

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND ACCOUNTABILITY

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May 24, 2023

The Honorable Geraldine Richmond
Under Secretary for Science and Innovation
U.S. Department of Energy
1000 Independence Ave., SW
Washington DC 20585

Dear Under Secretary Richmond,

We write to express disappointment that the Department of Energy (DOE) refused to appear at today's Subcommittee hearing on DOE's proposed rule on gas stoves.¹ The Committee is deeply concerned by the lack of transparency and cooperation demonstrated by the Department and the Biden Administration regarding proposed rules which could significantly affect consumers. We therefore invite you to testify at a hearing before the Subcommittee on Economic Growth, Energy Policy, and Regulatory Affairs to examine DOE's broader rulemakings on home appliances, including but not limited to gas stoves.

On May 4, 2023, Committee staff contacted DOE's Office of Congressional and Intergovernmental Affairs, informing them that the Subcommittee intended to invite two DOE officials to appear as witnesses on the Department's gas stoves rule at a hearing on May 24, 2023. Chairman Fallon transmitted official invitation letters to those two DOE officials on May 10, 2023, two weeks prior to the hearing and requesting a response by May 12, 2023.² The invitations indicated that the hearing's purpose was to examine DOE's proposed rulemaking, entitled, "Energy Conservation Standards for Consumer Conventional Cooking Products."³

On May 18, 2023, DOE transmitted a letter declining these invitations.⁴ An uncited court-supervised consent decree and broad cites to the Energy Policy and Conservation Act and the Administrative Procedures Act served as the basis for DOE's refusal to testify at this

¹ *Energy Conservation Program: Energy Conservation Standards for Consumer Conventional Cooking Products*, 88 Fed. Reg. 6818 (Feb. 1, 2023).

² Letter from Hon. Pat Fallon, Subcommittee on Economic Growth, Energy Policy, and Regulatory Affairs, Committee on Oversight and Accountability, to Alejandro Moreno, Acting Assistant Secretary, Office of Energy Efficiency and Renewable Energy, U.S. Dep't of Energy (May 10, 2023); Letter from Hon. Pat Fallon, Subcommittee on Economic Growth, Energy Policy, and Regulatory Affairs, Committee on Oversight and Accountability, to Dr. Carolyn Snyder, Deputy Assistant Secretary for Energy Efficiency, Office of Energy Efficiency and Renewable Energy, U.S. Dep't of Energy (May 10, 2023).

³ *Id.*

⁴ Letter from Ali Nouri, Assistant Secretary, Office of Congressional and Intergovernmental Affairs, United States Department of Energy, to Hon. Pat Fallon, Chairman, Subcommittee on Economic Growth, Energy Policy, and Regulatory Affairs, Committee on Oversight and Accountability (May 18, 2023).

hearing.⁵ Even before DOE transmitted its formal refusal letter, DOE staff indicated the Department would not testify. On May 5, 2023, DOE staff wrote an email to our staff, stating “because the rulemaking has been formally proposed, DOE would not be able to provide any testimony beyond the information that is already provided in the proposed rule itself.”⁶ The Committee finds this rationale difficult to accept considering that DOE has previously commented and engaged on the proposed rule at a hearing before the House Appropriations Subcommittee on Energy and Water Development and Related Agencies this Congress.

Specifically, on March 23, 2023, DOE Secretary Jennifer Granholm testified about the gas stoves rule at a congressional hearing during the rule’s public comment period. At the hearing, Rep. Dan Newhouse asked Secretary Granholm, “[W]hy has DOE initiated this energy performance standard rulemaking for residential gas stoves”, “[H]ow can the agency justify a standard that would drastically limit consumer’s choices as it relates to gas,” and “[D]o you intend to engage with manufacturers and retailers to understand the impacts this will have on consumers.”⁷ Secretary Granholm answered Rep. Newhouse’s questions. This Committee expects DOE to appear similarly to answer its questions at the Committee’s next hearing on DOE’s home appliances rules.

To enable essential oversight over DOE’s proposed and otherwise planned rulemakings on home appliances, please provide no later than June 5, 2023, your availability to appear at a Subcommittee hearing in July 2023.

The U.S. Constitution, by vesting Congress with legislative authority, requires Congress to exercise an oversight function to obtain information necessary to legislate.⁸ The Committee on Oversight and Accountability is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate, “any matter” at “any time” under House Rule X. The Subcommittee on Economic Growth, Energy Policy, and Regulatory Affairs has “jurisdiction over regulatory affairs...” under the Committee on Oversight and Accountability Rules for the 118th Congress.

Thank you for your attention to this important matter. For any questions, please contact the Committee on Oversight and Accountability Majority staff at (202) 225-5074.

⁵ *Id.*

⁶ Email Correspondence between DOE Staff and Majority Committee Staff (May 5, 2023).

⁷ *Budget Hearing – Fiscal Year 2024 Request for the Department of Energy: Hearing Before the H. Comm. on Appropriations*, 118th Cong. (Mar. 23, 2023).

⁸ *See, e.g., McGrain v. Daugherty*, 273 U.S. 135 (1927) (noting Congress has the power to compel information necessary to enable its legislative functions).

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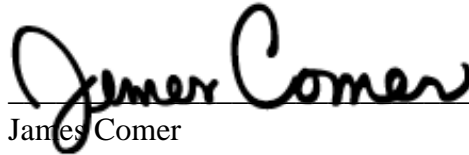
Sincerely,



Pat Fallon

Chairman

Subcommittee on Economic Growth,
Energy Policy, and Regulatory Affairs



James Comer

Chairman

Committee on Oversight and Accountability

cc: The Honorable Cori Bush, Ranking Member
Subcommittee on Economic Growth, Energy Policy, and Regulatory Affairs

The Honorable Jamie B. Raskin, Ranking Member
Committee on Oversight and Accountability