



**OFFICE OF ENFORCEMENT AND COMPLIANCE ASSURANCE**

WASHINGTON, D.C. 20460

January 29, 2025

**VIA EMAIL**

**Paul Freeman, Crowell & Moring LLP  
Lucy Hendrix, Crowell & Moring LLP  
Ferguson Plumbing/PVFs**

Re: Request for Information Pursuant to the Safe Drinking Water Act and the Lead-Free Plumbing Products Rule

Dear Ferguson Plumbing/PVFs:

The United States Environmental Protection Agency (EPA) appreciates you meeting with us on Thursday, January 23, 2025 on behalf of your client, Ferguson Plumbing/Pipes Valves Fittings (“Ferguson”) to discuss the Safe Drinking Water Act (SDWA or Act) 1445 information request that EPA originally sent to Ferguson on November 25, 2024. As we discussed on Thursday’s call, EPA is sending an amended information request with a new 30-business day deadline. Ferguson’s response is due no later than **Thursday, March 13, 2025**.

The EPA is responsible for assuring Ferguson and importers introduce “lead free” plumbing products into commerce in accordance with SDWA, 42 U.S.C. Sections 300f - 300j-26, and the regulations promulgated pursuant to the Act, including the Lead Free Plumbing Products Rule, 40 C.F.R. Sections 143.10-143.20 (“Lead Free Rule”). The enclosed information request is directed to Ferguson and is issued pursuant to the SDWA Section 1445, 42 U.S.C. Section 300j-4, and 40 C.F.R. Section 143.20. On a case-by-case basis, the EPA is authorized to require the submittal of information from regulated parties to determine compliance with the Act and federal drinking water regulations.<sup>1</sup>

With this information request, EPA is investigating the Fiddler’s Creek residential development located in Naples, Florida. The scope of this information request ranges from January 4, 2014 to present. It is not necessary for Ferguson’s response to cover dates prior to January 4, 2014.

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<sup>1</sup> This information request is exempt from the Paperwork Reduction Act, 44 U.S.C. § 3501, *et seq.*

The SDWA Section 1417, 42 U.S.C. Section 300g-6, and the Lead Free Rule, prohibit any person from introducing into commerce any pipe, pipe or plumbing fixture, solder, or flux, anticipated to be used to provide water for human consumption, that does not meet the statutory definition of “lead free.”<sup>2</sup> For the SDWA purposes, the EPA interprets “human consumption” to include “potable uses.” In 40 C.F.R. Section 143.11, EPA defines “potable uses” as “services or applications that provide water for human ingestion, such as for drinking, cooking, food preparation, dishwashing, teeth brushing, or maintaining oral hygiene.”

With the 2011 Reduction of Lead in Drinking Water Act, Congress amended the SDWA Section 1417 and incorporated a more stringent definition of “lead free” that took effect January 4, 2014. As defined in the SDWA, “lead free” means not containing more than a weighted average of 0.25 percent lead when used with respect to the wetted surfaces of pipes, pipe fittings, plumbing fittings, and fixtures. 42 U.S.C. Section 300g-6(d). Additionally, under the EPA’s Lead Free Rule, effective September 1, 2023, Ferguson and importers that introduce plumbing products into commerce must meet the statutory definition of “lead free” and are required to obtain third-party certification or, if appropriate, self-certify that their products meet the “lead free” standard. 40 C.F.R. Section 143.19.

We believe that Ferguson introduces plumbing products into commerce that must meet the “lead free” standard, and, therefore, said products require certification in accordance with 40 C.F.R. Section 143.19.

Pursuant to the SDWA Section 1445 and 40 C.F.R. Section 143.10, the EPA requires Ferguson to provide the information requested in Enclosure 1 Part C within **30 business days** of the date of this information request. Compliance with this information request is required by law. Failure to provide a timely, complete, and truthful response to this information request may subject Ferguson to an enforcement action by the EPA, which could result in the imposition of injunctive relief and civil penalties. Please note that the Agency will consider responses that are incomplete, ambiguous, or evasive as a failure to respond to this information request. False, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. Section 1001. The information you provide may be used in the EPA administrative, civil, or criminal proceedings.

Additionally, in accordance with the provisions of 40 C.F.R. Section 2.203, you may assert a business confidentially claim covering part or all the information submitted by clearly identifying it as “confidential.” If no such claim accompanies the information when it is received by the EPA, then it may be made available to the public without further notice.

If you or your staff would like an opportunity to confer, have any questions, or would like to schedule a meeting relating to this information request, please contact Megan Knight at [Knight.Megan@epa.gov](mailto:Knight.Megan@epa.gov).

Thank you for your cooperation in this matter.

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<sup>2</sup> This general prohibition is subject to a few statutorily provided exemptions. 42 U.S.C. § 300g-6(a)(4). Additionally, solder and flux that is not lead free may not be introduced into commerce unless it bears specified labeling. 42 U.S.C. § 300g-6(a)(4).

Sincerely,

Megan Knight, Attorney-Advisor  
Water Enforcement Division  
Office of Civil Enforcement

CC:

Carol King ([king.carol@epa.gov](mailto:king.carol@epa.gov))  
Lianna Kardeman ([kardeman.lianna@epa.gov](mailto:kardeman.lianna@epa.gov))  
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Dane Wilson ([wilson.dane@epa.gov](mailto:wilson.dane@epa.gov))

Enclosures:

- (1) Information Request
- (2) Statement of Certification
- (3) Confidential Business Information

## Enclosure 1

### Safe Drinking Water Act Section 1445 Information Request Directed to Ferguson

#### A. Instructions

1. Provide a separate narrative response to each request set forth below. Precede each response with the text and the number of the specific information request item, and its subpart if applicable, to which the response corresponds.
2. Any documents relied upon or used by you to answer any of the questions in this request must be copied and submitted with your response. All documents must be clearly labeled and contain a notation indicating the item and subpart of the item to which they are responsive, as well as the contents of the document.
3. If any item cannot be addressed in full, provide a response to the extent possible along with an explanation of why the item cannot be responded to in full. If your responses are qualified in any manner, please explain.
4. Provide the requested information in electronic format (*e.g.*, on compact disc or in a pdf) or written format.
5. Submit the information with an electronic file system that names each folder and file name in a manner that identifies the number of the corresponding request item and subpart to which it responds as well as a brief description of the contents of the individual file.
6. All records and documents that were created and/or relied upon in responding to any part of this request must be maintained until the EPA informs you that maintenance is no longer required.
7. All information submitted pursuant to this information request must be submitted to (email one complete copy to the individual identified below):  
Megan Knight  
U.S. EPA  
Office of Enforcement and Compliance Assurance  
Office of Civil Enforcement  
Water Enforcement Division (Mail Code 2226-D2)  
1200 Pennsylvania Avenue NW  
Washington, D.C. 20460  
Knight.Megan@epa.gov
8. If you find, at any time after the submission of your response, that any portion of the submitted information is no longer accurate, false, and/or incomplete, you must notify the

EPA of this fact immediately and provide a corrected response.

9. All responses to this request must be accompanied by a certification that is signed and dated by you or the person who is authorized by you to respond to the request. The certification must state that the response is complete and contains all information and documentation available to you pursuant to the request. Enclosure 2 provides a Statement of Certification for this purpose.

## **B. Definitions**

1. “Potable uses” means services or applications that provide water for human ingestion, such as for drinking, cooking, food preparation, dishwashing, teeth brushing, or maintaining oral hygiene.
2. “Introduce into commerce” or “introduction into commerce” means the sale or distribution of products or offering products for sale or distribution in the United States.

## **C. Information to be Provided**

Pursuant to the SDWA Section 1445, 42 U.S.C. Section 300j-4, and 40 C.F.R. Section 143.20, **provide the EPA the following information within 30 business days of the date of this information request.** The scope of this information request ranges from January 4, 2014 to present and covers the Fiddler’s Creek Community located in Naples, Florida. It is not necessary for Ferguson’s response to cover dates prior to January 4, 2014.

1. Describe the relationship, including any contractual agreements, between Ferguson and Stock Development/SD On the Roof LLC (“Stock”) related to the purchase of:
  - a. Zurn P1000AXL Temperature and Pressure and Pressure Relief Valves;
  - b. Cash Acme FWL-2 Pressure-Only Relief Valves; and
  - c. Watts Series 530C Calibrated Pressure Relief Valves.
2. Describe the relationship, including any contractual agreements, between Ferguson and Tranquility Plumbing related to the purchase of:
  - a. Zurn P1000AXL Temperature and Pressure and Pressure Relief Valves;
  - b. Cash Acme FWL-2 Pressure-Only Relief Valves; and
  - c. Watts Series 530C Calibrated Pressure Relief Valves.
3. Provide purchase orders and invoices related to the three valves<sup>3</sup> between:
  - a. Ferguson and Stock; and/or
  - b. Ferguson and Tranquility Plumbing.

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<sup>3</sup> Three valves refer to the Zurn P1000AXL Temperature and Pressure and Pressure Relief Valves, Cash Acme FWL-2 Pressure-Only Relief Valves, and Watts Series 530C Calibrated Pressure Relief Valves.

4. Did Ferguson sell, and/or advise Stock to purchase any of the following valves for plumbing installations that convey water for potables uses:
  - a. Zurn P1000AXL Temperature and Pressure and Pressure Relief Valves;
  - b. Cash Acme FWL-2 Pressure-Only Relief Valves; and/or
  - c. Watts Series 530C Calibrated Pressure Relief Valves?
  
5. Did Ferguson sell, and/or advise Tranquility Plumbing to purchase any of the following valves for plumbing installations that convey water for potables uses:
  - a. Zurn P1000AXL Temperature and Pressure and Pressure Relief Valves;
  - b. Cash Acme FWL-2 Pressure-Only Relief Valves; and/or
  - c. Watts Series 530C Calibrated Pressure Relief Valves?
  
6. Provide the engineering plans, or general scope of work provided by Stock depicting where each of the three valves were to be installed in the plumbing installation(s).
  
7. Provide the engineering plans, or general scope of work provided by Tranquility Plumbing depicting where each of the three valves were to be installed in the plumbing installation(s).
  
8. Provide all communications, including but not limited to correspondences, requests for information, and submittals between Ferguson, Stock, and/or Tranquility Plumbing regarding the selection and purchase of the three valves.
  
9. Provide all communications between Ferguson and Collier County regarding the use, approval, and inspection of potable plumbing installations that included the three valves.

**Enclosure 2**

STATEMENT OF CERTIFICATION

I certify that the information contained in or accompanying this submission is true, accurate, and complete.

As to the identified portion(s) of this submission for which I cannot personally verify truth and accuracy, I certify as the company official having supervisory responsibility for the person(s) who, acting under my direct instructions, made the submission, that this information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

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(Signature)

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(Full Name Printed)

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(Title)

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(Date)

**Enclosure 3**

**Confidential Business Information**