



March 23, 2023

The Honorable John Barrasso  
Ranking Member  
Energy & Natural Resources Committee  
U.S. Senate  
304 Dirksen Senate Office Building  
Washington, D.C. 20510

Dear Ranking Member Barrasso,

On behalf of the National Propane Gas Association, thank you for introducing the *Natural Gas Appliances Standards Act of 2023*, which pushes back against recent Department of Energy (DOE) actions that limit the availability of consumer products, threaten consumer choice, and will result in costly fuel switching.

NPGA is the national trade association of the propane industry with a membership of about 2,500 companies and 36 state and regional associations representing members in all 50 states. Membership in NPGA includes retail marketers of propane gas who deliver the fuel to the end user, propane producers, transporters and wholesalers, and manufacturers and distributors of equipment, containers, and appliances. Propane gas fuels millions of installations nationwide for home and commercial heating and cooking, in agriculture, industrial processing, and as a clean air alternative engine fuel for both over-the-road vehicles and industrial lift trucks. Roughly 75% of NPGA's members have fewer than 100 employees and are considered small businesses.

On multiple occasions, DOE has taken steps to limit the availability of consumer products. In May 2022, DOE issued a notice of proposed rulemaking (NPR) related to commercial water heaters<sup>1</sup> that more than half of all commercial buildings could not comply with unless they completed complicated, extensive, and burdensome upgrades. In July 2022, DOE issued another NPR<sup>2</sup>, that, by DOE's own admission, would force millions of residential consumers to switch from gas furnaces to electric alternatives.<sup>3</sup>

Most recently, in January 2023, DOE released a supplemental notice of proposed rulemaking (SNPR) in which the agency proposed new and amended energy conservation standards for

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<sup>1</sup> Energy Conservation Program: Energy Conservation Standards for Commercial Water Heating Equipment, 87 Fed Reg. 30610 (May 19, 2022).

<sup>2</sup> Energy Conservation Program: Energy Conservation Standards for Consumer Furnaces: Notice of Proposed Rulemaking, 87 Fed. Reg. 40590 (July 7, 2022).

<sup>3</sup> *Supra* note 2 at 40666-67, 40647.

consumer conventional cooking products<sup>4</sup> that would make 96% of the gas cooktops in the market out of compliance by 2027.<sup>5</sup> In fact, only one gas stove that DOE tested met this new standard.<sup>6</sup> Coincidentally, 100% of the electric (open) coil element cooktops and 80% of the electric cooktops would meet or exceed these new standards.<sup>7</sup> The SNOPR's proposed standards not only encourage fuel switching, but given conversion costs<sup>8</sup>, may compel fuel switching for consumers by the elimination of gas stoves in the market. This compelled fuel switching and elimination of consumer choice are anticompetitive in nature and contrary to EPCA. Additionally, the SNOPR has significant anticompetitive effects on small businesses that exclusively produce gas cooktops.

Because of the effects of this proposed rulemaking, and numerous other recent DOE regulatory actions, NPGA supports this legislation, and any effort, that provides reasonable protections for consumers to choose their preferred fuel and home appliances. Thank you again for introducing this critical legislation, and we look forward to working with you throughout the 118<sup>th</sup> Congress.

Sincerely,



Stephen T. Kaminski  
President and Chief Executive Officer  
National Propane Gas Association

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<sup>4</sup> Energy Conservation Program: Energy Conservation Standards for Consumer Conventional Cooking Products: Supplemental Notice of Proposed Rulemaking and Announcement of Public Meeting, 88 Fed. Reg. 6818 (Feb. 1, 2023) (hereinafter, "SNOPR").

<sup>5</sup> SNOPR at 6857.

<sup>6</sup> TSD at 5-33.

<sup>7</sup> *Id.*

<sup>8</sup> SNOPR at 6898.