Enforcement Policy Statement

April 5, 2013

On June 27, 2011, the DOE published in the Federal Register a direct final rule (DFR) under the Energy Policy and Conservation Act (EPCA), 42 U.S.C. §§ 6291-6309, which set forth amended energy conservation standards for residential furnaces, central air conditioners, and heat pumps, including regional standards for different product types in indicated States. 76 FR 37408. The American Public Gas Association (APGA) challenged the stricter 90% Annual Fuel Utilization Efficiency standard applying to non-weatherized gas furnaces in the northern region of the United States. A number of other entities intervened in that suit, challenging our standards for air conditioners and heat pumps in addition to furnaces.

On January 11, 2013, the Department of Justice, on behalf of DOE, and APGA filed a joint motion asking the court to enter an agreement to settle APGA's challenge. The settlement agreement would, among other things, vacate the energy conservation standards applicable to non-weatherized gas furnaces established in the DFR. DOE hopes the court will act quickly to implement the settlement agreement.

The DFR requires compliance with the energy conservation standards applicable to non-weatherized gas furnaces starting on May 1, 2013. In an exercise of its enforcement discretion, DOE will, during the pendency of the litigation, act in a manner consistent with the terms of the settlement agreement with regard to the enforcement of the standards.