

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

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| In the Matter of: |) | |
| |) | |
| Novum USA, Inc. |) | DOE Case No. 2019-SE-42016 |
| (commercial refrigerators, freezers, and |) | OHA Case No.: EEE-24-0014 |
| refrigerator-freezers) |) | |

ORDER

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

1. On December 4, 2023, under the above-listed DOE case number, DOE issued a Notice of Proposed Civil Penalty to Novum USA, Inc. (“Respondent”) to pursue a civil penalty against Respondent for knowingly distributing in commerce commercial refrigerator-freezers that do not comply with the applicable energy conservation standard.
2. Commercial refrigerators, freezers, and refrigerator-freezers are covered equipment. 42 U.S.C. § 6311(1)(E); 10 C.F.R. §§ 431.2, 431.62.
3. Respondent manufactured basic model 710L (“the subject model”).
4. The subject model is a self-contained commercial refrigerator-freezer with horizontal closed transparent doors, an operating temperature of less than 32 degrees Fahrenheit, and a mean volume of 26.49 cubic feet that was manufactured on or after March 27, 2017.
5. Given the subject model’s mean volume, the maximum permissible rate of energy consumption for the subject model is 3.35 kWh/day.
6. DOE tested four (4) units of the subject model in accordance with the applicable DOE test procedure at 10 C.F.R. Part 431, Subpart C, Appendix B.
7. DOE’s testing yielded energy consumption rates of 8.22, 7.81, 7.53, and 8.05 kWh/day, respectively.
8. After applying the calculations in 10 C.F.R. Part 429, Subpart C, Appendix B, DOE found that the subject model does not comply with the applicable federal energy conservation standard set forth at 10 C.F.R. § 431.66(e)(1).

9. Distribution in commerce of any new covered equipment that does not comply with an applicable energy conservation standard is a prohibited act pursuant to 10 C.F.R. § 429.102(a)(6) and subject to civil penalties as described in 10 C.F.R. § 429.120.
10. Pursuant to 10 C.F.R. § 429.120, each unit of covered equipment distributed in violation of 10 C.F.R. § 429.102(a)(6) is a separate violation.
11. On April 22, 2024, pursuant to 10 C.F.R. § 429.124(c), DOE referred this case to an Administrative Law Judge (“ALJ”) by filing a Complaint with the DOE Office of Hearings and Appeals (“OHA”) and serving the Complaint on Respondent.¹
12. On August 27, 2024, DOE and Respondent executed a Settlement Agreement, in which Respondent admitted that the subject model does not comply with the applicable federal energy conservation standard at 10 C.F.R. § 431.66(e)(1) and that Respondent distributed in commerce multiple units of the subject model.
13. Based on the information above, I find that Respondent knowingly committed Prohibited Acts by manufacturing and distributing in commerce multiple units of new covered equipment that did not conform with the applicable energy conservation standard. *See* 42 U.S.C. §§ 6303, 6316; 10 C.F.R. § 429.102(a)(6).
14. Accordingly, pursuant to 10 C.F.R. § 429.120 and 42 U.S.C. §§ 6303 and 6316, I **HEREBY ASSESS** a civil penalty of \$195,000 (one hundred ninety-five thousand dollars) **AND ORDER** that the Settlement Agreement attached to this Order is adopted.²

Samuel T. Walsh
General Counsel

¹ OHA subsequently assigned OHA Case Number EEE-24-0014 to this civil penalty action. On May 23, 2024, Respondent filed an Answer to the Complaint, denying the allegations set forth in the Complaint.

² DOE acknowledges that DOE received Respondent’s \$195,000 civil penalty payment in full on or about November 25, 2024.