

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

In the Matter of:

Sterling Electric, Inc.
(electric motors)

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Case Number: 2020-SE-65011

Issued: July 17, 2020

NOTICE OF NONCOMPLIANCE DETERMINATION

Electric motors are covered equipment subject to federal energy conservation standards set forth in 10 C.F.R. § 431.25. Manufacturers and private labelers who distribute covered equipment in the United States that does not comply with applicable federal energy conservation standards may be subject to civil penalties. In addition, a manufacturer who distributes in commerce covered equipment without first properly certifying that it complies with federal energy conservation standards also may be subject to civil penalties that accrue on a daily basis. 10 C.F.R. § 431.382.

FACTS

On March 31, 2020, Sterling Electric, Inc. (“Sterling”) submitted a report at CCMS # 206951 to the U.S. Department of Energy (“DOE”) in an attempt to certify the compliance of various basic models of electric motors. On June 9, 2020, Sterling submitted to DOE test data for five basic models which revealed that Sterling may not have tested at least five basic models in accordance with DOE test procedure. *See* 10 C.F.R. §§ 431.16, 431.17. Furthermore, based on the data that Sterling submitted for the five basic models, it appears that some of the basic models may not meet DOE energy conservation standards. *See* 10 C.F.R. §§ 431.25.

FINDINGS

Based on the facts stated above, DOE finds that Sterling failed to comply with certification requirements at 10 C.F.R. §431.36 prior to importing and distributing electric motors in commerce in the U.S. Furthermore, some of Sterling’s basic models may not comply with applicable energy conservation standards. *See* Appendix A to Subpart U of Part 431.

MANDATORY ACTIONS BY STERLING

Sterling has represented to DOE that it has ceased distribution in commerce of all basic models pending its review of its testing and motor compliance. In light of the above findings, Sterling must submit a valid Compliance Certification, certifying compliance with the June 2016 energy

conservation standards. The Compliance Certification must identify the basic models on which actual testing has been performed to meet the requirements of 10 CFR 431.17. Sterling must provide this test data to DOE. In addition, the Compliance Certification must show that the least efficient basic model within each rating, in fact, meets the applicable standard.

Sterling must ensure that, prior to distribution in commerce in the U.S., any electric motors it imports and/or private labels have been tested and certified in full compliance with DOE regulations and that the electric motors comply with the applicable energy efficiency standards set forth in 10 C.F.R. §431.25

Companies are prohibited from distributing in commerce any electric motor not in compliance with the applicable DOE conservation standard. Any person who knowingly violates this provision may be subject to penalties of up to \$468 per violation, i.e., per unit distributed in the United States. 10 C.F.R. § 431.382. Distribution of electric motors that have not been properly certified may be subject to penalties of up to \$468 per day.

**Laura L.
Barhydt**  Digitally signed by
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