

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

In the Matter of: )  
)  
)  
**Nortek Global HVAC LLC** ) Case Number: 2019-SE-16018  
(central air conditioners and central air )  
conditioning heat pumps) )  
)

Issued: July 24, 2019

**NOTICE OF NONCOMPLIANCE DETERMINATION**

Central air conditioners and central air conditioning heat pumps are covered products subject to federal energy conservation standards. 10 C.F.R. §§ 430.2, 430.32(c). Manufacturers and private labelers are prohibited from distributing covered products that do not comply with an applicable energy conservation standard. 10 C.F.R. § 429.102(a)(6).

**NORTEK VOLUNTARY REPORT OF NONCOMPLIANCE**

On July 12, 2019, Nortek Global HVAC LLC (“Nortek”) informed the U.S. Department of Energy (“DOE”) that two basic models of single package central air conditioners that Nortek manufactured and distributed in commerce do not satisfy the applicable energy conservation standards at 10 C.F.R. § 430.32(c). Nortek informed DOE that production units of basic models RP7RE-048K and VP7RE-048K had motor torque settings that were higher than specified in the models’ design, and that the instructions provided with units of the models directed refrigerant charge adjustments at installation. Nortek stated that both of these factors can lead to efficiency degradation; and that, promptly after discovery of these issues, the company permanently stopped all manufacture, distribution, and sale of these basic models.

**FINDINGS**

Based on the facts stated above, DOE finds (and Nortek admits) that single package central air conditioner basic models RP7RE-048K and VP7RE-048K do not comply with the applicable energy conservation standards at 10 C.F.R. § 430.32(c).

**NOTICE**

Distribution in commerce of covered products that do not meet the energy conservation standards is a violation subject to civil penalty, regardless of the issuance of this Notice.

## MANDATORY ACTION BY NORTEK

In light of the above findings and pursuant to 10 C.F.R. § 429.114(a), Nortek must, within 30 calendar days of the date of this Notice, provide to DOE records sufficient to show:

1. The number of units Nortek manufactured in or imported into the United States on or after January 1, 2015;
2. The number of units identified in item 1 that Nortek sold in the United States, and the number of units identified in item 1 that Nortek had remaining in stock when it ceased sale; and
3. The number of units that remain in Nortek's inventory that were manufactured (including importation) on or after January 1, 2015.

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

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Laura L. Barhydt  
Assistant General Counsel  
for Enforcement