

**BEFORE THE
U.S. DEPARTMENT OF ENERGY
Washington, D.C. 20585**

In the Matter of:

Hefei Midea Laundry Appliance Co. Ltd.
(residential clothes washers)

Case Number: 2018-SEW-20003

Issued: March 28, 2018

NOTICE OF NONCOMPLIANCE DETERMINATION

Residential clothes washers are covered products subject to federal energy conservation standards. 42 U.S.C. §§ 6292(7); 10 C.F.R. § 430.32(g). Manufacturers¹ and private labelers are prohibited from distributing covered products in the United States that do not comply with applicable federal energy conservation standards. 10 C.F.R. § 429.102(a)(6); 42 U.S.C. § 6302(a)(5).

TESTING

The U.S. Department of Energy (“DOE”) tested four units of Magic Chef brand residential clothes washer basic model number MCSTCW16W2 (“the basic model”), manufactured by Hefei Midea Laundry Appliance Co. Ltd. (“Midea”). DOE’s testing in accordance with applicable DOE test procedures (Appendix J2 to Subpart B of Part 430) demonstrates that the basic model is not in compliance with the applicable energy conservation standard. Basic model MCSTCW16W2 belongs to the product class “Top-loading, Standard (1.6 ft³ or greater capacity).” 10 C.F.R. § 430.32(g)(3). The minimum integrated modified energy factor (IMEF) for this product class is 1.29 cu.ft./kWh/cycle, and the maximum integrated water factor (IWF) is 8.4 gal/cycle/cu.ft. The four units that DOE tested performed at an IMEF of 1.21, 1.14, 1.14, and 1.15 cu.ft./kWh/cycle, respectively, and an IWF of 16.6, 16.5, 16.7, 16.6 gal/cycle/cu.ft, respectively.

FINDINGS

Based on the facts stated above, DOE has determined that the basic model (including each individual model within the basic model) does not comply with the applicable energy conservation standards.

¹ The term “manufacture” means to manufacture, produce, assemble or import. 42 U.S.C. § 6291(10).

MANDATORY ACTIONS BY MIDEA

In light of the above findings, Midea must take the following steps in accordance with 10 C.F.R. § 429.114(a):

- (1) Immediately cease distribution in commerce all units of the basic model;
- (2) Provide immediate written notification of this noncompliance determination to all persons in the United States to whom Midea has distributed units of any model within the basic model;
- (3) Provide to DOE within 15 calendar days of the date of this Notice a copy of the written notification required by paragraph (2) and a list of the parties that Midea notified; and
- (4) Provide to DOE within 30 calendar days of the date of this Notice records sufficient to show the number of units of the basic model that Midea distributed in commerce in the past five years.²

If you claim that any of the information sought by this Notice constitutes confidential commercial material within the meaning of 5 U.S.C. § 552(b)(4), or is protected from disclosure pursuant to 18 U.S.C. § 1905, you must (1) provide one complete and full copy and one copy with the confidential information deleted and (2) submit supporting information together with the materials that are the subject of the confidentiality request. *See* 10 CFR § 429.7. Failure to adhere to these procedures will result in a rejection of your request for confidential treatment.

OPTIONAL ACTIONS BY MIDEA

In addition to the mandatory steps listed above that Midea must complete, Midea may elect to modify a basic model to bring it into compliance with the current applicable standard. A modified basic model shall be treated as a new basic model under the regulations and must be certified in accordance with the provisions of 10 C.F.R. Part 429. In addition to satisfying all requirements of this part, any models within the basic model must be assigned new model numbers and Midea must also maintain, and provide upon request to DOE, records that demonstrate that modifications have been made to all units of the new basic model prior to distribution in commerce. Prior to distribution of the modified basic model in commerce in the United States, Midea must provide to DOE test data demonstrating that the modified basic model complies with the applicable standard. All units must be tested in accordance with DOE regulations, and Midea shall bear the costs of all such testing.

² The terms "to distribute in commerce" and "distribution in commerce" mean to sell in commerce, to import, to introduce or deliver for introduction into commerce, or to hold for sale or distribution after introduction into commerce. 42 U.S.C. § 6291(16). The term "commerce" means trade, traffic, commerce, or transportation— (A) between a place in a State and any place outside thereof, or (B) which affects trade, traffic, commerce, or transportation described in subparagraph (A). 42 U.S.C. § 6291(17).

If, after this testing, DOE determines that the modified basic model complies with the applicable standard, DOE will issue a Notice of Allowance to permit Midea to resume the distribution of the modified basic model in the United States. Until DOE determines that the modified basic model complies with the applicable standard, Midea is prohibited from selling or otherwise distributing units in commerce in the United States.

CONSEQUENCES FOR FAILURE TO COMPLY WITH THIS NOTICE

Should Midea fail to cease immediately the distribution in the United States of all units of models within the basic model, this letter serves as notice that DOE may seek a judicial order within 30 calendar days to restrain further distribution. If, however, Midea provides DOE with a satisfactory statement within that 30-day period detailing the steps that Midea will take to ensure that units of the noncompliant basic model will no longer be distributed in commerce in the United States, DOE may elect to defer seeking such an order until a more appropriate time, if needed.

The distribution of any units of a noncompliant basic model may result in DOE seeking all appropriate legal remedies available under federal law, including injunctive relief and civil penalties with respect to each unit of the basic model distributed in violation of federal law.

/S/

Laura L. Barhydt
Assistant General Counsel
for Enforcement