

Enforcement Policy Statement Regarding Ratings by CAC Independent Coil Manufacturers

Issued: July 13, 2016

In an exercise of its enforcement discretion, DOE will not seek civil penalties for violations of 10 C.F.R. § 429.16(a)(3)(i) where an independent coil manufacturer (ICM) certifies a basic model of split-system central air conditioner with a representative value that is more efficient than a combination certified by an outdoor unit manufacturer (OUM) containing the same outdoor unit where the outdoor unit was certified by the OUM as meeting the standard at 10 C.F.R. § 430.32(c)(3) and/or 10 C.F.R. § 430.32(c)(4), as applicable.

Background: In a final rule published at 81 FR 37049 on June 8, 2016, DOE adopted a rule stating, “An ICM cannot certify a basic model containing a representative value that is more efficient than any combination certified by an OUM containing the same outdoor unit.” As explained in that rule, the purpose of this provision was to ensure that an outdoor unit not intended (by the OUM) for distribution in the South or Southwest region(s) is not certified as suitable for those regions by an ICM. It has come to DOE’s attention that the language of the provision can be read to constrain ICMs from offering more efficient combinations than the OUM in the South or Southwest region(s). This effect was clearly not DOE’s intent, and DOE plans to propose modifications in a future rulemaking to address this issue. In the meantime, this enforcement policy is intended to avoid the unintended consequence of constraining ICMs from offering more efficient combinations than the OUM in the South or Southwest region(s) for split-system central air conditioners until the regulation can be amended through notice and comment rulemaking.