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United States Senate

COMMITTEE ON COMMERCE, SCIENCE,
AND TRANSPORTATION

WASHINGTON, DC 20510-6125

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

March 16, 2023

Mr. Bruce Nilles
Executive Director
Climate Imperative Foundation
98 Battery Street, Suite 202
San Francisco, CA 94111

Dear Mr. Nilles,

I write today seeking information about the Climate Imperative Foundation's ("CIF") role in recent efforts by the Consumer Product Safety Commission ("CPSC") to impose a de facto ban on gas stoves.

While the Biden administration's efforts to extinguish gas stoves were only recently exposed,¹ CIF announced this radical goal years ago. In a 2019 *New York Times* opinion piece, you made a one-line directive to the American people: "Your gas stove has to go."² You wrote such action was necessary because "[b]urning gas is now a bigger source of [climate-altering] pollution than burning coal," and therefore "to meet our climate goals," gas connections "will have to be capped off long before the end of their useful lives."³

Perhaps realizing that CIF lacked support for eliminating gas stoves to fight climate change, CIF assisted on two "reports" suggesting gas stoves posed significant health risks. In 2021, CIF gave *Consumer Reports* magazine \$375,000, which was used to fund testing on gas stove emissions as featured in an October 4, 2022 article.⁴ Second, CIF "reviewed and provided valuable feedback" to the April 11, 2022 "Emissions in the Kitchen" report prepared by NYU

¹ Ari Natter, *US Safety Agency to Consider Ban on Gas Stoves Amid Health Fears*, BLOOMBERG (Jan. 9, 2023), available at <https://www.bloomberg.com/news/articles/2023-01-09/us-safety-agency-to-consider-ban-on-gas-stoves-amid-health-fears?leadSource=verify%20wall>.

² Justin Gilles and Bruce Nilles, *Your Gas Stove Is Bad for You and the Planet: To help solve the climate crisis, we need to electrify everything*, THE NEW YORK TIMES (May 1, 2019), available at <https://www.nytimes.com/2019/05/01/opinion/climate-change-gas-electricity.html>.

³ *Id.*

⁴ Paul Hope, *Is Your Gas Range a Health Risk?*, CONSUMER REPORTS (Oct. 4, 2022) available at <https://www.consumerreports.org/appliances/indoor-air-quality/is-your-gas-range-a-health-risk-a6971504915/> (stating that "This project was funded in part with a grant from the Climate Imperative Foundation."); Internal Revenue Service. (2021). *Form 990: Return of Organization Exempt From Income Tax: Climate Imperative Foundation*. Document on file with the Senate Committee on Commerce, Science, and Transportation.

Law’s Institute for Policy Integrity—a liberal think tank focused on climate and energy policy.⁵ CIF had previously given \$230,000 in 2021 to NYU Law for a “US buildings initiative.”⁶

These CIF-backed reports proved useful to CPSC’s recent gas stove putsch. Last fall, CPSC Commissioner Richard Trumka, Jr.—a Biden appointee—authored an internal memo in which he concluded that “[t]here is sufficient information available for CPSC to issue [a Notice of Proposed Rulemaking] in FY 2023 proposing to ban gas stoves in homes.”⁷ He reached that conclusion based, in part, on *Consumer Reports* articles and the Institute for Policy Integrity report.⁸ Although Commissioner Trumka withdrew his attempted formal rulemaking aimed at banning gas stoves,⁹ CPSC nonetheless has taken the necessary first step toward a ban. On March 1, 2023, CPSC issued a Request for Information (“RFI”) “on chronic hazards associated with gas ranges and proposed solutions.”¹⁰

CPSC’s blind reliance on CIF-supported gas stove pieces to support potential rulemaking is troubling. It suggests CIF and other radical environmentalist activist groups are coordinating with the Biden administration to eliminate fossil fuel use without authorization from Congress. What makes all this even more concerning is CIF’s reported close ties to the Chinese communist government. For example, as recently as December 2022 CIF listed as a member of its advisory council Wang Li, who serves in the Chinese national legislature.¹¹

⁵ Laura A. Figueroa and Jack Lienke, New York University Institute for Policy Integrity, *The Emissions in the Kitchen: How the Consumer Product Safety Commission Can Address the Risks of Indoor Air Pollution from Gas Stoves* (Apr. 11, 2022), available at <https://policyintegrity.org/publications/detail/the-emissions-in-the-kitchen>.

⁶ Internal Revenue Service. (2021). *Form 990: Return of Organization Exempt From Income Tax: Climate Imperative Foundation*. Document on file with the Senate Committee on Commerce, Science, and Transportation.

⁷ Memorandum from the Office of Commissioner Rich Trumka, *NPR Proposing Ban on Gas Stoves (Indoor Air Quality)*, CPSC (Oct. 25, 2022).

⁸ Commissioner Trumka also ignored evidence to the contrary, including a multi-year study of gas stove use published in *The Lancet*, which “detected no evidence of an association between the use of gas as a cooking fuel and either asthma symptoms or asthma diagnosis.” See Gary Wong et al., *Cooking Fuels and Prevalence of Asthma: A Global Analysis of Phase Three of the International Study of Asthma and Allergies in Childhood*, *THE LANCET* (May 13, 2013), available at [https://www.thelancet.com/journals/lanres/article/PIIS2213-2600\(13\)70073-0/fulltext](https://www.thelancet.com/journals/lanres/article/PIIS2213-2600(13)70073-0/fulltext).

⁹ *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.

¹⁰ See Breanne Deppisch, *US Agency Seeks Input on Gas Stoves in Step Toward Regulation*, *THE WASHINGTON EXAMINER* (Mar. 1, 2023), available at <https://www.washingtonexaminer.com/policy/energy-environment/us-agency-seeks-input-on-gas-stoves-in-step-toward-regulation>; *Ballot Vote Sheet re Draft Federal Register Notice: “Request for information on chronic hazards associated with gas ranges and proposed solutions.”* CPSC (Feb. 22, 2023), available at <https://www.cpsc.gov/s3fs-public/DraftFederalRegisterNoticeRequestforinformationonchronichazardsassociatedwithgasrangesandproposedsolutions.pdf?VersionId=d4C1FoGDPbvgnheTXJ2lPnuH6BnmvNJU>.

¹¹ *Board of Directors and Advisory Council*, Climate Imperative Foundation, available at <https://web.archive.org/web/20221202022542/https://climateimperative.org/directors-advisors/>; Wang Li, China Council for International Cooperation On Environment and Development, available at <https://cciced.eco/about/composition/council-members/yi-wang/>.

To better understand CIF's role in the Biden administration's apparent whole-of-government approach to eliminate gas-powered appliances and systems without congressional authorization, I am seeking further data and information.

Please provide written answers and relevant documents in response to the following questions no later than March 30, 2023. In your response, please specifically identify the question to which you are responding. If you are refusing to respond to a question, please state so explicitly.

1. State whether any employee, director, or executive of CIF, or any member of its advisory council, including Wang Li, discussed gas stoves or ranges with any person at CPSC, including Commissioner Trumka and his staff. If so, please: (i) provide a list of all persons who took part in each discussion, (ii) identify the dates and manner of each discussion, and (iii) provide all documents and communications regarding the discussion(s).
2. State whether any employee, director, or executive of CIF, or any member of its advisory council, including Wang Li, discussed CPSC's work, or potential work, related to gas stoves or ranges with anyone in the White House or anyone else in the administration. If so, please: (i) provide a list of all persons who took part in each discussion, (ii) identify the dates and manner of each discussion, and (iii) provide all documents and communications regarding the discussion(s).
3. On October 6, 2022, *Consumer Reports* published an article titled, "Is Your Gas Range a Health Risk?" (the "October 2022 article").¹² An editor's note at the bottom of the article states: "This project was funded in part with a grant from the Climate Imperative Foundation." Your 2021 IRS 990 form states that you gave \$375,000 to *Consumer Reports*.¹³
 - a) Confirm that the \$375,000 identified in your 2021 IRS 990 form was used to fund work related to the October 2022 article. Identify the precise purpose(s) for which you directed that money be used.
 - b) State whether you are aware that *Consumer Reports* used the \$375,000 you gave for anything other than work related to the October 2022 article. If so, identify the additional ways you believe that *Consumer Reports* may have utilized that money. Explain your basis for that understanding.
 - c) Identify whether CIF first approached *Consumer Reports* about the October 2022 article or *Consumer Reports* first approached CIF. Either way, identify when the first

¹² Hope, *supra* note 4.

¹³ Internal Revenue Service. (2021). *Form 990: Return of Organization Exempt From Income Tax: Climate Imperative Foundation*. Document on file with the Senate Committee on Commerce, Science, and Transportation.

conversation regarding any work related to what was to become the October 2022 article (including testing, research, concerns about gas stoves, etc.) took place and who was involved in those conversations.

- d) Provide any grants, contracts, or other agreements, including informal email communications, concerning CIF's payment of \$375,000 to *Consumer Reports*.
4. Describe CIF's role in publishing the October 2022 article. In your description, please include responses to the following questions:
- a) Did CIF review any research or testing performed by *Consumer Reports*?
 - b) Was CIF involved in the research or testing? If so, identify who was involved and what activities they undertook.
 - c) Did CIF review any drafts of the article? If so, identify when CIF reviewed those drafts and who at CIF reviewed them.
 - d) State whether CIF suggested any edits to that article. If so, were those edits reflected in the final article? Identify who at CIF was involved in editing the October 2022 article.
 - e) Did CIF direct how the testing or research referenced in the article was conducted in any way? Did it participate in the testing or research? If so, identify who was involved in the testing or research.
 - f) Did *Consumer Reports* seek CIF's approval of the *Consumer Reports* study prior to publication?
 - g) Did CIF give *Consumer Reports* approval of the article prior to its publication?
 - h) Was *Consumer Reports* required to receive approval from CIF before publishing the article?
5. State whether CIF provided any funding, support, or otherwise had any involvement at all in the following articles: (1) the January 12, 2023 *Consumer Reports* article titled, "Induction Cooktops and Ranges Are So Good You May Not Miss Your Gas Appliance,"¹⁴ (2) the June 22, 2022 *Consumer Reports* article titled, "Pros and Cons of

¹⁴ Paul Hope, *Induction Cooktops and Ranges Are So Good You May Not Miss Your Gas Appliance*, CONSUMER REPORTS (Jan. 12, 2023), available at <https://www.consumerreports.org/appliances/ranges/induction-cooktops-ranges-are-so-good-you-may-not-miss-gas-a8912134554/>.

Induction Cooktops and Ranges,”¹⁵ and (3) the August 12, 2022 *Consumer Reports* article titled, “What the Inflation Reduction Act Could Mean for Your Next Appliance Purchase.”¹⁶ If so, describe CIF’s involvement in those articles. In your description, please include the following information:

- (i) the amount of money or describe the type of support,
- (ii) the date on which it was provided,
- (iii) the purpose for which it was provided, and
- (iv) any studies, reports, articles, or any other publications that were generated through that funding or support.

6. State whether CIF has ever provided any additional money or support (*i.e.*, goods or services) to *Consumer Reports* beyond the \$375,000 for work related to the October 2022 article or the articles listed in Question No. 5. Please answer with a “yes” or “no” before providing any further response. For all other monies or support provided to *Consumer Reports*:

- (i) identify the amount of money or describe the type of support,
- (ii) identify the date on which it was provided,
- (iii) state the purpose for which it was provided, and
- (iv) identify any studies, reports, articles, or any other publications that were generated through that funding or support.

7. In 2021, CIF gave \$300,000 to the United States Public Interest Research Group (“U.S. PIRG”) Education Fund.¹⁷ During a December 2022 webinar hosted by U.S. PIRG, Commissioner Trumka 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**.”¹⁸ (emphases added).

a) Please confirm that you donated \$300,000 to U.S. PIRG in 2021.

b) Please identify the precise purpose(s) for which you directed that money be used.

¹⁵ Paul Hope, *Pros and Cons of Induction Cooktops and Ranges*, CONSUMER REPORTS (Jun. 22, 2022), available at <https://www.consumerreports.org/appliances/ranges/pros-and-cons-of-induction-cooktops-and-ranges-a5854942923/>.

¹⁶ Paul Hope, *What the Inflation Reduction Act Could Mean for Your Next Appliance Purchase*, CONSUMER REPORTS (Aug. 12, 2022), available at <https://www.consumerreports.org/appliances/inflation-reduction-act-and-new-electric-appliance-rebates-a3460144904/>.

¹⁷ Internal Revenue Service. (2021). *Form 990: Return of Organization Exempt From Income Tax: Climate Imperative Foundation*. Document on file with the Senate Committee on Commerce, Science, and Transportation.

¹⁸ 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/>.

- c) Please state any role that CIF had in the December 2022 U.S. PIRG webinar.
8. CIF gave \$942,000 and \$1,100,000 to the Rocky Mountain Institute in 2020 and 2021 respectively.¹⁹ Please state the purpose for which these funds were provided. Provide any grants, contracts, or other agreements, including informal email communications, related to CIF’s payments of these funds to Rocky Mountain Institute.
9. CIF gave \$230,000 to the NYU School of Law in 2021 for “US buildings initiative.”²⁰ Please identify whether these funds were used to help finance the April 11, 2022 “Emissions in the Kitchen” report. If not, please describe in detail the purpose of this grant.
10. State whether CIF has provided any money or support (*i.e.* goods or services) to any other entities related to research, publications, or advocacy concerning gas stoves. Please answer with a “yes” or “no” before providing any further response. For all other monies or support provided to an entity:
- (i) identify the recipient,
 - (ii) identify the amount of money or describe the type of support,
 - (iii) identify the date on which it was provided,
 - (iv) state the purpose for which it was provided and
 - (v) identify any studies, reports, articles, or any other publications that were generated through that funding or support.

Thank you for your attention to this matter.

Sincerely,



Ted Cruz
Ranking Member

¹⁹ Internal Revenue Service. (2021). *Form 990: Return of Organization Exempt From Income Tax: Climate Imperative Foundation*. Document on file with the Senate Committee on Commerce, Science, and Transportation; Internal Revenue Service. (2020). *Form 990: Return of Organization Exempt From Income Tax: Climate Imperative Foundation*. Document on file with the Senate Committee on Commerce, Science, and Transportation.

²⁰ Internal Revenue Service. (2021). *Form 990: Return of Organization Exempt From Income Tax: Climate Imperative Foundation*. Document on file with the Senate Committee on Commerce, Science, and Transportation.