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

In the Matter of: CBHS (showerheads)))))) DOE Case Number: 2023-CW-290) OHA Case Number: EEE-23-0010)	
	ORDER	

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

- 1. On May 26, 2023, under the above-listed DOE Case Number, DOE issued a Notice of Proposed Civil Penalty to CBHS ("Respondent") to pursue a civil penalty for knowingly manufacturing and distributing in commerce showerhead basic models without submitting to DOE a certification report certifying that the basic models comply 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 complies with 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 September 6, 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 March 18, 2024, the ALJ issued an Initial Decision in which the ALJ found that Respondent knowingly violated 10 C.F.R. § 429.102(a)(1) by manufacturing and

¹ OHA subsequently assigned OHA Case Number EEE-23-0010 to this civil penalty action.

- distributing in commerce for at least 365 days showerhead basic models 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 \$148,372.
- 8. Based on the information above, I find that Respondent knowingly committed Prohibited Acts by manufacturing and distributing in commerce basic models of a covered product without submitting to DOE a certification report certifying that the basic models comply 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 \$148,372 (one hundred forty-eight thousand, three hundred and seventy-two dollars) **AND ORDER** that the Initial Decision attached to this Order is adopted.

Samuel T. Walsh General Counsel