

## **Enforcement Policy Statement – Certification of WICF Door Models**

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The U.S. Department of Energy (DOE) recognizes that there may be instances where a walk-in cooler or walk-in freezer (WICF) door manufacturer manufactures and distributes in commerce essentially identical WICF doors, but in a variety of surface areas. Because surface area is a physical characteristic that affects energy consumption, DOE regulations require the manufacturer to test and certify each door of a different surface area. See 10 C.F.R. §§ 431.302, 431.306. In an exercise of its enforcement discretion and to reduce the burden on manufacturers, DOE will not impose civil penalties for failure of a WICF door manufacturer to test and report a basic model in its certification report in adherence to the basic model definition (at 10 C.F.R. § 431.302) in instances where the manufacturer submitted a certification report for the basic model as follows:

1. The basic model is certified as containing individual models with different measured energy consumption values (in kWh/day);
2. The rated energy consumption value (in kWh/day) for the basic model (and each individual model contained therein) is based on testing of the most energy consumptive individual model within the basic model;
3. The measured surface area of each individual model in the basic model is within +/- three percent of the certified surface area of the basic model;
4. All variations of all individual model numbers in the basic model are clearly reported in the certification report<sup>1</sup>; and
5. The basic model is otherwise labeled and certified as required by 10 C.F.R. Part 429, Subpart B and 10 C.F.R. Part 431, Subpart R.

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<sup>1</sup> In most cases, a wildcard (e.g., “\*”) used within an individual model number to represent the +/- three percent variation of surface area would not be sufficient to clearly identify which individual models fall within the basic model. A manufacturer may certify variability in surface area that is reflected in the individual model number through a more concrete representation (e.g., a basic model containing individual models ABC97, ABC99, ABC101 and ABC103 could be reported with the individual model number ABC[97-103], with a surface area of 100 sq. ft. and based on testing of individual model ABC103, if ABC103 is the most energy consumptive individual model within the basic model).

Background:

To ensure that all covered products and equipment distributed in commerce in the United States comply with the applicable energy conservation standards, DOE has promulgated enforcement regulations, which include specific requirements for manufacturers to certify compliance with those standards. *See* 10 C.F.R. Part 429, Subpart B; 10 C.F.R. § 431.36.

The Department's implementing regulations require that, before distributing models in commerce, and annually thereafter, WICF component manufacturers must test basic models according to DOE test procedures and submit a certification report to DOE certifying that each basic model meets the applicable energy conservation standard. Pursuant to EPCA, DOE may seek penalties for failure to submit a proper certification report in accordance with DOE requirements. 42 U.S.C. § 6303(a); 10 C.F.R. § 429.102(a)(1).

A basic model means all components of a given type of walk-in cooler or walk-in freezer (or class thereof) manufactured by one manufacturer, having the same primary energy source, and which have essentially identical electrical, physical, and functional characteristics that affect energy consumption or energy efficiency. 10 C.F.R. § 431.302.

An individual, or manufacturer's, model number is the identifier a manufacturer uses to identify uniquely the group of identical or essentially identical covered products or covered equipment to which a particular unit belongs. This model number typically appears on the product nameplates, in product catalogs and in other product advertising literature. *See* 10 C.F.R. § 429.2.

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.