

## **Enforcement Policy Statement Commercial Warm Air Furnaces**

Issued: February 08, 2024

DOE will not enforce the new thermal efficiency two (TE2) metric and corresponding test procedure, established in Energy Conservation Program: Test Procedure for Commercial Warm Air Furnaces, 88 Fed. Reg. 36,217 (June 2, 2023), against any regulated entity unless and until DOE concludes the proceeding on remand ordered in AHRI v. U.S. Dept. of Energy, No. 23-1793 (4th Cir.).

This policy does not create or remove any rights or duties and does not affect any other aspect of EPCA or DOE regulations. This policy statement is not a final agency action and has no legally binding effect on persons or entities outside the federal government. Accordingly, it is not intended to, does not, and may not be relied upon to, create any rights, substantive or procedural, enforceable at law by any party in any matter.