



**UNITED STATES
CONSUMER PRODUCT SAFETY COMMISSION
4330 EAST WEST HIGHWAY
BETHESDA, MD 20814**

This document has been electronically approved and signed.

BALLOT VOTE SHEET

Date: May 8, 2013

TO : The Commission
Todd A. Stevenson, Secretary

THROUGH: Kenneth R. Hinson, Executive Director
Stephanie Tsacoumis, General Counsel

FROM : Barbara E. Little, Attorney, RAD

SUBJECT : Petition CP 11-1 (Petition for Standard for Gas Fireplaces with Glass Fronts);
Draft Denial Letter

BALLOT VOTE DATE: May 14, 2013

Attached is a draft letter denying Petition CP 11-1. The petition requested a standard to address burn hazards associated with the contact of hot glass fronts of vented gas fireplaces. The Commission voted to deny the petition and directed the staff to draft a letter informing the petitioner.

Please indicate your vote on the following options:

I. Approve the draft letter denying Petition CP 11-1, as drafted.

Signature Date

II. Approve the draft letter denying Petition CP 11-1, with the following changes:

Signature Date

III. Do not approve the draft letter denying Petition CP 11-1.

Signature

Date

IV. Take other action (please specify):

Signature

Date

Attachment: Draft Denial Letter for Petition CP 11-1, Petition for Standard for Gas Fireplaces with Glass Fronts



U.S. CONSUMER PRODUCT SAFETY COMMISSION
4330 EAST WEST HIGHWAY
BETHESDA, MD 20814

Todd A. Stevenson
Secretary

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Date:

Carol Pollack-Nelson, Ph.D.
Independent Safety Consulting
13713 Valley Drive
Rockville, Maryland 20850

Dear Dr. Pollack-Nelson:

On May 23, 2011, you filed a petition requesting that the U.S. Consumer Product Safety Commission (CPSC) initiate rulemaking to require safeguards to protect consumers from burns caused by contact with the glass fronts of vented gas fireplaces. For the reasons set forth below, the Commission has denied your petition.

In your petition, you asserted that the hazard posed by gas vented fireplaces is due to a combination of factors, "including the high surface temperature of the fireplace glass, the accessible location of the glass front, the attractiveness of fire to young children, and the lack of consumer awareness of the hazard." At the time of your request, the applicable voluntary standards for unvented gas fireplaces, *ANSI Z21.88, Vented Gas Fireplace Heaters*, and *ANSI Z21.50, Vented Gas Fireplaces*, did not address the risk of injury identified in the petition.

In March 2012, staff forwarded a briefing package to the Commission, which concluded that glass fronts of vented gas fireplaces did pose a risk of severe burn injury. At that time, the technical advisory group for vented gas warm air heaters had completed draft protective barrier coverage requirements for vented gas fireplaces and fireplace heaters. The Commission believed that this draft protective barrier coverage language, if adopted, would address the risk of injury identified in your petition. Accordingly, the Commission voted to defer the petition for 6 months to allow the voluntary standards process to continue and directed the staff to update the Commission on the progress of the voluntary standards in 6 months' time.

In September 2012, staff provided the Commission with an update on the voluntary standards process. Staff advised the Commission that the draft protective barrier language had completed the ballot vote process and was approved, but the

protective barrier language had not been published yet. The Commission voted to defer making a decision on the petition until Commission staff was able to confirm that the protective barrier requirements had been published.

In December 2012, the protective barrier requirements were finalized and published in *ANSI Z21.50-2012/CSA 2.22-2012, Vented Gas Fireplaces*, and *ANSI Z21.88a-2012/CSA 2.33a 2012, Addenda to the Fifth Edition of ANSI Z21.88-2009*. The primary features of the protective barrier requirements for ANSI Z21.88 and ANSI Z21.50 are:

- (1) A requirement that a gas fireplace whose glass front temperatures exceed 172°F, be provided with a protective barrier; and
- (2) A requirement that a protective barrier:
 - a. not allow contact with a glass front, and
 - b. not pose a contact burn hazard.

The Commission believes that these revised standards will be effective in reducing the risk of severe burn associated with contacting the glass fronts of vented gas fireplaces. Because local and regional building codes require that gas appliances be certified to a nationally recognized performance and safety standard for a permit to be issued, the Commission also finds there is good reason to believe that industry will comply with these requirements.

Because the protective barrier requirements should address the risk of burn injury associated with the glass fronts of vented gas fireplaces, and industry is likely to comply with these requirements, the Commission is denying your petition.

Sincerely,

Todd A. Stevenson