

Committee on Energy and Commerce
Markup of 44 Bills
[December 5, 2023 – December 6, 2023]

Documents for the record

At the conclusion of the meeting, the chair asked and was given unanimous consent to include the following documents into the record:

1. A letter from the American Hotel and Lodging Association, dated December 4, 2023.
2. A letter from the AFL-CIO, dated December 4, 2023.
3. A letter from Engine, dated December 5, 2023.
4. A letter from Airbnb, Dated December 5, 2023.
5. A letter from the California Hotel and Lodging Association, dated December 4, 2023.
6. A letter from the Florida Restaurant and Lodging Association, dated December 4, 2023.
7. Comments regarding the trade regulation rule on unfair or deceptive fees.
8. A press release regarding junk fees, dated February 1, 2023.
9. A letter from Utica Water and Power Authority (UWPA).
10. A letter from Representatives McClain and Peltola, dated December 5, 2023.
11. A letter from the California Association of Sanitation Agencies (CASA), dated December 4, 2023.
12. A letter from Missouri River Energy Services (MRES), dated December 4, 2023.
13. Comments from the American College of Physicians, dated December 5, 2023.
14. A letter from the American Public Power Association (APPA), dated October 23, 2023.
15. A press release from E&E News.
16. A letter from Flex Association, dated November 28, 2023.
17. A letter from multiple undersigned organizations, dated August 29, 2023.
18. A letter from American Rivers, dated December 4, 2023.
19. A letter from American Whitewater, dated December 4, 2023.
20. A letter from Friends of the River (FOR), dated December 4, 2023.
21. A letter from the Hydropower Reform Coalition, December 4, 2023.
22. A letter from Idaho Rivers United, dated December 4, 2023.
23. A letter from Low Impact Hydropower Institute (LIHI), dated December 4, 2023.
24. A letter from the National Rural Electric Cooperative Association (NRECA), dated October 24, 2023.
25. A letter from California Medical Association, dated December 5, 2023.
26. A letter from the Northwest Public Power Association (NWPPA), dated November 6, 2023.
27. A letter from the Public Power Council (PPC), dated December 4, 2023.
28. A press release from the U.S. Department of Energy (DOE), dated December 28, 2022.
29. Comments from Rep. Jennifer Wexton (VA-10), dated December 5, 2023.
30. A letter from the Southwestern Power Resources Association (SPRA), dated December 4, 2023.
31. A Wall Street Journal article titled, “Why Does My ‘Efficient’ Dishwasher Take a Zillion

Minutes for a Load?" dated November 24, 2023.

32. A letter from undersigned organizations, dated December 4, 2023.

December 4, 2023

The Honorable Cathy McMorris Rodgers
Chair
Committee on Energy and Commerce
U.S. House of Representatives
Washington, DC 20515

The Honorable Frank Pallone Jr.
Ranking Member
Committee on Energy and Commerce
United States House of Representatives
Washington, DC 20515

Dear Chair McMorris Rodgers and Ranking Member Pallone,

On behalf of the American Hotel and Lodging Association (AHLA), and the undersigned organizations, we are writing to express our support for the passage of Congresswoman Young Kim's (CA-40) and Congresswoman Kathy Castor's (FL-14) legislation, the No Hidden Fees on Extra Expenses for Stays Act (H.R. 6543).

AHLA is the singular voice representing every segment of the hotel industry including major chains, independent hotels, management companies, REITs, bed and breakfasts, industry partners, and more. The industry is made up of more than 62,000 hotels, 33,000 of which are small businesses, comprising 5.6 million rooms across the United States. These hotels generate more than \$300 billion in sales every year and support more than 8.3 million jobs. Hotels are integral contributors to communities across the country and annually generate nearly \$75 billion in tax revenue at the federal, state, and local levels.

We, along with the undersigned organizations, are extremely grateful to Representatives Kim and Castor for recognizing the need for consistent and broadly applicable mandatory fee disclosure and display requirements across the *entire* lodging booking and advertising ecosystem. This bill would create a national standard for display of lodging prices and require that any mandatory fees be included in prices wherever they are advertised, distributed, and sold. As written, this bill would also ensure compliance throughout the complex lodging distribution ecosystem.

While hotels disclose mandatory additional fees to consumers in accordance with existing FTC guidance now, it is critical that any updated display requirements apply across the competitive lodging advertising and booking landscape. Recently, many of the largest hotel chains that AHLA represents have implemented, or announced plans to imminently implement, changes to ensure that mandatory fees are displayed upfront in the pricing consumers are offered through their owned channels.

Critically, as consumers shop for and book lodging through a wide variety of channels and providers, this proposed legislation would apply to third-party distributors, such as online travel agencies (e.g., Expedia), metasearch sites and search engines (e.g., Google), as well as short-term rental platforms (e.g., Airbnb). Any regulation mandating fee display and disclosure

must be consistently applied to *all* accommodation providers, advertisers, and broader industry participants to ensure consumers see the same information, in a consistent manner, anywhere they shop. A level competitive playing field for industry participants paired with clear and consistent display for consumers is of paramount importance and we believe this legislation achieves those goals.

We thank Representatives Kim and Castor for introducing this legislation and working together in a bipartisan fashion to craft a strong bill that will ensure compliance across the industry. We ask that the committee report it favorably and as written.

We look forward to working with you and your colleagues to support America's hotel and lodging industry, employees, guests, and local communities.

Sincerely,

American Hotel and Lodging Association
California Hotel and Lodging Association
Florida Restaurant and Lodging Association
The Broadmoor
BWH Hotels
Choice Hotels International
Hilton
Host Hotels & Resorts
Hyatt
IHG Hotels & Resorts
Loews Hotels & Co.
Marriott International
MGM Resorts
Omni Hotels & Resorts
Park Hotels & Resorts
Pebblebrook Hotel Trust
Sea Island Resort
Wyndham Hotels & Resorts, Inc

AFL-CIO

LEGISLATIVE ALERT

December 4, 2023

House Committee on Energy and Commerce
2125 Rayburn House Office Building
Washington, DC 20515

Dear Members of the Committee on Energy and Commerce:

On behalf of the 60 affiliates of the AFL-CIO, representing 12.5 million working people, the AFL-CIO urges you to **vote no on H.R. 5146**, the Advancing Gig Economy (AGE) Act. This legislation serves only to bolster a sector that currently degrades job quality and dilutes worker power by circumventing the state and federal laws that provide guaranteed wage levels, overtime pay, safety protections, and other benefits.

All workers deserve a job with good wages and benefits, strong labor standards, workplace safety, and union representation. The current trend of wage stagnation and racial and economic inequality, directly related to the growing gig economy, is unsustainable and threatens future economic growth.

The AGE Act, however, seeks to expand the gig economy without providing any safeguards or protections for the workers who make these businesses run. The bill provides no opportunity for workers or their unions to comment on whether “promoting the growth of the gig economy” is a worthy effort for the federal government or state governments at all.

As explained in our submission to the Subcommittee on Innovation, Data, and Commerce for its Wednesday, September 20, 2023 hearing on this bill, we have serious concerns with the work directed by this legislation, the agencies directed to perform the research, and the lack of clarity regarding the definitions of platform and app-based work. At base, the federal government should not work to embolden an industry that often pays less than the minimum wage and evades basic protections like overtime, sick pay, or unemployment insurance.

Therefore, we ask that you **vote no** on this legislation.

Sincerely,



William Samuel
Director, Government Affairs



December 5, 2023

Dear Chairwoman Rogers, Ranking Member Pallone, and members of the House Committee on Energy and Commerce,

Engine is a non-profit technology policy, research, and advocacy organization that bridges the gap between policymakers and startups. Engine works with government and a community of thousands of high-technology, growth-oriented startups across the nation to support the development of technology entrepreneurship. We're pleased to see H.R. 5398, the Advancing Tech Startups Act, receive a markup today.

For the past year and a half, Engine has been in the midst of a project called [Innovation for All](#), to identify barriers faced by underrepresented founders, elevate their voices, and highlight policy solutions to help startups launched by underrepresented founders to succeed. As we've spoken with founders throughout the project, there has been an understanding that various government agencies support the startup ecosystem, and support organizations are scattered across the country, but knowing how and where to find resources is a challenge.

U.S. startups drive innovation, create jobs, and produce novel technologies that provide solutions for global problems. The U.S. startup ecosystem is amongst the strongest in the world, but oftentimes founders, particularly from underrepresented groups, face significant barriers, including accessing capital and talent, when growing their companies. While numerous government resources exist to support U.S. founders, and the startup ecosystem is filled with incubators, accelerators and other support organizations, far too often, startups encounter unnecessary hurdles, including accessing existing resources, as they launch and grow.

We need more and better data about our startup ecosystem to understand how best to support its founders. Surveying and collecting data on technology startup companies and on which [federal agencies](#) "have jurisdiction over the creation, development, and growth of tech startups," as well as identifying interagency efforts that affect startups, is a great first step in not only figuring out what supports, partnerships, rules, and regulations exist, but also where founders are in need of help. Underrepresented founders in particular, including founders of color, women founders, and rural founders could stand to benefit from access to additional government resources and better access to ecosystem support organizations, as many face added barriers in launching and growing their companies. Members of Congress have already [recognized](#) the need for better data regarding U.S. startups, having called on the Census Bureau and the National Science Foundation to expand the Annual Business Survey to better identify data regarding U.S. startups.

To truly uplift and grow the startup ecosystem, we need a full understanding of the impact of startups on the U.S. economy and what the government is and is not doing to support the startup ecosystem.

Sincerely,

Engine Advocacy

Support for federal price display legislation

By [Airbnb](#) · December 5, 2023

Airbnb announces its support for the No Hidden Fees Act of 2023 to create a national standard for price display.

Airbnb has announced support for the No Hidden Fees on Extra Expenses for Stays (No Hidden FEES) Act of 2023 (H.R 6543) introduced by U.S. Representatives Young Kim (CA-40) and Kathy Castor (FL-14). The bill would create a national standard for price display across the accommodation industry, including short-term rentals and hotels.

“Last year, Airbnb launched total price display to make it easier for guests to find stays that fit their budget, and help our Hosts set competitive prices. We are proud to be an industry leader on price display, which is why we support the No Hidden Fees Act to create a national industry-wide standard for price display at a time when affordability is top of mind for consumers. We applaud Representatives Kim and Castor for their work on this legislation and we look forward to helping raise support for its passage,” said Theo Yedinsky, Airbnb’s Global Policy Director.

Last December, Airbnb launched the option to display total pricing in the US and other countries without existing price display requirements. US guests can now view total pricing with fees, before taxes, across the entire app. Since we launched the tool, over 8 million guests have booked travel on Airbnb using total price display¹.

In June, Airbnb’s Chief Financial Officer Dave Stephenson joined President Joe Biden for a meeting at the White House to highlight private sector companies that have launched price display improvements for consumers.

Affordability for consumers

Support for federal price transparency legislation is the latest in our efforts to promote affordability on Airbnb, from new pricing tools for Hosts, to making pricing even more transparent for guests.

- **Airbnb Rooms** – In today’s economic environment, people want to travel affordably and this category offers a low-cost option for guests with the average rate of \$67 per night.
- **New and improved pricing tools for Hosts** – Hosts can now easily add weekly and monthly discounts, access updated price breakdowns that show what guests pay and Hosts earn, and compare their listing to similar ones in their area. Today, four out of every five Hosts use one of our pricing tools. Almost 680,000 Hosts have used our new tool to compare their prices with similar listings nearby, while almost two thirds of Hosts offer weekly or monthly discounts².
- **Monthly stays** – For stays over three months, we’re significantly reducing the guest service fee after the third month and guests in the US can also save for stays over one month when paying with their linked bank account.
- **Cleaning fees** – This year over 260,000 listings lowered or removed their cleaning fees³ – on top of nearly 3 million listings that currently don’t charge one.

We look forward to working with federal policymakers to support passage of the No Hidden Fees Act and other efforts to promote industry-wide price display.

1. Number of guests as of August 2023
2. <https://news.airbnb.com/airbnb-2023-fall-update/>
3. Between January 1, 2023 and August 31, 2023



LYNN S. MOHRFELD, CAE
President + CEO

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December 4, 2023

The Honorable Young Kim
U.S. House of Representatives
Washington, DC 20515

RE: H.R. 6543 – Support Fee Transparency

Dear Representative Kim,

On behalf of the California Hotel & Lodging Association (CHLA), I write in support of your legislation, the No Hidden Fees on Extra Expenses for Stays Act (H.R. 6543).

This past year, CHLA worked with state legislators to develop model legislation to guide fee transparency in the state, with the ultimate goal of creating a workable nationwide model. We are excited to see the vigor with which you have taken up these efforts at the national level, and even more so about many of the improvements you have added to the initial fee transparency models.

CHLA is extremely grateful for your work in recognizing the need for consistent and broadly applicable mandatory fee disclosure and display requirements across the entire lodging booking and advertising ecosystem. This bill would create a national standard for display of lodging prices and require that any mandatory fees be included in prices wherever they are advertised, distributed, and sold. As written, this bill would also ensure compliance throughout the complex and fragmented lodging distribution ecosystem.

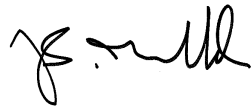
While hotels disclose mandatory additional fees to consumers in accordance with existing FTC guidance now, it is critical that any updated display requirements apply across the competitive lodging advertising and booking landscape. Recently, many of the largest hotel chains that include CHLA members – including Marriott International, Hilton, Choice Hotels International, Omni Hotels & Resorts, and Hyatt – have implemented, or announced plans to imminently implement, changes to ensure that mandatory fees are displayed upfront in the pricing consumers are offered through their owned channels.

Critically, as consumers shop for and book lodging through a wide variety of channels and providers, this proposed legislation would apply to third-party distributors, such as online travel agencies (e.g., Expedia), metasearch sites and search engines (e.g., Google), as well as short-term rental platforms (e.g., Airbnb). Any regulation mandating fee display and disclosure must be consistently applied to all accommodation providers, advertisers, and broader industry participants to ensure consumers see the same information, in a consistent manner, anywhere they shop. A level competitive playing field for industry participants paired with clear and consistent display for consumers is of paramount importance and we believe this drafted legislation achieves those goals.

We thank you for introducing this legislation and working together with Representative Castor in a bipartisan fashion to craft a strong bill that will ensure compliance across the industry.

We look forward to working with you and your colleagues to support California's hotel and lodging industry, employees, guests, and local communities.

Respectfully,

A handwritten signature in black ink, appearing to read 'Lynn Mohrfeld', written in a cursive style.

Lynn Mohrfeld
President + CEO
California Hotel & Lodging Association



FLORIDA RESTAURANT & LODGING ASSOCIATION

Protect – Educate – Promote

December 4, 2023

The Honorable Kathy Castor
U.S. House of Representatives
Washington, DC 20515

Dear Representative Castor,

On behalf of the Florida Restaurant and Lodging Association (FRLA), I am writing to express our support for your legislation, the No Hidden Fees on Extra Expenses for Stays Act (H.R. 6543), and our gratitude for your leadership on this issue.

The Florida Restaurant and Lodging Association (FRLA) is Florida's premier non-profit hospitality industry trade association. Founded in 1946 as the Florida Restaurant Association, FRLA merged with the Florida Hotel and Motel Association in 2006. FRLA's more than 10,000 members include independent hoteliers and restaurateurs, household name franchises, theme parks and suppliers. The association's mission is to protect, educate and promote Florida's nearly \$112 billion hospitality industry, which represents 1.3 million employees. Dedicated to safeguarding the needs of the membership, FRLA provides legislative advocacy to ensure the voices of its members are heard and their interests are protected.

FRLA is extremely grateful for your work in recognizing the need for consistent and broadly applicable mandatory fee disclosure and display requirements across the *entire* lodging booking and advertising ecosystem. This bill would create a national standard for the display of lodging prices, and it would require that any mandatory fees be included in prices wherever lodging is advertised, distributed, and sold. As written, this bill would also ensure compliance throughout the complex and fragmented lodging distribution ecosystem.

While hotels currently disclose mandatory additional fees to consumers in accordance with existing FTC guidance, it is critical that any updated display requirements apply across the competitive lodging advertising and booking landscape. Recently, many of the largest hotel chains that include FRLA members – including Marriott International, Hilton, Choice Hotels International, Omni Hotels & Resorts, and Hyatt – have implemented, or announced plans to soon implement, changes to ensure that mandatory fees are clearly displayed at the outset in the pricing consumers are offered through their owned channels.

Critically, as consumers shop for and book lodging through a wide variety of channels and providers, this proposed legislation would apply to third-party distributors, such as online travel agencies (e.g., Expedia), metasearch sites and search engines (e.g., Google), as well as short-term rental platforms (e.g., Airbnb). Any regulation mandating fee display and disclosure must be consistently applied to *all* accommodation providers, advertisers, and broader industry participants to ensure consumers see the same information, in a consistent manner, everywhere

230 South Adams Street, Tallahassee, Florida 32301 | 850-224-2250 | FRLA.org



FLORIDA RESTAURANT & LODGING ASSOCIATION

they shop. A level competitive playing field for industry participants paired with clear and consistent display for consumers is critical, and we believe this drafted legislation achieves those goals.

We thank you for introducing this legislation and working together with Representative Kim in a bipartisan fashion to craft a strong bill that will ensure compliance across the industry.

We look forward to working with you and your colleagues to support Florida's hotel and lodging industry, employees, guests, and local communities.

Sincerely,

Carol B. Dover

Carol B. Dover, FMP
President & CEO
Florida Restaurant and Lodging Association

Docket Type Icon RULEMAKING DOCKET

Trade Regulation Rule on Unfair or Deceptive Fees

Comment from podolak, Stefan

Posted by the Federal Trade Commission on Nov 13, 2023

I fully support this rule and have emailed lawmakers to create such a rule. Right now go to Priceline and search for hotels in Orlando or Kissimmee Florida. Sort by price. You'll see hotels as low as \$28. The sort by price is useless though because as you click through many hotels charging resort fees as high as the room price itself. The sole intent to trick people or get bookings within an artificial low price for them. It waste lots of time trying to find the low price of honest hotels.

If on search results by price hotel A. Is \$75 a night and no hidden charges and hotel B is \$50 a night and \$50 in resort fees, equaling \$100 total, guess who appears first in lowest price? The \$100 a night hotel will be shown amount \$50 rooms and the \$75 honest hotel will appear more expensive. For a consumer to find out that \$75 one is much less, they have to click through to confirmation pages. Wasting hours of time since allowing hotels to lie on their prices and manipulate their search results.

Please make sure that Priceline, booking, etc are required to show all hotel pricings with all those fees on the search results page and sorting the prices based on the room AND fees so it stops wasting our time.

Screenshots enclosed. In my screenshot example, cheapest hotel shows as \$28 a night but then 2 clicks later a \$21 resort fees, making 2 nights \$115. 8 hotels down the line, an econo lodge charging \$35 a night, NO resort fee and 2 nights \$80ish. Yet the lying \$21 resort fee hotel is listed as cheapest because of the hidden fee and I had to waste my time clicking through 7 other hotels, 3 clicks each, until I found out Econo lodge was the cheapest hotel.

Comment from Portney, David

Posted by the Federal Trade Commission on Nov 15, 2023

My wife and I just returned this past Sunday, 11/12/23, from attending a wedding in Fort Lauderdale Florida at the Marriott Bonvoy Hotel. The wedding was held at the hotel on Saturday, 11/11/23 and began at 4 pm. As a result we received a special rate for an "in house" event. The reservations were made last February, 2023. The week before our stay we received an email from Marriott informing us we will be charged a \$44 resort fee in addition to the \$299.00 per night room rate. We telephoned the hotel several time during the week preceding our trip to explain that we would not be able to utilize any of the "resort" amenities because of our late arrival time on 11/10 and because the wedding was to be held the following day. We were passed around to several people and never received any response other than voice mails Our flight from Baltimore to Fort Lauderdale took off at 3 pm and arrived at approximately 5:30 pm. By the time we retrieved our luggage, which contained our cocktail attire for the wedding, called for and rode in an Uber to the hotel it was 7:00 pm when we arrived at the hotel. We spoke to a man at the desk, who said he was the manager, explaining our situation and that we did not think it reasonable or fair that we be charged the resort fee (even though it was reduced to \$39 because of the "in house" wedding. The manager told us his hands were tied and that there was nothing he could do. Consequently we were charged \$39 for both Friday and Saturday and paid for services that we did not and could not use except for one glass of wine. We are certainly not used to spending \$78 for one glass of wine. there must be some regulations governing these type of fees that provides for some flexibility in certain circumstances. Please see the attached guest folio. Thank you

FACT SHEET: President Biden Highlights New Progress on His Competition Agenda

President Biden Will Call for a Junk Fee Prevention Act to Eliminate Unfair and Costly Junk Fees – February 1, 2023

Ban surprise resort and destination fees. When families set their budget for a vacation, they expect that the hotel price they see is the price they will pay. But many travelers encounter surprise “resort fees” or “destination fees” when they check out or at the end of a lengthy online reservation process. These fees harm consumers by preventing them from seeing the true price when they pick out a hotel and by limiting their ability to comparison shop. Over the past decade, a growing number of hotels have imposed these fees on consumers, which can be \$50 or more per night. More than one-third of hotel guests report having paid such fees. And the total costs for Americans are enormous: according to one report, hotels collected billions in these fees and surcharges in 2018.

The President urges Congress to ban these surprise fees by requiring that hotels include them in the price of the room, so consumers aren’t surprised. Travelers should know which hotels charge these fees and which ones do not, so that they can plan and budget accordingly.



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The Honorable Cathy McMorris Rodgers
Chair
House Committee on Energy and Commerce
2125 Rayburn House Office Building
U.S. House of Representatives
Washington, D.C. 20515

Dear Chair McMorris Rodgers,

The Utica Water and Power Authority (UWPA), writes in support H.R. 4045, the Hydropower Clean Energy Future Act (Act). The Act would help update and expedite the Federal Energy Regulatory Commission (FERC) licensing process to support clean, renewable, and affordable hydropower.

Located in Calaveras County, California, UWPA is a not-for-profit, Joint Powers Authority formed in 1996 as a partnership between the City of Angels Camp and the Union Public Utilities District to provide water to nearly 10,000 residents. The water conveyance system UWPA operates is 27 miles long with five reservoirs, and there are two small hydroelectric power plants along the conduit that are owned and operated by UWPA. In November 2023, UWPA started the process of applying for a Small Conduit Exemption for the two Federal Energy Regulatory Commission (FERC) licenses associated with the powerhouses.

Utica supports H.R. 4045's provisions recognizing hydropower is a vital renewable energy resource and the urgent need to expedite FERC's costly and lengthy licensing process to protect existing hydropower resources and boost the development of small and next-generation projects.

Specifically, Utica supports provisions exempting projects 40 megawatts or less from certain licensing and environmental reviews (from the previous exemption level of 10 megawatts) and directing FERC to act no later than two years after notification of application for next generation hydropower projects that do not have significant environmental impacts.

As you consider this legislation, we request that consideration be given to amending the bill to apply the same timeline proposed for small hydropower exemptions to conduit exemptions. This would ensure FERC processes applications in a timely manner and helps avoid costly delays.

Utica appreciates your leadership and sponsorship of this important legislation and stands ready to assist you in advancing this important bill.

Sincerely,



Congress of the United States

December 5, 2023

The Honorable Cathy McMorris Rodgers
Chairwoman
Committee on Energy and Commerce
U.S. House of Representatives
2125 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Frank Pallone
Ranking Member
Committee on Energy and Commerce
U.S. House of Representatives
2125 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairwoman Rodgers, Ranking Member Pallone:

We write in support of our bill, H.R.2964, the *Wastewater Infrastructure Pollution Prevention and Environmental Safety or WIPPES Act*, a bipartisan, bicameral solution to protect wastewater systems across the country from the damage of non-flushable wipes.

Often times, consumers unknowingly flush wipes incompatible with sewage systems, in part due to a lack of proper disposal instructions on product packaging. These wipes, when entered into sewage systems, often do not break down and cause large obstructions in pipes, leading to clogs within pumps, collection systems, and motors. This leads to significant equipment failures. The 2020 Cost of Wipes Report from the National Association of Clean Water Agencies estimates that non-flushable wipes result in \$441 M in additional costs to keep water facilities functioning.¹

The *WIPPES Act* would establish a simple source management solution through consistent on-package “Do Not Flush” labeling requirements for non-flushable wipes that is based on laws adopted in several states. This common-sense legislation enjoys the support of a broad cross-section of industry, wastewater, and environmental stakeholders including the American Society of Engineers, Association of Nonwoven Fabrics Industry, Bay Area Pollution Prevention Group, California Association of Sanitation Agencies, Consumer Healthcare Products Association, Kimberly-Clark, National Association of Clean Water Agencies, National Rural Water Association, National Stewardship Action Council, Proctor & Gamble, Washington Association of Sewer and Water Districts, and the Water Environment Federation.


We appreciate the Subcommittee on Innovation, Data, and Commerce discussing this legislation at its Legislative Hearing on “Proposals to Enhance Product Safety and Transparency for

¹ https://www.nacwa.org/docs/default-source/resources---public/govaff-3-cost_of_wipes-1.pdf

Americans” and for Subcommittee members supporting the legislation at its September 27, 2023, markup. We urge members to support this critical legislation.

Sincerely,


Lisa C. McClain
Member of Congress


Mary Sattler Peltola
Member of Congress



December 4, 2023

The Honorable Cathy McMorris Rodgers
Chairwoman
Committee on Energy and Commerce
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Frank Pallone
Ranking Member
Committee on Energy and Commerce
U.S. House of Representatives
Washington, D.C. 20515

Dear Chairwoman McMorris Rodgers and Ranking Member Pallone:

On behalf of the California Association of Sanitation Agencies (CASA), we write in strong support of the Wastewater Infrastructure Pollution Prevention and Environmental Safety Act (WIPPES Act) (H.R. 2964). We appreciate the opportunity to work collaboratively with the committee to develop a commonsense approach to address the adverse impacts associated with the inappropriate flushing of non-flushable wipes into the sewer system. We are delighted that the committee will mark-up the legislation.

The WIPPES Act is modeled after the negotiated compromise between the California clean water sector and the wipes industry, and is currently law in California. Advancement of the Act for House floor debate and a vote will bring this critical issue to the fore and ultimately help reduce operation and maintenance costs associated with the adverse impacts the flushing of these wipes. These adverse impacts ultimately result increased costs to ratepayers, and can draw resources away from local public water agencies' efforts to protect public health and the environment.

H.R. 2964 will inform consumers on how to dispose of single-use wipes and help avoid the inadvertent and incorrect flushing of these wipes down the toilet. The WIPPES Act achieves these standards in a common sense and cost-effective manner by requiring the prominent display of "Do Not Flush" on product packaging. Ultimately, H.R. 2964 is a win for the public and local agencies, as it will help to reduce clogged pipes that result in increased operations and maintenance costs, and can have adverse impacts to the environment.

Again, we are grateful for the committee's commitment to advance H.R. 2964 and look forward to House passage upon committee approval and reporting of H.R. 2964.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam D. Link". The signature is fluid and cursive, written over a white background.

Adam D. Link
Executive Director



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December 4, 2023

The Honorable Cathy McMorris Rodgers
Chair
House Energy & Commerce Committee
2125 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Frank Pallone
Ranking Member
House Energy & Commerce Committee
2123 Rayburn House Office Building
Washington, D.C. 20515

RE: HR 4167, Protecting America's Distribution Transformer Supply Act

Dear Chair McMorris Rodgers and Ranking Member Pallone:

Missouri River Energy Services (MRES) is a municipal electric joint action agency serving 61 municipal electric utility communities in four states: Iowa, Minnesota, North Dakota, and South Dakota. Many of our municipal electric member utilities have struggled to obtain distribution transformers. Currently, the lead time for procurement of a distribution transformer is at least 16 months—in many cases, even longer. The long lead time already puts reliability and resiliency at risk.

U.S. Department of Energy Secretary Jennifer Granholm has set forth the Department's proposed "Energy Conservation Standards for Distribution Transformers." These proposed standards would require changes in the manufacturing process that would further exacerbate the supply chain issues that electric utilities are already finding difficult to weather. The proposed transformer efficiency changes in the rulemaking would increase the risk to reliability and resiliency.

Therefore, we urge support for the passage of H.R. 4167, which would delay the implementation of these standards for five years. A delay is urgently needed to give manufacturers the certainty to increase production to meet demand.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew E. Schull".

Matthew E. Schull
President and Chief Executive Officer



Statement for the Record
American College of Physicians
To the United States House of Representatives Committee on Energy and Commerce
On Health Care Legislation Slated for Full Committee Markup
December 5, 2023

The American College of Physicians (ACP) is grateful for the opportunity to submit this statement on the following legislative proposals up for markup by the full committee. We commend Chairman Guthrie, Ranking Member Eshoo, and the House Committee on Energy and Commerce's Health Subcommittee for their commitment to advancing bipartisan health care legislation that would improve access to health care for American seniors and support the physicians who care for them.

ACP is the largest medical specialty organization and the second largest physician membership society in the United States. ACP members include 161,000 internal medicine physicians, related subspecialists, and medical students. Internal medicine physicians are specialists who apply scientific knowledge, clinical expertise, and compassion to the preventive, diagnostic, and therapeutic care of adults across the spectrum from health to complex illness.

Strengthening Patient Access to Care by Improving Medicare Payment

For years physicians have struggled with a broken Medicare payment system that does not allow them to keep up with rising practice expenses and the cost of providing care. Unlike nearly every other Medicare payment system, the Medicare Physician Fee Schedule (MPFS) does not include annual inflationary adjustments. When accounting for inflation, current Medicare physician payment rates have decreased by a staggering 26 percent since 2001. This broken, inadequate payment system is contributing to the physician workforce shortage we are now facing, where record numbers of clinicians are leaving the workforce. The impact of this is being felt across the country with patients struggling to secure medical appointments, waiting for months to see primary care or specialty care physicians. ACP is very concerned that another Medicare payment cut would negatively impact patients' health outcomes. Because of the MPFS "budget neutrality" rule, any payment increase in the fee schedule must be offset by cuts elsewhere, no matter how badly the increases are needed to improve patients' access to care. By enacting legislation to support payment stability for physicians, Congress will be helping to improve the health and well-being of everyone enrolled in Medicare and to reduce the likelihood of further health care consolidation.

ACP supports H.R. 6545, the Physician Fee Schedule Update and Improvements Act. This bill includes an important provision that would allocate 3 percent to the 2024 Medicare conversion factor, which would represent a 1.75 percent increase to the approved level. Currently, physicians participating in the MPFS are bracing for a 3.4 percent across-the-board cut, slated to take effect on January 1, 2024. This temporary update to the MPFS would offset the pending cuts and provide much needed relief and stability for clinicians so that they can continue to keep their practices open and take care of their patients effectively.

H.R. 6545 also includes several provisions from H.R. 6371, Provider Reimbursement Stability Act of 2023, that ACP supports. It would raise the budget neutrality threshold to \$53 million and would use cumulative increases in the Medicare Economic Index (MEI) to update the threshold every five years afterwards. We believe that this is a practical approach, which would help account for inflation. ACP also supports the provisions in the bill that would require CMS to update the direct costs associated with practice expenses (clinical labor, the prices of equipment, and the prices of medical supplies) simultaneously at least once every five years. The legislation also includes a provision from H.R. 6366, which would extend the work geographic practice costs index for another year to 1.00 for any locality where the index would be less than 1.00. We support this as it would improve the accuracy of geographic adjustment factors.

Further, H.R. 6545 includes provisions from H.R. 6369, which would extend incentive payments for participation in eligible advanced alternative payment models (APMs) through 2026 and would tier bonuses according to how long a provider has participated in an APM, to account for increased up-front costs. The bill includes a provision that would provide the Secretary of Health and Human Services (HHS) with flexibility for tiering bonuses. ACP supports extending incentive payments for APMs to support physicians' transition from a volume-based fee-for-service health care system to one that is based on the value and quality outcomes of health care delivered to the patient. Instead of having a tiered approach for bonuses, we [recommend](#) that Congress considers freezing the revenue threshold increase for five years to encourage more physicians to transition from fee-for-service into APMs and maintain financial viability for those already participating in such programs.

Improving Health Care Price Transparency and Lowering Health Care Costs for Patients

The cost of prescription drugs continues to rise, which greatly affects access to life-saving treatments for patients who are unable to afford high out-of-pocket costs. Patients increasingly face higher co-pays, more drug tiers and prescription drug deductibles, adding to the burden they face in affording high-cost medications. Many Americans face the difficult choice of filling their prescriptions or paying for necessities such as food or housing. As outlined in ACP's policy position paper, [Policy Recommendations for Public Health Plans to Stem the Escalating Costs of Prescription Drugs](#), the United States spends more on prescription drugs than other high-income countries, with average annual spending of \$1,443 per capita on pharmaceutical drugs and \$1,026 per capita on retail prescription drugs. In a [2021 study](#) by the Rand Corporation, it was further affirmed that prices in the United States were 256 percent higher, on average, than in 32 other countries with comparable economies and when only comparing brand-name drugs, prices in the United States were 344 percent higher.

The College supports policy to improve transparency, accountability, and competition in pharmacy benefit manager (PBM) practices to reduce the price of prescription drugs for our patients. Prices of prescription drugs have [increased](#) by more than 10 percent per year for each of the top 20 brand-name drugs prescribed to seniors, and PBMs negotiate rebates from those higher prices. Increased transparency is needed on the part of PBMs and health plans to provide greater understanding of drug prices, help patients make informed decisions, and support a more sustainable health care system. PBMs need greater transparency to reduce confusion about how they work and make decisions about formularies and the amount of money they take in and the savings actually passed on to patients.

For these reasons, ACP supports H.R. 5385, the Medicare PBM Accountability Act. This legislation aims to lower the costs of prescription drugs for seniors covered by Medicare Part D and Medicare Advantage plans. It would require PBMs to submit annual reports to the Secretary of HHS on PBMs' cost savings incurred from rebates, discounts, and price concessions. By enhancing transparency around how PBMs are delivering and paying for prescription drugs, Medicare drug

plans can select PBM services that will best serve the needs of beneficiaries, lowering the costs of prescription drugs.

Further, ACP supports Section 4 of H.R. 2880, the Protecting Patients Against PBM Abuses Act, which aims to increase PBM data reporting to enhance transparency for Medicare Part D. Specifically, it would set out new requirements for PBMs to report data on rebates and administrative fees to HHS. It would also require that HHS deidentify the data and make it publicly available so that policy makers and the public will have a better understanding of how rebates and administrative fees impact the costs of drug plans. ACP supports deidentifying data on negotiated rebates with specific companies to protect confidential information that could be considered trade secrets or could have the effect of increasing prices.

Another approach to address the rising costs of health care is to remove barriers to biosimilars market entry and improve patient access to biosimilars. Research shows that biosimilars will [reduce direct spending](#) on biologic drugs by \$54 billion from 2017 to 2026. **We are supportive of H.R. 1352, the Increasing Access to Biosimilars Act of 2023.** This legislation would encourage adoption of biosimilars in Medicare and improve biosimilar accessibility, by establishing a new pilot program – a voluntary, shared savings demonstration program – for providers of biosimilars in Medicare Part B.

ACP has long [supported](#) the Medicare Part D low-income subsidy program (LIS) that assists seniors with fewer resources in paying for their prescription drugs. Twelve million Medicare Part D beneficiaries are enrolled in the LIS program. Although use of low-cost generic drugs by Part D beneficiaries is relatively high and continues to increase as more generics become available, the generic drug use rate is lower among LIS enrollees than among other Medicare beneficiaries. We support modifications to this program to encourage the use of lower-cost generic or biosimilar drugs by eliminating cost sharing for generic drugs for LIS enrollees. **Therefore, the College endorses H.R. 5386, the Cutting Copays Act.** This legislation would eliminate cost-sharing for generic drugs for LIS beneficiaries, helping to incentivize the use of generic drugs.

Support for Telehealth and Physician Privacy

The College supports the expanded role of telehealth as a method of health care delivery that may enhance patient–clinician collaborations, improve health outcomes, increase access to care from physicians and members of a patient's health care team, and reduce medical costs when used as a component of a patient's longitudinal care. We also have great concern for the safety of all health care personnel and patients. Our physician members and other health care professionals continue to face a growing number of threats, intimidation, and harassment in the workplace. Given the [rise in violence against physicians](#), **ACP supports H.R. 6364, the Medicare Telehealth Privacy Act of 2023.** This bill would ensure that HHS will not publicly post the addresses of participating telehealth practitioners. We believe it would provide privacy protections for physicians so that they can effectively treat and care for patients via telehealth.

Further, the College supports the provision in H.R. 6366 that would delay payment reductions and data reporting periods for the Clinical Laboratory Fee Schedule under the Protecting Access to Medicare Act (PAMA). We believe that it would improve patient access to laboratory tests used to diagnose, monitor, prevent, and manage diseases for Medicare beneficiaries. PAMA implementation has resulted in significant cuts to Medicare reimbursement for clinical laboratory testing, making it harder for small, independent, physician-owned laboratories to remain open.

Conclusion

ACP looks forward to working with the committee to advance these policies and we stand ready to offer the perspective of internal medicine clinicians on future legislation or hearings. Should you have any questions, please contact Vy Oxman, Senior Associate of Legislative Affairs, at 202-261-4515 or via email at voxman@acponline.org.



October 23, 2023

The Honorable Jeff Duncan
Chairman, Subcommittee on Energy, Climate, and Grid Security
House Committee on Energy & Commerce
2125 Rayburn House Office Building
Washington, DC 20515

The Honorable Diana DeGette
Ranking Member, Subcommittee on Energy, Climate, and Grid Security
House Committee on Energy & Commerce
2322 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Duncan and Ranking Member DeGette:

The American Public Power Association (APPA) appreciates the opportunity to submit a letter in support of the Guaranteeing Reliable Infrastructure Development (GRID) Act, which would require the Federal Energy Regulatory Commission (FERC) to review and comment on federal agency actions that are likely to have significant negative impacts on the reliability and adequacy of the bulk-power system.

APPA is the voice of not-for-profit, community-owned utilities that power 2,000 towns and cities nationwide. APPA represents public power utilities before the federal government to protect the interests of the more than 49 million people they serve, and the 96,000 people they employ.

Reliable electricity powers American homes, schools, hospitals, and other critical services, and increasingly, transportation systems. Public power utilities are committed to maintaining a high level of reliability, even amid challenges like supply chain constraints, extreme weather, and physical and cybersecurity threats. Public power utilities also recognize the importance of reducing GHG emissions to address climate change and have reduced their carbon dioxide emissions by 31 percent from 2005 to 2022, which contributed to the electric generating industry being the industrial sector with the largest amount of GHG emissions in that time period. Many APPA members have established goals to reduce their GHG emissions, including several that have set net-zero goals.

Public power utilities must balance their responsibilities to provide reliable and affordable electricity while also reducing GHG emissions. It is necessary and appropriate for the federal government, whose agency actions can have a significant impact on the reliability and resource

adequacy of the bulk power system, must do the same. Given the mission of FERC to assist consumers in obtaining reliable, safe, secure, and economically efficient energy services at a reasonable cost, APPA believes FERC should be given the authority to analyze and a formal role in determining the potential reliability impacts of major proposed and final federal regulations.

APPA urges support for the GRID Act and looks forward to working with you on further legislative solutions to strengthen grid reliability and ensure public power utilities can continue to provide reliable, affordable, and sustainable electricity to their communities.

Sincerely,

A handwritten signature in black ink, appearing to read "Desmarie Waterhouse", with a long horizontal flourish extending to the right.

Desmarie Waterhouse
Senior Vice President, Advocacy and Communications & General Counsel

FERC official rejects Republican bill targeting Biden rules

By Nico Portuondo

09/14/2023 06:30 AM EDT

A Federal Energy Regulatory Commission official pushed back on Republican calls for the agency to take on a wider role in energy rulemaking now overseen by EPA and other agencies.

David Ortiz, director of the Office of Electric Reliability, said FERC does not currently have the capacity to take on consistent oversight of other agencies' energy decisions, as a Republican bill discussed during the hearing would require.

"The commission's capacity is not sufficient to perform a detailed prospective assessment of the possible negative impacts, and potential mitigations, of a covered agency action on electric reliability," said Ortiz during a hearing of the Energy and Commerce Subcommittee on Energy, Climate and Grid Security.

The "[Guaranteeing Reliable Infrastructure Development \(GRID\) Act](#)," from subcommittee Chair Jeff Duncan (R-S.C.), would require FERC to review relevant regulatory actions from other agencies to ensure those actions do not affect grid reliability.

The issue became especially relevant after Commissioner James Danly, a Republican appointee, [sent a letter to EPA](#) asking why FERC commissioners weren't consulted on [EPA's proposed rule](#) to dramatically cut greenhouse gas emissions from power plants.

Danly argued in the letter that EPA only consulted with FERC staff for a rule that could alter the reliability of the electric system "drastically."

Republicans and Danly have argued the replacement of baseload fossil generation with variable renewables could present an unprecedented reliability problem in the nation's grid and potentially lead to devastating blackouts.

"This bill ensures agencies like FERC can review and comment on EPA policies that will weaken the reliability of our bulk power system," said full committee Chair Cathy McMorris Rodgers (R-Wash.).

However, Ortiz said during the hearing that although FERC could eventually take on the role with more dedicated staff and funding, such a reliability oversight role would be better suited for regional grid system operators or the Department of Energy's national laboratories.

He also said that such a level of collaboration isn't common practice between federal agencies. Committee Democrats similarly called it improper for FERC to have power over other regulators.

Transformer bill

Lawmakers also discussed [H.R. 4167](#), the "Protecting America's Distribution Transformer Supply Chain Act," from Rep. Richard Hudson (R-N.C.), which would ban the Department of Energy from implementing any new regulations on electric transformers used in grid infrastructure for five years.

Republicans argue new regulations or restrictions on transformers is an absurd proposal, given the fact that utilities are already fighting tooth and nail to get today's transformers due to supply chain problems.

But Gene Rodrigues, DOE's assistant secretary for electricity, said the agency was working in lockstep with utilities to ensure greater domestic production of transformer materials and that a proposed rule on transformers wouldn't affect supply.

“The efficiency standard doesn’t limit the supply of transformers, it's a proposal in the future to improve the efficiency of those transformers,” said Rodrigues.



November 28, 2023

The Honorable Cathy McMorris Rodgers
Chair
Committee on Energy and Commerce
U.S. House of Representatives
Washington, DC 20515

The Honorable Frank Pallone
Ranking Member
Committee on Energy and Commerce
U.S. House of Representatives
Washington, DC 20515

Dear Chair McMorris Rodgers and Ranking Member Pallone:

I write to express Flex Association's¹ support for H.R. 1797, the Setting Consumer Standards for Lithium-ion Batteries Act. This bipartisan and bicameral legislation is crucial to addressing e-battery fires stemming from issues related to rechargeable lithium-ion batteries in powered bicycles and mobility devices.

Flex represents America's app-based rideshare and delivery platforms and the people who use them. Nearly 23 million people have turned to app-based platforms to create opportunities to live, work, and run their businesses on their own terms.

Many app-based delivery partners use powered mobility devices when they are delivering food, groceries, and other items from local restaurants, food stores, and retail partners to consumers in communities across the country.

With so many people and industries turning to e-bikes and other powered mobility devices, federal safety standards for the batteries that power these modes of personal transportation are needed. Certified batteries are far safer and less likely to overheat or otherwise malfunction.

By setting firm deadlines for the Consumer Product Safety Commission to set a safety standard for rechargeable lithium-ion batteries and related equipment used in personal mobility devices, H.R. 1797 would enable meaningful progress to protect against the risk of battery-related fires.

Flex members are committed to doing their part to address this issue. App-based delivery platforms have supported local legislation requiring similar safety standards, engaged in partnerships to provide safety certified e-bikes to delivery partners, provided grants to local fire department foundations, and educated delivery partners on safe e-bike use.

We thank Rep. Torres and all co-sponsors for their leadership on this public and consumer safety issue. With the bill advancing out of the Subcommittee on Innovation, Data, and

¹ Flex is the voice of the app-based economy, representing America's leading app-based rideshare and delivery platforms and the people who count on them. Our member companies—DoorDash, Grubhub, HopSkipDrive, Instacart, Lyft, Shipt, and Uber—help provide access to crucial goods and services to customers safely and efficiently, offer flexible earning opportunities to workers, and support economic growth in communities across the country.

Commerce by a 20-0 vote, we urge the full House Energy and Commerce Committee to consider this bill before the end of the year.

Thank you for your bipartisan leadership, and we look forward to working with you to advance and pass this important bill.

Sincerely,

A handwritten signature in cursive script that reads "Kristin Sharp".

Kristin Sharp
CEO, Flex Association

cc: Members of the Committee on Energy and Commerce

August 29, 2023

The Honorable Ron Wyden
Chair, Senate Finance Committee
U.S. Senate
Washington, DC 20510

The Honorable Mike Crapo
Ranking Member, Senate Finance Committee
U.S. Senate
Washington, D.C. 20510

Dear Senators Wyden and Crapo,

The 57 national organizations listed below urge that continued funding for Medicare low-income outreach and enrollment efforts be included in the fall "Extenders Package." Funding authority for the program expires on October 1. Federal outreach and enrollment activities, originally authorized under the 2008 Medicare Improvements for Patients and Providers Act (MIPPA), enable our nation's most vulnerable, low-income beneficiaries - many of whom are dually eligible for both Medicare and Medicaid - to access assistance for prescription drug coverage and other essential Medicare benefits for which they are eligible. Over the past 15 years, the program has been extended 11 times with bipartisan support, and current annual funding is a relatively modest \$50 million.

In our view, it's time for Congress to make the program permanent and raise annual funding from \$50 million to \$75 million to assist with enrolling those who lost coverage due to the Medicaid unwinding and focus additional resources on rural communities, as well as to help increase enrollment in enhanced low-income Medicare prescription drug assistance and educate pharmacies on the permanent Limited Income Newly Eligible Transition (LINET) program - both of which take effect on January 1, 2024. It is also increasingly important to respond to the growing need for Medicare low-income enrollment assistance with an estimated 10,000 Americans turning 65 every day, and with older adults facing increasing debt, and significant and growing retiree savings shortfalls.

The [LINET program](#) provides immediate, retroactive, temporary Part D prescription drug coverage through pharmacies for low-income Medicare beneficiaries not already in a Medicare drug plan. Many small business pharmacies are not familiar with the program and need additional education so that beneficiaries can better access this important assistance.

Resources for these efforts have been shared among Medicare State Health Insurance Assistance Programs (SHIPs), Area Agencies on Aging (AAAs), Aging and Disability Resource Centers (ADRCs), and a National Center on Benefits Outreach and Enrollment (Center). In addition to providing technical assistance to these agencies, the Center offers competitive grants of up to \$240,000 each to develop 85 state and local Benefits Enrollment Centers in 41 states to develop the most effective, person-centered strategies, as well to support a national Benefits Helpline call center.

Low-income older adults and people with disabilities living on fixed incomes are often forced to make difficult trade-offs—cutting back on necessary medications and doctor visits in order to afford basic living necessities— to the detriment of their health and well-being. Single beneficiaries eligible for assistance generally have annual incomes below 150% of poverty (\$22,110) and non-housing assets of less than \$15,160. Without the assistance under the Medicare Saving Programs (MSPs) and the Part D Low-Income Subsidy (LIS) Extra Help programs, millions of Medicare beneficiaries simply could not afford the care they need as out-of-pocket health costs continue to rise.

Previous allocations for these critical low-income outreach and enrollment activities have led to important, proven results from MIPPA state and local community partners.

- As of February 2023, a total of about 3.5 million beneficiaries in need received assistance;
- From September 2020 to August 2021, partners assisted over 650,000 beneficiaries at nearly 16,000 group outreach events and conducted about 1.2 million one-on-one contacts with Medicare beneficiaries, their families, or caregivers. Additionally, they helped over 200,000 beneficiaries with applications for MSP and LIS and educated over 97,000 beneficiaries on Medicare preventive services;
- The number of low-income Medicare beneficiaries enrolled in the MSPs increased from 6.4 million in 2008 to 12.2 million as of June 2022;
- According to the Center for Medicare & Medicaid Services (CMS) and Kaiser Family Foundation (KFF) data, the number of Part D LIS enrollees increased from 11.8 million in 2014 to 14.2 million in 2020; and
- Partners target rural communities and other high-need, hard-to-reach populations to improve access to help with rising out-of-pocket drug costs.

Despite this progress, too many who are eligible are still not receiving needed assistance:

- According to a June 2023 CMS news release: “Up to 3 million seniors and people with disabilities could benefit from the Extra Help program now but aren’t currently enrolled.” The LIS program helps low-income beneficiaries pay for their rising prescription drug costs and is valued by the Social Security Administration at saving beneficiaries an average of \$5,300 a year. Improving enrollment in this important program is a critical component toward reducing out-of-pocket prescription drug costs for those who can least afford them.
- According to a [2017 MACPAC report](#), using the most recently available data from 2010, participation in the MSPs was only 53% for the Qualified Medicare Beneficiary (QMB) program (which pays for premiums and cost sharing for those with incomes below 100% of FPL); 32% for the Specified Low Income Medicare Beneficiary (SLMB) program (which pays for premiums for those with incomes between 100-120% of FPL); and 15% for the Qualifying Individual (QI) program (which pays for premiums for those with incomes between 120-135% of the Federal Poverty Level).

Improving Medicare outreach and enrollment will also help to address racial and ethnic disparities in Medicare. According to a [February 2021 report](#) by KFF:

- Together, Black and Hispanic beneficiaries account for 18% of the total Medicare population, but 40% of the Medicare-Medicaid dually eligible population; and
- Approximately half of Black and Hispanic older adults have family incomes below 200% of poverty, compared to just over one-quarter of white older adults.

It is also important to point out that the median per capita income for beneficiaries under age 65 with permanent disabilities (who comprise about 14% of all people with Medicare) is lower than among older adults.

Additional stable funding will enable organizations to dedicate sufficient resources and permanent staff to accomplish their respective goals. Static short-term allocations and looming funding expirations have failed to provide the assurances needed to hire full-time staff and contributed to problematic staff turnover and training challenges and degraded the year-over-year stability necessary to conduct effective outreach and enrollment.

The infrastructure to successfully continue this work, including processes and a trained workforce, already exists. But without sufficient reliable funding, these efforts to assist disadvantaged Medicare beneficiaries will be unable to serve the growing number of older adults and people with disabilities unable to afford and access needed health care.

MIPPA funding also offers a significant return on investment in local communities. Assisting low-income beneficiaries to receive the extra help they are eligible for enables them to spend extra dollars at local pharmacies, grocery stores, for home maintenance, etc. which has a multiplier effect on the economy.

Given the 11 previous extensions and significantly increasing needs, we urge you to support permanent, annual funding of \$75 million for low-income outreach and enrollment activities that would provide critical supports to maintain and improve the health and financial well-being of Medicare's most vulnerable beneficiaries.

Sincerely,

- AARP
- Access Ready Inc.
- AFL-CIO
- ADvancing States
- Alliance for Aging Research
- Alliance for Retired Americans
- Allies for Independence
- AMDA - The Society for Post Acute and Long-Term Care Medicine
- American Association on Health and Disability
- American Geriatrics Society
- American Kidney Fund
- The Arc of the United States
- Autistic People of Color Fund
- Autistic Self Advocacy Network
- Autistic Women & Nonbinary Network
- Care in Action
- Caring Across Generations
- Center for Medicare Advocacy
- Community Catalyst
- Compassion & Choices
- Disability Policy Consortium
- Disability Rights Education and Defense Fund (DREDF)
- Diverse Elders Coalition
- The Gerontological Society of America
- Health Care Voices
- The Jewish Federations of North America
- Justice in Aging
- Lakeshore Foundation
- LeadingAge
- Lupus and Allied Diseases Association, Inc.
- Medicare Rights Center

- National Academy of Elder Law Attorneys (NAELA)
- National Alliance for Caregiving
- National Association for Home Care and Hospice
- National Association of Councils on Developmental Disabilities
- National Association of Nutrition and Aging Services Programs (NANASP)
- National Association of Social Workers (NASW)
- National Association of State Long Term Care Ombudsman Programs (NASOP)
- National Caucus and Center on Black Aging (NCBA)
- National Committee to Preserve Social Security and Medicare
- National Consumer Voice for Quality Long-Term Care
- National Council on Aging
- National Council on Independent Living
- National Disability Institute
- National Disability Rights Network (NDRN)
- National Domestic Workers Alliance
- National Down Syndrome Congress
- National Health Law Program
- National Indian Council on Aging, Inc.
- Network of Jewish Human Service Agencies
- New Disabled South
- Patient Access Network (PAN) Foundation
- PHI
- Triage Cancer
- USAging
- Well Spouse Association
- WISER



December 4, 2023

The Honorable Cathy McMorris Rodgers
Chairman
Committee on Energy and Commerce
United States House of Representatives
2125 Rayburn House Office Building
Washington, DC 20515

The Honorable Frank Pallone
Ranking Member
Committee on Energy and Commerce
United States House of Representatives
2322A Rayburn House Office Building
Washington, DC 20515

Dear Chairman McMorris Rodgers and Ranking Member Pallone,

American Rivers appreciates the amendment that was made in the subcommittee markup in October and we are encouraged by the conversations around potential further amendments that have occurred since. Unfortunately, several areas of significant concern to us remain unaddressed and we must continue to oppose the bill. Hydropower is an important source of generation for our nation's renewable energy supply, but it is also a technology that has serious impacts to rivers and the people, fish, and wildlife that depend on them. These impacts are ignored by this bill and will make our nation's biodiversity crisis worse.

Hydropower licenses are issued for up to 50 years. Many hydropower facilities that are coming up for relicensing now were first constructed before many modern environmental laws were in place. It is during relicensing proceedings that the public gets the opportunity to ensure that dam owners make the necessary changes to comply with modern laws. The opportunity to mitigate the damage these projects cause to the environment and surrounding communities only arises once in a generation.

HR 4045 attempts to streamline the hydropower licensing process by centralizing power and allowing FERC to set an aggressive licensing schedule that all federal and state agencies must adhere to throughout the licensing process. There are no requirements that FERC or the licensee provide the agencies with the information they deem necessary to quickly and competently exercise their Federal Power Act, Clean Water Act, or Endangered Species Act authorities. This creates a dynamic where, unless every step of the process proceeds seamlessly, agencies are faced with the impossible decision to either exercise their authority without necessary information (which exposes them to legal liability) or to fail to meet the schedule (which exposes them to draconian fines of \$5,000 per week). This change will constrain federal, state, and tribal agencies use of their independent authorities and rush decision making, potentially making it more difficult to protect water quality, recover threatened and endangered species, and manage tribal-trust resources and public lands.

The nation's hydropower fleet is aging and in poor condition. The average age of dams in the United States is 57 years old and, in some regions, such as the Pacific Northwest, the average age of dams is

closer to 70 years old, which is well past the engineered lifespan of most facilities. The Association of Civil Engineers has given our nation's dams a grade of D for their poor condition and scant funding for dam safety programs. HR 4045 would exempt a vast majority of projects from oversight. Some estimates suggest that 97% of hydropower projects in Alaska, 90% of Northeast/Mid Atlantic projects (including all projects in Maine), 60% of Southeast projects, and 72% of projects in California, Washington, Oregon, and Idaho would no longer receive regulatory oversight. The oversight provided by the hydropower licensing process is crucial to identifying and addressing dam safety concerns. It makes no sense to expand exemptions and remove oversight from the majority of hydropower dams at a time when dam safety concerns are growing and FERC and state dam safety agencies are struggling to maintain licensee compliance with safety requirements. This is a dam safety catastrophe in the making.

While not perfect, the FERC licensing process is largely free of the politicization that impacts many other areas of our government and society. That would end with this bill. HR 4045 includes provisions that take decision making out of FERC's hands and give it, in certain circumstances, to political appointees and the President. If the goal of hydropower licensing reform is to make the process more efficient and predictable, this provision does not achieve that aim. Instead, it will lead to outcomes that change with each administration, making relicensing outcomes less predictable and adding levels of bureaucracy to the process.

We believe that in its current form, this legislation would be deeply impactful of rivers and biodiversity and will undermine or reverse much of the progress we have made to restore rivers, fish and wildlife through the hydropower licensing process. We would welcome the opportunity to work with your office to improve this legislation.

Sincerely,

A handwritten signature in black ink that reads "Kelly L. Catlett". The signature is written in a cursive style with a large, stylized initial 'K'.

Kelly Catlett, J.D.
Director, Hydropower Reform



P.O. Box 1540
Cullowhee, NC 28723
americanwhitewater.org
828.508.1359

December 4, 2023

Cathy McMorris Rodgers, Chair
Committee on Energy and Commerce
United States House of Representatives
2125 Rayburn House Office Building
Washington, DC 20515

Frank Pallone, Ranking Member
Committee on Energy and Commerce
United States House of Representatives
2322A Rayburn House Office Building
Washington, DC 20515

RE: Energy and Commerce Committee Markup, Hydropower Clean Energy Future Act (H.R. 4045)

Dear Chair McMorris Rodgers and Ranking Member Pallone,

On behalf of American Whitewater and our members nationwide, we write in opposition to the Hydropower Clean Energy Future Act (H.R. 4045) that is scheduled for mark up this week. As previously expressed in our statement submitted for the legislative hearing, this legislation would detrimentally impact America's river ecosystems, opportunities for the public to enjoy them, and the local economies that depend on them.

About American Whitewater

American Whitewater is a national non-profit 501(c)(3) river conservation organization founded in 1954 with approximately 50,000 supporters, 7,000 dues-paying members, and 100 locally based affiliate clubs, representing whitewater enthusiasts across the nation. American Whitewater's mission is to protect and restore America's whitewater rivers and to enhance opportunities to enjoy them safely. The organization is the primary advocate for the preservation and protection of whitewater rivers throughout the United States, and connects the interests of human-powered recreational river users with ecological and science-based data to achieve the goals within its mission. Our vision is that our nation's remaining wild and free-flowing rivers stay that way, our developed rivers are restored to function and flourish, that

the public has access to rivers for recreation, and that river enthusiasts are active and effective river advocates. Our members live, work, and recreate along the rivers that would be directly impacted by the Hydropower Clean Energy Future Act (H.R. 4045).

The federal hydropower licensing process ensures the public has a meaningful role in protecting and restoring the rivers that flow through their communities and that are impacted by federally licensed hydropower projects. Two primary concerns with the legislation are that it exempts the vast majority of projects from licensing and it limits the participation of the public in hydropower licensing.

The Hydropower Clean Energy Future Act (H.R. 4045) Would Negatively Impact Communities, Local Economies, Rivers, and Outdoor Recreation

American Whitewater has a long and successful record of engaging in the hydropower licensing process at well over 100 projects across the country to restore rivers and build robust outdoor recreation economies. Many of these hydropower projects do not generate much power, but their impacts can be significant. The legislation would exempt the vast majority of projects from licensing by increasing the threshold for licensing exemptions from 10 MW to 40 MW. Dams in this range can and often do have significant impacts on rivers and communities. They often have significant reservoirs and dewatered (i.e. bypassed) river reaches, have the capacity to significantly store and manipulate river flows, and block fish passage. They can make or break outdoor recreation economies depending on the FERC mitigation requirements. The policy discussion over the exemption threshold was addressed as part of the Hydropower Regulatory Efficiency Act (“HREA”) of 2013 that amended section 405 of the Public Utility Regulatory Policies Act of 1978 (“PURPA”) and increased the exemption threshold from 5 MW to 10 MW. A further increase is not in the public interest as projects above the 10 MW threshold can have significant environmental, recreational, and social justice impacts that need to be fully considered through the hydropower licensing process.

If the proposed legislation is enacted, hydropower dams such as the Ripogenus Hydroelectric Project on Maine’s West Branch of the Penobscot River would be exempt from requirements to provide recreational releases. This project provides the iconic northeast whitewater rafting experience that is a mainstay of a struggling regional economy that was decimated by the closure of paper mills. Similarly, at the West Canada Creek Hydroelectric Project in the Adirondack Region in New York, hydropower dams have diverted the entire river that once flowed over several of the largest waterfalls east of Niagara. The flow diversions at this project have created a lifeless river, prevented the public from enjoying views of the falls, eliminated virtually all recreation opportunities, and harmed the local economy. These projects are

currently being relicensed, and American Whitewater is working to restore flows to these and many other dewatered sections of the rivers in order to provide recreation opportunities that support local communities.

The problems of unlicensed and unregulated hydropower projects are well known. The Electron Project on Washington's Puyallup River is a small project that is currently exempt from FERC licensing but that has significant environmental impacts. The project has had an egregious record of environmental impacts affecting salmon species listed under the Endangered Species Act. With no regulatory oversight from FERC, American Whitewater had to go to federal court to ultimately reach a settlement requiring the dam owner to bring the project into compliance with basic environmental laws before it can operate. This responsibility to ensure compliance with environmental laws should not fall to non-profit organizations and Tribes but should remain the responsibility of FERC. Removing more hydropower projects from regulatory oversight by FERC is not in the public interest.

In addition, the legislation would do nothing to address the reality that many projects are no longer economic and have unacceptable environmental impacts with associated environmental justice impacts. It would only exacerbate the current regulatory inadequacy in dealing with such dams.

The Hydropower Clean Energy Future Act (H.R. 4045) Would Threaten Public Safety

FERC has a critical role in dam safety, and removing more dams from regulatory oversight threatens public safety. In 2020, Michigan's Tittabawassee River overwhelmed the Edenville Dam spillway, causing the dam to fail and driving thousands of families from their homes in the midst of a global pandemic. FERC had revoked the license for this project in 2018, washing its hands of any further regulatory oversight by simply directing the owners to “disable the project’s generating equipment” and provide “a photograph of the reading on the [electric] meter.” Within two years the dam failed. As the hydropower projects in this country continue to age, with many of them over a century old, it is more important than ever to maintain regulatory oversight to ensure public safety concerns are addressed and impacts are appropriately mitigated. Reminders of the human and economic toll of dam failures caused by inadequate oversight and upkeep paired with climate-change are becoming all too common.

The Hydropower Clean Energy Future Act (H.R. 4045) Would Negatively Impact Public and Agency Participation

This legislation would impact public participation and the authority in significant ways and prevent us from achieving the types of outcomes we have successfully achieved on scores of rivers. Specifically, the legislation would severely limit public participation by shortening timelines, eliminating public meetings and community engagement, and reducing opportunities to raise and incorporate effective mitigation measures that address project impacts. The arbitrary timelines established by this legislation would not allow for meaningful public deliberation and effective agency process. Power companies and the federal government cannot be expected to know what river-based communities need to flourish. Rather, it is almost always perspectives from the public that lead to the efficient and meaningful protection and enhancement of outdoor recreation, quality of life, and local river-based economies through the FERC relicensing process. Protecting the role of the public in relicensing is vital to ensuring fair and positive outcomes for communities.

The proposed legislation would also weaken the authority of federal resource agencies such as the Fish & Wildlife Service and the National Marine Fisheries Service to prescribe conditions protecting fish under Section 4(e) and Section 18 under the Federal Power Act. These changes could prevent these agencies from requiring flows necessary to protect certain fish species impacted by hydropower projects at federal reservations (Section 4(e)) and prevent conditions that require the construction of fishways (Section 18) where hydropower dams prevent safe, timely, and effective fish passage.

Conclusion

American Whitewater would welcome the opportunity to engage with your offices to discuss policy alternatives that would improve hydropower licensing and decommissioning and indeed we have participated in such a conversation with representatives of the hydropower industry, Tribes, and conservation community. This legislation would have unacceptable environmental impacts on rivers and threaten public safety and local river-based economies.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kevin R. Colburn', written in a cursive style.

Kevin R. Colburn
National Stewardship Director



FRIENDS OF THE RIVER

3336 BRADSHAW RD., SUITE 335, SACRAMENTO, CA 95827

PHONE: 916-442-3155

WWW.FRIENDSOFTHERIVER.ORG

December 4, 2023

The Honorable Cathy McMorris Rodgers
Chairman
Committee on Energy and Commerce
United States House of Representatives
2125 Rayburn House Office Building
Washington, DC 20515

The Honorable Frank Pallone
Ranking Member
Committee on Energy and Commerce
United States House of Representatives
2322A Rayburn House Office Building
Washington, DC 20515

Dear Chairman McMorris Rodgers and Ranking Member Pallone,

On behalf of Friends of the River (FOR) and our thousands of members in the state of California, we write in opposition to the Hydropower Clean Energy Future Act (HR 4045).

Although we are pleased to see recent changes to this legislation, including the addition of tribal 10(j) authority, many of our concerns have not been addressed and thus we restate our opposition to this bill. This legislation would have devastating impacts on both California's and the nation's rivers. These impacts include further degrading sensitive riparian ecosystems, exacerbating endangered species crises, reducing public opportunities to enjoy rivers, and stunting local economies that rely on river recreation.

Friends of the River is a non-profit 501(c)(3) organization founded in 1973 over the national battle to save the Stanislaus River from the New Melones Dam. Since then, FOR has become the primary advocate for California rivers, with a breadth of expertise and history of work on hydropower, dam safety, flood management, flow restoration, and Wild and Scenic rivers. Friends of the River's mission is to protect and restore California rivers by influencing public policy and inspiring citizen action.

Friends of the River has been intricately involved in numerous hydropower relicensings in the state of California, some of them highly consequential. In fact, FOR was one of the first to predict the serious issues with the Oroville Dam spillway. As far back as 2005, FOR asked FERC to confront safety issues at the spillway as part of the hydropower relicensing of Oroville Dam. Ultimately, the Oroville Dam spillway failed in 2017, gaining national attention and prompting the evacuation of more than 180,000 people at risk of severe flooding.

FOR has several key concerns with this legislation:

- 1. It will exempt the vast majority of projects in key hydropower generating regions from relicensing, especially in California.**

This bill seeks to move the threshold for licensing exemptions from 10 megawatts to 40 megawatts, removing a vast number of projects from regulatory oversight (72% in the West, including CA). This would create severe ecosystem impacts as well as dam safety impacts. Even small hydropower projects can wreak havoc on ecosystems by altering hydrology and blocking fish passage. Further, project works of small hydropower projects can be fatal, with low-head dams being a major concern. As the nation's hydropower fleet ages, regulatory oversight is more important than ever before to ensure safe and holistic outcomes on our rivers. Excluding projects from this critical oversight is irresponsible and unacceptable.

2. It will exclude stakeholders and the public by shortening timelines, eliminating meetings, and reducing opportunities to raise and incorporate effective and commonsense mitigation measures that address project impacts.

HR 4045 attempts to streamline hydropower licensing by putting FERC in charge of setting and enforcing aggressive timelines. This move will unnecessarily limit participation of Native American tribes, states, and the public in hydropower relicensing, and decrease the overall quality of licenses.

3. It takes authority from resource agencies with expertise on fisheries and species and instead gives FERC the ability to decide whether species or critical habitat will be jeopardized by the project.

Endangered Species Act determinations currently made by federal wildlife and fisheries agencies are best handled by the experts within the agencies. FERC does not have the resources or expertise to make these types of determinations, which would likely open the federal government up to lengthy and expensive litigation over unsupported ESA determinations.

4. It will politicize the licensing process.

HR 4045 allows the President to act as final arbiter of hydropower project disputes. This could result in politically-motivated and inconsistent outcomes.

Friends of the River agrees that advancing clean energy is an important priority for the nation. However, hydropower may not be a green bullet, as it is coming under increasing scrutiny for greenhouse gas emissions through the release of methane. Now is not an appropriate time to fast-track hydropower relicensing or remove critical safeguards from the process. HR 4045 is imbued with bad process, moves backwards on dam safety, and undermines bedrock protections for communities and the environment. This legislation is deeply flawed and does not achieve the goal of shortening the hydropower licensing process or increasing certainty and fairness in outcomes.

FOR welcomes the opportunity to engage with your offices to discuss policy alternatives to this legislative proposal.

Sincerely,

A handwritten signature in blue ink, appearing to read "Keiko Mertz", with a long horizontal flourish extending to the right.

Keiko Mertz

Policy Director

keiko@friendsoftheriver.org



HYDROPOWER REFORM COALITION

Putting water,
wildlife, and people
back in rivers

December 4, 2023

The Honorable Cathy McMorris Rodgers
Chairman
Committee on Energy and Commerce
United States House of Representatives
2125 Rayburn House Office Building
Washington, DC 20515

The Honorable Frank Pallone
Ranking Member
Committee on Energy and Commerce
United States House of Representatives
2322A Rayburn House Office Building
Washington, DC 20515

Dear Chairman McMorris Rodgers and Ranking Member Pallone,

We are encouraged by efforts to improve this legislation, including through the adoption of an amendment to give Tribes 10(j) authority, introduced by Congresswoman Kuster and cosponsored by Chairman McMorris Rodgers. Despite this positive progress, a number of our concerns remain unaddressed and we must reaffirm our opposition to the Hydropower Clean Energy Future Act (H.R. 4045). This legislation would detrimentally impact America's river ecosystems by transferring important federal resource agency authorities to the Federal Energy Regulatory Commission (FERC), which has a distinct and unique statutory mandate.

Founded in 1992, the Hydropower Reform Coalition is a diverse consortium of more than 160 national, regional, and local conservation and recreation organizations dedicated to protecting and restoring rivers affected by hydropower dams, ensuring public access to these lands and waters, and reforming the federal licensing process to ensure public participation and to improve the quality of the resulting decisions. Rivers should be treated as holdings within the public trust when hydroelectric projects are licensed through the federal regulatory process. We understand the unique role played by FERC in regulating energy production and distribution; however, FERC must also balance multiple resource needs while respecting the authority of states and sovereign tribes, as well as the roles Congress has reserved to other federal agencies that have superior conservation expertise.

Our community is concerned that this legislation will:

Exempt most projects in key hydropower generating regions from licensing.

Moving the threshold for licensing exemptions from 10MW to 40MW will exempt from licensing the vast majority of projects in key hydropower generating regions, potentially creating a public safety concern. For example, 97% of Alaska projects, 90% of Northeast/Mid Atlantic projects (including all Maine projects), 60% of Southeast projects, and 72% of West Coast projects (CA, WA, OR, ID) could no longer receive regulatory oversight. As the hydropower fleet ages and states and FERC struggle to

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hydroreform.org

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Appalachian Mountain Club | California Outdoors | California Sportfishing
Protection Alliance | California Trout | Foothill Conservancy | Friends of
the River | Idaho Rivers United | Michigan Hydro Relicensing Coalition |
South Yuba River Citizens League | Trout Unlimited

maintain licensee compliance with dam safety requirements, it is more important than ever to continue periodic oversight. Without such oversight, we fear dam failures and the corresponding loss of life will become more prevalent.

The license exemption threshold was already increased from 5MW to 10MW in 2013 with the Hydropower Regulatory Efficiency Act, which amended section 405 of the Public Utility Regulatory Policies Act of 1978 ("PURPA"). All projects, but especially large projects, can have significant environmental, recreational, and social justice impacts that need to be fully considered through the hydropower licensing process. A further increase does not serve the public interest.

Limit participation of states, Native American tribes, and the public in hydropower licensing by shortening timelines, eliminating meetings, and reducing opportunities to raise and incorporate effective mitigation measures that address project impacts.

This legislation puts FERC in charge of setting artificial and ambiguous timelines that do not meaningfully take deliberate and effective agency processes and requirements into account. Further, this legislation constrains agency budgets, which are already limited, by fining them \$5,000 each week if FERC deadlines are not met. This not only curtails agency effectiveness by taking money away from their budgets but will also result in agencies prioritizing reviews for hydro projects over other types of projects. This is unfair and unnecessarily punitive.

Gives FERC the ability to decide whether species or critical habitat will be jeopardized by the project.

Endangered Species Act determinations currently made by federal fisheries agencies are best handled by the experts within the agencies. FERC does not have the requisite resources and expertise to effectively manage making these types of determinations that could eliminate or critically impact an entire population of environmentally sensitive species.

Politicizes the licensing process by allowing the White House Office of Management and Budget to refer hydropower project disputes to the President as the final arbiter.

Delegating final project authority to political officials, could result in politically motivated outcomes that are inconsistent with thorough scientific determinations and detrimentally impact river ecosystems.

Curtails agency effectiveness by taking money away from their budgets.

Fining resource agencies \$5,000 per project per week for missing deadlines set by FERC will result in significant costs to resource agencies, jeopardize other agency functions, and lead to skewed prioritization of hydro projects at the expense of evaluation of other types of projects.

We are concerned that if enacted, this bill would provide weaker oversight and management of hydroelectric dams rather than improving the hydropower licensing process. We urge you to consider additional amendments to this legislation that would protect science-based decision making and respect the roles, responsibilities, and authorities of key stakeholders. The HRC would welcome the opportunity to engage with your offices to discuss policy alternatives to this legislative proposal.

Sincerely,

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Appalachian Mountain Club | California Outdoors | California Sportfishing
Protection Alliance | California Trout | Foothill Conservancy | Friends of
the River | Idaho Rivers United | Michigan Hydro Relicensing Coalition |
South Yuba River Citizens League | Trout Unlimited



Thomas O'Keefe, Ph.D.
Co-Chair



Kelly Catlett, J.D.
Co-Chair

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South Yuba River Citizens League | Trout Unlimited



December 4, 2023

The Honorable Cathy McMorris Rodgers
Chairman
Committee on Energy and Commerce
Commerce
United States House of Representatives
2125 Rayburn House Office Building
Washington, DC 20515

The Honorable Frank Pallone
Ranking Member
Committee on Energy and
Commerce
United States House of Representatives
2322A Rayburn House Office Building
Washington, DC 20515

Dear Chairman McMorris Rodgers and Ranking Member Pallone,

On behalf of Idaho Rivers United and the over 5,000 members and advocates that we represent, we want to express our opposition to the Hydropower Clean Energy Future Act (H.R. 4045). This legislation would have profound negative impacts to our nation's river systems, the opportunities for the public to utilize them, and on local economies that depend on them.

About Idaho Rivers United

Idaho Rivers United was founded in 1990 by a group of concerned citizens seeking to stop a potential hydropower on the North Fork of the Payette River. Since then, Idaho Rivers United has grown to over 5,000 members, volunteers, and advocates, has been a champion for river protections, ecosystem and fisheries restoration, and hydropower and mining reform. Our mission is to protect and restore the rivers and fisheries of Idaho.

The Hydropower Clean Energy Future Act (H.R.4045) Would Have Broadscale Negative Socio, Economic, and Ecological Impacts

Moving the threshold for licensing exemptions would exempt over 80% of all FERC licensed hydroprojects in Idaho from regulatory oversight. These projects have an average life age of 61 years already, well before many modern environmental laws, protections, or design were put into place. With licenses that last 50 years (or more with relicensing times), the chance to mitigate damages from these projects is oftentimes a once in a generation opportunity.

Moreover, this bill gives FERC far too much broadscale authority in setting unrealistic or overly aggressive licensing timelines that will rush decision making from federal, state, or Tribal agencies before all necessary information or analyses can be compiled or completed or risk overly penal fines of \$5,000 per week. Also of great concern is the proposed authorities conveyed to FERC that they have neither the requisite resources nor expertise to fulfill – such as

giving FERC the authority to decide whether species or critical habitat will be jeopardized by a project. These actions undermine key bedrock environmental laws such as the Clean Water Act, Federal Power Act, National Environmental Protection Act, and Endangered Species Act. This is especially troubling in the context of the existential threat that a hydrosystem can have to an endangered species.

Lastly, delegating final project authority to political officials, will result in politically motivated outcomes that are inconsistent with thorough scientific determinations and detrimentally impact river ecosystems. While the FERC licensing process is by no means perfect, it is one of the few federal processes that is mostly free from this stigma.

Conclusion

This legislation would have negative, generational impacts on our rivers and threatens the safety of the public. We urge the Committee and the bill sponsors to reconsider this legislation and to develop more responsible measures to update and modernize the FERC licensing process. We welcome the opportunity to work with your offices to develop more durable solutions to licensing reform.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Nicholas Nelson".

Nicholas Nelson
Executive Director



1167 Massachusetts Avenue, Arlington, MA 02476 | www.lowimpacthydro.org

December 4, 2023

The Honorable Cathy McMorris Rodgers
Chair
Committee on Energy and Commerce
United States House of Representatives
2125 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Frank Pallone
Ranking Member
Committee on Energy and Commerce
United States House of Representatives
2322A Rayburn House Office Building
Washington, D.C. 20515

Dear Chair McMorris Rodgers and Ranking Member Pallone,

The Low Impact Hydropower Institute (LIHI) is deeply concerned about the Hydropower Clean Future Act (H.R. 4045). Hydropower is an important renewable energy resource that has a pivotal role to play in the nation's clean energy future. However, hydropower can have serious impacts to rivers and the people, fish, and wildlife that depend on them. H.R. 4045 risks increasing these impacts by removing most projects from the Federal Energy Regulatory Commission's (FERC) regulatory oversight and by limiting the input of states, Native American tribes, and the public in the hydropower licensing process.

LIHI is a national 501(c)(3) organization that was founded in 1999 to recognize and support hydropower that prioritizes environmental, recreational, historical, and cultural resource protection. Over the last two decades, LIHI has served as a unique bridge between the hydropower industry and the environmental community and has independently reviewed and certified over 300 hydropower facilities in 24 states and 102 rivers based on eight [Low Impact Hydropower criteria](#). This experience has highlighted the critical need to review all projects, regardless of their size, to address the socio-environmental impacts of hydropower operations. It has also underscored the importance of input from agencies, the public, and Native American tribes to craft stringent yet achievable measures to address project impacts. Against this background, H.R. 4045 weakens the current hydropower licensing process with detrimental consequences as noted below:

Exempting most projects in key hydropower generating regions from licensing risks increasing environmental, social, and safety impacts of hydropower operations: H.R. 4045 increases the license exemption threshold for projects from 10 MW to 40 MW. By some estimates, this change in license exemption threshold could remove 97% of Alaska projects, 90% of Northeast/Mid Atlantic projects (including all Maine projects), 60% of Southeast projects, and

72% of West Coast projects (CA, WA, OR, ID) from FERC's regulatory oversight. In LIHI's experience of evaluating hydropower projects over the last 20 years, the size of a powerhouse has shown little to no correlation with the size of its impact.¹ As the nation's hydropower fleet ages and as new projects are built in the coming years, it is imperative to *maintain*, rather than *remove* oversight of hydropower project. Without such oversight, the socio-environmental impacts of hydropower operations and dam failure risks could become more prevalent and catastrophic.

Limiting participation of states, Native American tribes, and the public in the hydropower licensing process risks approving detrimental projects with ineffective mitigation measures:

H.R. 4045 puts FERC in charge of setting artificial, unrealistic, and aggressive timelines as well as eliminates meetings and reduces opportunities for states, Native American tribes, and the public to raise and incorporate effective mitigation measures that address project impacts. Further, this legislation constrains agency budgets, which are already limited, by fining them \$5,000 each week if FERC deadlines are not met. This punitive approach shortchanges deliberative input and thoughtful decision-making and risks rubber-stamping projects that fail to address all project-related socio-environmental impacts.

Hydropower, operated in a socio-environmentally responsible manner, can support the nation's decarbonization goals by providing grid resiliency and supporting the integration of intermittent renewable resources such as solar and wind. At present, H.R. 4045 weakens the regulatory oversight and input needed to ensure the nation's existing and new fleet of hydropower projects put people and the environment first. LIHI urges the Committee to reconsider H.R. 4045 and welcomes the opportunity to engage with your offices to discuss policy alternatives to this legislative proposal.

Sincerely,



Shannon Ames
Executive Director

¹ See, Ames, S.B.J, and M. Fischer, 2020, Low Impact Hydropower Institute 20-Year Review Report. Low Impact Hydropower Institute, Arlington, MA at 5. https://lowimpacthydro.org/wp-content/uploads/2021/02/LIHI-20-Year-Report_2020_12_30.pdf

October 24, 2023

The Honorable Jeff Duncan
Chairman, Subcommittee on Energy,
Climate, and Grid Security
Committee on Energy and Commerce
2125 Rayburn House Office Building
Washington, DC 20515

The Honorable Diana DeGette
Ranking Member, Subcommittee on Energy,
Climate, and Grid Security
Committee on Energy and Commerce
2322 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Duncan and Ranking Member DeGette:

In advance of tomorrow's Energy and Commerce Subcommittee markup, the National Rural Electric Cooperative Association (NRECA) applauds your focus on federal efforts to bolster energy reliability and affordability. As a nation, we are trending towards a future that depends on electricity to power more of the economy. Increased demand must be accounted for as we plan to meet tomorrow's energy needs. Rolling blackouts cannot become the new normal in America. More time, technology development, and new transmission infrastructure are essential considerations for any future energy policymaking. And lawmakers must support policies that are inclusive of all energy sources to maintain reliability and affordability. NRECA supports several of the bills you are considering aimed at ensuring reliable, secure, and affordable energy supplies.

Protecting America's Distribution Transformer Supply Chain Act: To provide electric transformer manufacturers and others in the supply chain with more time to increase output of existing – and already highly efficient – distribution transformers, NRECA supports H.R.4167, the Protecting America's Distribution Transformer Supply Chain Act, and appreciate its introduction by Rep. Richard Hudson. This bill would delay the proposed Department of Energy (DOE) transformer efficiency rule for five years and allow transformer manufacturers time to focus on alleviating their current backlog of orders during unprecedented supply chain challenges.

Electric cooperatives urge the Committee to continue moving forward on this important issue, and we encourage close bipartisan collaboration with the Senate Energy and Natural Resources Committee as DOE gets closer to finalizing this rule. In the absence of Congressional action ultimately delaying or modifying the rule, DOE should keep the existing efficiency standard in place, as permitted by statute, and instead focus on other means for incentivizing amorphous steel core transformers that could allow for potential expansion in the manufacturer market without jeopardizing electric reliability.

Guaranteeing Reliable Infrastructure Development (GRID) Act: As federal regulatory threats to our industry grow, we have been frustrated that no agency appears to have responsibility to ensure the reliability of the grid. We are encouraged by your efforts to allow FERC to review and analyze proposed, covered federal agency actions and determine their impact on the reliability of the bulk-power system in North America. By authorizing FERC to submit comments on proposed agency actions, the GRID Act could encourage earlier and more robust interactions between these agencies to take the steps necessary to prevent harmful impacts on reliability. As a result, NRECA views the GRID Act as a

meaningful first step and appreciates the House Energy and Commerce Committee's focus on our shared goal of maintaining electric reliability.

The Hydropower Clean Energy Future Act: Hydropower is a cornerstone of the American electric grid. It accounts for nearly 30 percent of renewable electricity generation in the U.S. and more than 6 percent of our nation's total electric generation. Hydropower is also the largest source of energy storage in the U.S. making up approximately 93 percent of all commercial storage capacity. In addition to being a source of emissions-free power, hydroelectric generators can be started or stopped quickly. The flexible and dispatchable nature of hydropower makes it a force multiplier for other intermittent forms of energy generation. Making full use of America's hydropower resources is key to ensuring that the nation's grid remains reliable and resilient. One of the biggest challenges to maintaining and expanding hydropower production is an unnecessarily cumbersome regulatory process.

The Hydropower Clean Energy Future Act (H.R. 4045) would help address many of these issues by modernizing the licensing process and improving coordination between permitting agencies, setting firm schedules, and reducing barriers to hydropower development. NRECA supports the Hydropower Clean Energy Future Act and are especially grateful to Chair McMorris Rodgers for her work as a champion of hydropower.

Legislation promoting nuclear energy: Nuclear power is an essential component of electric cooperative zero-emission, always-available generation. Nuclear energy currently accounts for 15% of the electricity delivered by electric cooperatives, and more than two-thirds of all co-ops have some nuclear energy in their fuel mix. Several generation cooperatives have an ownership share in nuclear units across the country and others are committed to nuclear units through significant power purchase agreements. Electric co-ops are also at the forefront of deploying advanced and next generation reactor technologies, particularly small modular and micro reactors. NRECA supports the committee's advancement of various bills that will support the continued operation of existing nuclear units; improve and modernize the nuclear energy regulatory process, particularly for next generation reactors; and ensure the United States remains a leader in the development and deployment of nuclear power.

Reliably keeping the lights on is vital for local communities, the economy, and national security. Today's energy decisions will determine if there are enough resources to meet tomorrow's energy needs.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Matheson". The signature is fluid and cursive, with a long horizontal stroke at the end.

Jim Matheson

December 5, 2023

Cathy McMorris Rodgers, Chair
Energy and Commerce Committee
2125 Rayburn Building
Washington, D.C. 20515

Frank Pallone, Ranking Member
Energy and Commerce Committee
2125 Rayburn Building
Washington, D.C. 20515

RE: HR 6545 “The Physician Fee Schedule Updates and Improvement Act”

Dear Chairs Rodgers and Guthrie and Ranking Members Pallone and Eshoo,

On behalf of the nearly 50,000 physicians and medical student members of the California Medical Association (CMA)—and the millions of patients we serve—we thank you for marking-up HR 6545 “The Physician Fee Schedule Updates and Improvement Act” (Miller-Meeks, Schrier, Bucshon, Kelly) in the Energy and Commerce Committee. It will provide important reforms to the Medicare payment system that will stabilize physician practices and help protect patient access to care.

CMA strongly supports the legislation because it will stop 3% of the Medicare physician payment cut scheduled for January 1, 2024. The Medicare Economic Index (MEI) inflation increase is projected to be 4.6% in 2024. This means that physicians will experience an 8% payment cut in 2024 without Congressional intervention. These cuts will have a devastating impact on physician practices and patient access to medical care.

CMA also supports the legislative provisions that will reduce the negative impact of the budget neutrality requirements in the Medicare physician fee schedule by increasing the threshold from \$20 million to \$53 million and increasing it annually by the MEI. We also appreciate the provision that ensures timely updates to the direct costs (i.e., staff wages, prices of medical supplies and equipment) used to calculate the practice expense RVUs every five years. We are eager to work with the Committee in the future to include additional reforms that were developed by the AMA federation task force on which CMA serves, such as exempting all new services, technologies, and benefits from the budget neutrality rules that were adopted in 1989 and never contemplated at the time.

CMA supports the extension of the expiring 5% Alternative Payment Model (APM) bonus payment. Through Aledade’s Accountable Care Organization (ACO) in California, many primary care practices have stabilized and are improving. It is crucial that Congress continues to incentivize participation in value-based care models and provide more opportunities for physicians in all specialties to participate.

Finally, CMA supports the extension of the expiring work geographic practice cost index (GPCI) floor although it does not impact California physicians. However, we are opposed to any additional changes to the work and practice expense GPCIs which we communicated in two previous letters with other state medical associations and appreciate the Committee refraining from moving those proposals.

California physicians are sounding the alarm – patient access to care in Medicare is deteriorating because the Medicare physician fee schedule has been stagnant for nearly two decades. Physicians continue to experience burn-out. They are overwhelmed with sicker patients who suffer from delayed care and mental health issues from the pandemic. Wages that physicians must pay their nurses and staff are skyrocketing. Yet Medicare is providing fewer resources to help physicians care for this mountain of need.



In a recent CMA survey, nearly half the physicians told CMA they plan to retire early, 70% said they are dropping out of Medicare or closing their practices to NEW patients. These physician shortages are causing longer wait times for patients to see a physician. Emergency rooms cannot attract enough specialists to care for patients in emergencies. In several urban areas across California, no primary care physicians are accepting NEW Medicare. In California's rural and underserved communities, the access challenges are exacerbated. California is projected to have the largest physician shortages in the nation because of our growing and aging population, our aging physicians, and the inadequate Medicare payments.

Thank you for your willingness to address these crucial Medicare issues before year-end. The legislation will stabilize physician practices, protect patients, and meet the promise of Medicare for our nation's seniors. We thank you for your support.

Sincerely,



Tanya Spirtos, MD
President



November 6, 2023

The Honorable Cathy McMorris Rodgers
Chair
House Committee on Energy and Commerce
2125 Rayburn House Office Building
Washington, D.C. 20515

Dear Chair Rodgers,

On behalf of the Northwest Public Power Association (NWPPA), I write to express my support for your legislation, H.R. 4045, the Hydropower Clean Energy Future Act.

The Northwest Public Power Association is comprised of over 150 consumer-owned electric utilities in the Western United States and British Columbia. These are rural electric cooperatives, municipalities, and public utility districts governed by the people they serve and located in the states of Alaska, California, Colorado, Montana, Nevada, Oregon, Utah, Washington, and Wyoming, many of which rely significantly on hydropower.

NWPPA has long advocated for many of the provisions included in this legislation. These include recognizing all hydropower as a renewable resource and supporting efforts to modernize the hydropower licensing process. Improvements to the licensing process such as establishing firm time schedules for federal reviews, reducing duplicative processes, and designating the Federal Energy Regulatory Commission (FERC) as the lead agency for coordinating federal authorizations and compliance with the National Environmental Policy Act (NEPA) will help to minimize the lengthy licensing process and allow projects to be completed in a more reasonable time span. The draft bill also promotes innovation and new technologies, consistent with principles adopted and memorialized in NWPPA's Resolution 2023-02, "In Support of All Hydropower as a Renewable Resource."

For these reasons, I am pleased to offer NWPPA's endorsement of this important legislation. We appreciate your ongoing efforts to protect hydropower as an important generation resource and to continue to promote reforms that will strengthen existing hydropower and encourage innovation.

NWPPA urges swift action to advance H.R. 4045 in the House Energy and Commerce Committee and looks forward to seeing this legislation enacted.



Kieran P. Connolly
Executive Director

December 4, 2023

The Honorable Cathy McMorris Rodgers
Chairman
House Energy & Commerce Committee
2188 Rayburn House Office Building
Washington, DC 20515

Dear Representative McMorris Rodgers:

The Public Power Council (PPC) supports the Committee's consideration of H.R. 4045, the Hydropower Clean Future Act. PPC represents the Pacific Northwest's consumer-owned utilities who are reliant on hydropower to provide clean, reliable, and affordable energy to millions of homes and businesses across the Northwest.

Hydropower, whether federal or non-federal, plays a vital role in sustaining system reliability and affordability. Without this clean, reliable generation resource, millions of homes and business across our service areas would face significant rate increases and increased likelihood of service disruptions. At a time when single-issue interest groups seek to remove dams and diminish the benefits of hydropower, legislation like H.R. 4045 is needed more than ever. H.R. 4045 would streamline the process for licensing and relicensing these critical and dependable domestic energy resources. This legislation will provide power markets and regulatory agencies the signal that hydropower is not only essential to customers in the Northwest, but also recognized nationally for the multitude of attributes they provide.

PPC thanks you for your tireless work on this important legislation. We also look forward to the enactment of H.R. 4045 and ensuring hydropower plays an essential part of our nation's future.

Sincerely,



Scott Simms
CEO & Executive Director
Public Power Council



Department of Energy

DOE Proposes New Efficiency Standards For Distribution Transformers

DECEMBER 28, 2022

[Energy.gov](#) » DOE Proposes New Efficiency Standards For Distribution Transformers

New Rule Would Strengthen Grid Resiliency, Cut Carbon Emissions, and Deliver up to \$15 Billion in Savings to the Nation

WASHINGTON, D.C. — The U.S. Department of Energy (DOE) today proposed **new energy-efficiency standards** for three categories of distribution transformers to improve the resiliency of America’s power grid, lower utility bills, and significantly reduce domestic carbon-dioxide (CO₂) emissions. DOE’s proposal represents a strategic step to advance the diversification of transformer core technology, which will conserve energy and reduce costs. Almost all transformers produced under the new standard would feature amorphous steel cores, which are significantly more energy efficient than those made of traditional, grain-oriented electrical steel. If adopted within DOE’s proposed timeframe, the new rule will come into effect in 2027.

“The Biden-Harris Administration continues to use every means available to reduce America’s carbon footprint while strengthening our security posture and lowering energy costs,” said **U.S. Secretary of Energy Jennifer M. Granholm**. “Efficient

distribution transformers enhance the resilience of our nation's energy grid and make it possible to deliver affordable electrical power to consumers in every corner of America. By modernizing their energy-conservation standards, we're ensuring that this critical component of our electricity system operates as efficiently and inexpensively as possible."

DOE estimates that the proposed standards, if finalized, would reduce U.S. CO2 emissions by 340 million metric tons over the next 30 years—an amount roughly equal to the annual emissions of 90 coal-fired power plants. DOE also expects the proposed rule to generate over 10 quads of energy savings and approximately \$15 billion in savings to the nation from 30 years of shipments.

The Administration is also working to address near-term supply chain challenges and strengthen domestic manufacturing of key components in the electric grid. In June, President Biden **invoked the Defense Production Act** to accelerate the domestic production of clean energy technologies, including distribution transformers and grid components. In October, DOE issued a **Request for Information** to gather additional public input to determine how to maximize the impact of these new authorities. The comment period closed on November 30th and DOE is carefully considering the information submitted.

Additionally, as the supply of traditional, grain-oriented steel tightens, DOE is focused on diversifying domestic steel production where capacity can be expanded, such as in the production of amorphous steel used in advanced transformers. In support of these efforts, DOE is also finalizing the implementation guidance for the **distribution transformer and extended product system rebate** programs established by the Energy Act of 2020 and funded by President Biden's Bipartisan Infrastructure Law. This rebate program encourages the replacement of energy-inefficient distribution transformers and extended product systems with more-efficient replacements.

A distribution transformer is a device used to change the voltage of electrical power. A common sight on utility poles in neighborhoods throughout the country, these transformers lower the voltage of electrical power before distribution to the customer. Purchasers of distribution transformers are primarily electric utilities and commercial or industrial entities.

Current efficiency standards apply to liquid-immersed, low-voltage dry-type, and medium-voltage dry-type distribution transformers. DOE's proposed rule would amend the energy conservation standards for all three categories.

On Thursday, February 16, 2023, DOE will host a **public meeting** to solicit feedback on the proposed rulemaking from stakeholders.

DOE's **Appliance and Equipment Standards Program** implements minimum energy conservation standards for more than 60 categories of appliances and equipment. As a result of these standards, American consumers saved \$63 billion on their utility bills in 2015 alone. By 2030, cumulative operating cost savings from all standards in effect since 1987 will reach nearly \$2 trillion. Products covered by standards represent about 90% of home energy use, 60% of commercial building use, and 30% of industrial energy use.

###

Media Inquiries:

(202) 586-4940 or

DOENews@hq.doe.gov

Read more at the
[energy.gov](https://www.energy.gov/newsroom) Newsroom

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COMMITTEE ON APPROPRIATIONS

TRANSPORTATION, AND HOUSING AND
URBAN DEVELOPMENT, AND RELATED
AGENCIES

LEGISLATIVE BRANCH

COMMITTEE ON THE BUDGET

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210 WIRT ST. SW, UNIT 102
LEESBURG, VA 20175
PHONE: (703) 234-3800

MANASSAS
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MANASSAS, VA 20110
PHONE: (703) 236-1300

Congress of the United States
House of Representatives
Washington, DC 20515

Statement for the Record from Rep. Jennifer Wexton (VA-10)
Energy and Commerce Committee
Full Committee Markup
December 5, 2023

As many of you know, earlier this year, I shared that I have been diagnosed with Progressive Supranuclear Palsy, or “PSP” for short. This neurodegenerative disease is an atypical parkinsonism – a kind of ‘Parkinson’s on steroids.’ A diagnosis of Parkinson’s disease or an atypical Parkinsonism affects not only those of us who suffer from the disease itself but all of the many people in our lives who love us and want us to be well again.

Eventually, the nearly one million of us who have these diseases in the United States will be unable to walk, talk, or even feed ourselves. We will require extensive (and expensive) institutional or in-home care, the cost of which will likely be borne primarily by U.S. taxpayers.

Research indicates that, although heritability is a factor, environmental toxins drastically increase the risk of Parkinson’s disease and Parkinsonisms, and it can therefore be prevented if adequate precautions are taken. In addition, researchers are making great strides towards developing targeted treatments to help alleviate symptoms and improve the quality of life for those with the disease, and slow or even halt its progression.

By bringing together key stakeholders to build a national plan to prevent and cure Parkinson’s, this bill is taking a critical and historic step for the millions of Americans with Parkinson’s and Parkinsonisms, and their families.

I thank the committee for the consideration of this vital legislation which could change everything for so many families like mine.



Jennifer Wexton
Member of Congress



December 4, 2023

The Honorable Cathy McMorris Rodgers
Chairman
House Energy & Commerce Committee
2125 Rayburn House Office Building
Washington, DC 20515

The Honorable Frank Pallone
Ranking Member
House Energy & Commerce Committee
2123 Rayburn House Office Building
Washington, DC 20515

RE: Support for H.R. 4045

Dear Chair McMorris Rodgers and Ranking Member Pallone:

The Southwestern Power Resources Association (SPRA) appreciates the opportunity to submit a letter of support for H.R. 4045, the Hydropower Clean Future Act. This legislation recognizes the numerous benefits of hydropower and confirms it as an essential renewable energy resource for all Americans.

The Southwestern Power Resources Association represents over a hundred consumer-owned electrical systems in Arkansas, Kansas, Louisiana, Missouri, Oklahoma, and Texas. These systems are customers of the Southwestern Power Administration, headquartered in Tulsa, Oklahoma, which markets hydroelectric power generated at 24 multi-purpose Corps of Engineers water projects in this region.

Hydropower is a renewably reliable source of electrical generation, whether federal or non-federal. It brings an abundant power supply to communities all over our nation. Recognizing hydropower as a dependable, clean, and affordable energy partner sets a path of success for communities working to meet clean energy goals while ensuring a reliable grid.

SPRA thanks you for considering this important legislation and looks forward to working with the Committee on its enactment.

Sincerely,

Nicki Fuller
Executive Director
SPRA

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<https://www.wsj.com/lifestyle/high-efficiency-dishwasher-washing-machine-slow-hacks-water-a7d6b780>

LIFESTYLE | A-HED

Why Does My 'Efficient' Dishwasher Take a Zillion Minutes for a Load?

Energy and water rules make machines slower and have consumers questioning the cleaning power. Many are devising hacks.

By [Austen Hufford](#) [Follow](#)

Nov. 24, 2023 7:00 am ET

For months, Donna King experimented with the various settings of her washing machine, trying to get her clothes to stop coming out covered in detergent residue. In the era of tightening water and energy standards, King thinks the machine just doesn't use enough water, with clothes emerging nearly dry to the touch.



Counting down the hours

She regularly runs her T-shirts through the machine a second time. The hairstylist in Oak Ridge, Tenn., sometimes brings laundry loads into work to use the heavy duty setup there.

"I'm all for saving the environment but this ain't the way to do it, if you got to do something two or three times," the 59-year-old said. "The standard is great on paper, but when it comes to practical and real life situations, it's a bunch of s—."

King hacked her machine with a water pitcher—she now adds seven or more pitchers filled with water to the machine, both at the start and midway through the cycle. That extra water tricks the machine into thinking there is a bigger load, so the washer adds even more water.

King says her clothes now come out cleaner. "There is nothing convenient about any of it," she said.



Donna King hacked her high efficiency washing machine by manually adding water. PHOTO: DONNA KING

Other consumers are also MacGyvering workarounds for their modern home appliances, as planned and current regulations make it harder and slower to wash pots, clean pants and boil pasta.

The Biden administration has proposed tightening federal water and energy use standards further for numerous home appliances, including refrigerators and ovens, in an effort to combat climate change and save consumers money. Under a proposed rule, dishwashers would be allowed to use around 3.2 gallons of water a cycle, down from 5 gallons

currently. Appliance makers and environmental groups have put forward a joint proposal for less stringent efficiency increases.

The public has posted hundreds of comments in support or opposition to efficiency rules on a government-run regulation site, including one person who sent in a photo of his dirty spoons.



Federal water and energy use standards have tightened. PHOTO: ISTOCK

The rules, which are required by law to be periodically reviewed, make some appliances significantly slower.

“It takes water plus time to equal a clean product,” said Christian Korosec, the general manager of an upstate New York retailer, Morehouse Appliances. “If we are going to use less water, it’s going to greatly lengthen the time of the cycle.”

The average standard cycle time for a dishwasher has increased from around 70 minutes in 1983 to 160 minutes this year, according to research by the Competitive Enterprise Institute, a libertarian think tank that opposes the efficiency rules.

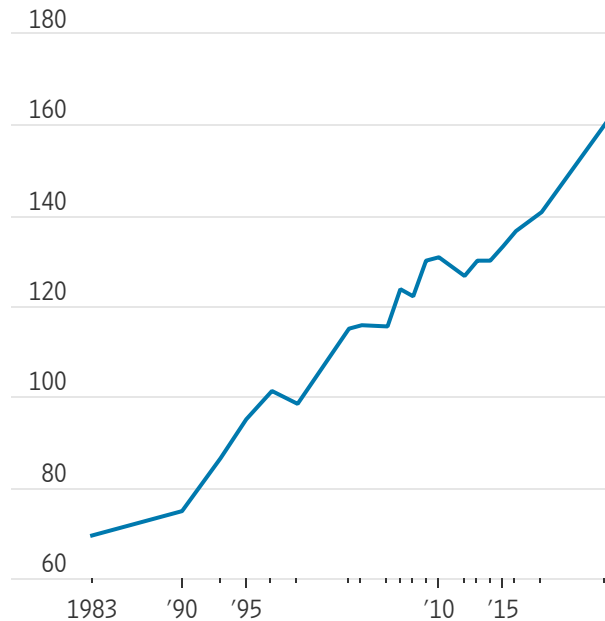
Elderly customers who replace old appliances with new ones regularly call and complain about their slowness, said Donna Goodrich, the owner of furniture and appliance seller Top Furniture.

Her New Hampshire-based customers say things like “Mine didn’t run like that before,” and “There is something wrong with it. It ran too long,” she said.

Goodrich has to explain that the speed is normal and it’s part of the way machines are now more efficient.

Slow Suds

Dishwasher cycle time in minutes



Source: Competitive Enterprise Institute



Frank Schroeder adjusted a hidden switch inside his washing machine. PHOTO: FRANK SCHROEDER

He warned you need a soft touch, though. “They make this little screw out of a soft plastic,” he said. “If you are not careful you could mess up that little screwhead.”

Manufacturers have been coming up with new features to meet the requirements. Some dishwashers automatically open at the end of the cycle to allow dishes to air dry. Some Bosch models use an absorbent mineral compound called Zeolith to help dry dishes. Many new machines also have quick wash cycles.

Frank Schroeder thought his washing machine wasn't doing a good job on his laundry, even compared with the machines he remembered back in Europe, where he's from. The dental technician in Southern California started playing with different settings and used a bucket to add water after the initial rinse. He also started doing research on appliance forums and YouTube.

He eventually made a key discovery: The amount of water his machine used could be adjusted through a hidden switch inside the machine. He waited for its warranty to expire and then went in with a screwdriver. About an hour later, his machine was back together and the water level was much higher as he ran a load.



Owen Perkins installed a commercial dishwasher in his basement bar. PHOTO: OWEN PERKINS

Owen Perkins has been fascinated with home appliances since he was a teenager—often just as annoyed with the oddities of old models as he is now. The 35-year-old owner of Naperville, Ill., repair store Central Vacuum saved up money in high school and bought a second clothes dryer for his parents' home, because the dryer took double the time to dry as the washer took to wash.

More recently, Perkins decided to add a commercial dishwasher to his renovated basement bar that takes about 90 seconds to clean a load of dishes instead of hours.

He found a used one on Facebook for \$1,000. He had to upgrade home electric lines and plumbing to accommodate the high-powered machine, which has no settings, just an on-off button. Perkins uses his for coffee mugs and glasses because it isn't designed to clean dried-on food.

“That dishwasher comes in very handy for parties,” he said. “In order to keep them drinking, you got to have a way of getting fresh glasses all the time.”

Write to Austen Hufford at austen.hufford@wsj.com

Appeared in the November 25, 2023, print edition as 'Why 'Efficient' Washers Take Forever to Run'.



December 4, 2023

The Honorable Cathy McMorris Rodgers
Chairwoman
Committee on Energy and Commerce
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Frank Pallone
Ranking Member
Committee on Energy and Commerce
U.S. House of Representatives
Washington, D.C. 20515

Dear Chairwoman McMorris Rodgers and Ranking Member Pallone:

The below organizations write in strong support of the Wastewater Infrastructure Pollution Prevention and Environmental Safety Act (WIPPES Act) (H.R. 2964). As stakeholders representing the nation’s wastewater agencies and wipes industry, we have worked collaboratively with the committee to develop a commonsense approach to address the adverse impacts associated with the inappropriate flushing of nonflushable wipes into the sewer system. We are delighted that the committee will mark-up the legislation.

The advancement of the legislation for House floor debate and a vote will bring our shared concern to reduce operation and maintenance costs associated with the flushing of these wipes to the fore. Improper disposal of nonflushable wipes can cause adverse impacts to wastewater systems that ultimately put upward pressure on the rates the public pays for this vital service. At a national-level, wet wipes are responsible for \$441 million a year in additional operating costs at U.S. clean water utilities.¹ This legislation could ultimately help reduce those costs and support local agencies in their mission of protecting public health and the environment.

For several months we, as representatives of public agencies, industry, and environmental advocates, have worked with the committee to develop a policy that will inform consumers how to dispose of single-use wipes in a manner that avoids the inadvertent and incorrect flushing of wipes down the toilet. The WIPPES Act achieves this goal in a common sense and cost-effective manner by requiring the prominent display of “Do Not Flush” on product packaging. Ultimately, H.R. 2964 is a win for the public, as it will help to reduce clogged pipes that impose increased maintenance costs on local agency ratepayers and can have adverse impacts on the environment.

Again, we are grateful for the committee’s commitment to advance H.R. 2964 and look forward to House passage upon committee approval and reporting of H.R. 2964.

Sincerely,
American Society of Civil Engineers
Association of Nonwoven Fabrics Industry
Bay Area Pollution Prevention Group
California Association of Sanitation Agencies
Consumer Healthcare Products Association
National Association of Clean Water Agencies
National Rural Water Association
Procter & Gamble
Washington Association of Sewer & Water Districts
Water Environment Federation
West County Wastewater

¹ NACWA. 2020. The Cost of Wipes On America’s Clean Water Utilities: An Estimate of Increased Utility Operating Costs. https://www.nacwa.org/docs/default-source/resources---public/govaff-3-cost_of_wipes-1.pdf?sfvrsn=b535fe61_2#