

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

In the Matter of:)

Nortek Global HVAC, LLC)
(central air conditioners and central air)
conditioning heat pumps))

Case Number: 2019-SE-16019

ORDER

For the U.S. Department of Energy (“DOE”):

1. On June 28, 2023, under the above-listed case number, DOE initiated a case against Nortek Global HVAC, LLC (“Respondent”) to pursue a civil penalty for knowingly distributing in commerce¹ in the United States single-split-system central air conditioning heat pumps that failed to meet the applicable energy conservation standard.
2. Basic model SH2BE4M1SP60K (“the basic model”) is a single-split-system central air conditioning heat pump that was manufactured on or after January 1, 2015, and before January 1, 2023.
3. Central air conditioners and central air conditioning heat pumps are covered products subject to federal energy conservation standards set forth at 10 C.F.R. § 430.32(c)
4. DOE tested four (4) units of the basic model in accordance with the applicable DOE test procedure at 10 C.F.R. Part 430, Subpart B, Appendix M.
5. DOE’s testing of the four units of the basic model yielded the following results: the Seasonal Energy Efficiency Ratios (SEER) of the four (4) units DOE tested were 13.45, 13.25, 13.20, and 13.45.
6. Pursuant to 10 C.F.R. § 430.32(c)(1)(ii), a split-system central air conditioning heat pump manufactured on or after January 1, 2015, and before January 1, 2023, must have a SEER that meets or exceeds the minimum of 14.
7. Applying the calculations in 10 C.F.R. Part 429, Subpart C, Appendix A, shows that the basic model does not comply with the applicable federal energy conservation standard at 10 C.F.R. § 430.32(c)(1)(ii).

¹ “Distribute in Commerce” means to sell in commerce, to import, to introduce or deliver for introduction into commerce, or to hold for sale or distribution after introduction into commerce. 42 U.S.C. § 6291(16).

8. Respondent admitted that the basic model does not comply with the applicable federal energy conservation standard at 10 C.F.R. § 430.32(c)(1)(ii).
9. Respondent distributed in commerce in the United States multiple units of the basic model.
10. Consequently, Respondent knowingly distributed in commerce multiple units of a new covered product that did not conform with the applicable energy conservation standard.
11. Based on the information above, I find that Respondent knowingly committed Prohibited Acts by manufacturing and distributing in commerce multiple units of a new covered product that did not conform with the applicable energy conservation standard. *See* 42 U.S.C. § 6302; 10 C.F.R. § 429.102(a)(6).
12. Accordingly, pursuant to 10 C.F.R. § 429.120 and 42 U.S.C. § 6303, I **HEREBY ASSESS** a civil penalty of \$41,200 **AND ORDER** that the Settlement Agreement attached to this Order is adopted.

Samuel T. Walsh
General Counsel