

**Enforcement Policy Statement Regarding
Walk-in Cooler/Walk-in Freezer Refrigeration Systems**

Issued: August 14, 2015

Updated: August 31, 2015

NOTE: This policy is not currently in effect. As noted below, this policy will become effective only if the requirement in section (2) below is satisfied. The Appliance Standards and Rulemaking Advisory Committee (ASRAC) established a working group to engage in negotiations concerning the rulemaking contemplated in the settlement agreement described below, and the first working group meeting was held on August 27, 2015. Under section (2), this enforcement policy will become effective only if the Department of Energy receives recommended standards from ASRAC (a) by January 22, 2016, or (b) if ASRAC does not meet by that date, at the first ASRAC meeting held thereafter. We will update this website to alert the public as to whether the requirement in section (2) has 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
- (2) DOE receives recommended standards concerning the negotiated rulemaking contemplated in the aforementioned settlement agreement from the Appliance Standards and Rulemaking Advisory Committee (ASRAC)
 - (a) by January 22, 2016 or,
 - (b) if ASRAC does not meet by that date, at the first ASRAC meeting held thereafter.