

United States Senate

January 25, 2023

The Honorable Richard L. Trumka, Jr.
Commissioner
U.S. Consumer Product Safety Commission
4330 East-West Highway
Bethesda, MD 20814

Dear Commissioner Trumka,

On January 9, 2023, Bloomberg published an article titled, “US Safety Agency to Consider Ban on Gas Stoves Amid Health Fears,” in which you stated “[gas stoves are] a hidden hazard Any option is on the table. Products that can’t be made safe can be banned.”¹ A ban was presaged on October 25, 2022, when you sought to initiate a notice of proposed rulemaking at the Consumer Product Safety Commission (CPSC) to ban gas stoves in homes.² In both the Bloomberg article and a memorandum that you authored, titled “NPR Proposing Ban on Gas Stoves (Indoor Air Quality),” two studies were cited that attributed gas stoves to high levels of nitrous oxide as well as childhood asthma.³ As the incoming ranking member of the Senate Committee on Commerce, Science, and Transportation, I am concerned that a total or partial ban on gas stoves would constitute government overreach and generally conflict with the Supreme Court’s recent opinion in *West Virginia v. EPA*. Further, I have reason to believe that both of the aforementioned studies and other studies referenced in your internal memorandum were authored or paid for by radical environmental activists seeking to gin up misleading, false studies as part of a coordinated effort to ban the use of fossil fuels.

As you are well aware, after the Bloomberg article went viral, Americans were predictably and justifiably outraged by your and the CPSC’s attempt at government overreach. This prompted not only CPSC Chairman Alex Hoehn-Saric,⁴ but also the White House and President Biden, to disavow your efforts.⁵ Even your January 9, 2023, statement, “To be clear, CPSC isn’t coming for

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?leadSource=uverify%20wall>.

² Memorandum from the Office of Commissioner Rich Trumka, NPR Proposing Ban on Gas Stoves (Indoor Air Quality), U.S. Consumer Product Safety Commission, Oct. 25, 2022.

³ Paul Hope, *Is Your Gas Range a Health Risk?*, Consumer Reports, Oct. 6, 2022, <https://www.consumerreports.org/appliances/indoor-air-quality/is-your-gas-range-a-health-risk-a6971504915/>; Taylor Gruenwald, et al., *International Journal of Environmental Research and Public Health*, *Population Attributable Fraction of Gas Stoves and Childhood Asthma in the United States*, Dec. 21, 2022, <https://www.mdpi.com/1660-4601/20/1/75>.

⁴ Statement of Chairman Alexander Hoehn-Saric Regarding Gas Stoves, U.S. Consumer Product Safety Commission, Jan. 11, 2023, <https://www.cpsc.gov/About-CPSC/Chairman/Alexander-Hoehn-Saric/Statement/Statement-of-Chair-Alexander-Hoehn-Saric-Regarding-Gas-Stoves>.

⁵ Maegan Vazquez, *Biden not in favor of ban on gas stoves, White House says*, CNN, Jan. 11, 2023, <https://www.cnn.com/2023/01/11/politics/biden-gas-stoves/index.html>.

anyone’s gas stoves. Regulations apply to new products,”⁶ appears to only slightly walk back your comments. And yet, the CPSC is nonetheless continuing to advance its gas stove request for information (RFI)—the likely first step of the agency’s process to partially or totally ban gas stoves. Furthermore, the claim that these proceedings are related to possible health hazards is deceptive. I am concerned that the true intent is to effectuate a whole-of-government effort to misuse the unelected bureaucracy to carry out a radical environmental activist agenda that irrationally seeks to ban the use of fossil fuels at increased expense, reduced reliability, and potential harm to the American people. Even your internal memorandum used to justify your proposed gas stove ban claims, “gas stoves strongly contribute to climate change through greenhouse gas emissions”⁷

To better understand your actions, plans, and future proceedings in this matter, as well as how your efforts comport with the Biden administration’s apparent whole-of-government approach to eliminating gas-powered appliances and systems, I am seeking further data and information. Please provide answers and relevant documents in response to the following questions no later than February 1, 2023.

1. On October 25, 2022, in advance of proposing your amendment to initiate a rule to ban gas stoves, you distributed an internal memorandum titled “NPR Proposing Ban on Gas Stoves (Indoor Air Quality).” In this memo, you state: “There is sufficient information available for CPSC to issue an [Notice of Proposed Rulemaking (NPR)] in FY 2023 proposing to ban gas stoves in homes.”⁸
 - a) Please provide copies of all documents, research, and studies relied upon by you and your office in drafting this memorandum.
 - b) Will the forthcoming RFI seeking public input on “hazards associated with gas stoves”⁹ rely, in whole or in part, on this memorandum. If so, why or why not?
 - c) Did you consult with any groups, including environmental groups, or individuals outside of the CPSC to draft your internal memorandum? If so, please provide a list of all individuals and groups.
2. In your internal memorandum, you state: “For health and inequity reasons, and because gas stoves strongly contribute to climate change through greenhouse emissions, America’s two largest cities – New York and Los Angeles – have already banned gas

⁶ Commissioner Richard Trumka, Jr. (@TrumkaCPSC), Twitter (Jan. 9, 2023, 3:54 PM)

<https://twitter.com/TrumkaCPSC/status/1612553459462721536>.

⁷ Memorandum from the Office of Commissioner Rich Trumka, NPR Proposing Ban on Gas Stoves (Indoor Air Quality), U.S. Consumer Product Safety Commission, Oct. 25, 2022.

⁸ *Id.*

⁹ U.S. Consumer Product Safety Commission, Minutes of Commission Meeting, Decisional Matter: Fiscal Year 2023 Operating Plan, Oct. 26, 2022, https://www.cpsc.gov/s3fs-public/Commission-Meeting-Minutes-FY-2023-Operating-Plan_0.pdf?VersionId=wiJw89I902pxZ_6C.Zz08whJ6l6.9fo5.

stoves in new construction.”¹⁰ Please provide copies of all supporting documents, research, and studies you used to conclude “gas stoves strongly contribute to climate change through greenhouse gas emissions.”

3. Sections 7 and 9 of the Consumer Product Safety Act provides the CPSC with limited authority to promulgate mandatory consumer product safety standards if, among other things, such standards are “reasonably necessary to prevent or reduce an unreasonable risk of injury.” In your view, are “greenhouse gas emissions” or “climate change” from gas stoves sufficient to represent “an unreasonable risk of injury” so that the CPSC may regulate them? If so, please provide all supporting legal memoranda, analyses, and research to substantiate such position.
 - a) Has the CPSC ever promulgated a regulation that imposed a product ban, voluntary standard, or mandatory standard based on climate change or greenhouse gas emissions? If so, please provide all supporting documents.
4. Did you vet any third-party research and studies relied upon by you or your office to substantiate your internal memorandum or proposed NPR to ban gas stoves? If not, why not? If so, please describe the process and describe (with relevant documents and studies) how you or your office vetted each study to substantiate the claims in your internal memorandum or proposed NPR to ban gas stoves.
5. Section 8 of the Consumer Product Safety Act provides the CPSC with limited authority to declare a consumer product a “banned hazardous product.” Is declaring gas stoves a “banned hazardous product” 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.
 - 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.
 - c) In your view, can CPSC use “climate change” or “greenhouse gas emissions” as the justification for declaring a consumer product a “banned hazardous product”? If so, why?
6. In your January 9, 2023, statement, you note: “To be clear, CPSC isn’t coming for anyone’s gas stoves. Regulations apply to new products.”¹¹

¹⁰ Memorandum from the Office of Commissioner Rich Trumka, NPR Proposing Ban on Gas Stoves (Indoor Air Quality), U.S. Consumer Product Safety Commission, Oct. 25, 2022.

¹¹ Commissioner Richard Trumka, Jr. (@TrumkaCPSC), Twitter (Jan. 9, 2023, 3:54 PM) <https://twitter.com/TrumkaCPSC/status/1612553459462721536>.

- a) Would you advocate for the use of CPSC’s recall authority to comply with any new regulations? If so, why or why not?
 - b) Would CPSC’s proposed regulations prohibit the importation or purchase of gas stove parts to fix an existing gas stove that is not in compliance with CPSC’s new regulations? If so, why or why not?
7. In your view, does regulating a consumer product to make it unaffordable for most Americans constitute a de facto ban?
 8. Have you or your office considered or are you planning to consider any cost-benefit analyses for the regulation of gas stoves? If so, please provide all relevant documents.
 9. 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?
 10. Have you or your office 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?
 11. Have you or your office 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?
 12. Please explain why a ban on gas stoves is not a policy question that is left to the people’s representatives in Congress.
 13. 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.”¹² How are CPSC’s proceedings, including a gas stove ban or use of “climate change” or “greenhouse gas emissions” to justify regulatory action, consistent with the Supreme Court’s “major questions” doctrine that requires clear congressional authorization?

In addition, I request that you promptly preserve all of your and your staff’s records related to the gas stove RFI, your internal memorandum titled “NPR Proposing Ban on Gas Stoves (Indoor Air Quality),” and any pending or proposed regulatory actions related to gas stoves (collectively known as “proposed gas stove ban”). Please provide the following documents by no later than February 1, 2023:

1. All emails, text messages, and internal message system messages related to the proposed gas stove ban that were sent between any person in your office and any individual or

¹² *West Virginia v. Environmental Protection Agency*, 142 S.Ct. 2587, 2609 (2022).

entity outside the Executive Office of the President between December 2, 2021, and the present;

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

12. All calendar entries (including electronic calendars) associated with any person in your office that relates to the proposed gas stove ban and were created or generated between December 2, 2021, and the present;
13. A list of all persons in your office who have worked on issues related to the proposed gas stove ban between December 2, 2021, and the present.
14. All records¹³ sent, received, or created by any person in your office between December 2, 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”

Thank you for your attention to this matter.

Sincerely,



Ted Cruz
United States Senator

¹³ 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.