



February 8, 2010

**Energy Conservation Standard Rulemaking for Residential Heating Products
Docket Number EERE-2006-BT-STD-0129
Regulatory Information Number (RIN) 1904-AA90**

HPBA Comments on Definition of Vented Hearth Heater

The Hearth, Patio & Barbecue Association (HPBA) does not support the proposed Department of Energy (DOE) definition of Vented Gas Fireplace Heaters. We do support the decision to establish Vented Gas Fireplace Heaters as a separate type of Direct Heating Equipment.

The name of the product category for the definition should be Vented Gas Fireplace Heater to directly connect it to the applicable safety standard, ANSI Z21.88. By law, manufacturers are required to list and label these types of appliances to approved safety standards such as Z21.88. By using this standard reference, DOE and others will be able to distinguish Vented Gas Fireplace Heaters from decorative gas appliances certified to ANSI Z21.50 and ANSI Z21.60, thereby eliminating a significant opportunity for confusion in the marketplace after the new rules take effect.

When the National Appliance Energy Conservation Act was being developed, it was recognized that there were decorative gas appliances that were marketed based on the aesthetic appeal of a simulated solid fuel fireplace or stove. Those same products are available in the market place today and need to be excluded from inclusion in the rule in a positive manner, preferably by using the consensus safety standard designation in the definition and adding an explanatory note to the definition stating that Z21.50 and Z21.60 appliances are not Vented Gas Fireplace Heaters.

The HPBA also believes that DOE should amend its definition of Vented Gas Fireplace heaters to include duct connections. While duct connections were excluded from the original Direct Heating Equipment definition, it is unnecessary for Vented Gas Fireplace Heaters because they are allowed to have duct connections by design. There is no reason for DOE to not include these appliances, which are available in the market place today, because of a definition that was written before the products were introduced.

HPBA proposes the following definition for DOE's consideration:

Vented Gas Fireplace Heater. A vented appliance which simulates a solid fuel fireplace and furnishes warm air, with or without duct connections, to the space in which it is installed. A vented gas fireplace heater is such that it may be

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controlled by an automatic thermostat. The circulation of heated room air may be by gravity or mechanical means. A vented gas fireplace heater may be freestanding, recessed, zero clearance, or a gas fireplace insert.

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