



# DOE is policing the showerhead outlaws

**A**fter just 18 years, the Department of Energy is cracking down on showerhead manufacturers that sell products that flow more than 2.5 GPM. DOE announced enforcement actions against four manufacturers for failing to certify that 116 products complied with EFACT92, the federal law that mandates that showerheads flow no more than 2.5 GPM.

The Office of General Counsel has issued Notices of Proposed Civil Penalty to Zoe Industries, Altmans Products LLC, EZ-FLO International, and Watermark Designs Ltd. for failing to certify to the Department of Energy that showerheads manufactured or distributed by these companies meet the applicable water conservation standard as required by the Energy Policy Conservation Act and DOE's regulations. These Notices of Proposed Civil Penalty collectively propose payments to the government of over \$3 million. Unless the manufacturers settle the claims, the Department will file actions either in District Court or with an Administrative Law Judge to demand payment for the failure to certify their products.

This has been a sore point for years with law-abiding plumbing fittings manufacturers. The manufacturers would certify their products and DOE would toss the certifications in

a drawer. Meanwhile, you could buy showerheads — especially on the Internet — that flow considerably more than 2.5 GPM, but DOE never enforced it.

After DOE's announcement, Delta's Manager of Product Compliance Sally Remedios, said officially, "Delta Faucet Co. complies with all applicable industry standards and believes all other plumbing manufacturers should do the same. As statutes and regulations change or are clarified, Delta Faucet

will continue to ensure its products are in compliance." Unofficially, Sally has been really ticked off about this issue for years. It violates her sense of fair play.

Rob Zimmerman, Kohler senior staff engineer water conservation initiatives, said that it was only a matter of time before somebody cracked down on non-compliant showerheads, considering how freely advertised they are online.

But they're still out there. As I write this, I found a showerhead advertised

on eBay that puts out 10 GPM.

Mike Martinez, manager, product compliance for Price Pfister, told me that he and the missus went to a home show in the Los Angeles area and found a rain can showerhead that the vendor said would put out 8 GPM.

"You know that's illegal?" Martinez told him. The guy stiffened: "Who are you, some kind of inspector?" "No," Martinez told him, "I work for a plumbing company." Import a product from somewhere, buy a booth at a home

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show and you're in business.

Google the words "high-flow showerhead" and there's no end of Web sites out there telling you how to remove the flow restrictor from your showerhead. As one Web site put it, if a homeowner wants to hook up a garden hose and blast the tiles off his wall, he's free to do so; he just can't sell it to somebody else.

A major German plumbing fitting company has a showerhead that puts out about 10 GPM. Oh, but wait, it's not a showerhead. Their literature has this rather disingenuous disclaimer:

"Please note, that for the USA and Canada the [product] is not designed for or intended to be used in any circumstance as a plumbing device, shower system, or for use in violation of any applicable law. [The product] will not meet any USA or Canadian building codes, product approvals or applicable law for use as a plumbing device."

Even if the law is enforced, there are loopholes. For example, a manufacturer who sells a shower panel system is limited to 2.5 GPM total for which-ever sprays are putting out water. On the other hand, a manufacturer could sell showerheads and body sprays as individual components, each one putting out 2.5 GPM and it complies with the letter of the law.

Ultimately, it comes down to personal liberty and personal choice. Most people believe in conserving water, but there will always be those outlaws who rip the "Do not remove under penalty of law" tag off the mattress.

On a final note, there's been some chatter in the trade magazine world about CONTRACTOR's parent company filing Chapter 11. Penton Media is no longer in Chapter 11, the company is in good shape, CONTRACTOR is in good shape and we're looking forward to a great 2010 and another 50-plus years of serving the industry.

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