

United States Senate

COMMITTEE ON COMMERCE, SCIENCE,
AND TRANSPORTATION

WASHINGTON, DC 20510-6125

WEBSITE: <https://commerce.senate.gov>

March 15, 2023

The Honorable Alexander Hoehn-Saric
Chairman
U.S. Consumer Product Safety Commission
4330 East-West Highway
Bethesda, MD 20814

Dear Chairman Hoehn-Saric,

I am disappointed by your February 17, 2023 response to my January 25, 2023 letter regarding the recent actions by you and the Consumer Product Safety Commission (“CPSC”) concerning gas stoves. Rather than answering the majority of my specific and detailed questions, your letter provided a rambling—and generally unresponsive—narrative regarding CPSC’s ongoing efforts to determine whether Americans may keep their gas stoves. Furthermore, your letter dismissed many of my questions and failed to provide most of the requested documents on this topic. CPSC has a duty to be responsive and transparent to Congress and the American people. I urge you to recognize those obligations.

I therefore expect written responses to the questions raised in my initial letter no later than March 29, 2023. For your reference, I have included those questions at the end of this letter. If you refuse to answer a question, state so specifically and provide the reason for your refusal.

Furthermore, your February 17 letter makes three comments that require correction. *First*, contrary to your pejorative assertion, there is no “confusion about what CPSC is, and is not doing regarding gas stoves and ranges.”¹ Rather, your letter further confirms that CPSC is advancing towards a ban of gas stoves. For example, in your words, CPSC is:

- Working with “industry, government, and advocates to consider how to address emissions from gas ranges via voluntary standards.”²
- Developing a “methodology” to “test[] emissions from gas ranges.”³

¹ Letter from Hon. Alexander Hoehn-Saric, Chairman, CPSC, to Sen. Ted Cruz, Ranking Member, Senate Committee on Commerce, Science, and Transportation, at 1 (Feb. 17, 2023).

² *Id.* at 3.

³ *Id.*

- Planning to “issue a Request for Information (RFI) in FY 2023 . . . to solicit information from the public on chronic hazards that might be associated with gas ranges and proposed solutions to those potential hazards.”⁴

Indeed, on March 1, 2023, CPSC approved the issuance of that RFI.⁵ And while you took great pains to emphasize that “[t]he RFI does not constitute or propose any regulatory action or ban,”⁶ your colleagues appear to have a different understanding. For example, during a recent webinar hosted by U.S. PIRG, Commissioner Richard Trumka, Jr. said that “we need to be talking about regulating gas stoves, whether that is drastically improving emissions, *or banning gas stoves entirely*. And I think we ought to keep that possibility of a ban in mind as we follow along, because it’s a powerful tool in our toolbox [and] *it’s a real possibility*.”⁷ In the next breath, he announced that the CPSC would soon issue an RFI on the hazards related to gas stoves. Commissioner Trumka’s official statement upon the RFI’s release in no way dismissed the potential for a ban in the future, endorsed induction stoves, and touted the Inflation Reduction Act’s induction stove rebate.⁸ Some of my colleagues in the House of Representatives appear to share Commissioner Trumka’s view, recognizing that CPSC’s decision to issue an RFI “will certainly accelerate CPSC action that [you all] believe is both necessary and urgent.”⁹

Second, your letter dismisses several of my questions as “predicated on the mistaken assumption that CPSC has decided to undertake rulemaking activity in this area.”¹⁰ There is no “mistaken assumption.” CPSC’s RFI regarding “chronic hazards that might be associated with gas ranges and proposed solutions to those potential hazards,” is a first step toward a rule banning gas stoves. The CPSC meeting minutes you cite (which I also cited in my January 25, 2023 letter) confirm this: Commissioner Trumka proposed the RFI regarding gas stoves as a substitute for his NPRM to “initiate rulemaking pertaining to gas stoves.”¹¹ The CPSC’s intent is

⁴ *Id.* at 3-4.

⁵ US Consumer Product Safety Commission (@USCPSC), Twitter (Mar. 1, 2023 at 4:15pm), *available at* <https://twitter.com/USCPSC/status/1631040378194341888?cxt=HHwWgMC9yaKlz6ItAAAA>.

⁶ CPSC, *Statement from CPSC on Request for Information (RFI) on Gas Stoves*, PR NEWSWIRE (Mar. 1, 2023), *available at* <https://www.prnewswire.com/news-releases/statement-from-cpsc-on-request-for-information-rfi-on-gas-stoves-301760118.html>.

⁷ *Consumer Safety Official Sets His Sights on Gas Stove Pollution*, U.S. PIRG (Dec. 21, 2022), *available at* <https://pirg.org/edfund/updates/consumer-safety-official-sets-his-sights-on-gas-stove-pollution/>.

⁸ Statement of Commissioner Richard Trumka, *CPSC Approves Request for Information on Gas Stove Hazards and Potential Solutions*, CPSC (Mar. 1, 2023), *available at* <https://www.cpsc.gov/About-CPSC/Commissioner/Richard-Trumka/Statement/CPSC-Approves-Request-for-Information-on-Gas-Stove-Hazards-and-Potential-Solutions>.

⁹ Letter from Rep. Jan Schakowsky, Ranking Member, Energy and Commerce Subcommittee on Innovation, Data, and Commerce, and Rep. Paul Tonko, Ranking Member, Energy and Commerce Subcommittee on Environment, Manufacturing, and Critical Minerals, to Hon. Alexander Hoehn-Saric, Chairman, CPSC, and Hon. Michael Regan, Administrator, Environmental Protection Agency (Dec. 20, 2022), *available at* <https://twitter.com/janschakowsky/status/1606009962299154433/photo/1>.

¹⁰ Letter from Hon. Alexander Hoehn-Saric, Chairman, CPSC, to Sen. Ted Cruz, Ranking Member, Senate Committee on Commerce, Science, and Transportation, at 1 (Feb. 17, 2023).

¹¹ *Minutes of Commission Meeting, Decisional Matter: Fiscal Year 2023 Operating Plan*, CPSC (Oct. 26, 2022), *available at* https://www.cpsc.gov/s3fs-public/Commission-Meeting-Minutes-FY-2023-Operating-Plan_0.pdf?VersionId=wiJw89I902pxZ_6C.Zz08whJ6l6.9fo5.

clear: it wants to ban gas stoves but wishes to fortify its position first. None of my requests were predicated on an already agreed-upon NPRM.

Third, regarding the requested documents, your melodramatic claim that responding to those requests could “result[] in deaths and injuries that could otherwise have been avoided” is self-serving nonsense.¹² Providing the requested documents could no more contribute to “deaths and injuries” than the drafting of your letter did. CPSC is hardly without resources to respond to a congressional inquiry. CPSC has an office of legislative affairs, FOIA officers, a \$195.51 million budget, and over 500 employees. If it has enough time to consider whether to ban gas stoves—which have been in use for over 100 years—without explicit congressional authorization, then CPSC has time to provide documents regarding those considerations to the committee of jurisdiction and to publicly-elected representatives. I expect you to work with my staff on providing the documents I requested. For your reference, I have included those document requests at the end of this letter.

In the meantime, in your next letter, **please confirm that CPSC is preserving all records related to the gas stove RFI, Commissioner Trumka’s internal memorandum titled “NPR Proposing Ban on Gas Stoves (Indoor Air Quality),” and any pending or proposed regulatory actions related to gas stoves.**

I look forward to your forthcoming prompt and complete response.

Sincerely,



Ted Cruz
Ranking Member

Encl: Questions and Document Requests from January 25, 2023 Letter from Sen. Cruz to Chairman Hoehn-Saric

¹² Letter from Hon. Alexander Hoehn-Saric, Chairman, CPSC, to Sen. Ted Cruz, Ranking Member, Senate Committee on Commerce, Science, and Transportation, at 6 (Feb. 17, 2023).

Questions from January 25, 2023 Letter

1. On October 26, 2022, after failing to adopt Commissioner Trumka’s amendment to immediately initiate a new rule to ban gas stoves, the CPSC instead adopted Commissioner Trumka’s amendment to conduct an RFI on public input on the “hazards associated with gas stoves.”¹³ Is this RFI still going to be published? If so, when is the expected publication date?
 - a) Please provide the legal definition of the term “hazards associated with gas stoves” along with copies of all documents, including internal memoranda and analyses, used to justify such definition.
 - b) On October 25, 2022, Commissioner Trumka circulated within the CPSC a memorandum titled “NPR Proposing Ban on Gas Stoves (Indoor Air Quality).” Will the RFI rely, in whole or in part, on Commissioner Trumka’s memorandum? If so, why or why not?
 - c) Please provide copies of all documents, research, and studies relied upon by the CPSC in publishing the RFI.
2. Does the CPSC have a process to vet third party research and studies relied upon by the agency to substantiate its regulatory actions? If not, why not? If so, please describe the process and describe (with relevant documents and studies) how the agency vetted each study to substantiate the RFI on “hazards associated with gas stoves.”
 - a) In vetting third party research and studies, does the CPSC consider who funded the research or study, including any potential conflicts of interest? If not, why not? If so, please describe how the CPSC vetted each third-party research and study used to substantiate the RFI on “hazards associated with gas stoves.”
3. In your statement on January 11, 2023, you noted: “I am not looking to ban gas stoves and the CPSC has no proceeding to do so.”¹⁴ Section 8 of the Consumer Product Safety Act (15 U.S.C. § 2057) provides the CPSC with limited authority to declare a consumer product a “banned hazardous product.” While you may not be “looking” to ban gas stoves, is declaring a gas stove a “banned hazardous product” nonetheless a possible solution contemplated by the RFI or any future proceeding by the CPSC?
 - a) If so, please provide all documents and legal memoranda that support the use of Section 8 to ban gas stoves as a possible solution for the CPSC to consider.

¹³ *Minutes of Commission Meeting, Decisional Matter: Fiscal Year 2023 Operating Plan*, CPSC (Oct. 26, 2022), available at https://www.cpsc.gov/s3fs-public/Commission-Meeting-Minutes-FY-2023-Operating-Plan_0.pdf?VersionId=wiJw89I902pxZ_6C.Zz08whJ6l6.9fo5.

¹⁴ Statement of Chairman Alexander Hoehn-Saric Regarding Gas Stoves, CPSC (Jan. 11, 2023), available at <https://www.cpsc.gov/About-CPSC/Chairman/Alexander-Hoehn-Saric/Statement/Statement-of-Chair-Alexander-Hoehn-Saric-Regarding-Gas-Stoves>.

- b) Where else in the CPSC’s authorizing statutes do you believe CPSC has the authority to ban gas stoves generally as opposed to a specific make and model of gas stove? Please be specific.
4. In your statement on January 11, 2023, you noted: “CPSC is looking for ways to reduce related indoor air quality hazards.”¹⁵ How does the CPSC define an “indoor air quality hazard”? Please provide copies of all supporting documents, research, and studies you used to conclude gas stoves result in the presence of “indoor air quality hazards.”
5. In your statement on January 11, 2023, you noted: “Research indicates that emissions from gas stoves can be hazardous.”¹⁶ Please provide all documents, internal memoranda, and analysis provided to the CPSC that substantiate your claim.
6. Under 15 U.S.C. § 2056(b), the CPSC is to rely on a voluntary standard rather than a mandatory standard when voluntary standards would reduce the risk of injury and likely have substantial compliance. In your statement, you noted: “CPSC also is actively engaged in strengthening voluntary safety standards for gas stoves.”¹⁷
- a) Please provide all documents and actions taken by the CPSC to influence, direct, or request gas stove voluntary standards with the American National Standards Institute (ANSI), Canadian Standards Association (CSA), ASTM International, or any other manufacturing standards setting body between January 20, 2021, and the present.
- b) Please provide all research, documents, and studies relied upon by the CPSC to substantiate a decision to influence, direct, or request a gas stove voluntary standard.
- c) Federal regulations (16 C.F.R. § 1031.5) specify CPSC’s requirements for considering involvement with voluntary standards setting bodies, including consideration of the likelihood a voluntary standard reduces the risk of injury and review of the anticompetitive effects resulting from a voluntary standard. Please provide all documents, internal memoranda, and analysis documenting the CPSC’s consideration and compliance with 16 C.F.R. § 1031.5 while “engaged in strengthening voluntary standards for gas stoves” from January 20, 2021, to the present.
7. In your statement on January 11, 2023, you noted: “I am not looking to ban gas stoves and the CPSC has no proceeding to do so.”¹⁸ In your view, does regulating a consumer product to make it unaffordable for most Americans constitute a de facto ban?

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ Statement of Chairman Alexander Hoehn-Saric Regarding Gas Stoves, CPSC (Jan. 11, 2023), *available at* <https://www.cpsc.gov/About-CPSC/Chairman/Alexander-Hoehn-Saric/Statement/Statement-of-Chair-Alexander-Hoehn-Saric-Regarding-Gas-Stoves>.

8. The CPSC’s Fiscal Year 2023 (“FY23”) Operating Plan¹⁹ notes, under project “23335 – Combustion (Carbon Monoxide) Hazards: Voluntary Standards Activities,” that CPSC staff will have active participation in voluntary standards to reduce death and injuries associated with carbon monoxide (CO) poisonings and other combustion hazards through “[c]ollaboration with voluntary standards organizations on CO and Nitrogen Oxide (NOx) emission from gas range.”
 - a) Please explain, describe, and provide all relevant documents, research, and studies regarding the voluntary standards that the CPSC staff will advocate for in regards to NOx emissions from gas ranges.
 - b) Please explain why CPSC resources are being directed to advocate for voluntary NOx emissions standards under a project that is dedicated to CO poisoning.
9. The CPSC’s FY23 Operating Plan²⁰ notes, under project “23336 – Combustion (Carbon Monoxide) Hazards: Rulemaking Activities,” that “[i]n FY 2023, the CPSC staff will prepare and submit a Supplemental Notice of Proposed Rulemaking (SNPR) for portable generators and an [Notice of Proposed Rulemaking (NPR)] and Final Rule for furnaces.”
 - a) Please explain and describe the scope of the NPR and Final Rule for furnaces.
 - b) Do the NPR and Final Rule for furnaces consider any hazards unrelated to carbon monoxide poisoning? If so, please provide all applicable documents, research, and studies used to substantiate the rule and the additional hazards considered.
10. In the context of the CPSC’s consideration of “hazards associated with gas stoves,” has the CPSC considered the “hazards” associated with electric stoves? If so, explain and describe the scope of hazards considered? If not, why not?
 - a) In the context of the CPSC’s consideration of “hazards associated with gas stoves,” has the CPSC considered how a ban on gas stoves would affect the ability of Americans to cook and heat their homes during electric outages tied to natural disasters, power outages, and boil water advisories? If not, why not? If so, please explain and describe the CPSC’s findings.
11. Has the CPSC considered or is it planning to consider any cost-benefit analysis for the regulation of gas stoves? If so, please provide all relevant documents.
12. If the regulatory costs to the American people outweigh the benefits, should that be a determining factor that prevents the CPSC from moving forward with a proposal?

¹⁹ *Operating Plan: Fiscal Year 2023*, CPSC (Oct. 26, 2022), available at <https://www.cpsc.gov/s3fs-public/FY2023CPSCOperatingPlan.pdf?VersionId=Z.vZzSezwTIX224uG66J5fHTkFcIvL.G>

²⁰ *Id.*

13. Has the CPSC considered the cost and impacts on restaurants and food service providers if gas stoves were banned or further regulated by the CPSC? If so, please provide all relevant documents. If not, why not?
14. Has the CPSC considered how a gas stove ban or a heavy regulatory burden on gas stoves would affect low income and minority Americans? If so, please provide all relevant documents. If not, why not?
15. Please explain why a ban on gas stoves is not a policy question that is left to the people's representatives in Congress.
16. In *West Virginia v. EPA*, the Supreme Court struck down overreach by the Environmental Protection Agency, noting that there is a "particular and recurring problem: agencies asserting highly consequential power beyond what Congress could reasonably be understood to have granted."²¹ How are CPSC's proceedings, including a gas stove ban, consistent with the Supreme Court's "major questions" doctrine that requires clear congressional authorization?

²¹ *West Virginia v. Environmental Protection Agency*, 142 S.Ct. 2587, 2609 (2022).

Document Requests from January 25, 2023 Letter

1. All emails, text messages, and internal message system messages related to the proposed gas stove ban that were sent between any CPSC person and any individual or entity outside the Executive Office of the President between January 20, 2021, and the present;
2. All emails, text messages, and internal message system messages related to the proposed gas stove ban between any CPSC person and any individual in the Executive Office of the President between January 20, 2021, and the present;
3. All emails, text messages, and internal message system messages related to the proposed gas stove ban between any relevant CPSC person and any individual involved with the Climate Imperative Foundation between January 20, 2021, and the present;
4. All emails, text messages, and internal message system messages related to the proposed gas stove ban between any CPSC person and any individual involved with the Rocky Mountain Institute between January 20, 2021, and the present;
5. All emails, text messages, and internal message system messages related to the proposed gas stove ban between any CPSC person and any individual involved with Rewiring America between January 20, 2021, and the present;
6. All emails, text messages, and internal message system messages related to the proposed gas stove ban between any CPSC person and any individual involved with the Windward Fund between January 20, 2021, and the present;
7. All emails, text messages, and internal message system messages related to the proposed gas stove ban between any CPSC person and any individual involved with Consumer Reports (formerly known as Consumers Union) between January 20, 2021, and the present;
8. All emails, text messages, and internal message system messages related to the proposed gas stove ban between any CPSC person and any individual involved with the Energy Foundation, including the Energy Foundation China, between January 20, 2021, and the present;
9. All emails, text messages, and internal message system messages related to the proposed gas stove ban between any CPSC person and any individual involved with the American National Standards Institute (ANSI) between January 20, 2021, and the present;
10. All emails, text messages, and internal message system messages related to the proposed gas stove ban between any CPSC person and any individual involved with the Canadian Standards Association (CSA) between January 20, 2021, and the present;
11. All emails, text messages, and internal message system messages related to the proposed gas stove ban between any CPSC person and any individual involved with ASTM International between January 20, 2021, and the present;

12. All calendar entries (including electronic calendars) associated with any CPSC person that relate to the proposed gas stove ban and were created or generated between January 20, 2021, and the present;
13. A list of all CPSC persons who have worked on issues related to the proposed gas stove ban between January 20, 2021, and the present.
14. All records²² sent, received, or created by any CPSC person between January 20, 2021, and the present that contain any of the following key words or key word combinations:
 - a) “gas stove”
 - b) “gas range”
 - c) “gas stove” & “close hold”
 - d) “gas range” & “close hold”
 - e) “gas stove” & “climate”
 - f) “gas range” & “climate”
 - g) “nitrogen dioxide” & “gas stove”
 - h) “nitrogen dioxide” & “gas range”
 - i) “NOx” & “gas stove”
 - j) “NOx” & “gas range”
 - k) “carbon dioxide” & “gas stove”
 - l) “carbon dioxide” & “gas range”
 - m) “CO2” & “gas stove”
 - n) “CO2” & “gas range”
 - o) “climate justice”
 - p) “climate” & “gas stove”
 - q) “climate” & “gas range”

²² The term “records” means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded or preserved, and whether original or copy.