

**COMMENTS OF THE ATTORNEYS GENERAL OF THE STATES OF NEW YORK,
CALIFORNIA, COLORADO, CONNECTICUT, MAINE, MARYLAND, MINNESOTA,
OREGON, VERMONT, WASHINGTON, THE COMMONWEALTHS OF MASSACHUSETTS,
PENNSYLVANIA, THE DISTRICT OF COLUMBIA, AND THE CITY OF NEW YORK**

April 17, 2023

Submitted via e-mail:

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Appliance and Equipment Standards Program
Building Technologies Office
U.S. Department of Energy

Re: Energy Conservation Standards for Conventional Cooking Products
Docket No. EERE-2014-BT-STD-0005
RIN 1904-AD15

The undersigned state attorneys general and local government offices submit the following comments in support of the U.S. Department of Energy’s (DOE) proposed new and amended energy conservation standards for conventional consumer cooking products, developed pursuant to the Energy Policy and Conservation Act, 42 U.S.C. §§ 6295 *et seq.*, 88 Fed. Reg. 6818 (Feb. 1, 2023). If adopted, DOE’s proposed standards would avoid unnecessary energy consumption, lower energy bills for consumers, and reduce emissions of greenhouse gases that contribute to climate change. According to DOE, the proposed standards would generate net consumer, health, and environmental benefits of up to \$250 million annually and up to \$4.5 billion over a 30-year period. *Id.* at 6822-23. Additionally, by increasing efficiency and reducing the amount of gas burned for cooking, DOE’s proposal would lower combustion-related pollutants and help improve consumers’ indoor air quality – a particularly important benefit for households with sensitive populations such as young children, elderly people, or individuals with respiratory illness. *Id.* at 6887. As governmental entities committed to safeguarding consumer interests, addressing climate change, protecting public health and the environment, and advancing environmental justice, we urge DOE to promptly finalize its proposed cooking products energy efficiency standards.

Proposed Efficiency Standards for Consumer Cooking Products

Under the Energy Policy and Conservation Act, DOE has the authority and obligation to prescribe energy conservation standards for various consumer products and determine whether more stringent standards are warranted. 42 U.S.C. §§ 6291-6317. Any new or amended standard for a covered product must be designed to achieve the maximum improvement in energy efficiency which DOE determines is “technologically feasible and economically justified.” *Id.* at § 6295(o)(2)(A).

DOE's proposal includes performance standards which would significantly increase the required efficiency of residential electric and gas cooktops, ranges, and ovens.¹ 88 Fed. Reg. 6833, 6904. The proposed efficiency standards are technologically feasible and designed to ensure that consumers will have access to more efficient cooking products that pollute less, while providing the utility and performance to which consumers are accustomed. Notably, a variety of cooking products that either achieve or exceed DOE's proposed efficiency standards are already commercially available for all product classes covered by the proposal. 88 Fed. Reg. 6823. DOE states in its Notice of Data Availability, for example, that nearly half of the gas stove models on the market today already meet the proposed efficiency level. 88 Fed. Reg. 12,605 (Feb. 28, 2023). For models that do not currently meet the proposed efficiency levels, design updates (*i.e.*, optimized burner and grate designs) to comply with the proposed standards could lower gas consumption for such products by up to 30 percent.² Because the required efficiency levels would not take effect until three years after they are finalized³, manufacturers will have ample time to comply with the new standards and deliver improved products for consumers.

The Proposed Standards Provide Substantial and Quantifiable Economic, Health, and Environmental Benefits

In addition to being technologically feasible, the proposed standards are economically justified, as the benefits of the proposed standards vastly exceed the burdens. *See* 42 U.S.C. § 6295(o)(2)(B). DOE's analysis shows that the proposed efficiency standards would save a significant amount of energy and provide substantial economic, health, and environmental benefits. 88 Fed. Reg. 6821-22. According to DOE, the proposed standards would provide total consumer benefits of up to \$1.71 billion, a net present value representing the estimated total value of future operating cost savings minus the estimated increased product and installation costs for consumer conventional cooking products purchased over a 30-year period. *Id.* at 6821. Additionally, DOE projected public health benefits of up to \$1.63 billion due to reduced sulfur dioxide (SO₂) and nitrogen oxide (NO_x) emissions. *Id.* at 6822, Table 1.4 – Summary of Monetized Benefits and Costs of Proposed Energy Conservation Standards for Consumer Conventional Cooking Products. These consumer savings and health benefits alone greatly exceed the economic costs of the proposed rule under all assumptions and scenarios. 88 Fed. Reg. 6823. Finally, in addition to the fact that the proposed standards are economically justified based on the substantial consumer savings and health benefits, the standards are also projected to yield significant environmental benefits. Specifically, the standards would result in cumulative emissions reductions of 21.9 million metric tons of carbon

¹ For cooktops, DOE has proposed performance standards in the form of maximum allowable integrated annual energy consumption levels. These standards are expressed in kilowatt-hours per year (kWh/year) for electric cooking tops and thousand British thermal units per year (kBtu/year) for gas cooking tops. 88 Fed. Reg. 6819-20, Table I.1 (Proposed Energy Conservation Performance Standards for Conventional Cooking Tops). The standards would apply to new appliances in the electric coil element, electric smooth element, and gas cooking top product classes manufactured or imported into the United States starting three years after publication of the final standards. For conventional ovens, DOE's proposed standard is a prescriptive design requirement for the control system of the oven and would similarly apply to all conventional ovens manufactured in, or imported into, the United States starting three years after the final standards are published. 88 Fed. Reg. 6820, Table I.2 (Proposed Prescriptive Energy Conservation for Conventional Ovens).

² DOE, Technical Support Document: Conventional Consumer Cooking Products, Table 7.2.6 Electric Smooth Cooking Tops: Annual Energy Consumption by Efficiency Level (gas cooking top annual energy consumption under baseline, trial standard level 1 and trial standard level 2) (Dec. 2022), <https://www.regulations.gov/docket/EERE-2014-BT-STD-0005/document>.

³ DOE must finalize the new standards by January 31, 2024, pursuant to a Consent Decree addressing DOE's alleged failure to meet statutory deadlines for updating efficiency standards. *State of New York, et al. v. U.S. Dep't of Energy, et al.*, No. 20-cv-9362 (S.D.N.Y.), Dkt. No. 102.

dioxide (CO₂), 2.2 thousand tons of SO₂, 51.8 thousand tons of NO_x, 244.9 thousand tons of methane (CH₄), 0.1 thousand tons of nitrous oxide (N₂O), and 0.01 tons of mercury (Hg). *Id.* at 6821. Based on the average social cost of greenhouse gases, the estimated climate benefits associated with the proposed standards is approximately \$1.17 billion. *Id.* In sum, DOE’s analysis shows that the proposed standards would net up to approximately \$4.51 billion in combined economic, health, and environmental benefits. *Id.* at 6822, Table 1.4.

The Proposed Standards Provide Direct Public Health Benefits, Including Improved Indoor Air Quality⁴

DOE’s proposed standards would also provide additional, potentially significant – but as-yet unquantified – public health benefits such as those associated with improved indoor air quality. DOE acknowledges that operation of gas cooking products results in emissions of methane, carbon monoxide, particulate matter, nitrogen dioxide and other air pollutants in the home. 88 Fed. Reg. 6863. DOE observes that “[s]uch in-home emissions may be associated with a variety of serious respiratory and cardiovascular conditions and other health risks,” citing to studies that show homeowners’ use of gas burners can result in levels of indoor air pollution in excess of federal and international health-based guidelines for indoor and outdoor air.⁵ *Id.* DOE further notes that children, elderly people and household members with respiratory conditions may be especially sensitive to combustion-related emissions in the home. *Id.* We share DOE’s concerns regarding gas cooking products’ potential negative health impacts, especially to sensitive populations. For example, recent studies show that children growing up in households with gas stoves have a 42 percent increased risk of experiencing asthma symptoms and nearly 13 percent of current childhood asthma cases nationwide can be attributed to gas stove usage.⁶ Because “[r]educed in-home gas combustion may deliver additional health benefits to consumers and their families by reducing exposure to various pollutants,” *id.*, we urge DOE to quantify and monetize these benefits in further support of its proposal.⁷

DOE seeks comment on the health, environmental, or general public impacts of the proposed standards on on-site emissions of methane, carbon dioxide, and other hazardous air pollutants from gas cooking products. 88 Fed. Reg. 6864. As DOE notes, a 2022 study by Stanford University researchers

⁴ We are aware that the U.S. Consumer Product Safety Commission (CPSC) has commenced a proceeding to examine the scope and scale of potential chronic chemical hazards, exposures, and risks associated with gas range use and ways to mitigate such risks. 88 Fed. Reg. 14,150 (Mar. 7, 2023). As part of this inquiry, the CPSC seeks information on emissions from gas ranges, their impacts on air quality, and associated human health effects. Pending further action by the CPSC, DOE’s proposed standards for gas ranges would improve burner efficiency and help reduce any potential negative health impacts associated with combustion-related emissions.

⁵ See 88 Fed. Reg. 6863, nn. 87-89 (citing J. Logue, et al., “Pollutant exposures from natural gas cooking burners: a simulation-based assessment for Southern California,” *Environmental Health Perspectives*, 2014, Vol. 122, pp. 43-50; E. Lebel, et al., “Composition, Emissions, and Air Quality Impacts of Hazardous Air Pollutants in Unburned Natural Gas from Residential Stoves in California,” *Environmental Science & Technology*, Oct. 2022; B. Seals and A. Krasner, “Health Effects from Gas Stove Pollution,” *Rocky Mountain Institute*, 2020). Research indicates that gas stoves can emit elevated levels of nitrogen dioxide that exceed indoor guidelines issued by the World Health Organization and Canada and outdoor standards established by the U.S. EPA. See B. Seals and A. Krasner, “Health Effects from Gas Stove Pollution,” at 11.

⁶ T. Gruenwald, et al., “Population Attributable Fraction of Gas Stoves and Childhood Asthma in the United States,” 20(1) *Int’l J. Environ. Res. Public Health* 75 (2022), <https://www.mdpi.com/1660-4601/20/1/75>; W. Lin, et al., “Meta-analysis of the effects of indoor nitrogen dioxide and gas cooking on asthma and wheeze in children,” 42 *Int’l J. of Epidemiology* 6, 1724-37 (Dec. 2013).

⁷ DOE’s emissions analysis examined the proposed standards’ effect on power sector and on-site combustion emissions of carbon dioxide, nitrogen oxides, sulfur dioxide, mercury, and methane but did not quantify the monetary benefit of improving consumers’ indoor air quality. 88 Fed. Reg. 6887-89.

found that a significant quantity of emissions from gas ranges occurs due to leakage when they are not actively being used.⁸ We support DOE’s efforts to explore how the proposed efficiency standards will impact emissions generated from gas ranges, and we urge DOE to further quantify whether the proposed efficiency standards will reduce emissions indoors caused by leakage from gas cooking products. Furthermore, DOE has solicited comments on whether manufacturers are instituting design approaches, control strategies, or other measures to mitigate methane or other emissions from gas ranges due to incomplete combustion and leakage. *Id.* We encourage DOE to incorporate performance standards into a final rule that mandate these design improvements should they exist and if they are economically feasible.

The Proposed Standards Would Advance Environmental Justice

We note that the benefits of more efficient cooking appliances – lower utility bills and improved air quality – are especially important to low-income and minority communities. Not only do such communities often experience energy insecurity, but they disproportionately suffer from asthma and other negative health outcomes associated with indoor air pollution from gas cooking products.⁹ For example, in New York City, approximately 80 percent of hospital visits for asthma in children and young adults are by Black or Latino individuals, and some of the highest asthma-related death and disease rates in the country can be found in neighborhoods with large populations of low-income residents of color.¹⁰ Similarly, in the District of Columbia, children living in Wards 7 and 8 (neighborhoods afflicted with poor housing conditions, including inadequate ventilation) have higher asthma rates and higher asthma hospitalization rates than children living in the wealthier parts of the District.¹¹ Moreover, a recent study conducted in conjunction with the New York Public Housing Authority found that cooking with gas stoves resulted in indoor concentration levels of nitrogen dioxide – a combustion-related pollutant associated with asthma and other respiratory conditions – nearly double the levels in outdoor air that the U.S. Environmental Protection Agency considers unhealthy for sensitive groups such as young children, the elderly and people with respiratory illness.¹² By making cooking appliances more efficient and

⁸ 88 Fed. Reg. 6863, fn. 86 (citing E. Lebel, et al., “Methane and NOx Emissions from Natural Gas Stoves, Cooktops, and Ovens in Residential Homes,” *Environmental Science & Technology*, Vol. 56, 2529-2539 (2022), <https://pubs.acs.org/doi/pdf/10.1021/acs.est.1c04707>).

⁹ WEACT for Environmental Justice, “Out of Gas, In with Justice: Studying the Impacts of Induction Stoves on Indoor Air Quality in Affordable Housing,” at 8-9, 16 (2023), <https://www.weact.org/wp-content/uploads/2023/02/Out-of-Gas-Report-FINAL.pdf>. Acknowledging the disproportionate rates of asthma among minority and low-income communities and the potential impact of gas cooking appliances on indoor air quality, this pilot study investigated the feasibility and benefits of residential cooking electrification in low-income housing units owned by the New York City Housing Authority. The study examined air quality in units with existing gas stoves and those in which gas stoves had been replaced with induction stoves. Air quality was monitored during residents’ normal daily activities and during standardized controlled cooking tests in units.

¹⁰ *Id.*; see also, “Asthma,” Columbia Center for Children’s Environmental Health, <https://www.publichealth.columbia.edu/research/centers/columbia-center-childrens-environmental-health/our-research/health-effects/asthma>; “Disparities among Children with Asthma in New York City,” EpiData Brief 126 (Sept. 2021), NYC Health, <https://www.nyc.gov/assets/doh/downloads/pdf/epi/databrief126.pdf>.

¹¹ Morgan Baskin, “Doctors Blame D.C.’s High Asthma Rates in Part on Poor Housing,” *Washington City Paper* (May 22, 2019), <https://washingtoncitypaper.com/article/180182/doctors-blame-dcs-high-asthma-rates-in-part-on-poor-housing/>.

¹² WEACT for Environmental Justice, “Out of Gas, In with Justice,” at 8-9; see also, Technical Assistance Document for the Reporting of Daily Air Quality, U.S. Environmental Protection Agency, EPA 454/B-18-007, Table 4. Pollutant-Specific Sub-indices and Cautionary Statements for Guidance on the Air Quality Index (2018), <https://www.airnow.gov/sites/default/files/2020-05/aji-technical-assistance-document-sept2018.pdf>.

reducing cooking-related emissions that exacerbate or contribute to asthma, DOE's proposed standards will help reduce historically underserved communities' economic and health burdens.

For the foregoing reasons, we support DOE's proposed standards for cooking products and urge the DOE to finalize the standards promptly. We thank you for the opportunity to comment on this important proposal.

Respectfully submitted,

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