



U.S. CONSUMER PRODUCT SAFETY COMMISSION  
WASHINGTON, D.C. 20207

MINUTES OF COMMISSION MEETING  
December 15, 1994  
4330 East West Highway  
Bethesda, Maryland

The December 15, 1994, meeting of the U.S. Consumer Product Safety Commission was convened at 10:00 a.m. in open session by Chairman Ann Brown. Commissioner Mary Sheila Gall was present.

Agenda Item: Gas-Fired Water Heaters

The Commission considered options for Commission action to address the risk that gas-fired water heaters will ignite vapors from flammable liquids that are present in the home. The Commission was briefed by the staff at the Commission Meeting of December 8 on action options, on recent industry activities, and on the staff's recommendation for addressing the risk. (Ref: staff briefing package dated November 29, 1994.)

Commissioner Gall moved that the Commission direct the staff to continue their work with industry in the development of a performance standard for gas-fired water heaters, to be issued as a voluntary standard and adopted by the industry as soon as is practicable. Commissioner Gall voted in favor of the motion while Chairman Brown voted in opposition. The Commission vote being divided, the motion failed.

Chairman Brown then directed the staff as follows: staff is to prepare to brief the Commission in July 1995 on what actions the industry has taken to address the risk that gas-fired water heaters ignite vapors present from flammable liquids in the home; further, staff is to recommend at that time whether the Commission should issue an advance notice of proposed rulemaking (ANPR) to address that risk.

Chairman Brown and Commissioner Gall each filed a statement on the matter of gas-fired water heaters and flammable vapors.

There being no further business on the agenda, Chairman Brown adjourned the meeting.

For the Commission:

Sadye E. Dunn, Secretary

Attachments



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**STATEMENT OF THE HONORABLE ANN BROWN, CHAIRMAN,  
U.S. CONSUMER PRODUCT SAFETY COMMISSION  
December 15, 1994**

Today I directed the staff to brief the Commission in July 1995 on what actions the industry has taken to address the risk that gas-fired water heaters will ignite vapors from flammable liquids present in the home. I also directed the staff to recommend in July whether the Commission should issue an advance notice of proposed rulemaking (ANPR) to address that risk.

I am encouraged by the staff's recent assessment that industry now appears committed to move forward as quickly as practicable to develop and implement an effective voluntary standard for gas-fired water heaters to reduce the risk associated with these products. According to its own timetable, industry expects that its test protocol for a voluntary standard will be developed by July 1995. I applaud industry's recent commitment and will hold industry to that timetable.

As those who have followed the Commission's history on this issue know, last week CPSC staff changed its June 1994 recommendation to the Commission from that of issuing an ANPR to working with industry on a voluntary standard. Staff recommended this change because it felt industry had made meaningful progress to address this issue within the past few months.

According to staff, industry has detailed plans to move ahead with a voluntary standard in accordance with a specific timetable. CPSC staff will have input and regular briefings during this process.

I chose, at this time, not to vote simply to develop a voluntary standard with industry because, as in other cases, I typically oppose deferring to the hope of voluntary action.

It is critical that we see evidence of industry's continued progress on this matter. It is to that end that I have directed the staff -- who will be closely monitoring industry's progress -- to brief the Commission in July 1995 on what actions the industry has taken to meet the goals it has set for itself and to recommend at that time whether the Commission should issue an ANPR on gas-fired water heaters. The Commission can then reconsider what action, if any, it should take.



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STATEMENT OF VICE CHAIRMAN MARY SHEILA GALL  
ON  
GAS-FIRED WATER HEATERS AND FLAMMABLE VAPORS

December 15, 1994

Today I have voted to direct the staff to work with the gas water heater industry to develop a voluntary standard relating to the ignition of flammable vapors.

After reviewing the record before the Commission, it is clear that the problem before us is one of consumer behavior rather than a defective product. The facts are straight-forward. A little more than 3% of all fires involve flammable vapors. Of these, only 5%, or roughly 1,950 each year, are related in some way to gas-fired water heaters. What I find telling is that more than 75% of these incidents are due to the improper storage or use of gasoline. Further, there are more than 25,000 flammable vapor fires that do not involve gas-fired water heaters reported annually. It is noteworthy that in many of these, gasoline is the source of the vapor which ignites.

Industry undertook an information and education campaign concerning the dangers posed by flammable vapors when exposed to open flames. This far-reaching effort, which has involved diverse groups such as plumbers and teachers and played on radio and television, has been held up by Commission staff as an example of a model information and education program. This program recognizes and seeks to attack the heart of this danger: the improper storage and use of gasoline.

I am pleased that industry will continue its efforts to advance existing technology in this area. Those involved are striving to develop improved products while at the same time seeking to ensure that a different set of hazards is not a by-product of their work. This is a deliberate process, the success of which cannot be measured by the rapidity with which timeline checkpoints are met. In light of today's vote, it is my hope that the Commission will support cooperative, voluntary action in the future, and in so doing, become a partner in rather than an impediment to the success of this effort.