HPBA Hearth, Patio & Barbecue Association

HOTNEWS

a monthly newsletter for HPBA members

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Court Upholds Removal of Opt-Out Provision in EPA's Lead Rule

On June 22nd, the U.S. Court of Appeals for the District of Columbia Circuit issued its decision in the legal challenge by the National Association of Home Builders (NAHB) to EPA's Lead: Renovation, Repair and Painting (LRRP) Rule, initially issued in 2008. The rule requires a certified lead renovator on the premise when doing work on homes build prior to 1978.

The court upheld EPA's decision to remove the opt-out provision in the rulemaking that allowed owners to opt out of lead certification for painting, renovation or repair of properties where there were no young children or other at-risk people. NAHB argued that EPA had to offer a better showing as to why it had made such an abrupt about-face in its recently promulgated LRRP Rule. The court disagreed, holding that EPA needed only to recognize that it was changing its regulation and offer a "reasoned statement" as to why – a fairly low bar.

HPBA shares NAHB's disappointment in the ruling, but finds encouragement in the House's and Senate's recently introduced Lead Exposure Reduction Amendments Act of 2012 (H.R. 5911 and S. 2148), which call for the reinstatement of the opt-out provision. For more information on the court decision or information on the proposed legislation, please contact Ryan Carroll at carroll@hpba.org.

DOE Litigation Update

HPBA's briefing is now complete in its legal challenge to the Department of Energy's (DOE's) regulations on decorative vented gas fireplaces and vented gas log sets. The recent filings include the Joint Petitioners' Brief, filed on June 20th, and largely-administrative Final Briefs, filed on July 5th. With the completion of the briefing, HPBA's legal focus now begins to shift toward oral arguments, which are scheduled for Tuesday, September 11th. Given the early scheduling of

oral arguments, HPBA is hopeful that we will receive a decision on the case before the end of the year.

All court filings are available on the HPBA website. For additional information, please contact Ryan Carroll at carroll@hpba.org.

CSA Glass Front Fireplace Draft Standard

HPBA staff, its consultant and counsel held a face-to-face meeting with manufacturers on June 29th in Chicago to discuss the draft revised standard for glass-fronted gas fireplaces. The revisions will require that barriers be installed on glass-fronted fireplaces, inserts and stoves if the glass temperature exceeds 172degrees F.

Dr. Abid Kemal from Exponent Failure Analysis Associates discussed the results of testing completed by his company. The Glass Fronts Task Force (GFTF), created by the manufacturers, directed Dr. Kemal's research and has been meeting on a weekly basis since its formation in April. The manufacturers adopted two changes to the proposed revisions, and the revisions were sent to CSA as part of the ballot process, which were due on July 3rd.

CPSC has also informed HPBA and CSA that it believes that the draft revisions should be added to the standard for unvented glass fronted fireplaces, Z21.11.2. This was discussed at the meeting of the Unvented Heater Technical Advisory Group (TAG) on June 15, 2012 at the CSA Cleveland Headquarters. It was decided that as soon as the draft is adopted for vented appliances, the Unvented Heater TAG will review the revisions and decide how to proceed.

Plans Underway for 2013 Government Affairs Academy

Planning is now underway for the next Government Affairs Academy (GAA). The 2013 GAA will be held in Washington, D.C., and will include intensive media and grassroots training and culminate with an opportunity for attendees to practice their new skills on Capitol Hill.

Historically limited to affiliate member participants, in 2013 HPBA will make space available to manufacturer companies that would like to take advantage of this leadership training. Affiliates will still receive the first priority for available seats. HPBA will also continue with its commitment to maintain a small-group focus, as well as the "hands on" nature of mock hearings. Interested members should contact their affiliate executive director. HPBA will announce the actual dates soon. For more information, contact your local affiliate, John Crouch at crouch@hpba.org, or Ryan Carroll at carroll@hpba.org.

HPBA Board Reviews Special Project Expenses

At its June 27th meeting in Orlando, the HPBA Board of Directors reviewed the significant expenses incurred on the three major regulatory challenges. The most recent challenge, the Glass Front Project, has totaled $114,000 in legal and technical work. There is also an education component of this initiative that has been approved by the Board. The DOE challenge to gas hearth products has cost in excess of $1.9 million over the last two years, including substantial legal fees for court filings, with oral arguments occurring in September. The NSPS effort – the longest running of the three initiatives – has cost more than $1.3 million in legal and technical costs.

In all cases, 50 percent of these costs have been covered by HPBA – financed by drawing from reserves – and 50 percent has been paid by the manufacturers affected by the regulatory measures, based on their relative dues levels. While a significant portion (if not a majority) of the expenses has already been incurred in these efforts, the Board recognized that all three of these projects will continue with the need for continuing review and funding.

Other Board Actions

In addition to its review of the Government Affairs regulatory projects, the Board of Directors also voted on the following:

- Hold HPBExpo 2021 and 2024 in Nashville and HPBExpo 2022 and 2025 in Los Angeles.
- Give a one-year complimentary HPBA membership to any first-time HPBExpo exhibitor that “opts in” to the offer, beginning in 2013. The company will be invoiced the following year for a full membership.
- Approve a permanent supplemental payment of $50,000 to HPBA Canada to support the affiliate’s national functions.

In addition, the Board heard a report on the threat to the hearth industry posed by “green codes.” Battles over these codes will be waged on the local level and HPBA and its affiliates must be vigilant and ready to act on a grassroots effort.

NSPS Road Show

While the New Source Performance Standards (NSPS) package on wood-burning appliances is on hold at the Environmental Protection Agency (EPA) and the Office of Management and Budget (OMB), the rulemaking is still very much in progress. HPBA is preparing a “road show” for state air agencies to discuss all the key aspects of HPBA's position. The road show will focus on such issues as the

poor precision of the test method, the lack of correlation between lab tests and emission results in the field, the poor cost effectiveness of tighter emission standards when 66% of all wood stoves are still uncertified and the benefit of addressing the low burn rate setting in the test method. There will also be a module on outdoor hydronic heaters for states that are particularly interested in that category. Beginning in July, the road show will visit states in both the Northwest and Northeast that have been active in the NSPS discussion.

It is expected to take several months to obtain appointments with all the key states and with EPA. HPBA will work with the affiliates in preparing and presenting the program to local industry leaders. For more information on the NSPS road show, please contact John Crouch at crouch@hpba.org.

HPBA Hires New Director of Government Affairs

HPBA has appointed Richard (Rich) Ali as its Director of Government Affairs starting July 2nd. Rich, formerly with the lobbying firm Capital Action Network, brings a wealth of know-how on association lobbying to HPBA. His past experience includes positions as director of government affairs at The Irrigation Association, the National Spa & Pool Institute and the National Association of the Remodeling Industry, and director of political affairs at the Associated Builders & Contractors. His past experience in codes and standards issues will be valuable as HPBA and the fireplace industry negotiate new green building codes and efficiency standards. Rich can be contacted at ali@hpba.org or (703) 522-0086, ext 138.

PFI Annual Conference: One-Day Pass for Retailers

The PFI Annual Conference is just three weeks away! HPBA retailers are invited to join other hearth retailers, distributors and fuel and equipment manufacturers at Foxwoods Resort & Casino, July 29-31, in Mashantucket, CT. PFI is extending a special opportunity to hearth retailers – a one-day registration on Monday, July 30th. This special registration, only $125, includes an exhibit pass, a ticket to the evening's reception and barbecue, as well as access to all conference sessions on marketing, industry safety and a special breakout session for retailers on the PFI Fuel Standards Program.

Richard Thomas, a long-time member of HPBA and owner of Courtland Hearth & Hardware, will lead a panel that gives an overview of the PFI standards program. This is an excellent opportunity for retailers to hear from one of the industry's leaders and learn how this program will impact their business. To register, please complete this form and submit to PFI. For more information about the conference, visit the

PFI website or contact the PFI staff.

Department Activities

Communications

Just in time for the Fourth of July, the most popular cooking out day of the year, HPBA's barbecue Facebook fan page, HPBA Barbecue, hit 22,000 followers! Be sure to "like" HPBA Barbecue and see its weekly posts on cooking tips, recipes, news articles and fun facts about cooking outdoors.

HPBA's Fireplace and Stove Glass Safety Campaign will kick off in the fall. Promotional materials, including an updated brochure, fact sheet and safety tips, will be online to download for your customers. Retailers should talk to their manufacturers about safety screens and barriers for their customers with young children or other at-risk family members.

HPBEF

If you are planning to hire new employees for the fall season or continually battle with employee turnover and can't quite figure out why you can't keep good employees, it's time you invest $69 in "Hiring and Retaining Exceptional Employees." This popular, completely revised, workbook is based on an extensive hearth industry survey. The manual includes the latest best practices and industry trends. The updated workbook comes with new ideas, tips and a CD-ROM of forms. Now you can print applications, performance evaluations and I-9 forms, and you can customize them for your own business. To order, go to: http://hpbef.org/online_store.cfm.

Membership

Thank you to all HPBA members who took the time to update your company listing either by phone, fax or on our website. The HPBA *Membership Directory & Products Guide* is the most useful resource for the hearth, patio and barbecue industries, and retailer surveys show it is actively used throughout the year. The directory includes a complete listing of HPBA members (manufacturers, distributors, manufacturers' representatives, service companies, associate and non-profit members) and products, and is the only directory to include "top of the line" retailers of the hearth and indoor-outdoor living market. It also includes the complete Pellet Fuels Institute *Membership Directory & Products Guide* and education offerings from the Hearth, Patio & Barbecue Education Foundation (HPBEF).
If reaching targeted industry professionals is your goal, advertising in the HPBA *Membership Directory & Products Guide* is your most cost-effective option. To discuss the best advertising opportunities for your company, please contact Betteanne Leahy at (800) 404-5461 or leahy@hpba.org.

National Fireplace Institute (NFI)

The National Fireplace Institute is having a birthday! For ten years, NFI has served as an independent, non-profit certification agency. Only those who pass a rigorous examination covering the fundamentals of proper installation receive NFI Specialist Certification. The comprehensive certifications are designed to gain recognition by building officials, code officials and the general public. There is a select group of over 1500 hearth industry professionals that hold current certifications. Many hold multiple certifications. About 15% of them carry the coveted Master Hearth Professional (MHP) designation, which means they are certified in all three fuel types (gas, woodburning and pellet). The purpose of NFI is to protect public safety, raise the standard of industry professionalism and identify the hearth industry as a trade to help protect our members from unnecessary requirements.

If you are NFI Certified, congratulations! You are part of the basic core of the hearth industry, and help keep the industry professional. Make sure you market your NFI status. Even if certification isn't required in your market, your customers care and only know about your achievement when you tell them about it. The NFI web site receives over 1700 unique hits on the search function every month. Display those certificates and don't miss any opportunities to explain why NFI Certification is important, and challenge your customers to ask the question of others as they shop your competition.

If you are not NFI Certified, you should differentiate yourself from your competition and prove that you have what it takes to call yourself a hearth industry professional. For more information, go to: http://www.nficertified.org/pages_industry/industry-1.cfm.

Statistics

The shipment request for the Hearth 2nd Quarterly Industry Survey has been distributed to hearth manufacturers. Please respond promptly – the deadline is July 23rd. The shipment request for the annual Barbecue and Charcoal Annual Shipment Survey are in the mail and due to HPBA by July 20th.

HPBExpo Report

Innovations & Ideas for Indoor-Outdoor Living
Orlando, Florida - March 13 - 16, 2013
www.hpbexpo.com

Is Your Company Missing From the Show Floor Plan? If you are a manufacturer in the hearth, patio and/or barbecue industries, plan now to exhibit at HPBExpo 2013! HPBExpo is THE place to be to meet with your existing customers and to find new ones. Show off your new products and get much-

needed feedback. Check out and hear why these companies are exhibitors at Expo. To see who is signed up, go to View Exhibitors on the HPBExpo website.

The Exhibitor Overview brochure, interactive and PDF floor plans, exhibit space contracts and more are posted on the website under Apply to Exhibit. Call Exhibit Sales Associate Anita Derouin at (703)522-0086, ext. 117 or email derouin@hpba.org with questions or to move forward with securing a booth!
****Added Bonus** - Sign up to exhibit before the September 1st online-registration opening and be included in our attendee-exhibitor product matching program. As attendees register, they will indicate what products they want to buy and see at Expo and are automatically matched with exhibitors with those products!

WWW.HPBEXPO.COM is LIVE! Start planning now and make sure that you bookmark the Expo's website to keep up-to-date on information for the HPBExpo 2013. View the current list of Exhibitors and review show logistics Make your travel plans early and extend your stay in sunny Florida. Visit the About Orlando link for information on discount attraction tickets, restaurants, nightlife and more.

What's Happening at Expo 2013? Exciting and entertaining features and events are in store for Orlando! You won't want to miss the second annual Outdoor Burn Tailgate Party & Big Green Egg Cook-off Competition, the Indoor and Outdoor New Product Pavilions and the off-site All Industry Party taking place at the House of Blues. The party is generously sponsored by Kozy Heat, M&G Duravent, Napoleon Fireplaces & Grills, SBI, Travis Industries, Weber and the Salt Lake Convention & Visitors Bureau. A new, more advanced, HPBExpo mobile application will be available for the show and can be customized for you for the best, most efficient Expo experience! Be sure to bookmark www.hpbexpo.com to keep up with developing event highlights and the mobile app launch.

Increase Your Exposure at HPBExpo 2013. Sponsorship opportunities, such as the House of Blues industry party, show mobile app, Show Program and Exhibit Guide map, indoor/outdoor carpet logos, convention center door clings, mobile phone charging stations and more are available for exhibitors interested in expanding their exposure at the show. A full list of sponsorship opportunities will be posted to www.hpbexpo.com in late August.

HPBExpo Locations, Revenues and Exhibits FAQs. In case you missed it, a frequently asked questions article regarding the trade show logistics was recently published in *Hearth & Home* agazine. If you still have questions, contact Kelly VanDermark at: vandermark@hpba.org.

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