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United States Senate

WASHINGTON, DC 20510-3504

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#76

FOREIGN RELATIONS

HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS
CHAIRMAN, SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE AND THE DISTRICT OF COLUMBIA

April 4, 2006

The Honorable Samuel W. Bodman
Secretary
United States Department of Energy
1000 Independence Ave., SW
Washington, DC 20585

Dear Secretary Bodman:

It is my understanding that the California Energy Commission (CEC) has promulgated energy efficiency standards that would conflict with federal standards on clothes washers. As required by federal law, the CEC must petition the Department of Energy (DOE) to waive federal preemption over these standards before they become effective.

Federal law requires that for California's request to be granted, it would have to show that the regulation is needed to meet unusual and compelling state or local energy or water interests. To grant a waiver, the law also requires that California's interests be "substantially different" from those prevailing in the United States generally. The statute also requires the DOE to weigh the costs, benefits, burdens and reliability of energy or water savings resulting from the State regulation against the costs, benefits, burdens, and reliability of alternative approaches to energy or water savings or production, including reliance on reasonably predictable market-induced improvements in efficiency. Moreover, the CEC must still demonstrate that the state regulation will not significantly burden manufacturing, marketing, distribution, sales or servicing of the product nationally.

The State of Ohio has a number of manufacturing facilities that could be affected by this waiver. Consequently, I urge you to consider the broader implications if the CEC request were to be granted. Specifically, I urge you to evaluate the potential costs to U.S. manufacturers as a result of this waiver request, as well as whether there are less costly alternatives to meet the goals of the CEC.

As the Department begins its review of California's request to waive federal regulations, I hope you will give all due consideration to whether or not the CEC request meets the requisite standards.

Sincerely,

George V. Voinovich

George V. Voinovich
United States Senator

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