

Public Submissions
Fire Pots and Gel Fuel; Advance Notice of
Proposed Rulemaking;
Requests for Comments and Information
CPSC-2011-0095
Comments due: February 27, 2012

PUBLIC SUBMISSION

As of: March 01, 2012
Received: January 16, 2012
Status: Posted
Posted: January 18, 2012
Category: Other
Tracking No. 80f9847f
Comments Due: February 27, 2012
Submission Type: Web

Docket: CPSC-2011-0095

Fire Pots and Gel Fuel; Advance Notice of Proposed Rulemaking; Request for Comments and Information

Comment On: CPSC-2011-0095-0001

Fire Pots and Gel Fuel; Advance Notice of Proposed Rulemaking; Request for Comments and Information

Document: CPSC-2011-0095-0002

Comment from Lillis Larson

Submitter Information

Name: Lillis Larson

Address:

854 Madrona Ave. SE

Salem, OR, 97302

Email: lillis.larson@gmail.com

Phone: 503 585 1211

Fax: NA

Submitter's Representative: Carl Amala, Attorney, Salem, OR

Organization: NA

General Comment

I was critically burn from an explosion of Ecoflame pourable get fuel while volunteering at a church food booth at an outdoor fair. A co-worker was refilling a can of Ecoflame for a chafing pan. She inspected the can and saw and felt no heat or flame. She squeezed the 2 l. bottle of refill, which sucked in a flame (we think) from the can of fuel. The napalm-like gel turned the refill bottle into a rocket that exploded on my upper body. I was in a regional burn center 5 weeks, then at home with home health care. I endured many skin grafts, and have PTSD and pain. I was burned in July 2009. We have filed a liability case. I firmly believe that the product was improperly labeled (non-explosive) with no directions. The plastic refill bottles should be banned. Perhaps the refill method used by Sterno is safer (metal can with dipper). I would like to prevent anyone else from suffering from such an explosion. I lost a year and 1/2 of my life, and endured a lot of pain. My scars will remain forever.

PUBLIC SUBMISSION

As of: March 01, 2012
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Posted: February 28, 2012
Tracking No. 80fb591e
Comments Due: February 27, 2012
Submission Type: Web

Docket: CPSC-2011-0095

Fire Pots and Gel Fuel; Advance Notice of Proposed Rulemaking; Request for Comments and Information

Comment On: CPSC-2011-0095-0001

Fire Pots and Gel Fuel; Advance Notice of Proposed Rulemaking; Request for Comments and Information

Document: CPSC-2011-0095-0003

Comment from Peter Vanderplaat

Submitter Information

Name: Peter Vanderplaat

Address:

7490 Pacific Circle

Mississauga, Ontario, Canada, L5T 2A3

Email: peterv@desertspringproducts.com

Phone: 905 629-2010

Fax: 905 629-2810

Organization: Desert Spring Eco-Products Ltd.

General Comment

See attached file(s)

Attachments

Based on the evidence and information presented under Section C

Feb 14, 2012

Office of the Secretary,
Consumer Product Safety Commission
Room 820, 4330 East West Highway,
Bethesda, MD 20814

Re: Docket No. CPSC-2011-0095

Dear Sir/Madam,

Based on the evidence presented in the ANPR under Section C 'The Risk of Injury', and Section D 'Analysis of Hazards Posed by Firepots and Gel Fuel' any reasonable reader would conclude that;

1. The risk of serious injury to consumers is unacceptably high, and;
2. The benefits of immediate action to protect the consumer far outweigh the benefits of protecting this industry, and;
3. The CPSC is acting within its mandate under Sections 7 and/or 8 of the CPSA and should proceed as quickly as possible with the appropriate regulation(s).

Therefore, I am in favour of a Banning Rule for Gel Alcohol Fuel and a Mandatory Standard for Firepots for the following reasons;

1. A ban on Gel Fuel would not have a significant negative impact on the overall quality of life for the consumer compared to the regulatory alternatives which are generally ineffective.
2. A Mandatory Standard for firepots will provide a guideline and incentive for the fuel industry to develop new, safe solutions to be used in future firepot product sales and for retrofit in the existing stock of 2.5 million firepots.

Backyard candles and various other decorative outdoor open-flame products have been used safely for years, so there is no reason to kill the decorative firepot business, but it urgently requires a better, safer fuel solution.

Sincerely,

Peter VanderPlaat

(905) 629-2010

PUBLIC SUBMISSION

As of: March 01, 2012
Received: February 14, 2012
Status: Posted
Posted: February 28, 2012
Tracking No. 80fb5921
Comments Due: February 27, 2012
Submission Type: Web

Docket: CPSC-2011-0095

Fire Pots and Gel Fuel; Advance Notice of Proposed Rulemaking; Request for Comments and Information

Comment On: CPSC-2011-0095-0001

Fire Pots and Gel Fuel; Advance Notice of Proposed Rulemaking; Request for Comments and Information

Document: CPSC-2011-0095-0004

Comment from Peter Blasl

Submitter Information

Name: Peter Blasl

Address:

P.O. Box 919

Riverhead, NY, 11901

Email: peter@riverheadlocal.com

Phone: 631-223-7648

General Comment

Please act swiftly to ban the sale of gel fuel and gel fuel firepots in the United States.

Gel fuel is highly flammable, combustible and extremely dangerous. It is not appropriate for use in consumer decorative lighting, as is evidenced by two fatalities and injuries to 86 people resulting from flash fires and explosions involving these products.

One of those injured was a boy from my community, a 14-year-old honor student who was helping his mother set up for a family backyard party over Memorial Day weekend in 2011. He suffered third-degree burns over 40 percent of his body when the Napa Home and Garden "Fireburners" ceramic gel fuel firepot exploded, slathering him with flaming gel. His burns caused major organ failure, which led to cardiac arrest that resulted in severe brain damage. He remains hospitalized and his prognosis is uncertain.

These products must never be placed on retail store shelves again.

Suffolk County, New York passed "Michael's Law" last year. The legislation bans the sale of these products in our county.

I am writing to urge you to afford consumers across America the same protection from this volatile and dangerous substance.

Please ban the retail sale of liquid gel fuels and firepots.

PUBLIC SUBMISSION

As of: March 01, 2012
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Posted: February 28, 2012
Tracking No. 80fb5924
Comments Due: February 27, 2012
Submission Type: Web

Docket: CPSC-2011-0095

Fire Pots and Gel Fuel; Advance Notice of Proposed Rulemaking; Request for Comments and Information

Comment On: CPSC-2011-0095-0001

Fire Pots and Gel Fuel; Advance Notice of Proposed Rulemaking; Request for Comments and Information

Document: CPSC-2011-0095-0005

Comment from Deborah Goroleski

Submitter Information

Name: Deborah Goroleski

Address:

NY, 11933

General Comment

Please act swiftly to ban the sale of gel fuel and gel fuel firepots in the United States.

Gel fuel is highly flammable, combustible and extremely dangerous. It is not appropriate for use in consumer decorative lighting, as is evidenced by two fatalities and injuries to 86 people resulting from flash fires and explosions involving these products.

One of those injured was a boy from my community, a 14-year-old honor student who was helping his mother set up for a family backyard party over Memorial Day weekend in 2011. He suffered third-degree burns over 40 percent of his body when the Napa Home and Garden "Fireburners" ceramic gel fuel firepot exploded, slathering him with flaming gel. His burns caused major organ failure, which led to cardiac arrest that resulted in severe brain damage. He remains hospitalized and his prognosis is uncertain.

These products must never be placed on retail store shelves again.

Suffolk County, New York passed "Michael's Law" last year. The legislation bans the sale of these products in our county.

I am writing to urge you to afford consumers across America the same protection from this

volatile and dangerous substance.

Please ban the retail sale of liquid gel fuels and firepots.

Sincerely,

Deborah Goroleski

PUBLIC SUBMISSION

As of: March 01, 2012
Received: February 14, 2012
Status: Posted
Posted: February 28, 2012
Tracking No. 80fb5964
Comments Due: February 27, 2012
Submission Type: Web

Docket: CPSC-2011-0095

Fire Pots and Gel Fuel; Advance Notice of Proposed Rulemaking; Request for Comments and Information

Comment On: CPSC-2011-0095-0001

Fire Pots and Gel Fuel; Advance Notice of Proposed Rulemaking; Request for Comments and Information

Document: CPSC-2011-0095-0006

Comment from Tracie Ambrosio

Submitter Information

Name: Tracie Ambrosio

Address:

5 Karlin Drive

Calverton, NY, 11933

Email: traya325@yahoo.com

Phone: 631-727-6147

General Comment

Message to the Consumer Product Safety Commission:

Please act swiftly to ban the sale of gel fuel and gel fuel firepots in the United States.

Gel fuel is highly flammable, combustible and extremely dangerous. It is not appropriate for use in consumer decorative lighting, as is evidenced by two fatalities and injuries to 86 people resulting from flash fires and explosions involving these products.

One of those injured was a boy from my community, a 14-year-old honor student who was helping his mother set up for a family backyard party over Memorial Day weekend in 2011. He suffered third-degree burns over 40 percent of his body when the Napa Home and Garden "Fireburners" ceramic gel fuel firepot exploded, slathering him with flaming gel. His burns caused major organ failure, which led to cardiac arrest that resulted in severe brain damage. He remains hospitalized and his prognosis is uncertain.

These products must never be placed on retail store shelves again.

Suffolk County, New York passed "Michael's Law" last year. The legislation bans the sale of these products in our county.

I am writing to urge you to afford consumers across America the same protection from this volatile and dangerous substance.

Please ban the retail sale of liquid gel fuels and firepots.

Sincerely,
Tracie Ambrosio

PUBLIC SUBMISSION

As of: March 01, 2012
Received: February 14, 2012
Status: Posted
Posted: February 28, 2012
Tracking No. 80fb5967
Comments Due: February 27, 2012
Submission Type: Web

Docket: CPSC-2011-0095

Fire Pots and Gel Fuel; Advance Notice of Proposed Rulemaking; Request for Comments and Information

Comment On: CPSC-2011-0095-0001

Fire Pots and Gel Fuel; Advance Notice of Proposed Rulemaking; Request for Comments and Information

Document: CPSC-2011-0095-0007

Comment from Lou Ambrosio

Submitter Information

Name: Lou Ambrosio

Address:

5 Karlin Drive

Calverton, NY, 11933

Email: lambrosio@eastwindlongisland.com

Phone: 631-727-6147

General Comment

Message to the Consumer Product Safety Commission:

Please act swiftly to ban the sale of gel fuel and gel fuel firepots in the United States.

Gel fuel is highly flammable, combustible and extremely dangerous. It is not appropriate for use in consumer decorative lighting, as is evidenced by two fatalities and injuries to 86 people resulting from flash fires and explosions involving these products.

One of those injured was a boy from my community, a 14-year-old honor student who was helping his mother set up for a family backyard party over Memorial Day weekend in 2011. He suffered third-degree burns over 40 percent of his body when the Napa Home and Garden "Fireburners" ceramic gel fuel firepot exploded, slathering him with flaming gel. His burns caused major organ failure, which led to cardiac arrest that resulted in severe brain damage. He remains hospitalized and his prognosis is uncertain.

These products must never be placed on retail store shelves again.

Suffolk County, New York passed "Michael's Law" last year. The legislation bans the sale of these products in our county.

I am writing to urge you to afford consumers across America the same protection from this volatile and dangerous substance.

Please ban the retail sale of liquid gel fuels and firepots.

Sincerely,
Lou Ambrosio

PUBLIC SUBMISSION

As of: March 01, 2012
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Status: Posted
Posted: February 28, 2012
Tracking No. 80fb5969
Comments Due: February 27, 2012
Submission Type: Web

Docket: CPSC-2011-0095

Fire Pots and Gel Fuel; Advance Notice of Proposed Rulemaking; Request for Comments and Information

Comment On: CPSC-2011-0095-0001

Fire Pots and Gel Fuel; Advance Notice of Proposed Rulemaking; Request for Comments and Information

Document: CPSC-2011-0095-0008

Comment from Judith Memola

Submitter Information

Name: Judith Memola

Address:

126 Timber Drive

Calverton, NY, 11933

Email: jam102645@yahoo.com

Phone: 631-727-4553

General Comment

Message to the Consumer Product Safety Commission:

Please act swiftly to ban the sale of gel fuel and gel fuel firepots in the United States.

Gel fuel is highly flammable, combustible and extremely dangerous. It is not appropriate for use in consumer decorative lighting, as is evidenced by two fatalities and injuries to 86 people resulting from flash fires and explosions involving these products.

One of those injured was a boy from my community, a 14-year-old honor student who was helping his mother set up for a family backyard party over Memorial Day weekend in 2011. He suffered third-degree burns over 40 percent of his body when the Napa Home and Garden "Fireburners" ceramic gel fuel firepot exploded, slathering him with flaming gel. His burns caused major organ failure, which led to cardiac arrest that resulted in severe brain damage. He remains hospitalized and his prognosis is uncertain.

These products must never be placed on retail store shelves again.

Suffolk County, New York passed "Michael's Law" last year. The legislation bans the sale of these products in our county.

I am writing to urge you to afford consumers across America the same protection from this volatile and dangerous substance.

Please ban the retail sale of liquid gel fuels and firepots.

Sincerely,
Judith Memola

PUBLIC SUBMISSION

As of: March 01, 2012
Received: February 14, 2012
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Posted: February 28, 2012
Tracking No. 80fb5998
Comments Due: February 27, 2012
Submission Type: Web

Docket: CPSC-2011-0095

Fire Pots and Gel Fuel; Advance Notice of Proposed Rulemaking; Request for Comments and Information

Comment On: CPSC-2011-0095-0001

Fire Pots and Gel Fuel; Advance Notice of Proposed Rulemaking; Request for Comments and Information

Document: CPSC-2011-0095-0009

Comment from Susann Farrell

Submitter Information

Name: Susann Farrell

Address:

26 Fanning Road
Riverhead, 11901

Email: s346surf@gmail.com

Phone: 631-369-4267

General Comment

Message to the Consumer Product Safety Commission:

Please act swiftly to ban the sale of gel fuel and gel fuel firepots in the United States.

Gel fuel is highly flammable, combustible and extremely dangerous. It is not appropriate for use in consumer decorative lighting, as is evidenced by two fatalities and injuries to 86 people resulting from flash fires and explosions involving these products.

One of those injured was a boy from my community, a 14-year-old honor student who was helping his mother set up for a family backyard party over Memorial Day weekend in 2011. He suffered third-degree burns over 40 percent of his body when the Napa Home and Garden "Fireburners" ceramic gel fuel firepot exploded, slathering him with flaming gel. His burns caused major organ failure, which led to cardiac arrest that resulted in severe brain damage. He remains hospitalized and his prognosis is uncertain.

These products must never be placed on retail store shelves again.

Suffolk County, New York passed "Michael's Law" last year. The legislation bans the sale of these products in our county.

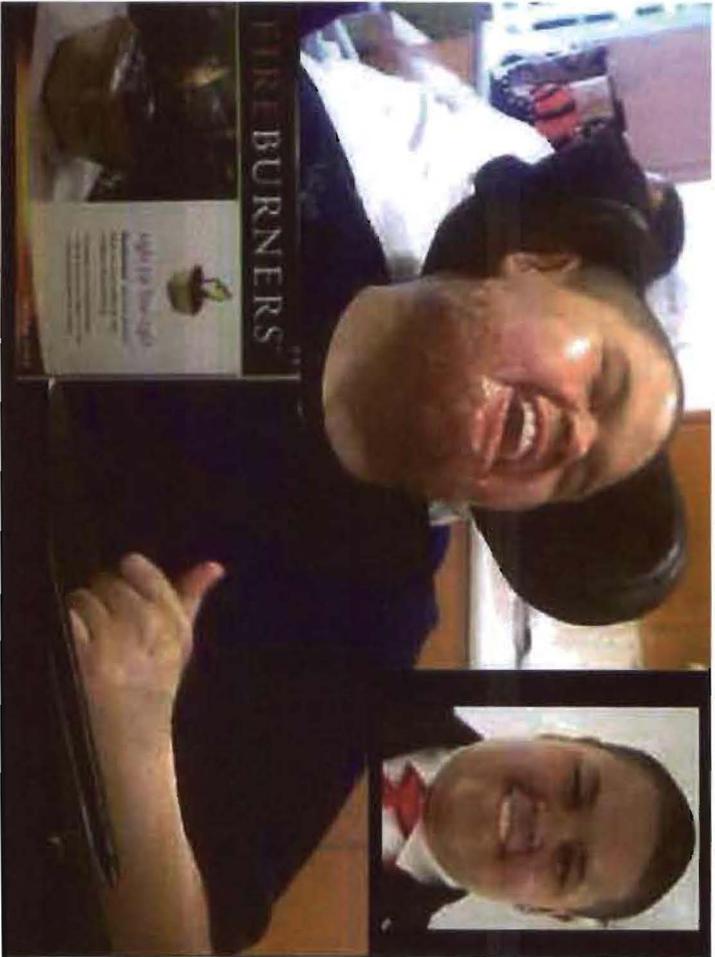
I am writing to urge you to afford consumers across America the same protection from this volatile and dangerous substance.

Please ban the retail sale of liquid gel fuels and firepots.

Sincerely, Susann Farrell

Attachments

2012_0214_hubbard-before-after_fpss



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As of: March 01, 2012
Received: February 14, 2012
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Docket: CPSC-2011-0095

Fire Pots and Gel Fuel; Advance Notice of Proposed Rulemaking; Request for Comments and Information

Comment On: CPSC-2011-0095-0001

Fire Pots and Gel Fuel; Advance Notice of Proposed Rulemaking; Request for Comments and Information

Document: CPSC-2011-0095-0010

Comment from Barbara Palermo

Submitter Information

Name: Barbara Palermo

Address:

184 High Meadow Lane
Riverhead, NY, 11901

Email: bp1083@hotmail.com

General Comment

Please ban the gel fuel. It is extremely dangerous and explosive. No one should have to go through what Michael Hubbard, a Riverhead resident, and his family are going through. Lives are destroyed by this product.

PUBLIC SUBMISSION

As of: March 01, 2012
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Tracking No. 80fb57cc
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Submission Type: Web

Docket: CPSC-2011-0095

Fire Pots and Gel Fuel; Advance Notice of Proposed Rulemaking; Request for Comments and Information

Comment On: CPSC-2011-0095-0001

Fire Pots and Gel Fuel; Advance Notice of Proposed Rulemaking; Request for Comments and Information

Document: CPSC-2011-0095-0011

Comment from Denise Civiletti

Submitter Information

Name: Denise Civiletti

Address:

P.O. Box 919

Riverhead, NY, 11901

Email: denise@riverheadlocal.com

Phone: 631-223-7648

General Comment

A liquid ethanol fuel "firepot" critically injured a 14-year-old boy in my community on May 28, 2011. The firepot exploded and slathered him with burning gel that stuck to his clothes and skin. He did as he was trained to do and rolled on the ground, but the flaming gel continued to burn. He was left with 3rd degree burns over 40 percent of his body. Michael Hubbard suffered severe respiratory distress and kidney failure in the days following his injury. On June 9, he went into cardiac arrest and died. He was revived by doctors, but not before his brain went without oxygen for 13 minutes. He suffered severe brain damage as a result. Michael is out of his coma but his cognitive functions are severely impaired and it is not known to what extent he may recover. Until recently his eyes just stared into space. In the past couple of months he has become somewhat responsive and has uttered three words, and begun to laugh. One year ago, before he was assaulted by this bomb in a bottle, Michael was an honor student in the 9th grade at Riverhead High School. He was on the school's championship bowling team and had a full life. Today, he is alone with his mother in a hospital room 100 miles from his hometown, at a facility that specializes in treating traumatic brain injuries in children. His life was destroyed by this inherently dangerous product sold by Napa Home & Garden, a company that's since gone bankrupt in order to shield its owners from responsibility for damages suffered by Michael and dozens of other people hurt by their

products. The law protects people like that more than it protects their victims. It's sad. Please ban the sale of these harmful products. Our county legislature has banned them in Suffolk County with "Michael's Law." Please do the same to protect people across the USA. Don't allow others to be hurt or killed. I've uploaded images so you can see for yourself the devastation this product caused to this poor child.

Attachments

2011_0816_hubbard

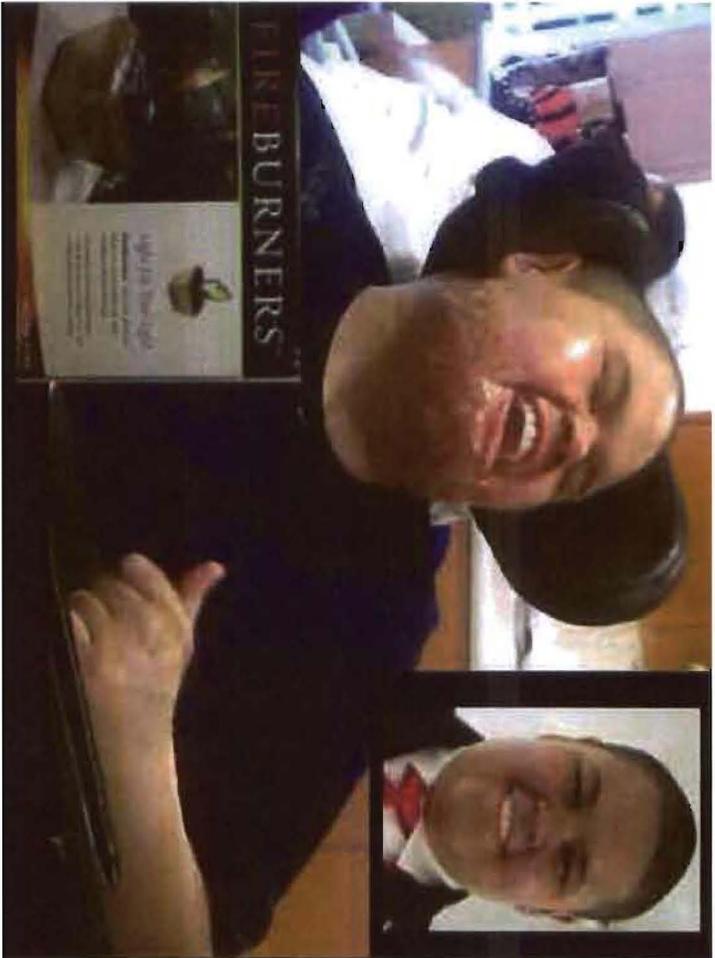
2011_0613_hubbard

2012_0214_michael_hubbard

2011_1224_hubbard-1









PUBLIC SUBMISSION

As of: March 01, 2012
Received: February 14, 2012
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Posted: February 28, 2012
Category: Consumer/Individual
Tracking No. 80fb5826
Comments Due: February 27, 2012
Submission Type: Web

Docket: CPSC-2011-0095

Fire Pots and Gel Fuel; Advance Notice of Proposed Rulemaking; Request for Comments and Information

Comment On: CPSC-2011-0095-0001

Fire Pots and Gel Fuel; Advance Notice of Proposed Rulemaking; Request for Comments and Information

Document: CPSC-2011-0095-0012

Comment from Christine Montalbano

Submitter Information

Name: Christine Montalbano

Address:

113 Old Orchard Road
Wading River, NY, 11792

Email: jcma@optonline.net

Phone: 6319290924

Submitter's Representative: Tim Bishop

Government Agency Type: Local

General Comment

Please act swiftly to ban the sale of gel fuel and gel fuel firepots in the United States.

Gel fuel is highly flammable, combustible and extremely dangerous. It is not appropriate for use in consumer decorative lighting, as is evidenced by two fatalities and injuries to 86 people resulting from flash fires and explosions involving these products.

One of those injured was a boy from my community, a 14-year-old honor student who was helping his mother set up for a family backyard party over Memorial Day weekend in 2011. He suffered third-degree burns over 40 percent of his body when the Napa Home and Garden "Fireburners" ceramic gel fuel firepot exploded, slathering him with flaming gel. His burns caused major organ failure, which led to cardiac arrest that resulted in severe brain damage. He remains hospitalized and his prognosis is uncertain.

These products must never be placed on retail store shelves again.

Suffolk County, New York passed "Michael's Law" last year. The legislation bans the sale of these products in our county.

I am writing to urge you to afford consumers across America the same protection from this volatile and dangerous substance.

Please ban the retail sale of liquid gel fuels and firepots.

Sincerely,
Christine Montalbano

PUBLIC SUBMISSION

As of: March 01, 2012
Received: February 14, 2012
Status: Posted
Posted: February 28, 2012
Category: Other
Tracking No. 80fb582b
Comments Due: February 27, 2012
Submission Type: Web

Docket: CPSC-2011-0095

Fire Pots and Gel Fuel; Advance Notice of Proposed Rulemaking; Request for Comments and Information

Comment On: CPSC-2011-0095-0001

Fire Pots and Gel Fuel; Advance Notice of Proposed Rulemaking; Request for Comments and Information

Document: CPSC-2011-0095-0013

Comment from Fran Johnson

Submitter Information

Name: Fran Johnson

Address:

81 Rabbit Run
Riverhead, 11901

Email: FranR2535@aol.com

Phone: 631-241-5349

Organization: Michael Hubbard

General Comment

My name is Fran Reyer Johnson, I am the Aunt of Michael Hubbard the 14 year old teenager from Long Island NY that was burned by this bomb the day after my wedding.

Michael received 3rd degree burns over 40% of his body, he suffered lung distress and kidney failure, 12 days later he went into cardiac arrest, and was revived 13 minutes later, receiving brain Damage. Nine months later Michael is now in Blyedale's Children Hospital in Valhalla, NY receiving all types of Rehab to stimulate his brain enough to bring him out of the vegetative state. My nephew has been fighting for his life for 9 months and last week he began to slowly emerge. My sister (Michael's Mother) has remained by her only son's side since the first day of May 28, 2011. She sleeps in a chair or cot whatever it is she does for her son. She lost her job and being a single mom this was her only income. If you need help in making the right decision to ban this explosive bomb I urge you to visit Michael's caring bridge website and look at the pictures. I beg you to do the right thing and help prevent this from happening to another family. You see my son, who is 16 years old blames himself because he was the one to add more fuel gel to the candle. Imagine having to deal with a nephew fighting for his life and a son who wants to end his own

life. Please help us. <http://www.caringbridge.org/visit/michaelhubbard16>

Attachments

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PUBLIC SUBMISSION

As of: March 01, 2012 Received: February 14, 2012 Status: Posted Posted: February 28, 2012 Category: Other Tracking No. 80fb5b48 Comments Due: February 27, 2012 Submission Type: Web
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Docket: CPSC-2011-0095

Fire Pots and Gel Fuel; Advance Notice of Proposed Rulemaking; Request for Comments and Information

Comment On: CPSC-2011-0095-0001

Fire Pots and Gel Fuel; Advance Notice of Proposed Rulemaking; Request for Comments and Information

Document: CPSC-2011-0095-0014

Comment from Nancy Reyer

Submitter Information

Name: Nancy Reyer

Address:

PO Box 2162

Aquebogue, NY, 11931

Email: reyernancy@yahoo.com

Phone: 6316038939

General Comment

On May 28th 2011 my life changed by watching my son go on fire after being at a family fun day. The fire fueled candle exploded causing my son to go up in flames causing 3rd degree burns to 40% of his body. My son was not given much hope at Stony Brook Hospital and on June 9th went into cardiac arrest and died for 13 minutes before they could bring him back. Today my son is a 15 year old I live with him as I did at Stony Brook and we now live at Blythedales Childrens Hospital in Westchester. This is our life for 9 months now and Michael is now not only a burn victim but also suffers tramatic brain injury. This candle has taken away my sons life he should be in 10th grade enjoying life. He works hard in rehab and with Gods will we pray he will be able to walk and talk and see someday. This candle took away all that from my son Michael Hubbard of Riverhead. Its your job as the safety Commission to make sure all people are safe if this story does not make you get this stuff off the market I dont know what will. In suffolk county under Leg. Edward Romaine a bill was presented and passed called Michaels Law after my son.. Banning the sale of these candles in suffolk county.

PUBLIC SUBMISSION

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Category: Consumer/Individual
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Comments Due: February 27, 2012
Submission Type: Web

Docket: CPSC-2011-0095

Fire Pots and Gel Fuel; Advance Notice of Proposed Rulemaking; Request for Comments and Information

Comment On: CPSC-2011-0095-0001

Fire Pots and Gel Fuel; Advance Notice of Proposed Rulemaking; Request for Comments and Information

Document: CPSC-2011-0095-0015

Comment from K. Whitman

Submitter Information

Name: K. Whitman

General Comment

Please make these fire pots and gel fuel illegal to have on the store shelves. Lets not have more people severely burned and killed due to these things. Michael Hubbard remains hospitalized due to severe burns when one of these things exploded in his face...several people have died of the burns they received lighting these things. All you have to do is to sign a rule banning fire pots and gel fuel. Please....for all of us.

PUBLIC SUBMISSION

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Submission Type: Web

Docket: CPSC-2011-0095

Fire Pots and Gel Fuel; Advance Notice of Proposed Rulemaking; Request for Comments and Information

Comment On: CPSC-2011-0095-0001

Fire Pots and Gel Fuel; Advance Notice of Proposed Rulemaking; Request for Comments and Information

Document: CPSC-2011-0095-0016

Comment from Elizabeth Nowak

Submitter Information

Name: Elizabeth Nowak

Address:

113 Kent Street

Wausau, WI, 54403

Email: nowak.ea@gmail.com

Phone: 715-551-7339

General Comment

I first heard of these terrible fire pots on GMA when they aired Michael Hubbard's story. I follow his story daily, and receive email notices when his mother postes on his Caring Bridge journal. I'm in Wisconsin, and I have seen these dangerous pots on more than one store's shelves. I myself am a mother of three and I have warned my children of the dangers of these pots. However there have been many adults who have suffered as well. Two adults died as results of this dangerous product. No one should die for a candle. Take this product off the market. I have come to know Michael and his mother very closely from their website. It's amazing how this hard they are working to rehabilitate Michael. They should never have had to be in the position. Do the right thing! Get rid of this product. No one should have to suffer because you have the power to take care of this once and for all! Once again: Do the right thing, get rid of this for good!

PUBLIC SUBMISSION

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Posted: February 28, 2012
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Comments Due: February 27, 2012
Submission Type: Web

Docket: CPSC-2011-0095

Fire Pots and Gel Fuel; Advance Notice of Proposed Rulemaking; Request for Comments and Information

Comment On: CPSC-2011-0095-0001

Fire Pots and Gel Fuel; Advance Notice of Proposed Rulemaking; Request for Comments and Information

Document: CPSC-2011-0095-0017

Comment from Helga Guthy

Submitter Information

Name: Helga Guthy

Address:

11 Bayberry Rd
Wading River, NY, 11792

General Comment

Please stop liquid gel sales they are not worth the damage they can do.

PUBLIC SUBMISSION

As of: March 01, 2012
Received: February 14, 2012
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Docket: CPSC-2011-0095

Fire Pots and Gel Fuel; Advance Notice of Proposed Rulemaking; Request for Comments and Information

Comment On: CPSC-2011-0095-0001

Fire Pots and Gel Fuel; Advance Notice of Proposed Rulemaking; Request for Comments and Information

Document: CPSC-2011-0095-0018

Comment from Jeffrey Scott

Submitter Information

Name: Jeffrey Scott

Address:

Po Box 530

Wantagh, NY,

Email: JDM_inc@msn.com

General Comment

I believe in free enterprise so I would normally be the last person to suggest the end of the sale of a product but in this case it is warranted. The dangers from these fuel gel pots has been well demonstrated and they far outweigh the need for the existance of the product. It is difficult to see if the gel is lit and if it spills it will remain ignited and burn whatever it touches.

In this cases where the consumer misuses the product and causes an injury i can see where consideration to enacting some stricter warnings might be in order and that might rectify the problem. However, the nature of these gel fuels in and of themselves renders them a hazard. Even if the consumer is merely refilling the candle canister the fuel can ignite and/or explode. There simply is no good reason to allow this to continue to go on when there are safer alternatives. Ban these fuel pots and the gel fuel and issue a very public warning to anyone who might already posses one to either destroy it or be extmrly careful in its use. Thank you.

PUBLIC SUBMISSION

As of: March 01, 2012
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Tracking No. 80fb66a9
Comments Due: February 27, 2012
Submission Type: Web

Docket: CPSC-2011-0095

Fire Pots and Gel Fuel; Advance Notice of Proposed Rulemaking; Request for Comments and Information

Comment On: CPSC-2011-0095-0001

Fire Pots and Gel Fuel; Advance Notice of Proposed Rulemaking; Request for Comments and Information

Document: CPSC-2011-0095-0019

Comment from Maureen Barnes

Submitter Information

Name: Maureen Barnes

General Comment

Please ban the sale of these firepots in the United States.
If you have any doubts, check out Michael Hubbard on Caring Bridge.

PUBLIC SUBMISSION

As of: March 01, 2012 Received: February 14, 2012 Status: Posted Posted: February 28, 2012 Category: Consumer/Individual Tracking No. 80fb66f8 Comments Due: February 27, 2012 Submission Type: Web
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Docket: CPSC-2011-0095

Fire Pots and Gel Fuel; Advance Notice of Proposed Rulemaking; Request for Comments and Information

Comment On: CPSC-2011-0095-0001

Fire Pots and Gel Fuel; Advance Notice of Proposed Rulemaking; Request for Comments and Information

Document: CPSC-2011-0095-0020

Comment from Maria Spera

Submitter Information

Name: Maria Spera

Address:

26 Neptune Ave

Mastic, 11950

Email: baysquad1@yahoo.com

Phone: 631-555-1212

Submitter's Representative: Sen. Kirsten Gillibrand, Sen. Charles Schumer, Rep. Tim Bishop, State Sen. Ken LaValle, Assemblyman Dan Losquadro and County Legislator Ed Romaine

Organization: home

General Comment

Message to the Consumer Product Safety Commission:

It is shameful the government acts so incredibly slow when it comes to regulating safety. Please act swiftly to ban the sale of gel fuel and gel fuel firepots in the United States.

Gel fuel is highly flammable, combustible and extremely dangerous. It is not appropriate for use in consumer decorative lighting, as is evidenced by two fatalities and injuries to 86 people resulting from flash fires and explosions involving these products.

One of those injured was a boy, one of my students from my community, a 14-year-old honor student who was helping his mother set up for a family backyard party over Memorial Day weekend in 2011. He suffered third-degree burns over 40 percent of his body when the Napa

Home and Garden "Fireburners" ceramic gel fuel firepot exploded, slathering him with flaming gel. His burns caused major organ failure, which led to cardiac arrest that resulted in severe brain damage. He remains hospitalized and his prognosis is uncertain. An honors student with the world at his fingertips, is now a vegetable dependent on his family & community to make sure he is going to be taken care of for the rest of his life.

These products must never be placed on retail store shelves again. Suffolk County, New York passed "Michael's Law" last year. The legislation bans the sale of these products in our county. This ban needs to take effect NATIONWIDE.

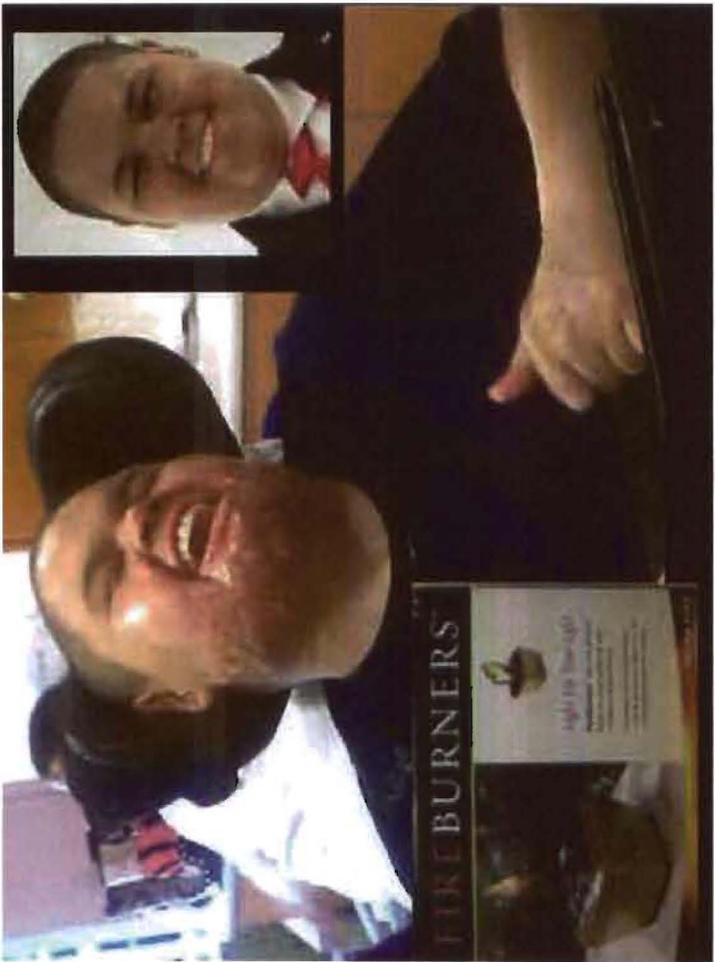
I am writing to urge you to afford consumers across America the same protection from this volatile and dangerous substance.

Please ban the retail sale of liquid gel fuels and firepots.

Sincerely,
Maria Spera

Attachments

mike hubbard



PUBLIC SUBMISSION

As of: March 01, 2012
Received: February 14, 2012
Status: Posted
Posted: February 28, 2012
Tracking No. 80fb676f
Comments Due: February 27, 2012
Submission Type: Web

Docket: CPSC-2011-0095
Fire Pots and Gel Fuel; Advance Notice of Proposed Rulemaking; Request for Comments and Information

Comment On: CPSC-2011-0095-0001
Fire Pots and Gel Fuel; Advance Notice of Proposed Rulemaking; Request for Comments and Information

Document: CPSC-2011-0095-0021
Comment from Deana Spoleti

Submitter Information

Name: Deana Spoleti
Address:
1298 Poplar Hill Drive
Lebanon, OH, 45036
Email: deanasaccount@yahoo.com
Phone: 513-228-0315

General Comment

Please act swiftly to ban the sale of gel fuel and gel fuel firepots in the United States.

Gel fuel is highly flammable, combustible and extremely dangerous. It is not appropriate for use in consumer decorative lighting, as is evidenced by two fatalities and injuries to 86 people resulting from flash fires and explosions involving these products.

One of those injured was a 14-year-old honor student who was helping his mother set up for a family backyard party over Memorial Day weekend in 2011. He suffered third-degree burns over 40 percent of his body when the Napa Home and Garden "Fireburners" ceramic gel fuel firepot exploded, slathering him with flaming gel. His burns caused major organ failure, which led to cardiac arrest that resulted in severe brain damage. He remains hospitalized and his prognosis is uncertain.

These products must never be placed on retail store shelves again.

Suffolk County, New York passed "Michael's Law" last year. The legislation bans the sale of

these products in our county.

I am writing to urge you to afford consumers across America the same protection from this volatile and dangerous substance.

Please ban the retail sale of liquid gel fuels and firepots.

Sincerely,

Deana M. Spoleti

PUBLIC SUBMISSION

As of: March 01, 2012
Received: February 14, 2012
Status: Posted
Posted: February 28, 2012
Tracking No. 80fb646f
Comments Due: February 27, 2012
Submission Type: Web

Docket: CPSC-2011-0095

Fire Pots and Gel Fuel; Advance Notice of Proposed Rulemaking; Request for Comments and Information

Comment On: CPSC-2011-0095-0001

Fire Pots and Gel Fuel; Advance Notice of Proposed Rulemaking; Request for Comments and Information

Document: CPSC-2011-0095-0022

Comment from Stacy Tuohy

Submitter Information

Name: Stacy Tuohy

Address:

505 Canal Rd.

Port Jefferson Station, NY, 11776

Email: mrssd2e@yahoo.com

Phone: 6315234270

General Comment

Before any ruling is made, a group of people need to investigate the harm caused by these gel candles. I have read of many, and it seems to be a national problem. You need to go to Caring Bridge .com and read Michael Hubbard's journal, a first hand account of a victim. If you are trying to decide weather or not to ban these gel candles, you will see the agony that they have caused.! Within the entries you will find the mention of other horror cases caused by these gel candles as well. Read the journal...then decide...You can't possibly allow this to happen to one more person!!!! Please!!!- and don't forget to check out the photo journal on Michael Hubbard's Caringbridgre web site...a picture is worth a thousand words!- Michael's 2nd grade teacher

PUBLIC SUBMISSION

As of: March 01, 2012
Received: February 14, 2012
Status: Posted
Posted: February 28, 2012
Category: Consumer/Individual
Tracking No. 80fb6b0b
Comments Due: February 27, 2012
Submission Type: Web

Docket: CPSC-2011-0095

Fire Pots and Gel Fuel; Advance Notice of Proposed Rulemaking; Request for Comments and Information

Comment On: CPSC-2011-0095-0001

Fire Pots and Gel Fuel; Advance Notice of Proposed Rulemaking; Request for Comments and Information

Document: CPSC-2011-0095-0024

Comment from Kimberly Reyer

Submitter Information

Name: Kimberly Reyer

Address:

3838 Cornerstone Court
Rocky Mount, NC, 27804

Email: lilfxylody@gmail.com

Phone: 252-200-7846

Government Agency Type: State

General Comment

RE:CPSC-2011-0095.

My name is Kimberly. My cousin Michael Hubbard had 3rd degree burns over 40% of his body due to this bomb in a bottle. The bottle states is the "safe fuel". He was under adult supervision and was still burned. this liquid will ignite and is difficult to extinguish. I asked that you ban this product. It has resulted in numerous reported accidents and 2 deaths.

PUBLIC SUBMISSION

As of: March 01, 2012
Received: February 15, 2012
Status: Posted
Posted: February 28, 2012
Tracking No. 80fb6bd5
Comments Due: February 27, 2012
Submission Type: Web

Docket: CPSC-2011-0095

Fire Pots and Gel Fuel; Advance Notice of Proposed Rulemaking; Request for Comments and Information

Comment On: CPSC-2011-0095-0001

Fire Pots and Gel Fuel; Advance Notice of Proposed Rulemaking; Request for Comments and Information

Document: CPSC-2011-0095-0025

Comment from Patti Horton

Submitter Information

Name: Patti Horton

General Comment

Please act swiftly to ban the sale of gel fuel and gel fuel firepots in the United States.

Gel fuel is highly flammable, combustible and extremely dangerous. It is not appropriate for use in consumer decorative lighting, as is evidenced by two fatalities and injuries to 86 people resulting from flash fires and explosions involving these products.

One of those injured was a boy from my community, a 14-year-old honor student who was helping his mother set up for a family backyard party over Memorial Day weekend in 2011. He suffered third-degree burns over 40 percent of his body when the Napa Home and Garden "Fireburners" ceramic gel fuel firepot exploded, slathering him with flaming gel. His burns caused major organ failure, which led to cardiac arrest that resulted in severe brain damage. He remains hospitalized and his prognosis is uncertain.

These products must never be placed on retail store shelves again.

Suffolk County, New York passed "Michael's Law" last year. The legislation bans the sale of these products in our county.

I am writing to urge you to afford consumers across America the same protection from this volatile and dangerous substance.

Please ban the retail sale of liquid gel fuels and firepots.

Sincerely,

Patti Horton

PUBLIC SUBMISSION

As of: March 01, 2012
Received: February 16, 2012
Status: Posted
Posted: February 28, 2012
Tracking No. 80fb89b2
Comments Due: February 27, 2012
Submission Type: Web

Docket: CPSC-2011-0095

Fire Pots and Gel Fuel; Advance Notice of Proposed Rulemaking; Request for Comments and Information

Comment On: CPSC-2011-0095-0001

Fire Pots and Gel Fuel; Advance Notice of Proposed Rulemaking; Request for Comments and Information

Document: CPSC-2011-0095-0026

Comment from Marilyn Penambere

Submitter Information

Name: Marilyn Penambere

Address:

545 3rd St

carlstadt, NJ, 07072

Email: marnjim1988@verizon.nt

General Comment

these gel fire pots are deadly. I have a granddaughter age 13 that was badly burned from this garbage, 11 months later Michael was badly hurt and still is in the hospital, it needs to be pulled, there are too many people that got hurt with this. We all need to stick together on this matter, for Michael Hubbert and the rest of the people that were hurt

PUBLIC SUBMISSION

As of: March 01, 2012
Received: February 16, 2012
Status: Posted
Posted: February 28, 2012
Category: Consumer Advocacy Organization
Tracking No. 80fb883f
Comments Due: February 27, 2012
Submission Type: Web

Docket: CPSC-2011-0095

Fire Pots and Gel Fuel; Advance Notice of Proposed Rulemaking; Request for Comments and Information

Comment On: CPSC-2011-0095-0001

Fire Pots and Gel Fuel; Advance Notice of Proposed Rulemaking; Request for Comments and Information

Document: CPSC-2011-0095-0027

Comment from Tanya Doherty

Submitter Information

Name: Tanya Doherty

Address:

79 Evergreen Road
Flandersnited, 11901

Email: kittengrl0719@aol.com

Phone: 631-514-1956

General Comment

Please act swiftly to ban the sale of gel fuel and gel fuel firepots in the United States.

Gel fuel is highly flammable, combustible and extremely dangerous. It is not appropriate for use in consumer decorative lighting, as is evidenced by two fatalities and injuries to 86 people resulting from flash fires and explosions involving these products.

One of those injured was a boy from my community, a 14-year-old honor student who was helping his mother set up for a family backyard party over Memorial Day weekend in 2011. He suffered third-degree burns over 40 percent of his body when the Napa Home and Garden "Fireburners" ceramic gel fuel firepot exploded, slathering him with flaming gel. His burns caused major organ failure, which led to cardiac arrest that resulted in severe brain damage. He remains hospitalized and his prognosis is uncertain.

These products must never be placed on retail store shelves again.

Suffolk County, New York passed "Michael's Law" last year. The legislation bans the sale of these products in our county.

I am writing to urge you to afford consumers across America the same protection from this volatile and dangerous substance.

Please ban the retail sale of liquid gel fuels and firepots.

Sincerely,
Tanya Doherty

click on www.riverheadlocal.com for photo's and story's about Michael and his injuries and how much this poor child and his family have suffered.

PUBLIC SUBMISSION

As of: March 01, 2012
Received: February 16, 2012
Status: Posted
Posted: February 28, 2012
Tracking No. 80fb89ce
Comments Due: February 27, 2012
Submission Type: Web

Docket: CPSC-2011-0095

Fire Pots and Gel Fuel; Advance Notice of Proposed Rulemaking; Request for Comments and Information

Comment On: CPSC-2011-0095-0001

Fire Pots and Gel Fuel; Advance Notice of Proposed Rulemaking; Request for Comments and Information

Document: CPSC-2011-0095-0028

Comment from Mark Wong

Submitter Information

Name: Mark Wong

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410 4th Street

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Phone: 2012887118

General Comment

I believed these fuel gel products should be banned from sale. It is evident that there is a problem with these products.

PUBLIC SUBMISSION

As of: March 01, 2012
Received: February 16, 2012
Status: Posted
Posted: February 28, 2012
Tracking No. 80fb8a40
Comments Due: February 27, 2012
Submission Type: Web

Docket: CPSC-2011-0095

Fire Pots and Gel Fuel; Advance Notice of Proposed Rulemaking; Request for Comments and Information

Comment On: CPSC-2011-0095-0001

Fire Pots and Gel Fuel; Advance Notice of Proposed Rulemaking; Request for Comments and Information

Document: CPSC-2011-0095-0029

Comment from Theo Fairres

Submitter Information

Name: Theo Fairres

Address:

4801 Cypress Creek Ave E

Apt 402

Tuscaloosa, AL, 35405

Email: elmonm2002@yahoo.com

General Comment

We need to get the fire pots and gel fuel off the market so they don't hurt any more family's. The fire pots and the gel fuel have hurt more innocent people then we know. Right now Michael Hubbard can not speak for his self so I'm taking a stand for him if it was not for the for the fire pots and gel Michael would be fine now look where he is at and where is the company that made them they took the easy way out well Michael and the other people were not given that option. Take the fire pots and the gel fuel and ban them so no one else has to be hurt. Do the right thing and help to protect us from this.

PUBLIC SUBMISSION

As of: March 01, 2012
Received: February 21, 2012
Status: Posted
Posted: February 28, 2012
Category: Other
Tracking No. 80fbacbc
Comments Due: February 27, 2012
Submission Type: Web

Docket: CPSC-2011-0095

Fire Pots and Gel Fuel; Advance Notice of Proposed Rulemaking; Request for Comments and Information

Comment On: CPSC-2011-0095-0001

Fire Pots and Gel Fuel; Advance Notice of Proposed Rulemaking; Request for Comments and Information

Document: CPSC-2011-0095-0030

Comment from Jerry Rosendahl

Submitter Information

Name: Jerry Rosendahl

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1319 F St., NW, Suite 301

Washington, DC, 20004

Email: kdeppa@firemarshals.org

Phone: 202-737-1226

Organization: National Association of State Fire Marshals

General Comment

Please see the attached comment from the National Association of State Fire Marshals in relation to this rulemaking.

Attachments

NASFM comment on firepots and gel fuel ANPR Feb 2012 FINAL



NATIONAL ASSOCIATION OF STATE FIRE MARSHALS

Public Comment of the National Association of State Fire Marshals To the U.S. Consumer Product Safety Commission Regarding the Advance Notice of Proposed Rulemaking Fire Pots and Gel Fuel, Docket No. CPSC-2011-0095

VIA Electronic Submission: www.regulations.gov

February 21, 2012

Office of the Secretary
Consumer Product Safety Commission
4330 East West Highway, Room 820
Bethesda, MD 20814

The National Association of State Fire Marshals (NASFM), whose members are the senior state fire officials in the U.S. and the District of Columbia, is pleased to provide this comment on the U.S. Consumer Product Safety Commission (CPSC) Advance Notice of Proposed Rulemaking on Fire Pots and Gel Fuel (76 Fed. Reg. 80832, Dec. 27, 2011). NASFM's primary mission, and that of individual State Fire Marshals, is to protect life, property and the environment from fire and related hazards.

The CPSC staff should be commended for its timely and thorough analysis of incidents involving fire pots and gel fuel products. NASFM and its members provided information to the *New York Times* reporter whose inquiries and articles brought this issue to light in June 2011. In our July 2011 comment for the CPSC's FY 2013 Agenda and Priorities Hearing, NASFM urged the CPSC to take swift action to ban fire pots and gel fuels, saying, "At what point do the number of incidents reach a level or a severity that the CPSC will determine...that these two categories of products do not belong on the market?"

Having reviewed the CPSC's *Federal Register* notice and staff briefing package on this issue, NASFM can only repeat – even more fervently and urgently than before – our call for a ban on fire pots and gel fuel, and their swift removal from the market. Every time these products are used together, they present the possibility of a confluence of deadly circumstances. The CPSC was established "to protect the public from unreasonable risks of injury or death." There would be no better demonstration of this purpose than to initiate a ban against these products and go the step further of taking action under Section 12 of the Consumer Product Safety Act to remove these products from commerce immediately.

The CPSC staff's own analysis has made the case that there is no satisfactory remedy for mitigating the deadly risk of using these products, short of a total ban. Trying to make these inherently unsafe products safer is a waste of time while consumers continue to be grievously injured and killed by incidents involving fire pots and napalm-like gel fuel. There is no way to label safe use of these products; relying on recalls means that the products must first enter the market and cause problems; and any effort to develop standards to attempt to address each of the hazard scenarios identified by the CPSC staff is not worth the cost in time, money and lives.

Burns are arguably the most painful injuries to endure, and the most expensive and long-term to treat, with everlasting physical and psychological scarring to survivors – many of whom, during their arduous, excruciating rehabilitation, say that they wish they had died instead. Do not let one more person become an unwitting victim of this deadly combination of products.

The world does not need another decorative way to produce fire, especially when the result is potentially a not-so-rare concurrence of circumstances that can lead to horrific injury or death every time the products are used together. There are no redeeming qualities of these products that could outweigh the cost in human lives. Fire pots and gel fuels are inherently unsafe. They are imminent hazards. NASFM, like the Commissioners, are sworn stewards of the public's safety, and we do not see why there would be any choice but to ban these products by regulation, and to take expeditious action against them as imminent hazards under Section 12 of the CPSA.

PUBLIC SUBMISSION

As of: March 01, 2012
Received: February 21, 2012
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Posted: February 28, 2012
Category: Consumer/Individual
Tracking No. 80fbc176
Comments Due: February 27, 2012
Submission Type: Web

Docket: CPSC-2011-0095

Fire Pots and Gel Fuel; Advance Notice of Proposed Rulemaking; Request for Comments and Information

Comment On: CPSC-2011-0095-0001

Fire Pots and Gel Fuel; Advance Notice of Proposed Rulemaking; Request for Comments and Information

Document: CPSC-2011-0095-0031

Comment from Paul Chamberlain

Submitter Information

Name: Paul Chamberlain

Address:

63 Satok Terrace

Toronto, Ontario, Canada, M1E 3N6

Email: paul12@rogers.com

Phone: 416-282-3282

General Comment

After having read the report on Firepots and Gel Fuel I have safely disposed of the product that I had in my home for emergency purposes. Clearly the product is not safe in it's present form and should be withdrawn from the market. I would, however, suggest that the manufacturers and the industry in general focus on developing a new safer product that would meet consumer safety standards so that my emergency preparations stores can have a safe heating source.....Thank-you...Paul Chamberlain

PUBLIC SUBMISSION

As of: March 01, 2012
Received: February 22, 2012
Status: Posted
Posted: February 28, 2012
Tracking No. 80fbdd98
Comments Due: February 27, 2012
Submission Type: Web

Docket: CPSC-2011-0095

Fire Pots and Gel Fuel; Advance Notice of Proposed Rulemaking; Request for Comments and Information

Comment On: CPSC-2011-0095-0001

Fire Pots and Gel Fuel; Advance Notice of Proposed Rulemaking; Request for Comments and Information

Document: CPSC-2011-0095-0032

Comment from Camilla Thompson

Submitter Information

Name: Camilla Thompson

Email: longgleggs2010@yahoo.com

General Comment

This comment is in reference to the safety or lack thereof safety when dealing with fire pots and gel fuel. With everything that I have read about the fire pots, there seems to be not enough warnings placed on the packaging of this product. The consumer purchasing this product is unaware that the product can just explode without warning. I think that it would be beneficial to have a section that says: must read before the operation of this product. This section should address the risk of injury. I would recommend that the warning label addresses possible injury, including death if not operated in accordance to the instructions.

Since the gel fuel is made up of 70% alcohol or more it is extremely flammable. Through extensive research there are no apparent alternatives to gel fuel at this time. It is also expensive to purchase this item, which consumers have resorted to homemade remedies that seem even more dangerous and at risk. So I feel that on the warning label that it should also read that only manufactured gel fuel should be used with the pots in accordance to the instructions.

The potential benefits of a rule that would require warnings and instructions would be a decline in injuries and deaths related to the unreasonable risk associated with fire pots and gel fuel.

I feel that this regulatory change is not a major event that would cause financial burden on the consumers, but a small burden on the manufacturers. So it is my opinion that enhancing the consumer's safety awareness will decrease injuries and fatalities.

PUBLIC SUBMISSION

As of: March 01, 2012
Received: February 24, 2012
Status: Posted
Posted: February 28, 2012
Category: Manufacturer
Tracking No. 80fc02ab
Comments Due: February 27, 2012
Submission Type: Web

Docket: CPSC-2011-0095

Fire Pots and Gel Fuel; Advance Notice of Proposed Rulemaking; Request for Comments and Information

Comment On: CPSC-2011-0095-0001

Fire Pots and Gel Fuel; Advance Notice of Proposed Rulemaking; Request for Comments and Information

Document: CPSC-2011-0095-0033

Comment from Dennis Paul

Submitter Information

Name: Dennis Paul

Address:

214 South H Street, #5

Lake Worth, FL, 33460

Email: dennispaul@ecofuelhms.com

Phone: 561-233-9900

Fax: 561-233-9915

Submitter's Representative: Dennis Paul

Organization: ECOFuel Worldwide Inc.

General Comment

See attached file(s)

Attachments

Response to ANPR_022212

February 22, 2012

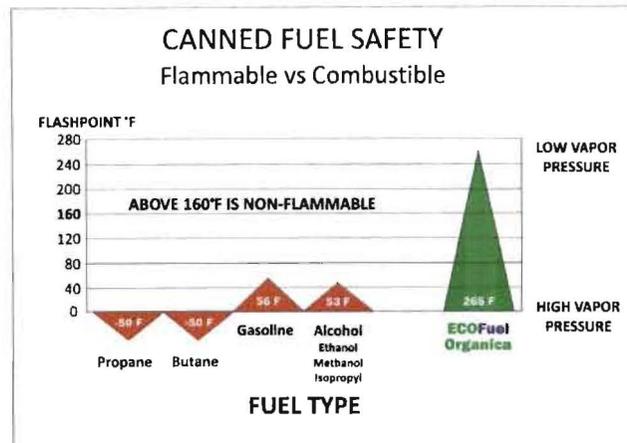
Office of the Secretary,
Consumer Product Safety Commission
Room 820, 4330 East West Highway,
Bethesda, MD 20814

Re: Docket No. CPSC-2011-0095 Proposed Rule: Fire Pots and Gel Fuel

Dear Sir/Madam,

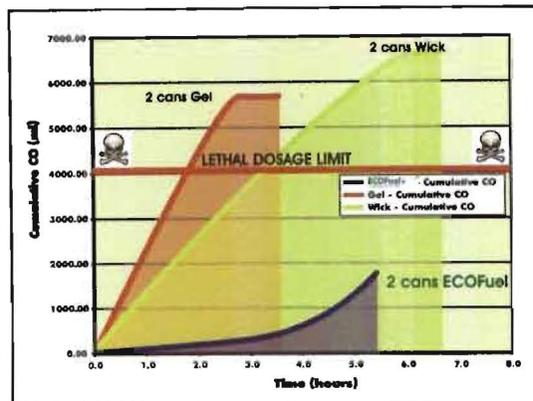
The following addresses the above referenced docket.

- 1) Problems with alcohol fuels transcends fifty plus years of problems beginning with 'sterno drunks'(see Wikipedia), to deaths from vapor flash fires, severe burns with napalm formulas, inhalation and ingestion poisoning and extreme environmental contamination. This is long before the problem with fire pots occurred.
- 2) Flammability.



- 3) See chart. Alcohol is alcohol whether it is methanol, ethanol, isopropano and any number of mixtures. When shipped is classified as a 'Hazardous Material'. Refer to the Transportation rules. Gelled or liquid, alcohol has a high vapor pressure with a flash point lower than gasoline. The volatility of these vapors result in flashes, eruptions and explosions causing severe burns, fires and deaths. The container in which the alcohol is delivered, whether cans or bottles, bear no difference in terms of the physical chemistry of the fuel. Refueling alcohol burners has a "Risk of Injury" that will always remain high!
- 4) Consumer market for firepots has 76 reported incidents. Foodservice industry has a significantly higher number of cases as the 'portability' of the gelled 'chafing' alcohols, fondue fuels and emergency canned gelled alcohols have caused thousands of incidents. These cases are well documented with cruise lines, casino's, hotels, country clubs and caterers. Talk to any fire marshall, Safety and Risk Manager, catering manager, or president of the American Culinary Federation for chefs.

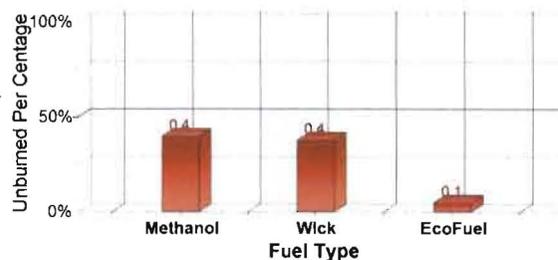
- 5) Flammable alcohol fuels are required to be stored in flame proof cabinets away from open flame. Yet a large number of incidences continue. How will regulation of storage for consumer use be applied?
- 6) Gelled fuels and petroleum glycols emit lethal dosages over 235ppm and 245ppm of CO, formaldehyde, benzene, arsenic and other compounds. The human threshold is 200ppm. This greatly exceeds the Clean Indoor Air Act and the United Nations Global Alliance for Clean Air. The following chart illustrates the study complete by Dr. Charles Simon.



- 7) Trading burns for poison is not an option. Propane and butane are not recommended for indoor use. Their volatility and emissions kill. The alcohols demonstrate the same hazard. With the addition of gelling agents and insect repellent additives, it worsens' the emissions!
- 8) Firepots are an 'equipment' device. Portability is not the major concern. Storage of flammable and hazardous fuels is. Outdoor Use Only? An unrealistic expectation loaded with liability. A can of gelled alcohol is a fuel in a delivery device. They are unable to control spillage, splattering or flash effectively. Given the choice of a safe open flame device or an electrical device, I prefer to see the open flame in lieu of electrocution!
- 9) Spillage. All low vapor pressure fuels leak or spill! Over 40% of the alcohol fuels are wasted in foodservice applications resulting in million of hazardous waste in landfills and water tables. This is the result of being a one time use fuel that is not relightable. A study recognized by the EPA 2002 Presidential Green Chemistry Challenge Awards recognized the significant spillage and waste of the alcohol and petroleum (wick) fuels.

Unburned Fuel per Event

justifying Reuse, Reduce and Recycle



Prevention of leakage and spillage should be controlled with test parameters of sidewall puncture while burning. Heated fuel is significantly more dangerous as it nears the flash point. No container should permit release of more than 1 ounce of fuel in this situation.

The firepots should also be subject to tipping rules while lit. An upside down test parameters again should not exceed 1 ounce of fuel as tested by Dr. Charles Simon for TSA requirements.

- 10) The firepot industry unfortunately chose to sell decorative utensils without any consideration of the safety of fuel. They wanted to sell a firepot for their intrinsic entertainment value. The real responsibility lies with the alcohol manufacturers. The same exists in food service where a 'cheap' fuel providers overshadows the safety of the stewarding staff, chefs and the customers. If not banned, Alcohol fuels should be require use in equipment that has sidewalls preventing access by customers to the fuel, can holders that securely prevent spillage, and enforcement of storage and proper waste disposal. The European countries have banned the shipment of all alcohol products in the summer months due to the many incidents that occurred.
- 11) Alcohol fuels are not a choice for survival. They have been given to consumers on the premise they are safe. They are not. In response to single can use; would you prefer to be burned with a can of napalm or with a bottle of pourable napalm? The market reality is that safe, non-flammable, non-toxic alternatives do exist and are available in the market. It is not like there is no other option.
- 12) The ban on all alcohol product forms will have no impact on small or medium sized business'. More deaths, more illnesses, more injuries will destroy the economic survival of the firepot/fireplace industry. Small business will not survive these situations! Given the opportunity to market safe, truly green alternatives will expand the market and achieve a higher value by the consumer. The alcohol manufacturers have been keenly aware for decades of the hazards but chose not due advance their technologies or develop alternatives. They are big enough that with the elimination of consumer and institutional markets, they will survive with their other industrial applications. (This same was experience years previously when kerosene burners were banned!) The consumer and institutional markets represent a small per centage of the alcohol manufacturers overall business.
- 13) Consumers depend upon regulatory agencies to ensure their safety. New labeling, modified packaging will not make a 'hazard' a 'non-hazard. What per centage of users, consumer and institutional, do you expect will read directions? How many more will follow them? My experience in food service surveys exceeding 12,000 personnel, is that not one person has ever been trained or educated on how to proper handle and use alcohol products! Only recently under competitive pressure have these alcohol manufacturers improving their printed materials. None of them offer classes! A voluntary standard has been open to the alcohol manufacturers for over a half a century. Will they really be able to achieve the level of necessary safety?

The consumer only expects to enhance their lives with products that are safe to use. Banning firepots is not necessary with the safe fuel alternatives and spill proof devices currently available. Over the last two decades I have personally witnessed the effects of burn victims and the fires. I have spoken with thousands of personnel that have horror stories they share from using gelled and liquid alcohol fuels. Giving napalm to a consumer is like giving a serpent to a baby. . At what point is enough? The only reasonable conclusion is the ban of all forms of alcohol for consumer and institutional use as the solutions do not guarantee safety to the consumer.

Dennis Paul
President
ECOFuel Worldwide Inc.

PUBLIC SUBMISSION

As of: March 01, 2012
Received: February 24, 2012
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Posted: February 28, 2012
Category: Distributor
Tracking No. 80fc05e3
Comments Due: February 27, 2012
Submission Type: Web

Docket: CPSC-2011-0095

Fire Pots and Gel Fuel; Advance Notice of Proposed Rulemaking; Request for Comments and Information

Comment On: CPSC-2011-0095-0001

Fire Pots and Gel Fuel; Advance Notice of Proposed Rulemaking; Request for Comments and Information

Document: CPSC-2011-0095-0034

Comment from Sherman Postal

Submitter Information

Name: Sherman Postal

Phone: 561-233-9900

Submitter's Representative: Sherman Postal

Organization: ECOFuel Worldwide

General Comment

I have spent over 40 years in the Foodservice Industry, in Catering, in Restaurants in Management positions. There have been many problems with alcohol type heating products, like Sterno, Candlelamp & Ecoflame. Fires, Burns & other hazardous problems including storage. One product without these problems is ECOFuel Worldwide Inc. a non alcohol product. Spill proof, non-flammable, non-explosive, easy to light, unlimited shelf life, odorless, biodegradable, environmentally friendly.

This is a product that will save money & hazardous problems. It's time to eliminate the fire hazards of the other products.

Sherman Postal

Florida Sales Manager

ECOFuel Worldwide Inc

PUBLIC SUBMISSION

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Docket: CPSC-2011-0095

Fire Pots and Gel Fuel; Advance Notice of Proposed Rulemaking; Request for Comments and Information

Comment On: CPSC-2011-0095-0001

Fire Pots and Gel Fuel; Advance Notice of Proposed Rulemaking; Request for Comments and Information

Document: CPSC-2011-0095-0035

Comment from Robert Harrington

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Submitter's Representative: Robert Harrington

Organization: The Sterno Group LLC

General Comment

See attached file(s)

Attachments

Sterno ANPR Response

United States Consumer Product Safety Commission

Docket Number: CPSC-2011-0095

Comments to the Advanced Notice of Proposed Rulemaking on Fire Pots and Gel Fuel

Introduction and Statement of Interest

The Sterno Group LLC (hereafter Sterno) appreciates the opportunity to comment on the advanced notice of proposed rulemaking (ANPR) on fire pots and gel fuels as invited in the Federal Register notice of December 27, 2011. In the ANPR the Consumer Product Safety Commission (CPSC) requested comments on several issues surrounding the use of alcohol-based fuels used in fire pots and other decorative lighting.

Sterno has manufactured alcohol-based heating fuels for over 100 years. While we have not been a player in the area of gel fuels for fire pots or the fire pots, which are the subject of this rulemaking, we have extensive experience in the development, manufacture, use and safety of similar alcohol gel fuels used both in institutional settings as well as in consumer products. In these comments Sterno will address questions raised in the ANPR and discuss several issues including possible alternatives and safer designs, safety testing and product use scenarios.

Existing standard or portion of standards that may be used

We are not aware of any standard that adequately addresses all of the issues outlined in the ANPR. Portions of other standards may be relevant to this issue and may be modified to suit this purpose.

For gel fuels, labeling is currently regulated under the Federal Hazardous Substances Act (FHSA). These warnings may prove to be adequate. Depending on the outcome of this rulemaking, additional warnings may or may not be necessary.

For the fire pots, ASTM F2417 Standard Specification for Fire Safety for Candles, ASTM F2601 Standard Specification for Fire Safety for Candle Accessories and F2058 Standard Specification for Candle Fire Safety Labeling may be useful to serve as a starting point for a standard or standards. ASTM F2417 and ASTM F2601 contain references to things like the flammability of the item itself (such as the holder), performance testing and stability testing. AASTM F2058 contains labeling requirements, some of which may be appropriate for this type of an item.

Modifying or developing a voluntary standard to address the risk of injury

We believe that there are fuels that have an inherently greater risk when used in a firepot. The risk increases with a lower viscosity, higher vapor pressure and lower flash point. A fuel that has inadequate viscosity is susceptible to a higher risk of 1) accidental spill of the fuel from the firepot or container, and 2) the consumer adding additional fuel to the firepot vessel while the fuel is lit potentially resulting in a flashback. Fuels with lower flash points and higher vapor pressures are more likely to result in flashback if the product or its vapors approach a source of ignition.

A standard or regulation should address the viscosity such that low viscosity fuels are tightly regulated or banned if it is not feasible to make them safe. Viscosity is normally measured in most industries by using a Brookfield viscometer. Products that have a viscosity greater than approximately 40,000 cps (centipoise) have enough viscosity to prevent them from freely flowing, thus greatly reducing the potential for a dangerous spill.

Sterno would be willing to participate in the development of a standard or standards to address this issue. It is feasible that two standards will be needed, one standard for the fuel and a second one for the fire pots. Standard development can be a lengthy process. Consensus standards such as ANSI and ASTM must go through a series of steps before a standard is complete. At this time it is not possible to set a schedule, but it may be possible to complete a standard within a year after initiation.

Products that should be included or excluded from the rulemaking

The hazard is created by spilling fuel or adding fuel to a burning firepot. The flash point and flammability characteristics of the fuel are more important than the specific fuel used. By increasing the viscosity of the product as stated above, it mitigates the risk of spill and eliminates pouring or refilling.

This rulemaking should confine itself to pourable alcohol gel fuels (or other fuels with similar flammability characteristics) that are sold for use in fire pots and exhibit the potential to cause injury as noted in the ANPR. Non-pourable/non-refillable fuels that meet specific safety requirements should be outside the scope of the ANPR. A standard test would need to be developed to determine if the fuel is within the scope of the ANPR or is exempt.

Possible warnings or instructions for firepots and/or gel fuel to address the risk of injury

Warnings and instructions must be chosen on a case-by-case basis. The proper warnings must be based both on the fire pot and the choice of fuel. A few possible suggestions are:

For firepots

Do not attempt to move the firepot while lit.
Do not add anything to a lit firepot.
After the fire is extinguished, allow the vessel to cool before replacing or adding gel.
Never leave a burning fire pot unattended.
Keep away from things that catch fire.
Keep away from children.

For flammable gel fuels

Never add gel to a lit fire pot.
Use extreme caution when replacing or refilling fuel.
Flammable mixture - keep container away from flames.
Read all instruction on label and firepot before use.

Performance requirements for firepots, gel fuel, and/or gel fuel containers to address the risk of injury

Performance and safety testing should be required for both fire pots and gel fuels. Since there may be a wide range of fire pots and gel fuels, it would be difficult to find a single test or standard that would cover all possibilities. Certain tests should be required for all fire pots and all fuels. Additional tests may have to be determined case-by-case based on the design of the fire pot, the fuel type, its physical properties, and its intended use.

The tests for a fire pot should include at a minimum:

Tilt or tip resistance
Flammability testing of the fire pot itself
Simulated use testing with the intended fuel or fuels
Resistance to weathering and hot/cold cycles

The tests for gels should include at a minimum:

Flash point determination
Flashback testing
Simulated use testing to ensure a safe and consistent burn

The specific details of each of the above tests would need to be determined

Potential benefits of a rule that would require warnings or instructions

Warnings and instructions on products that have inherent hazards are necessary. Typical consumers often do not understand or fully appreciate the dangers of working with potentially hazardous products. Even when the consumer is exercising caution there is a possibility for adverse events to occur. Sterno feels that adequate warnings are needed to minimize the potential for harm with these products. Warnings as required under the Federal Hazardous Substance Act may prove adequate; however additional warnings should be considered and in some cases should be required. At this point it is difficult to foresee what those warnings should be, but they should be product specific and be clear and concise enough to minimize the hazard.

Potential benefits of a rule that would establish performance requirements for firepots, gel fuel, and/or gel fuel containers

In the light of the injury reports that have occurred, performance requirements and/or required testing should be considered for these products. If the gel fuel can be made safer, it may not be necessary to require extensive testing for the fire pots or containers. If it is not possible to design gel fuels that minimize or alleviate the hazard, it may be desirable to establish stricter safety requirements for the fire pot and/or container. It is also likely that a combination of both strategies would prove to be most successful.

What alternative products would remain available?

Currently other products are available in the marketplace. For example, tiki torches and other decorative lighting products are sold. Many of these products use less flammable fuels. These fuels often consist of liquid paraffin, glycols or oils. These fuels have considerably lower flashpoints and do not readily lend themselves to rapid or sustained combustion. In some cases candles could also serve as an alternative to these products. Neither one of these products exactly replaces the fire pots in the consumer market.

Development of a Standard

At present Sterno is not aware of a safety standard for the gels or the fire pots that adequately addresses all the safety issues with these products. Sterno is willing to participate in an effort to help develop a standard.

Do single-use cans of gel fuel present the same hazard as pourable gel fuels? Should single-use cans be treated differently under a rule?

Single use cans of gel fuel could present the same hazard as the current fuels if the fuel is pourable. Consumers may be tempted to pour fuel out of a single use can into a lit firepot if it is free flowing. Performance requirements and/or required testing should be considered for gel fuel in single use cans. It would be prudent to make the gel fuel safer to meet performance requirements whether in single use cans or other fuel containers.

Single-use cans may have different testing requirements under this rule. The fuel and the container both need to be safe and meet performance, warning and labeling requirements. If specific safety tests show the single use fuel can be used safely by the consumer, it should be outside the scope of the rulemaking.

Summary

Sterno appreciates this opportunity to comment on the ANPR. We believe that safety tests can be designed and requirements put in place to significantly reduce the risk of injury with alcohol-based gels. We look forward to working with the CPSC and other organizations and business entities involved with these products.

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Fire Pots and Gel Fuel; Advance Notice of Proposed Rulemaking; Request for Comments and Information

Comment On: CPSC-2011-0095-0001
Fire Pots and Gel Fuel; Advance Notice of Proposed Rulemaking; Request for Comments and Information

Document: CPSC-2011-0095-0036
Comment from Ryan Carroll

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General Comment

See attached file(s)

Attachments

CPSC Firepot & Gel Fuel Comments 2.24.12



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**BEFORE THE CONSUMER PRODUCT SAFETY COMMISSION
BETHESDA, MD**

February 24, 2012

Advance Notice of Proposed Rulemaking
76 Fed. Reg. 80832

16 CFR Part Chapter II
CPSC-2011-0095

COMMENTS OF THE HEARTH, PATIO & BARBECUE ASSOCIATION

The Hearth, Patio & Barbecue Association (HPBA) is pleased to submit for your consideration the following comments in response to the Consumer Product Safety Commission's (CPSC's) advance notice of proposed rulemaking (ANPR) published at 76 Fed. Reg. 80832 (December 27, 2011). The December ANPR is an effort by CPSC to determine the most appropriate means of increasing the safety of new products typically referred to as "firepots" and the gel fuel used in them. The ANPR does not cover stationary fireplaces or lighting products that have a wick or use a type of gel fuel other than alcohol-based gel fuels.

HPBA is the North American trade association for manufacturers, retailers, distributors, representatives, service firms, and associates for all types of hearth, patio and barbecue appliances, fuels and accessories, and represents the interests of its members in legislative, regulatory, and other governmental policy matters of concern to them. Recently, HPBA has submitted comments to CPSC arguing in favor of accepting strong, voluntary standards developed by industry over federal regulations for the glass fronts of vented gas fireplaces. In the case of firepots and the alcohol gel fuel used in them, however, we feel that a CPSC-promulgated mandatory rule would be appropriate.

Firepots

Although HPBA's membership includes virtually the entire universe of hearth, patio, and barbecue appliances, our members have little, if anything, to do with the manufacture of the types of products that are the focus of this ANPR. Many of the products at issue are from foreign companies who export the products for purchase by the American consumer. Our members do manufacture larger, stationary alcohol-based gel fuel appliances, but those products are not covered by this ANPR. Products manufactured by HPBA member companies are covered under UL 1370, Unvented Alcohol Fuel Burning Decorative Appliances. The scope of UL 1370 is:

"factory built unvented liquid or gelled alcohol based, fuel burning decorative appliances intended to be fixed non-moveable appliances including only the following:

- a) Floor mounted appliances with a minimum width of 36 inches (914 cm) and a minimum weight of 100 pounds (45.36 kg);
- b) Wall-mounted appliances; and
- c) Fireplace inserts.

These appliances are intended to be decorative in nature and limited to a maximum input rate of 0.25 gallons of fuel per hour (0.95 liters per hour). Fuel oils, kerosene, gasoline, and other non-alcohols are not covered by these requirements."

We are unaware of any existing standards for either the physical characteristics of the firepots or warning and labeling requirements for the products, but would suggest that a mandatory standard be developed and adopted.

Gel Fuel

HPBA does represent companies that manufacture alcohol-based gel fuel and certain products that use the same fuel (though, as noted above, no firepots as considered by this ANPR). We do feel that a mandatory rule is appropriate for alcohol-based gel fuels and, particularly, their containers. CPSC should be interested to know that steps are being taken in an effort to initiate the development of an ASTM standard on alcohol-based gel fuel. There was a teleconference with the relevant subcommittee on December 5, 2011, and further discussions will be held at a June 24, 2012 meeting in San Francisco. We believe it would be possible to form a group of fuel manufacturers and re-packagers to work with CPSC to develop the regulation and would be willing to help in whatever way we can in forming such a group.

Other regulatory initiatives that may warrant consideration include the standards on containers of charcoal lighter fluid that were adopted many years ago to prevent a flame from being introduced into the vapor space, or "headspace," of the containers. As most gel fuel containers are currently open-mouthed containers, the introduction of safety features such as venting, grounding, or flame arrestors to prevent the ignition of flammable vapors would likely prevent the large majority of refueling-related incidents.

Additionally, despite the fact that gel fuel containers universally have warnings of flammability hazards, mandatory labeling requirements that more accurately and effectively convey the hazards posed by gel fuel should be considered by CPSC. Possible means by which to more effectively convey the potential for hazard could include more explicit warnings, differentiation of safety hazard and refilling warnings from other text on the product or packaging, and the use of development and use of pictorial symbols

Conclusion

HPBA supports the promulgation of either mandatory standards, mandatory labeling rules, or both, to address the risk of injury associated with firepots and gel fuel. While we do not have any specific recommendations for a regulatory approach to addressing the safety of firepots, or the characteristics of gel fuel containers, we do recommend that CPSC consider following or becoming involved in the upcoming ASTM discussions on standards for gel fuel.

We remain available to more fully discuss these comments with the Commission in more detail.

Respectfully submitted,
Hearth, Patio & Barbecue Association
February 24, 2012

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Fire Pots and Gel Fuel; Advance Notice of Proposed Rulemaking; Request for Comments and Information

Comment On: CPSC-2011-0095-0001

Fire Pots and Gel Fuel; Advance Notice of Proposed Rulemaking; Request for Comments and Information

Document: CPSC-2011-0095-0037

Comment from Kaye Baldwin (Mr.)

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Organization: Home Fireplace Systems Ltd.

General Comment

February 25th, 2012

PART 1 (PART 2 to follow)

Office of the Secretary,
Consumer Product Safety Commission
Room 820, 4330 East West Highway
Bethesda, MD 20814

Re: Docket No. CPSC-2011-0095 Proposed Rule: Fire Pots and Gel Fuel

Dear Sir/Madam;

The writer recommends the banning of alcohol/ethanol gel fuels. The ANPR dated Dec. 27th, 2011 clearly identifies significant dangers that cannot be mitigated by regulations.

Solution: A nonhazardous nonflammable low emission, low toxicity liquid that burns with a media or wick and overcomes the hazards that currently exist in the use of firepots and alcohol gel fuels.

1. The use of a media wick in a burner can or cup generates a visible flame that remains at the top of the burner and also renders it non-spillable.

2. Burn cup ejection from the firepot is now addressed by a majority of the industry. There are several ways to provide ventilation and avoid pressures within the firepot that are thought to be the reason for fuel cup ejection. A major solution is to keep the flame at the top of the can as in (1) above.

3. The increased safety of a fuel/media wick as in (1) above, avoids the use of explosive and flammable symbols, providing space to make clear, effective warnings.

PART 2 to follow.....

PUBLIC SUBMISSION

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Fire Pots and Gel Fuel; Advance Notice of Proposed Rulemaking; Request for Comments and Information

Comment On: CPSC-2011-0095-0001

Fire Pots and Gel Fuel; Advance Notice of Proposed Rulemaking; Request for Comments and Information

Document: CPSC-2011-0095-0038

Comment from Kaye Baldwin (Mr.)

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Redacted Comment

Same person that submitted comment CPSC-2011-0095-0037

February 25th, 2012

PART 2 (PART 1 sent under Tracking # 80fc13bf)

Office of the Secretary, Consumer Product Safety Commission

Re: Docket No. CPSC-2011-0095 Proposed Rule: Fire Pots and Gel Fuel

Solicitation of Information and Comments

An alternative for addressing the risk is to recognize that the industry has at its

disposal a safer fuel.

In addition these are my comments and information:

Liquid alcohol should be included in the ban. It is more dangerous to handle than alcohol gels, easier to spill, produces more vapors, is more explosive and spreads fire over a much wider area.

Warnings or instructions for alcohol gel fuel cannot address the risk of injury.

Performance requirements for firepots addressing the risk of injury are significantly reduced by banning alcohol and using safer fuel.

Potential costs of labeling and performance requirements are reduced when using a safer fuel.

Rules requiring warnings or instructions on any product producing a fire will alert the user to the behavior of the fuel and its use with firepots.

Performance requirements for firepots covering stability, ventilation and non-spill burn cups would have immediate benefits.

Changing to a safer fuel doesn't impact the sale of firepots.

Rules on firepots and bans on alcohol will save the industry. Without rules and bans, there will be more fatalities and injuries, and no industry.

Pourable gel fuel can be made into safer solid cubes used as fire starters for wood burning fireplaces and stoves.

Alcohol based gel fuels should be banned.

All alcohol based fuels present a hazard. Single use cans of gel are less of a hazard. However, a review of the eight hazard scenarios in the ANPR identifies incidents related to can explosion and ejection.

On the issue of portability, chafing dishes and fondues present similar risks.

Building codes in Canada (Quebec) do not allow the storage of more than 5 litres of alcohol in residences.

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Fire Pots and Gel Fuel; Advance Notice of Proposed Rulemaking; Request for Comments and Information

Comment On: CPSC-2011-0095-0001

Fire Pots and Gel Fuel; Advance Notice of Proposed Rulemaking; Request for Comments and Information

Document: CPSC-2011-0095-0039

Comment from Andrew Rust

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Organization: Saas design

General Comment

Part 1 of 2

February 27, 2012

There have been too many incidents to avoid the conclusion that consumer safety must be everyone's first and foremost concern in regards to the safe usage of firepots.

We cannot regulate the consumer and their handling and usage of firepots but we can certainly offer them a safer alternative.

The majority of the hazards presented in the ANPR are fuel related. Most of the ANPR's 8 hazard scenarios associated with firepots using gel fuel can be resolved with the

use of a safer alternative fuel. A fuel which is non flammable, non hazardous, is bio based and only burns with an absorbent material that allows the flame to burn at the top of the burner cup is currently available.

There needs to be some adjustments to the firepots and burner cups in the form of standardizing their size, making them more stable and re designing them to allow more air flow between the pot and cup. These changes alone, without a major change in the fuel used, is only a bandaid solution that will not protect the consumer from the same incidents happening again. We are recommending the banning of all alcohol/ethanol based fuels for use in firepots.

Liquid alcohol/ethanol fuel poses as great a danger as gel fuel, if not more. It spills easily, regardless of the size of the container it is in. Rarely can the liquid be poured into the container cleanly without some spillage, that should be wiped off. It also spreads the fire over a greater area and is more volatile. Using liquid alcohol/ethanol fuel instead of gel fuel is like going from the frying pan into the fire. There is always a safety issue when dealing with hazardous fuel and especially pronounced when it involves an open flame. There is a reason why there are so many shipping regulations for this type of hazardous fuel!!

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Fire Pots and Gel Fuel; Advance Notice of Proposed Rulemaking; Request for Comments and Information

Comment On: CPSC-2011-0095-0001

Fire Pots and Gel Fuel; Advance Notice of Proposed Rulemaking; Request for Comments and Information

Document: CPSC-2011-0095-0040

Comment from Andrew Rust

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Submitter's Representative: Andrew Rust

Organization: Saas design

Redacted Comment

Same person that submitted comment CPSC-2011-0095-0039

Part 2 of 2

February 27, 2012

There is also a storage issue with alcohol/ethanol fuels. In Quebec the 'Regis du Batiment' (Government Building Association) recommend that no more than 5 litres (1.34 gallons) be stored in any residential premises and each US State have their own storage and usage regulations for hazardous goods as well.

Can you imagine a large residential building (condo/apartment) in the middle of Chicago with 1000's of gallons of fuel stored within it? How would this be viewed by the building inspectors, fire marshalls and insurance companies? Let alone the safety issues it poses for the people residing on a potential powder keg!!!

Here are our suggestions for possible alternatives and more permanent solutions for addressing the risk of injury:

- 1) With the use of a safer fuel the majority of the CPSC's concerns will be addressed.
- 2) Creating a standardization for the firepots and burner cups to be used with a safer fuel will protect the consumer.
- 3) Labelling should be looked at with the intention of informing and educating the consumer of the possible hazards, thru pictograms, warnings, graphics and instructions.

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Fire Pots and Gel Fuel; Advance Notice of Proposed Rulemaking; Request for Comments and Information

Comment On: CPSC-2011-0095-0001

Fire Pots and Gel Fuel; Advance Notice of Proposed Rulemaking; Request for Comments and Information

Document: CPSC-2011-0095-0041

Comment from Richard Iantosca

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General Comment

See attached file(s)

Attachments

Response to CPSC - Gel Fuel

Ref: Docket #CPSC-2001-0095 PROPOSED Rule: Fire Pots and Gel Fuel

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Fire Pots and Gel Fuel; Advance Notice of Proposed Rulemaking; Request for Comments and Information

Comment On: CPSC-2011-0095-0001

Fire Pots and Gel Fuel; Advance Notice of Proposed Rulemaking; Request for Comments and Information

Document: CPSC-2011-0095-0042

Comment from Christine King

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Organization: Bird Brain, Inc.

General Comment

Please see attached.

Attachments

BBI ANPR Response - Final 2-27-2012

United States Consumer Product Safety Commission

Docket Number: CPSC-2011-0095

Comments to the Advanced Notice of Proposed Rulemaking on Fire Pots and Gel Fuel

Introduction and Statement of Interest

Bird Brain, Inc. (Bird Brain) appreciates the opportunity to comment on the Advanced Notice of Product Rulemaking (ANPR) regarding the fire pots and fuel gels as invited in the Federal Register notice of December 27, 2011. In the ANPR the Consumer Product Safety Commission (CPSC) requested comments on several issues surrounding the use of Firepot™ Gel Burners and gel fuels.

Bird Brain, Inc. has sold firepots and fuel gels since 2008 and participated in the voluntary recall of pourable fuel gels in September 2011.

Industry Standards for firepot testing

Bird Brain is not aware of any industry wide standards for the testing of firepots that addresses the issues outlined in the ANPR. Portions of other standards may be relevant to this issue and may be modified to suit this purpose.

The following standards may be useful to serve as a starting point in developing a standard for firepots: ASTM F2417 Standard Specification for Fire Safety for Candles; ASTM F2601 Standard Specification for Fire Safety for Candle Accessories; and F2058 Standard Specification for Candle Fire Safety Labeling. For example, ASTM F2417 and ASTM F2601 contain references to things like the flammability of the item itself (such as the holder), performance testing and stability testing. AASTM F2058 contains labeling requirements, some of which may be appropriate for this type of an item.

Performance and safety testing for firepots should include:

- Flammability testing of the firepot
- Stability and tip testing
- Performance use testing with intended fuels
- Resistance to weathering and hot/cold cycles
- Corrosion testing

The specific details of each of the above testing would need to be determined and could be accomplished through development of a voluntary standard.

Warnings and Instructions

Bird Brain believes that the firepot industry should voluntarily create standardized warnings and instructions that would be beneficial in reducing any potential hazards. Warnings and Instructions that could be considered include:

WARNINGS

- Potential risk of fire and burns
- Burn within sight
- Keep away from things that catch fire
- Keep out of reach of children and pets

INSTRUCTIONS FOR FIREPOTS

- Before use read all instructions and warnings on the firepot and gel fuel labels
- Place firepot on stable, level, heat resistant surface in well ventilated area
- Never burn firepot unattended or near anything flammable
- Do not attempt to move the firepot when lit
- Product burns with an open flame, never reach over firepot when burning
- Do not add anything to a lit firepot
- After the firepot is extinguished, allow the vessel to cool before replacing or adding gel

FOR FLAMMABLE GEL FUELS

- Before use read all instructions and warnings on the firepot and gel fuel labels
- Never add gel to a lit firepot
- Use extreme caution when replacing or refilling fuel
- Flammable mixture – keep container away from flames

EMERGENCY WARNINGS

Appropriate emergency warnings should be included

We believe that all firepots should have warnings clearly stated on the retail packaging and also a warnings and instruction sheet that is packed inside the retail packaging.

What are the potential costs to manufacturers of labeling or performance requirements?

Most of the costs of labeling would be incurred due to the industry needing to redesign and update existing retail packaging.

The costs of performance requirements could impact the industry in several ways. Additional product development costs, new molds/manufacturing costs, testing (in-house or 3rd party) would all have an impact on the cost of goods and the ability to go to market.

What are the potential benefits of a rule that would require warnings or instructions?

Creating standardized warnings and instructions would allow the consumer to have a better understanding of the proper and safe use of gel fuels and firepots regardless of the manufacturer. Due to the increased popularity of firepots and gel fuels a single consumer may now own multiple firepots or gel fuels from different manufacturers. Consistent warnings and instructions across the industry would allow the consumer to be better informed.

What are the potential benefits of a rule that would establish performance requirements for firepots, gel fuel, and or gel fuel containers?

A rule that would establish performance requirements could eliminate the risk of unsafe product designs reaching the consumer market. This could also be accomplished through the creation and adoption of voluntary industry standards.

What is the potential economic impact of banning firepots and or gel fuel? What alternative products would remain available?

A complete ban on firepots and or gel fuel could have a devastating effect for multiple small businesses in the industry. There are no truly comparable products to this category.

What other uses exist for pourable gel fuels other than the firepots covered by the ANPR and the fireplaces that are expressly not covered by this ANPR? What is the potential impact on gel fuel sold for stationary fireplaces of any rule?

Pourable gel fuels are currently sold for use as indoor/outdoor fire starters.

Summary

Bird Brain is committed to working with the Consumer Product Safety Commission and the firepot industry to create standards that would allow for safe consumer use of fire pots and gel fuels. Bird Brain is willing to participate in an effort to help develop voluntary standards.

PUBLIC SUBMISSION

As of: March 01, 2012
Received: February 27, 2012
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Docket: CPSC-2011-0095
Fire Pots and Gel Fuel; Advance Notice of Proposed Rulemaking; Request for Comments and Information

Comment On: CPSC-2011-0095-0001
Fire Pots and Gel Fuel; Advance Notice of Proposed Rulemaking; Request for Comments and Information

Document: CPSC-2011-0095-0043
Comment from Philip O'Connor

Submitter Information

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General Comment

See attached file(s)

Attachments

CPSC letter

Wednesday, 22 February, 2012

Office of the Secretary,

Consumer Product Safety Commission

Room 820, 4330 East West Highway,

Bethesda, MD 20814

Re: Docket No. CPSC-2011-0095

Dear Sir/Madam,

⦿ The risk of serious injury to consumers is unacceptably high to the average consumer when using a gel-fuel product, and;

⦿ As a result, proper action should be taken by the CPSC to ensure the safety of the consumer.

I do not believe that the firepots are the underlying problem in this issue, the problem arises from the Gel Fuel itself, due in part to a couple of reasons;

⦿ The flash point of the Gel Fuel is too low, allowing for the possibility of a flashback and thus leading to a startled consumer. Compounding the risk of an accident.

⦿ The way in which the Gel Fuel is delivered to the firepot increases the consumers' risk of this potential flashback.

Solution

⦿ Alcohol based Gel fuels should be banned.

⦿ An additional ban should be placed on liquid alcohol/Ethanol products which are as risky, or riskier than gel fuels.

⦿ A mandatory standard for firepots that addresses the delivery of fuel.

⦿ A mandatory standard to address the risk of ejection of the firepot.

⦿ The industry can develop a wick based fuel with a much lower flash point. Similar to the citronella used in the Tiki Torch product that have been available and used safely for years.

⦿ The industry can develop a retro-fit kit for existing products either, already sold or available to utilize a wick based fuel solution.

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Fire Pots and Gel Fuel; Advance Notice of Proposed Rulemaking; Request for Comments and Information

Comment On: CPSC-2011-0095-0001

Fire Pots and Gel Fuel; Advance Notice of Proposed Rulemaking; Request for Comments and Information

Document: CPSC-2011-0095-0044

Comment from Michael Hart

Submitter Information

Name: Michael Hart

Address:

VA,

General Comment

Fire Pots and Gel Fuel; Advance Notice of Proposed Rulemaking; Request for Comments and Information (Document ID CPSC-2011-0095-0001)

My wife was burned over 60-75% of her body when our friend used the Napa brand citronella FireGel to re-fill a firepot that appeared to have burned out. (The bottle was labeled "the safe pourable gel"). The gel was ejected from the bottle and flew approximately 8 feet before the burning fuel gel struck my wife who was sitting nearby. My wife did not initially realize she was on fire because the flame was not visible. She attempted to stop, drop and roll. When she stood up, the gel was still burning or re-ignited. It took 4-6 friends to help get the fire out on the second stop, drop and roll attempt. She was flown by helicopter to the Washington Hospital Center burn unit where she was admitted to the ICU. She was hospitalized for 82 days. 55 days were spent in intensive care.

Fire gel and fire pots are very dangerous products, cannot be used safely, and should be pulled from the market permanently.

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Fire Pots and Gel Fuel; Advance Notice of Proposed Rulemaking; Request for Comments and Information

Comment On: CPSC-2011-0095-0001

Fire Pots and Gel Fuel; Advance Notice of Proposed Rulemaking; Request for Comments and Information

Document: CPSC-2011-0095-0045

Comment from Michelle Zadra

Submitter Information

Name: Michelle Zadra

Address:

CA,

Email: mszadra@gmail.com

General Comment

Please act swiftly to ban the sale of gel fuel and gel fuel firepots in the United States.

Gel fuel is highly flammable, combustible and extremely dangerous. It is not appropriate for use in consumer decorative lighting, as is evidenced by two fatalities and injuries to 86 people resulting from flash fires and explosions involving these products.

One of those injured was a friend of my daughter; her name is Lauren Levitt. She spent two difficult weeks in a burn center and now suffers surgery after surgery on her face, hands and thighs. She is fortunate, her injuries were not life threatening, but I read the accounts of others who were not so fortunate and I know that it could have been so much worse for her. However, she will be living with the trauma of the memory and the scars for the remainder of her life. This is something that should have never happened to this beautiful child.

I support to ban the sale of these dangerous products. Even the slightest possibility of explosion is too much to risk. I hope lawmakers will agree.