

Enforcement Policy Statement: Regional Standards Enforcement Rulemaking and Distributors

April 24, 2014

On June 27, 2011, the Department of Energy (DOE) published in the Federal Register a direct final rule (DFR) under the Energy Policy and Conservation Act (EPCA), 42 U.S.C. §§ 6291-6309, which set forth amended energy conservation standards for central air conditioners and heat pumps, including regional standards in certain States. 76 FR 37408.

DOE has initiated a rulemaking to consider possible approaches to enforcing regional standards for residential central air conditioners and heat pumps. DOE published a notice of data availability regarding regional standards for residential furnaces and residential central air conditioners and heat pumps. 76 FR 76328 (Dec. 7, 2011). In the related framework document, DOE presented three approaches and stated that it was considering each of these approaches, a combination of elements in these approaches, or alternatives in response to comments from interested parties. A public meeting was held December 16, 2011.

In recognition of 42 U.S.C. § 6302, which sets forth prohibited acts under EPCA, and in compliance with the requirement of 42 U.S.C. § 6295(o)(6)(G)(ii), DOE intends to develop an effective enforcement framework for regional standards in the context of a negotiated rulemaking by making a recommendation that the Appliance Standards and Rulemaking Federal Advisory Committee establish a working group for that purpose. DOE intends to make such a recommendation by July 23, 2014. Moreover, after consideration of the comments received to date, DOE will not assert civil penalty authority for violation of the regional standard for central air conditioners, as defined in 10 C.F.R. Part 430, over parties that are distributors, as defined by 42 U.S.C § 6291(14).