

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

In the Matter of:)
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LG Electronics USA, Inc.) Case Number: 2017-SE-36001
(dehumidifiers))
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Issued: December 8, 2016

NOTICE OF NONCOMPLIANCE DETERMINATION

Dehumidifiers are covered products subject to federal energy conservation standards. 10 C.F.R. § 430.32(v). Manufacturers and private labelers are prohibited from distributing covered products in the United States that do not comply with applicable federal energy conservation standards. 10 C.F.R. § 429.102(a)(6); 42 U.S.C. § 6302(a)(5).

SELF-REPORTING

In an email to DOE dated October 8, 2016, LG Electronics USA, Inc. (“LG”) disclosed that, based on several tests, dehumidifier basic model UD701KOG2 (the “subject basic model”) may not comply with applicable DOE energy conservation standards. LG provided DOE with sixteen sets of test results conducted on fourteen separate units of the subject basic model (two of the units were tested twice each). The test results indicate an average capacity of 75.89 pints of water per day, with a maximum representable tested efficiency factor of 2.24. The minimum energy factor for a dehumidifier with a capacity of 75.01 pints per day or more is 2.5 liters/kWh.

FINDINGS

Based on the facts stated above, DOE has determined that the subject basic model and all individual models within the subject basic models do not comply with the applicable energy conservation standard.

MANDATORY ACTIONS BY LG

LG notified DOE that it has ceased distribution in commerce in the United States all units of the subject basic models. In light of the above findings, LG must take the following additional steps in accordance with 10 C.F.R. § 429.114(a):

- (1) Provide immediate written notification of this noncompliance determination to all persons in the United States to whom LG has distributed units of any model within the subject basic models;

(2) Provide to DOE within 15 calendar days of the date of this Notice a copy of the written notification required by paragraph (2) and a list of the parties that LG notified; and

(3) Provide to DOE within 30 calendar days of the date of this Notice any and all records, reports, and other documentation pertaining to the acquisition, ordering, storage, shipment, or sale of units of the subject basic models in the United States in the past five years.¹

If you claim that any of the information sought by this Notice 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 CFR § 429.7. Failure to adhere to these procedures will result in a rejection of your request for confidential treatment.

CONSEQUENCES FOR FAILURE TO COMPLY WITH THIS NOTICE

Should LG fail to cease immediately the distribution in the United States of all units of models within the subject basic models, this letter serves as notice that DOE will seek a judicial order within 30 calendar days to restrain further distribution. If, however, LG provides DOE with a satisfactory statement within that 30-day period detailing the steps that LG will take to ensure that units of the noncompliant basic models 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.

/S/

Laura L. Barhydt
Assistant General Counsel
for Enforcement

¹ Please note that “[t]he terms ‘to distribute in commerce’ and ‘distribution in commerce’ mean 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).