# Enforcement Policy Statement – Commercial Water Heaters

**Issued:** April 24, 2026

In an exercise of its enforcement discretion, the U.S. Department of Energy (DOE) will not seek civil penalties concerning violations of the energy conservation standards in 10 CFR 431.110(a) and/or the certification requirements in 10 CFR 429.12 with respect to the thermal efficiency (TE) standards for gas-fired storage water heaters and storage-type instantaneous water heaters and gas-fired instantaneous water heaters and hot water supply boilers manufactured on or after October 6, 2026, but before October 6, 2027.

**Background:**

In a final rule published on October 6, 2023, DOE adopted energy conservation standards for commercial water heating equipment. 88 FR 69686. Compliance with the new standards is required for models manufactured on and after October 6, 2026. Recently, interested parties petitioned the U.S. Supreme Court to review a D.C. Circuit decision upholding DOE's October 6, 2023 commercial water heater rule. Am. Gas Ass'n v. U.S. Dept. of Energy, No. 25-879, Petition for Writ of Certiorari, U.S. (2026).

**Application:**

Considering the pending petition for writ of certiorari before the U.S. Supreme Court regarding the lawfulness of the October 6, 2023 commercial water heater rule and the related near-term uncertainty for manufacturers and the market, DOE will delay enforcement activities and will not seek civil penalties concerning violations of the energy conservation standards for gas-fired storage water heaters and storage-type instantaneous water heaters and gas-fired instantaneous water heaters and hot water supply boilers in 10 C.F.R. § 431.110(a) and/or the certification requirements in 10 CFR 429.12 until October 6, 2027.

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