

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

In the Matter of:

Foshan Shi Qubu Trading Co., Ltd.
(miscellaneous refrigeration products)

DOE Case Number: 2023-CE-61011
OHA Case Number: EEE-24-0001

ORDER

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

1. On May 30, 2023, under the above-listed DOE case number, DOE issued a Notice of Proposed Civil Penalty to Foshan Shi Qubu Trading Co., Ltd. (“Respondent”) to pursue a civil penalty against Respondent for knowingly distributing in commerce basic models of miscellaneous refrigeration products without submitting to DOE a report certifying that those basic models complied with the applicable energy conservation standards.
2. Miscellaneous refrigeration products are covered products. 10 C.F.R. § 430.2.
3. Pursuant to 10 C.F.R. § 429.12, manufacturers must submit to DOE a report certifying that each basic model of a covered product meets the applicable energy conservation standard, before distributing each basic model in commerce and annually thereafter.
4. Failure to submit a certification report for a covered product 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. On October 17, 2023, pursuant to 10 C.F.R. § 429.124(c), DOE referred this case to an Administrative Law Judge (“ALJ”) by filing a Complaint with the DOE Office of Hearings and Appeals (“OHA”) and serving the Complaint on Respondent.¹
7. On November 1, 2023, DOE and Respondent executed a Settlement Agreement, in which Respondent admitted the following:

¹ The ALJ subsequently assigned OHA Case Number EEE-24-0001 to this civil penalty action.

- a. Respondent has manufactured miscellaneous refrigeration products, including the following basic models in Respondent's FOVOMI line: FW-34D and FW-52D (collectively, "the subject models");
 - b. Respondent has distributed in commerce for at least 365 days, and continues to distribute, the subject models; and
 - c. Respondent knowingly failed to submit a certification report and compliance statement for each of the subject models before distributing those models in commerce and/or annually thereafter, in violation of 10 C.F.R. § 429.12.
8. Based on the information above, I find that Respondent knowingly committed Prohibited Acts by manufacturing and distributing in commerce basic models of a covered product without submitting to DOE a certification report certifying that those basic models comply with the applicable energy conservation standards. *See* 42 U.S.C. § 6302; 10 C.F.R. § 429.102(a)(1).
9. 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.²

Samuel T. Walsh
General Counsel

² DOE acknowledges that DOE received Respondent's \$20,000 civil penalty payment on November 13, 2023.