

**Congress of the United States**  
**Washington, DC 20515**

March 20, 2023

The Honorable Jennifer M. Granholm  
Secretary  
U.S. Department of Energy  
1000 Independence Ave., SW  
Washington DC 20585

**RE: 2023-02-01 Energy Conservation Program: Energy Conservation Standards for Consumer Conventional Cooking Products; Supplemental Notice of Proposed Rulemaking (EERE-2014-BT-STD-0005)**

Dear Secretary Granholm,

We are alarmed about and have significant concerns with the Department of Energy's ("DOE") recently released proposed rule that would require, for the first time, an energy performance standard for residential cooktops. The Department should not finalize this proposed rule. (Federal Register Number 2023-00610)

The proposed rule is a blatant back door attempt to ban gas appliances enjoyed by millions of Americans. Your attempt to ban gas appliances has no basis in law or within your jurisdiction. The Department of Energy has enjoyed bipartisan support, your actions to appease the Biden Administration's radical climate agenda does not reflect well upon the Department.

The Department's supplemental notice of proposed rulemaking ("SNOPR") proposes energy conservation standards for consumer conventional cooking product applying the most stringent maximum energy consumption requirement for gas cooktops, which DOE admits is at the maximum technologically feasible ("max-tech") level. For gas cooking tops, the SNOPR proposes a maximum efficiency level of 1,204 kBtu/yr, which, based on DOE's own analysis, represents only 4% of market share today and excludes all conventional free stand ranges.<sup>1</sup> Setting a requirement at max-tech, which has not been done for home appliances ever, and that causes 96% of the products available today to be eliminated from the market is an extreme regulation. Although we understand that DOE's proposed rule does not explicitly ban all gas products, it is clear that the proposal, if finalized, would have the impact of eliminating the vast majority gas products of the type that are available today. Indeed, under DOE's own analysis it

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<sup>1</sup> Technical Support Document: Energy Efficiency Program for Consumer Products and Commercial and Industrial Equipment: Consumer Conventional Cooking Products, Table 10.3.2 No-New-Standards Case Efficiency Distributions in 2027 for Gas Cooking Tops, Page 10-4, December 2022

would eliminate 100% of gas freestanding ranges, by far the most common gas cooking product in American homes.

The design changes DOE expects manufacturers to make are not likely to be acceptable to consumers, such as smaller burners and longer cooking times as well as smaller grates that could be less stable. Further, DOE has not demonstrated that its proposed design changes are possible for products outside of the niche market of 36" wide countertop mounted cooktops. Yet the Energy Policy and Conservation Act of 1975, as amended ("EPCA") prohibits DOE from using standards to eliminate products with features that are substantially the same as those available on the market today. 42 U.S.C. 6295 (o)(4)

The EPCA prescribes energy conservation standards for various consumer products and certain commercial and industrial equipment, including consumer conventional cooking products. The EPCA also requires DOE to periodically determine whether more stringent standards would be technologically feasible and economically justified, and would result in significant energy savings.<sup>2</sup> The law does not require DOE to set a performance standard or amend standards, just to review whether existing standards should be amended based on the EPCA's criteria.<sup>3</sup> Since 1990, DOE has twice reviewed and decided not to set energy conservation standards requirements for cooktops beyond the current prescriptive design criteria, which ban constant burning pilot lights for gas products. These reviews occurred in 1998 (President Clinton) and 2009 (President Obama). And in 2020 (President Trump), DOE proposed again not to amend standards. Incredibly, DOE's present proposal to eliminate almost all gas cooktops currently on the market is based on data that is not much different than that DOE relied on to support its 2020 proposal not to establish standards for cooktops.

Further, the Department is justifying this proposed requirement based on an estimated savings to the consumer for gas cooktops of only \$21.89 over 14.5 years, which equates to a mere \$1.50/year or 12 cents/month.<sup>4</sup> These are not savings American consumers will be willing to trade for decreased features and functionality associated with meeting DOE's overly stringent proposed standards. More importantly, these alleged cost savings do not account for the cost to convert homes from gas cooking to electric cooking, which can cost thousands of dollars per home.

We request that DOE not finalize this proposed rule or one that is substantially similar to it so that consumer can continue to have a broad choice of a full range of reasonably priced and fully functional and featured gas or electric cooktops.

Sincerely,

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<sup>2</sup> 42 U.S.C. 6295 (m)

<sup>3</sup> 42 U.S.C. 6295(m)

<sup>4</sup> Supplemental notice of proposed rulemaking and announcement of public meeting, Docket ID EERE-2014-BT-STD-0005-0096, Table I.3-Impacts of Proposed Energy Conservation Standards on Consumers of Conventional Cooking Products, February 1, 2023