

Enforcement Statement: Air Compressor Test Procedures
December 6, 2017

On January 4, 2017, the U.S. Department of Energy (DOE) published a final rule establishing new test procedures for certain varieties of compressors under the Energy Policy and Conservation Act (EPCA; 42 U.S.C. §§ 6311-6317). 82 Fed. Reg. 1052. EPCA states that “no manufacturer, distributor, retailer, or private labeler may make any representation ... respecting the energy consumption [of covered equipment] unless such equipment has been tested in accordance with [the DOE test procedure] and such representation fairly discloses the results of such testing.” 42 U.S.C. § 6314(d).

At this time, DOE has not published a final rule establishing either energy conservation standards or a freestanding labeling requirement for compressors. Given these circumstances, there will be no enforcement of EPCA’s requirement as to representations with respect to the compressor test procedure final rule unless or until such time as compliance with a standard or labeling requirement is established.