

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

In the Matter of:)
)
) Case Number: 2014-SEW-20006
Midea America Corp.)
(residential clothes washers))
)

Issued: December 4, 2014

NOTICE OF NONCOMPLIANCE DETERMINATION

Residential clothes washers are covered products subject to federal energy conservation standards as described in 42 U.S.C. § 6295(g) and 10 C.F.R. § 430.32(g). Manufacturers (including importers) 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).

TESTING

On November 21, 2013, DOE completed testing of one unit of MAE80-S1702GPS, manufactured by Hefei Rongshida Washing Equipment Manufacturing Co., Ltd., a subsidiary of Midea Group. The basic model is distributed in the United States by Midea America Corp. (“Midea America”), an importer of the basic model, as individual model MAE80-S1702GPS. On March 31, 2014, DOE completed testing of three additional units of this model. All four tests were conducted in accordance with the applicable DOE test procedure. *See* 10 C.F.R. Part 430, Subpart B, Appendix J1.

All top-loading residential clothes washers manufactured on or after January 1, 2011, and before March 7, 2015, must have a Modified Energy Factor (“MEF”) of at least 1.26 and a Water Factor (“WF”) of not more than 9.5. 10 C.F.R. § 430.32(g)(2). The four units DOE tested had MEFs of 1.11, 1.15, 1.12, and 1.11; this is an average of eleven percent below the federal requirement. The four units that DOE tested had WFs of 17.4, 17.1, 17.0, and 17.2; this is an average of eighty-one percent above the federal limit.

FINDING

Based on the facts stated above, DOE has determined, after applying the calculations set forth in 10 C.F.R. Part 429, Subpart C, Appendix A, that the basic model that includes individual model MAE80-S1702GPS (“the basic model”) is not in compliance with the applicable energy conservation standards.

MANDATORY ACTIONS BY MIDEA AMERICA

In light of the above finding, Midea America must take the following steps in accordance with 10 C.F.R. § 429.114(a):

- (1) Immediately cease distribution in U.S. commerce of all models of the basic model, including individual model MAE80-S1702GPS;
- (2) Provide immediate written notification of this noncompliance determination to all persons in the United States to whom Midea America has distributed units of the basic model; and
- (3) 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 Midea America notified.

OPTIONAL ACTIONS

In addition to the mandatory steps listed above that Midea America must complete, Midea America may elect to modify the basic model to bring it into compliance with the applicable standard. A modified basic model shall be treated as a new basic model under the regulations and must be certified in accordance with the provisions of 10 C.F.R. Part 429. In addition to satisfying all requirements of this part, any models within the basic model must be assigned new model numbers and Midea America must also maintain, and provide upon request to DOE, records that demonstrate that modifications have been made to all units of the new basic model prior to distribution in commerce. Prior to distribution in commerce in the United States, Midea America must provide to DOE test data demonstrating that the modified basic model complies with the applicable standard. All units must be tested in accordance with DOE regulations, and Midea America shall bear the costs of all such testing that is conducted.

If, after this testing, DOE determines that the modified basic model complies with the applicable standard, DOE shall issue a notice of allowance to permit Midea America to resume the distribution of the modified basic model in the United States. Until DOE determines that the modified basic model complies with the applicable standard, no units may be sold or otherwise distributed by Midea America in the United States.

CONSEQUENCES FOR FAILURE TO COMPLY WITH THIS NOTICE

If Midea America fails to cease immediately the distribution in the United States of all units of the basic model, this letter serves as notice that DOE will seek a judicial order within 30 calendar days to restrain further distribution. If, however, Midea America provides DOE with a satisfactory statement within that 30-day period detailing the steps that Midea America will take to ensure that units of the noncompliant basic model 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, including during any manufacturer initiated testing as described above, 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.

/signed/

Laura L. Barhydt
Assistant General Counsel
for Enforcement