

- a. Respondents have manufactured¹ showerheads, including the basic model that contains the “Finale Single Handle Pressure Balanced Shower Only, Brushed Nickel (Trim Only)” (SKU #85678T) model.
 - b. Respondents have manufactured water closets, including the basic models that contain the models “Finale Ultimate Elongated Left-Hand Flush Perfect Height Toilet in White” (SKU #39702) and “Finale Classic Left-Hand Flush Round Perfect Height Tank & Round Bowl in White” (SKU #3950TRB) (together with the basic model identified in paragraph 6.a, “the basic models”).
 - c. For at least 365 days, Respondents have distributed in commerce² the basic models.
 - d. Respondents knowingly failed to submit a certification report for the basic models, in violation of 10 C.F.R. § 429.12.
7. Based on the information above, I find that Respondent knowingly committed Prohibited Acts by manufacturing and distributing in commerce basic models of covered products without submitting to DOE a report certifying that the basic models complied with the applicable energy conservation standards. *See* 42 U.S.C. § 6302; 10 C.F.R. § 429.102(a)(1).
 8. Accordingly, pursuant to 10 C.F.R. § 429.120 and 42 U.S.C. §§ 6303 and 6316, I **HEREBY ASSESS** a civil penalty of \$100,000 **AND ORDER** that the Settlement Agreement attached to this Order is adopted.

Samuel T. Walsh
General Counsel

¹ “Manufacture” means to manufacture, produce, assemble, or import. 42 U.S.C. § 6291(10).

² “Distribute in Commerce” or “Distribution in Commerce” means to sell in commerce, to import, to introduce or deliver for introduction into commerce, or to hold for sale or distribution after introduction into commerce. 42 U.S.C. § 6291(16).