



TO: State Building Code Council Energy Code Technical Working Group
FROM: Carolyn Logue, Legislative Consultant
Northwest Hearth, Patio & Barbecue Association
RE: WSEC R-27 – Gas Fireplace Efficiency (Proposed R402.4.2.1)
WSEC R-28 – Pilot Lights (Proposed R403.1.3)

Dear Members of the Energy Code Technical Working Group:

On behalf of the Northwest Hearth, Patio & Barbecue Association, we would like to express our significant concerns with the proposals before you regarding gas fireplace efficiency and pilot lights. Our first concern is that the building codes are not the appropriate location for the complexity surrounding regulation of these appliances and how they function. This should be done in an appliance efficiency discussion either through statute or through a regulatory function that involves the manufacturers in the industry. These proposals will dictate how an appliance must be manufactured for sale in the state of Washington and requires more significant workshops and industry stakeholder processes that are specific to the manufacture of the appliance. Once that is completed, the State Building Code Council can be assured that the appliances are available for sale in Washington and readily available to contractors and consumers. Without this assurance, the code may read one thing but consumers may not find the appliances readily available and affordable for their homes. In addition, many of these appliances are installed by consumers, even in new construction, so simply having this in the building code will not cover the breadth of appliances on the market.

The state of California, the Province of British Columbia, and Canada are all currently dealing with these issues (or are finalizing) as part of regulatory discussions. Multiple workshops and meetings have been held with industry to get to solutions and agreements. Washington would also benefit from waiting until the rules in California and Canada are solidified to ensure consistency for manufacturers.

In addition to this concern, we have specific concerns regarding each proposal:

The gas fireplace efficiency proposal draws loosely from a since-withdrawn U.S. Department of Energy (DOE) regulation – one that would have imposed minimum efficiencies on all appliances with inputs of 9,000 BTUs per hour (BTU/hr) or more. As with the proposal, the DOE rulemaking did not draw an adequate distinction between heater-rated (ANSI Z21.88) and decorative (ANSI Z21.50) appliances. The DOE rulemaking was vacated by a federal court, in part, because it sought to regulate multiple vented gas hearth products under a “vented hearth heaters” classification as a subset of DOE’s Direct Heating Equipment covered product category.

The importance of a distinction between the two categories of product is reflected in several more recent regulatory efforts. The British Columbia Ministry of Mines, Energy & Petroleum Resources (B.C. MEM) has new regulatory requirements for vented gas fireplaces, stoves, and inserts manufactured or imported into the province on or after January 1, 2019. The regulation sets minimum efficiency requirements of 50 percent fireplace efficiency (or “FE” using CSA P.4.1-15) for Z21.88 appliances, but imposes no FE minimum for Z21.50 appliances. Natural Resources Canada (NRCAN) and the California Energy Commission (CEC) are considering regulatory programs as well, each with a distinction between heater-rated and decorative appliances. The common decision to consider heater-rated appliances Z21.50 and Z21.88 as distinct product categories speaks to the recognition that the two product categories are intended for very different purposes. While both categories of product are, first and foremost, aesthetic, they are manufactured, certified, marketed, and purchased based on the specific heating needs of the consumer.

The B.C. MEM, NRCAN, and CEC regulators are all aware of the other regulatory efforts and appreciate that these products are sold throughout North America. Given the expense of multiple testing, marketing, and certification channels for products sold in multiple jurisdictions, similar regulatory requirements – to the extent practicable – are a means by which to limit what might otherwise lead to overly burdensome, cost-ineffective regulations.

The proposal before the TAG is a drastic departure from any current or contemplated requirements for these products, treating all products (both Z21.50 and Z21.88 appliances) as a single category of product. The 9,000 BTU per hour (BTU/hr) exemption captures little, if any, of the market. The end result is that products not designed or purchased to function as a heater would be required to be a very efficient radiant space heater. Moreover, the 9,000 BTU/hr figure is a vestige of an effort to arbitrarily set by the U.S. Department of Energy to differentiate heaters from non-heaters roughly 10 years ago. Due to vacatur in federal court over defects in the rulemaking, the 9,000 BTU/hr threshold appears in no other current or contemplated rulemakings. With NRCAN and CEC just weeks away from finalizing proposals, we would urge the TAG not to move forward with any proposal that would impose significantly different requirements and eliminate an entire category of appliances (i.e., decorative vented gas fireplaces, stoves, and inserts).

On the continuous pilot light proposal, once again this is building code attempting to govern manufacture of appliances. All other discussions on this are happening in a regulatory or statutory environment that has more industry stakeholder input and work shops from those who make the product to ensure that what is being asked for can actually be done and still have operational efficiency for the end user. Specifically, we need to have more nuanced discussions regarding Intermittent Pilot Ignitions, timed or on-demand pilot ignitions and how to allow some level of continuous pilot ignition in colder, damper climates (such as Western Washington). The damper air in Western Washington can impact drafting in the operation of the appliance.

We urge the Energy Code TAG to remove these items from their overview and instead ask the proponents to work with Department of Commerce to engage in specific industry work groups on a process that is geared towards those who make the products.

Thank you for your time. Please contact me with questions or more information at Carolyn.logue@comcast.net OR via phone 360-789-3491.



May 15th, 2019

To Whom It May Concern,

The purpose of this letter is to respond to the proposals being considered to regulate gas fireplaces in the State of Washington.

I represent Wolf Steel Ltd. We are the manufacturer of Napoleon and Continental Products including wood and gas burning fireplaces, with manufacturing facilities in Crittenden-Kentucky as well as Barrie-Ontario-Canada. We recently became aware of these proposals and were alarmed to learn of some regulations which we believe are detrimental to an otherwise healthy hearth industry, employing tens of thousands individuals across the U.S., Canada and relatively important, in the State of Washington.

We do acknowledge the appropriate nature of the proposal for Code Section # 403.1.3 and # 403.10.1. Clearly, the cost savings and the practicality of prohibiting standing pilots in gas fireplaces cannot be argued and we condone this proposal as written.

However, we do have concerns regarding portions of the proposal to Code Section # 402.4:

The clause "R402.4.2.1 Gas Fireplace Efficiency. All gas fireplaces designed to heat indoor space and/or provide aesthetic appeal (decorative) shall be listed and labeled with a fireplace efficiency (FE) rating of 65% or greater in accordance with CSA P.4.1-15." Not all gas fireplaces are designed to heat the indoors. While the combustion of natural and propane gas does generate heat, some gas fireplaces are tested and certified to the ANSI Z21.88 CSA 2.33 Test standard for Vented Gas Fireplace Heaters because they are designed to heat indoor space while others are tested and certified to ANSIZ21.50 CSA 2.22 Test Standard for Vented Decorative Appliances because they are designed specifically for their decorative appeal. This is an important distinction because much of the market demand is for the decorative appeal gas fireplaces provide and much of that market is not interested in the heat they generate which is why they are designed as such. The limitation of Decorative Gas Fireplaces to a maximum 9,000 BTU would be detrimental to that market and the industry. Less than 1% of the Decorative Gas Fireplaces currently on the market would meet this limitation. Placing a minimum efficiency requirement of 65% on these Decorative Gas Fireplaces would have a similar effect which is why both the BC regulation and NRCAN's proposed amendment exclude Decorative Gas Fireplaces from the minimum efficiency limitations posted for Heater models.

Economic Impact Data Sheet

Calculations are based upon the Energy Trust of Oregon's 2017 survey but what the survey appears not to ask is whether or not the gas fireplace is being used to heat during the usage period. The assumption appears to be that consumers use their gas fireplaces to heat and disregards the preference to use them for the atmosphere they provide in homes.

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In summary, we ask that those reviewing these proposal, consider that gas fireplaces should not be pigeon holed into existing heating appliance categories as they are in fact, unique gas appliances. Yes some are designed to generate heat into the living space while others are designed to provide the aesthetic value despite the heat they generate. Both are preferred by consumers because of their aesthetic appeal. If they weren't, consumers shopping for heat would simply choose to purchase room heaters which are generally more efficient and less expensive.

As previously stated, prohibiting standing or continuous pilots is practical and requiring a minimum efficiency on heater rated gas fireplaces is reasonable approach provided it doesn't exclude so many products so as to limit Consumers to choosing gas fireplaces that generate heat when that may not be their preference. Including Decorative Gas Fireplaces in that requirement by limiting the input of Decorative Appliances to 9,000 BTU ignores the principle value for which consumers desire these products and will ultimately eliminate that market. Please do not limit the input for Decorative Gas Fireplaces.

As a manufacturer of hearth appliances, we hope that any regulations the Washington State Building Code may apply to gas fireplaces, might be aligned with those in other constituencies to provide a consistent message to consumers that recognizes why Consumers value these appliances.

If I can provide further clarity on any of these points or other matters concerning gas fireplace, please do not hesitate to contact me directly and thank you for considering the points presented here.

Respectfully,

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