

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

In the Matter of:

**Senneca Holdings**

(doors for walk-in coolers and freezers)

Case Number: 2020-SE-53005

Issued: April 10, 2020

**NOTICE OF NONCOMPLIANCE DETERMINATION**

Components of walk-in coolers and freezers (“WICF”), including doors,<sup>1</sup> are covered equipment subject to federal energy conservation standards. 42 U.S.C. §§ 6311(1)(G), 6313(f), and 10 C.F.R. § 431.306. Manufacturers and private labelers are prohibited from distributing covered equipment in the United States that do not comply with applicable federal energy conservation standards. 10 C.F.R. § 429.102(a)(6).

On October 4, 2019, the U.S. Department of Energy (“DOE”) issued to Senneca Holdings (“Senneca”) a Request for Information under Case Number 2019-CE-53006 regarding various Chase Door and ColdGuard branded models of WICF doors. On that same date and under the same case number, DOE issued a Notice of Proposed Civil Penalty to Senneca for failure to certify WICF door models in accordance with 10 C.F.R. part 429. Senneca entered into a Compromise Agreement to settle that matter on November 6, 2019. Thereafter, under case number 2020-SE-53005, DOE issued a subsequent Request for Data and Information to Senneca on February 14, 2020, in which DOE requested that Senneca provide a variety of information and documents regarding the walk-in cooler and freezer doors it manufactured and distributed in commerce in the United States.

Between December 9, 2019 and March 10, 2020, Senneca provided DOE with a variety of information and documentation regarding various WICF door models that Senneca manufactured and distributed in commerce since 2015. Senneca reported that it manufactured and distributed in commerce in the United States numerous WICF non-display and display doors<sup>2</sup> since 2015 that failed to satisfy DOE conservation standards at 10 C.F.R. § 431.306. Senneca reported that the non-compliant basic models belong to its Chase Doors, Rubbair Door, ColdGuard, EcoCold, Eliason, and

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<sup>1</sup> Door is defined at 10 C.F.R. § 431.302 as an assembly installed in an opening on an interior or exterior wall that is used to allow access or close off the opening and that is movable in a sliding, pivoting, hinged, or revolving manner of movement. For walk-in coolers and walk-in freezers, a door includes the door panel, glass, framing materials, door plug, mullion, and any other elements that form the door or part of its connection to the wall.

<sup>2</sup> Display Door is defined at 10 C.F.R. § 431.302 as door that: (1) Is designed for product display; or (2) Has 75 percent or more of its surface area composed of glass or another transparent material.

Thermoseal brands. Upon request from DOE, Senneca provided further information to DOE that the models distributed in commerce are medium temperature (cooler) and low temperature (freezer) WICF display and non-display door models of varying sizes, which are listed below:

#### Chase Doors

##### **Durulite Retailer R25 (also called Durulite R25)**

#### Rubbair Doors

##### **Ultra Lite R25 (also called Ultra-25)**

#### ColdGuard Doors

BPE-EHD	BPE-EHD-530	BPM-EHD-635
BPE-EHD 428	BPE-EHD-538	BPM-EHD-649
BPE-EHD 441	BPE-EHD-540	BPM-EHD-675
BPE-EHD-1011	BPE-EHD-542	BPM-EHD-870
BPE-EHD-1044	BPE-EHD-544	BPM-EHD-881
BPE-EHD-1087	BPE-EHD-545	DSW
BPE-EHD-200	BPE-EHD-556	DSW-230
BPE-EHD-338	BPE-EHD-559	DSW-272
BPE-EHD-343	BPE-EHD-570	DSW-315
BPE-EHD-348	BPE-EHD-675	DSW-318
BPE-EHD-356	BPE-EHD-752	DSW-349
BPE-EHD-371	BPE-EHD-811	DSW-391
BPE-EHD-378	BPE-EHD-826	DSW-393
BPE-EHD-381	BPE-EHD-870	DSW-433
BPE-EHD-387	BPE-EHD-881	DSW-501
BPE-EHD-392	BPM-EHD	DSW-529
BPE-EHD-399	BPM-EHD-1037	SSE-EHD
BPE-EHD-402	BPM-EHD-287	SSE-EHD 604
BPE-EHD-406	BPM-EHD-289	SSE-EHD-107
BPE-EHD-407	BPM-EHD-306	SSE-EHD-324
BPE-EHD-408	BPM-EHD-329	SSE-EHD-339
BPE-EHD-411	BPM-EHD-344	SSE-EHD-355
BPE-EHD-415	BPM-EHD-370	SSE-EHD-380
BPE-EHD-4252	BPM-EHD-405	SSE-EHD-386
BPE-EHD-445	BPM-EHD-407	SSE-EHD-394
BPE-EHD-450	BPM-EHD-419	SSE-EHD-428
BPE-EHD-452	BPM-EHD-449	SSE-EHD-437
BPE-EHD-455	BPM-EHD-459	SSE-EHD-443
BPE-EHD-458	BPM-EHD-488	SSE-EHD-445
BPE-EHD-459	BPM-EHD-570	SSE-EHD-451
BPE-EHD-483	BPM-EHD-580	SSE-EHD-456
BPE-EHD-519	BPM-EHD-586	SSE-EHD-462
BPE-EHD-526	BPM-EHD-610	SSE-EHD-464
BPE-EHD-529	BPM-EHD-617	SSE-EHD-486

SSE-EHD-496	SSE-EHD-724	SSM-EHD-492
SSE-EHD-498	SSE-EHD-759	SSM-EHD-498
SSE-EHD-499	SSE-EHD-770	SSM-EHD-499
SSE-EHD-500	SSE-EHD-771	SSM-EHD-500
SSE-EHD-505	SSE-EHD-777	SSM-EHD-501
SSE-EHD-512	SSE-EHD-780	SSM-EHD-504
SSE-EHD-513	SSE-EHD-782	SSM-EHD-507
SSE-EHD-514	SSE-EHD-834	SSM-EHD-510
SSE-EHD-519	SSE-EHD-924	SSM-EHD-511
SSE-EHD-520	SSE-EHD-930	SSM-EHD-519
SSE-EHD-521	SSM-EHD	SSM-EHD-522
SSE-EHD-526	SSM-EHD-242	SSM-EHD-523
SSE-EHD-527	SSM-EHD-320	SSM-EHD-525
SSE-EHD-530	SSM-EHD-330	SSM-EHD-527
SSE-EHD-533	SSM-EHD-342	SSM-EHD-533
SSE-EHD-546	SSM-EHD-353	SSM-EHD-538
SSE-EHD-547	SSM-EHD-355	SSM-EHD-540
SSE-EHD-562	SSM-EHD-363	SSM-EHD-544
SSE-EHD-574	SSM-EHD-364	SSM-EHD-552
SSE-EHD-580	SSM-EHD-366	SSM-EHD-577
SSE-EHD-581	SSM-EHD-379	SSM-EHD-579
SSE-EHD-594	SSM-EHD-380	SSM-EHD-601
SSE-EHD-598	SSM-EHD-382	SSM-EHD-604
SSE-EHD-602	SSM-EHD-383	SSM-EHD-608
SSE-EHD-603	SSM-EHD-387	SSM-EHD-610
SSE-EHD-604	SSM-EHD-391	SSM-EHD-612
SSE-EHD-609	SSM-EHD-392	SSM-EHD-613
SSE-EHD-610	SSM-EHD-395	SSM-EHD-616
SSE-EHD-611	SSM-EHD-401	SSM-EHD-617
SSE-EHD-612	SSM-EHD-403	SSM-EHD-628
SSE-EHD-616	SSM-EHD-408	SSM-EHD-629
SSE-EHD-617	SSM-EHD-411	SSM-EHD-636
SSE-EHD-619	SSM-EHD-416	SSM-EHD-641
SSE-EHD-620	SSM-EHD-435	SSM-EHD-645
SSE-EHD-631	SSM-EHD-438	SSM-EHD-652
SSE-EHD-634	SSM-EHD-441	SSM-EHD-654
SSE-EHD-636	SSM-EHD-443	SSM-EHD-662
SSE-EHD-637	SSM-EHD-445	SSM-EHD-692
SSE-EHD-639	SSM-EHD-448	SSM-EHD-704
SSE-EHD-640	SSM-EHD-449	SSM-EHD-709
SSE-EHD-642	SSM-EHD-450	SSM-EHD-709
SSE-EHD-647	SSM-EHD-451	SSM-EHD-711
SSE-EHD-678	SSM-EHD-452	SSM-EHD-715
SSE-EHD-692	SSM-EHD-453	SSM-EHD-719
SSE-EHD-696	SSM-EHD-464	SSM-EHD-724
SSE-EHD-698	SSM-EHD-476	SSM-EHD-726
SSE-EHD-708	SSM-EHD-485	SSM-EHD-727
SSE-EHD-715	SSM-EHD-490	SSM-EHD-747

SSM-EHD-776	SSM-SD-400	SSM-SD-496
SSM-EHD-780	SSM-SD-401	SSM-SD-497
SSM-EHD-783	SSM-SD-403	SSM-SD-499
SSM-EHD-790	SSM-SD-405	SSM-SD-500
SSM-EHD-930	SSM-SD-408	SSM-SD-501
SSM-SD	SSM-SD-411	SSM-SD-502
SSM-SD-236	SSM-SD-412	SSM-SD-506
SSM-SD-251	SSM-SD-414	SSM-SD-507
SSM-SD-276	SSM-SD-415	SSM-SD-508
SSM-SD-298	SSM-SD-418	SSM-SD-509
SSM-SD-299	SSM-SD-419	SSM-SD-514
SSM-SD-301	SSM-SD-424	SSM-SD-518
SSM-SD-305	SSM-SD-426	SSM-SD-525
SSM-SD-309	SSM-SD-427	SSM-SD-526
SSM-SD-311	SSM-SD-428	SSM-SD-528
SSM-SD-318	SSM-SD-429	SSM-SD-533
SSM-SD-320	SSM-SD-430	SSM-SD-541
SSM-SD-325	SSM-SD-431	SSM-SD-543
SSM-SD-331	SSM-SD-432	SSM-SD-544
SSM-SD-334	SSM-SD-434	SSM-SD-545
SSM-SD-335	SSM-SD-435	SSM-SD-546
SSM-SD-336	SSM-SD-437	SSM-SD-547
SSM-SD-337	SSM-SD-438	SSM-SD-548
SSM-SD-338	SSM-SD-440	SSM-SD-551
SSM-SD-339	SSM-SD-443	SSM-SD-552
SSM-SD-340	SSM-SD-444	SSM-SD-559
SSM-SD-341	SSM-SD-445	SSM-SD-574
SSM-SD-342	SSM-SD-446	SSM-SD-593
SSM-SD-344	SSM-SD-447	SSM-SD-597
SSM-SD-350	SSM-SD-448	SSM-SD-604
SSM-SD-352	SSM-SD-449	SSM-SD-606
SSM-SD-354	SSM-SD-451	SSM-SD-608
SSM-SD-361	SSM-SD-452	SSM-SD-610
SSM-SD-362	SSM-SD-453	SSM-SD-612
SSM-SD-365	SSM-SD-454	SSM-SD-613
SSM-SD-366	SSM-SD-457	SSM-SD-616
SSM-SD-369	SSM-SD-458	SSM-SD-617
SSM-SD-370	SSM-SD-464	SSM-SD-619
SSM-SD-371	SSM-SD-465	SSM-SD-621
SSM-SD-374	SSM-SD-471	SSM-SD-636
SSM-SD-379	SSM-SD-477	SSM-SD-639
SSM-SD-382	SSM-SD-480	SSM-SD-641
SSM-SD-383	SSM-SD-483	SSM-SD-672
SSM-SD-385	SSM-SD-485	SSM-SD-724
SSM-SD-386	SSM-SD-486	SSW
SSM-SD-389	SSM-SD-491	SSW-105
SSM-SD-392	SSM-SD-492	SSW-107
SSM-SD-394	SSM-SD-495	SSW-115

SSW-120	SSW-185	SSW-237
SSW-128	SSW-186	SSW-238
SSW-129	SSW-187	SSW-240
SSW-132	SSW-188	SSW-241
SSW-133	SSW-189	SSW-242
SSW-134	SSW-190	SSW-246
SSW-135	SSW-191	SSW-247
SSW-137	SSW-192	SSW-248
SSW-139	SSW-193	SSW-250
SSW-140	SSW-194	SSW-251
SSW-141	SSW-195	SSW-252
SSW-146	SSW-196	SSW-253
SSW-147	SSW-197	SSW-254
SSW-148	SSW-198	SSW-255
SSW-149	SSW-199	SSW-256
SSW-150	SSW-200	SSW-257
SSW-151	SSW-201	SSW-258
SSW-153	SSW-202	SSW-259
SSW-154	SSW-203	SSW-260
SSW-156	SSW-204	SSW-261
SSW-157	SSW-205	SSW-263
SSW-158	SSW-206	SSW-266
SSW-159	SSW-207	SSW-267
SSW-160	SSW-208	SSW-269
SSW-161	SSW-209	SSW-272
SSW-162	SSW-210	SSW-273
SSW-163	SSW-211	SSW-274
SSW-164	SSW-212	SSW-278
SSW-165	SSW-213	SSW-279
SSW-166	SSW-214	SSW-283
SSW-167	SSW-215	SSW-289
SSW-168	SSW-216	SSW-292
SSW-169	SSW-217	SSW-293
SSW-170	SSW-218	SSW-295
SSW-171	SSW-219	SSW-296
SSW-172	SSW-220	SSW-297
SSW-173	SSW-221	SSW-298
SSW-174	SSW-222	SSW-299
SSW-175	SSW-223	SSW-301
SSW-176	SSW-224	SSW-302
SSW-177	SSW-225	SSW-303
SSW-178	SSW-226	SSW-304
SSW-179	SSW-227	SSW-305
SSW-180	SSW-228	SSW-306
SSW-181	SSW-229	SSW-307
SSW-182	SSW-231	SSW-312
SSW-183	SSW-232	SSW-313
SSW-184	SSW-234	SSW-314

SSW-315	SSW-401	SSW-84
SSW-316	SSW-404	SSW-85
SSW-317	SSW-406	SSW-94
SSW-319	SSW-408	VLE
SSW-320	SSW-409	VLE-522
SSW-324	SSW-416	VLE-620
SSW-325	SSW-424	VLE-630
SSW-327	SSW-425	VLE-652
SSW-336	SSW-426	VLE-666
SSW-339	SSW-432	VLE-717
SSW-342	SSW-433	VLE-741
SSW-343	SSW-437	VLE-783
SSW-352	SSW-439	VLE-840
SSW-353	SSW-440	VLE-990
SSW-354	SSW-446	VLM
SSW-356	SSW-450	VLM-404
SSW-359	SSW-470	VLM-448
SSW-361	SSW-477	VLM-470
SSW-363	SSW-481	VLM-549
SSW-366	SSW-493	VLM-552
SSW-369	SSW-495	VLM-574
SSW-374	SSW-496	VLM-626
SSW-375	SSW-498	VLM-632
SSW-380	SSW-499	VLM-690
SSW-382	SSW-510	VLM-698
SSW-389	SSW-515	VLM-700
SSW-390	SSW-530	VLM-706
SSW-394	SSW-634	VLM-738
SSW-395	SSW-65	VLM-845
SSW-398	SSW-73	
SSW-399	SSW-81	

#### EcoCold Doors

BPE-EHD	SSE-EHD-497	SSM-EHD-523
BPE-EHD-343	SSE-EHD-499	SSM-EHD-530
BPE-EHD-402	SSE-EHD-607	SSM-EHD-552
BPE-EHD-417	SSE-EHD-610	SSM-EHD-607
BPE-EHD-459	SSE-EHD-612	SSM-EHD-636
BPE-EHD-530	SSE-EHD-615	SSM-EHD-639
BPE-EHD-538	SSE-EHD-625	SSM-EHD-890
BPM-EHD	SSE-EHD-725	SSM-SD
BPM-EHD-881	SSE-EHD-812	SSM-SD-369
DSW	SSM-EHD	SSM-SD-385
DSW-683	SSM-EHD-485	SSM-SD-401
SSE-EHD	SSM-EHD-496	SSM-SD-443
SSE-EHD-451	SSM-EHD-499	SSM-SD-451
SSE-EHD-496	SSM-EHD-500	SSM-SD-496

SSM-SD-500	SSW-183	SSW-251
SSM-SD-519	SSW-185	SSW-253
SSM-SD-527	SSW-186	SSW-259
SSM-SD-533	SSW-187	SSW-266
SSM-SD-608	SSW-188	SSW-269
SSM-SD-610	SSW-189	SSW-274
SSM-SD-612	SSW-192	SSW-293
SSM-SD-617	SSW-194	SSW-297
SSM-SD-636	SSW-196	SSW-307
SSW	SSW-199	SSW-316
SSW-121	SSW-200	SSW-325
SSW-134	SSW-201	SSW-328
SSW-139	SSW-202	SSW-331
SSW-140	SSW-204	SSW-340
SSW-141	SSW-205	SSW-341
SSW-145	SSW-207	SSW-359
SSW-150	SSW-208	SSW-374
SSW-156	SSW-209	SSW-386
SSW-157	SSW-211	SSW-414
SSW-163	SSW-213	SSW-472
SSW-166	SSW-215	SSW-573
SSW-173	SSW-215	SSW-74
SSW-176	SSW-216	VLE
SSW-177	SSW-218	VLE-682
SSW-178	SSW-223	VLM
SSW-179	SSW-230	VLM-546
SSW-180	SSW-236	VLM-624
SSW-181	SSW-245	VLM-745

#### Eliason Doors

BPM-EHD-378	SSW-204	FD6000SL-435
SSE-EHD	SSW-235	FD6000SL-440
SSE-EHD-598	SSW-237	FD6000SL-443
SSE-EHD-604	SSW-265	FD6000SL-450
SSE-EHD-607	CD4000SL	FD6000SL-598
SSM-EHD	CD4000SW	FD6000SW
SSM-EHD-440	FD4000BP-378	FD6000SW-191
SSM-EHD-443	FD4000SL-509	FD6000SW-265
SSM-EHD-450	FD4000SL-604	
SSM-EHD-509	FD4000SL-607	
SSM-SD	FD4000SW	
SSM-SD-435	FD4000SW-165	
SSW	FD4000SW-173	
SSW-165	FD4000SW-185	
SSW-173	FD4000SW-204	
SSW-185	FD4000SW-235	
SSW-191	FD4000SW-237	

## Thermoseal 1400 Series Doors

**75-2807-01-01P1**  
**PASS THROUGH DOOR**  
**PRD-1115A**

**PRD-1134**  
**32x63-CSCLT**

Per the information provided by Senneca, the medium temperature basic models and low temperature basic models containing the models listed above (collectively referred to as “the basic models”) had various, and sometimes overlapping, compliance issues. The noncompliance issues include Senneca’s distribution of WICF doors that do not meet applicable conservation standards, both a failure to test and/or a failure to test in accordance with DOE test procedures, and failure to label in accordance with DOE requirements.

Senneca offered its ColdGuard doors for sale in varying sizes and for a variety of cooler and freezer applications, including both WICF and non-WICF applications. Senneca stated that evaluations in late 2016 led to its determination that the insulating foam in its ColdGuard doors did not meet the R-value requirements at 10 C.F.R. § 431.306(a)(3), which requires wall, ceiling, and door insulation of at least R-25 for coolers and R-32 for freezers (with certain exceptions). In April 2017, Senneca received test results that demonstrated noncompliant results that were lower than Senneca expected. Senneca contends that the root issue was a problem with its foam equipment. Senneca informed DOE that it corrected the issue and then sent a second set of samples for testing. In May 2017, the second set of tests demonstrated that the foam did not meet applicable standards when used in a 4-inch thick door (with an R-value for the cooler door of 24.25 and an R-value for the freezer door of 25.99). However, Senneca reported that May 2017 testing demonstrated that the foam passed the DOE standard when used in a 6-inch thick door (with an R-value for the cooler door of 37.63 and an R-value for the freezer door of 40.32). Senneca explained that they wished to continue to offer a 4-inch door in the market; thus, they began to work with other foam suppliers in order to find more efficient options. Eventually, on December 3, 2019, Senneca states that they were able to implement a new foam into their 4-inch and 6-inch doors that would result in compliant R values. Senneca provided test data to DOE demonstrating that an approximately 6-inch door panel with this new foam was tested by a third party in October 2019 and met the relevant R-value requirements. From 2015 to March 2020, Senneca reported that it distributed 7,798 ColdGuard doors in commerce.<sup>3</sup>

Senneca reported that the EcoCold doors and the Eliason doors are the same as the ColdGuard doors; thus, the compliance issues are the same as the ColdGuard compliance issues noted above. Per Senneca, the EcoCold model line was created as an exclusive brand for a customer that would only be sold to and used in that customer’s cooler and freezer applications of varying sizes. From 2015 to March 2020, Senneca reported that it distributed 1,167 EcoCold doors in commerce. Further, Senneca stated that it made the business decision to consolidate its product lines and stopped selling Eliason doors into applications regulated by DOE in 2017, with the last sale being on November 29, 2017. From 2015 to March 2020, Senneca reported that it distributed 104 Eliason doors in commerce.

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<sup>3</sup> Senneca estimated that between 40% and 60% of the ColdGuard doors it reported as distributed in commerce in the United States were used in WICF applications.



Regarding the Chase Doors Durulite Retailer R25, Senneca states that it originally determined the R-value for this model based on calculations that incorrectly accounted for door skins. After attending a public DOE WICF webinar in October 2019, Senneca stated that it understood that the model did not comply with the applicable R-value standards at 10 C.F.R. § 431.306(a)(3), which requires wall, ceiling, and door insulation of at least R-25 for coolers and R-32 for freezers (with certain exceptions). Per Senneca, the R-value for the foam used in the Chase Doors Durulite Retailer R25 was 24.1. Senneca stated that it then began to evaluate how to bring the model into compliance with R-value requirements, and that it confirmed a compliant R-value through testing with a third party in January 2020.

Senneca also stated that in October 2019 the company realized that the Durulite Retailer R25 and the Rubbair Ultra Lite R25 did not meet the prescriptive glass and gas requirements at 10 C.F.R. § 431.306(b). Per Senneca, nearly all of the Durulite Retailer R25 and Ultra Lite R25 doors included windows that did not meet prescriptive standards that require either the use of double-pane glass with heat-reflective treated glass and gas fill, or triple-pane glass with heat-reflective treated glass or gas fill. The Retailer R25 used triple-pane glass and the Ultra Lite R25 used a double-pane glass, but the windows lacked both the heat-reflective treatment and the gas fill. Senneca reported that it identified a compliant glass for the models in December 2019. From 2015 to the March 2020, Senneca reported that it distributed 13,572 Durulite Retailer R25 doors and 2,112 Rubbair Ultra Lite R25 doors in commerce.

Senneca did not specifically state whether any of the Chase Doors, Rubbair Door, ColdGuard, EcoCold, and Eliason models failed to meet the applicable maximum energy consumption standards (in kWh/day) at 10 C.F.R. § 431.306(c) and (d), but did report in December 2019 that the company failed to test its covered equipment to evaluate compliance with those standards, which became effective on June 5, 2017.

Senneca also reported in December 2019 that it had not applied the WICF labeling requirements at 10 C.F.R. § 431.305 that took effect in June 2017 to any of its WICF doors. Senneca stated that, during a product-by-product assessment, Senneca reviewed the information contained on the labels used by each of its covered brands and products and determined that the labels did not comply with requirements in the regulations. In addition, Senneca noted that there were errors in the labels on its glass door models, which belong to its Thermoseal brand. Specifically, Senneca reported that its Thermoseal glass doors were incorrectly labeled with the ColdGuard brand name. The Thermoseal doors, unlike the EcoCold and Eliason doors, are not comparable to the ColdGuard models.

Under its Thermoseal brand, Senneca manufactures and distributes in commerce a variety of WICF glass door models. Senneca reported that it sold its first Thermoseal door for WICF applications on December 18, 2017, and that between then and December 5, 2019, various models in its “1400 Series” that were distributed in commerce in the U.S. failed to meet applicable energy efficiency standards. Specifically, Senneca reported that it distributed in commerce 10,672 units that did not comply with applicable energy efficiency standards. Senneca further stated that, when it entered the market in December 2017, the company did not test, label, or certify the doors as required by DOE regulations.

Senneca explained that its noncompliance was due, at least in part, to a misunderstanding about the applicability of energy efficiency standards to WICF components. Between April 2019 and September 2019, the company began to understand that its Thermoseal doors most likely did not comply with applicable energy efficiency standards. On September 1, 2019, Senneca stated that it launched its efforts to bring its Thermoseal models into compliance with DOE requirements. Specifically, the company built various prototypes with five energy-efficiency improvements to its models. Unfortunately, the preliminary test results of those initial series of prototypes led Senneca to conclude that the original versions of the Thermoseal doors did not comply with applicable energy efficiency standards.<sup>4</sup> Senneca stated that it continued to evaluate different modifications to its medium temperature and low temperature doors, and informed DOE that it was ultimately able to submit certifications of compliance for its updated Thermoseal models.

### FINDINGS

Based on the facts stated above, DOE finds that for the basic models, Senneca failed to label in accordance with 10 C.F.R. 431.305, properly test in accordance with 10 C.F.R. §§ 429.11, 429.13, 429.53, and 10 C.F.R. Part 431, Subpart R, and/or meet applicable energy conservation standards at 10 C.F.R. § 431.306.

### NOTICE

Distribution in commerce of covered equipment that does not meet the energy conservation standards is a violation subject to civil penalty. Distribution in commerce of covered equipment that is not labelled in accordance with applicable labelling requirements is a violation subject to civil penalty. If Senneca continues to distribute the basic models, DOE may assess a higher civil penalty for units sold after the date of this Notice.

### MANDATORY ACTIONS BY SENNECA

Between December 9, 2019, and April 7, 2020, Senneca provided records to DOE demonstrating the total number of units of the basic models that Senneca distributed in commerce in the United States since 2015. Upon DOE request, Senneca may be required at a later date to provide further information regarding the units of the basic models that were distributed in commerce. 10 C.F.R. § 429.114(a).

If you claim that any of the information provided by Senneca 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 C.F.R. § 429.7. Failure to adhere to these procedures will result in a rejection of your request for confidential treatment.

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<sup>4</sup> Senneca provided DOE with its Thermoseal prototype data, which Senneca used as the basis of its non-compliance conclusions.

### OPTIONAL ACTIONS BY SENNECA

In addition to the mandatory steps listed above that Senneca must complete, Senneca 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 Senneca 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, Senneca must provide to DOE test data demonstrating that the modified basic model complies with the applicable standard.<sup>5</sup> All units must be tested in accordance with DOE regulations, and Senneca shall bear the costs of all such testing.

If, after this testing, DOE determines that the modified basic model complies with the applicable standard, DOE shall issue a Notice of Allowance to permit Senneca to resume the distribution of the modified basic model in the United States.

### CONSEQUENCES FOR FAILURE TO COMPLY WITH THIS NOTICE

Should Senneca 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 will seek a judicial order within 30 calendar days to restrain further distribution. If, however, Senneca provides DOE with a satisfactory statement within that 30-day period detailing the steps that Senneca 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.

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Laura L. Barhydt  
Assistant General Counsel  
for Enforcement

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<sup>5</sup> DOE may require that this testing be performed at an independent, third-party testing facility.