



U.S. CONSUMER PRODUCT SAFETY COMMISSION

4330 EAST WEST HIGHWAY
BETHESDA, MARYLAND 20814-4408

Record of Commission Action Commissioners Voting by Ballot*

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

ITEM:

Petition CP 11-1; Request for Standard for Gas Fireplaces with Glass Fronts
(Briefing package dated March 21, 2012)

DECISION:

The petition requested that the Commission initiate rulemaking to require safeguards for glass fronts of gas vented fireplaces. The Commission voted unanimously (4-0) to defer the petition (CP 11-1) for 6 months, and at the end of the 6-month period, direct staff to update the Commission on the progress of standards developments in ANSI Z21.88, "*ANSI Standard for Vented Gas Fireplace Heaters*," and other applicable and related ANSI standards (e.g. Z21.50 and those for unvented fireplaces). Chairman Tenenbaum submitted the attached statement regarding this matter.

For the Commission:

A handwritten signature in black ink, appearing to read "Todd A. Stevenson".

Todd A. Stevenson
Secretary

* Ballot vote due March 27, 2012

Attachment: Statement of Chairman Tenenbaum



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BETHESDA, MD 20814

CHAIRMAN INEZ M. TENENBAUM

April 2, 2012

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

The burn injuries suffered by young children who touch the glass of gas fireplaces—which can be anywhere from 500 to 1000 degrees—are sadly often very severe. We must do everything we can to prevent future child burn injuries from scalding glass front gas fireplaces. I issue this statement to make clear that I join with the U.S. Consumer Product Safety Commission (“CPSC”) staff in recommending that manufacturers move forward with approving robust consensus standards for both vented and unvented gas fireplaces to prevent these injuries from occurring. Moreover, it is my hope that the voluntary standards process follows the best-case timeline, and the revised standards are published no later than July 2012.

In May 2011, the CPSC received a petition from Carol Pollack-Nelson, Ph.D. (“Petitioner”), a former CPSC human factors specialist. Petitioner asked that the Commission adopt regulations to require makers of vented gas fireplaces to equip them with passive barriers, such as a mesh screen, to help prevent contact burns from consumers touching the glass front. The ANSI Vented Gas Warm Air Heater Technical Advisory Group (“TAG”) had previously created a Working Group (“WG”) to explore revising the applicable standards, *ANSI Z21.50, Standard for Vented Gas Fireplaces*, and *ANSI Z21.88, Standard for Vented Gas Fireplace Heaters*, to require vented gas fireplaces to be equipped with these protective barriers. In December 2011, the TAG voted to adopt the WG’s draft provisions that would require *vented* gas fireplaces whose outside glass front temperature exceeds 172°F to be shipped with mandatory protective barriers.

In February 2012, I met with the Hearth, Barbeque and Patio Association (“HBPA”), which has played a leadership role on the ANSI technical advisory committee. The HBPA members in attendance assured me that the requirement for a protective barrier would be included in the revised standard and that efforts would be made by the industry to produce an easy-to-install retrofit barrier.

In light of the commitment HBPA made to me, and to allow the voluntary standards process to continue as planned and conclude within the best-case timeframe, I voted on March 27, 2012, for a six-month deferral on deciding whether to grant the Petitioner’s request. At the end of this six-month period, CPSC staff will update the Commission on the status of the TAG’s voluntary standards process on vented gas fireplaces. It is my strong hope and expectation that TAG efforts will include the protective barrier requirement.

Moreover, because CPSC staff believes the glass fronts of *unvented* gas fireplaces pose similar risks, CPSC staff will also monitor developments to the standards for unvented gas fireplaces, *ANSI*

Z21.11.2, Standard for Gas-Fired Room Heaters, Vol. II, Unvented Room Heaters, to ensure changes are also made to that standard. These preventative measures must be taken without delay, so parents can be assured that their children are safe around their home gas fireplace, vented or not.