

**CONSUMER CHOICE ON THE BACKBURNER:
EXAMINING THE BIDEN ADMINISTRATION'S
REGULATORY ASSAULT ON
AMERICANS' GAS STOVES**

HEARING

BEFORE THE
SUBCOMMITTEE ON ECONOMIC GROWTH, ENERGY
POLICY, AND REGULATORY AFFAIRS
OF THE

COMMITTEE ON OVERSIGHT AND
ACCOUNTABILITY

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Opening statements and the prepared statements for the witnesses are available in the U.S. House of Representatives Repository at: docs.house.gov.

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**CONSUMER CHOICE ON THE BACKBURNER:
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Wednesday, May 24, 2023

HOUSE OF REPRESENTATIVES
COMMITTEE ON OVERSIGHT AND ACCOUNTABILITY
SUBCOMMITTEE ON ECONOMIC GROWTH, ENERGY
POLICY, AND REGULATORY AFFAIRS

Washington, D.C.

The Subcommittee met, pursuant to notice, at 10:05 a.m., in room 2154, Rayburn House Office Building, Hon. Pat Fallon [Chairman of the Subcommittee] presiding.

Present: Representatives Fallon, Donalds, Edwards, Bush, Krishnamoorthi, Khanna, and Brown.

Also present: Representatives Palmer, Issa, and Moskowitz.

Mr. FALLON. This hearing on the Subcommittee on Economic Growth, Energy Policy, and Regulatory Affairs will come to order.

I want to welcome everyone. Without objection, the Chair may declare a recess at any time.

I ask unanimous consent for Representative Palmer of Alabama, Representative Issa from California, Representative Moskowitz from Florida to waive on to this Committee for the purposes of asking questions during this hearing.

Without objection, so ordered.

I recognize myself for the purpose of making an opening statement.

Today we are going to examine the Department of Energy's proposed rule on conventional cooktop stoves and more specifically its de facto ban on gas stoves. This proposed rule is just one in a series of recent actions that embody the Biden Administration's whole of government approach to overregulate American's day-to-day lives.

Like many of you, I was shocked when I first heard the report that the Federal Government was even considering such a proposal. I thought surely this cannot be true. It is some clickbait. But, no, after looking into the details, it is, unfortunately, true. It is a de facto ban. The Biden Administration is looking to regulate gas stoves out of existence. We know that the Department has the authority to regulate energy efficiency standards for appliances and

has done so far—you know, they have done that for decades without really a major issue.

But since Joe Biden took office, he made it clear from day one that he was on a mission to abolish fossil fuels. Under his watch energy prices have skyrocketed, while agencies push through rules to suppress energy production and hurt American energy independence. His Administration is even going after Americans' household appliances. What is more American than a gas stove? And not just gas stoves. It is also targeting dishwashers, refrigerators, water heaters, furnaces, and even air-conditioners.

So, while Americans suffer under the weight of inflation that has not let up—it was not transitory—the Biden Administration is trying to make Americans' lives even more expensive. The Biden Administration does not seem to understand it is supposed to be government of, by, and for the people, not bureaucrats, and not the beltway. Or maybe it is just that that is why it is taking such an effort to hide this agenda from the American people.

For example, today we have another Biden Administration agency refusing to testify about a rulemaking—a rule and rulemaking authority that is affecting so many Americans. The Department of Energy ought to be here at this hearing to answer questions about rulemaking on its gas stoves. But, again, it is not. The Department of Energy refused to come, claiming that the rulemaking process is ongoing. That is exactly when Congress should be asking questions, not when it is finished.

What the Department of Energy—you know, what are they hiding? Why is it—why are they afraid to come and answer questions about one of its own priorities before the elected representatives of the people? Well, they cannot keep hiding. That is why Chairman Comer and I have sent an invitation for Under Secretary Dr. Geri Richmond to testify about not just this rulemaking, but the entire Department of Energy's rulemaking agenda for home appliances. And I ask unanimous consent to enter this letter into the record.

Without objection, so ordered.

Mr. FALLON. The American people deserve to understand the Biden Administration's efforts to regulate their stoves, their furnaces, their appliances, and, quite frankly, their lives.

That said, I thank the witnesses for appearing today and for your willingness to testify about this important issue.

And with that, I yield to Ranking Member Bush for her opening statement.

Ms. BUSH. Thank you, Mr. Chairman.

St. Louis and I are here today to discuss climate, the environment, and the very air we breathe, not just gas stoves.

I wish my Republican colleagues were as concerned about Black and Brown communities on the frontlines of our climate crisis as they are about an appliance. This proposed rule is not a ban on gas stoves. This proposed rule is not a ban on gas stoves. We are regulating indoor air pollution. The climate crisis is happening all around us, and Republican inaction is costing us lives. As lawmakers, we have a moral obligation to prioritize the health and well-being of every person across our country.

I represent a community where the threat of climate pollution comes from both inside and outside our homes. In St. Louis City,

Black children are twice as likely to test positive for lead in their blood than White children. St. Louis ranks among the highest across our country for rates of asthma, with rates significantly higher for Black residents than White residents.

I can only imagine the number of my constituents who are unknowingly being poisoned by their gas stove in the state that it is without this proposed rule being in effect, especially young children, our elders, and people with disabilities who are disproportionately at risk for contracting respiratory illnesses.

Let us not forget that many of these gas stoves are not owned by the residents of those homes, but often absentee or corporate landlords. That is a thing. We have a number of housing regulations in place to ensure that renters are kept safe. This also applies when we speak about keeping renters safe to the indoor air pollution, how that should be a top concern. This proposed rule is not a ban on gas stoves.

Research proves that improving the energy efficiency of gas stoves and switching to electric stoves completely will save lives, will save money, and will save our environment. The Department of Energy estimates that the updated standards to improve gas stove energy efficiency will save consumers at least \$100 million, provide climate benefits of \$67 million, and health benefits of \$65 million each year.

Congress has an obligation to make smart and forward-thinking investments with taxpayer dollars to ensure our future generations are not plagued by illnesses that lawmakers can prevent today.

It is important to recognize that gas stoves perpetuate an unsustainable reliance on fossil fuels and can cause significant health issues. We know the Department of Energy's proposed rule and new efficiency standards will reduce both the negative climate and negative health impacts.

The Department of Energy policy would keep our communities safe, so it is no surprise the Republicans are against it. Republicans are consistently against regulations that maintain workplace safety standards, enact gun control to keep our children safe in schools, and allow access to reproductive care.

These standards are not a ban on gas stoves, but a way to move the Nation forward and reduce health and climate risks to people in our planet while giving consumers more information and more options. Gas stoves have long been linked to serious health hazards, especially in children who grow up in homes with gas stoves.

According to the Scientific American, scientists have long known that gas stoves emit pollutants that irritate human airways and can cause or exacerbate respiratory problems.

We have the tools and the technology to address these issues definitively within the timeline DOE set forth. Three years to allow manufacturers to produce more energy efficient stoves is being generous. The real work comes in communicating with folks at home and urging them to consider the necessary changes, making these changes to keep their household and their family safe and working with the administration to ensure every single family has access to safe, effective, and affordable appliances.

This proposed rule is not a ban on gas stoves. As Ranking Member of this Subcommittee, I know that the work starts today. I im-

plore my colleagues to join Democrats in the serious work of helping keep our communities safe and informed rather than partaking in the unserious work of sensationalizing safety standards by DOE and misconstruing the science and misconstruing the facts.

Thank you. And I yield back.

Mr. FALLON. I am pleased today to welcome our panel of witnesses.

First, I would like to welcome Matt Agen who currently serves as Chief Regulatory Counsel for Energy at the American Gas Association. He brings with him over 18 years of experience in both private and public sector working on numerous facets of the energy industry.

Our second witness today is Kenny Stein, Vice President of Policy at the Institute for Energy Research who specializes in domestic and international energy policy, environmental regulation and policy, Federal and land management policy, federalism, and legislative analysis.

Our next witness is Ben Lieberman, a Senior Fellow at the Competitive Enterprise Institute, who also served as Senior Counsel on the U.S. House of Representatives' Committee on Energy and Commerce.

Our last witness today is Andrew deLaski, an Executive Director at the Appliance Standards Awareness Project.

I welcome all of you here today and look forward to hearing your testimony on this important topic.

Pursuant to Committee Rule 9(g), the witnesses will please stand and raise their right hands.

Do you solemnly swear or affirm that the testimony you are about to give will be the truth, the whole truth, and nothing but truth, so help you God?

Let the record show that the witnesses have all answered in the affirmative.

Please feel free to take your seats.

We appreciate you being here today and look forward to your testimony. Let me remind you that we have read your written statements, and they will appear in full in the hearing record. Please limit your oral testimony to five minutes.

As a reminder, just press the little button to talk so we can all hear you. And the first four minutes you are going to get a little green button, and then the last minute it will be yellow, and then red is kind of wrap-up.

I recognize Matt Agen to please begin your opening statement.

**STATEMENT OF MATTHEW AGEN
CHIEF REGULATORY COUNSEL, ENERGY
AMERICAN GAS ASSOCIATION**

Mr. AGEN. Thank you, Chairman Fallon and Ranking Member Bush and the Members of the Committee.

My name is Matthew Agen. I'm the Chief Regulatory Counsel for Energy at the American Gas Association. The American Gas Association represents over 200 local distribution companies that serve customers throughout the United States.

The natural gas distribution system in the United States serves approximately 187 million Americans, and that includes 5.5 million

businesses. I appreciate the opportunity to speak today on DOE's proposed cooktop rule.

AGA's members have long supported energy efficiency and conservation efforts. AGA member gas utilities spend approximately \$4.3 million a day on energy efficiency programs. These efforts have resulted in a 50 percent decline in residential natural gas use per customer since 1970.

AGA's members are also serious about climate change and fighting to reduce emissions. Methane emissions from the distribution system have declined 70 percent since 1990, and that includes adding approximately 750,000 miles of pipe to the systems.

AGA has also issued a climate change commitment aimed at reducing greenhouse gas emissions through innovation and modernizing the infrastructure, and that includes adding renewable natural gas and hydrogen to the gas systems.

Despite attempts to limit customer access to appliances and gas service, natural gas remains popular with customers and businesses. More than one new residential customer signs up for natural gas every minute, and approximately 80 businesses sign up for new natural gas service every day.

Households that use natural gas for heating, cooking, and clothes drying save an average of \$1,068 a year as compared to homes that use electricity for those applications. Moreover, the natural gas system is 92 percent efficient from production to customer.

Turning to DOE's proposed rule, AGA respects and supports DOE's role in setting energy efficiency standards. The natural gas industry is ready, willing, and able to support cost-effective, consumer friendly efficiency measures that are economically justified and technologically feasible.

Unfortunately, DOE's proposal is an attempt to remove a large portion of natural gas cooking products from the market that would result in nominal energy savings and limited cost savings.

DOE's own testing resulted in a 96 percent failure rate. When DOE later accounted for additional models that were not included in testing, it estimated that the cooking products rule would wipe out 50 percent of the current gas cooktops from the market. Eliminating anywhere between 50 and 96 percent of the available gas stoves from the market is simply not justifiable.

Furthermore, the proposed rule would eliminate features that make gas stoves popular, such as high input burners that allow for quicker cooking and cast-iron grates that allow for a level cooking surface and the ability to slide a pot safely across the cooktop.

Regarding the purported benefits of the proposal, DOE's own analysis projects that this extraordinary regulatory action would result in a customer cost savings of a scant \$1.51 cents per year.

Regarding the test procedures that underpin DOE's rule, AGA has explained to DOE that the test procedures were flawed because they were bias against gas products. AGA is also concerned that the proposed rule will lead designers and manufacturers to leave the market instead of spending millions of dollars to comply with the proposed rule.

The Proposed Cooking Products Rule is not DOE's only effort to limit access to gas appliances. DOE currently has rulemakings pending that would remove a large number of gas furnaces from

the market, as well as other gas products, which will increase cost to customers. DOE is also attempting to eliminate natural gas from new and renovated Federal buildings.

DOE is not acting alone. DOE is acting in conjunction with various other agencies in an effort to eliminate or restrict direct use of natural gas.

Based on the aforementioned factors, as well as others, AGA requests that DOE rescind the Proposed Cooking Products Rule, and AGA encourages DOE to work with stakeholders to develop a new approach.

I look forward to answering your questions today on this important topic.

Mr. FALLON. Thank you.

And I now recognize Kenny Stein for his opening statement.

Mr. STEIN.

**STATEMENT OF KENNY STEIN
VICE PRESIDENT FOR POLICY
INSTITUTE FOR ENERGY RESEARCH**

Mr. STEIN. Mr. Chairman, thank you for the opportunity to testify at this hearing.

The Department of Energy's proposed rulemaking on conservation standards for gas stoves is not a sincere attempt to improve efficiency. This rulemaking is yet another piece of this Administration's whole-of-government approach to targeting energy sources that it disproves of for ideological reasons. It is an attempt to stop consumers from using a product, natural gas, that is an affordable, abundant, and convenient.

This proposed rule is deficient in its justification and is outright illegal, obviously violating the plain language of the statute. The Energy Policy and Conservation Act, the statutory authority relied upon for this rulemaking, is a consumer protection statute. The law does mandate energy efficiency standards, but it also protects consumers from overreach from the Department of Energy.

In the case of the proposed conservation standards for conventional cooking products, i.e., gas stoves, DOE is overreaching in multiple ways and violating the plain text of EPCA.

While there are other deficiencies in the proposed rule, I will focus my comments on two specific legal failures. This rule violates the features provision of EPCA, and it violates the significant savings of energy requirement of EPCA. By the features provision of EPCA, I'm referring to 42, U.S.C., 629404. EPCA is designed to protect consumers economically, but it also protects consumers from DOE removing useful products from the market. The Secretary of Energy under that section is forbidden by statute from promulgating regulations which result in the unavailability of products or product features.

In the technical support document for this proposed rule, there are 21 gas stoves in DOE's test sample that met DOE's screening criteria of including important features such as continuous cast iron grates and at least one high input rate burner.

In the TSD, DOE also specifically acknowledges that continuous grates and high input rate burner are features under EPCA. Of the products in the test sample, only a single stove met DOE's pro-

posed standard, meaning that only four percent of the units included in the test sample met DOE's proposed standard.

Elsewhere in the TSD, DOE characterizes the 21-stove sample as representative of the gas stove market. Promulgating a rule where only four percent of the market, according to DOE, would meet the standard, violates the features provision of EPCA.

But it gets worse. IER's research suggests that the one gas stove that did comply with DOE's standard is actually no longer on the market. DOE does not disclose the models in its test sample, instead only gives the test units an anonymous number. This failure to provide the model number deprives the public of critical information necessary for the public to have proper notice of the impact of regulation.

In the case of this proposed rule, the lack of model numbers is especially troublesome because, if our research is correct, it appears that the only model in DOE's test sample for conventional gas stoves that meets DOE's proposed standard is no longer on the market.

From our research we found two slightly different model numbers that meet the description in the TSD of test unit number 2, both from Dacor. The problem is that these related models have been discontinued. Now, it is possible that test unit number 2 was not one of the Dacor models that we identified or a similar unit, but because DOE does not actually disclose the models, the public cannot even be sure that there are any products that meet this standard.

If our research is correct, though, DOE is proposing a standard where zero products with important features meet DOE's standard and are available for purchase. This is a facial violation of EPCA.

DOE attempts to muddy these waters with its February 2023 Notice of Data Availability. In the NODA, DOE provides information on three additional gas stoves that were screened out of the original 21 included in the TSD. These do meet the proposed efficiency standard; but as DOE noted, they do not include the useful features of having high input rate burners and continuous cast iron grates. DOE has not provided any information on the actual testing of any additional gas stoves.

Thus, from the data DOE has provided in the TSD, the proposed rule, and the NODA, DOE has not tested a single gas stove that, one, meets the standard; two, has the required features; and, three, is available for purchase. Even if only one gas stove is available for purchase, only one of 21 gas stoves demonstrates DOE's proposal to eliminate the vast majority of gas stoves that have important features for consumers. This is a clear violation of the law.

This proposed rule also violates EPCA's requirement of significant energy savings. As part of Congress' statutory scheme to protect consumers from DOE, EPCA required that, quote, new or amended standards must result in significant conservation of energy.

Even though this regulation is overly aggressive and may make all gas stoves with continuous cast iron grates and high input rate burners illegal, it still does not provide significant savings of energy. For gas stoves, DOE's TSD states that consumers will only save \$21.89 cents over the 14.5 year average life of the product, or

\$1.51 a year. Saving \$1.51 in energy a year is not a significant savings of energy. But it actually gets worse when you look at the consumer savings for electric stoves.

Consumers will only save \$13.29 over the 16.8 year average life of the electric stove, or a mere \$0.79 a year. This miniscule monetary savings is a direct result of miniscule energy savings and, therefore, not a significant savings of energy required under EPCA.

These two clear violations of EPCA exposed in this proposed rule as contrary to statute, and the Department of Energy must abandon this regulatory overreach.

Thank you. And I look forward to your questions.

Mr. FALLON. Thank you.

I now recognize Ben Lieberman for his opening statement.

**STATEMENT OF BEN LIEBERMAN
SENIOR FELLOW
COMPETITIVE ENTERPRISE INSTITUTE**

Mr. LIEBERMAN. Chair Fallon, Ranking Member Bush, and Members of the Subcommittee, thank you for the opportunity to testify today on an issue that few, if any of us, thought would get this much attention when the year began, stoves.

My name is Ben Lieberman, and I'm a Senior Fellow at the Competitive Enterprise Institute, CEI, a nonprofit, nonpartisan public policy organization that concentrates on regulatory issues from a free market perspective. I work in CEI's Energy and Environment Department where I cover a number of regulatory programs, including Department of Energy, DOE, appliance efficiency standards, such as the first ever proposed rule for stoves at issue here.

Prior to joining CEI in 2018, I was a staff member on the House Energy and Commerce Committee where I also worked on DOE appliance regulations, although it was mainly other appliances and overall process reforms and not stoves that were the focus of the Committee's attention at that time.

I include in my testimony an April 17, 2023, comment to the agency critical of its stove proposal which was signed by 30 other free market organizations. The regulatory comment focuses on the underlying statute, the Energy Policy and Conservation Act of 1975, or EPCA, from which DOE derives its authority to regulate appliances.

Contrary to some descriptions, EPCA does not take an efficiency-at-all-cost approach to appliance regulations. In fact, the statute contains a number of provisions to protect consumers from excessively stringent standards that may do more harm than good and reduce freedom of choice. But, unfortunately, these provisions have frequently been ignored by the agency in their zeal to crank out more and more regulations.

Things have only gotten worse now that the agency is trying to use these regulations to advance climate objectives at the expense of consumers. This is particularly true of appliances that come in natural gas and electric versions such as furnaces, water heaters, and stoves.

Natural gas has a lot of advantages for consumers, including being over three times cheaper than electricity on a per unit energy

basis. But natural gas is also a fossil fuel and, thus, is a target of the Biden Administration's all-encompassing climate agenda.

The proposed rule disproportionately burdens gas stoves relative to electric versions and threatens to take away some of the features people like about gas stoves. Doing so violates the law but, more importantly, it is bad policy. Consumers should decide what kind of stoves they want in their kitchen, not the government.

DOE's stove rule is just one of many efforts on the part of the Biden Administration to wean Americans off natural gas stoves and other appliances and in favor of electrifying everything. Indeed, DOE is, but one, of two agencies currently targeting gas stoves.

The Consumer Product Safety Commission is the other. And at the same time the Administration supports state and local bans on natural gas hookups in new construction and opposes natural gas pipelines. You cannot have a natural gas stove if you do not have natural gas.

New subsidies in the Inflation Reduction Act further tilt the balance heavily in favor of electric stoves, \$840 for a new electric stove, but zero for a new gas stove. An upstream of the end user hostility to natural gas drilling on Federal lands and natural gas pipelines threatens the cost advantage natural gas currently enjoys over electricity. Make no mistake, there is a war on natural gas, and it is extending into our homes and into our kitchens.

In sum, I would like to emphasize that this hearing really is not about what kind of stove is better or which kind of energy source is better. It is about who gets to decide these things. And on this point, I think the decision should always rest with the homeowner and not the Federal Government.

Thank you.

Mr. FALLON. Thank you, sir.

I now recognize Andrew deLaski for his opening statement.

(Minority Witness)
STATEMENT OF ANDREW DELASKI
EXECUTIVE DIRECTOR
APPLIANCE STANDARDS AWARENESS PROJECT

Mr. DELASKI. Chairman Fallon, Ranking Member Bush, and distinguished Members of the Subcommittee, thank you for the opportunity to testify today.

My name is Andrew deLaski. I'm the Executive Director of the Appliance Standards Awareness Project. ASAP works to advance appliance efficiency standards that save money, particularly for low-and moderate-income households, as well as cut air pollution, planet warming emissions, and water waste. ASAP is housed within the American Council for Energy Efficient Economy, a nonprofit 501(c)(3) organization that works to lead and advance energy efficiency policies, programs, and technologies.

I would like to start by making three points about appliance efficiency standards before turning to the proposed stove standards.

First, efficiency standards save consumers money, and they protect consumer choice. Federal appliance standards are a money saver for American households. As a result of standards in effect today, the typical American household saves roughly \$500 a year

on their annual utility bills. That is real money. The program was designed to ensure that consumers see cost savings across a wide variety of appliances and equipment.

By law, the Department of Energy must periodically review and update standards to reduce energy costs and emissions across appliances. The law also requires the duty to ensure that consumers continue to have access to the product choices that they value.

Contrary to recent misinformation, DOE is expressly prohibited from eliminating categories of products that use a particular fuel type and has not proposed any standard that would do that.

Robust energy efficiency standards help reduce energy bills for low- and moderate-income Americans. These households spend a disproportionate share of their income on their energy bills. They tend to benefit most from energy efficiency standards because they are often renters, with little control over the energy efficiency of the appliances that get put into their homes. Equally important, standards ensure that manufacturers include energy-saving innovations throughout their product offerings, including their basic, low price point models, the ones that typically are bought by low- and moderate-income purchasers.

The second point I want to make is that efficiency standards enhance U.S. energy security. The Federal appliance standards program is a strategy to boost energy security that dates back to the aftermath of the energy crisis of the 1970's.

Energy efficiency standards bolster our Nation's energy security and independence by freeing up critical natural gas, oil, electricity supplies, and reducing the need for imported fuels. In addition, by reducing peak electricity and natural gas demand, standards make our energy systems more robust and resilient.

Third point, there is bipartisan support for strong energy efficiency standards. Recent polling by Morning Consult demonstrates the breadth and strength of this support. Three in five adults support stronger standards including a super majority of Democrats and a plurality of Republicans. Polling over more than a decade demonstrates very durable public support for improving energy efficiency. The public support is cutting energy waste and saving money.

This Administration has been working toward its statutory requirements to finalize more than 40 standards due by the end of 2025, including many that are long overdue by law. Once finalized, these standards are poised to save an additional \$570 billion for consumers and avert 2.4 billion metric tons of climate emissions on a cumulative basis according to the Administration's estimates. We estimate that the typical household could save nearly \$350 annually once upgraded standards are implemented and compliant products are the norm.

In my last couple of minutes here, I'll focus on stoves, and let me be clear: There is no ban on gas stoves. This argument is a red herring. DOE does not have a statutory authority to ban gas stoves and has not made any such proposal. If the proposed standard is finalized, consumers would continue to have a wide variety of gas stove models from which to choose.

The proposed efficiency standard for gas stoves would benefit consumers. About half the gas stoves sold today already meet the

proposed standard. Others, primarily the luxury, commercial style models, would require modest improvements, resulting in about a 30 percent reduction in energy use to do the same amount of cooking. That is a good thing. That will both save consumers money and improve public health outcomes.

These modest energy efficiency improvements, and others for electric cooking products too, will add up to \$1.7 billion in savings for consumers over time. That is why the Consumer Federation of America, the Natural Consumer Law Center, who are prominent voices for low-and moderate-income consumers, support the proposed standard. And I've recently submitted letters to the Committee and to the Department expressing their support.

By law, DOE must adopt the maximum improved standard that is technologically feasible and economically justified. That is what the law requires. A final rule for stoves is now six years overdue, and as part of a settlement, DOE must finalize new standards by next January. If finalized, the proposed rule would take effect in 2027, providing manufacturers with significant time to modernize any designs as needed.

In conclusion, energy efficiency standards for household appliances and commercial equipment have been a cost-saving feature of American energy policy for decades. It has been working and working well. The DOE should expeditiously finalize strong energy efficiency standards to secure real cost energy savings and long-term energy security for the American people.

Thank you for the opportunity to testify today.

Mr. FALLON. Thank you.

I now recognize myself for five minutes of questions.

Mr. Agen, you just heard Mr. deLaski say that if this rule goes into effect, there is still going to be a wide variety of gas stoves available for consumers.

Do you agree with that statement?

Mr. AGEN. No. Like he even said, they are going to wipe out 50 percent of the market. Fifty percent of the market will not comply with DOE's proposed rule. That is a substantial amount of gas cooktops. Of the higher end cooktops, professional grade cooking products, again, about 96 percent will be wiped out.

So, a large chunk of the desirable products with the features that people are looking for will be wiped out, and that will go all the way down to the mid-range to low-range product as well.

Mr. FALLON. But, Mr. Agen, they said this is not a ban. My colleague said it was not a ban. We have a witness that says it was not a ban. So, is it not a ban?

Mr. AGEN. Basically it is going to amount to just—there are going to be fewer, a lot fewer choices, and it would really effectively be a ban in the sense that—

Mr. FALLON. Ah-hah. So, a de facto ban.

Mr. AGEN. You basically will—an indirect way of banning gas.

Mr. FALLON. So, overregulating and regulating to such degree that is, in fact, pretty much a ban, except for the four percent that already complied?

Mr. AGEN. Right.

Mr. FALLON. So, for the 96 percent, you are kind of out of luck?

Mr. AGEN. You will get the choice that you probably do not want at the store basically.

Mr. FALLON. A choice for consumers.

Mr. AGEN. Right.

Mr. FALLON. Choice, interesting. OK.

Can you explain the versatility in performance of gas stoves compared to electric stoves? Because I love gas stoves. In fact, I was just talking to counsel. He is looking for a house. He would not even buy a house unless it had a gas stove, and I tend to agree. And if I go to a place, like a VRBO, and they have a gas stove, I get excited. It is just me, anecdotal.

But you go ahead.

Mr. AGEN. No. So, gas stoves, obviously, are very versatile and have features that people want. The important thing is, obviously, people like having the immediate control over the flame, being able to control the cooking temperature, being able to react quickly, temperatures can go up and down, and then also cooking a variety of products. If you are looking at cooking at high heat or sear, you can do meat or vegetables in that way, looking to boil a large amount of pasta or any kind of rice. It basically makes it more efficient to do cooking.

And, also, these cooking products are actually not just used for residential purposes. If you are a small business working out of your home, it provides that level of versatility that allows you to work in your home business and get things done in that fashion.

Mr. FALLON. So, let us talk about, like, states that are calling for gas stove bans. New York comes to mind. Celebrity chefs are suing. They like their gas stoves. They are the experts with the culinary deliciousness that we, as Americans, like so much. They get exceptions for their businesses. Courts are even ruling in their favor. This is just outrageous logic. Why are celebrities getting favored treatment over everyday Americans?

Mr. AGEN. Yes. Obviously, we would want direct use for access to natural gas in people's homes and the stoves in people's homes. It is clear that they are making these exceptions because it will economically affect towns and businesses that are looking to ban natural gas. They do not want to see those restaurants leave. And you are starting to see that in certain areas where restaurants are starting to push back. And that is why really the California Restaurant Association sued Berkeley to kind of make sure that they could—the restaurant could still get access to natural gas in Berkeley, California.

Mr. FALLON. Thank you.

Mr. Lieberman, your organization has participated in a Department of Energy rulemaking over the last 20 years regarding energy and water conservation standards for home appliances such as gas stoves. How does the efficiency standard in the proposed rule violate the Energy Policy and Conservation Act.

Mr. LIEBERMAN. The law is very clear that energy efficiency standards cannot compromise product quality, choice, and features. And that clearly is at issue here. Gas stoves are much disproportionately burdened under this. Gas stoves will survive, but they will have to cut corners in order to comply. They will have to cut back on the very highest heat burners as we have heard. And these

are features that people want. They are on the market because people want.

Essentially, the statute says if a feature is on the market before a standard, it has to remain on the market in at least one model after the standard. That is not going to be the case here.

And regarding a ban, remember, the Department of Energy and Consumer Product Safety Commission are both targeting gas stoves. The idea that two agencies going after stoves and we have nothing to worry about is just not realistic. You add to that natural gas hookup bans, which are now getting support from the Federal Government through the Inflation Reduction Act, \$840 of taxpayer money for the purchase of an electric stove, zero for a gas stove, a whole host of measures opposed to natural gas more broadly, you know, limited leasing on Federal lands. It all adds up to a whole lot fewer gas stoves in the future if all of this is allowed to be finalized.

Mr. FALLON. And \$840 for an electric stove and—

Mr. LIEBERMAN. I do not know how it works because some do not even cost \$840.

Mr. FALLON. Right. Maybe get the stove and some money on it—

Mr. LIEBERMAN. Yes. We will pay you to take the stove, yes.

Mr. FALLON. All right. Well, thank you all. I thank the witnesses. I now yield.

And I recognize Ranking Member Bush for her five minutes of questions.

Ms. BUSH. St. Louis and I are here today to present the facts about gas stoves and the hazard they pose on our environment and our health.

I think about my colleague says, he likes gas stoves. I like gas stoves. We all like gas stoves. Seatbelts work too because there are standards put in place to keep people safe. This is a standard. This is a—we are talking about keeping people safe, and I like people to be alive, not necessarily what looks like a way to weaponize or to politicize an appliance. Let us keep people safe.

So, scientific research has proven there is a direct connection between gas stoves and let us just take childhood asthma, finding that gas stoves are linked to one in eight childhood asthma cases. These findings are especially concerning considering that asthma disproportionately affects Black and Brown communities—like whole communities of people, humans.

According to the Centers for Disease Control and Prevention, 13.4 percent of Black children have asthma, while only 7.8 percent of White children have asthma. New mothers heating up bottles or making pancakes could be poisoning their children without their knowledge. We want to keep them safe.

This evidence linking gas stove emissions to negative health outcomes, it continues to grow. Gas stoves rely on natural gas or methane as a fuel source which affects the climate both as a fossil fuel source and as a greenhouse gas itself.

So, Mr. deLaski, how does using natural gas as a fuel source contribute to the climate crisis?

Mr. DELASKI. Burning natural gas in our homes and in our power plants is a significant contributor to climate change emis-

sions and also a significant contributor to air quality challenges and problems indoors and outdoors. And making our stoves more efficient would reduce combustion and reduce the emissions coming from our stoves.

Ms. BUSH. OK. Mr. DeLaski, would improving the efficiency of gas stoves, would that help reduce the impact on the climate crisis?

Mr. DELASKI. Absolutely. Improving the efficiency of our gas stoves would help.

Ms. BUSH. I wholeheartedly agree.

A 2022 study by Stanford Science has found that annual methane emissions from all gas stoves in the United States in our homes have a climate impact comparable to the annual carbon dioxide emissions of 500,000 cars, with more than three-quarters of methane emissions originating while the gas stoves were not even in use.

So, Mr. deLaski, what actions can manufacturers, can consumers and regulators take to prevent the vast amounts of methane leakage from gas stoves?

Mr. DELASKI. One of the steps that we can take is for the Department of Energy to set the first ever efficiency standards for gas stoves. We now, for the first time, have a way of measuring relative efficiency and to ask manufacturers to make the investment to make their gas stoves that they sell more energy efficient, reducing their emissions.

Ms. BUSH. One more question for you.

What pollutants do gas stoves emit that are so harmful to human respiratory systems?

Mr. DELASKI. I'm not an expert in the various emissions that are coming out of gas stoves. I would point you to comments filed by the American Lung Association, as well as a number of nurses' organizations and other public health advocates, to the Department of Energy in the gas stove docket where they lay out some of the problems for indoor air quality and for ambient air quality. They are the experts, and I point you to the American Lung Association. They support the gas stove standard and are vocally supporting it.

Ms. BUSH. Well, I would just add, like, nitrogen dioxide which is known to irritate the human respiratory system, and as a nurse, I have seen it all too often, the effects.

Further research we know is warranted. In the meantime, experts suggest several actions businesses and families can take to reduce the health risks associated with gas stoves. These include opening a window, using an exhaust hood, installing carbon monoxide detectors, and making the transition to electric stoves. Everyone should have the necessary information about their household goods to determine what is best for them, particularly their stoves.

Thank you. And I yield back.

Mr. FALLON. Thank you.

The Chair recognizes my good friend and colleague from Florida, Mr. Donalds.

Mr. DONALDS. Thank you, Chairman.

First and foremost, I find it to just be highly disrespectful that the Department of Energy was asked to be here, they are not here. They do not want to answer questions about their own rule, which is going to impact the bottom line in the pocketbook of every Amer-

ican, especially those who own gas stoves currently. And, you know, I just find that to just be ridiculous.

They must be taking a cue from the President who does not even want to answer questions, does not do press conferences, and just is nowhere to be found. I find that to just really be laughable, to be honest.

Secondarily, this whole gas stoves thing makes no sense. Mr. Stein, I think you were saying in your testimony that roughly only four percent of the current product in the gas stoves market would actually even comply with the EPA's rule.

So, if you are a homeowner or even a renter and there are gas hookups into the kitchen, what are they supposed to do? Are they now supposed to retrofit their kitchen for an electrical outlet? Because it is not a normal outlet with electric stoves. It is a specially designed outlet for the electric stove in the kitchen.

So, I would ask the Department of Energy, if they were actually here, what do you expect the American people to do with respect to their kitchen? Are they going to now retrofit their kitchen to allow for an electric hookup to go in there when the house was not designed for that?

Mr. deLaski, what is the cost on that? Is that in your research?

Mr. DELASKI. The Department has not proposed to ban gas stoves.

Mr. DONALDS. The Department did not propose banning gas stoves, but the Department is actually going to regulate the fact that most gas stoves on the market would no longer be able to be sold. They would not be allowed to be sold, only four percent.

Do you agree with that, Mr. deLaski?

Mr. DELASKI. No. I have seen this movie before where—

Mr. DONALDS. Mr. deLaski, this is not a movie. This is reality.

Mr. DELASKI. The claim is that—

Mr. DONALDS. Because this is—Mr. DeLaski, this is reality. Because if you are going to tell—let me bring it to you this way.

If you are going to tell my mom that she cannot have a gas stove anymore and she can only buy an electric stove, but there is a gas hookup in the kitchen and now the kitchen has to be remodeled—and we were renters; we were not owners, which meant the landlord had to go and redo that—do you know what that is going to do to her livelihood? What happens if the landlord says, Man, I have got to go through these massive retrofits; I'm not paying for that? It falls back on the back of the renter, which is what does happen.

Does that sound like a movie to you? No, it does not. I'm not even asking you a question, because this is ridiculous. This is not a movie. This is people's lives, and we have the Department of Energy who does not even have the guts, the courage to come in here and answer questions about their proposed rule. They would rather hide in their building down the street than come in here and talk to the American people, talk to the people's representatives.

I mean, we do have to fund the Department of Energy. That is coming up in a couple of months. If you cannot even come in here and answer questions, why would we fund you? And that is serious. I'm not even joking around, because this thing is stupid.

For Black and Brown communities, the cost of actually having to go out and buy a new appliance or to retrofit your kitchen is far more dangerous to your bottom line and to your pocketbook. I'm being honest. It is far more dangerous.

I noticed in the Ranking Member's comments she never once mentioned what it would cost a Black and Brown family. She did not talk about that. All she is talking about is the fact that the entire Green New Deal agenda may—and I stress may—cut one half of a degree in the world's climate by 2050. And I stress may, because there was a representative from the Department of Energy in the Senate a few weeks ago, and he could not even answer the question that came from Senator Kennedy. He did not know. He had no answer. He was like you, Mr. deLaski, just going back through the "This is not a movie," or whatever the heck you are saying over there. This stuff is dumb.

Listen, what we should be doing is a couple of things. No. 1, making sure that there is actually cheap and readily affordable energy for our businesses and for our people, period, full stop.

Two, this notion of chasing down the Green New Deal fantasy which, by the way, half the globe is ignoring. China is not doing this. Russia is not doing this, and the Europeans are backpedaling from this quickly because even the Europeans now understand that they cannot live their Green New Deal dreams on gas that they were getting from Russia. They do not get to do that anymore, so now Europe is backpedaling.

We need to get serious in the United States. And if we want to have an economy where everybody has got to be able to earn money in and we want to have an energy grid that is sustainable, what we cannot do are these crazy demands from the Department of Energy and from the EPA.

The last thing I will say is this. If we follow the President's dream and the other party's dream of electrifying every car and electrifying every stove, you know what we are going to have? We are going to have an electric grid with not enough energy to turn the lights on. Those are the facts.

I yield back.

Mr. FALLON. Thank you, Mr. Donalds.

The Chair recognizes Ms. Brown from Ohio.

Ms. BROWN. Thank you, Mr. Chairman.

Today my friends on the other side of the aisle are, unfortunately, spreading unfounded fear mongering about gas stoves.

As someone who uses a gas stove, I want to address some myths.

First, the Biden Administration, again, is not banning gas stoves. I repeat, the Biden Administration is not banning gas stoves. The Department of Energy is not banning gas stoves. And, in fact, the Department of Energy cannot ban stoves through energy efficiency standards. Instead, consistent with the law, the Department of Energy is proposing standards that would improve the efficiency of gas stoves built in the future.

Mr. deLaski, to your knowledge, will new conservation standards affect existing stoves installed in homes and businesses across America?

Mr. deLASKI. No, it will not.

Ms. BROWN. Thank you.

Mr. deLaski, can you describe some of the benefits related to the improved efficiency of gas stoves?

Mr. DELASKI. The improved efficiency of gas stoves would cut bills for consumers. For a gas stove owner, it is going to save them about 50 bucks, and for an electric stove owner, about \$75 over the life of the stove. Those are—you know, if you saw \$50 laying on the ground, you would pick it up. And that is what the government is doing by setting efficiency standards for gas stoves and for electric stoves too.

Ms. BROWN. Thank you.

Mr. deLaski, why is it important for the public to have accurate information about the energy conservation health impacts of the products they use?

Mr. DELASKI. Consumers having information is what helps them to make good decisions that are best for their families, and one of the things that we accomplish with these standards is allowing people to understand what is the efficiency performance of different products in the marketplace so they can make the choices that are best for their families, while they still have a range—and they will continue to have a range of choices, let us make no mistake, both electric and gas products, once the standard is in place.

Ms. BROWN. Thank you so much for that.

Listen, experts have long held concerns about the impact of gas stoves on human health. It is unacceptable that nearly 13 percent of childhood asthma is directly connected to gas stove emissions.

To be clear, while the Department of Energy works to improve the efficiency of stoves, we can all take steps to reduce the potential health risks associated with their use by doing small things like turning on a vent or opening a window. As mentioned, one of the essential services that our government provides is to review consumer products and identify ways to make them cleaner and safer. That is exactly what the Department of Energy is doing, making sure that gas stoves are less expensive to operate and produce fewer toxins and health hazards.

It is my hope that my Republican colleagues will redirect their focus to the well-being of American people rather than politicizing kitchen appliances. Because you know what they are banning? Abortions. You know what they are banning? Books. You know what they will not ban? Assault weapons. But we are sitting up here talking about a ban on gas stoves. But I should be excited. Because if my colleagues are interested in an appliance that is causing harm to children's lives, perhaps they will get the courage to have a hearing about banning assault weapons which are actually killing people every single day.

So, yes, I agree, this is dangerous and dumb. We have much better things to focus our time on.

And with that, I yield back.

Mr. FALLON. The Chair recognizes Mr. Moskowitz from Florida.

Mr. MOSKOWITZ. Mr. Chairman, thank you. I appreciate the waiver onto the Committee.

And first let me say, from a policy perspective, I think my colleagues across the aisle are correct. I do not think we should ban gas stoves, and I do not think banning gas stoves is the least impactful way to address the gas nitrogen or carbon monoxide or

formaldehyde that is coming out. It is ventilation. Ventilation is the way to address that.

And so, I'm here to say, Mr. Chairman, that I agree with you that we should not be banning gas stoves. And the good news is that this proposed rule does not ban gas stoves. And I get it. I get that every morning, you know, as you are getting your coffee, you know, and it is warm and you are in the kitchen and you stare into the knobs of your beautiful stainless steel beauty, I got it. I get the bravado. You can—we can pry your gas stove from your cold, dead hands, or give me my gas stove or give me death. You know, I have a six-burner, double oven range that sits on legs. I mean, I miss her right now as we are talking about it.

And so, I think—because it is a two-party system, I think when my colleagues across the aisle, the other party, show leadership, the leadership of our times that is desperately needed, Democrats like myself should commend them. And I want to apologize on behalf of the Democratic Party that we have decided to put kids, kids' safety in their neighborhoods, from getting gunned down in movie theatres or grocery stores or school churches or synagogues, we as Democrats have clearly lost our way, that we are not focused on appliances.

And so, we are finally seeing our friends across the aisle stand up for parents all across the country as they tuck their kid in at night, as they dress them for school in the morning, as they are worried that they may not come home. My friends across the aisle are telling those parents, you can breathe a sigh of relief, that the grand appliance party is going to make sure your gas stove goes nowhere.

You might own a small business, and you are worried about how you are going to pay your employees if we default. The good news for you today, is that if you have to shutter your business because the country defaults, your gas stove will still be there.

And so, you know, I look forward to the legislation of our time, the Appliance Bill of Rights, that might come in front of this Committee and joining in this fight together as we show Americans that Congress can still do big things, that we have not lost our way, and that when the American people need leadership from their elected leaders, we are going to deliver for them and their gas stoves.

Mr. Chairman, thank you. I yield back.

Mr. FALLON. The Chair recognizes Ranking Member Bush for close.

Ms. BUSH. As we have heard over and over again, this is not a ban on gas stoves. This is not a ban on gas stoves. This is not a ban on gas stoves. We would love to see actual action that saves lives, but we continue to see from our Republican colleagues actions that loosen regulations, that make it easier for humans to lose their lives, make it easier for humans to become ill.

Gas stoves have an enormous impact, a negative impact on the climate and on humans' health. We have said it over and over again, including contributing to childhood asthma, and that is a big deal. Respiratory illnesses are a big deal. Energy efficiency standards benefit American consumers by lowering the risks that are as-

sociated with gas stoves and saving them money on their utility bills.

The Department of Energy's proposed rule on energy efficiency for consumer cooking products is part of the normal course of business, and it is required, actually, by law. The proposed rule is also part of an effort to catch up on the long overdue updates to energy efficiency, those standards that fell to the wayside during the Trump Administration.

The proposed rule also has the support of consumer protection organizations, such as Consumer Federation of America and the National Consumer Law Center.

I would like to request unanimous consent to enter into the record a letter from these two organizations submitted for this hearing.

Yes?

Mr. FALLON. So, moved.

Ms. BUSH. Thank you.

Mr. FALLON. Without objection, so moved.

Ms. BUSH. I would also like to highlight an important point raised in the letter, and I quote: Inefficient stoves raise important equity concerns. If DOE fails to adopt strong efficiency standards for stoves, it will leave millions of renters who are disproportionately low-income, compared to the population at large, confined to having less efficient stoves installed with consequently larger energy bills.

The proposed efficiency standards are not a ban on gas stoves, again. The Department does not want to, nor can it, ban gas stoves. The Biden-Harris Administration has specifically stated that it is not in favor of banning gas stoves. Republicans are deliberately misrepresenting the facts and misrepresenting data, all the while focusing on this made-up war, let us call it that, on gas stoves and ignoring far more pressing issues for Americans across the country.

We are about saving lives. That is more important than what we are seeing about how comfortable it is to have a gas stove in the manner that we have them now. It is OK. New technology comes out. New information comes out. I think we should move forward with that, and we do not have to ban gas stoves to do it.

Consumers should have all of the relevant information, all of the important information that they need to make an informed decision about appliances in their own homes.

Thank you.

Mr. FALLON. I want to thank Representative Moskowitz for coming in and giving his testimony. He was waived on the Committee. He actually was one of the 29 Democrats that voted with the Republicans to prevent this rule from going into effect, so I want to thank him for his support as well on this.

So, I figured at the beginning of the hearing that my colleagues on the other side of the aisle would say either this is not a ban or regulating them out of existence is something that—because it is not a ban. It is regulating out of existence. That is what it is, so I would partially agree. And it—or they would say, this is something—climate change demands it, so we are going to command it. This is something that we are going to make mandatory, but, actu-

ally, they did both. And some of the salacious and ridiculous and hyperbolic claims, like the Republicans are against safety, I mean, that is absolutely absurd. You know, this is about taking away choice. And every time you take away choice, you take away liberty. And it seems to me the only choice that many of our Democratic colleagues are comfortable in allowing the masses to have is abortion. Everything else, it is best left to the elites. And this is not a ban. Yes, it is, again, regulating them out of existence. And what they do, they cite a wild and hollow savings claims.

And I prefer, if we are going to give someone a choice, do you trust the American individual or do you trust an unelected bureaucrat? And this, again, comes down to is it the rule of law, which is what I thought we were supposed to be a rule of law Nation, or is it the law of the rule?

And then we were told gas stoves are hazardous or they are disproportionately harming people of color or they are dangerous or they are poison, they are poisoning, and gas stoves kill. So, I guess by implication gas stoves could be racist. Or are they just better to help us scramble some eggs and make some crispy bacon?

This is about, at the end of the day, choice. And it is clear that the American people simply do not want these opaque and complicated rulemaking standards that the Biden Administration is putting forth.

Nominee after nominee that President Biden puts forward has faced serious opposition or straight up rejection because this is extreme. Just take the sinking of the nominee for the Office of Energy Efficiency and Renewable Energy, for example. We would have loved to have him testify on the proposed rule at issue today since his office would be having to sign off on it. But as you can see, there are two empty chairs that the Department of Energy was asked to come, and they just again thwarted the request of Congress.

Concerningly, these agencies are moving forward with overreaching ideologically driven rules without the consent of the American people, and then they won't even come to answer questions from the American people's elected representatives. I would be just as angry if they ignored it under a Republican Administration.

The Department of Energy is even relying on a court-ordered consent decree initiated by environmental groups as a basis for staying out of this hearing room today. And let us get real. Agencies avoiding accountability is a theme we have seen through this Congress from this Democratic Administration. We saw it last Congress with the Democratic Majority as well.

The reason for this behavior is that the Biden Administration knows it is politically exposed and compromised. This is an uncomfortable hearing. We hear this from our colleagues about, don't we have better things to do than talking about appliances and gas stoves? We are talking about liberty and we are talking about freedom.

But this is the same party that had, I think, three hearings with this Committee about the Washington Redskins and Daniel Snyder. I think we have a lot more important things to do than to har-

ass that man. I forget what they call them, the Commanders, I do not even know. They will forever be the Redskins to me.

Mr. FALLON. Republican legislation protecting consumer choice has talked many Democrats out of supporting the Department of Energy's proposed rulemaking. And as I mentioned, this is bipartisan support to kill this rule. Twenty-nine Democrats joined all the Republicans.

So, meanwhile, we have Energy Secretary Granholm, herself, has defended bans against gas stoves. Although, she has one herself, which is at the height of leftist hypocrisy. So do celebrities in California who are suing for exceptions to have the gas stoves in kitchens. Can you imagine suing to keep a gas stove in your kitchen? This is absurd. This is where 10 years ago, I do not think any of us saw. There is plenty of topics today, that 10 years ago we would have thought there was no possible way that we would get there.

One of the key principles of our great country is we the people, not we the bureaucrats. That is kind of a dictatorship of the bureaucracy, quite frankly. Free markets determine what we want for ourselves and our families and our communities. And people in America are free right now to have a choice. You can have an electric stove, if you want, or you can have a gas stove.

I want to thank the witnesses for their participation in contributing to this meaningful discussion today. I look forward to scheduling a follow-up hearing with the Department of Energy, and maybe then they will actually show up and do their jobs and be held accountable to the American people. They do cash a check, and that check is written by the American taxpayer, at which time we hope that they will appear, and that they can answer our questions.

And with that and without objection, all Members will have five legislative days with which to submit materials and then submit additional written questions for the witnesses, which will be forwarded to the witnesses for their response. If there is no further business, without objection——

Mr. ISSA. Mr. Chairman?

Mr. FALLON. Yes.

Mr. ISSA. I apologize. I do not know if I was waived in at the beginning, would I be allowed to submit——

Mr. FALLON. You are.

Mr. ISSA. All right. Then I would like to submit mine for the record, too. Thank you.

Mr. FALLON. You are welcome. Without objection, so ordered.

Mr. FALLON. If there is no further business, without objection, the Subcommittee stands at adjourned.

[Whereupon, at 11:09 a.m., the Subcommittee was adjourned.]

