



May 08, 2023

Office of the Secretary
Consumer Product Safety Commission
4330 East West Highway, Bethesda, MD 20814

RE: Request for Information on Chronic Hazards Associated With Gas Ranges and Proposed Solutions Docket No. CPSC–2023–0009

The National Multifamily Housing Council (NMHC) and National Apartment Association (NAA) have a significant interest in the safety, availability and affordability of the consumer appliances that our residents rely on in their homes. Therefore, we submit the following comments in response to the Consumer Product Safety Commission (CPSC) Request for Information (RFI) on Chronic Hazards Associated With Gas Ranges and Proposed Solutions.

We support efforts to ensure the health and safety of our residents, while promoting appliance standards that deliver the expected reliability and performance. Further, we are committed to addressing the nation’s pressing housing needs, but face serious obstacles in moderating rising housing costs and delivering much-needed supply. We therefore urge you to consider the impacts of any regulation on housing production and affordability, and ensure that gas range requirements are built on data-based conclusions that do not undermine efforts to address America’s acute housing challenges.

For more than 26 years, NMHC and NAA have partnered to provide a single voice for America’s apartment industry. Our combined memberships are engaged in all aspects of the apartment industry, including ownership, development, management and finance. NMHC represents the principal officers of the apartment industry’s largest and most prominent firms. As a federation of 141 state and local affiliates, NAA encompasses over 95,000 members representing more than 11.6 million apartment homes globally. One-third of all Americans rent their housing, and our industry plays a critical role in meeting the nation’s housing needs by providing apartment homes for nearly 39 million residents and contributing \$3.4 trillion annually to the economy.

Data Shows Gas Ranges Have Positive Fire Safety Performance

Fire safety and prevention is a critical concern in apartment properties and housing providers have a significant interest in mitigating fire risk in their communities. Cooking is a major driver of residential fires and research shows that households with electric ranges face an increased risk of cooking fires, and the associated fire losses, than households using gas ranges.¹ Therefore, we urge CPSC to examine the association between increased fire risk and increased electrification of cooking products when considering the relative benefits of electric versus gas cooking appliances.

¹ National Fire Protection Assoc. (NFPA) – Marty Ahrens, “Home Cooking Fires.” (July 2020), <https://www.nfpa.org/-/media/Files/News-and-Research/Fire-statistics-and-reports/US-Fire-Problem/Fire-causes/oscooking.pdf>.

According to research from the National Fire Protection Association (NFPA) on home cooking fires, “[c]ooking caused an average of 172,000 reported home structure fires per year (49 percent of all reported home fires in the US)” during the study period, which “resulted in an average of 550 civilian deaths (21 percent of all home fire deaths) and 4,820 civilian injuries (44 percent of all reported home fire injuries) annually.”² In addition, mitigation of cooking fires is of particular importance in multifamily settings as the same research showed that “[t]he percentage of apartment fires started by cooking was nearly twice that of cooking fires in one- or two-family homes.”³

NFPA’s research found that “[r]anges or cooktops were involved in 61 percent of reported home cooking fires, 87 percent of cooking fire deaths, and 78 percent of cooking fire injuries.”⁴ Electric ranges contributed to higher rates of reported fires, civilian fire death rates, civilian fire injury rates and fire dollar losses than gas ranges. Specifically, “[a]lthough 60 percent of households cook with electricity, four out of five (80 percent) ranges or cooktops involved in reported cooking fires were powered by electricity. Population-based risks [include:]

- The rate of reported fires per million households was 2.6 times higher with electric ranges.
- The civilian fire death rate per million households was 3.4 times higher with electric ranges.
- The civilian fire injury rate per million households was 4.8 times higher with electric ranges than in households using gas ranges.
- The average fire dollar loss per household was 3.8 times higher in households with electric ranges.”⁵

The research offers that “[i]t is sometimes less obvious that an electric burner is turned on or is still hot than it is with gas burners. In addition, once turned off, it takes time for an electric burner to cool.”⁶ Finally, “[t]here were more cooking fire deaths in 2014–2018 than in 1980–1984, even though total home fire deaths fell 46 percent from the earlier period. It appears that less progress has been made in reducing deaths from home cooking fires than deaths from most other fire causes.”⁷

Research Attributing Negative Health Outcomes with Gas Ranges is Often Misstated

Research shows that recent criticism of gas cooking fails to properly recognize that cooking method and the cooking byproducts from specific food choices significantly influence cooking emissions and indoor air quality regardless of appliance type or fuel source. Moreover, the public discourse commonly misstates the relationship between the use of gas cooking products and respiratory impacts and fails to acknowledge research findings that show no connection between gas cooking and asthma specifically.

² *Id.*

³ *Id.* But note, contributing to the higher percentage of cooking fires in apartment properties may be that “minor fires in properties with monitored fire alarm systems may be more likely to trigger a fire department response, and such systems are more common in apartments than in one- or two-family homes.”

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

Assertions of an association between gas cooking and asthma are not appropriately supported by data and science-based analysis. Instead, according to the study *Cooking Fuels and Prevalence of Asthma: A Global Analysis of Phase Three of the International Study of Asthma and Allergies in Childhood (ISAAC)*, there was “no evidence of an association between the use of gas as a cooking fuel and either asthma symptoms or asthma diagnosis.”⁸ That research encompassed information on 512,707 primary and secondary school children in 47 countries.

Further, it has long been recognized that all cooking processes generate emissions and can contribute to indoor air quality conditions, regardless of fuel source. Research shows that [t]he extent to which indoor air quality is impacted is highly dependent on the types of food being cooked and the cooking conditions such as time, temperature, space configuration, and ventilation. It is far less dependent on the heat source for the cooking, either natural gas or electricity.”⁹

Finally, research concludes that neither electric nor natural gas-powered cooking appliances significantly contribute to indoor air quality concerns or pose health risks. Despite popular commentary, “[n]early all studies published on the impacts of cooking on indoor air quality have focused on emissions and resulting concentrations of various chemical constituents, rather than any demonstrated human health risk.”¹⁰ Therefore, CPSC should refrain from unduly limiting or regulating specific cooking equipment based on incomplete research or speculative conclusions.

Critical Housing Shortages and Affordability Needs

Given that gas cooking products do not pose problematic health and safety issues compared to other cooking appliances, their continued availability and affordability plays an important role in ensuring the realization of national housing stability goals. Any CPSC analysis on the justification for regulations or restrictions on gas cooking appliances must balance the necessity of such actions with the impacts to the nation’s housing conditions.

It is essential that we build housing at all price points to address the nation’s critical housing challenges and ensure economic stability for American households. According to recent research commissioned by NMHC and NAA, **the U.S. needs to build 4.3 million new apartment homes by 2035 to meet the demand for rental housing.**¹¹ This includes an existing shortage of 600,000 apartments stemming from underbuilding due in large part to the 2008 financial crisis. Further, underproduction of housing has translated to higher housing costs – resulting in a consequential loss of affordable housing units (those with rents less than \$1,000 per month), with a

⁸ 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 (ISAAC).” (July 2013), Abstract, <https://pubmed.ncbi.nlm.nih.gov/24429203/>.

⁹ Catalyst Environmental Solutions – Daniel Tormey, Ph.D., P.G., Steve Huntley, “The Effects of Cooking on Residential Indoor Air Quality: A Critical Review of the Literature with an Emphasis on the Use of Natural Gas Appliances.” (March 2, 2023), https://www.calrest.org/sites/main/files/file-attachments/analysis_effects_of_cooking_on_indoor_air_quality_3.2.2023.pdf.

¹⁰ *Id.*

¹¹ Hoyt Advisory Services, “Estimating the Total U.S. Demand for Rental Housing by 2035.” (2022), <https://www.weareapartments.org/>.

decline of 4.7 million affordable apartments from 2015-2020.

In fact, the total share of cost-burdened apartment households (those paying more than 30% of their income on housing) has increased steadily over several decades and reached 57.6% in 2021.¹² During this same period, the total share of *severely* cost-burdened apartment households (those paying more than half their income on housing) increased from 20.9 to 31.0%.¹³

Further, the Biden Administration has recognized this immense need to bolster the nation's housing production and outlined a strategy to improve housing supply conditions through the Housing Supply Action Plan. The plan underscores that this national supply shortfall “burdens family budgets, drives up inflation, limits economic growth, maintains residential segregation, and exacerbates climate change.”¹⁴ And that “[r]ising housing costs have burdened families of all incomes, with a particular impact on low- and moderate-income families, and people and communities of color.”¹⁵ Of particular importance to this rulemaking, the plan specifically identifies the need to control materials costs and address supply chain challenges.

It is becoming increasingly difficult to build housing that is affordable to a wide range of income levels. Ongoing materials and equipment shortages and strained supply chain conditions pressures housing development and results in costs and delays that impact overall affordability and availability. In addition, ill-timed, unnecessary or unduly burdensome laws, policies and regulations at all levels of government prevent us from delivering the housing our country so desperately needs. Elevated regulatory costs, in particular, create a barrier to affordable housing supply. Recent research published by NMHC and the National Association of Home Builders found that regulation imposed by all levels of government accounts for 40.6 percent of multifamily development costs.¹⁶

Construction Cost and Supply Chain Challenges

As CPSC considers new regulations, it is important to recognize the immense, practical pressures on apartment development and construction that impact our ability to deliver new and renovated housing units. These challenging conditions are exacerbated by new regulatory burdens and changes to the availability and expense of essential appliances in particular.

Following extreme, pandemic-fueled volatility in product costs, supply chain stability, and staffing

¹² American Housing Survey, U.S. Census Bureau, “NMHC tabulations of 1985 American Housing Survey microdata.” (2021).

¹³ *Id.*

¹⁴ “President Biden Announces New Actions to Ease the Burden of Housing Costs.” (May 16, 2022) <https://www.whitehouse.gov/briefing-room/statements-releases/2022/05/16/president-biden-announces-new-actions-to-ease-the-burden-of-housing-costs/>.

¹⁵ *Id.*

¹⁶ National Multifamily Housing Council and National Association of Home Builders, “Regulation: 40.6 Percent of the Cost of Multifamily Development.” (2022) <https://www.nmhc.org/globalassets/research--insight/research-reports/cost-of-regulations/2022-nahb-nmhc-cost-of-regulations-report.pdf>.

constraints, the apartment construction and renovation pipeline has seen some moderation, yet continues to face difficult conditions. Seventy-nine percent of respondents reported construction delays in NMHC's March 2023 Quarterly Survey of Apartment Construction and Development Activity and 47 percent reported experiencing repricing increases in projects over the last three months.¹⁷ Respondents experiencing delayed starts were most likely to cite project infeasibility as a cause (49% of respondents, up from 32% last quarter) and the availability of necessary products and materials, or lack thereof, continues to be of significant concern, with 21 percent of respondents citing materials sourcing and delivery challenges as a contributing factor to delayed starts.

Apartment builders and developers also continue to be impacted by escalations in essential materials and products costs. The prices of a range of essential building products and equipment continue to rise, with respondents reporting a 7% average increase in appliance costs over a three-month period. A sizeable portion of respondents further reported relying on alternative brands or suppliers to mitigate price increases and supply shortages for appliances (44%, up from 30% the previous quarter).

Therefore, we urge CPSC to avoid new regulatory requirements that would undermine efforts to ease high construction costs and alleviate delays. Apartment providers are bulk purchasers of consumer appliances and are responsible for ensuring our residents' homes are well-equipped with safe, effective and affordable products that meet their performance expectations. We are concerned that undue restrictions on cooking appliances will further stress our construction pipeline, create operations and performance challenges and unnecessarily exacerbate the cost pressures facing the housing industry and our residents. We believe onerous requirements on gas appliances will inevitably result in higher housing costs, without producing public health and safety benefits.

Conclusion

The apartment industry is committed to advancing solutions for the nation's housing challenges and creating sustained improvements in housing conditions for our residents. Housing affordability and availability are key national priorities and we look forward to working with policymakers to further health and safety goals while supporting the creation of more housing, preserving affordability and ensuring that every American has a quality place to call home.

Respectfully Submitted by:

National Apartment Association

National Multifamily Housing Council

¹⁷ National Multifamily Housing Council, "Quarterly Survey of Apartment Construction & Development Activity." (March 2023) <https://www.nmhc.org/research-insight/nmhc-construction-survey/2023/quarterly-survey-of-apartment-construction-development-activity-march-2023/>.