

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

In the Matter of:

Mueller Door Company
(doors for walk-in coolers and freezers)

Case Number: 2022-CE-53008

ORDER

For the U.S. Department of Energy (“DOE”):

1. On January 5, 2023, under the above-listed case number, DOE initiated a case against Mueller Door Company (“Respondent”) to pursue a civil penalty for knowingly distributing in commerce in the United States basic models of doors for walk-in coolers and freezers without submitting to DOE a certification report certifying that those basic models complied with the applicable energy conservation standards.
2. Components of walk-in coolers and freezers, including doors,¹ are covered equipment, as defined by 42 U.S.C. §§ 6311(1)(G) and 6313(f), and 10 C.F.R. §§ 431.2 and 431.302.
3. Pursuant to 10 C.F.R. § 429.12, manufacturers are required to submit to DOE a certification report certifying that each basic model meets the applicable energy conservation standard, before distributing each basic model in commerce in the United States and annually thereafter.
4. Failure to submit a certification report for covered equipment in accordance with 10 C.F.R. § 429.12 is a prohibited act pursuant to 10 C.F.R. § 429.102(a)(1) and subject to civil penalties as described in 10 C.F.R. § 429.120.
5. Pursuant to 10 C.F.R. § 429.120, each day that a manufacturer fails to submit a certification report for a basic model is a separate violation.
6. Respondent admitted the following:
 - a. Respondent has manufactured² doors for walk-in coolers and freezers, including basic models Poloron I200, Poloron I350, and Poloron I450 (“the basic models”).

¹ “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.”

² “Manufacture” means to manufacture, produce, assemble, or import. 42 U.S.C. § 6291(10).

- b. Respondent has distributed in commerce³ in the United States for at least 365 days, and continues to distribute, the basic models.
 - c. Respondent knowingly failed to submit a certification report for the basic models before distributing those models in commerce in the United States, and annually thereafter, in violation of 10 C.F.R. § 429.12.
7. Based on the information above, I find that Respondent knowingly committed Prohibited Acts by manufacturing and distributing in commerce basic models of covered equipment without submitting to DOE a certification report certifying that those basic models complied with the applicable energy conservation standards. *See* 42 U.S.C. § 6302; 10 C.F.R. §§ 429.102(a)(1).
8. Accordingly, pursuant to 10 C.F.R. § 429.120 and 42 U.S.C. §§ 6303 and 6316, I **HEREBY ASSESS** a civil penalty of \$20,000 **AND ORDER** that the Settlement Agreement attached to this Order is adopted.

Samuel T. Walsh
General Counsel

³ “Distribute in Commerce” or “Distribution in Commerce” means 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).