

**Enforcement Policy Statement Regarding
Walk-in Cooler/Walk-in Freezer Refrigeration Systems
August 14, 2015**

NOTE: This policy is not currently in effect. As noted below, this policy will become effective only if the requirements in section (2) below are satisfied. ASRAC has established a working group to engage in negotiations regarding the rulemaking described below. Therefore, section (2) specifies that the policy will become effective if the Department of Energy receives recommended standards from ASRAC within a specified time frame. We will update this website to alert the public as to whether the requirements in section (2) have been satisfied.

On June 3, 2014, the U.S. Department of Energy (DOE) published in the Federal Register a final rule under the Energy Policy and Conservation Act, 42 U.S.C. § 6291 *et seq.*, which set forth energy conservation standards for walk-in coolers and walk-in freezers (WICFs). 79 Fed. Reg. 32,050. On August 4, 2014, petitioners Lennox International, Inc., and the Air-Conditioning, Heating and Refrigeration Institute filed a petition for review of that final rule in the United States Court of Appeals for the Fifth Circuit, and on December 1, 2014, petitioners filed a second petition for review in the same court of an agency decision denying reconsideration of the final rule. Various parties intervened in the cases.

Having considered the procedural and substantive defects alleged by petitioners and some intervenors, the parties entered an agreement to settle these cases on July 29, 2015. In an exercise of its enforcement discretion, DOE will not seek civil penalties or injunctive relief concerning violations of the four energy conservation

standards applicable to dedicated condensing refrigeration systems operating at medium temperatures that are promulgated at 10 C.F.R. § 431.306(e), provided that

(1) the violations are related to the distribution in commerce of WICF refrigeration system components manufactured prior to January 1, 2020; and one of the following two conditions is met:

(2) (a) if the Appliance Standards and Rulemaking Advisory Committee (ASRAC) establishes a working group to engage in negotiations concerning the rulemaking contemplated in the aforementioned settlement agreement and the first working group meeting is held on or before August 31, 2015, DOE receives recommended standards from ASRAC (i) by January 22, 2016 or, (ii) if ASRAC does not meet by that date, at the first ASRAC meeting held thereafter; or

(2)(b) if ASRAC establishes a working group to engage in negotiations concerning the rulemaking contemplated in the aforementioned settlement agreement and the first working group meeting is held after August 31, 2015, DOE receives recommended standards from ASRAC (i) no later than 144 days after the date of the first working group meeting, or (ii) if ASRAC does not meet within the 144-day window, at the first ASRAC meeting held thereafter.