

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

In the Matter of:)
)
)
Invigorated Water LLC) Case Number: 2023-CW-29001
aka SparkPod)
(showerheads))
)

ORDER

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

1. On June 21, 2023, under the above-listed case number, DOE issued a Notice of Proposed Civil Penalty to Invigorated Water LLC aka SparkPod (“Respondent”) to pursue a civil penalty for knowingly distributing in commerce in the United States a showerhead basic model without submitting to DOE a certification report certifying that that basic model complied with the applicable energy conservation standards.
2. Showerheads are covered products. 42 U.S.C. § 6292(a)(15).
3. Pursuant to 10 C.F.R. § 429.12, manufacturers must submit to DOE a report certifying that each basic model meets the applicable energy conservation standard, before distributing each basic model in commerce in the United States and annually thereafter.
4. Failure to submit a certification report for covered products 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. Respondent admitted the following:
 - a. Respondent has manufactured¹ showerheads, including the basic model that contains the “Best Seller” model (“the basic model”).

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

- b. For at least 365 days, Respondent has distributed in commerce² the basic model in the United States.
 - c. Respondent knowingly failed to submit a certification report for the basic model, 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 a basic model of covered products without submitting to DOE a report certifying that that basic model 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 \$20,000 **AND ORDER** that the Settlement Agreement attached to this Order is adopted.

Samuel T. Walsh
General Counsel

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).