

GAS STOVE PROTECTION AND FREEDOM ACT

JUNE 1, 2023.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mrs. RODGERS of Washington, from the Committee on Energy and Commerce, submitted the following

R E P O R T

together with

MINORITY VIEWS

[To accompany H.R. 1615]

The Committee on Energy and Commerce, to whom was referred the bill (H.R. 1615) to prohibit the use of Federal funds to ban gas stoves, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

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PURPOSE AND SUMMARY

This bill prohibits the Consumer Product Safety Commission (CPSC) from using federal funds to (1) regulate gas stoves as a banned hazardous product, or (2) issue or enforce a product safety standard that prohibits the use or sale of gas stoves or substantially increases their price.

BACKGROUND AND NEED FOR LEGISLATION

In January of 2023, media reports indicated that Commissioner Richard Trumka, Jr., of the CPSC called on the agency to ban gas stoves.¹ This led to many more media reports stating that the CPSC was considering a universal ban on gas stoves. It was also later discovered that the Rocky Mountain Institute, the group behind a study cited in CPSC Commissioner Richard Trumka, Jr.’s call to ban gas stoves, had partnered with the Chinese government to implement an “economy-wide transformation” away from oil and gas.²

A ban on gas stoves would hamper choice in the marketplace and could have adverse consequences for buyers who may seek this feature out of preference or for cost reasons. Media reports have also covered conflicting messages sent by cities and counties over whether there is an actual hazard. For instance, as gas stove bans are taking effect in cities across California, some California localities are exempting certain restaurants from these bans.³ José Andrés, a celebrity activist chef based in Washington, D.C., was able to obtain such an exemption.⁴ Lawyers for Andrés successfully argued to the city of Palo Alto that José Andrés’ restaurant “Zaytinya relies on traditional cooking methods’ that could not work without gas. The letter included a threat: Without gas hook-ups and appliances, ‘Zaytinya will likely choose not to locate within the city.’”⁵

H.R. 1615 is designed to ensure that Americans—not just activist celebrity chefs who can afford lawyers and lobbyists—will have a full range of safe and fully functional gas stoves available for purchase. The government should not decide which chefs and home cooks are gas worthy, rather consumers should make such choices.

An oversight letter and follow up communications from the Chair of the Committee on Energy and Commerce supports the need for a prohibition on the banning of gas stoves by the CPSC.⁶

¹ Ari Natter, *US Safety Agency to Consider Ban on Gas Stoves Amid Health Fears*, Bloomberg (Jan. 9, 2023), <https://www.bloomberg.com/news/articles/2023-01-09/us-safety-agency-to-consider-ban-on-gas-stoves-amid-health-fears#xj4y7vzkg>.

² Colin Anderson and Joseph Simonson, *Meet The Green Energy Group Behind The Study That’s Driving Calls To Ban Gas Stoves*, Washington Free Beacon (Jan. 16, 2023), <https://freebeacon.com/biden-administration/meet-the-green-energy-group-behind-the-study-thats-driving-calls-to-ban-gas-stoves/S>

³ Terry Castleman, *Despite Palo Alto’s ban on natural gas, José Andrés can cook with it at his new restaurant* (May 19, 2023), <https://www.latimes.com/california/story/2023-05-19/chef-jose-andres-natural-gas-palo-alto-restaurant-zaytinya>.

⁴ City of Palo Alto, *Stanford Shopping Center Gas Utility Service Connection Update* (May 16, 2023), <https://www.cityofpaloalto.org/News-Articles/City-Manager/Stanford-Shopping-Center-Gas-Utility-Service-Connection-Update>.

⁵ *Supra* note 3.

⁶ Letter from Hon. Cathy McMorris Rodgers to Hon. Alex Hoehn-Saric (Jan. 13, 2023), https://d1dth6e84htgma.cloudfront.net/2023_01_13_CPSC_Gas_Stove_Ban_Letter_bfb4c46599.pdf?updated_at=2023-01-17T14:59:57.203Z; response and subsequent email exchanges are on file with the House Energy & Commerce Majority Staff.

COMMITTEE ACTION

On May 24, 2023, the full Committee on Energy and Commerce met in open markup session and ordered H.R. 1615, without amendment, favorably reported to the House by a record vote of 29 yeas and 19 nays.

Democrats are complaining that H.R. 1615 did not follow “regular order.” We expect to hear more false cries about “regular order” during the Floor debate on this bill. The Stove issue was raised at a February 16, 2023, the Subcommittee on Energy, Climate, and Grid Security held a hearing that discussed gas stove bans, and a May 11, 2023, the Subcommittee on Energy, Climate, and Grid Security held a hearing that discussed gas stove bans.

It is worth reflecting on what “regular order” means when Democrats are in the majority. During the last Congress, the Democrats moved a massive Reconciliation bill (H.R. 5376) through the House.

This was an enormous, costly bill. No hearings were held on the bill, and no subcommittee markups were held. In fact, when the Energy and Commerce Committee held its full committee markup, this bill was just collection of 16 “Committee Prints.” The Democrats still had not even introduced the “Committee Prints” in the House.

There were no hearings on these “Committee Prints.”

There were no subcommittee markups on these “Committee Prints.”

Democrats are not serious when they complain about “regular order” here.

Although Democrats’ notions of “regular order” fluctuate depending on if they are in the majority or the minority, there was thorough Committee consideration of the issue of gas stoves prior to forwarding this bill to the full House for consideration.

COMMITTEE VOTES

Clause 3(b) of rule XIII requires the Committee to list the record votes on the motion to report legislation and amendments thereto. The following reflects the record votes taken during the Committee consideration:

**COMMITTEE ON ENERGY AND COMMERCE
118TH CONGRESS
ROLL CALL VOTE # 25**

BILL: H.R. 1615, the Gas Stove Protection and Freedom Act

AMENDMENT: A motion by Rep. Rodgers to order H.R. 1615 favorably reported to the full House, without amendment (Final Passage).

DISPOSITION: AGREED TO, by a roll call vote of 29 yeas to 19 nays.

REPRESENTATIVE	YEAS	NAYS	PRESENT	REPRESENTATIVE	YEAS	NAYS	PRESENT
Rep. Burgess	X			Rep. Pallone		X	
Rep. Latta	X			Rep. Eshoo		X	
Rep. Guthrie	X			Rep. DeGette		X	
Rep. Griffith	X			Rep. Schakowsky		X	
Rep. Bilirakis	X			Rep. Matsui		X	
Rep. Johnson	X			Rep. Castor		X	
Rep. Bucshon	X			Rep. Sarbanes		X	
Rep. Hudson				Rep. Tonko		X	
Rep. Walberg	X			Rep. Clarke		X	
Rep. Carter	X			Rep. Cárdenas		X	
Rep. Duncan	X			Rep. Ruiz		X	
Rep. Palmer	X			Rep. Peters		X	
Rep. Dunn	X			Rep. Dingell			
Rep. Curtis	X			Rep. Veasey			
Rep. Lesko	X			Rep. Kuster		X	
Rep. Pence	X			Rep. Kelly		X	
Rep. Crenshaw	X			Rep. Barragán		X	
Rep. Joyce	X			Rep. Blunt Rochester		X	
Rep. Armstrong	X			Rep. Soto		X	
Rep. Weber	X			Rep. Craig	X		
Rep. Allen	X			Rep. Schrier		X	
Rep. Balderson	X			Rep. Trahan		X	
Rep. Fulcher	X			Rep. Fletcher	X		
Rep. Pfluger	X						
Rep. Harshbarger	X						
Rep. Miller-Meeks	X						
Rep. Cammack	X						
Rep. Obernolte							
Rep. Rodgers	X						

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OVERSIGHT FINDINGS AND RECOMMENDATIONS

Pursuant to clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII, the Committee held hearings and made findings that are reflected in this report.

NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND
TAX EXPENDITURES

Pursuant to clause 3(c)(2) of rule XIII, the Committee finds that H.R. 1615 would result in no new or increased budget authority, entitlement authority, or tax expenditures or revenues.

CONGRESSIONAL BUDGET OFFICE ESTIMATE

Pursuant to clause 3(c)(3) of rule XIII, at the time this report was filed, the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974 was not available.

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of rule XIII, the general performance goal or objective of this legislation is to prohibit the Consumer Product Safety Commission from using federal funds to (1) regulate gas stoves as a banned hazardous product, or (2) issue or enforce a product safety standard that prohibits the use or sale of gas stoves or substantially increases their price.

DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of rule XIII, no provision of H.R. 1615 is known to be duplicative of another Federal program, including any program that was included in a report to Congress pursuant to section 21 of Public Law 111–139 or the most recent Catalog of Federal Domestic Assistance.

RELATED COMMITTEE AND SUBCOMMITTEE HEARINGS

Pursuant to clause 3(c)(6) of rule XIII,
(1) the following hearing was used to develop or consider H.R. 1615:

- On February 16, 2023, the Subcommittee on Energy, Climate, and Grid Security held a hearing that discussed gas stove bans. The Subcommittee received testimony from:
 - The Honorable Lori Blong, Mayor of Midland, Texas, and President of Octane Energy;
 - Mr. Adrian Carrasco, Chairman Midland Hispanic Chamber of Commerce, and President of Premier Energy Services;
 - Mr. Steven Pruett, President and CEO, Elevation Resources, in Midland, and Chairman of the Board for Independent Petroleum Association of America; and

- Dr. Michael S. Zavada, Professor of Biology & Geosciences, Chair, Department of Geosciences, The University of Texas—Permian Basin.
- (2) The following related hearing was held:
- On May 11, 2023, the Subcommittee on Energy, Climate, and Grid Security held a hearing that discussed gas stove bans. The Subcommittee received testimony from:
 - The Honorable Jennifer Granholm, Secretary, U.S. Department of Energy

COMMITTEE COST ESTIMATE

Pursuant to clause 3(d)(1) of rule XIII, the Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974. At the time this report was filed, the estimate was not available.

EARMARK, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

Pursuant to clause 9(e), 9(f), and 9(g) of rule XXI, the Committee finds that H.R. 1615 contains no earmarks, limited tax benefits, or limited tariff benefits.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Short title

Section 1 designates that the short title may be cited as the “Gas Stove Protection and Freedom Act.”

Section 2. Definitions

Section 2 provides definitions for “commission,” “gas stove,” and “substantially increase the average price of gas stoves.”

Section 3. Prohibition on CPSC banning gas stoves

Section 3 prohibits the CPSC from using federal funds to (1) regulate gas stoves as a banned hazardous product, or (2) issue or enforce a product safety standard that prohibits the use or sale of gas stoves or substantially increases their price.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

This legislation does not amend any existing Federal statute.

MINORITY VIEWS

H.R. 1615, the Gas Stoves Protection and Freedom Act, would prohibit the Consumer Product Safety Commission (CPSC) from using federal funds to regulate any gas stove as a banned hazardous product or issue or enforce a product safety standard that prohibits the use or sale of any gas stoves or substantially increases their price. Neither the full Committee nor the Innovation, Data, and Commerce Subcommittee responsible for CPSC oversight held a single hearing on the need for or impact of imposing any limitations on the CPSC's authority over the safety of gas stoves. The hearings held in the Energy, Climate, and Grid Security Subcommittee referenced in this Report did not raise any issues with respect to the CPSC's authority and responsibility relating to gas stove emissions. As a result, as justification for this legislation, this Report resorts to alleging that, according to "media reports," a single member of the bipartisan CPSC has proposed to ban gas stoves. That is not a meaningful basis for adopting legislation that would hamstring the CPSC in its efforts to protect Americans should it find in the future that any gas stoves impose undue health and safety risks to American consumers.

The CPSC carries out its mission of protecting consumers from unreasonable risk of injury or death through investigations and research, working with industry to develop safety standards, recalling unsafe products, and enforcing mandatory standards when necessary. Legitimate concerns of detrimental health and safety impacts, that warrant CPSC investigation, have been raised about emissions created by specific models of gas stoves and by gas stoves more generally.

Indeed, late last year the CPSC issued a recall on a type of gas stove that it found to pose a serious risk of injury or death from carbon monoxide poisoning.¹ Had this legislation been in effect, the CPSC would have been barred from taking that action and Americans that own such stoves would have been exposed to dangerous levels of carbon monoxide. More broadly, observational studies have found that children living in households that use gas stoves are 42% more likely to develop asthma.² In adults, the use of gas stoves may be linked to increased inflammation of airways, increased asthma attacks, and reduced lung function.³

Appropriately, the CPSC has sought information from scientists and consumers about potential hazards from gas stove emissions,

¹ Consumer Product Safety Commission, *ZLINE Recalls Gas Ranges Due to Serious Risk of Injury or Death from Carbon Monoxide Poisoning* (December 2022) (<https://www.cpsc.gov/Recalls/2023/ZLINE-Recalls-Gas-Ranges-Due-to-Serious-Risk-of-Injury-or-Death-from-Carbon-Monoxide-Poisoning>).

² Harvard Medical School, *Have a Gas Stove? How to Reduce Pollution that May Harm Health* (September 2022) (<https://www.health.harvard.edu/blog/have-a-gas-stove-how-to-reduce-pollution-that-may-harm-health-202209072811>).

³ American Lung Association, *Nitrogen Dioxide* (April 2023) (<https://www.lung.org/clean-air/outdoors/what-makes-air-unhealthy/nitrogen-dioxide>).

and possible methods of remediating such hazards.⁴ However, as the Chair of the CPSC has publicly explained, the Commission is not conducting a proceeding to ban gas stoves.⁵

This legislation would not protect Americans' choice to purchase safe and effective gas stoves. That choice is not at risk. Instead, it would prevent the CPSC from identifying and protecting Americans from any unsafe gas stoves, including those with design defects that could cause serious injury or death to American consumers.

FRANK PALLONE, Jr.,
Ranking Member.

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⁴ CPSC Approves Request for Information on Gas Stove Hazards (March 1, 2023). (<https://www.cpsc.gov/About-CPSC/Commissioner/Richard-Trumka/Statement/CPSC-Approves-Request-for-Information-on-Gas-Stove-Hazards-and-Potential-Solutions>).

⁵ Statement of Chair Alexander Hoehn-Saric Regarding Gas Stoves | CPSC.gov (January 11, 2023) (<https://www.cpsc.gov/About-CPSC/Chairman/Alexander-Hoehn-Saric/Statement/Statement-of-Chair-Alexander-Hoehn-Saric-Regarding-Gas-Stoves>).