

## INDEX OF COMMENTS

Petitions Requesting Safeguards for Glass Fronts of Gas Vented Fireplaces

**PUBLIC SUBMISSION**

CPSC-2011-0028

<b>COMMENT</b>	<b>DATE</b>	<b>SIGNED BY</b>	<b>AFFILIATION</b>
0028-0002	6/10/2011	Richard Leff	133 West 22nd Street, 4J New York, NY 10011
0028-0003	6/14/2011	Neal Freedman	Address Omitted
0028-0004	6/24/2011	Dr. David Antell	David J. Antell, D.O., FACS 329 East 18th Street New York, NY 10003
0028-0005	7/22/2011	G Kaatz	Address Omitted
0028-0006	7/24/2011	Jayson Vidican	Address Omitted
0028-0007	7/26/2011	Nancy Cowles	Address Omitted
0028-0008	7/29/2011	Richard Kagan	Shriners Hospitals For Children 3229 Burnet Avenue Cincinnati, OH 45229
0028-0009	8/4/2011	Kenneth Belding	Empire Comfort Systems, Inc. 918 Freeburg Avenue Belleville, IL 62220
0028-0010	8/5/2011	Heather Lipe	10124 Oak Haven Drive McCordsville, IN 46055

<b>COMMENT</b>	<b>DATE</b>	<b>SIGNED BY</b>	<b>AFFILIATION</b>
0028-0011	8/5/2011	Mac Hosn	4130 Lakely Lane Marrietta, GA 30062
0028-0012	8/5/2011	Brad Determan	Hearth & Home Technologies Inc. 7571 - 215th Street West Lakeville, MN 55044
0028-0013	8/8/2011	James Lemonds	211 North Broadway, Suite 1600 St. Louis, MO 63102
0028-0014	8/8/2011	Mike Pennington	Lennox Hearth Products 1508 Elm Hill Pike, Suite 108 Nashville, TN 37210
0028-0015	8/8/2011	Christopher Gannon	1047 Welsh Ayres Way Downingtown, PA 19335
0028-0016	8/8/2011	Jack Goldman Ryan Carroll	Health, Patio & Barbecue Association 1901 N. Moore St. Suite 600 Arlington, VA 22209
0028-0017	8/8/2011	Ami Gadhia	Consumers Union and Consumer Federation of America 1101 17th Street NW, Suite 500 Washington, DC 20036
0028-0018	8/8/2011	Deirdre Wooldridge	145 North Avenue Turlock, CA 95382
0028-0019	8/8/2011	Kim Smith	24907 Falcongrove Lane Katy, TX 77494-6423

<b>COMMENT</b>	<b>DATE</b>	<b>SIGNED BY</b>	<b>AFFILIATION</b>
0028-0020	8/10/2011	David Hemenway, PhD	Harvard School of Public Health 677 Huntington Avenue Boston, MA 02115
0028-0021	8/10/2011	David Greenhalgh, MD	Schriners Hospitals for Children 2425 Stockton Boulevard Sacramento, CA 95817
0028-0022	8/10/2011	Michael Peck, MD, ScD, FACS	Arizona Burn Center Maricopa Medical Center 2601 E. Roosevelt St. Phoenix, AZ 85008
0028-0023	8/10/2011	John Schulz, III	Bridgeport Hospital 267 Grant Street Bridgeport, CT 06610-0120
0028-0024	8/10/2011	Robert Watson	Jotul North America Address Omitted
0028-0025	8/10/2011	Alan Sickles, MD	329 East 18th Street New York, NY 10003
0028-0026	8/10/2011	Michael Gittelman, MD	3333 Burnet Avenue Cincinnati, OH 45229-3039
0028-0027	8/10/2011	William Lerner	215 East 68th Street, Suite 23-A New York, NY 10065-5729
0028-0028	8/11/2011	Lorraine Carli	National Fire Protection Association (NFPA)

**COMMENT**

**DATE**

**SIGNED BY**

**AFFILIATION**

0028-0029

8/11/2011

Steven Moulton

The Children's Hospital Colorado  
Anschutz Medical Campus  
13123 East 16th Avenue  
Aurora, CO 80045

**As of:** August 10, 2011  
**Received:** June 10, 2011  
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**Comments Due:** August 08, 2011  
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# PUBLIC SUBMISSION

**Docket:** CPSC-2011-0028

Petitions Requesting Safeguards for Glass Fronts of Gas Vented Fireplaces

**Comment On:** CPSC-2011-0028-0001

Petitions Requesting Safeguards for Glass Fronts of Gas Vented Fireplaces

**Document:** CPSC-2011-0028-0002

Comment from Richard E. Leff

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## Submitter Information

**Name:** Richard Leff

**Address:** United States,

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## General Comment

See Attached

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## Attachments

Comment from Richard Leff

Richard E. Leff  
133 West 22<sup>nd</sup> Street, 4J  
New York, New York 10011

June 10, 2011

Consumer Product Safety Commission  
Mr. Todd Stevenson, Director  
Office of the Secretary, U.S. Consumer Product Safety Commission  
Room 820  
4330 East West Highway  
Bethesda, MD 20814

Re: Public Comment of Petition Requesting Safeguards for Glass Fronts of  
Gas Vented Fireplaces  
Docket No. CPSC-2011-0028

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Dear Mr. Stevenson:

I am writing to support the Petition requiring new safeguards for glass fronted gas fireplaces. Currently, these units have no mandated safety requirements and research reveals the glass fronts commonly reach 500 Fahrenheit. These fireplaces may be engaged for extended periods time and the glass fronts retain and project heat even when the unit has been turned off after use. Metal screens placed directly in front of the glass retain heat and can reach 250 Fahrenheit, or higher, routinely. Obviously, these screens also cause burns as the manufacturers indicate in their warnings contained in the instruction manuals provided with the units.

The screens provide no indication, in any manner, that they may reach a sufficient heat that they can also cause severe burn injuries. It is axiomatic that manufacturers would actually recommend a "safety device" which is not, in fact, safe but actually presents the same, if not a greater danger than the glass front fireplaces themselves. I state "greater danger" because the existence of the screen creates a false sense of security that the screen will shield and protect individuals from a burn injury when in fact, the hot screens can cause equally debilitating and severe burn injuries and one cannot determine whether the screen is at a temperature where these injuries can be caused. This is the identical problem the manufacturers are attempting to guard against which thereby renders this proposed "solution" useless and moot.

Moreover, it is unclear how screens can be provided to conform to the varying shapes and sizes of glass fronted fireplaces. Another significant issue not to be overlooked is that screens can be removed, thereby rendering any potential utility useless.

June 10, 2011

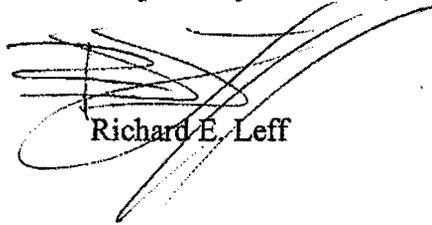
Page 2 of 2

An effective safety warning device must be one that is clear, concise, be universally available to accommodate the varying shapes and sizes of the glass fronted fireplaces and, *most* importantly, not also be hazardous. It is not as if technology does not exist which can effectively provide such a device. This device is what Mr. Lerner is promoting.

Mr. Lerner's visual warning symbol on the glass itself which alerts of the danger in a clear and instantly recognizable way is the most obvious, practical and cost-effective solution. It is the proverbial "no-brainer!"

This warning will be visible until the temperature has reached a point where burn injuries are no longer a factor and the danger no longer exists. Moreover, it can be fitted into any shape, age or size fireplace and cannot be disabled. There is actually no better, safer, more adaptable or more cost-effective alternative. In no uncertain terms, this warning light is clearly the obvious solution to resolving the warning dilemma.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Richard E. Leff", is written over a printed name. The signature is stylized with several overlapping loops and a long horizontal stroke extending to the right.

Richard E. Leff

# PUBLIC SUBMISSION

<b>As of:</b> August 10, 2011
<b>Received:</b> June 14, 2011
<b>Status:</b> Posted
<b>Posted:</b> June 16, 2011
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<b>Tracking No.</b> 80e50475
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<b>Submission Type:</b> Web

**Docket:** CPSC-2011-0028

Petitions Requesting Safeguards for Glass Fronts of Gas Vented Fireplaces

**Comment On:** CPSC-2011-0028-0001

Petitions Requesting Safeguards for Glass Fronts of Gas Vented Fireplaces

**Document:** CPSC-2011-0028-0003

Comment from Neal Freedman

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## Submitter Information

**Name:** Neal Freedman

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## General Comment

As a safety professional that has worked in the insurance industry for over 20 years, I am a strong advocate of safety measures that protect people at work, in their vehicle, and at home. The use of safety screens and high temperature warning systems are critical precautions that should be required installations for all manufacturers of glass-front gas fireplaces to protect the public from serious burn injuries.

<b>As of:</b> August 10, 2011
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<b>Status:</b> Posted
<b>Posted:</b> June 27, 2011
<b>Category:</b> Consumer/Individual
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<b>Submission Type:</b> Web

# PUBLIC SUBMISSION

**Docket:** CPSC-2011-0028  
Petitions Requesting Safeguards for Glass Fronts of Gas Vented Fireplaces

**Comment On:** CPSC-2011-0028-0001  
Petitions Requesting Safeguards for Glass Fronts of Gas Vented Fireplaces

**Document:** CPSC-2011-0028-0004  
Comment from Dr. David Antell

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## Submitter Information

**Name:** Dr. David Antell  
**Address:**  
329 East 18th Street  
New York, NY, 10003  
**Email:** djant@aol.com  
**Phone:** 212-673-0788  
**Fax:** 212-533-8623  
**Submitter's Representative:** David Antell  
**Organization:** David J. Antell, D.O., FACS

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## General Comment

I am concerned about the lack of some kind of warning system on the front of some of the glass front, gas fireplaces. These systems although fabulous in what they do, have no warning system for when they are too hot to touch. I feel that there should be something on the front, on the glass that will serve as a warning to keep people away. Thank you

Dr. David J. Antell  
Diplomate of the American Board of Plastic and Reconstructive surgery

# PUBLIC SUBMISSION

<b>As of:</b> August 10, 2011 <b>Received:</b> July 22, 2011 <b>Status:</b> Posted <b>Posted:</b> July 22, 2011 <b>Category:</b> Other <b>Tracking No.</b> 80ec992a <b>Comments Due:</b> August 08, 2011 <b>Submission Type:</b> Web
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**Docket:** CPSC-2011-0028

Petitions Requesting Safeguards for Glass Fronts of Gas Vented Fireplaces

**Comment On:** CPSC-2011-0028-0001

Petitions Requesting Safeguards for Glass Fronts of Gas Vented Fireplaces

**Document:** CPSC-2011-0028-0005

Comment from G Kaatz

## Submitter Information

**Name:** G Kaatz

**Address:** United States,

## General Comment

I agree with Carol Pollack-Nelson PhD, that there should be some sort of barrier that helps prevent young children from receiving severe burns.

It seems as if company's do put warning out there stating that the glass will get hot and children need to be supervised but the warning tag is about this is on the fireplace itself, hidden under the fireplace and behind an access door. This is totally unacceptable and should immediately be remedied.

There should be multiple warning labels on the fireplace and somewhere on the glass door. Also a protective screen should come standard with a fireplace to help protect the consumer, their family and the company that built the fireplace.

Pollack-Nelson PhD, cited numerous instances of children being burned after touching the glass door of a vented fireplace. Many of these children had touched the door after the parents had turned off the fireplace and many minutes had passed allowing the glass to cool. Imagine if a child touched the glass while the fireplace was still lit.

I think that there should be a standard barrier that is required to have in front of your fireplace to help protect everyone involved. Also there needs to be more consumer education on the product prior to them purchasing a fireplace.

As a father the responsibility to protect my family fall clearly on my shoulders and the blame is

not all on the company that built the fireplace. Parents should definitely educate themselves on the proper uses of the fireplace and what accessories are available to them to help protect their children from being burned.

I recommend that the warning be placed somewhere where the consumer sees it and that they sign a statement from wherever they purchased the fireplace that they have been given a copy of the warning and that they have read it and understand the dangers that a fireplace could have.

<b>As of:</b> August 10, 2011
<b>Received:</b> July 24, 2011
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<b>Posted:</b> July 25, 2011
<b>Tracking No.</b> 80eca08d
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<b>Submission Type:</b> Web

# PUBLIC SUBMISSION

**Docket:** CPSC-2011-0028

Petitions Requesting Safeguards for Glass Fronts of Gas Vented Fireplaces

**Comment On:** CPSC-2011-0028-0001

Petitions Requesting Safeguards for Glass Fronts of Gas Vented Fireplaces

**Document:** CPSC-2011-0028-0006

Comment from Jayson Vidican

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## Submitter Information

**Name:** Jayson Vidican

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## General Comment

I would like to express a comment in regards to the proposed rule of safeguards for glass fronts of gas vented fireplaces referred to in Document ID: CSPC-2011-0028. I believe both Carol Pollack-Nelson and William S. Lerner offer valid suggestions that would help protect children from potentially being burned from a gas fireplace. While Mrs. Pollack-Nelson's suggestion of a protective barrier for any accessible surface that may be hot enough to cause burns is a safer recommendation than Mr. Lerner's, it may be too visually disruptive and diminish the ascetics of the fireplace and or room. Mr. Lerner's suggestion of the high temperature warning system can be more visually pleasing while the fireplace is not operating, there is still potential for a younger child to touch the glass and get burned. Regardless, both suggestions would help inform and protect people from the high temperatures of a gas vented fireplace with a glass front.

# PUBLIC SUBMISSION

<b>As of:</b> August 10, 2011
<b>Received:</b> July 26, 2011
<b>Status:</b> Posted
<b>Posted:</b> July 28, 2011
<b>Category:</b> Consumer Advocacy Organization
<b>Tracking No.</b> 80ecce60
<b>Comments Due:</b> August 08, 2011
<b>Submission Type:</b> Web

**Docket:** CPSC-2011-0028

Petitions Requesting Safeguards for Glass Fronts of Gas Vented Fireplaces

**Comment On:** CPSC-2011-0028-0001

Petitions Requesting Safeguards for Glass Fronts of Gas Vented Fireplaces

**Document:** CPSC-2011-0028-0007

Comment from Nancy Cowles

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## Submitter Information

**Name:** Nancy Cowles

**Email:** nancy@kidsindanger.org

**Phone:** 312.595.0649

**Organization:** Kids In Danger

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## General Comment

I am writing on behalf of Kids In Danger, a nonprofit dedicated to protecting children by improving product safety. I am writing to support the Petition from Carol Pollack Nelson -- Requesting Safeguards for Glass Fronts of Gas Vented Fireplaces (Document ID CPSC-2011-0028-0001).

As Dr. Pollack-Nelson pointed out in her petition, thousands of children have been injured by hot glass fronts of gas vented fireplaces. This is a hazard that is not evident to the user --the fire is out and no longer hot, it isn't intuitive that the glass front would still be hot enough to burn a child. In addition, because the injuries involve young children, a warning, or warnings symbol, is not adequate since the possible injury victim probably doesn't read or understand even basic warning symbols. A warning symbol might alert parents to the hazard, but to a quick moving toddler who can easily enter a room and get burned before the supervising adult gets close enough to stop them, the warnings would not be sufficient and may even lure the child to the fireplace.

We support Dr. Pollack-Nelson's call for an integrated barrier to the heated glass to protect children. We would also support additional warnings, even with a shield.

# PUBLIC SUBMISSION

<b>As of:</b> August 10, 2011
<b>Received:</b> July 29, 2011
<b>Status:</b> Posted
<b>Posted:</b> August 01, 2011
<b>Category:</b> Consumer/Individual
<b>Tracking No.</b> 80ecffb9
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<b>Submission Type:</b> Web

**Docket:** CPSC-2011-0028  
Petitions Requesting Safeguards for Glass Fronts of Gas Vented Fireplaces

**Comment On:** CPSC-2011-0028-0001  
Petitions Requesting Safeguards for Glass Fronts of Gas Vented Fireplaces

**Document:** CPSC-2011-0028-0008  
Comment from Richard Kagan

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## Submitter Information

**Name:** Richard Kagan  
**Address:**  
3229 Burnet Avenue  
Shriners Hospitals for Children-Cincinnati  
Cincinnati, OH, 45229  
**Email:** rkagan@shrinenet.org  
**Phone:** 513-872-6210  
**Fax:** 513-872-6396  
**Organization:** Shriners Hospitals for Children

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## General Comment

I concur with the comments of Dr. David Greenhalgh, a long-time colleague and associate. Glass doors of fireplaces are extremely hot and have been associated with a significant increase in palmar burns in young children. These injuries can be devastating and result in severe disabilities for life, even with expert treatment. Government safeguards to prevent these injuries are needed now.

<b>As of:</b> August 10, 2011
<b>Received:</b> August 04, 2011
<b>Status:</b> Posted
<b>Posted:</b> August 04, 2011
<b>Category:</b> Manufacturer
<b>Tracking No.</b> 80ed74a6
<b>Comments Due:</b> August 08, 2011
<b>Submission Type:</b> Web

# PUBLIC SUBMISSION

**Docket:** CPSC-2011-0028

Petitions Requesting Safeguards for Glass Fronts of Gas Vented Fireplaces

**Comment On:** CPSC-2011-0028-0001

Petitions Requesting Safeguards for Glass Fronts of Gas Vented Fireplaces

**Document:** CPSC-2011-0028-0009

Comment from Kenneth Belding

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## Submitter Information

**Name:** Kenneth Belding

**Address:**

918 Freeburg Avenue

Belleville, IL, 62220

**Email:** kbelding@empirecomfort.com

**Phone:** 6182337420

**Fax:** 6182337097

**Organization:** Empire Comfort Systems, Inc.

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## General Comment

August 4, 2011

RE: Petition on Glass Fronts of Vented Fireplaces

Dear Sir or Madam:

In response to the above referenced petitions, Empire Comfort Systems is offering the following comments.

Empire Comfort Systems is a small business of less than 5,000 employees. It is a family-owned business located in Belleville, Illinois. Empire manufactures and markets Direct Heating Equipment (vented and vent-free fireplaces and space heaters) as well as BBQ grills.

Empire Comfort Systems includes in our manufacturing and marketing of vented fireplaces an optional screen for viewing glass. This screen is offered as an accessory. Our owner's manual also includes warnings concerning the glass front. Warnings about hot glass, created by the industry, are incorporated into the ANSI standard to which we certify.

We feel we, currently, exceed the current ANSI Standard requirements concerning glass fronts and have an excellent track record for consumer safety with these referenced products and, for that matter, all of our products.

We respectfully request the ANSI Standards Committee be allowed to work within the current process (which CPSC is part of) to come up with a solution. We are confident a consensus will be reached in a relatively short period of time. We believe this topic will be put on a fast track and that there will be a resolution very quickly.

Mr. Lerner's petition, while well intentioned, seems to fall well short of what we and other manufacturers desire to see. Among other things, we feel his system may actually attract young children to the glass. The "Lerner System" also does not protect from a potential accidental fall into the glass. I believe the standards committee will go beyond a warning light/system. Because of these two issues and other reasons not mentioned, I am asking that the William Lerner petition not be acted on (respectfully request it be rejected).

Respectfully,

EMPIRE COMFORT SYSTEMS, INC.

# PUBLIC SUBMISSION

<b>As of:</b> August 10, 2011
<b>Received:</b> August 05, 2011
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<b>Posted:</b> August 08, 2011
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<b>Comments Due:</b> August 08, 2011
<b>Submission Type:</b> Web

**Docket:** CPSC-2011-0028  
Petitions Requesting Safeguards for Glass Fronts of Gas Vented Fireplaces

**Comment On:** CPSC-2011-0028-0001  
Petitions Requesting Safeguards for Glass Fronts of Gas Vented Fireplaces

**Document:** CPSC-2011-0028-0010  
Comment from Heather Lipe

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## Submitter Information

**Name:** Heather Lipe  
**Address:**  
10124 Oak Haven Drive  
McCordsville, IN, 46055  
**Email:** heather@amplifydesign.com

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## General Comment

Please find attached my letter in support of the petition.

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## Attachments

CPSCLetter-8-5-2011

Josh and Heather Lipe  
10142 Oak Haven Drive  
McCordsville, IN 46055

*August 4, 2011*

**To Whom It May Concern:**

I am writing you in support of requiring the manufacturers of glass front fireplaces to include safety screens with their products to reduce the risk of burn injuries. From my personal experience, I believe these types of products pose an extreme threat, especially to young children, and further precautions need to be taken in order to make them safer.

On the evening of November 24, 2010, my eleven-month old son, Nixon, and I returned home on a cold rainy day from running last minute errands before Thanksgiving. It was a bit chilly in our house, so I decided to turn on our glass-front, gas fireplace and begin cooking dinner. This was the first time we'd used the fireplace since Nixon had become mobile. My husband, Josh, arrived home and the two of them went into our great room, where the fireplace is located. Nixon dropped his sippy cup in the floor and Josh bent over to pick it up (The fireplace had only been turned on about ten minutes at this time). In the time span of no longer than the two to three seconds it took Josh to squat down, Nixon made his way to the fireplace and touched it with both of his hands. He then began screaming horrifically and Josh rushed to his side. We turned his hands over to see blisters nearly a inch high already forming on his palms and fingers.

We rushed him to our local emergency room where he was given pain medication and we were told he needed to be transported to Riley Children's Hospital for further care. We were taken via ambulance to Riley and seen in their emergency room. After what seemed like hours of hearing Nixon scream and cry in agonizing pain, even with the aid of medication, one of the burn nurses came in and told us we'd need to remove all of the damaged area from his

hands to get a better idea of how deep the burns were. I will never forget being asked to hold my beautiful baby boy down on a hospital bed while someone cut the skin from his hands. This is an experience I hope no mother ever has to go through again.

After the damaged skin was removed, we were then admitted to a room in the burn unit at Riley. We spent Thanksgiving day writing on evaluations from doctors, and were told that it takes time for the severity of burns to present itself, and that we'd have to give it a few days to see how things went. We knew the burns were at least second-degree and possibly third degree, and were waiting to see if skin grafts would be needed or if they'd be able to heal on their own. A therapist created splints to hold his hands in a specific position to help prevent contracture, and we were shown stretching exercises to do with him 4-6 times a day. We were then told how to clean and wrap his wounds and released from the hospital on Friday, November 26 and asked to return to a clinic visit on the following Monday.

On Monday, November 29, we went to the clinic and met with a plastic surgeon who immediately said we needed to be readmitted to Riley, as the burns had taken a turn for the worse. We, of course, were devastated.

After being readmitted and his wounds being re-evaluated, the doctors decided to do a debridement on his hands in an effort to avoid having to take him into surgery. This effort was unsuccessful. Nixon underwent surgery on both hands on Thursday, December 2<sup>nd</sup> at which time they used pigskin to graft his hands. We were finally released from Riley on Saturday, December 4<sup>th</sup>, the day that we had planned to be holding Nixon's first birthday party.

We made weekly visits to the clinic for checkups for the next month and Nixon was fitted for burn garments. It took three

different tries to receive burn garments to fit him properly, as it is particularly hard to measure and create garments for such small hands. His left hand seemed to be doing well, but his right hand was showing signs of tightening, so we had to begin weekly therapy sessions.

Fast-forward to today, and Nixon is still wearing his burn garment on his right hand nearly nine months after the incident. We still spend time every day performing stretches and applying moisturizing cream to his hands in hopes of preventing contractures during a growth spurt. The doctors have told us that we will not know for sure if his skin will grow properly as he grows until he is four or five, so until that point, we are still at risk for having to undergo further surgeries. This is heartbreaking, when we know that this accident could have been prevented, had a safety screen been included with the fireplace to prevent direct contact with glass front.

While we are hopeful that our son's story remains on a positive road of healing, we encourage you to make some required changes for the fireplace makers to avoid this type of accident occurring again in the future. We began building our home shortly after finding out we were pregnant with Nixon, and one of my big fears was having any type of hearth or ledge built around the fireplace because I was afraid our child would someday fall and bump his head. I felt that having a glass-front fireplace without anything in front of it would be safer, as I assumed that the glass was insulated, like that on the oven door, and did not get hot enough to cause third degree burns from momentary contact. My husband and I had no idea how dangerous the fireplace was, or we'd have never turned it on around our child especially since fireplaces are easily approachable at his height.

I strongly believe that with new regulations, accidents like ours can be prevented. I hope that our story serves as encouragement to put these precautions in place so that no other parents have

to go through what we've gone through. I appreciate your time and consideration on this matter.

Respectfully,

Heather Lipe

Express Evaluation

<b>As of:</b> August 10, 2011
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<b>Submission Type:</b> Web

# PUBLIC SUBMISSION

**Docket:** CPSC-2011-0028

Petitions Requesting Safeguards for Glass Fronts of Gas Vented Fireplaces

**Comment On:** CPSC-2011-0028-0001

Petitions Requesting Safeguards for Glass Fronts of Gas Vented Fireplaces

**Document:** CPSC-2011-0028-0011

Comment from Mac Hosn

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## Submitter Information

**Name:** Mac Hosn

**Address:**

4130 Lakely Lane

Marrietta, GA, 30062

**Email:** machosn@gmail.com

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## General Comment

Dear Sir/Madam

Re: Mandating safety screens for glass-fronted fireplaces

I am writing to you as a parent whose son was mutilated as a result of the neglect and greed associated with the senseless design that is a glass fronted fire place without a protective screen.

The idea of placing such a dangerous instrument in what is considered to be the safest room in the house, the living room, where anyone accidentally touching this is subjected to third degree burns in seconds without the protective screens is nothing short of outright neglect.

No amount of warnings will prevent accidents. The only way is to have a screen protecting against any accidental contact.

Again as a parent whose son suffered greatly when he was just fourteen months old, I would urge you to consider mandating this change. No amount of words or pictures can capture the pain endured.

Nothing can undo what happened to us and our son. My only hope is that you mandate this change so that no other child or parent would have to suffer the same pain.

# PUBLIC SUBMISSION

<b>As of:</b> August 10, 2011
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<b>Posted:</b> August 08, 2011
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<b>Submission Type:</b> Web

**Docket:** CPSC-2011-0028  
Petitions Requesting Safeguards for Glass Fronts of Gas Vented Fireplaces

**Comment On:** CPSC-2011-0028-0001  
Petitions Requesting Safeguards for Glass Fronts of Gas Vented Fireplaces

**Document:** CPSC-2011-0028-0012  
Comment from Brad Determan

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## Submitter Information

**Name:** Brad Determan  
**Submitter's Representative:** President  
**Organization:** Hearth & Home Technologies Inc.

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## General Comment

Please see attached file containing the comments of Hearth & Home Technologies Inc. with respect to this petition.

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## Attachments

Hearth & Home Technologies Inc. Comment Letter

By Overnight Delivery and Electronic Posting

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

August 5, 2011

Comments of the Hearth & Home Technologies Inc. (HHT)  
Regarding the Petition Requesting Safeguards  
for Glass Fronts of Gas Vented Fireplaces

Docket Number CPSC – 2011-0028

Brad Determan  
President, Hearth & Home Technologies  
Executive Vice President, HNI Corporation  
Hearth & Home Technologies Inc.  
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Lakeville, MN 55044  
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[DetermanB@hearthnhome.com](mailto:DetermanB@hearthnhome.com)

Bret Lewison  
Associate General Counsel (HHT), HNI Corporation  
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Lakeville, MN  
563-272-4874  
[Lewisonbp@hnicorp.com](mailto:Lewisonbp@hnicorp.com)



July 14, 2010

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

Docket Number CPSC – 2011-0028

Please accept this letter as the comments of Hearth & Home Technologies Inc. ("HHT") on (i) the petition filed by Carol Pollack-Nelson, requesting safeguards for glass fronts of gas-vented fireplaces and (ii) the petition filed by Mr. William S. Lerner requesting a rulemaking to require a "high temperature warning system"

**I. Summary of Comments**

HHT believes that the Consumer Product Safety Commission ("CPSC") should refrain from granting either of the two petitions. Instead, we recommend that the CPSC work in concert with HHT, the other members of the hearth products industry and its trade group, the Hearth Patio & Barbecue Association ("HPBA"), to (i) develop a strong CSA/ANSI standard requiring secondary protective barriers (screens) designed to decrease the number of serious burns (particularly to small children) received as a result of contact with the glass fronts of gas fireplaces (ii) develop new and better ways to provide effective in-home warnings regarding the proper caution to be exercised in connection with the glass fronts of gas fireplaces and (iii) develop innovative awareness and education campaigns and strategies to effectively convey fireplace burn awareness and avoidance messages to families of small children in general, not just existing and potential gas fireplace consumers. HHT, as the hearth industry leader, is committed to working with the CPSC and leading the efforts of the hearth industry in these initiatives.

**II. Background on HHT**

HHT headquartered in Lakeville, Minnesota is a subsidiary of HNI Corporation. HHT is the market leader in the hearth product industry, including the gas fireplace segment, by a considerable margin. HHT has manufacturing plants and distribution centers in Iowa, Minnesota, Pennsylvania, Washington, and Maryland employing 1,160 people dedicated to manufacturing, distributing, selling, installing and servicing our products. HHT's products include: gas, pellet, coal and wood burning fireplaces, stoves and inserts. HHT's well known brands include Heatilator®, Heat & Glo®, Quadra-Fire®, Harman®, Heatilator Eco-Choice® and Fireside Hearth & Home®.

**III. Secondary Barrier: Standard Feature on HHT Gas Fireplaces**

HHT agrees with the Petitioner Pollack that providing a secondary barrier (mesh screen) in front of the glass front of a gas fireplace is the best approach to reduce the number of serious burns from gas fireplaces. To that end, every gas fireplace HHT manufactures includes a mesh screen as a standard feature. HHT began supplying these mesh screens over 15 years ago and they have been standard for more than 7. We are aware that some other manufacturers provide mesh screens on certain models and/or as an option that can be ordered by the consumer. But to our knowledge, HHT is the only company in the industry to include a mesh screen as a standard on all gas fireplaces.

Mesh screens are effective in protecting small children from coming in direct contact with the fireplace glass. Due to the low thermal mass of the screens, the severity of the burns that can occur is mitigated dramatically. While mesh screens do not eliminate all burns, the incident rate and severity of any burn received is greatly diminished. Since making mesh screens standard on all of our gas fireplaces, we have not received a single report of a burn injury resulting from contact with the glass front of a gas fireplace where the mesh screen was properly in place on the unit.

HHT concurs with HPBA in recommending that in lieu of engaging in agency rulemaking to accomplish this end, CPSC should allow the CSA/ANSI standard process currently underway to develop this standard. HHT's Director of Product Engineering & Standards is chairing the working group created by

the CSA Z21 Joint Technical Advisory Group on Standards for Vented Gas Fired Warm Air Heaters. This working group is tasked with developing an improved standard to be adopted through the CSA/ANSI process. HHT will provide its full support to the working group and the CSA/ANSI organizations in developing and promulgating a strong standard in an expeditious manner.

#### **IV. In-Home Fireplace Safety Information/General Public Fireplace Safety Awareness**

To achieve the goal of reducing the risk of severe burns from gas fireplace fronts, we believe it is important for gas fireplace owners and the general public to be aware of the safety risks associated with physical contact with a gas fireplace. We believe the way to achieve this awareness is two-fold. 1. Provide effective in-home fireplace safety information through the traditional product warning approach (warnings on the product, in manuals and product related websites); and 2. Provide the general public with effective fireplace safety awareness information through innovative strategies and mediums not directly connected to the purchase or use of the gas fireplace. In both cases, the ultimate goal is to provide consumers with appropriate information to allow consumers (whether they own a gas fireplace or not) to properly exercise their own individual responsibility with respect to avoiding severe burns from gas fireplaces.

HHT prominently displays fireplace safety information call outs in our gas fireplace owner's manuals (see Appendix A) as well as in our consumer web sites (see Appendix B). We are actively working on ways to improve the effectiveness of our in-home fireplace safety messaging such as making the messages more prominent, accessible and understandable in our owner's manuals and consumer websites.

Another project we are working on is a thermally activated visual hot surface warning system. The system incorporates a thermographic film technology that will change color and display a "HOT" warning symbol as the fireplace heats up and will remain until the surface has cooled to an appropriate temperature. In addition, we are looking at ways to provide the fireplace safety messages in additional and more relevant locations within the home such as on wall switches controlling the fireplaces and/or the

fireplaces' remote control. All new in-home fireplace safety messaging will be used as a compliment to standard secondary barriers and not as a replacement for such barriers.

We believe fireplace safety messaging is an appropriate area for the hearth product industry to address collectively. We will continue to support and participate in HPBA efforts to develop and disseminate best practices in the area of in-home fireplace safety messaging.

In addition to the traditional in-home safety messaging, we display specific fireplace safety signage in all of our Fireside Hearth & Home retail showrooms. As with the in-home fireplace safety messaging, this not only reduces the chances that a consumer will knowingly touch the glass (not knowing it may cause a burn) but also alerts them to the need to provide heightened oversight of any young children that they may be responsible for who are in close proximity to the fireplaces. We encourage this kind of signage as a best retail practice for all of our independent dealers and we also include a section on covering fireplace safety as part of the retail sales training we offer to all of our retail dealers.

Notwithstanding the best intentions and efforts to deliver effective in-home fireplace safety information, that information may not always reach the gas fireplace user. Consumers often come to own a gas fireplace through the purchase of a home, whether new or existing, and not as the result of a specific fireplace purchase transaction. In such cases, the homeowner may not receive the owner/user manual that originally came with the fireplace. If they are not aware of the brand of their fireplace, it would be difficult to look up relevant safety information for that product from the manufacturer's web site.

To provide these consumers with effective fireplace safety information, we have come to believe that we need to look at messaging venues and mediums other than the traditional product warning approach. We believe CPSC Chairwoman Tenenbaum is on the right path asking CPSC's Office of Information and Public Affairs to look into "messaging opportunities, through social media and other means, to further educate stakeholders, parents and caregivers about the potential danger of gas fireplaces in place where small children are likely to have access." HHT will be glad to work with the CPSC in this area and we

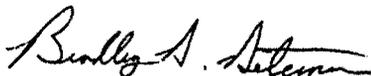
support the comments of the HPBA with respect to developing industry efforts for: improving training of retailers, builders and distributors; incorporating fireplace safety messaging into the literature that pediatricians, educators, and others distribute to parents, enhancing liaison with first responders, emergency and fire service groups, and developing an outreach to the hospitality industry.

## V. Conclusion

HHT firmly believes in the importance of reducing the risk of small children receiving severe burns as a result of contact with the glass surface of a gas fireplace. **We believe that providing secondary barriers for all gas fireplaces is the best approach to appropriately reduce that risk. And as the industry leader, we have put that belief into action by making mesh screens standard on all HHT gas fireplaces.** We believe secondary barriers should be an integral part of the industry standard for gas fireplaces. However, we believe that for the reasons more fully set out in HPBA's comment letter, the most appropriate way to accomplish this end is through the CSA/ANSI standard process rather than through CPSC rulemaking. We are already leading the industry in that direction by our decision to make secondary barriers standard on all of our fireplaces and as the industry leader; we are committed to leading the effort to develop a strong CSA/ANSI standard.

We believe that the creation of a strong CSA/ANSI standard, combined with a collaborate effort on the part of the hearth products industry and the CPSC to develop and deliver broad-based fireplace safety education, will be far more successful in attaining our common ultimate safety goal, then even the best rulemaking process could hope to achieve.

Brad Determan



President, Hearth & Home Technologies Inc.  
Executive Vice President, HNI Corporation

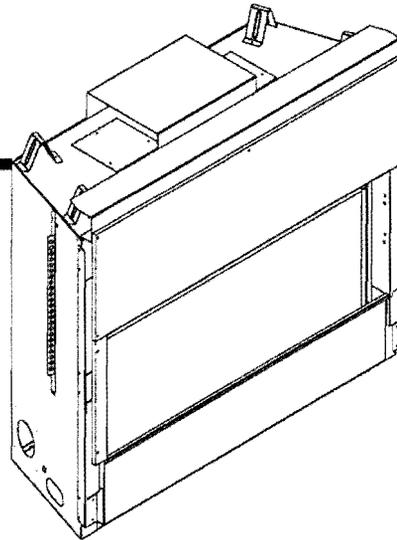
# HEAT & GLO

No one builds a better fire

## Owner's Manual

Installation and Operation

Model:  
SLR-B (COSMO)



GAS-FIRED



### NOTICE



#### DO NOT DISCARD THIS MANUAL

- Important operating and maintenance instructions included.
- Read, understand and follow these instructions for safe installation and operation.
- Leave this manual with party responsible for use and operation.

**DO NOT DISCARD**

**▲ WARNING:** If the information in these instructions is not followed exactly, a fire or explosion may result causing property damage, personal injury, or death.

- **DO NOT** store or use gasoline or other flammable vapors and liquids in the vicinity of this or any other appliance.
- **What to do if you smell gas**
  - **DO NOT** try to light any appliance.
  - **DO NOT** touch any electrical switch. **DO NOT** use any phone in your building.
  - Immediately call your gas supplier from a neighbor's phone. Follow the gas supplier's instructions.
  - If you cannot reach your gas supplier, call the fire department.
- Installation and service must be performed by a qualified installer, service agency, or the gas supplier.

This appliance may be installed as an OEM installation in manufactured home (USA only) or mobile home and must be installed in accordance with the manufacturer's instructions and the manufactured home construction and safety standard, Title 24 CFR, Part 3280 or Standard for Installation in Mobile Homes, CAN/CSA Z240MH, in Canada.

*This appliance is only for use with the type(s) of gas indicated on the rating plate.*

### ▲ WARNING



**HOT SURFACES!**  
Glass and other surfaces are hot during operation AND cool down.

**Hot glass will cause burns.**

- **DO NOT** touch glass until it is cooled
  - **NEVER** allow children to touch glass
  - Keep children away
  - **CAREFULLY SUPERVISE** children in same room as fireplace.
  - Alert children and adults to hazards of high temperatures.
- High temperatures may ignite clothing or other flammable materials.**
- Keep clothing, furniture, draperies and other flammable materials away.

*This appliance has been supplied with an integral barrier to prevent direct contact with the fixed glass panel. DO NOT operate the appliance with the barrier removed.*

Contact your dealer or Hearth & Home Technologies if the barrier is not present or help is needed to properly install one.

In the Commonwealth of Massachusetts installation must be performed by a licensed plumber or gas fitter.

See Table of Contents for location of additional Commonwealth of Massachusetts requirements.



Installation and service of this appliance should be performed by qualified personnel. Hearth & Home Technologies suggests NFI certified or factory trained professionals, or technicians supervised by an NFI certified professional.

**heatilator** Return Home | Site Map | Dealer Login | Distributor Login  
WHERE TO BUY    
PRODUCTS IDEA CENTER ABOUT US CUSTOMER CARE CONTACT US MY ACCOUNT DEALER LOCATOR  
**Customer Care**  
Home > Customer Care > Fireplace Safety

- OVERVIEW
- INSTALLATION MANUALS
- WARRANTY INFORMATION
- COMMON QUESTIONS
- FOR ARCHITECTS
- FIREPLACE SAFETY

## Fireplace Safety

SHARE

When enjoying your fireplace, stove or insert, it's important to remember these basic safety precautions:

- Fireplaces, stoves and inserts become hot during operation. This is a characteristic associated with their function of providing heat in the home.
- Parents are advised to keep small children away from fireplaces, stoves and inserts. These appliances should be treated with the same caution as hot range tops, ovens and clothing irons. Physical barriers, such as adjustable safety gates in doorways, can be used to keep children, as well as pets, a safe distance away.
- Factory screens that are provided with the product and secondary barriers such as free-standing screens help to reduce the risk of serious burns, as they can prevent skin from coming into direct contact with the glass or fire. However, screens also retain heat so touching them is not advised.
- As with all heat generating appliances, fireplaces, stoves and inserts (and their surrounding material) will remain hot for a period of time after being turned off, so caution should be used at all times.



Screens that are provided with your fireplace, stove or insert help to prevent skin from coming into contact with the glass and should never be removed.

# PUBLIC SUBMISSION

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**Docket:** CPSC-2011-0028

Petitions Requesting Safeguards for Glass Fronts of Gas Vented Fireplaces

**Comment On:** CPSC-2011-0028-0001

Petitions Requesting Safeguards for Glass Fronts of Gas Vented Fireplaces

**Document:** CPSC-2011-0028-0013

Comment from James Lemonds

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## Submitter Information

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**Phone:** 314-421-0216

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## General Comment

I am writing to support the petition requiring glass fronted gas fireplaces to be sold with a safeguard. As Dr. Pollack-Nelson pointed out in her petition, children were injured when they lost their balance near the fireplaces. They will touch the glass front out of curiosity and they cannot read or understand the warning signs that are in place to prevent this. Mr. William Lerner offers a valid Suggestion by having a light that glows after the fireplace is turned off as a reminder to parents that the glass is still hot. However, this does not protect young children from touching the hot glass on the fireplace that results in burns.

# PUBLIC SUBMISSION

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**Docket:** CPSC-2011-0028

Petitions Requesting Safeguards for Glass Fronts of Gas Vented Fireplaces

**Comment On:** CPSC-2011-0028-0001

Petitions Requesting Safeguards for Glass Fronts of Gas Vented Fireplaces

**Document:** CPSC-2011-0028-0014

Comment from Mike Pennington

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## Submitter Information

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**Organization:** Lennox Hearth Products

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## General Comment

Please see the attached comments submitted by Lennox Hearth Products.

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## Attachments

CPSCcomments08082011



August 8, 2011

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

Subject: Petitions Requesting Safeguards for Glass Fronts of Gas Vented Fireplaces

**Document ID:** CPSC-2011-0028-0001

**Document Type:** Proposed Rule

**Docket ID:** CPSC-2011-0028

Submission by: Lennox Hearth Products, a manufacturer of hearth appliances, headquartered in Nashville, Tennessee with manufacturing locations in Auburn, Washington, Union City, TN and Laval, Quebec.

Comments:

Lennox Hearth Products (LHP), a leading manufacturer of hearth appliances with multiple manufacturing locations, appreciates the opportunity to comment on the pending petition requesting safeguards for Glass Fronts of Gas Vented Fireplaces. LHP supports the comments filed by the Hearth, Patio and Barbecue Association that encourage the development of voluntary ANSI/CSA standards, based on sound science. LHP is committed to working with all stakeholders to help ensure the success of the ANSI process, which would make a CPSC rulemaking unnecessary.

This correspondence clarifies the efficacy of different screen barrier accessories available in the market for these products that would resolve the issues outlined in the pending petitions, and corrects inaccurate information regarding barrier screens that has been provided during this process, which could result in misguided decision making. These comments will discuss LHP's recently-developed "Safety Guard," which Lennox is making available to consumers and is also being included as part of the consideration for the settlement of a class action lawsuit brought on behalf of homeowners with sealed glass-front gas fireplaces (*Keilholtz, et al. v. Lennox Hearth Products, et al.*, or the "Keilholtz Litigation").

The Safety Guard provides a level of burn-avoidance previously unavailable from other panel screens. In addition to testing by a qualified third party expert in the field of thermal sciences in connection with the settlement, described below, LHP has conducted testing pursuant to generally accepted practices and standards within the field of thermal sciences that indicates that the Safety Guard provides significantly more protection than other panel screens currently available. LHP urges the CPSC to consider the possibility that significant burn protection can be provided by newer screen devices than that provided by previous designs, based upon objective performance criteria set forth below. Further, Lennox does not believe that a visual high temperature warning system, such as one that would utilize a red light, would provide significant burn protection because, as CPSC human factors staff commented at an April 14, 2011 public meeting concerning potential burn protection measures, young children might be drawn to the light and thus be drawn to the fireplace. Finally, LHP's experience with consumer requests for screens and the claims rate in the *Keilholtz* Litigation may indicate that not all consumers have a need or desire for a Safety Guard for their units. It is LHP's position that the public interest would be better served if such devices, which require significant resources to create, are made available by the manufacturer upon request.

### **LHP's Safety Guard**

In the *Keilholtz* Litigation, LHP reached a settlement with homeowners who alleged that they were unaware of the level of hazard presented by the temperature of LHP sealed glass-front gas fireplaces installed in their homes. As part of the court-approved settlement of this litigation, LHP offered to settlement class members its Safety Guard; a barrier designed to provide more protection than an ordinary panel screen, both in terms of its ability to prevent a non-reversible burn injury if touched, and its rigidity, which helps prevent inadvertent contact with the glass, particularly by young children. Additionally, the Safety Guard can be attached and removed easily by consumers, but still fastens securely enough to not dislodge easily upon incidental contact. In approving the settlement of the *Keilholtz* Litigation, the court relied upon the opinion of a thermal sciences expert that the Safety Guard significantly reduces the risk of burn injury. Because LHP believes the Safety Guard represents a new generation of manufacturer-provided safety devices for sealed glass-front gas fireplaces, it is now made available to consumers, free of charge and upon request, on LHP's website. New customers also learn of the Safety Guard's availability through product literature accompanying each new fireplace unit.

The earlier generation of panel screens reduces the severity of burns, compared to direct contact with the glass front of a fireplace. However, the plaintiffs in the *Keilholtz* Litigation alleged that the operating temperatures of those panel screens still often result in operating conditions that could cause a third degree burn upon direct contact with the screen. Additionally, they alleged that the original screens may not be rigid enough to prevent the glass from being touched or they might become easily dislodged. Although LHP vigorously contested the allegations of the plaintiffs in the *Keilholtz* Litigation that there was a product defect or unreasonable risk, we believe that the Safety Guard is a significant product enhancement that is designed to prevent a non-reversible burn injury, as reflected by objective performance criteria.

## **Science of Determining Burn Potential**

It is well known that the surface temperature of an object alone is insufficient to determine whether a thermal burn hazard is presented by such object. Rather, the potential for a thermal burn injury is determined by principles of human physiology (which considers the body's response to heat), and heat transfer through thermal physics (which encompasses variables such as the material, mass, texture, configuration and temperature of the hot object).<sup>1</sup> Therefore, to establish performance standards for safety barriers to reduce the risk of serious thermal burn injuries, it is necessary to consider the heat transfer properties of each type and configuration of material used in the barrier, the reasonably foreseeable duration of skin contact and the resulting skin contact temperature, rather than simply to set a maximum surface temperature of the barrier.

The resulting skin contact temperature from contact with a hot surface over a period of time can be determined by mathematical modeling or direct measurement using a thermesthesiometer.<sup>2</sup> Mathematical modeling requires a great deal of information about the material properties and geometries of the system being evaluated. By comparison, a thermesthesiometer -- an instrument that simulates the thermal physical response of the human finger to contact with heated surfaces -- measures skin contact temperatures directly, and thus no information about the materials or system is needed.<sup>3</sup>

LHP used thermesthesiometer testing in connection with its development of the Safety Guard and has since used it to compare the ability to prevent burns of the Safety Guard and other panel screens now available from other manufacturers. (To confirm the thermesthesiometer data regarding the efficacy of the Safety Guard, LHP's engineers also used their bare hands and found that they could lay them on the Safety Guard for several seconds when the fireplace was operating at steady state without receiving a burn.)

## **Objective Performance Criteria Should be Established for Fireplace Screens**

Based upon testing and experience gained through development of the Safety Guard, we believe that any safety barrier offered should meet specific performance criteria, including the following:

1. The hottest area of the safety barrier facing the occupants should not produce a skin contact temperature that exceeds the limit for a first degree burn in an average person after a reasonable contact period. This criterion should be met for each type and configuration of

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<sup>1</sup> See ASTM C1055-03, "Standard Guide for Heated System Surface Conditions that Produce Contact Burn Injuries," (ASTM International, 2009).

<sup>2</sup> See ASTM C1057-03 ("Standard Practice for Determination of Skin Contact Temperature from Heated Surfaces Using a Mathematical Model and Thermesthesiometer" (ASTM International, 2003).

<sup>3</sup> See Marzetta, L.A., "Engineering and Construction Manual for an Instrument to Make Burn Hazard Measurements in Consumer Products," *NBS Technical Note 816*, Feb. 1974. Indeed, the referenced construction manual was prepared for CPSC by the inventor of the thermesthesiometer while he was employed by the National Bureau of Standards (now the National Institute of Standards and Technology). *Id.*

material (i.e., exhibiting different thermal mass, thermal conductivity or contact heat transfer efficiency) employed integral to the physical guard, such as screen materials and frames.

2. The safety barrier prevents the passing of toddler fingers through the screen surface where the finger could contact heated glass.
3. The safety barrier should exhibit adequate structural integrity to prevent its contact with the glass with reasonable force applied.
4. The mounting of the safety barrier must be adequate to withstand a reasonable degree of force applied in a positive and negative direction, and along three degrees of freedom (i.e. up-down, side-side, back-forth) without unintentionally dislodging or being permanently deformed with reasonable force applied.
5. The safety barrier does not require special ability or tools to install or remove so the owner/user may consciously use or cease to use the solution at will.

### **Availability of Barrier Screens As Needed**

While LHP believes strongly that barrier device such as the Safety Guard should be made available to consumers who need or want them, we believe it is important to acknowledge that there are a considerable portion of applications and product uses where the hot glass of a glass-front gas fireplace does not present a hazard or is understood to be a hazard that is acceptable. In a similar way, we anticipate that safety barriers will be used by consumers only for a given period of time when there is a specific need, for example when there are young children or other at-risk individuals in the household. It is our belief that other consumers, without these circumstances, prefer to enjoy their fireplaces with no barriers at all. A good analogy may be the use of a gate at the top of the stairs. When parents have a toddler, they may choose to put a gate at the top of their stairs for reasons of safety, only to remove and discard it when the parent determines the child has matured to the point where they can manage the stairs with acceptable risk.

LHP believes that barrier screens should be made available as an option to consumers, so that important physical and financial resources are not consumed wastefully in an effort to provide these devices universally when there is no need. At present, LHP is able to offer its Safety Guard to requesting consumers free of charge, but if required to include this expensive device for every fireplace sold, LHP might have to consider raising prices. Our current policy ensures that consumers who operate their appliances with children or at risk individuals nearby can take advantage of the Safety Guard at no cost, but it does not require providing the devices to those who do not need or want them. Thank you for the opportunity to submit these comments.

Please address any questions to Mike Pennington, Director of Engineering, Lennox Hearth Products, (615) 925-3433.

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# PUBLIC SUBMISSION

**Docket:** CPSC-2011-0028

Petitions Requesting Safeguards for Glass Fronts of Gas Vented Fireplaces

**Comment On:** CPSC-2011-0028-0001

Petitions Requesting Safeguards for Glass Fronts of Gas Vented Fireplaces

**Document:** CPSC-2011-0028-0015

Comment from Christopher Gannon

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## Submitter Information

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## General Comment

Please find my letter attached in support of the petition.

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## Attachments

Gannon Letter

Christopher and Kathy Gannon  
1047 Welsh Ayres Way  
Downingtown, Pennsylvania 19335  
August 8, 2011

Mr. Todd Stevenson  
Office of the Secretary  
U.S. Consumer Product Safety Commission  
4330 East-West Highway  
Bethesda, Maryland 20814

Dear Mr. Stevenson:

We are writing this letter in support of the Petition filed by Carol Pollack-Nelson, Ph.D. for a rule to require safeguards on glass fronts of gas fireplaces. Our support for this measure is a result of dealing with a personal tragedy.

On March 15, 2011, we stayed at a hotel in Pennsylvania with our 18 month old daughter, Julianne. The hotel suite had a gas fireplace which we thought was for decorative purposes. We have never had a gas fireplace at home, and we had very little experience with them before the accident.

A short time after it was turned on, my daughter, Julianne, toddled over to the fireplace to watch the pretty blue flame and placed her hands on the glass front, resulting in severe contact burns on both palms.

Julianne was hospitalized for over one week at a burn center after initial emergency room care. Her wounds were cleaned daily, and even with anesthesia, she would cry and scream the entire time. Our outgoing and friendly little girl had become a terrified and traumatized baby, and it broke our hearts every day.

Since her discharge she has undergone graft surgery and may require additional surgeries to ensure full use of her hands. She continues to receive care presently. It has been very difficult for her, and she often struggles with using her hands in tasks that other children her age can do.

We understand the road to recovery will be long and painful, and our daughter will be left with permanent ongoing problems in her ability to use her hands.

We were very disturbed to hear that our daughter is just one of many children who have been injured by gas fireplaces. This nightmare would have been easily avoidable if the manufacturers were required to include some form of barrier to prevent young children from touching the glass fronts. We urge the CPSC to pass the rules necessary to prevent another tragedy happening to another young child.

Thank you for your consideration.

Christopher and Kathy Gannon

# PUBLIC SUBMISSION

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**Docket:** CPSC-2011-0028  
Petitions Requesting Safeguards for Glass Fronts of Gas Vented Fireplaces

**Comment On:** CPSC-2011-0028-0001  
Petitions Requesting Safeguards for Glass Fronts of Gas Vented Fireplaces

**Document:** CPSC-2011-0028-0016  
Comment from Jack Goldman

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**Submitter's Representative:** Ryan Carroll  
**Organization:** Hearth, Patio & Barbecue Association

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## General Comment

See attached file(s)

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## Attachments

HPBA Comments CPSC-2011-0028



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By Hand Delivery and Electronic Mail

August 8, 2011

Comments of the Hearth, Patio & Barbecue Association  
Regarding the Petition Requesting Safeguards for  
Glass Fronts of Gas Vented Fireplaces

Docket Number CPSC – 2011-0028

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## **I. Introduction and Summary.**

The Hearth, Patio & Barbecue Association (“HPBA” or “the Association”) appreciates the opportunity to comment on (i) the petition filed by Carol Pollack-Nelson, Ph.D., requesting safeguards for glass fronts of gas-vented fireplaces and (ii) the petition filed by Mr. William S. Lerner requesting a rulemaking to require a “high temperature warning system.” For the reasons stated herein, HPBA believes that there are insufficient policy and legal bases for granting either petition and initiating a rulemaking.

HPBA is supportive of increased efforts by industry and the Consumer Product Safety Commission (“CPSC” or “the Commission”) to decrease the number of burn injuries relating to gas fireplaces. The industry is taking the lead in a significant strengthening of the applicable CSA/ANSI standard and is enhancing its consumer information and education campaign to supplement individual company efforts.

## **II. HPBA**

HPBA, located in Arlington, Virginia, represents and promotes the hearth products and barbecue industries in North America. The association includes manufacturers, retailers, distributors, manufacturer representatives, service installation firms and other companies and individuals who have business interests related to the hearth, patio and barbecue industries.

HPBA’s members manufacture, import, distribute, sell, install and service products that include factory built fireplaces, gas logs, fireplace inserts, and accessories. HPBA represents more than 2,350 firms, 255 of which manufacture industry products for the U.S. and Canada. Most manufacturers of gas fireplaces are HPBA members, and we estimate that our members ship approximately 90% of all hearth appliance shipments.

The Association provides professional member services and industry support, including statistics, government relations, marketing, advertising, and consumer education. HPBA takes the leadership role for its members in industry voluntary standards, regulatory efforts and consumer communications. Through its 13 affiliate organizations, the Association is able to effectively communicate to its members and the trade, and organize programs around the country, which benefits industry and consumers.

### **III. Industry and Product Description**

Although gas-fueled fireplaces have been around for many years, it is only since the mid-1980s that the product category became very popular. The ease and convenience of watching a realistic fire without the bother of lighting a wood fire drives this popularity. The industry is predominated by small and medium sized North American manufacturers and the vast majority of product is produced in this country.

The industry has been heavily hit by the recession. Approximately 1,800,000 gas hearth appliances (fireplaces, stoves, inserts, fireboxes and gas logs) were shipped in 2000. By 2010, this number had declined to 651,000. Of the gas hearth appliances shipped last year, 304,500 were gas fireplaces; a decade ago that number was 717,900. Net dollar sales to the manufacturers of gas fireplaces totaled \$186.4 million in 2010 versus \$330.6 million ten years ago.

HPBA members produce hearth products for both the new home and remodeling industries. During 2010, an estimated 28% of the overall fireplaces, stoves, and fireplace inserts produced for the U.S. marketplace were produced for the builder market while 72% were produced for the remodeling market.

HPBA estimates that it represents approximately 25,300 retailer employees in the United States, and that an additional 10,000 individuals are employed by various hearth appliance manufacturers or as sales representatives and/or distributors in the industry. Almost all of these jobs are U.S. based. The industry's current condition – its size, its U.S. employment, and its ability to absorb a mandatory federal standard – are all relevant considerations in whether the Commission should move forward on the rulemaking, particularly when, as discussed below, substantial voluntary initiatives are well underway.

#### **IV. Industry Safety Efforts**

Glass fronts can become hot and if touched can cause burns. This clear and obvious risk is why from the beginning of the modern industry it has been critical to communicate to consumers that the heat source causes the glass front to become hot. Company and industry communications on the product, including use and care manuals, have emphasized this important warning.

In 2007, HPBA created a unique warning label (<http://www.hpba.org/safety-information/fireplace-and-stove-glass-safety>) that has been used widely by manufacturers in their operating manuals and installation literature.<sup>1</sup> In addition to individual company communications and education efforts, the Association extensively distributed a safety pamphlet ([http://static.hpba.org/fileadmin/Glass\\_Safety/HPBA\\_GasBrochure\\_web.pdf](http://static.hpba.org/fileadmin/Glass_Safety/HPBA_GasBrochure_web.pdf)) to its member companies for show rooms and customers, as well as to pediatric offices, hospitals, and specialty medicine organizations. Over 60,000 brochures have been distributed to date. The pamphlet and safety symbol are also available to download from

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<sup>1</sup> See [http://www.mantisbyempire.com/assets/MANTIS/manuals/27298-1-1010\(EN,FR\)B\(F,P\)28\(B,C,G\)M\(N,P\)-4,F\(F,I,W\)BM\(N,P\)-2\\_OWNER'S\\_MANUAL.pdf](http://www.mantisbyempire.com/assets/MANTIS/manuals/27298-1-1010(EN,FR)B(F,P)28(B,C,G)M(N,P)-4,F(F,I,W)BM(N,P)-2_OWNER'S_MANUAL.pdf) and [http://literature.mhsc.com/monessen/manuals/54D7050\\_BDV7\\_3.pdf](http://literature.mhsc.com/monessen/manuals/54D7050_BDV7_3.pdf).

the Association's website. As discussed below, efforts are underway to enhance the communications and education programs.

In addition to the warnings, communications and education described above, a number of fireplace manufacturers provide products with safety guards or make safety guards available as accessories.

#### **V. Existing ANSI/CSA Requirements**

Consensus standards applicable to gas fireplaces are found in the gas fireplace standards ANSI Z21.50/CSA 2.22b (Vented Gas Fireplaces) and ANSI Z21.88/CSA 2.33 (Vented Gas Fireplace Heaters) (the "ANSI standards" or "standards"). These standards have continued to evolve despite the products being a relatively new product category. The standards, among other provisions, require a number of safety measures, including preventing delayed ignition incidents and glass shattering. Since 2009, ANSI Z21.88-2009 has required that manuals and installation instructions contain a clear safety warning and a universal symbol for burns risks.

Although these standards are nominally "voluntary," as a practical matter they are mandatory because of their incorporation in building codes and standards. Receipt of testing marks from accredited laboratories is critical to product marketability. The standards have evolved in the years since ANSI Z21.50 was created in 1965. ANSI Z21.88 was created in 1996.

The CSA and ANSI processes (the "ANSI standards process") are transparent and open to interested persons and the public. For example, the ANSI Z21/83 Committee includes representatives from the CPSC, Underwriters Laboratories, servicers and utilities, and consumer representatives. Indeed, petitioner Lerner is a member of the

Working Group of the Z21/CSA Joint Technical Committee Advisory Group on Standards for Vented Warm Air Heaters, alternately referred to as the Vented Heater Glass Surface Temperature Working Group, (the “Working Group”) which makes recommendations to the vented heater Technical Advisory Group (TAG). This same TAG has met with petitioner Dr. Pollack-Nelson on several occasions.

#### **VI. CSA Standards Improvement**

On July 21, 2010, the CSA Z21 Joint Technical Advisory Group on Standards for Vented Gas Fired Warm Air Heaters reactivated the Working Group to consider concerns about preventing burns from glass fronts. The Working Group includes not only manufacturers but members from utilities, service companies, and certification laboratories. In particular, the Working Group is focused on so-called passive interventions such as safety barriers.

The Working Group met on March 3, 2011, May 17, 2011, and again August 3 and 4, 2011. The Working Group is moving in an accelerated fashion towards substantial revisions to the standards, which would require that safety guards, physical barriers, and other systems be made available for all gas fireplaces that are installed less than 4 feet above the floor. The review also includes the consideration of alternative or supplemental warning systems, although they are not considered to be the most effective or primary approach to take for greater safety as it is not clear they are able to adequately prevent or mitigate contact burns from touching the glass door.

This process already underway will take approximately 9-12 months to finalize a revised standard. ANSI approval will follow several months thereafter. In order to accelerate the process, another meeting of the Working Group is scheduled for September

of this year, after which it may receive letter ballot consideration from the TAG. We anticipate the revised standard will be published in mid-2012, with an effective date about 18 months after the standard's publication.

Important details of the standard are still to be worked out by the standards' writers but directionally it will require the availability of safety barriers or equivalent protection. These requirements will be defined through a performance test in a formal certification process to ensure that severe contact burns cannot occur by touching the glass fronts or safety barrier when the safety measures are in place. The exact details of the performance or design standard, and to what extent the safety guard or equivalent must be mounted, shipped or made available still needs to be determined. There will also need to be definitions of important terms such as the safety components.

These are difficult but by no means insurmountable issues. For example, a standard (i) must ensure that the safety guard or barrier will not become so hot as to cause severe burns if contact is made, (ii) will allow a person to remove their hand from the surface, and (iii) the barrier will remain reasonably rigid or intact. Clearly, there will be design challenges for many models. There are also aesthetic issues which significantly, even predominantly, affect the attractiveness and marketability of the product. There will be design challenges for many models. Finally, it also is important that the guard be removable and allow access to the fireplace for cleaning and maintenance and for fully-unobstructed viewing under circumstances where no guard is needed or desired – for example, where no children are present or in the residence.

It must be recognized that any form of standard will not be foolproof since safety barriers can and should be removable by consumers, installers, and others when the

appliance can be safely operated without the barrier (much like a child safety gate at the top of the stairs is removed when the child is old enough to manage the risk of an open stairway safely). Also, as noted, a decision must be made whether to provide as a substitute, or an acceptable supplement, auditory, and visual warning systems. If such substitute or supplemental systems are to be allowed, similar rigor will need to be applied to establish performance tests and criteria for certification.

The industry is committed to this substantial upgrade of the standard which, as a practical matter, will put into the marketplace on an ongoing basis – each year – hundreds of thousands of safety guards, barriers or equivalent measures. This is a substantial undertaking by a relatively small industry which is suffering badly from the economy in general and the housing downturn in particular.

## **VII. Consumer Education and Outreach**

In addition to the “hard” standard discussed above, industry plans to significantly increase its consumer/parent education and communications through actions by individual companies and as an industry. We seek CPSC’s input – as well as partnership – to develop a sustained (but sustainable) campaign of consumer education. We envision elements of:

- enhanced markings and information on products and product literature,
  - improved training of retailers, builders and distributors,
  - incorporation into the literature that pediatricians, educators, and others distribute to parents,
  - enhanced liaison with first responders, emergency, and fire service groups,
- and

- outreach to the hospitality industry.

We will discuss these elements with the Commission, and hope to roll out elements of the new program within the timeframe of the CSA recommendations.

With CPSC assistance, industry can better leverage available resources, public and private. As Chairman Tenenbaum wrote to Senator Franken on May 19, 2011:

“One other area that I have directed staff to review is our public outreach and education efforts in this area. During my tenure as Chairman, I have focused not just on improving safety standards but also making sure that consumers are educated about hidden hazards in and around homes and public settings.”

“With regard to gas fireplace-related injuries, one possible example of additional outreach could be working with hotels and other places of public accommodation to ensure that they have barriers and appropriate warnings around products that create quantities of heat sufficient to cause burns. To that end, I have asked the Commission’s Office of Information and Public Affairs to look at possible messaging opportunities, through social media and other means, to further educate stakeholders, parents and caregivers about the potential danger of gas fireplaces in places where small children are likely to have access.”

[http://franken.senate.gov/files/letter/110519\\_Chairman\\_Tenenbaum\\_Letter\\_Gas\\_Fireplace\\_Injuries.pdf](http://franken.senate.gov/files/letter/110519_Chairman_Tenenbaum_Letter_Gas_Fireplace_Injuries.pdf). Industry appreciates and supports these comments and looks forward to working closely with the Commission.

#### **VIII. Lerner Petition**

As discussed above, Dr. Pollack-Nelson’s petition, while virtuous in its goal, is unnecessary in the light of the industry’s efforts. Given the diversity of designs and models of gas fireplaces, it makes much more sense to allow industry to develop a

flexible and useful standard rather than an across-the-board government mandate. An approach which emphasizes – through standards and education – that consumers use safety barriers, particularly when children are present, is a much more effective approach than a government mandate. Relying on expert industry and standards bodies to develop and interpret the standards allows the Commission to apply its resources to other risks where there is less non-governmental activity.

These points also apply to Mr. Lerner's petition, but his petition raises additional issues. First, the proposed technological approach does not prevent children or others from touching the hot surface. Second, it is not appropriate public policy to base a standard on what appears to be the petitioner's proprietary intellectual property and economic interests. See U.S. Submission to OECD on Standard Setting (June 2010), p. 8-10, *available at* <http://www.justice.gov/atr/public/international/269554.pdf>; U.S. Dep't of Justice & Fed. Trade Comm'n, *Antitrust Enforcement and Intellectual Property Rights: Promoting Innovation and Competition* (Apr. 2007), p. 6-7, *available at* <http://www.justice.gov/atr/public/hearings/ip/222655.pdf>. The Commission staff met with Mr. Lerner on April 14, 2011 and the meeting memorandum notes this issue. <http://cpsc.gov/library/foia/meetings/mtg11/lerner04142011.pdf>.

Third, it is not clear that a red light warning or similar measure is an effective safety message, and could potentially serve to attract rather than repel. Small children may not be affected by this or similar warnings and so parental supervision will still be required. Even then, although there are applications of a red light as a sign of a hot surface, there are also applications where a red light does not indicate a hot product, material or surface (e.g., consumer electronics in the standby, inactive modes). There

also has been no demonstration of the feasibility or cost of this approach. And, if the system technology fails it could be a dangerous “false negative.” We also note that not all gas fireplaces have electrical inputs.

Although Mr. Lerner’s design will be thoroughly evaluated by the Working Group and its parent committees, there is no basis for consideration of his proposal by the Commission.

#### **IX. Consumer Product Safety Act (CPSA) Standards and Provisions**

CPSA Section 7(a), 15 U.S.C. 2056, provides that any standard “shall be reasonably necessary to prevent or reduce an unreasonable risk of injury associated with such product.” Although any accident involving fireplace products is highly regrettable and those involving children are particularly tragic, they are preventable through the proper use and supervision of the product. It is obvious by the very nature of this product that, like other heating appliances, it has a hot exterior. Product and industry communications make this point clear.

Further, a regulatory standard is not “reasonably necessary” to prevent or reduce the risk because consensus standards to modify the product, as well as education efforts, can impact and reduce the risk of injury. The law is clear in Section 7(b)(1) that voluntary safety standards are preferred over CPSC standards “whenever compliance with such voluntary standards will eliminate or adequately reduce the injury addressed and it is likely there will be substantial compliance with such voluntary standards.”

As we have detailed, the contemplated revised industry standard and expanded education efforts are both aggressive and progressive, designed to reduce risk of injury by making more widely available safety guards and assisting adults in understanding the

nature of the risk. There will be high levels of compliance. The ANSI standard is applicable to the entire gas fireplace industry and is incorporated in building codes and standards. Retailers and conformity assessment organizations will require compliance. Further, the violation of a voluntary standard may be relevant in product liability litigation. The existing requirements in the standards achieve virtually total, industry-wide compliance and there is no reason to believe that anything will be different with safety guards and related requirements.

Further, the Commission does not need to rely only on industry assertions about the status, development and efficacy of voluntary standards. CPSA Section 7(b)(2) states that the Commission shall “devise procedures to monitor compliance with any voluntary standards” which have been relied upon by the Commission, were developed with participation of the Commission, or whose development the Commission has monitored.

As a practical matter, the Commission is integrally involved in the ANSI standards process. In fact, industry welcomes and encourages CPSC participation and monitoring of the accelerated development of the revised standards. CPSC staff is already attending the Working Group meetings. The Commission and other interested persons have real-time knowledge of the development and viability of the standards process. Through NEISS and other mechanisms, the Commission can also monitor the impact of the standards and communications program (which will be enhanced with the Commission’s involvement).

These CPSA provisions are based on the premise that mandatory federal standards are relatively undesirable and cannot possibly keep pace with the diversity and multitude of consumer products in the American marketplace. Rather, the robust

consensus standards and conformity assessment process in the United States is a bulwark of safety for the American consumers and has proven to be extremely effective.

If a rulemaking were initiated, the procedure for consumer product safety rules in CPSC Section 9, 15 U.S.C. 2058 carries forward the heavy emphasis on evaluating and relying on alternative voluntary consumer product safety standards. There would be misallocation of Commission resources to institute a rulemaking now when there is a viable consensus standard revision process already underway, which will ultimately require deferral. CPSA Sections 9(a)(2) and (3) require an evaluation in a rulemaking of why a voluntary standard is not satisfactory to eliminate or adequately reduce the risk of injury. There is no point in undertaking this evaluation at the very time that the industry standard is evolving, being actively amended, and will soon be put in place. Section 9(a)(6) invites the submission of voluntary standards as alternatives including “a statement of intention to modify or develop a voluntary consumer product safety standard to address the risk of injury ... together with a description of a plan to modify or develop the standard.” In this case, even before an Advance Notice of Proposed Rulemaking or Notice of Proposed Rulemaking, concrete actions have been taken to develop a substantially revised standard, as Commission staff can attest.

In addition, a mandatory federal standard, with its associated compliance and administrative costs, when compared to a substantial new industry standard, undoubtedly will fail under the required cost-benefit analyses, particularly taking into account the size of many of the companies in the industry, their financial resources, employment impacts and other important criteria contained explicitly in CPSA. These issues also are of concern in the President’s recent executive orders on regulatory reform to which he has

been encouraging independent agencies to conform as much as possible (Exec. Order No.13563, Improving Regulation and Regulatory Review, 76 Fed. Reg. 3821 (Jan. 21, 2011); Exec.Order No.13579, 76 Fed. Reg. 41587 (July 14, 2011)).

**X. Conclusion**

It benefits all parties to foster efforts between industry (manufacturers) and trade (distributors, retailers, and builders), the Commission, and other groups interested in safety to reduce the incidence, severity, and risk of injuries in every sector. Gas fireplaces and glass doors are no exception. The question is what is the best approach? The law is clear that serious, voluntary consensus efforts to reduce the risk are the preferred solution and precisely such efforts are well underway. A continuing program of consumer education through product distribution channels and to parents through medical professionals, educators, and safety providers also is critical so that glass fireplaces are used with strict parental supervision.

The consideration factors in 16 C.F.R. Section 1051.9 granting or denying a petition argue for a denial of this petition. The Commission action is not “reasonably necessary” to eliminate or reduce the risk of injury in light of alternative, viable standards and education efforts. Commission priorities should be focused on product areas not under consensus standards development.

Under these circumstances, HPBA urges the Commission not to pursue a rulemaking but rather invest its limited resources in a beneficial consensus standards process and work with industry and others on improving safety awareness for the use of this product.

# PUBLIC SUBMISSION

**As of:** August 10, 2011  
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**Tracking No.** 80eda72a  
**Comments Due:** August 08, 2011  
**Submission Type:** Web

**Docket:** CPSC-2011-0028  
Petitions Requesting Safeguards for Glass Fronts of Gas Vented Fireplaces

**Comment On:** CPSC-2011-0028-0001  
Petitions Requesting Safeguards for Glass Fronts of Gas Vented Fireplaces

**Document:** CPSC-2011-0028-0017  
Comment from Ami Gadhia

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**Organization:** Consumers Union and Consumer Federation of America

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## General Comment

See attached file(s)

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## Attachments

Glass Front Fireplace Comments CPSC

**Consumers  
Union**

Nonprofit Publisher  
of Consumer Reports



August 8, 2011

Office of the Secretary  
Consumer Product Safety Commission  
Room 502  
4330 East-West Highway  
Bethesda, Maryland 20814  
Via: [www.regulations.gov](http://www.regulations.gov)

**Comments of Consumers Union and Consumer Federation of America  
to the U.S. Consumer Product Safety Commission  
On  
“Petition Requesting Safeguards for Glass Fronts of Gas Vented Fireplaces”  
Docket No. CPSC– 2011–0028**

**Introduction**

Consumers Union (CU),<sup>1</sup> the non-profit publisher of *Consumer Reports*®, and Consumer Federation of America (CFA), a non-profit association of approximately 300 pro-consumer groups that was founded to advance the consumer interest through advocacy and education, submit the following comments to the U.S. Consumer Product Safety Commission (“CPSC” or “Commission”) in the above-referenced matter.<sup>2</sup>

**Comments**

The CPSC docketed a petition filed by Carol Pollack-Nelson, Ph.D. on May 23, 2011.<sup>3</sup> The petition requests that CPSC “develop a mandatory standard for gas fireplaces that requires an integral protective barrier, guard or other device for any accessible surface (e.g., glass fronts) that, if contacted is hot enough to cause severe burns.”<sup>4</sup>

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<sup>1</sup> Consumers Union of United States, Inc., publisher of *Consumer Reports*®, is a nonprofit membership organization chartered in 1936 to provide consumers with information, education, and counsel about goods, services, health and personal finance. Consumers Union’s publications and services have a combined paid circulation of approximately 8.3 million. These publications regularly carry articles on Consumers Union’s own product testing; on health, product safety, and market place economics; and on legislative, judicial, and regulatory actions that affect consumer welfare. Consumers Union’s income is solely derived from the sale of *Consumer Reports*®, its other publications and services, fees, noncommercial contributions and grants. Consumers Union’s publications and services carry no outside advertising and receive no commercial support.

<sup>2</sup> “Petition Requesting Safeguards for Glass Fronts of Gas Vented Fireplaces,” Federal Register, Vol. 76, No. 110, 33179 (June 8, 2011).

<sup>3</sup> The petition filed by Dr. Pollack- Nelson is available on the web at <http://www.cpsc.gov/LIBRARY/FOIA/FOIA11/petition/gasfireplaces.pdf>.

<sup>4</sup> Dr. Carol Pollack- Nelson’s petition, available on the web at <http://www.cpsc.gov/LIBRARY/FOIA/FOIA11/petition/gasfireplaces.pdf> at page 10.

The petition notes that the industry standard for gas vented fireplace heaters allows glass fronts to reach temperatures of 500 degrees Fahrenheit, that these glass fronts are accessible to children, that children are being injured as a result burns from contact with the high temperature glass. It should also be noted that the industry standard for Vented Gas Fireplaces, ANSI Z21.50-2007,<sup>5</sup> allows ceramic glass to reach 1328 degrees Fahrenheit, tempered glass to reach 500 degrees Fahrenheit, and annealed glass to reach 446 degrees Fahrenheit. All are hot enough to cause severe contact burns.

The petition further notes that the voluntary standard has failed to adequately address this hazard. Finally, it describes how protective barriers can help to protect children.

Dr. Pollack-Nelson includes data from the CPSC's National Electronic Injury Surveillance System database (NEISS) estimating that more than 2,000 children ages 0 to 5 years of age suffered burn injuries on gas fireplaces from 1999 through March 2009.

We share Dr. Pollack-Nelson's concerns about the hazards posed by gas fireplaces, including the high surface temperature of the fireplace glass, the accessible location of the glass front, the attractiveness of fire to young children, and the lack of consumer awareness of the hazard.

CU and CFA support the Petitioner's request that the Commission establish a mandatory standard requiring a barrier/screen that would prevent contact with the glass, in order to prevent injuries to children.

In addition, we urge the Commission to include in its standard the following elements:

- A performance requirement for this barrier/screen; the temperature of the barrier/screen should not exceed the temperature at which it could cause serious contact burns when used according to manufacturer instructions.
- The barrier/screen should be installed as part of the unit and not as a separately available piece that has to be purchased apart from the gas vented fireplace. Once the unit installation is completed by a professional, it should have the fireplace barrier/screen in place.

Regarding the petition filed by Mr. Lerner,<sup>6</sup> concerning "a high temperature warning system" that "will project a clear high temperature alert onto the glass front of the fireplace that will remain visible from the time the fireplace is lit until the glass is cool enough to touch safely,"<sup>7</sup> we do not believe that such a system would address the primary hazard of children being burned by contact with the hot glass front of the fireplace, since most of the children touching the glass fronts cannot read warning labels. Further, such a system might exacerbate the problem, as young children may be attracted to the bright light and touch the hot surface.

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<sup>5</sup> An industry standard, ANSI Z21.88-2009, addresses Vented Gas Fireplace Heaters, and includes the same temperature standards as ANSI Z21.50-2007. Our concerns about the hazards to children are the same for both the fireplace and the fireplace heater standards.

<sup>6</sup> Mr. Lerner's letter to the Commission is available at <http://www.cpsc.gov/LIBRARY/FOIA/FOIA11/petition/gasfireplaces1.pdf>

<sup>7</sup> "Petition Requesting Safeguards for Glass Fronts of Gas Vented Fireplaces," Federal Register, Vol. 76, No. 110, 33179 at 33180 (June 8, 2011).

Respectfully submitted,



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# PUBLIC SUBMISSION

<b>As of:</b> August 10, 2011
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<b>Posted:</b> August 09, 2011
<b>Category:</b> Consumer/Individual
<b>Tracking No.</b> 80eda7c5
<b>Comments Due:</b> August 08, 2011
<b>Submission Type:</b> Web

**Docket:** CPSC-2011-0028  
Petitions Requesting Safeguards for Glass Fronts of Gas Vented Fireplaces

**Comment On:** CPSC-2011-0028-0001  
Petitions Requesting Safeguards for Glass Fronts of Gas Vented Fireplaces

**Document:** CPSC-2011-0028-0018  
Comment from Deirdre Wooldridge

---

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## General Comment

Please see attached declarations and photos.

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## Attachments

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SKMBT\_C55010021011130\_0001

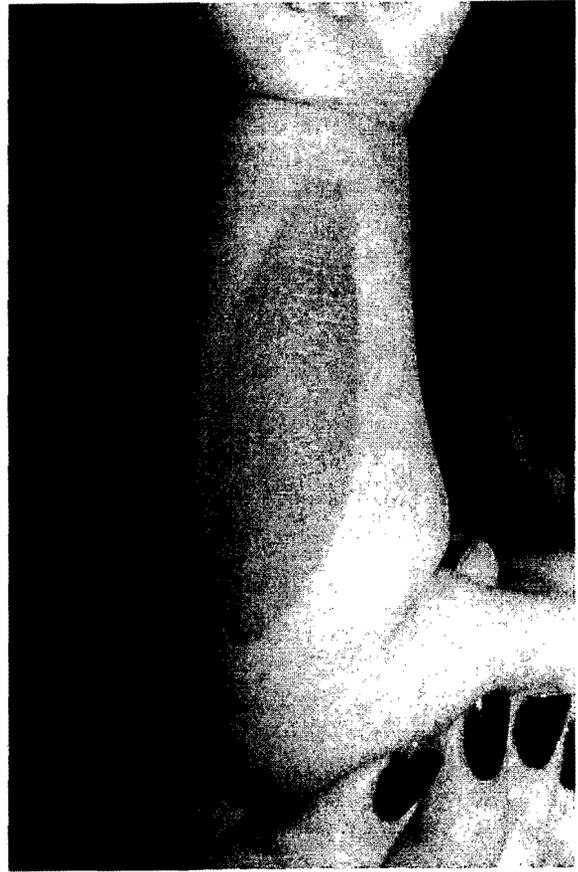
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01.Montgomery,M.,#2860010.DCR



02.Montgomery,M.,#2860010.DCR

Montgomery, M., #2860010, 12/29/06



03.Montgomery,M.,#2860010.DCR



04.Montgomery,M.,#2860010.DCR

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24 UNITED STATES DISTRICT COURT  
25 NORTHERN DISTRICT OF CALIFORNIA  
26 (OAKLAND DIVISION)

27 KIRK KEILHOLTZ and KOLLEEN  
28 KEILHOLTZ for themselves and on  
behalf of those similarly situated,

Plaintiffs,

vs.

SUPERIOR FIREPLACE COMPANY;  
LENNOX HEARTH PRODUCTS, INC.;  
LENNOX INTERNATIONAL, INC. and  
DOES 1 through 25, Inclusive,

Defendants.

Case No.: CV 08-00836 CW

DECLARATION OF DEIRDRE WOOLDRIDGE  
IN SUPPORT OF PLAINTIFFS' MOTION TO  
CERTIFY CLASS ACTION

DATE: November 12, 2009  
TIME: 2:00 p.m.  
DEPT: 2

1 I, Deirdre Wooldridge, declare as follows:

2 1. I moved into a home located at 10322 Gillian Drive, in Elk Grove, CA, in 2006.  
3 My family, including my infant daughter Marin, were in this home as renters.

4 2. I had used a glass front gas fireplace installed in the home on two or three  
5 occasions prior to December 22, 2006. I never saw any instructions regarding the use of the  
6 fireplace but they were certainly not necessary to use the unit. You just flipped the switch on  
7 the wall, and it went on.

8 3. I did not think that the glass front of the fireplace would get hot, let alone hot  
9 enough to cause third degree burns to my infant daughter Marin. The fireplace, which I now  
10 know to be a Superior Model SSDV-35/30, looked like any other appliance in the house such as  
11 a dishwasher or oven. It was situated right next to an exit to the backyard and very low to the  
12 ground where anyone in the home including small children could come into easy contact with  
13 the front of the glass as they were in, or leaving or entering, the family room.

14 4. During the middle of the day on Dec 22, 2006, I was preparing for my daughter  
15 Marin's first birthday party to be held on Christmas Eve. I needed to wrap birthday and  
16 Christmas presents and decided it to do so on the floor of the family room. I turned on the  
17 Superior fireplace not to heat the room but to make it "Christmas-ey." I sat wrapping presents  
18 while Marin and one of my other daughters played in the family room near me.

19 5. When the fireplace had been on for 20 to 40 minutes with me sitting within a  
20 couple feet from it (I did not notice any particular heat), I was starting to pick up from my  
21 wrapping. Marin was standing next to me about the same distance as me from the fireplace.  
22 She was standing (just learning to walk) and reached out to pet our family cat. She lost her  
23 balance, fell forward and reached out toward the wall to catch herself. She contacted the  
24 glass front of the fireplace on her palms, forearms and face. As she began to react, I  
25 immediately reached out and pushed her away from the fireplace. She could have not been in  
26 contact with the glass of the fireplace for more than a couple of seconds. As I pushed her off  
27

1 the glass, some of her skin was left sticking to the glass.

2 6. I ran to the kitchen sink and kept Marin's hands and arms under cold water while  
3 I dialed 911. She was taken by ambulance to U.C. Davis Medical Center in Sacramento where  
4 she was evaluated and administered pain medication. She was immediately walked across to  
5 Shriners' Hospital and admitted to the Shriners' burn unit.

6 7. Marin stayed in Shriners burn unit that day and the following day. She was  
7 allowed to leave only after I was administered training in the care and dressing of her burns.  
8 The final assessment of her injuries were third degree burns to the left palm, serious second  
9 degree burns to the right palm and both forearms, third degree burn to the end of her nose  
10 and second degree burn to her forehead. While there I was told that Marin was the 11<sup>th</sup> child  
11 that month to present with gas fireplace burns. I was asked to fill out a questionnaire and told  
12 that they were collecting information on burns from gas fireplaces. They expressed concern  
13 about the problem as they were seeing more and more burns. Exhibit "1" is a photograph  
14 depicting Marin's injuries shortly after the incident.

15 8. Approximately one week after being initially discharged from Shriners, Marin  
16 returned to Shriners' Hospital where a skin graft procedure involving the transfer of skin from  
17 her groin to her left hand was performed under general anesthetic. While she was allowed to  
18 return home shortly after the skin graft procedure, the grafting site required diligent care and  
19 Marin required almost constant attention to preserve the graft. Taking care of Marin was  
20 almost a full-time job for several weeks after the graft. She was often in severe pain which  
21 was almost intolerable for me as her mother to witness.

22 9. Due to the constant nature of the care that Marin required after her injury and  
23 after her surgery, I was unable to attend to my normal job duties as a real estate appraiser.  
24 As a result, I lost my job.

25 11. Thankfully, Marin's skin graft took well and it does not appear that she will have  
26 to have a further skin graft procedure. However, she notices and scratches the unsightly  
27

1 wound on her palm regularly. Exhibit "2" depicts the graft site in its current condition. In  
2 addition, Marin is a mixed race child who is getting darker as she gets older. As her skin  
3 darkens, the area on her nose where she suffered the burn is not darkening. Particularly in  
4 the summer months, the scar area on the nose is noticeably lighter than the surrounding skin  
5 on her face. I have been told that if she continues to darken, the scarred area on her nose  
6 will become more obvious as she grows older. This causes me significant concern and upset  
7 as her mother. I have been advised that the only further option to reduce the appearance of  
8 the hand scarring and nose discoloration are costly laser treatments which may improve but  
9 will not alleviate her permanent scars.

10 I declare under penalty of perjury under the laws of the State of California that the  
11 foregoing is true and correct, and that I could competently testify thereto in a court of law if  
12 called upon and sworn to do so.

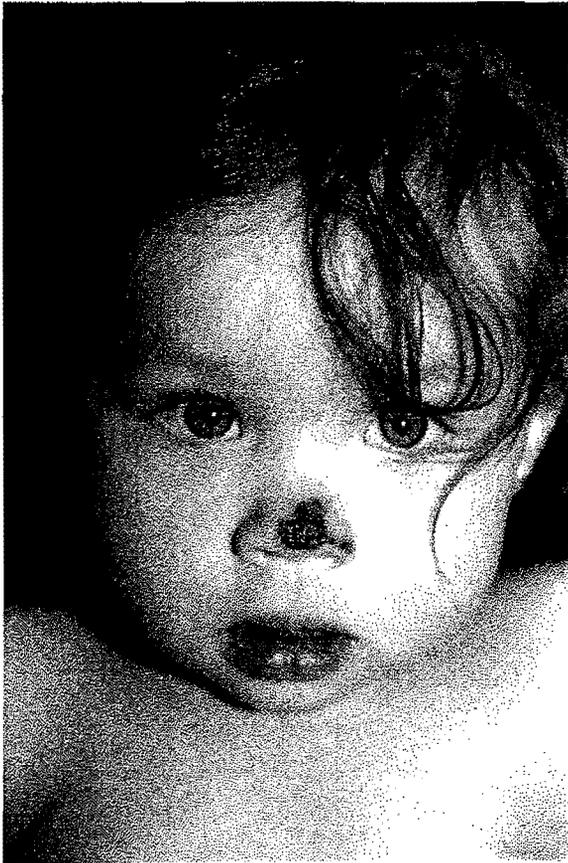
13 Executed on August 26, 2009, at Turlock, California.

14  
15   
16 DEIRDRE WOOLDRIDGE

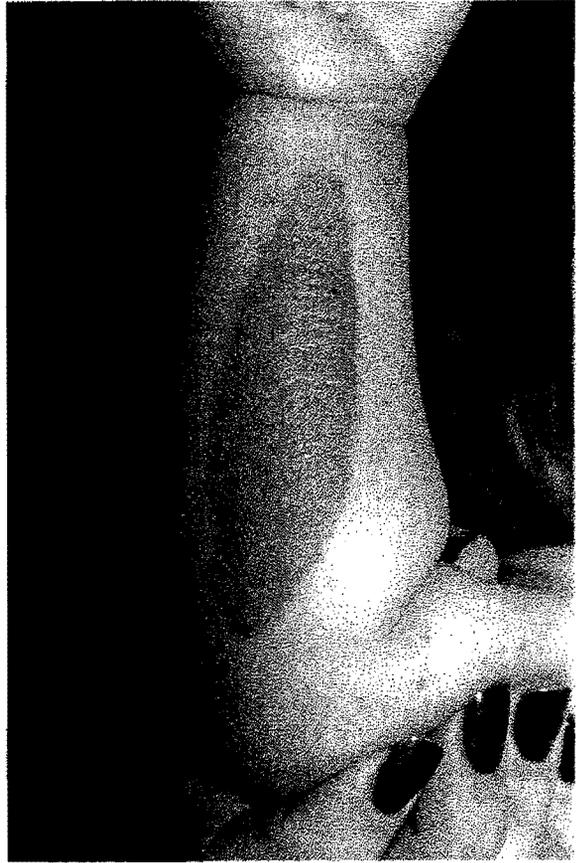


**PLAINTIFF'S  
EXHIBIT**

1



01.Montgomery,M.,#2860010.DCR



02.Montgomery,M.,#2860010.DCR

Montgomery, M., #2860010, 12/29/06



03.Montgomery,M.,#2860010.DCR



04.Montgomery,M.,#2860010.DCR

A large, stylized watermark consisting of the word "COPY" in a bold, outlined font, with a small square icon to its left.



101\_1216.jpg

ENCLOSURE  
PLAINTIFF'S  
EXHIBIT  
2



101\_1217.jpg



101\_1219.jpg

1 **CLAYEO C. ARNOLD**  
 2 **A Professional Corporation**  
 3 **Clayeo C. Arnold, SBN 65070**  
 4 **Kirk J. Wolden, SBN 138902**  
 5 **865 Howe Avenue, Suite 300**  
 6 **Sacramento, CA 95825**  
 7 **Telephone: (916) 924-3100**  
 8 **Fax: (916) 924-1829**

9 **CORY, WATSON, CROWDER & DeGARIS, P.C.**  
 10 **Ernest Cory, ASB-2279-Y83E**  
 11 **F. Jerome Tapley, ASB-0583-A56T**  
 12 **Hirlye R. "Ryan" Lutz, III, ASB-6641-E59L**  
 13 **2131 Magnolia Avenue, Suite 200**  
 14 **Birmingham, AL 35205**  
 15 **Telephone: (205) 328-2200**  
 16 **Fax: (205) 324-7896**

17 **RAM & OLSON LLP**  
 18 **Michael F. Ram, SBN 104805**  
 19 **555 Montgomery Street, Suite 820**  
 20 **San Francisco, California 94111**  
 21 **Telephone: (415) 433-4949**  
 22 **Facsimile: (415) 433-7311**

*ATTORNEYS FOR THE PLAINTIFFS AND THE CLASS*

23 **UNITED STATES DISTRICT COURT**  
 24 **NORTHERN DISTRICT OF CALIFORNIA**

25	<b>KIRK KEILHOLTZ and KOLLEEN</b>	)	<b>No. CV 08-00836 SI</b>
26	<b>KEILHOLTZ for themselves and on</b>	)	
27	<b>behalf of those similarly situated,</b>	)	<b>DECLARATON OF ALAN ROBERT</b>
28		)	<b>DIMICK, M.D., IN SUPPORT OF</b>
	<b>Plaintiffs,</b>	)	<b>PLAINTIFFS' MOTION FOR CLASS</b>
	<b>v.</b>	)	<b>CERTIFICATION</b>
		)	
	<b>SUPERIOR FIREPLACE COMPANY;</b>	)	<b>Date : November 12, 2009</b>
	<b>LENNOX HEARTH PRODUCTS, INC.;</b>	)	<b>Time : 2:00 p.m.</b>
	<b>LENNOX INTERNATIONAL, INC.</b>	)	<b>Place : Courtroom 2</b>

1 **LENNOX INDUSTRIES, INC., and** )  
 2 **DOES 1 through 25, Inclusive,** )  
 3 **Defendants.** )

4  
5 I, Alan Robert Dimick, M.D., FACS, declare as follows:

6 **QUALIFICATIONS**

7  
8 1. I received a medical degree from the University of Alabama School of  
 9 Medicine in 1958. I was certified by the American Board of Surgery in 1963. I was a  
 10 Professor of Surgery at the University of Alabama-Birmingham ("UAB") for 36 years. I was  
 11 director of the UAB Hospital Burn Center for 36 years. During my 36 years as director of the  
 12 burn center, I admitted to the hospital and treated an average of 250 burn patients each year.  
 13 Additionally, I treated an average of 500 burn outpatients each year. Therefore, I have seen  
 14 and treated over ten thousand burn patients during my career. For twenty years, I was  
 15 chairman of the medical records committee at UAB. I have served as Secretary, Vice  
 16 President and President of the American Burn Association and president of the North  
 17 American Burn Society. For the past ten years, I have been a member of the American Burn  
 18 Association Committee on Verification, which means I have visited about 10 burn centers in  
 19 the U.S. each year to determine their level of care. This includes a review of the deaths and  
 20 complications seen at that burn center each year, as well as its current level of care. In  
 21 addition, from 1974 to the present, I have been the medical advisor for the Birmingham Fire  
 22 and Rescue Service. For the past ten years, I have served as a consultant to the burn unit at  
 23 Children's Hospital in Birmingham, Alabama. I am also on the Board of Directors of the burn  
 24 support group here in Birmingham which is composed of burn survivors and their family  
 25  
 26  
 27  
 28

1 members. I have served as Chairman, Vice Chairman and Executive Council Member of the  
2 American Medical Association Commission on Emergency Medical Services.

3  
4 2. Based on my experience as a physician and instructor, I have worked as a  
5 consultant in legal cases for the past fifteen years. I have been qualified as an expert witness  
6 in at least ten different Courts involving burns and treatment of burns.

7 **MY OPINIONS AND BASIS OF OPINIONS**

8 **Exposure necessary to cause third degree burns**

9  
10 3. Burn severity is related to temperature of the material, time of exposure and  
11 anatomical location of the burn. At surface temperatures of 158 degrees Fahrenheit and  
12 above, less than one second of contact is required to cause full thickness (third and fourth  
13 degree) burns in human beings.

14 **Superior and Lennox brand glass front fireplaces**

15  
16 4. The glass front of Superior and Lennox brand gas fireplaces reach  
17 temperatures up to 500 degrees Fahrenheit during normal operating use, more than 300  
18 degrees Fahrenheit in excess of the threshold necessary to cause a third degree burn in less  
19 than one second.

20 **Hazard posed by Superior and Lennox brand glass front fireplaces**

21  
22 5. Glass front gas fireplaces, such as Lennox and Superior brand fireplaces, pose  
23 a serious and unreasonable risk of burn injury to all human beings because the extreme heat  
24 generated by the glass front of the fireplaces is capable of inflicting severe third and fourth  
25 degree burns to persons from momentary or accidental contact of less than one second.

26 **Susceptibility of young children and elderly adults**

1           6.       Although glass front gas fireplaces, such as Lennox and Superior brand  
2 fireplaces, pose a serious and unreasonable risk of burn injury to all human beings, young  
3 children and elderly adults are most vulnerable and most likely to sustain severe burn injuries  
4 due to the thinness of the epidermis layer of the skin in these groups.  
5

6           7.       Children under two years of age are especially susceptible to severe burn  
7 injuries from momentary contact with glass front gas fireplaces, such as Superior and Lennox  
8 brand fireplaces, because their skin is extremely thin and undeveloped which makes them  
9 more likely to sustain deeper burns. Innate curiosity, immature coordination and reflexes, and  
10 lack of awareness to environmental hazards increase a young child's risk of severe burn injury  
11 from momentary contact with glass front gas fireplaces.  
12

13       **Increase of burn injuries caused by glass front gas fireplaces**

14           8.       There is an alarming increase in the incidence of severe burns caused by  
15 contact with glass front gas fireplaces such as Superior and Lennox brand fireplaces.  
16

17           9.       A number of burn centers across the nation have reported an increased  
18 incidence of palmar burns due to contact with the glass front of gas fireplaces. These include,  
19 among others, the Shriner's burn centers in Sacramento, California and Boston,  
20 Massachusetts; Region's burn center in St. Paul, Minnesota; Hennepin County burn center in  
21 Minneapolis, Minnesota; University of Wisconsin burn center, Madison, Wisconsin; Queens  
22 University burn center, Kingston, Ontario, Canada; and, BC Children's Hospital, Vancouver,  
23 British Columbia, Canada.  
24

25           10.       From 1996 through 2002, one study concluded a fifteen-fold increase in  
26 incidence of pediatric palm burns caused by contact with glass front gas fireplaces. The  
27  
28

1 Children's Hospital Burn Center reports a 50% increase in burns of the hand from contact  
2 with gas fireplace glass doors since 2006.

3  
4 11. David H. Ahrenholz, MD, Associate Director of Regions Hospital Burn Center  
5 in St. Paul, MN, estimates treating forty to sixty pediatric burns per year caused by contact  
6 with glass front gas fireplaces.

7  
8 12. University of Wisconsin Hospital has issued a warning of the burn hazard of  
9 glass front gas fireplaces to parents because of the increasing numbers of burns sustained by  
10 young children from contacting the glass front of gas fireplaces. University of Wisconsin  
11 burn surgeon Dr. Lee Faucher stated, "Glass fireplace doors are a potential source of injury  
12 that many people don't know about."

13 **Injuries, Treatment and Rehabilitation**

14  
15 13. Momentary contact of less than one second with the glass front of gas  
16 fireplaces at temperatures of 158 degrees Fahrenheit and above will cause severe partial and  
17 full thickness (second, third and fourth degree) burns to all human beings.

18  
19 14. Treatment of severe second, third, and fourth degree burns is time intensive,  
20 costly, painful and may result in long term hand dysfunction, impairment and disability.  
21 Treatment of such burns requires immediate hospitalization in a burn center. For less severe  
22 second degree burns, conservative treatment includes inpatient/outpatient hospitalization,  
23 outpatient wound care management, application of topical antibiotic ointments to the burned  
24 areas, application of non-adherent dressings to the wound, occupational therapy, narcotic  
25 pain medication and extension splitting.

26  
27 15. Severe third degree burns require hospitalization and surgery. Severe third  
28 degree burns may require split thickness and/or full thickness skin grafts and pancake splitting

1 for deep second and third degree burns. It is estimated that 10-20% of patients suffering  
2 contact burns from glass front gas fireplaces require surgical intervention. After surgery,  
3 occupational therapy is necessary for rehabilitation. Occupational therapy is costly and time  
4 consuming. Complications arising from 3<sup>rd</sup> degree burns consist of developing long term  
5 sequelae, including hypertrophic scarring, wound contracture, skin grafting surgery,  
6 contracture release surgery, and loss of hand function due to scarring and contracture.  
7 Additionally, intense pain and emotional trauma is expected as a result of a severe burn.  
8 Treating severe third degree burns may, in some instances, cost up to \$300,000.  
9

10  
11 **Case Study Exemplar-Marin Montgomery**

12 16. Marin Montgomery was a twelve month old female, who on December 22,  
13 2006, sustained thermal contact burns to her nose, forehead and both forearms and hands.  
14 These burns occurred when she came in contact with a Superior brand glass front gas  
15 fireplace. She was admitted to the Shriner's Burn Hospital in Sacramento, California on that  
16 date for treatment of her burns. The burns were estimated to be 3.5% of her total body  
17 surface. The majority of her burns healed as second degree and did not require skin grafting.  
18 However, the burn on the palm of her left hand was full thickness third degree in depth, and  
19 was skin grafted with a full thickness skin graft on January 2, 2007 at Shriner's. The donor  
20 site for the full thickness skin graft was the left inguinal crease. After discharge from the burn  
21 center, she was followed as an outpatient at frequent intervals over the next two years.  
22

23  
24 17. On June 24, 2009, I interviewed and examined Marin in Birmingham,  
25 Alabama. Her burns, skin graft and donor site were sufficiently healed. Because she has not  
26 developed any excessive scarring in her burned areas by this time, I do not think she will need  
27  
28

1 any future surgery. However, in the future, laser treatment may be necessary to minimize and  
2 reduce the appearance of nose and hand scarring and discoloration.

3  
4 18. Marin is one of many examples of children who are experiencing this type of  
5 burn from contact with the glass front of gas fireplaces such as Superior and Lennox brand  
6 fireplaces. Characteristically, toddlers are attracted to the flames in the fireplace and put their  
7 hands on the glass front of the fireplace. The extreme heated temperature of the glass front of  
8 the gas fireplaces, such as Lennox and Superior brand fireplaces, reach temperatures up to  
9 500 degrees Fahrenheit during normal operation, more than 300 degrees Fahrenheit in excess  
10 of the threshold necessary to cause a third degree burn in less than one second. Contact with  
11 these glass fronts of the gas fireplaces can produce a full thickness third degree burn in less  
12 than a second of contact. In cases such as Marin's, if parts of the face and forearms come in  
13 contact with the heated front glass, these areas will also sustain such burns.  
14

15  
16 19. Treatment of such burns requires immediate hospitalization in a burn center.  
17 The resulting third degree burn will require skin grafting under general anesthesia. In the case  
18 of palmar burns of the hand, this usually is treated with a full thickness skin graft with the  
19 donor site usually being the abdominal wall.

20  
21 20. Because these skin grafts must be immobilized so the blood vessels can grow  
22 from the hand up into the skin graft, a long arm plaster cast is usually used. This stays in place  
23 for several weeks. It is then changed and another long arm cast is applied for another two  
24 weeks. After this interval, usually a snug glove is applied to keep pressure on the burn scars  
25 so they will be soft, pliable and flexible. Such gloves are usually worn for another twelve to  
26 eighteen months depending on the response to this therapy.  
27  
28

1           21. Occupational therapy, with an emphasis on hand function, usually treats these  
2 patients for the next twelve to eighteen months to be sure the hand and fingers are functioning  
3 as normal as possible. However, should the patient develop severe burn scar contractures of  
4 the palm and/or fingers, plastic surgery may be necessary to correct this limitation of motion  
5 of the hand and fingers. Following this surgery, occupational hand therapy will be required  
6 for another four to six months. Even after the plastic surgery has been performed, there is no  
7 guarantee that the hand will function normally. There may be some residual scarring that  
8 limits motion of the hand and fingers.  
9

10  
11           22. The total cost of medical treatment for this injury will obviously depend on the  
12 number of complications that occur. Conservatively, the lowest total cost may range from  
13 \$100,000 to \$150,000. If there are complications, the total cost may range from \$200,000 to  
14 \$300,000.  
15

16 **Prevention**

17           23. The best prevention is to avoid sustaining the burn entirely. Burns caused by  
18 contact with glass front gas fireplaces, such as Superior and Lennox brand, are an avoidable  
19 danger in the home. Mandatory barriers, gates or screens capable of effectively reducing the  
20 heat below that temperature which will cause severe burns from contact should be provided to  
21 prevent direct contact with the heated glass door. Given the severity of the burn hazard, it is  
22 unreasonable for manufacturers of glass front gas fireplaces, such as Superior and Lennox  
23 brands, to sell and distribute a glass front gas fireplace which will cause severe burns from  
24 momentary contact. To that extent, oven manufacturers have been employing the use of  
25 double paned glass to prevent burns from momentary contact with the glass front of their  
26 appliances.  
27  
28

**DOCUMENTS I HAVE REVIEWED IN THIS CASE**

1  
2 24. *Wooldridge v. Lennox Hearth Products, Inc., et. al.*, Superior Court of  
3 California, County of Sacramento, Case No. 07AS00920

4  
5 - Excerpts from the Deposition transcript of Robert Dischner.

6 25. Dunst CM, Scott EC, Kraatz JJ, Anderson PM, Twomey JA, Peltier GL.  
7 Contact Palm Burns in Toddlers from Glass Enclosed Fireplaces. *J Burn Care Rehabilitation*  
8 2004;25(1):67-70.

9  
10 26. Naqui Z, Enoch S, Shah M. Glass front of gas fire places: a clear and present  
11 danger. *Burns* 2005;31(1):72-75.

12 27. Zettel JC, Khambalia A, Barden W, Murthy T, Macarthur C. Gas Fireplace  
13 Contact Burns in Young Children. *J Burn Care Rehabilitation* 2004;25(6):510-512.

14 28. Becker L, Cartotto, R. The Gas Fireplace: A New Burn Hazard in the Home. *J*  
15 *Burn Care Rehabilitation* 1998;20(1):86-9.

16  
17 29. Moritz AR, Henriques FC. Studies of thermal injury II: the relative importance  
18 of time and surface temperature in the causation of cutaneous burns. *Am J Pathol*  
19 1947;23:695-720.

20 30. Stacey Garfinkle. Fireplace Dangers Lurk in the Glass—On Parenting, *available*  
21 *at* [http://voices.washingtonpost.com/parenting/2009/02/children\\_fireplace\\_burns.html](http://voices.washingtonpost.com/parenting/2009/02/children_fireplace_burns.html) (last  
22 modified Feb. 25, 2009).

23  
24 31. THE CHILDREN'S HOSPITAL, GAS FIREPLACE GLASS DOOR BURN PREVENTION

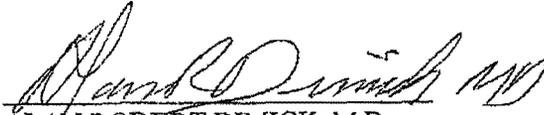
25 32. BC CHILDREN'S HOSPITAL. "Fireplace burns in children up 75 percent." (Nov.  
26 26, 2003).

27  
28 34. UW Health, *The Danger of Glass Fireplace Doors*, (Dec. 18, 2007), *available*

1 [or http://www.uwhealth.org/news/thedangersofglassfireplacedoors/12617.](http://www.uwhealth.org/news/thedangersofglassfireplacedoors/12617)

2 35. Medical records of Marin Montgomery.

3 I declare under penalty of perjury that the foregoing is true and correct. Dated this 21<sup>st</sup>  
4 day of August, 2009, in Birmingham, Alabama.  
5

6  
7   
8 ALAN ROBERT DIMICK, M.D.

<b>As of:</b> August 10, 2011
<b>Received:</b> August 08, 2011
<b>Status:</b> Posted
<b>Posted:</b> August 09, 2011
<b>Category:</b> Consumer/Individual
<b>Tracking No.</b> 80eda811
<b>Comments Due:</b> August 08, 2011
<b>Submission Type:</b> Web

# PUBLIC SUBMISSION

**Docket:** CPSC-2011-0028

Petitions Requesting Safeguards for Glass Fronts of Gas Vented Fireplaces

**Comment On:** CPSC-2011-0028-0001

Petitions Requesting Safeguards for Glass Fronts of Gas Vented Fireplaces

**Document:** CPSC-2011-0028-0019

Comment from Kim Smith

---

## Submitter Information

**Name:** Kim Smith

**Address:**

24907 Falcongrove Lane

Katy, 77494-6423

**Email:** ksmith77357@comcast.net

**Phone:** (281) 693-5533

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## General Comment

Please see letter attached.

---

## Attachments

Smith, Kim ltr for CPSC

24907 Falcongrove Lane  
Katy, Texas 77494-6423

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August 4, 2011

**CONSUMER PROTECTION AGENCY**

Reference: Notice of Severe Burn Injuries  
Closed Glass Front Unguarded Fireplace  
Disclosure of Incident for Future Regulatory Consideration

Ladies and Gentlemen:

My Incident Involving My Baby Boy:

I am the father of a beautiful three year old son, Stanton, who was grossly burned by coming in contact with a Majestic Closed Glass Front unguarded fireplace when he was one year old. We had arrived for a summer vacation in Colorado, where we had booked our stay at a nice condominium in Breckenridge. There was a lit fireplace in the center of the living room, with only a small flame at the bottom. Workmen were coming in and out during our first morning to work on the fireplace. When the first workman left there was only a small flame at the bottom of the unit. At no time when we booked the unit, when we were shown the unit, or during the times that workmen were working on the fireplace were we warned of the incredible danger that unit posed especially for our little boy. There were also no warning signs on the fireplace unit or in any other literature regarding the room. My little boy has just learned to crawl and we sat him down in the living area to play with his toys we had brought from our home in Katy, Texas. There was a short wall dividing the kitchen area and the living area, and my wife and I were talking, making coffee and watching Stanton. In just an instant, Stanton crawled over to the fireplace and managed to crawl up on the short rock masonry mantle. As soon as we saw him it was too late. He rose up and placed both hands on the glass. Within seconds and as we ran to the room he fell back screaming. The skin of his right hand was seared onto the glass and we could see that the burns were serious. I ran for temporary dressing materials while my wife carried Stanton down to the lobby where they could call an ambulance. The ambulance came quickly and Stanton was rushed to the hospital in Frisco. There the doctors were able to make the first assessments. Mostly 2<sup>nd</sup> degree burns to the left hand and fingers, but more severe 3<sup>rd</sup> degree burns to the right hand and fingers. Stanton was crying so hard, and the pain must have been incredible. The medical staff dressed and wrapped his hands onto wooden paddles. There was a weekend, and we unfortunately had to wait a few days to get him into the Children's Burn Center in Aurora, Colorado. When we arrived at the center, he was quickly taken to the critical burn center where a team of doctors were waiting. Stanton's left hand was burned badly, but his right hand and little fingers was one big blister. Here, they did the most critical surgery, trimming skin so as to hopefully save his hand. Fortunately enough tendons, nerves and blood vessels were saved. Stanton's hands

# Kim & Yulduz Smith

Home Ph: 281-693-5533

24907 Falcongrove Lane  
Katy, Texas 77494-6423



were again dressed and wrapped to special orthopedic paddles so that the hands would be constrained to remain still. We made the drive back to our room in Breckenridge with instructions of how we would need to change some of the bandages every night. Upon returning to our home in Katy, Texas, we were contacted by the Shriner's Burn Center for Children in Galveston, Texas. In Galveston, another doctor team removed the dressings and bandages for changing. There were many sad sighs and comments as the injuries were observed. The hands were put back onto orthopedic paddles, and were rewrapped with medicines and special dressings. Again we were given instructions on taking care of Stanton each day. After a healing period, Stanton went to the Shriners Burn Center of Houston where experienced surgeons did skin grafting on Stanton's right hand, using first layer of skin taken from his thigh. Treatments to Stanton's hands continue.

## What Deficiencies led to this Incident Occurring:

- 1) No verbal or written warnings given by the condominium staff or workmen
- 2) No warning signage on the fireplace unit or on any placard nearby, warning of severe danger
- 3) Fireplace set too low in the middle of a family room
- 4) NO GUARDS of any kind provided to keep small children at a distance
- 5) No insulated glass used in to reduce surface temperatures (otherwise approaching 550°F)
- 6) No modern commercial oven technologies implemented to reduce surface temperatures
- 7) No GIVE A DAMN by the fireplace manufacturer

Please consider my above story and the seven deficiencies I have identified in your drafting of new rules, regulations, and / or laws to prevent other such injuries from occurring. My son is harmed for life. You are too late for him.

Regards,

Kim F. Smith

# PUBLIC SUBMISSION

<b>As of:</b> August 10, 2011
<b>Received:</b> August 10, 2011
<b>Status:</b> Posted
<b>Posted:</b> August 10, 2011
<b>Category:</b> Other
<b>Tracking No.</b> 80edcab2
<b>Comments Due:</b> August 08, 2011
<b>Submission Type:</b> Paper

**Docket:** CPSC-2011-0028

Petitions Requesting Safeguards for Glass Fronts of Gas Vented Fireplaces

**Comment On:** CPSC-2011-0028-0001

Petitions Requesting Safeguards for Glass Fronts of Gas Vented Fireplaces

**Document:** CPSC-2011-0028-0020

Comment from David Hemenway, PhD

---

## Submitter Information

**Name:** David Hemenway, PhD

**Address:** United States,

**Organization:** Harvard School of Public Health

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## General Comment

See Attached

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## Attachments

Comment from David Hemenway, PhD



# HARVARD SCHOOL OF PUBLIC HEALTH

Department of Health Policy and Management

May 23, 2011

Mr. Todd Stevenson, Director  
Office of the Secretary  
U.S. Consumer Product Safety Commission  
4330 East-West Highway  
Bethesda, Maryland 20814

RE: Petition for a Standard for Gas Fireplaces

I am writing to support the request by William S. Lerner that the CPSC act to help address and revise the ANSI Z21.88 standard for Gas Vented/Unvented Fireplaces. The problem of burn injuries related to glass-fronted gas fireplaces is real and well-documented. The fact that young children appear to be at highest risk makes it imperative to act quickly.

The ideal solution would be to eliminate the hazard. However making fireplace "glass" that does not get hot does not currently seem to be an option.

The second best solution would be to put an effective barrier between the hazard and the person. However, to be effective, a "safety screen" would probably have to be permanently mounted, in a way that would negatively affect the consumer's relationship with the fireplace. In addition, an ideal barrier would itself not reach high temperatures.

If the hazard cannot be eliminated, nor an effective barrier put in place, then the challenge becomes to find the most effective way to educate and warn the public about the potential for injury.

Current educational efforts to keep the consumer safe have tended to focus on heightening general consumer awareness. For example, warnings are included in owner's manuals. The problem for safety is that most users do not carefully read or remember owner's manuals.

One of the various difficulties in warning the public is that fireplaces may emit different amounts of heat, and stay hot for different periods of time. While some produce heat to warm the room, others appear to be merely decorative. Currently these units may look almost identical. It is thus currently difficult for the public to gauge the potential for injury from general educational warnings.

The goal of injury prevention is to help make the world safer for people. It is rare that all risk can be eliminated. The consumer faces so many different risks that any warnings should be observable, clear and simple. The literature on consumer warnings suggests that the most effective "warning labels" are often on the product, colorful, conspicuous, with symbols or pictures. There may be special concerns if it is not clear when the product is dangerous, or if similar-looking products are not dangerous.

A handwritten signature in black ink, appearing to read "David Hemenway".

David Hemenway, PhD  
Professor, Harvard School of Public Health  
Director, Harvard Injury Control Research Center

# PUBLIC SUBMISSION

<b>As of:</b> August 10, 2011
<b>Received:</b> August 10, 2011
<b>Status:</b> Posted
<b>Posted:</b> August 10, 2011
<b>Category:</b> Other
<b>Tracking No.</b> 80edcab8
<b>Comments Due:</b> August 08, 2011
<b>Submission Type:</b> Paper

**Docket:** CPSC-2011-0028  
Petitions Requesting Safeguards for Glass Fronts of Gas Vented Fireplaces

**Comment On:** CPSC-2011-0028-0001  
Petitions Requesting Safeguards for Glass Fronts of Gas Vented Fireplaces

**Document:** CPSC-2011-0028-0021  
Comment from David G. Greenhalgh, MD

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## Submitter Information

**Name:** David Greenhalgh, MD  
**Address:** United States,  
**Submitter's Representative:** David Greenhalgh  
**Organization:** Schriners Hospitals for Children

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## General Comment

See Attached

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## Attachments

David G. Greenhalgh, MD



**Burn Surgery**

David G. Greenhalgh, M.D.  
Chief of Burns

Tina L. Palmieri, M.D.  
Assistant Chief of Burns

Soman Sen, M.D.  
Burn Surgeon

Catherine Comroe, P.N.P.

June 8, 2011

Mr. Todd Stevenson, Director  
Office of the Secretary  
U.S. Consumer Product Safety Commission  
4330 East-West Highway  
Bethesda, MD 20814

Received CPSC  
2011 JUN 16 A: 9:33  
Office of the Secretary  
FOI

**Plastic Services and  
Reconstructive Surgery**

Hugh Vu, M.D.  
Plastic Surgeon

Pirko Maguina, M.D.  
Plastic Surgeon

Victoria Owens, F.N.P.

Office 916-453-2050  
Fax 916-453-2373

RE: PETITION FOR A STANDARD FOR GAS FIREPLACES

Dear Mr. Stevenson:

I am in full support of the request by William S. Lerner that the CPSC act to address and revise the ANSI Z21.88 standard for Gas Vented/Unvented Fireplaces. I am the Chief of Burns at Shriners Hospitals for Children Northern California, and at UC Davis Medical Center, where we see literally dozens of burns per winter from people touching the glass on fireplaces. The patient population at greatest risk are young children who, as you know, explore their world with their hands and their mouths. In our clinics in the winter, we will see one to two children per day that present with some form of arm or finger burn from touching the glass front of the fireplace. These toddlers are at an age where instead of reflectively pulling their hand away, they freeze and leave their hand in contact with the hot glass. These burns can be very severe and frequently these children need to have skin grafts in order to maintain normal function of their hands. At any rate, children have lifelong scars that limit the range of motion of their hands. In addition, these skin grafts look different than the rest of their body because part of the hand has no pigment and we have to take the skin from an area that has pigment. Not only do the children suffer the pain from the initial burn injury, but they also have to go through a surgery that can lead to post-operative pain. Once the skin graft is taken, the children must also undergo daily hand therapy to prevent the wounds from contracting. It is fairly typical for an eighteen month old to require one or two more reconstructive procedures as the hand grows to adult size. Our experience with taking care of these hand burns is clear since we have published several papers related to the treatment of hand burns. These kinds of burns also occur with irons and stoves; however, it appears that the frequency of palm burns being caused by fireplaces has increased. It is our speculation that many of these burns occur because the prevention and safety rules have been relaxed for these kinds of injuries – at least for fireplaces. In the past, fireplaces were separated from children with

either a barrier or a step. Now fireplaces are inserted directly into the wall so that they are flush with the wall and there really is no barrier to prevent a child from walking up and putting his or her hands on the fireplace. Since mesh screens that are close to the glass fronts of the fireplaces get dangerously hot themselves, a foolproof visual warning symbol is necessary so parents know that a danger exists. This will in no uncertain terms alert the parent that children must not be allowed near the fireplace or hot screen until the glass is cool to the touch.

It is clear to me that a simple prevention would eliminate hundreds of children from suffering these kinds of burn injuries. Many of these burn injuries turn into lifelong scars and need for reconstructive surgery.

Thank you for your concern.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Greenhalgh', with a stylized flourish at the end.

David G. Greenhalgh, M.D.  
Chief of Burns

# PUBLIC SUBMISSION

<b>As of:</b> August 10, 2011
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<b>Posted:</b> August 10, 2011
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<b>Submission Type:</b> Paper

**Docket:** CPSC-2011-0028

Petitions Requesting Safeguards for Glass Fronts of Gas Vented Fireplaces

**Comment On:** CPSC-2011-0028-0001

Petitions Requesting Safeguards for Glass Fronts of Gas Vented Fireplaces

**Document:** CPSC-2011-0028-0022

Comment from Michael Peck, MD, ScD, FACS

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## Submitter Information

**Name:** Michael Peck, MD, ScD, FACS

**Address:** United States,

**Submitter's Representative:** Michael Peck, MD, ScD, FACS

**Organization:** Arizona Burn Center

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## General Comment

See Attached

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## Attachments

Comment from Michael Peck, MD, ScD, FACS



Received CPSC

JUL 26 P 1: 38

Office of the Secretary  
FOI

July 20, 2011

Mr. Todd Stevenson, Director  
Office of the Secretary  
U.S. Consumer Product Safety Commission  
4330 East-West Highway  
Bethesda, MD 20814

Re: Petition For A Standard For Gas Fireplaces

Dear Mr. Stevenson:

This is a letter of support for the revision of ANSI Z21.88 standard for Gas/Vented/Unvented Fireplaces.

Glass fireplace burns have become common in recent years, and much like scald burns, are occurring mainly in toddlers. Glass fronted fireplaces do not meet any suggested methods for burn prevention. Therefore, there must be some type of warning system to alert parents of the danger of potential burns and perhaps some type of device that not only signals when the fireplace front is hot but likewise when it has cooled.

Sincerely,

Michael Peck, MD, ScD, FACS

Director, Ambulatory and International Outreach Programs

# PUBLIC SUBMISSION

<b>As of:</b> August 10, 2011
<b>Received:</b> August 10, 2011
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<b>Comments Due:</b> August 08, 2011
<b>Submission Type:</b> Paper

**Docket:** CPSC-2011-0028

Petitions Requesting Safeguards for Glass Fronts of Gas Vented Fireplaces

**Comment On:** CPSC-2011-0028-0001

Petitions Requesting Safeguards for Glass Fronts of Gas Vented Fireplaces

**Document:** CPSC-2011-0028-0023

Comment from John T. Schulz, III

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## Submitter Information

**Name:** John Schulz, III

**Address:** United States,

**Submitter's Representative:** John Schulz, III

**Organization:** Bridgeport Hospital

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## General Comment

See Attached

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## Attachments

Comment from John T. Schulz, III

July 20, 2011

Mr. Todd Stevenson, Director  
Office of the Secretary  
U.S. Consumer Product Safety Commission  
4330 East-West Highway  
Bethesda, MD 20814

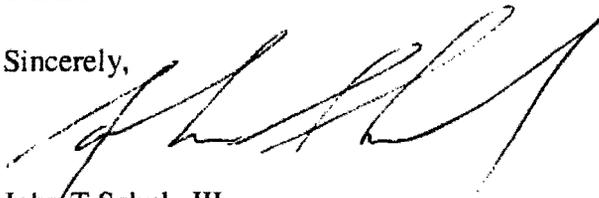
Received CPSC  
2011 JUL 26 P 1:43  
Office of the Secretary  
FOI

RE: PETITION FOR A STANDARD FOR GAS FIREPLACES

Dear Mr. Stevenson:

I join Dr. David Greenhalgh, Senator Al Franken, Dr. David Hemenway and others in supporting the request by William S. Lerner that the CPSC act to address and revise the ANSI 221.88 standard for Gas Vented/Unvented Fireplaces. I am currently the Medical Director of the Panettieri Burn Unit in Bridgeport, Connecticut. Like Dr. Greenhalgh and his colleagues, every winter we see multiple toddlers and younger children who have suffered hand burns as a result of touching the glass enclosing a fireplace. Dr. Greenhalgh has already explained the significance of such a burn for a child. I concur with his comments and reiterate that burns to the hand can have devastating functional consequences that are long lasting: children deserve better than this. Please revise the standards for these fireplaces such that the risk to children is mitigated. A visual indicator on a fireplace glass or screen would warn parents that the surface is a danger to their children.

Sincerely,



John T Schulz III  
Associate Chair, Department of Surgery  
Chief, Burns/Trauma/Surgical Critical Care  
Medical Director, Panettieri Burn Unit  
Bridgeport Hospital  
267 Grant Street  
Bridgeport, CT 06610  
[pischu@bpthosp.org](mailto:pischu@bpthosp.org)

# PUBLIC SUBMISSION

<b>As of:</b> August 10, 2011
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<b>Posted:</b> August 10, 2011
<b>Category:</b> Manufacturer
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<b>Comments Due:</b> August 08, 2011
<b>Submission Type:</b> Paper

**Docket:** CPSC-2011-0028  
Petitions Requesting Safeguards for Glass Fronts of Gas Vented Fireplaces

**Comment On:** CPSC-2011-0028-0001  
Petitions Requesting Safeguards for Glass Fronts of Gas Vented Fireplaces

**Document:** CPSC-2011-0028-0024  
Comment from Jotul North America

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## Submitter Information

**Name:** Robert Watson  
**Address:** United States,  
**Submitter's Representative:** Robert M. Watson, President  
**Organization:** Jotul North America

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## General Comment

See Attached

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## Attachments

Comment from Jotul North America



August 3, 2011

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

Received CPSC  
2011 AUG -5 A 9:35  
Office of the Secretary  
FOI

RE: Proposal to regulate glass fronts of vented fireplaces

Dear Secretary,

The purpose of this correspondence is to provide CPSC with Jøtul North America's comments regarding the CPSC proposal to regulate gas fired glass front fireplaces.

Jøtul North America, a designer and manufacturer of premium gas and wood fired hearth products, is located in Gorham, Maine and is a subsidiary of Jøtul AS of Fredrikstad, Norway. Jøtul AS has been in the business of manufacturing wood fired hearth products since 1853. Jøtul North America was established in 1980. Currently Jøtul North America employs 95 people in manufacturing, sales and marketing and product development. Our gas appliance sales currently accounts for 25% of overall sales with gas fireplaces accounting for several percent.

Jøtul North America maintains a very active Research & Development / Product Development Department. The department includes a state of the art laboratory capable of qualifying products to recognized safety and other performance standards. The laboratory operates at a level of proficiency allowing for products to be performance certified at Jøtul's facility by witness of independent third party certification agencies. In addition to the safety certification of our products, Jøtul is very active in training our dealers and installers about proper installation and operation of all of our products. We conduct training sessions at our facility as well as off site across North America.

Over the years Jøtul North America has been an active participant in the standards development process for both gas and wood hearth products. With regards to the fireplace glass front issue, Jøtul strongly supports and advocates that the CSA and ANSI standards development process be the method used to determine how to address any outstanding concerns.

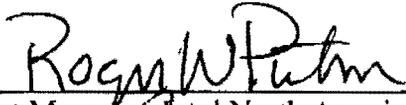
It is Jøtul's understanding that a technology has been proposed to CPSC regarding a "high temperature warning system". While this is an interesting technology, concern exists regarding practicality and effectiveness of such as a solution. The effectiveness can certainly be questioned considering the typical age of the victims and their ability to

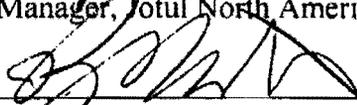
interpret and recognize it as a warning. Additionally, mandating a specific technology may not be practical for all manufacturers when there may very well be an alternate and perhaps simpler means to achieve an acceptable level of prevention. The CSA / ANSI process is an excellent method to identify alternate viable options to the resolution of this issue.

Jotul North America is looking forward to participating in this process and achieving a mutually satisfactory outcome for all parties.

Thank you in advance for consideration of Jøtul's comments on this matter.

Respectfully submitted,

Roger W. Purinton   
Product Development Manager, Jotul North America

Robert M. Watson   
President, Jotul North America

<b>As of:</b> August 10, 2011
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<b>Submission Type:</b> E-mail

# PUBLIC SUBMISSION

**Docket:** CPSC-2011-0028

Petitions Requesting Safeguards for Glass Fronts of Gas Vented Fireplaces

**Comment On:** CPSC-2011-0028-0001

Petitions Requesting Safeguards for Glass Fronts of Gas Vented Fireplaces

**Document:** CPSC-2011-0028-0025

Comment from Alan Sickles, MD

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## Submitter Information

**Name:** Alan Sickles, MD

**Address:** United States,

**Submitter's Representative:** Alan Sickles, MD

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## General Comment

See Attached

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## Attachments

Comment from Alan Sickles, MD

**Stevenson, Todd**

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**From:** Alan Sickles [alansicklesmd@gmail.com]  
**Sent:** Monday, August 08, 2011 5:02 AM  
**To:** Stevenson, Todd  
**Subject:** Additional Support for Petition Advocating a Change in Z21 Standards  
**Attachments:** CPSC, Stevenson 080711.pdf; CPSC, Support for Petition, 073111.pdf

Please see my original letter and a follow-up written after receiving new information.

Respectfully,

Alan Sickles, MD

Dear Mr. Stevenson,

I am writing to update my letter of support for the petition filed by William S. Lerner, advocating for a change in CPSC Standard Z21 with regard to gas powered, glass fronted fireplaces which will require the presence of a high temperature warning/ system.

Mr. Lerner sent an update explaining that the current "standard" allowing the glass panels to reach a temperature of 500° F is actually a myth. In fact, the maximum temperature that the glass panel fronting a gas fireplace can reach is dictated by the properties of the glass and not the CPSC or the fireplace industry. In effect, this means that if a manufacturer uses a glass ceramic panel to construct the fireplace, the temperature could theoretically reach nearly 1400° F. Understanding that one second of contact at 167° F causes a significant burn injury, I am afraid to imagine how devastating a burn at 1400° F would be.

From my perspective, as a consumer and a physician, this must stop. It is offensive that we were led to believe a standard exists, when in fact, there is none. It is offensive to see an entire industry operate with such callous disregard the safety of their customers. Finally, it is offensive to see a government agency stand by and do nothing in the face of this egregious behavior.

I call on you, Mr. Stevenson, and the entire CPSC to act and act quickly. Your agency is charged with insuring that consumers are protected and that products are designed to be safe. To date, you have failed. Please step up and do the right thing.

Respectfully yours,

Alan Sickles, MD

July 31, 2011

Mr. Todd Stevenson, Director  
Office of the Secretary  
US Consumer Product Safety Commission  
4330 East-West Highway  
Bethesda, Maryland 20814

RE: Petition filed by William S. Lerner regarding CPSC Standard Z21

Dear Mr. Stevenson,

I am writing in support of the petition recently filed by William S. Lerner advocating a change in CPSC standard Z21 with regard to glass fronted, gas powered fireplaces. In its current incarnation, these fireplaces present a serious hazard to the consumer. With no effective warning system in place, Emergency Rooms across the nation are seeing an alarming number of injuries. Unaware that the fireplace is dangerously hot, consumers of all ages are sustaining very significant injuries; burns requiring hospitalization and surgery are not at all uncommon. Much of the media attention has been focused on injured children, but make no mistake- these injuries are not age dependent.

Others have suggested a barrier as a means of protecting the public. Unfortunately, placing a barrier in proximity to the dangerously hot fireplace only serves to heat the barrier, effectively creating a second hazard.

The only viable solution is to require a warning system that is part of the fireplace. A warning light, as suggested in Mr. Lerner's petition, will alert the public that the fireplace has reached a critical temperature and will continue to provide that warning until the temperature has fallen to a safe level. The fact that a warning light can be configured to alert consumers that the fireplace remains hot after the flame has been extinguished is vital. Remember that when a gas fireplace is turned off, unlike a real fireplace- there are no glowing embers. The warning light provides the only clue to the danger that exists.

The CPSC is charged with insuring that the public is protected from unsafe products. In its current form, gas powered, glass fronted fireplaces are unsafe. In order to fulfill your mandate, the CPSC must change the existing standard to require the inclusion of a warning light. Any less is irresponsible.

Respectfully yours,

Alan Sickles, MD

ALAN SICKLES, M.D.  
BREAST SURGERY

329 EAST 18<sup>TH</sup> STREET  
NEW YORK, NEW YORK 10003  
TEL: 212-533-8600  
FAX: 212-533-8623  
ALANSICKLESMD@GMAIL.COM

9823 FOURTH AVENUE  
BROOKLYN, NEW YORK 11209  
TEL: 718-630-5050  
FAX: 718-238-2051

July 31, 2011

Mr. Todd Stevenson, Director  
Office of the Secretary  
US Consumer Product Safety Commission  
4330 East-West Highway  
Bethesda, Maryland 20814

RE: Petition filed by William S. Lerner regarding CPSC Standard Z21

Dear Mr. Stevenson,

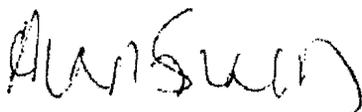
I am writing in support of the petition recently filed by William S. Lerner advocating a change in CPSC standard Z21 with regard to glass fronted, gas powered fireplaces. In its current incarnation, these fireplaces present a serious hazard to the consumer. With no effective warning system in place, Emergency Rooms across the nation are seeing an alarming number of injuries. Unaware that the fireplace is dangerously hot, consumers of all ages are sustaining very significant injuries; burns requiring hospitalization and surgery are not at all uncommon. Much of the media attention has been focused on injured children, but make no mistake- these injuries are not age dependent.

Others have suggested a barrier as a means of protecting the public. Unfortunately, placing a barrier in proximity to the dangerously hot fireplace only serves to heat the barrier, effectively creating a second hazard.

The only viable solution is to require a warning system that is part of the fireplace. A warning light, as suggested in Mr. Lerner's petition, will alert the public that the fireplace has reached a critical temperature and will continue to provide that warning until the temperature has fallen to a safe level. The fact that a warning light can be configured to alert consumers that the fireplace remains hot after the flame has been extinguished is vital. Remember that when a gas fireplace is turned off, unlike a real fireplace- there are no glowing embers. The warning light provides the only clue to the danger that exists.

The CPSC is charged with insuring that the public is protected from unsafe products. In its current form, gas powered, glass fronted fireplaces are unsafe. In order to fulfill your mandate, the CPSC must change the existing standard to require the inclusion of a warning light. Any less is irresponsible.

Respectfully yours,



Alan Sickles, MD

**Stevenson, Todd**

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**From:** Alan Sickles [alansicklesmd@gmail.com]  
**Sent:** Tuesday, August 02, 2011 4:55 AM  
**To:** Stevenson, Todd  
**Subject:** Letter of Support for Petition Filed by William S. Lerner.  
**Attachments:** Response to Petition 073111.pdf

Good morning-

Please see the attached letter.

I am writing in support of the petition recently filed by William S. Lerner in support of mandated changes to gas powered, glass fronted fireplaces.

Respectfully,  
Alan Sickles, MD

# ALAN SICKLES, M.D.

BREAST SURGERY

329 EAST 18<sup>TH</sup> STREET  
NEW YORK, NEW YORK 10003  
TEL: 212-533-8600  
FAX: 212-533-8623  
ALANSICKLESMD@GMAIL.COM

9823 FOURTH AVENUE  
BROOKLYN, NEW YORK 11209  
TEL: 718-630-5050  
FAX: 718-238-2051

July 31, 2011

Mr. Todd Stevenson, Director  
Office of the Secretary  
US Consumer Product Safety Commission  
4330 East-West Highway  
Bethesda, Maryland 20814

RE: Petition filed by William S. Lerner regarding CPSC Standard Z21

Dear Mr. Stevenson,

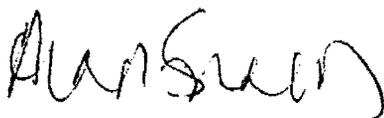
I am writing in support of the petition recently filed by William S. Lerner advocating a change in CPSC standard Z21 with regard to glass fronted, gas powered fireplaces. In its current incarnation, these fireplaces present a serious hazard to the consumer. With no effective warning system in place, Emergency Rooms across the nation are seeing an alarming number of injuries. Unaware that the fireplace is dangerously hot, consumers of all ages are sustaining very significant injuries; burns requiring hospitalization and surgery are not at all uncommon. Much of the media attention has been focused on injured children, but make no mistake- these injuries are not age dependent.

Others have suggested a barrier as a means of protecting the public. Unfortunately, placing a barrier in proximity to the dangerously hot fireplace only serves to heat the barrier, effectively creating a second hazard.

The only viable solution is to require a warning system that is part of the fireplace. A warning light, as suggested in Mr. Lerner's petition, will alert the public that the fireplace has reached a critical temperature and will continue to provide that warning until the temperature has fallen to a safe level. The fact that a warning light can be configured to alert consumers that the fireplace remains hot after the flame has been extinguished is vital. Remember that when a gas fireplace is turned off, unlike a real fireplace- there are no glowing embers. The warning light provides the only clue to the danger that exists.

The CPSC is charged with insuring that the public is protected from unsafe products. In its current form, gas powered, glass fronted fireplaces are unsafe. In order to fulfill your mandate, the CPSC must change the existing standard to require the inclusion of a warning light. Any less is irresponsible.

Respectfully yours,



Alan Sickles, MD

Received CPSC  
2011 AUG - 5 A 9:36  
Office of the Secretary  
FOI

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<b>Posted:</b> August 10, 2011
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<b>Tracking No.</b> 80edd40b
<b>Comments Due:</b> August 08, 2011
<b>Submission Type:</b> Paper

# PUBLIC SUBMISSION

**Docket:** CPSC-2011-0028

Petitions Requesting Safeguards for Glass Fronts of Gas Vented Fireplaces

**Comment On:** CPSC-2011-0028-0001

Petitions Requesting Safeguards for Glass Fronts of Gas Vented Fireplaces

**Document:** CPSC-2011-0028-0026

Comment from Michael A. Gittelman, MD

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## Submitter Information

**Name:** Michael Gittelman, MD

**Address:** United States,

**Submitter's Representative:** Michael A. Gittelman, MD

**Organization:** Cincinnati Children's Hospital Medical Center

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## General Comment

See Attached

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## Attachments

Comment from Michael A. Gittelman, MD



Mr. Lerner's petition to have a visual warning symbol to allow parents and children to know the temperature of these fireplaces, or a protective device to make it so that these fireplaces cannot reach temperatures up to 500° as they currently do, should become the new standard. Of course, any intervention sought, should be tested as to its efficacy before becoming new regulation.

I appreciate your consideration on this matter. I would be happy to speak with you if you have any questions or you wish to speak about my experiences in more detail. Thank you and I look forward to your response.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Gittelman", with a stylized flourish at the end.

Michael A. Gittelman, MD  
Associate Professor of Clinical Pediatrics  
Division of Emergency Medicine  
Cincinnati Children's Hospital Medical Center  
513-636-4200  
[michael.gittelman@cchmc.org](mailto:michael.gittelman@cchmc.org)