

LOG OF MEETING

DATE: January 24, 2012

LOCATION: CPSC, 4330 East West Highway, Bethesda MD 20814

SUBJECT: Fireplace Glass Safety

ATTENDEES: Jack Goldman, President: Hearth, Patio, and Barbeque Association (HPBA); Allan Cagnoli: Director of Government Affairs, HPBA; Tom Stroud: Senior Manager Codes & Standards, HPBA; Leslie Wheeler: Director of Communications, HPBA; Charles Samuels, Mintz Levin (Counsel to HPBA)

OBSERVERS: Carol Pollack Nelson, Independent Safety Consultant

CPSC ATTENDEES: Robert Adler, Commissioner; Jason Levine, Legal Counsel to Commissioner Adler; Patricia Adair, Director of Combustion and Fire Sciences in the Directorate for Engineering Sciences; Ronald Jordan, Directorate for Engineering Sciences

MEETING SUMMARY: The representatives of HPBA requested the meeting to discuss their association's new vented gas fireplace glass front safety program, including recent voluntary standards activities. They began with a summary of their association and its membership which they said comprised 2300 members in the U.S. and Canada. They also described having approximately 90% of the producers of gas fireplaces as members of the association (approximately 35 manufacturers).

The HPBA representatives then explained the latest update to the voluntary standards directly relating to vented gas fireplaces, ANSI Z21.50-2007 and ANSI Z21.88-2009 (vented gas fireplace heaters). Three new standards, when approved through the ANSI consensus process, would require that vented gas fireplaces be shipped with a protective barrier that must be attached by the commercial installer. Barriers are described in the draft revised standard: "A barrier designed to reduce the burn hazard from the glass viewing area is provided with this appliance and shall be installed." The HPBA representatives noted that certification to

the revised safety standard by a third party laboratory will be required.

This, in the opinion of the representatives, is a significant safety improvement to the existing standard. Further, they explained their belief that the 18 month timeframe for certification of all new models (December 2013), especially given the requirement for third party testing, is extremely aggressive.

The association representatives then described its planned glass safety education campaign targeting both industry and consumers and stressed the importance of partnerships with other organizations to the success of the campaign.

Commissioner Adler thanked the HPBA representatives for taking the time to visit with him and his staff. While he expressed encouragement for the group's efforts at safety improvements through the voluntary standards process, he reminded them there was an open petition before the Commission. This petition process, initiated by Ms. Pollack Nelson, requested the Commission to initiate mandatory rule making to address the burn hazard presented by the glass fronts of vented gas fireplaces. A recommendation from CPSC's staff on the disposition of the petition is due to the Commission in the near future. Accordingly, Commissioner Adler encouraged the group to continue to keep the professional staff apprised of its activities.

He also raised questions about the predicted availability of screens or barriers for retrofitting existing fireplaces currently in the market – or those to be made before the new standard takes effect in 23 months. The HPBA representatives responded that there were some screens and barriers currently in the market for attachment to existing fireplaces and they hoped more would come online in the coming months and years, but acknowledged such barriers were unlikely to be as effective as barriers specifically designed for a certified fireplace from the point of manufacture.

Commissioner Adler also asked the group about the relationship of unvented gas fireplaces to the standards for vented gas fireplaces. The HPBA representatives

explained that many unvented gas fireplaces do not have glass panes, but expressed an interest in working with their members on addressing the issue where the same or a similar hazard exists.

LOG AUTHOR: Jason Levine

LOG CREATION DATE: January 27, 2012

Consumer Product Safety Commission

Meeting with the Commissioners

Fireplace Glass Front Safety Program

Hearth, Patio & Barbecue Association

Jack Goldman, President & CEO

Allan Cagnoli, Director of Government Affairs

Tom Stroud, Senior Manager Codes & Standards

Leslie Wheeler, Director of Communications

Charles Samuels, Mintz Levin (Counsel)

HPBA and the Fireplace Industry

- **Scope, Industry and Activities**
- **Evolution of Gas Hearth Products**
- **Fireplace Manufacturers**

Scope, Industry, and Activities

- HPBA represents manufacturers, distributors, retailers
- 2,300 members in U.S. and Canada
- Major Programs:
 - Government Affairs
 - Trade Show
 - Codes & Standards
 - Promotion
 - Statistics
 - Education (Certification)

History & Evolution of Gas Hearth Products

- First developed in late '50s and early '60s
- Safety Standard approved in 1964
- In the '80s, flames became more realistic looking
- By the '90s, wide variety of products available

Companies in the Gas Hearth Industry

- Approximately 35 manufacturers
- Generally small, private
- Vast majority of production occurs in the U.S. and then Canada
- Market is U.S. and Canada
- Sales
 - 2005: 2,141,165 gas appliance shipments
 - 2010: 650,911 gas appliance shipments

CSA-ANSI Standards Revision

- ❑ Existing Standards
- ❑ Establishment of Working Group and Accelerated Efforts
- ❑ Substance of Proposed New Standard
- ❑ Adoption Procedures/Effective Dates
- ❑ Likelihood of Effectiveness of Standard to Prevent Injuries

Existing Standards

- ANSI Z21.50-2007 American National Standard/CSA Standard for Vented Gas Fireplaces
- ANSI Z21.88-2009 American National Standard/CSA Standard for Vented Gas Fireplace Heaters

Establishment of CSA Working Group

- CSA Working Group created to rewrite standards for better burn protection.
- Members: Manufacturers, utilities, advocates, test labs, CPSC
- Extremely aggressive schedule of meetings held:
 - November 16, 2010
 - March 3, 2011
 - May 17, 2011
 - August 3-4, 2011
 - September 7-8, 2011
 - October 25-26, 2011
 - December 13, 2011

CSA Working Group

- Discussion held on making shipment of products with barriers mandatory or optional
 - **Mandatory:** Product comes with barrier that commercial installer must attach (although can be subsequently removed by consumer)
 - **Optional:** Certified barriers would be available and consumer/builder/installer choice to install or not

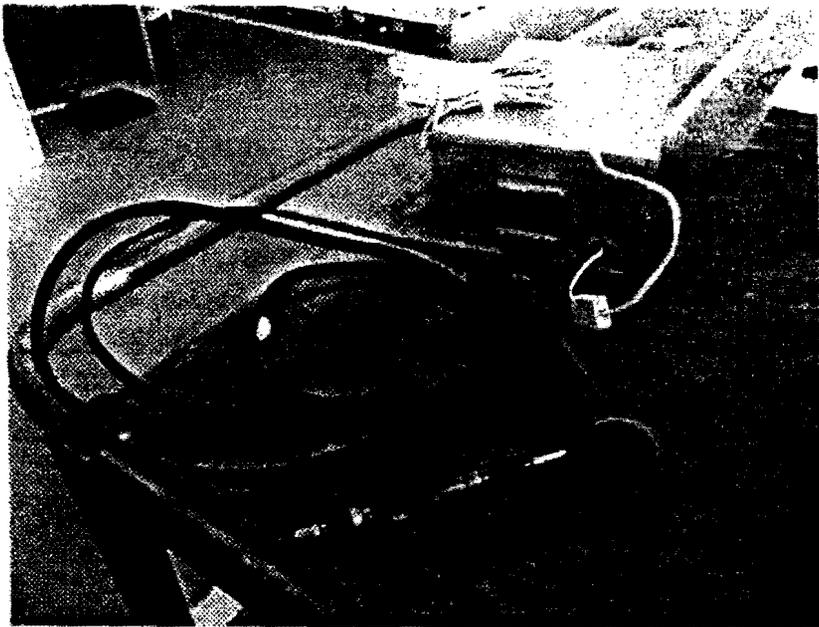
Substance of Proposed New Standard

- **Mandatory Barrier Requirement:** A third party certified protective barrier intended to prevent contact with glass must be shipped with each new unit and attached upon installation.
- **Labeling Change**
 - Adds language to the permanently mounted instruction plate:
 - “A barrier designed to reduce the burn hazard from the glass viewing area is provided with this appliance and shall be installed.”

Performance Test for the Barrier

- The barrier must:
 - Cover glass viewing area
 - Be used if the glass exceeds 172° F
 - Pass Thermesthesiometer burn potential test
 - Maintain its shape under force
 - Maintain its position under force
 - Not allow for finger penetration on the top, side, or bottom (using a UL Articulated Finger Probe test)

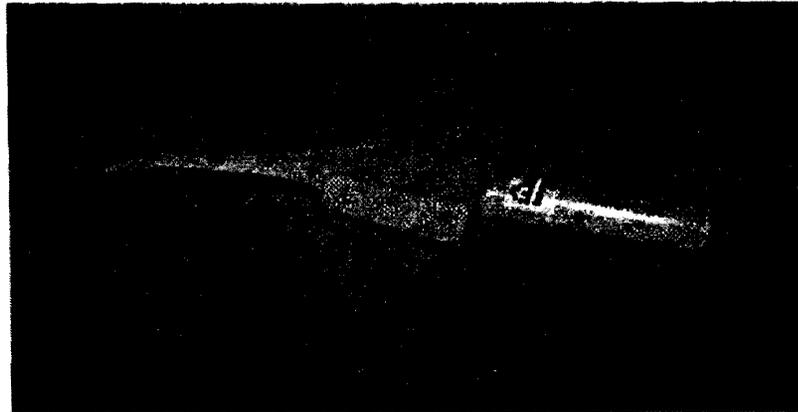
Thermesthesiometer



"The outside surface of the barrier at the hottest point(s) identified above shall be measured using a Thermesthesiometer,* or the prescribed Calculational Procedure, Method A, in the ASTM Practice for Determination of Skin Contact Temperature from Heated Surfaces Using a Mathematical Model and Thermesthesiometer, ASTM C1057." * See National Bureau of Standards Technical Note 816 - Engineering and Construction Manual for an Instrument to Make Burn Hazard Measurements in Consumer Products.



UL Articulated Finger Probe – Model ULP04



The **UL Articulated Finger Probe** is a standard articulated finger as required by Underwriters Laboratories in many of their standards. **This new version probe is machined of plastic.**



PO Box 964, Southampton, PA 18966

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Phone: 800-862-0102, 215-357-5124

Fax: 215-364-7582

E-Mail: info@ergonomicsusa.com

Website: www.ergonomicsusa.com

Adoption Procedures/Effective Dates

- ❑ February 22, 2012: Review and comment period ends
- ❑ March 14: TAG meeting to discuss comments
- ❑ March 16: Draft minutes sent out
- ❑ April 16: General distribution minutes sent out
- ❑ April 16: Z21/83 TC & CSA TC ballots issued
- ❑ April 16-May 31: BSR-8 public review
- ❑ June 1-June 29: BSR-9 ANSI approval
- ❑ July 2012: Publication of final standard; all newly and recertified models must comply
- ❑ December 2013: Cease manufacture of non-compliant models

High Likelihood of Standard's Efficacy

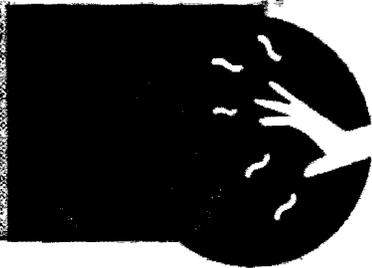
- Very confident in a high level of compliance with standard
- Adopted (on December 13, 2011) by group representing vast majority of manufacturers.
- Will be incorporated into mandatory building codes for new residential and commercial construction.
 - ICC family of codes: ICC, IBC, IRC, IFGC, IECC, IGCC, IMC, ICC 700 (NAHB Green Building Code)
 - Targets for requirement awareness campaign
 - Specialty retailers/contractors/builders
 - The public
- Liability implications of non-compliance

2007 Glass Safety Campaign

- Dr. Cindy Verchere (a pediatrician from the British Columbia Children's Hospital in Vancouver, B.C.) contacted HPBA's Canadian affiliate and expressed her concerns about the apparent increase in pediatric burns from gas fireplace glass.
- Industry task force was formed to work on a web microsite and safety brochure.
- HPBA took the lead and developed a consumer brochure, a universal warning symbol, and website.
- HPBA distributed copies of the brochure to the membership as well as pediatric offices and safety organizations.
- Campaign/message got some coverage and penetration, but not widespread.

Revised Safety Symbol

In December 2011, as part of a major overhaul of the glass front section of the standard, CSA revised standard for Z21.88 2009 and Z21.50b2009 to include warnings and an updated universal symbol.



**HOT GLASS WILL
CAUSE BURNS.
DO NOT TOUCH GLASS
UNTIL COOLED.
NEVER ALLOW CHILDREN
TO TOUCH GLASS.**

A barrier designed to reduce the burn hazard from the glass viewing area is provided with this appliance and shall be installed.

New language from revised standard

Glass Safety Education Campaign

Campaign Goals

- Raise awareness in all audiences of the potential for burns from a fireplace glass front
- Inform consumers and industry of new standards for new fireplaces and the need to use the new barriers that will be provided
- Inform consumers with existing fireplaces what actions they can take to improve safety

Glass Safety Education Campaign

- Industry Education
- Consumer Education



Industry Education

Target Audience

- Hearth manufacturers
- Retailers
- Code groups
- Installers
- Contractors
- Service technicians

Consumer Education

Target Audience

- Homeowners purchasing a new glass-fronted fireplace
- Homeowners with existing glass-fronted fireplaces
- Parents and child-care providers who may encounter a glass-fronted fireplace
- Safety, medical, insurance and child organizations to help carry the message

Glass Safety Education Campaign

Campaign Message

- ❑ Fireplace glass fronts can become extremely hot when in operation or when cooling down (when flame is not present)
- ❑ Screens and/or barriers are recommended if there are children or other at-risk people in the home (*elderly*)
- ❑ New fireplace units will come with built-in screens which should remain in place
- ❑ There are more and more aftermarket products available for existing units
- ❑ Keep fireplace remotes and switches out of reach of children
- ❑ Follow the manufacturer's instruction for the safe use and maintenance of the fireplace

Glass Safety Education Campaign

Campaign Materials May Include:

- HPBA Glass Safety brochure
- Safety fact sheet and FAQs
- Posters
- Press releases
- Video

Note: Downloadable materials can be customized for industry and third-party use in their business/information campaigns

Glass Safety Education Campaign

Glass Front Safety Website

- Central resource for consumers, industry and partner groups for information and materials
- Education information for target audiences
- Instructional videos and other materials for download
- Testimonials
- Retailer locator for screens and barriers
- Social networks
- Newsroom

Glass Safety Education Campaign

Campaign Outreach

- Media Relations
- Social media networks
- Third-party outreach

Glass Safety Education Campaign

Media Outreach

- Fall outreach campaign to trade and consumer publications (beginning of heating season)
- Radio media tour
- Advertising in social media platforms
- Possible radio public service announcements

Glass Safety Education Campaign

Social media outreach

- Blogger outreach
 - Primary targets: home, safety, parenting
- Online parenting community groups
- Facebook engagement

Glass Safety Education Campaign

Third-Party Outreach

- Tie into existing information/education campaigns on child/fire safety (safety, child, parenting, hospitals, state and local government safety agencies, insurance companies, CPSC, as well as industry trade groups, etc.)
- Provide briefings, expertise, and materials that can be customized

CPSC Collaboration/Assistance

- Mandatory standards – driven by industry – will be finalized later this year.
- HPBA and related trade groups can inform industry and code groups on new standard and need for action
- Consumer campaign needs credible partners and larger platform to get out the word
- Opportunities for HPBA and CPSC collaboration:
 - HPBA is a small trade association; we need to partner with other groups to be effective.
 - Can HPBA and CPSC work together on media outreach (joint press announcements) and tie into existing CPSC education programs? Other ideas?
 - CPSC assign staff to work with HPBA for successful program.

Questions ?

HPBA Contact Information:

Jack Goldman: goldman@hpba.org

Leslie Wheeler: wheeler@hpba.org

Tom Stroud: stroud@hpba.org

Allan Cagnoli: cagnoli@hpba.org

1901 North Moore Street, Suite 600

Arlington, VA 22209 USA

Phone: (703) 522-0086

Fax: (703) 522-0548

Web Site: www.hpba.org

