

This is an unedited transcript of a report that originally aired on April 27, 1998 on "20/20."

HUGH DOWNS

You are not to be trusted. That's what John Stossel believes the government is saying when it passes laws to protect us from ourselves. Of course, it is entirely possible that left on our own, we might do something really stupid. But is the government going too far when it starts regulating what we can and can't do in the privacy of our own bathrooms? This week's "Give Me A Break."

JOHN STOSSEL, ABC NEWS

(VO) We've got a problem, a crisis. Look how dry parts of America are. There won't be enough water. But wait a second ...

(Thunder)

... there are also parts of the country that have plenty of water -- rivers, lakes, rain.

(on camera) So what does the government do when it's worried about water shortages in part of the country? It passes a one - size - fits - all law that forces all of us to make do with less.

(Clip from "Seinfeld")

MICHAEL RICHARDS

Hey, super's in my bathroom, changing my shower heads. Have they changed your shower yet?

JERRY SEINFELD

No. He's doing mine next. They're low - flow, you know?

MICHAEL RICHARDS

Low - flow? I don't like the sound of that.

(Laughter)

JOHN STOSSEL

(VO) Congress now requires that all new shower heads must be low - flow.

(Clip from "Seinfeld")

MICHAEL RICHARDS

These showers are horrible! There's no pressure. I can't get the shampoo out of my hair!

JERRY SEINFELD

Me either!

(Toilet flushing )

JOHN STOSSEL

(VO) In addition, Congress decreed that all new toilets must flush with less water. How much less? The Energy Policy Act is very precise. Can you imagine the committee meetings where they discuss this stuff? The maximum for flushometer toilets is 1.6 GPF, that's gallons per flush, and so on for pages.

Which would be less annoying if the new toilets worked. But using

half as much water doesn't always do the job.

MARIE COOPER, HOMEOWNER, KINGFISHER, OK  
It usually requires three different tries.

TRACEY BYERS, HOMEOWNER, SALEM, NH  
Your guests are mortified.

JOHN STOSSEL

(VO) Tracey Byers is now nervous about having houseguests.

TRACEY BYERS

And my brother's girlfriend comes out of the bathroom holding the doorknob and says, "I need a plunger," and I feel horrible every time it happens.

JOHN STOSSEL

(VO) All these people wish the government would leave them alone.

KAREN FRANZ, APARTMENT MANAGER, OKLAHOMA CITY, OK  
Stay out of my bathroom. It's not their business. It's private.

JOHN STOSSEL

(VO) Karen Franz is an apartment manager.

KAREN FRANZ

Then when your new resident moves in, they look at this, they go "What is this?" They've been there for two days. They're calling you, "Get this out of here." They might as well all come with a plunger because they don't work.

JOHN STOSSEL

(on camera) The government says they work.

KAREN FRANZ

They don't.

MARIE COOPER

They don't.

TRACEY BYERS

They don't.

JOHN STOSSEL

(VO) Some people are so unhappy with their new toilets, they're combing junkyards for old ones or going to Canada to buy them.

JIM ROONEY, HOME INSPECTOR, ANNAPOLIS, MD  
Now you have to remember that these are new toilets, put in either new homes or new renovations.

JOHN STOSSEL

(VO) Home inspector Jim Rooney says people constantly complain about the new toilets.

(on camera) So most people haven't had this problem yet?

JIM ROONEY

That's exactly right. And as the toilets are replaced, they're going to be replaced with the newer low - flush toilets. And then, you know, the proverbial's going to hit the fan.

JOHN STOSSEL

(VO) Somehow this doesn't phase Washington's bureaucrats. Joe

Romm's with the Department of Energy.  
(on camera) You know you've created a black market in the old toilets.

JOE ROMM, DEPARTMENT OF ENERGY

Initially, there weren't some good products, and that always creates certain problems. But the next generation of toilets are going to be even better. So I don't see any reason why people can't find, you know, a new toilet that suits their needs.

JOHN STOSSEL

But they do apparently, they're going to Canada.

JOE ROMM

Well, you know, you can't please everybody.

JOHN STOSSEL

(VO) And in the future, none of us will be allowed luxuries like this old - fashioned wasteful shower.

(on camera) I like my good shower. I miss it.

JOE ROMM

Well, the showers are designed to have an intense stream and get people clean.

JOHN STOSSEL

But if there's less water, your shower isn't as good.

JOE ROMM

Well, it's really -- again, you can still get a very intense stream. Customer satisfaction, I think, has been pretty high.

JOHN STOSSEL

(VO) That's not true, says Congressman Joe Knollenberg, who says his office has been inundated with complaints -- some written on toilet paper. He wants to repeal the bathroom law.

REP JOE KNOLLENBERG, (R) MICHIGAN

The big message is essentially "get the government out of our toilets. The government should not regulate the amount of water that we need to flush our toilet."

JOHN STOSSEL

(on camera) Why does there have to be a one - size - fits - all, big government solution? Some parts of the country, they don't have a water problem.

JOE ROMM

You can't know ahead of time if there's going to be a drought in your community. So this is the idea of preventing problems from happening in the first place.

JOHN STOSSEL

Do you use a low - flush toilet?

JOE ROMM

Well, the thing is, you only have to use one when your old toilet's replaced. And I live in an apartment building, you know, that hasn't had to put in the new toilets yet. No one is going into anyone's

home and asking them to replace their toilets.

JOHN STOSSEL

Might that happen soon?

JOE ROMM

No. Never.

JOHN STOSSEL

Never? You promise?

JOE ROMM

Well, there are some cities that want to encourage this sort of thing. But it is a voluntary program at this point.

JOHN STOSSEL

(VO) It's not voluntary when you buy a new toilet. Why must government use force? When New York City had a water shortage, the mayor went on TV and asked people to use less water.

ED KOCH, FORMER MAYOR, NEW YORK CITY

Flush, but not on every occasion.

JOHN STOSSEL

(VO) People voluntarily used much less water. People want to help their communities. Another choice is pricing water accordingly. If someone in a water shortage area wants to use lots of water to have a swimming pool or wash their car every week, they'd pay more.

(on camera) But do we have to punish everyone by forcing everybody to take wimpy showers and use toilets that don't always get the job done? Give Me A Break.