, air-conditioning, and

refrigeration. Voluntary consensus technical standards developed by private organizations are essential for a productive global economy and to facilitate global commerce. Standards foster safe building technology innovation by providing a transparent baseline and needed metrics for assessing how that technology can impact building design, performance, and the occupants. They are necessary for comparing technologies in the expanding global marketplace and facilitating cross-border collaboration. Governments and model code bodies recognize the value of voluntary consensus standards and adopt them for use in their building codes and regulations.

Voluntary consensus technical standards are developed through the participation of qualified, interested, and affected stakeholders including manufacturers, consumers, users, advocacy organizations, and representatives of government and academia. Standards accreditors such as the American National Standards Institute (ANSI) follow several principles such as consensus, balance, transparency, due process, and technical expertise. ASHRAE is one of seven private standards development organizations in the U.S. that can self-certify that its standards have followed procedures established by the American National Standards Institute (ANSI).

In the United States, elected officials and policymakers have considered voluntary consensus standards so critical that federal law (the National Technology Transfer and Advancement Act of 1995), supplemented by OMB Circular A-119, **directs federal agencies to use voluntary consensus standards wherever possible** in their procurement and regulatory activities in lieu of expending public resources developing government-unique standards. Use of privately developed consensus-based standards by the federal government produces better outcomes because all stakeholders can actively engage in the development of the standard. Current policy recognizes that reliance on voluntary consensus standards protects public health and safety, saves taxpayers money, encourages long-term growth for U.S. businesses, and promotes the global competitiveness of American enterprises by ensuring a level playing-field.

With regard to this particular rulemaking, ASHRAE will not opine on the question of whether the rule was economically justified, but rather will focus on DOE's questioning of whether this activity resulted in an unconstitutional delegation of legislative power to a private entity. The Energy Policy and Conservation Act (EPCA) directs DOE to use updated requirements developed by ASME/ANSI, as long as the updates meet certain criteria.¹ What this means is that DOE remains in control of the rulemaking; it is not being delegated to a private entity. In directing DOE to use the updated standards developed by a private entity (ASME/ANSI), *conditional upon* certain requirements, Congress simply is directing DOE to use a more efficient, cost-effective approach to rulemaking, which is consistent with the National Technology Transfer and Advancement Act. In EPCA, Congress also provides an opportunity for DOE to update a faucet standard that is more stringent than the privately-developed ASME/ANSI standard, as long as certain criteria are met.² Thus, DOE remains in the driver's seat of this

¹ Per 42 U.S.C. 6295(j)(3)(A), DOE would only amend the standard if the ASME/ANSI update is: (i) technologically feasible and economically justified; (ii) consistent with the maintenance of public health and safety; and (iii) consistent with the purposes of this Act.

² Per (42 U.S.C. 6295(j)(3)(B)(i)), DOE could establish more stringent water conservation standards than the ASME/ANSI update, if those more stringent standards: (I) would result in additional conservation of

rulemaking and Congress is simply offering a more efficient process to save taxpayers' money. Thus, Congress is certainly not delegating its legislative authority to a private group through EPCA, as the decision-making authority remains with DOE.

Thank you for considering ASHRAE's comments on this NOPR. We hope our comments will clarify how federal agencies can use privately-developed consensus based standards to improve the efficiency of government, while agencies retain their full authority in rulemakings. We appreciate your consideration and would be happy to provide any additional information needed. If you would like any clarification on the submitted response or have any other questions, please do not hesitate to contact me or have your staff contact GovAffairs@ashrae.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill McQuade", with a stylized flourish at the end.

Bill McQuade
ASHRAE Society President, 2025-2026

energy or water; (II) would be technologically feasible and economically justified; and (III) would be consistent with the maintenance of public health and safety.