

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

In the Matter of:)
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Therma-Stor LLC
Madison Industries
(dehumidifiers)

Case Number: 2022-SE-36001

Issued: May 19, 2023

NOTICE OF NONCOMPLIANCE DETERMINATION

Dehumidifiers are covered products subject to federal energy conservation standards. 10 C.F.R. §§ 430.2, 430.32(v). 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). Specifically, portable dehumidifiers with a capacity of 50.01 or more pints/day, and manufactured on or after June 13, 2019, must have an energy factor that meets or exceeds the minimum of 2.80 L/kWh. 10 C.F.R. § 430.32(v)(2).

TESTING

The U.S. Department of Energy (“DOE”) tested four units of Santa Fe brand dehumidifier individual model Advance100, manufactured by Therma-Stor LLC and/or Madison Industries (collectively, “Therma-Stor”). DOE’s testing in accordance with DOE test procedures (10 C.F.R. Part 430, Subpart B, Appendix X1) yielded the following results. The capacities of the four units DOE tested were 58.33, 60.39, 60.69, and 59.36 pints/day. The energy factors of the four units DOE tested were 2.18, 2.35, 2.32, and 2.19 L/kWh.

FINDINGS

Based on the facts stated above, DOE finds that basic model¹ 100 (“the basic model”) is a portable dehumidifier with a capacity of 50.01 or more pints/day. After applying the calculations in 10 C.F.R. Part 429, Subpart C, Appendix A, DOE finds that the basic model does not comply with the applicable federal energy conservation standard of no less than 2.80 L/kWh.

NOTICE

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

¹ A “basic model” is all units manufactured by one manufacturer that have the same primary energy source and essentially identical electrical, physical and functional characteristics that affect energy consumption or energy efficiency. *See* 10 C.F.R. § 430.2.

MANDATORY ACTIONS

In light of the above findings Therma-Stor must immediately cease distribution in commerce in the U.S. of all units of the basic model.

Therma-Stor must also, within 30 calendar days of the date of this Notice, provide to DOE records sufficient to show the number of units of the basic model that Therma-Stor distributed in commerce in the United States in the past five years, categorized by year. 10 C.F.R. § 429.114(a). This includes all units that remain in Therma-Stor's inventory that were manufactured (including importation) on or after June 13, 2019.

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.

OPTIONAL ACTIONS

In addition to the mandatory steps listed above that Therma-Stor must complete, Therma-Stor may modify the basic model to bring it into compliance with the applicable standards. 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 part 429, any individual models within the basic model must be assigned new model numbers and Therma-Stor 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. Before distributing this modified model in commerce in the United States, Therma-Stor must provide to DOE test data demonstrating that the modified basic model complies with the applicable standards.² All units must be tested in accordance with DOE regulations, and Therma-Stor shall bear the costs of all such testing.

If, after this testing, DOE determines that the modified basic model complies with the applicable standards, DOE shall issue a Notice of Allowance to permit Therma-Stor to resume the distribution of the modified basic model in the United States.

CONSEQUENCES FOR CONTINUING TO DISTRIBUTE THE BASIC MODEL

If Therma-Stor continues distributing in the United States of any units of the basic models, DOE may seek a judicial order to restrain further distribution and may assess a higher civil penalty for units sold after the date of this Notice. If, however, Therma-Stor provides DOE with a satisfactory statement within that 30-day period detailing the steps that Therma-Stor will take to ensure that units of the noncompliant model will no longer be distributed in commerce in the

² DOE may require that an independent, third-party testing facility perform this testing.

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.

Christina Studt
Trial Attorney