

Crossing the Water Chasm Via Collaboration

By Kerry Stackpole, FASAE, CAE, PMI CEO/Executive Director



Kerry Stackpole

As a leader, finding true north—even with a compass in hand—seems nearly impossible some days. **Sam Palmisano**, former chairman of IBM, noted that Americans are exposed to 3.26 zettabytes of data annually, with the vast majority flowing at us from the ubiquitous TVs and chyrons along the bottom edge of those screens mounted in hotels, restaurants, elevators, gas pumps, billboards, and at home. But that's not the whole story. Increasingly, that dataflow disrupts and leads to miscommunication about real risks and opportunities for action on important challenges such as water efficiency standards and America's aging water system infrastructure.

That's where PMI comes in. Your association is collaborating across the regulatory and legislative frontiers of appliance efficiency, plumbing, and building codes and standards. In the past several months alone, we've proactively engaged with legislators in Massachusetts, California, New York, Vermont and Washington as they have wrangled with new water-efficiency standards impacting plumbing fixtures and fittings.

In the minds of some state leaders, California set the gold standard for water efficiency through their mandates for low-flow showerheads, faucets, toilets, urinals, and commercial appliances. Other state legislators would rather instead build upon the extraordinary success of the WaterSense program and the outstanding work of plumbing manufacturers.

How low can we go?

As many understand, the drive to "how low can we go" water efficiency is fraught with a variety of hazards. The known unknowns and unknown unknowns – potential risks not well understood or fully researched – may adversely impact public health and safety, as well as water infrastructure. With the Centers for Disease Control and Prevention reporting 6,000 cases of Legionnaires' disease, keeping Legionella out

of building water systems has become a prime focus of their efforts. So why the rush to legislate extraordinarily low flow rates without taking time to consider the health risks and systemic impacts?

As a country, we've already seen the risks of making ill-considered changes to water sources and the resulting calamity that became the Jackson, Mississippi, and Flint, Michigan, water crises. The punishing heat wave impacting the Southwest and large swaths of the Southeast reflect increased risks to the health and safety of millions of people in those regions. The extraordinary flooding across portions of Vermont and upstate New York caught most everyone off guard. It served as a clear reminder that we are not prepared for these dramatic shifts in weather patterns.

PMI believes in collaboration

Our ability to influence and engage those seeking change comes from a willingness to seek to understand – and then to be understood. Being a willing listener, an assertive advocate of our members' interests, and a committed partner in promoting water efficiency and safety is at the core of our mission.

That's why PMI is committed to helping communities Rethink Water – in both the ways they use and conserve it. As greater awareness and understanding of the emerging scientific research on the impact of low water flows in legacy water infrastructure grows, we will have even better resources to mitigate problems and focus solutions. Our goal is to help educate those who are tasked with the challenge of making decisions that impact water efficiency and safe, responsible plumbing. Cooling towers, commercial and residential water systems, and underground piping are all part of an infrastructure designed in a different era that will be impacted by proposals for low-flow water appliances. It is not hyperbole to say public health will be at far greater risk if we get these changes wrong.

The American Society of Civil Engineers says \$1 trillion is needed to rebuild, maintain and expand the nation's water infrastructure to meet the needs of the U.S. population over

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PMI Webinar Presents Details of New INFORM Consumers Act

By Judy Wohlt, PMI Communications Team, Valek and Co.

A new law – the INFORM Consumers Act – that went into effect on June 27 will help deter criminals from selling stolen, counterfeit and unsafe plumbing fixtures and other products through online marketplaces. The law also requires online sellers, which could include some plumbing manufacturers, to comply with the rules or be suspended from selling items online.

Plumbing Manufacturers International hosted a webinar in July to help guide PMI members through the requirements of the INFORM Consumers Act, the bipartisan legislation that stands for Integrity, Notification and Fairness in Online Retail Marketplaces.



Jessica Rich

Jessica Rich, of counsel and senior policy advisor for consumer protection with Kelley Drye & Warren LLP, explained the law's requirements, how the Federal Trade Commission and state attorneys general are likely to enforce it, and what is at risk for sellers and how they should prepare for the new law.

“For years, retailers, security professionals and others have complained that criminals have found it easy to essentially fence stolen, counterfeit, expired and defective products online by hiding behind the anonymity of selling on online marketplaces,” Rich said.

PMI has been working with several government agencies and legislators for many years to help mitigate the impact

of counterfeit, contraband, and non-compliant products, trademark violations, and intellectual property theft. In early 2021, PMI joined with the Buy Safe America Coalition – a group of retailers, consumer groups, wholesaler-distributors and manufacturers – to support and advance the INFORM Consumers Act.

The law's requirements

The new law applies to online marketplaces, such as Amazon and eBay, with high-volume third-party sellers. The act requires those marketplaces to collect and verify seller information, protect that information, make various disclosures to customers, and provide a consumer reporting mechanism to flag suspicious activity. Online marketplaces must also suspend sellers that fail to comply and cooperate with the rules.

The law defines online marketplaces as platforms that enable third parties to participate in the sales, purchase, payment, storage, shipping or delivery of consumer goods in the United States, Rich explained. It defines high-volume sellers as vendors who have sold 200 or more new or unused products in a 12-month period totaling \$5,000 or more. Online marketplaces must verify information from sellers, including their tax identification number, bank account information and contact information.

The Federal Trade Commission has both enforcement and rulemaking authority under the law. State attorneys general also have enforcement authority and may pay extra attention to doling out violations. “They’ve been focused on organized retail crime, which is one impetus for the act’s passage,” she noted. The FTC and state AGs can seek civil penalties of more than \$50,000 per violation.

The law also requires high-volume, third-party sellers with combined gross revenues of \$20,000 or more to disclose certain information to buyers. Sellers



must list their contact information and provide a mechanism that is “clear and conspicuous” for buyers to report suspicious marketplace activity, the FTC says.

Create compliance plans and document your activities

Rich suggested that any plumbing manufacturers that sell products on online marketplaces and meet the law's requirements should create compliance measures and a documenting process so they can be ready to provide any required information under tight deadlines.

“You want to be on top of this since the stakes for you are high if something goes wrong while you’re on a platform and there’s no compliance. You don’t want to be left not being able to sell through that platform,” Rich said.

PMI members can view the webinar “New Law Governing Online Platforms and Sellers – What Plumbing Manufacturers Need to Know” on-demand under Technical/Regulatory at tinyurl.com/3wmxh2hv. At this url, members also can find past webinars, including recent ones on the potential impact of PFAS rules on manufacturers, National Institute of Standards and Technology premise plumbing research activities, legacy product replacement, EPA policies governing antimicrobial services, manufacturing a winning talent management strategy, and the trinity of creativity.

This article is not intended as legal advice. Companies should seek legal counsel specific to their needs and situation.

PMI Forum Highlights Housing, Water Reuse and Trade Issues

By Ray Valek, PMI Communications Team, Valek and Co.

Three presenters gave Plumbing Manufacturers International members an overview of housing, water reuse and trade issues facing federal and state policymakers during the PMI Washington Legislative Forum on July 25.

Danushka Nanayakkara, National Association of Home Builders assistant vice president for forecasting and analysis, provided an outlook for residential construction, saying that single-family home building will lead a 2024 recovery strengthened by normalized interest rates. Insufficient resale inventory is supporting demand for new construction, she explained.

While Millennials searching for housing will lead demand for homebuilding growth, builders will be challenged by shortages of lots, materials, credit and labor. In May 2023, 366,000 construction positions were open, according to the U.S. Bureau of Labor Statistics. Tightened credit caused by financial market stress and recent bank failures is restricting the flow of cash to builders, she said.

While overall inflation is down to 3%, shelter inflation rose to 7.8% during the COVID era, Nanayakkara stated while presenting statistics from various sources. With 30-year mortgage rates now around 6-7%, home ownership is escaping the grasp of many Americans, with the homeownership rate down to 66% in 2023, from 69% in 2004, according to the U.S. Census Bureau. About 46% of homes sold in 2023 were affordable to families earning the U.S. median income, down from nearly 80% in 2012, according to the NAHB/Wells Fargo Housing Opportunity Index. The price boom is most prevalent in Florida, Georgia, North Carolina and Texas – the destination for many of those who moved during the COVID era, according to the U.S. Census Bureau.

Encouraging the Federal Reserve to pause its interest rate hikes and empha-

sizing the need for more affordable housing, Nanayakkara said each 0.25% rise in mortgage interest rates places about 1 million buyers out of the housing market.

Another challenge facing builders and buyers are regulatory costs, which now average \$93,870 per home and 23.8% of the total price, according to the NAHB/Wells Fargo Housing Market Index. These costs include the prices of complying with building codes, land use rules, and environmental and other requirements, she explained.

Greg Fogel, WaterReuse Association director of government affairs and policy, explained how the association works with water utilities, businesses and institutions to advance laws, policy, funding, and public acceptance of recycled water, a term he said is used interchangeably with water reuse.

Interest in water reuse is growing, even in less-arid regions, Fogel stated. He provided an overview of federal programs supporting water reuse through grants, low-interest loans, and other incentives. The majority of these programs are operated by the Environmental Protection Agency (EPA), Department of Agriculture, National Oceanic and Atmospheric Administration, or Bureau of Reclamation.

Recycled water must meet the federal requirements of the Clean Water Act but is not regulated directly at the federal level. Instead, states regulate water reuse, with each state having different rules, he explained.

Much of the effort of the association has been toward implementing the Infrastructure Investment and Jobs Act of 2021. The act included \$1 billion for western water recycling projects, \$310 million for the Title XVI Water Reuse Grants Program, and funding for the creation of a federal interagency work-



ing group on water reuse to ensure program and policy coordination between federal agencies, he said.

The association also has taken a leadership role on the National Water Reuse Action Plan, being involved in 24 actions, which include developing case studies, tracking state-level policies and regulations, and promoting reuse in industry and food and beverage settings, Fogel explained.

With FY 2024 federal budget appropriations now being negotiated, Fogel said he is hoping for funding increases despite the House Appropriations Committee calling for cuts to the EPA and state revolving funds for water projects.

Edward Steiner, senior director, international trade and governmental relations, Sandler, Travis & Rosenberg, spoke about how China is driving much of the conversation about trade. A major question in Washington is: how to counter China?

A “multi-front Cold War with China” is occurring due to the Asian nation’s impact on national security, the Far East region, industrial competition, telecommunications and technology, and tariffs and customs, he explained.

Rather than establishing a free-trade agreement with each other, the United States and China now have a relationship that looks like an ongoing game of tic-tac-toe, with an action taken by one of the nations matched by retaliation by the other, he stated.

Because China is a member of the World Trade Organization, the U.S. is

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Explore Our Industry's Outstanding Potential at PMI23

Seattle's Space Needle points straight up to infinity, symbolizing the potential of the plumbing manufacturing industry to make a difference during challenging times. Registration has opened for the PMI23 Manufacturing Success Conference, to be held Oct. 23-26 at the Lotte Hotel in this stunning city on Puget Sound.



Moogega Cooper

NASA's rockets point straight up into space, too. An individual with detailed knowledge of these rockets, our keynote speaker, **Moogega Cooper**, will help us explore our potential in her address titled "Limitless." A true guardian of the galaxy as the leader of NASA's Jet Propulsion Laboratory's Planetary Protection Group, "Dr. Moo" will inspire you to pursue your dreams and reach your true personal potential. Get to know her through this video: youtu.be/SzKUBFQ4Oj8

New this year: a women's breakfast featuring Andrea Quinn

After **Andrea Quinn** was taken out of work one day on a stretcher, she decided to profoundly change her life. Brought to the brink by overworking and by trying to meet unrealistic expectations, she became a life coach to help women achieve an empowering work/life balance. Quinn's remarks during the PMI Women's Breakfast: "Essential Empowerment Curriculum for Women" will serve as your guide to achieving respect and career success while remaining true to yourself.



After the breakfast, Quinn will deliver the "Tools to Reinvent Yourself in the New World of Business" keynote to all attendees. Her address will provide advice on how to navigate a changing business landscape by implementing personal development and self-accountability. She will facilitate discussions about how to accept and open yourself to change, how to make empowering choices for you and your company, and how to connect with your industry to build community. Become acquainted with Quinn through this video: youtu.be/sNTFbn-MC6c



Andrea Quinn

Arrive a little early to reap all of PMI23 benefits

Arrive a little early and take flight with the PMI Inspiring Leaders Program. Cultivate your creative, leadership and team-building skills by working closely with your industry peers in a setting that inspires – Seattle's Museum of Flight. This exciting pre-conference program on Oct. 23 is open to all employees of PMI member companies, no matter your position or experience level. Take advantage of the special bundle registration rate. See story on page 6.

Expert presenters to cover the entire gamut of industry issues

Expert presenters will deliver crucial insights during an extraordinary program

designed to fuel your professional development. Topics to be addressed: artificial intelligence, extended producer responsibility, green building, legislative and regulatory developments, the manufacturing economy, PFAS, the skilled labor gap, sustainability, trade, water management, WaterSense and more.

The PMI23 program will include **Dylan Herndon**, water treatment specialist at Northwest Engineers; **Kelly O'Rourke**, water conservation manager at Seattle Public Utilities; and **Adrian Tan**, policy and market development manager, King County Solid Waste Division, in addition to speakers featured in the July issue of Ripple Effect (tinyurl.com/mr2hcpa6).

Herndon will provide an overview of the Bullitt Center's various water management systems and how they operate, including the Washington state-approved rainwater-to-potable water system, graywater treatment and wetland system, and AcornVac vacuum-assisted plumbing system. Called the "greenest office building in the world," the Bullitt Center generates its own electricity and water,



Dylan Herndon

which is collected from rain off the roof, states the center's website.

O'Rourke's presentation will focus on how water utilities and plumbing manufacturers can be effective water-efficiency partners. She will cover how water efficiency achieved through plumbing fixtures and fittings and other means has kept total water demand in the Seattle area at 1950s' levels.



Kelly O'Rourke

Tan will discuss opportunities to achieve environmental commitments through extended producer responsibility (EPR), a developing policy approach in the United States.



Adrian Tan

While some companies see EPR as increased costs and compliance burdens, leading companies view it as a strategic opportunity to achieve ambitious environmental goals, such as enhancing resource efficiency, reducing packaging waste, and minimizing environmental impacts. Tan's presentation will explore what EPR is, how it works, its impacts on companies, and the opportunities it offers for fostering environmental stewardship.

Nominate a co-worker for the Paul Patton Award

As you and your company make plans to attend PMI23, remember to nominate one of your co-workers (tinyurl.com/6zu65f4) for the first annual Paul Patton PMI Manufacturing Success Conference Award, recognizing an employee of a PMI member company who shows outstanding potential. The award recipient will receive complimentary registration to PMI23, including the PMI Inspiring Leaders Program.



Let the thrill of limitless learning, sharing, and personal growth inspire your future at plumbing manufacturing's premiere event — PMI23!

Register today!
safeplumbing.org/pmi23



PMI Forum Highlights Housing, Water Reuse and Trade Issues (Contd.)

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required to meet the organization's national treatment requirement, which is the principle of giving other nations the same treatment as one's own nationals. Some in the U.S. are in favor of revoking China's Permanent Normal Trade Relations (PNTR) status, allowing the U.S. to have separate trade policies with China, Steiner explained.

Prospects for a thaw between U.S. and Chinese officials are possible, he said, as talks continue. With China 301 tariffs exclusions scheduled to expire on Sept. 30, Steiner said the four-year review of these tariffs currently in progress is expected to be complete around that time, as well, as PMI and other businesses and organizations advocate for a permanent end to the Section 301 tariffs.

PMI members can view the entire forum under PMI Events of the members-only webinars section of the PMI website: safeplumbing.org/members/webinars-videos

Be An Inspiring Leader - Register for PMI Workshop & Program

Are you looking to better influence, communicate with, and provide more value to your colleagues and others? During “Persuasive Communications,” an Aug. 17 PMI Inspiring Leaders Workshop, **Hope Timberlake** will share powerful strategies for communicating with increased clarity, persuasion and impact – whether you’re communicating with leaders, stakeholders or team members.

This workshop may whet your appetite for more by participating in the Oct. 23 PMI Inspiring Leaders Program on the first day of PMI23 in Seattle. Open to all employees of PMI member companies, no matter your position or experience level, the program will cultivate your creative, leadership and team-building skills. The program will be facilitated by **Nicole Bianchi**, who will work closely with a group of plumbing manufacturing industry peers in a setting that inspires – Seattle’s Museum of Flight.

Learn to be persuasive on Aug. 17

Participants in the “Persuasive Communications” workshop will learn how to create and deliver tailored persuasive messages with greater confidence and control. Timberlake will provide individualized feedback to those who would like to practice their persuasive communication skills.



Hope Timberlake

Author of the book “Speak Up, Dammit! How to Quiet Your Fears, Polish Your Presence, and Share Your Voice,” Timberlake focuses her training on persuasive messaging, executive presence, influence skills, and working well cross-functionally. Her style has been described as energetic, experiential and results-oriented.

By creating rapport and building trust, Timberlake successfully empowers people to excel as communicators and leaders. Participants leave her sessions inspired and clear about how to become more effective communicators.

For more than 15 years, Timberlake has worked with a wide range of companies including Airbnb, Autodesk, Dropbox, Gap, Intel, PlayStation, Williams Sonoma, and many smaller, rapidly growing companies. She is particularly passionate about elevating the voices of those not yet in leadership roles. Learn more and register for the Aug. 17 workshop: tinyurl.com/ymakyd2z

Cultivate your leadership skills on Oct. 23

Bianchi explains her approach to this year’s PMI Inspiring Leaders Program in this video (vimeo.com/846132335). The program will focus on the importance of leading with clarity and tough conversations. Bianchi will explore how to be intentional as leaders and clear on leadership philosophy and how to set expectations, build relationships that are clear and kind, and have conversations that matter through a series of tools including one-of-a-kind conversation starters. Her goal will be to help you build working relationships of accountability and engagement that increase productivity and results. The program is sure to be a game-changing, inspiring experience!



The author of “The Five Tough Talks: How to Lead Brave Conversations for Exceptional Results,” which will be released in August 2023, Bianchi has worked with organizations worldwide and her workshops have gained rave reviews. “Nicole’s energy was tremendous, her presence was engaging, and the content was very relevant. Through her stories, I felt her vulnerability and passion. She truly inspired everyone to figure out their next small brave move and to go make it!”



Nicole Bianchi

Now in its fourth year, this program draws from art, sports and other fields of endeavor to inspire participants to cultivate the creative skills we all have to become better leaders, innovators and teammates. This event previously occurred at the Dali Museum in St. Petersburg, USS Midway Museum in San Diego, and Muhammad Ali Center in Louisville. Learn more and register for the Oct. 23 program – add PMI23 registration to take advantage of a special bundle rate: safeplumbing.org/events/inspiring-leaders-program

PMI to Submit Comments for WaterSense Toilet Spec Review

By Judy Wohlt, PMI Communications Team, Valek and Co.

The Environmental Protection Agency periodically reviews specifications for WaterSense plumbing fixtures and asks for public comments. Plumbing Manufacturers International will submit comments based on member input on the “WaterSense Notice of Intent to Revise the Specification for Tank-Type Toilets.”

Several specifications are part of the review, notably whether to reduce the flush rate requirement below 1.28 gallons per flush and establish a flat flush rate of 1.28 gpf for both single- and dual-flush toilets. The EPA also is seeking feedback on toilet performance criteria, labeling requirements and transition timing.

WaterSense held an online public meeting on July 18 to review the potential revisions, share key deadlines, and answer questions. PMI Technical Director **Kyle Thompson** attended the meeting and said he believes the outcome should be positive for PMI members. All public comments are due to the EPA on Aug. 14.

PMI’s positions reflect members’ feedback

Thompson collected feedback on the potential specification revisions from PMI members during various PMI Technical and Advocacy/Government Affairs committee meetings and by contacting individual members who would be impacted the most by some of the revisions.

“It’s always good to get multiple points of view from our members, especially when considering lowering the flush rate below 1.28 gpf,” he said.

EPA is again interested in feedback on whether to consider reducing the maximum allowable effective flush-volume criteria to improve water efficiency beyond the current WaterSense specification of 1.28 gpf – to potentially transform the market, according to the

NOI. EPA has requested supporting data to inform that decision.

PMI’s comments state that “EPA should not reduce the flush rate requirement below 1.28 gpf” for several reasons. In essence, those reasons include issues with clogging and poor drainline carry, as well as the size of current, older water supply and drain-waste piping – which were designed for much higher flow rates than are currently in use.

The toilet market has yet to shift below 1.28 gpf

EPA has established that the toilet market has not shifted below 1.28 gpf and pointed to Hollywood, Calif. – the only known city in the United States mandating 1.1 gpf, said **Stephanie Tanner**, lead engineer for the WaterSense program. “We’re not seeing a good reason to shift to 1.1 gpf because there are still plenty of toilets using above 1.28 gpf and 1.6 gpf that need to be replaced in homes.”

Another revision being considered is the EPA’s intention to eliminate the effective flush calculation and establish a maximum flush-volume criteria for both single-flush toilets and the full-flush mode of dual-flush toilets.

PMI supports a flat flush rate of 1.28 gpf for both single- and dual flush toilets to standardize the requirements. The association’s comments explain that “given a flat flush rate of 1.28 gpf for all toilets, the ‘reduced flush mode’ provided by a dual flush toilet would be a beneficial aspect to a standardized product.

EPA also has asked for feedback on any design and/or leakage concerns specific to dual-flush toilets in the U.S. – similar to those reported in the United Kingdom. Thompson noted that U.S. plumbing manufacturers have improved flush valve seal technology over the years, so toilet leaks aren’t a major concern. However, PMI’s comments note that older toilets



tend to leak and require routine maintenance to prevent leaks.

As part of the NOI, EPA has requested feedback on whether it’s necessary to modify performance criteria and requirements to improve performance of WaterSense tank-type toilets. PMI supports EPA’s intent to maintain the current specified performance criteria.

An appropriate transition period must be established before version 2 of the specification takes effect. PMI will explore with PMI Technical Committee members the position to request a 24-month transition period vs. the EPA’s suggested 12-month transition period between publishing version 2 and the effective date of the specification.

Thompson encourages PMI members to continue sharing any additional concerns and feedback with EPA at watersense-products@erg.com. The NOI can be viewed on the EPA website: tinyurl.com/3jy38y8p.

CSA Group Becomes First PMI23 Sponsor

Sincere gratitude to the CSA Group for being the first organization to reap the benefits of PMI23 sponsorship! CSA Group now has the opportunity to play its company video in front of all the meeting's attendees, as will all Platinum, Gold and Silver Sponsors. They will also receive one or more complimentary conference registrations; name and logo visibility across all of PMI's communication platforms, conference signs and materials; and more.



In addition, Event Sponsorships are available for keynote speakers, conference lunches, the PMI reception and dinner, registration, and AM/PM coffee breaks. Each event is limited to one sponsor only — so sign up soon!

By becoming a PMI23 sponsor, you gain access to an influential group of industry leaders from the top plumbing manufacturers, enhance your corporate image, show your support and commitment to the plumbing manufacturing industry, and gain insight into industry issues. Learn more about the benefits of PMI23 sponsorship! (tinyurl.com/ycxr9md5)

Eighth EWTS Scheduled for May 14-15, 2024

PMI, the American Society of Plumbing Engineers, and IAPMO, in cooperation with the World Plumbing Council, will convene the eighth biennial Emerging Water Technology Symposium on May 14-15, 2024, in Scottsdale, Arizona. A call for abstracts is available for download, with submissions due Sept. 30. tinyurl.com/mpx5a9sj



The three co-conveners have worked together closely over the years to grow the symposium and make it a can't-miss, international event for those who work or are interested in safe plumbing, water distribution, and water efficiency. The EWTS theme will be "The Nexus Between Safety and Sustainability."

For program and presentation information from past Emerging Water Technology Symposiums, please visit ewts.org.

Crossing the Water Chasm (Contd.)

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the next 25 years. Served by about 1 million miles of drinking water pipe, 90% of Americans receive their drinking water from this public system, ASCE estimates. Every day, nearly 6 billion gallons of treated water is lost due to leaking pipes and an estimated 240,000 annual water main breaks. The U.S. uses 42 billion gallons of water for cooking, bathing, dishwashing, and other daily activities. Only 17% of the

51,356 community water systems serve close to 92% of the total population – about 272.6 million people.

Dealing with the realities of climate change, water shortages and water infrastructure will require bold action, including difficult decisions, both proactive and reactive. As we look ahead to the continuing debates on these issues, PMI's motives remain clear – safe, responsible plumbing always.

2023 PMI LEADERSHIP

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PMI STAFF

Kerry Stackpole, FASAE, CAE
CEO/Executive Director
kstackpole@safeplumbing.org

Jodi Stuhrberg
Director of Programs and Administration
jstuhrberg@safeplumbing.org

Kyle Thompson
Technical Director
kthompson@safeplumbing.org

Leslie Smith
Education Program Coordinator
lsmith@safeplumbing.org

Ann Geier
Administrative Assistant
ageier@safeplumbing.org

PMI CONSULTANTS

Ray Valek
Public Relations
ray@valekco.com

Pam Taylor
Legal Consultant, Jones Day
ptaylor@jonesday.com

Maureen Baird
Graphic Design
info@mbairdgraphics.com



1750 Tysons Blvd., Ste. 1500
McLean, VA 22102
Phone: 847 481-5500
Fax: 847 481-5501
SafePlumbing.org