U.S. CONSUMER PRODUCT SAFETY COMMISSION

4330 EAST WEST HIGHWAY
BETHESDA, MARYLAND 20814-4408

This is a DRAFT RCA.
It will be replaced by a Final RCA.

Record of Commission Action
Commissioners Voting by Ballot*

Commissioners Voting: Chairman Inez M. Tenenbaum
Commissioner Nancy A. Nord
Commissioner Robert S. Adler

ITEM:

Petition CP 11-1; Request for a Standard for Gas Fireplaces with Glass Fronts
(Briefing package dated April 17, 2013, OS No. 3692)

DECISION:

The Commission voted unanimously (3-0) to deny the petition and direct staff to draft a letter of denial to the petitioner, Carol Pollack-Nelson, Ph.D. The petition requests that the Commission initiate rulemaking to require safeguards for glass fronts of gas vented fireplaces to protect consumers from burns received by coming into contact with the glass front. Applicable voluntary standards that include protective barrier requirements have now been published. Chairman Tenenbaum submitted the attached statement regarding this matter.

For the Commission:

Todd A. Stevenson
Secretary

* Ballot vote due April 23, 2013
Attachment: Statement of Chairman Tenenbaum

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BETHESDA, MD 20814

CHAIRMAN INEZ M. TENENBAUM

STATEMENT OF CHAIRMAN INEZ M. TENENBAUM ON THE COMMISSION DECISION TO DENY THE PETITION REQUESTING RULEMAKING TO REQUIRE SAFEGUARDS ON THE GLASS FRONTS OF VENTED GAS FIREPLACES

April 30, 2013

In May 2011, the Consumer Product Safety Commission (CPSC) received a petition requesting that we address the hazards posed by vented gas fireplaces with glass fronts. The petition was prompted by reports of children who suffered serious, and sometimes irreversible, burns when they touched the glass fronts of gas fireplaces.

Fireplaces are regulated by local, state, regional, and national building codes that are based on voluntary standards issued by the American National Standards Institute (ANSI). Unfortunately, in May 2011, the ANSI standards upon which the building codes are based did not contain provisions to protect consumers from burns caused by hot glass on gas fireplaces.

The CPSC has the ability to deny petitions when a voluntary standard is in place that eliminates or reduces an unreasonable risk of injury associated with a product, and it is likely that there will be substantial compliance with that standard. On April 2, 2012, I voted to defer the petition after receiving assurances from manufacturers that they were moving forward to approve robust standards that would address the injuries caused by hot glass fronts on both vented and unvented gas fireplaces. Today, I am pleased to announce that the ANSI members, through hard work and dedication, have created and published a standard to address hazards caused by hot glass fronts of vented gas. I also understand that work is continuing to update and improve the standard for unvented gas fireplaces.

As of December 2012, the ANSI standards governing vented gas fireplaces now contain important safety requirements that are intended to reduce and eliminate the risk of burns that glass-fronted vented gas fireplaces pose. The standard, which is due to become effective in January 2015, will require that vented gas fireplaces whose glass front temperature exceeds 172 ° F must be installed with a protective barrier. The barrier must prevent contact with the glass front, and the barrier itself cannot present a burn hazard.

The CPSC staff has determined that this new standard will significantly reduce the risk of serious injury to consumers, especially the risk to children, which can occur from contact with the hot glass front of vented gas fireplaces. Additionally, because mandatory building codes are based on the ANSI standard, CPSC staff is confident that the industry will comply with the requirements.

Today I express my gratitude and appreciation to the ANSI members and CPSC staff responsible for the new, and much needed, safety standard. Therefore, because the requirements of the law have been met, and agency rulemaking is not necessary to address this hazard, the Commission though our most recent vote has denied the petition that was filed in May 2011.

I also would like to express my appreciation to the Hearth, Patio and Barbeque Association for their outreach and education efforts. Parents, grandparents, and homeowners need to be informed about the serious hazard posed by hot glass on the fronts of gas fireplaces and what options they have to prevent children from being exposed to the glass. HPBA has produced an informative publication and video that encourages consumers to retrofit existing glass front fireplaces with a protective barrier that can prevent burn injuries to children. Consumers purchasing new vented glass front fireplaces should look for models that have the protective barrier installed.

As mentioned, however, there is still one more hazard that must be addressed. The safety standard that we are announcing today addresses vented gas fireplaces: those that use vent systems to remove combustion products from the dwelling. Unvented gas fireplaces, products in which the combustion products are released directly into the room, are governed by a different ANSI standard, one not addressed by the petition, or in the voluntary standards progress that warranted denial of the petition.

The unvented gas fireplace standard has not been updated to include safety requirements to address contact burns. I am pleased, however, that the ANSI members responsible for the standard for unvented fireplaces have assured us that language will soon be added to address this hazard. I strongly encourage that work to continue and to be completed as soon as possible. I will continue to monitor the related voluntary standards process on unvented fireplaces to ensure that the industry meets their commitment. In the meantime, I extend my appreciation to the ANSI members and CPSC staff who worked diligently to put safety standards in place for vented fireplaces. No child should be exposed to the risk of severe burns associated with this product.