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October 9, 2015

The Honorable Loretta E. Lynch  
Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, D.C. 20530

Dear Attorney General Lynch:

I am writing in regards the Department of Energy's (DOE) Notice of Proposed Rulemaking for energy conservation standards for residential conventional ovens. DOE's decision to group all ovens under the proposed rule into one product class called, "conventional," would yield limited potential energy savings and function as a serious threat to the long term survival of high-performance companies, forcing them to operate in a different market space, constraining choice for consumers and limiting competition.

When evaluating and establishing energy conservation standards, DOE divides covered products into product classes. In determining whether a performance-related feature justifies a different standard, DOE must consider the utility of the feature to the customer and its impact in the lessening of competition.

In 2006 and 2008, when faced with a substantially similar question, DOE concluded that high performance products provided a distinct utility to a customer segment and established two separate product classes – one for higher performance products and one for conventional, high production volume products. This year, DOE departed from previously held standards and decided to regulate all ovens under one standard. This ignores that high-performance products offer residential consumers performance and design features superior to other in-home appliances and similar to those found in restaurants. These tiers in cooking performance and design should be considered in any analysis conducted by DOE when evaluating efficiency design options for conventional or high-performance ovens.

The main utility of any oven is its cooking performance. The ability of any oven to bake evenly, allow yeast products to rise consistently, and produce consistent quality rack-to-rack when several racks are being used, are key criteria for consumer acceptance. Forcing niche companies to compete in the conventional oven market space by setting a standard that requires designing appliances to employ lighter gauge materials, exposed heating elements, lighter racks, simpler controls and single verses dual convention fan systems will erase the utility and performance features that market analysis shows serves a subset of customers that enables these companies to stay viable.

The current position of DOE fails to distinguish high performing products within a larger group of products with vastly different features. Cooking performance will be significantly affected under the current structure of the proposed rule and will leave one market – with significantly fewer players – where differences among products are largely aesthetic. It is important that the industry be able to meet

all levels of desired customer utility, while achieving energy efficiency levels that will benefit the consumer in the long-term.

In considering comments on DOE's proposal, I request that you take into consideration its anti-competitive effect and the need for additional product classes within the residential oven market. DOJ has a responsibility to protect competition for the benefit of the consumer and should seriously consider the impact this efficiency standard would have on small, niche market manufacturers and their ability to serve their unique set of customers.

Thank you for your attention in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "F. James Sensenbrenner, Jr.", written in a cursive style.

F. James Sensenbrenner, Jr.  
Member of Congress