



## Comments on Draft WaterSense® Specification for Tank-Type Toilets, Version 2.0

March 2024

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**Commenter:** Eugene DeJoannis

**Affiliation:** General Public

**Comment Date:** January 3, 2024

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We have 3 Niagara Stealth dual flush toilets (original elongated), two of which are 8 years old. They both work very well and we almost never use the full flush mode (0.95 gals/flush). The toilets usually work quite well on the low flush button (0.5 gals /flush). This is a great water saver for us and I fear that your new dual-flush rating system will not show up the advantages of the dual flush modes. If you use a combined rating, you must assume a ratio of low to high flushing, and that can be misleading if the toilet works so well that you always use the low flush button. For us we effectively have 0.5 gal/flush toilets and we are so pleased with them that we added a 3rd in October 2023.

Gene DeJoannis  
[gdejo@sbcglobal.net](mailto:gdejo@sbcglobal.net)  
860-375-3356

If you choose not to find joy in the snow,  
you will have less joy in your life,  
but still the same amount of snow

**Commenter:** Vanessa Higgins  
**Affiliation:** Strathcona County  
**Comment Date:** January 9, 2024

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Thank you for your presentation today on toilet specifications,

We run a toilet rebate program so I think the biggest change will be to connect with our local retailers to let them know of this change (coming soon). As for residents/applicants we will guide them to the product search tool online rather than just seeing the logo in store (this could take a while to transition). When will those items be updated (old 6 lpf dual flush toilets removed)? Sorry, 6 litre per flush is a 1.6 gallon flush.

Shouldn't be a big hurdle. Always good to promote lower water consumption in the washroom.

And I absolutely agree with Stephanie Tanner from the presentation that most dual flush toilet users end up choosing a 6 lpf (full) flush because of confusion. So true.

Thanks!  
Vanessa

**Vanessa Higgins, MSc**  
Water Resources Specialist, Utilities  
[vanessa.higgins@strathcona.ca](mailto:vanessa.higgins@strathcona.ca)



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*Strathcona County is located on Treaty Six Territory and the homeland of the Métis Nation of Alberta, Region Two and Four. Strathcona County honours the First Peoples of this land. We recognize that we stand upon land that carries the footsteps of Cree, Métis, and Blackfoot amongst many other Nations, who have been here for thousands of years. Therefore, Strathcona County has an inherent responsibility to foster healthier relationships with First Peoples and further the Calls to Action as outlined by the Truth and Reconciliation Commission.*

**Commenter:** Kyle Thompson

**Affiliation:** Plumbing Manufacturers International

**Comment Date:** February 16, 2024

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***Email Text:***

Dear EPA WaterSense,

PMI's comments on the draft revised specification, Draft Version 2.0 of the WaterSense Specification for Tank-Type Toilets, is attached.

Please let me know if you have any questions.

All the best,  
- Kyle

**Kyle Thompson**

Technical Director

Plumbing Manufacturers International

Cell: 847-217-7212



**PMI Power Break and Briefing at KBIS**  
Feb. 28, 10:30 a.m. - 11:30 a.m. PT

***Email Attachment:***

See pages 4 through 5.

## Template for Public Comment Submission on WaterSense Documents

**Commenter Name:** Kyle Thompson

**Commenter Affiliation:** Plumbing Manufacturers International (PMI)

EPA invites interested parties to provide written comments or materials relevant to the draft Version 2.0 of the WaterSense Specification for Tank-Type Toilets. Please send any comments or suggestions to [watersense-products@erg.com](mailto:watersense-products@erg.com) no later than **February 23, 2024**.

**Date of Comment Submission:** **February 16, 2024**

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**Topic:** Section 3.0, Water Efficiency Criteria - Flat flush volume of 1.28 gpf.

**Comment:** PMI supports the revision from 1.28 gpf effective flush volume to a flat flush rate of 1.28 gpf.

**Rationale:** A flat flush rate of 1.28 gpf for both single and dual flush toilets standardize the requirements for these products.

**Suggested Change (or Language):**

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**Topic:** Appendix B: Transition Period for Version 2.0 of the Specification

**Comment:** PMI acknowledges EPA's recognition of the amount of time required for production adjustments, testing, label updates, and certification of new products to align with updated specifications and standards. Accordingly, PMI suggests a 24-month transition period between the publishing date of Version 2.0 and the discontinued date. PMI proposes that the effective date is specified as 18-months following the publishing of Version 2.0, followed by a 6-month period before the removal of discontinued products from the WaterSense Product Search Tool.

**Rationale:**

As previously noted by the EPA, the changes proposed in the new specification will effectively delist 74 to 75% of the current WaterSense labeled dual-flush tank-type toilets. Based on the significant impact Version 2.0 will have on the industry, and the time required to fill the void in the market created when up to 75% of WaterSense Listed dual flush toilets are discontinued. PMI is requesting a 24-month total transition period, eighteen months between the publishing date of Version 2.0 and the effective date followed by six-months between the effective date and discontinued date.

A 24-month transition period is consistent with other rulemakings such as efficiency standards under the U.S. DOE - Energy Independence and Security Act of 2007 where manufacturers are given at least two years to meet the new standard.

Further, PMI encourages EPA WaterSense to provide a guidance document for producers, retailers, and distributors clarifying that the effective date of the specification coincides with the manufacturing date of the product. Products manufactured prior to the effective date are exempt from compliance with the new requirements and products manufactured on or after the effective date must comply with the new requirements. This guidance document should also explain that following the discontinued date, although products will be removed from the WaterSense Product Search Tool, EPA will still confirm the label status of discontinued products.

### Suggested Change (or Language):

**Table 1. Proposed Timeline and Activities Associated with *WaterSense Specification for Tank-Type Toilets, Version 2.0***

Date	Estimated Timeline	Activities
Publication date	Spring/Summer 2024	• EPA publishes final <i>WaterSense Specification for Tank-Type Toilets, Version 2.0</i> . • Manufacturers, at their discretion, can begin to remove ineligible models from product certification listings.
Effective date	Publication date + <del>six months</del> <u>eighteen months</u>	• <i>WaterSense Specification for Tank-Type Toilets, Version 2.0</i> takes effect. • Dual-flush models that are unable to meet the specification criteria can no longer bear the WaterSense label. • EPA designates all dual-flush models no longer meeting specification criteria as “discontinued.”
Certifying body transition period	Effective date + 60 days	• Licensed certifying bodies are required to update certification listings and submit Version 4.0 of the PNT with up-to-date product listings.
Grace period	Effective date until the discontinue date	• EPA pauses brand monitoring activities related to dual-flush toilets to offer manufacturers and private labelers the opportunity to update materials associated with previously labeled models. • Manufacturers and private labelers work on updates to online and newly printed materials associated with previously labeled models to remove the WaterSense label and any language associated with WaterSense labeling.
Discontinue date	Effective date + six months	• All dual-flush models no longer meeting specification criteria that were designated as “discontinued” are removed from the WaterSense Product Search Tool.
Ongoing	Following discontinue date	• EPA reimplements brand monitoring activities related to dual-flush toilets works with manufacturers, private labelers, and licensed certifying bodies, as applicable, to resolve any identified brand monitoring issues.

**Commenters:** Andrew Morris, Ron Burke  
**Affiliation:** Alliance for Water Efficiency  
**Comment Date:** February 21, 2024

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***Email Text:***

Dear WaterSense Staff,

Please find AWE's comments attached.

Best Regards,

**Andrew D. Morris** | Senior Manager of Policy and Programs  
Alliance for Water Efficiency  
e: [andrew@a4we.org](mailto:andrew@a4we.org)  
p: 770-906-1888  
w: [www.allianceforwaterefficiency.org](http://www.allianceforwaterefficiency.org)

***Email Attachment:***

See pages 7 through 10.



Submitted via email to [watersense-products@erg.com](mailto:watersense-products@erg.com)

February 20, 2024



WaterSense  
U.S. Environmental Protection Agency  
Office of Wastewater Management (4204M)  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460

**Re: WaterSense® Draft Specification for Tank Type Toilets, Version 2.0**

Dear WaterSense Staff:

The Alliance for Water Efficiency ("AWE") is a stakeholder-based 501(c)(3) organization with more than 500 member organizations dedicated to the efficient and sustainable use of water. AWE provides a forum for collaboration around policy, information sharing, education, and stakeholder engagement. AWE is providing these comments on the Draft Specification for Tank-Type Toilets Version 2 ("Draft Specification").

AWE supports WaterSense finalizing the Draft Specification because it will improve the water efficiency of WaterSense labeled dual-flush tank-type toilets. Building on the comments AWE submitted for the notice of intent that led to the Draft Specification, AWE wants to reiterate two points as described in further detail below.

First, the Draft Specification is a major revision only as to dual-flush toilets and is not a major revision as to single-flush toilets; therefore, the six-year limit on major revisions does not apply to single-flush toilets. When a single Draft Specification contains multiple product types, one should look at whether a major revision has been made for each product type individually. AWE is asking WaterSense to either affirmatively determine now that the major revision only applies to dual flush toilets or, if there isn't time for a full analysis on the scope and application of the six-year limit on major revisions, defer to a future date any decisions about whether "major revision" applies to single-flush toilets. Second, AWE supports WaterSense's intent to work with interested parties to conduct additional research on the possibility of a 1.1 gpf max flush for single-flush toilets for WaterSense in order to address data gaps. AWE would welcome the opportunity to support and assist with this research.

1. The Draft Specification is a major revision only as to dual flush toilets and is not a major revision as to single-flush toilets; therefore, the six-year limit on major revisions does not apply to single-flush toilets.

The concept and significance of a major revision comes from the America's Water Infrastructure Act of 2018, which established a six-year limit on the frequency that WaterSense performance criteria related to water savings may be updated. The language, which is codified in statute in 42 U.S.C. §6294b(b)(4), reads in relevant part as follows:

“(b) Duties. The Administrator of the Environmental Protection Agency, in coordination with the Secretary of Energy as appropriate, shall- . . . (4) not more frequently than every 6 years after adoption or major revision of any *WaterSense performance criteria*, review and, if appropriate, *revise the performance criteria* to achieve additional water savings . . .” (Emphasis Added)

The language of the statute limits updates to “WaterSense performance criteria” related to “water savings” to no more frequently than ever six years. In the case of tank type-toilets, the performance criteria related to water savings includes the maximum gallons per flush. It is not a six-year limit on updates to specifications in general, like the Draft Specification, which may include multiple performance criteria related to water savings from multiple product types.


The major revision being made in the Draft Specification only affects the performance criteria for water efficiency for dual flush toilets. In its January 9, 2024 public meeting presentation, WaterSense makes it clear that a large percentage of dual flush toilets will no longer be eligible based on the proposed major revision, but there are no impacts to single-flush models because the maximum flush performance criteria is not being revised for single flush models. All WaterSense labeled single-flush toilets already use 1.28 gpf or less. Here is a screenshot from WaterSense’s presentation:

## Appendix B: Transition Period

- Impact of Intended Revision on Labeled Models

(Full) Flush Volume	≤1.6 gpf and >1.3 gpf	≤1.3 gpf and >1.1 gpf	≤1.1 gpf	Total
Dual-Flush Models	1,487	405	91	1,983
Single-Flush Models	-	2,804	495	3,299
Total Labeled Models	1,487	3,209	586	5,282
Percentage of Dual-Flush Models	75.0%	20.4%	4.6%	
Percentage of Total	28.1%	60.8%	11.1%	

Approximately 75 percent of currently labeled dual-flush models would no longer be eligible



This difference between major revisions to single-flush versus dual-flush toilets would be obvious if WaterSense had chosen to create two different specifications, one for single-flush toilet and one for dual-flush toilets, which it could have done. Merely combining these two products into one specification does not change the fact that the Draft Specification only makes a revision as to the performance criteria related to water savings for dual-flush toilets.

In other contexts, EPA has split complimentary and similar products types into different specifications. Consider that in 2014, WaterSense released its Notice of Intent (NOI) to Develop a Draft Specification for Landscape Irrigation Sprinklers, which considered specification development for both spray sprinkler bodies and nozzles. Based on feedback that WaterSense received on the NOI, it initially moved forward developing a specification for spray sprinkler bodies, and only recently did WaterSense begin developing a specification for spray sprinkler nozzles. While these products are complementary, they are often packaged separately and the performance standards related to water savings could be revised separately.

Furthermore, WaterSense has stated that it is considering developing a specification for kitchen faucets and other types of faucets in addition to the existing specification for lavatory faucets for private use. Clearly, kitchen faucets, lavatory faucets, and other types of faucets are all types of faucets that share both similarities and differences, and they could be handled in one, combined specification or in separate specifications for each product type.

The application of the six-year limit on major revisions should not change based on WaterSense's decision to combine or split its specifications for related products into one or two documents. To determine how the six-year limit applies, one must look at the language of the statute, and it focuses on whether there has been a major revision to the performance criteria related to water savings. Clearly in the case of the Draft Specification, there has been no major revision to the performance criteria for efficiency for single-flush tank-type toilets.

While it is clear in substance is that only dual-flush toilets are being affected by this revision, the language WaterSense proposes in the Draft Specification has the potential to confuse this point. AWE proposes the following language to make it clear that only the performance criteria for water efficiency of dual flush toilets is being revised:

### "3.0 Water Efficiency Criteria

Water consumption shall be tested in accordance with ASME A112.19.2/CSA B45.1.

3.1 For toilets with single-flush capabilities, ~~the~~ the manufacturer shall specify a rated flush volume for the toilet, which shall not exceed 1.28 gallons per flush (gpf; 4.8 liters per flush [Lpf]). The water consumption, determined through testing and evaluated in accordance with the sampling plan contained in 10 CFR 429.30, shall not exceed the rated flush volume.

3.2 For toilets with dual-flush capabilities, the manufacturer shall specify the rated flush volume of both the full-flush and reduced-flush modes, neither of which shall exceed 1.28 gallons per flush (gpf; 4.8 liters per flush [Lpf]). The water consumption, determined through testing and evaluated in accordance with the sampling plan contained in 10 CFR 429.30, shall not exceed the rated flush volume. ~~and the requirements of Section 3.1 shall apply.~~"

This proposed language is also clearer because it more directly states that the full-flush volume shall not exceed 1.28 gpf. If WaterSense fails to clarify the language in the Draft Specification to show that it is only proposing major revisions for dual-flush toilets, this may create confusion and lead one to the incorrect impression that the six-year limitation on updates to WaterSense performance criteria in the statute applies to both dual flush and single flush toilets.

WaterSense also conflated the impacts to dual flush and single flush toilets in its Draft Summary of Revisions to the WaterSense Specification for Tank-Type Toilets dated December 2023 (“Draft Summary of Revisions”). It reads in relevant part that “EPA considers the proposed updates referenced in this document to constitute a major revision because the planned revisions will affect the certification status of some existing WaterSense labeled tank-type toilets.” But what are the “proposed updates” and which products will be affected? It’s only updates to dual-flush toilets.

The language in the Draft Summary of Revisions should be revised along the lines of the following: “EPA considers the proposed updates to the maximum flush for dual-flush toilets referenced in this document to constitute a major revision because the planned revisions will affect the certification status of some existing WaterSense labeled dual-flush tank-type toilets.” Alternatively, if there isn’t time for a full analysis on the scope and application of the six-year limit on major revisions, WaterSense should defer to a future date any decisions about the scope of the major revision and delete this entire sentence.

Even though it is uncertain whether or if WaterSense will update the maximum flush volume for single-flush toilets sooner than six years from now, the six-year limit does not apply to single-flush toilets and so the option should be left open. Additionally, the correct interpretation of the scope and application of the six-year limit on major revisions is important for WaterSense because an incorrect interpretation has the potential to limit WaterSense’s options for other product types, like the various types of faucets.

2.AWE recommends that WaterSense and interested parties conduct additional research on the possibility of a 1.1 gpf max flush for single-flush toilets for WaterSense in order to address data gaps. AWE was especially encouraged to learn at the January 9, 2024 public meeting that WaterSense intends to coordinate with partners to research lowering the max flush volume and the potential impacts to user satisfaction, drainline transport, wastewater treatment and collection, and public health. AWE is committed to assisting and collaborating with WaterSense on this effort, and we would welcome the opportunity to engage on this topic further. As was mentioned in AWE’s comments on the NOI, AWE’s members have a range of perspectives on the feasibility, impacts, and desirability of WaterSense requiring tank-type toilets with flush volumes of 1.1 gpf or less. There is broad agreement among our members that data is lacking on a variety of questions related to the potential advantages and disadvantages of changing the WaterSense max flush specification to 1.1 gpf or less.

In conclusion, AWE supports WaterSense finalizing the Draft Specification based on the improved water efficiency resulting from reducing the full flush maximum for dual-flush toilets to 1.28 gpf. AWE further urges WaterSense to clarify the Draft Specification and Draft Summary of Revisions to make it clear that the major revision only applies to dual-flush toilets. AWE looks forward to collaborating and supporting WaterSense on researching the feasibility, impacts, and desirability of WaterSense requiring tank-type toilets with flush volumes of 1.1 gpf or less.

Sincerely,



Ron Burke  
President and CEO  
Alliance for Water Efficiency

**Commenter:** Larry Himmelblau  
**Affiliation:** The Chicago Faucet Company  
**Comment Date:** February 21, 2024

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***Email Text:***

Attention WaterSense Team,

Please accept and consider the attached comments regarding the changes to the WaterSense HET specification.

Regards,

Larry Himmelblau  
Sr. Product Compliance Engineer

The Chicago Faucet Company  
2100 South Clearwater Drive, Des Plaines, IL-60018, US  
T: +1 224 220 2923  
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[larry.himmelblau@chicagofaucets.com](mailto:larry.himmelblau@chicagofaucets.com)  
[www.chicagofaucets.com](http://www.chicagofaucets.com)  
[www.geberit.us](http://www.geberit.us)

***Email Attachment:***  
See page 12.

## Template for Public Comment Submission on WaterSense Documents

**Commenter Name:** Larry Himmelblau

**Commenter Affiliation:** The Chicago Faucet Company

EPA invites interested parties to provide written comments or materials relevant to the draft Version 2.0 of the WaterSense Specification for Tank-Type Toilets. Please send any comments or suggestions to [watersense-products@erg.com](mailto:watersense-products@erg.com) no later than February 23, 2024.

**Date of Comment Submission:** February 21, 2024

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**Topic:** Water Efficiency Criteria - Flat flush volume of 1.28 gpf.

**Comment:**

It is unfortunate that the studies show the proper use by the public of dual flush water closets has not been achieved. We believe that the dual flush technology is more efficient and saves much more water than the current effective flush volume calculation presents. We believe the ratio of 2:1 is actually much greater in the field. With that said, Chicago Faucet accepts the decision of the EPA to reduce the maximum flush volume for water closet fixtures from 1.6 gpf to 1.28 gpf.

**Rationale:**

A flat flush rate of 1.28 gpf for both single and dual flush toilets standardizes the requirements for these products.

**Suggested Change (or Language):**

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**Topic:** Appendix B: Transition Period for Version 2.0 of the Specification

**Comment:**

EPA's has recognized the amount of time required for production adjustments, testing, label updates, shipping, and certification of new products to align with updated specifications and standards. Accordingly, Chicago Faucet suggests a transition period between the publishing date of Version 2.0 and the discontinued date should be extended.

**Rationale:**

EPA noted that the changes proposed in the new specification will effectively delist approximately 75% of the current WaterSense labeled dual-flush tank-type toilets. Based on the significant impact Version 2.0 will have on the industry, and the time required to fill the void in the market Chicago Faucet is requesting an extended transition period so that our partners may develop new fixtures.

Further, Chicago Faucet encourages EPA WaterSense to provide better guidance documents to producers, distributors, retailers, and installers clarifying which products are accepted at each point of the EPA timeline. Please clarify the status of products at each step in the production process. Products are manufactured, labeled and marked, shipped, and then in the inventory of the producer, wholesaler, retailer, installer, and end user.

**Commenters:** Adam Carpenter, G. Tracy Mehan, III  
**Affiliation:** American Water Works Association  
**Comment Date:** February 21, 2024

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***Email Text:***

Dear WaterSense Colleagues,

Please find comments attached from the American Water Works Association on the Notice titled "WaterSense Specification for Tank-Type Toilets Version 2.0 (Draft)."

Please do not hesitate to reach out should you have any questions or if there's any way that AWWA can be of assistance.

Sincerely,

Adam T. Carpenter (*he/him/his*)  
Manager of Energy and Environmental Policy  
American Water Works Association  
**Direct** +1 202.326.6126  
[acarpenter@awwa.org](mailto:acarpenter@awwa.org) | [www.awwa.org](http://www.awwa.org)

**Linked in** profile



***Email Attachment:***

See pages 14 and 15.



**American Water Works  
Association**

*Dedicated to the World's Most Important Resource™*

Government Affairs Office  
1300 Eye Street NW  
Suite 701W  
Washington, DC 20005-3314  
T 202.628.8303  
F 202.628.2846

February 21, 2024

Veronica Blette  
Chief, WaterSense Branch  
Environmental Protection Agency  
1200 Pennsylvania Ave, NW  
Washington, DC 20460

RE: Notice titled "WaterSense Specification for Tank-Type Toilets Version 2.0 (Draft)"  
([December 2023](#))

Dear Ms. Blette:

The American Water Works Association (AWWA) appreciates the opportunity to comment on the updated draft specification titled "WaterSense Specification for Tank-Type Toilets Version 2.0 (Draft)".<sup>1</sup>

**Support for aligning the standards for single and dual-flush toilets and update overall**

As mentioned in AWWA's August 14, 2023 comments in response to EPA's Notice of Intent to update this standard, AWWA supports the alignment of the specifications to allow for certainty that WaterSense labeled tank-type toilets achieve the anticipated level of water savings. Water system conservation programs often rely upon WaterSense specifications and products to help facilitate effective and efficient programs. Recognizing that many highly-effective single-flush toilet models exist at the 1.28 gallons per flush (GPF) level used for the WaterSense specification, dual-flush toilets can also effectively meet this standard for the "larger flush" option. The certainty that all WaterSense labeled tank-type toilets will meet this same high performance and water savings standard creates a high degree of confidence in their use in conservation programs.

Additionally, the proposed removal of the reference to ASME A112.19.14, because applicable requirements are being incorporated into a different ASME standard, is appropriate and consistent with aligning single and dual-flush toilet specifications.

AWWA supports the update of this WaterSense specification.

Thank you for the opportunity to comment on this WaterSense proposed specification update. If you have any questions regarding this correspondence or if AWWA can be of assistance in some other way, please contact Adam Carpenter at (202) 326-6126 or [acarpenter@awwa.org](mailto:acarpenter@awwa.org).

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<sup>1</sup> EPA. December 2023. WaterSense Specification for Tank-Type Toilets Version 2.0 (Draft).  
[https://www.epa.gov/system/files/documents/2023-12/ws-indoor-technical-toilets-draft-revised-watersense-tank-type-toilet-specification\\_v2\\_508.pdf](https://www.epa.gov/system/files/documents/2023-12/ws-indoor-technical-toilets-draft-revised-watersense-tank-type-toilet-specification_v2_508.pdf)



February 21, 2024

Page 2 of 2

Best regards,

FOR THE AMERICAN WATER WORKS ASSOCIATION

A handwritten signature in black ink that reads "G. Tracy Mehan, III". The signature is fluid and cursive, with the last name "Mehan" being more prominent.

G. Tracy Mehan, III

Executive Director, Government Affairs

### **Who is AWWA?**

*The American Water Works Association (AWWA) is an international, nonprofit, scientific and educational society dedicated to providing total water solutions assuring the effective management of water. Founded in 1881, the Association is the largest organization of water supply professionals in the world. Our membership includes more than 4,500 utilities that supply roughly 80 percent of the nation's drinking water and treat almost half of the nation's wastewater. Our 50,000-plus total membership represents the full spectrum of the water community: public water and wastewater systems, environmental advocates, scientists, academicians, and others who hold a genuine interest in water, our most important resource. AWWA unites the diverse water community to advance public health, safety, the economy, and the environment.*

**Commenters:** Chris Cueman, Chris Corcoran

**Affiliation:** New York State Energy Research and Development Authority

**Comment Date:** February 23, 2024

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***Email Text:***

Good afternoon,

Thank you for the opportunity to comment on the proposed specifications for Water Sense. NY State is grateful for the work that went into this effort and for the water and energy savings that we expect it will produce.

Yours,

Chris

**Chris Cueman** | Senior Project Manager – Codes, Products, & Standards

**NYSERDA** | 17 Columbia Circle | Albany, NY 12203-6399

P: 518-862-1090 x3212 | F: (518) 862-1091 | E: [chris.cueman@nyserda.ny.gov](mailto:chris.cueman@nyserda.ny.gov)  
[nyserda.ny.gov](http://nyserda.ny.gov)

***Email Attachment:***

See page 17.

## Comment Submission on WaterSense Draft 2.0 Specification for Tank-Type Toilets

**Commenter Name:** Chris Corcoran

**Commenter Affiliation:** New York State Energy Research and Development Authority (NYSERDA)

**Date of Comment Submission:** February 23, 2024

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**Topic:** General Support

**Comment:** NYSERDA appreciates the opportunity to submit comments to WaterSense on the Tank-Type Toilet Draft Specification. NYSERDA's mission is to advance clean energy innovation and investments to combat climate change, improving the health, resiliency, and prosperity of New Yorkers and delivering benefits equitably to all. NYSERDA is strongly supportive of WaterSense developing a new specification for this product category. New York established appliance standards that include Tank-Type Toilet in June 2023 referencing the WaterSense specification; NYSERDA looks to the WaterSense program to help establish meaningful opportunities for water savings. A specification for Tank-Type Toilet is expected to lead to water and associated bill savings for New Yorkers. Please do not hesitate to reach out with any questions. Thank you.

**Rationale:** N/A

**Suggested Change (or Language):** N/A

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**Commenter:** Edward Osann

**Affiliation:** Natural Resources Defense Council

**Comment Date:** February 23, 2024

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***Email Text:***

Attached please find the comments of the Natural Resources Defense Council regarding the proposed revision to the WaterSense specification for tank-type toilets. Thankyou for this opportunity to comment.

Edward R. Osann  
Senior Policy Analyst  
Natural Resources Defense Council  
[eosann@nrdc.org](mailto:eosann@nrdc.org)  
310-403-5676

***Email Attachment:***

See pages 19 and 20.

## Template for Public Comment Submission on WaterSense Documents

**Commenter Name:** Edward R. Osann

**Commenter Affiliation:** Natural Resources Defense Council

**Date of Comment Submission:** February 23, 2024

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**Topic:** Draft Version 2.0 of *WaterSense Specification for Tank-Type Toilets*

**Comment:**

**Rationale:**

**Suggested Change (or Language):**

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**Topic: “Major Revision” triggering a 6-year freeze on the tank-type toilet specification**

**Comment:** WaterSense should not finalize this draft revision in a manner that triggers the limiting language in 42 USC § 6294b(b)(4) that would effectively freeze the tank-type toilet specification at current levels until at least 2030.

**Rationale:** The proposed revision, while clarifying and strengthening the requirements for dual-flush toilets, will generate very limited near-term water savings, as it is applicable to a small segment of the overall market for tank-type toilets. Thus, EPA need not deem this revision a “major revision” within the meaning of the WaterSense authorizing legislation. Far greater water savings and consumer benefits would result from a revision to lower the specification’s 1.28 gpf maximum flush volume for all tank-type toilets, first adopted in 2007.

Currently, 11 states and the District of Columbia, together comprising over 30% of the US population, have adopted statutory or regulatory requirements setting a 1.28 gpf maximum for all new tank-type toilets, leaving the WaterSense label without any distinguishing advantage for purchasers in nearly 1/3 of the country. Moreover, toilet technology has continued to advance, with 429 models of tank-type toilets now reported to meet the voluntary requirements of MAP Premium, including a maximum flush volume of 1.1 gpf along with rigorous requirements for the evacuation of 600 grams of waste from the bowl. (See <https://map-testing.com/map-premium/>) Taken together, a strong case can be made for WaterSense to proceed to a wider review of current Version 1.2 at the earliest practical opportunity, without being hamstrung by a 6-year freeze.

**Suggested Change (or Language):** WaterSense should proceed in a manner that does not freeze the 2007 flush volume specification for an additional six years. Options include at least the following –

- 1) Finalize the current draft revision primarily applicable to dual-flush toilets, but characterize it as a minor revision, i.e., Version 1.3.

- 2) Designate dual-flush tank-type toilets as a separate product class and adopt the dual-flush criteria developed in the current draft as a new specification applicable to this new product class, leaving WaterSense Version 1.2 intact and available for revision before 2030 on a schedule to be determined by EPA. Version 1.2 could be redesignated Version 1.3 to reflect the addition of the minor changes included in the current draft that do not pertain exclusively to dual-flush toilets as well as the removal of dual-flush toilets from the Version 1.2 specification.
- 3) Adopt the minor clarifications in the current draft as Version 1.3 but defer adoption of the draft revisions applicable to dual-flush tank-type toilets until EPA is prepared to propose revisions to the 1.28 gpf specification for all tank-type toilets.
- 4) Defer all action to revise Version 1.2 until EPA is prepared to propose revisions to the 1.28 gpf specification for all tank-type toilets.

Any of these options would be preferable to the revision as proposed, which would achieve very small near-term water savings while delaying a far more consequential update of the maximum flush volume for all tank-type toilets until 2030 or beyond.

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