

**BEFORE THE
U.S. DEPARTMENT OF ENERGY
Washington, D.C. 20585**

In the Matter of:

**GuangZhouShiBaiYiGouBaiHuoYou-
XianGongSi**
(showerheads)

DOE Case Number: 2022-CW-29002
OHA Case Number: EEE-23-0009

ORDER

For the U.S. Department of Energy (“DOE”):

1. On August 8, 2022, under the above-listed DOE Case Number, DOE issued a Notice of Proposed Civil Penalty to GuangZhouShiBaiYiGouBaiHuoYouXianGongSi (“Respondent”) to pursue a civil penalty for knowingly distributing in commerce a showerhead basic model without submitting to DOE a certification report certifying that the basic model complied with the applicable federal energy conservation standard.
2. Showerheads are covered products pursuant to 42 U.S.C. § 6292(a)(15) and 10 C.F.R. § 430.2 and are subject to federal energy conservation standards set forth at 42 U.S.C. § 6295(j) and 10 C.F.R. § 430.32(p).
3. Pursuant to 10 C.F.R. § 429.12, manufacturers must submit to DOE a certification report certifying that each basic model of a covered product meets the applicable energy conservation standard, before distributing each basic model in commerce and annually thereafter.
4. Failure to submit a certification report for a basic model of a covered product in accordance with 10 C.F.R. § 429.12 is a prohibited act pursuant to 10 C.F.R. § 429.102(a)(1) and subject to civil penalties as described in 10 C.F.R. § 429.120.
5. Pursuant to 10 C.F.R. § 429.120, each day that a manufacturer fails to submit a certification report for a basic model is a separate violation.
6. On August 3, 2023, pursuant to 10 C.F.R. § 429.124(c), DOE referred this case to an Administrative Law Judge (“ALJ”) by filing a Complaint with the DOE Office of Hearings and Appeals (“OHA”) and serving the Complaint on Respondent.¹
7. On October 30, 2023, the ALJ issued an Initial Decision in which the ALJ found that Respondent knowingly violated 10 C.F.R. § 429.102(a)(1) by distributing in commerce

¹ The ALJ subsequently assigned OHA Case Number EEE-23-0009 to this civil penalty action.

for at least 305 days a showerhead basic model without submitting to DOE the certification report required under 10 C.F.R. § 429.12(a) and recommended that Respondent pay a civil penalty of \$153,415.

8. Based on the information above, I find that Respondent knowingly committed Prohibited Acts by manufacturing and distributing in commerce a basic model of a covered product without submitting to DOE a certification report certifying that the basic model complied with the applicable energy conservation standard. *See* 42 U.S.C. §§ 6302(a)(3), 10 C.F.R. § 429.102(a)(1).
9. Accordingly, pursuant to 10 C.F.R. § 429.120 and 42 U.S.C. §§ 6303 and 6316, I **HEREBY ASSESS** a civil penalty of \$153,415 (one hundred fifty-three thousand, four hundred and fifteen dollars) **AND ORDER** that the Initial Decision attached to this Order is adopted.

Samuel T. Walsh
General Counsel