

Enforcement Policy Statement

Submission of Commercial Packaged Boiler Certification Reports

Issued: April 18, 2018

Manufacturers are not permitted to distribute models of commercial packaged boilers unless the model is first validly certified to DOE as compliant with applicable standards.

The Air Conditioning, Heating, and Refrigeration Institute (“AHRI”) is an authorized third party representative for certain manufacturers of commercial packaged boilers. In this capacity, AHRI submits required compliance certification reports to the Department on behalf of manufacturers of commercial packaged boilers. On Friday, April 13, 2018, AHRI notified DOE that it was unprepared to submit complete certification reports for commercial packaged boilers by the May 1 filing deadline. AHRI stated it was unaware of the new reporting requirements adopted in a December 2016 final rule and requested additional time to submit complete reports.

While DOE has no information to indicate that manufacturers other than those represented by AHRI are unable to meet the May 1 filing deadline, to ensure parity, DOE is offering all commercial packaged boiler manufacturers an additional 30 days to comply with the new certification requirements. DOE will not seek civil penalties for the failure of a commercial packaged boiler manufacturer to submit its annual certification report as long as such reports are submitted by May 31, 2018.

DOE reminds all parties that each commercial package boiler manufacturer is responsible for certifying the compliance of its products, even if it uses a third party representative for submitting its certification reports. A manufacturer may be liable for penalties of up to \$449 per basic model per day for a failure to submit a valid certification report that fully complies with the requirements of 10 C.F.R. Part 429.

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a final agency action, has no legally binding effect on persons or entities outside the federal government, and may be rescinded or modified in the Department's complete discretion. 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.