

California Class Action Throws Cold Water on Whirlpool

Gas Water Heaters Fail Frequently, Company Does Nothing to Correct the Problem

Whirlpool gas water heater customers in California may be getting some relief from their involuntary cold showers if a pending class action lawsuit is successful. Meanwhile, it appears Whirlpool has done nothing to fix the malfunctioning heater since ConsumerAffairs.com first reported on it in May.

Attorney Richard Doherty filed a motion seeking class certification in the California last month against Whirlpool and the gas water heater's manufacturer, American Water Heater Company (AWHC).

The trial date is set for August 21, 2007. The lawyers in the case said they may try similar Whirlpool/AWHC class action suits in other states depending on the success of this California case.

Over 160 complaints in the ConsumerAffairs.com database tell a similar story:

"I purchased a new 50-gallon Flame Lock water heater with a 12-year warranty," Rick Carlton of Orange, Calif. said. "Seven weeks later, I had no hot water and was told that the thermocouple had gone bad."

Even repairmen have grown tired of these water heaters.

"I am a service tech who quite often works on Whirlpool water heaters," wrote Rob of Springfield, Ohio. "I'd say about 95% of water heater service calls are for these junk heaters. We have lost several customers because of reoccurring problems every few months (and yes we clean bottom screen and do not over-tighten thermocouple). I highly recommend that you pass on these heaters, no matter how good their warranty looks, because chances are it will cost you more in the long run."

Indeed, if a consumer follows the directions in their water heater manual and the advice of Whirlpool's spokespeople, this can all be avoided. Unfortunately, if a consumer actually follows those same directions, they will spend around \$600 in plumber visits and parts in one year -- well beyond the original price of the water heater.

"It would be cheaper for a consumer to buy a new water heater every year than to put up with the maintenance," said Doherty, of Horwitz, Horwitz & Associates, a Chicago law firm.

Corporate Double-Speak

Last May, Whirlpool spokeswoman Judy Lau said homeowners can prevent the thermocouple from malfunctioning by cleaning the flame-trap and combustion chamber every three months.

Whirlpool water heaters are actually made by the [American Water Heater Company \(AWHC\)](#), one of four such manufacturers in the United States. Companies like Whirlpool, GE and Kenmore slap their stickers on the side of the tank and distribute the product to stores such as Lowe's and Sears.

An Unusual Design

However, in the case of Whirlpool's version of AWHC's water heater, the thermocouple uses left-handed threading, which means it's not universal -- the customer must either get a replacement part by mail or try to find one at Lowe's.

The reverse thread is unusual. Jeff Adler, also from George Morlan Plumbing, said, "Left-handed threads are generally only used for propane."

Although the part is covered in the warranty, the shipping cost to deliver the thermocouple and the labor charges to install it are not. Whirlpool customers who would rather not pay about \$10 in shipping while waiting without hot water for the part to arrive, can go to Lowe's to purchase the replacement thermocouple for about \$15.

Adding to consumers' annoyance, the warranty only covers parts the first time they break.

Jerry Johnston of Flower Mound, Texas, said his Whirlpool water heater left him taking cold showers for seven days. "When I called Whirlpool the part was on back order so I had to go to Lowe's to get it," he said.

The water heater manual, however, does not specify how frequently this needs to be done. The manual simply suggests that, "At least annually, a visual inspection should be made of the venting and air supply system, piping systems, main burner, pilot burner, and flame-trap." In May, Lau made it sound like cleaning the combustion chamber was a simple procedure that any customer could do on his or her own. However, the manual states that this 18-step process "should be performed by a qualified service technician."

"It should only take 5 to 10 minutes." Lau said.

Most consumers say it took their hired plumber well over an hour.

The procedure also requires that the gas be shut off and then turned back on. Messing with the gas can be extremely dangerous and customers should not be doing that, said Tony Burnworth, a contractor for Mann's Inc., a plumbing company in Huntington, Ind.

In almost every case the thermocouple "goes bad" within about six months.

"The thermocouple is a wire that goes between the gas valve and the pilot light," said Dan McKenzie, another Horwitz attorney. "Should the pilot light go out, the thermocouple sends a signal to the gas valve to turn off the gas."

The water heater has a couple of design flaws that eventually lead to the malfunctioning thermocouple, McKenzie said.

First, the heater has a concealed combustion chamber. The combustion chamber is where the pilot light ignites the gas that heats the water in the tank.

The combustion chamber has a vent at the bottom to fuel the ignitions and pilot light with oxygen. That vent can easily become clogged with dust and lint. When that happens, the pilot light scavenges for oxygen. Where it ends up going is to the thermocouple.

This particular water heater has a special thermocouple that can melt in the middle, cutting the signal between the pilot light and the gas valve. So when the pilot light is searching for oxygen, it ends up melting that thermocouple in half, making the whole water heater useless without a replaced thermocouple.

To add to consumers' ire, they cannot replace the thermocouple with a standard one because it uses left-handed threading.

Supposedly this makes the water heater safer by only allowing the thermocouple that melts in the middle to be used. But unfortunately, this also means that this part can only be purchased through Whirlpool or Lowe's, the store that exclusively carries these water heaters.

A One-Time Fix

The warranty allows the customer to replace one part one time. So if a customer wants to get a warranted thermocouple, they have to wait for Whirlpool to ship it. If they don't want to wait about seven days for the part to ship, they have to go to Lowe's, pay about \$15 and then get someone to install it.

McKenzie said AWHC offers a retrofit filter for this water heater that supposedly will increase the water heater's longevity while also making it easier to maintain.

However, there's almost no mention of it on the AWHC website and it's not on Lowes.com or Whirlpool.com. The only place it appears is on a bulletin snuggled in the AWHC website:

"An external filter is available that can be easily installed," states the bulletin. "This will greatly extend the run time of the water heater in a dirty environment and will allow for easy periodic external cleaning. Call our service assistance number found in your installation manual or on your water heater to request the filter and installation instructions."

ConsumerAffairs.com called AWHC more than 20 times over the past month but AWHC did not call back to verify the existence of this retrofit filter or to comment on the water heater's performance.

ConsumerAffairs.com called the Whirlpool Public Relations office again, over 20 times over the past month. Finally, Lau, their spokeswoman, called us back to say, "We are going to decline to comment on your story." When asked why, she responded, "Because that's the decision that we've made."

What To Do

Consumers who have had to pay for a service call, should follow the example of Rick Carlton.

After numerous e-mails and phone calls to Whirlpool went unanswered, he decided to mail copies of his receipts for the part and service to Whirlpool. Whirlpool eventually reimbursed him \$132 for the service and part.

Burnworth said it is best to have a plumber select and install a residential water heater for three reasons:

- The plumber is trained to determine the proper gallon size and recovery rate based on family size.
- Plumbers are more aware of safety and ventilation requirements than most homeowners.
- Most plumbers will handle all warranty matters for the homeowner if repairs become necessary.

What To Do

Customers looking to be reimbursed should follow Carlton's example. After having to purchase his thermocouple at Lowe's rather than wait for it to be delivered, he hired a plumber to replace the part.

After numerous e-mails and phone calls to Whirlpool went unanswered, he decided to mail copies of his receipts for the part and service to Whirlpool. Although he hasn't seen a check in almost two weeks, Whirlpool did promise to reimburse him the \$132 for the service and part.

Customers who have purchased the Flame Lock water heater have 30 days to return it to Lowe's with a receipt. After that their next option is to try and get Whirlpool to take it back.

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The Flame Lock experience has left customers feeling chilly towards Whirlpool.

"I think their tag line is 'Whirlpool makes life easier.' Obviously they never had to use one of their own hot water heaters," sniffed Lisa of Carrollton, Texas, who said she has had to replace two thermocouples in 18 months.

Consumers interested in the class action lawsuit in California should check back with ConsumerAffairs.com for occasional updates.