



May 29, 2019

To: Nick O'Neill, Krista Braaksma and Kjell Anderson

RE: WSEC R-27 – Gas Fireplace Efficiency (Proposed R402.4.2.1)
WSEC R-28 – Pilot Lights (Proposed R403.1.3)

By this letter I am responding to the proposals being considered to regulate gas fireplaces in the State of Washington.

I represent Empire Comfort Systems. We are the manufacturer of White Mountain Hearth and American Hearth gas and wood burning appliances with manufacturing facilities in Montreal, Canada, Poplar Bluff, Missouri, and Belleville, Illinois.

We recently became aware of the proposals and were disturbed and disappointed to learn of some regulations which we believe are detrimental to an otherwise strong hearth industry. Our industry employs thousands of individuals across Canada and the United States including many 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 ANSI Z21.50 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.

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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.

These proposals will have an impact on thousands of union and non-union jobs alike. The possible elimination of product categories has always been understood by DOE and other governmental agencies as a non-starter when it comes to regulation or "over-regulation." These appliances are a product for ambiance first; they are not intended, during the design, to necessarily be heaters. They are ambiance first – a good looking realistic flame – and a heating appliance second only as a by-product.

In summary, we ask that those reviewing these proposals 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 a 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.

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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 localities, states, regions, or provinces 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 fireplaces, please do not hesitate to contact me directly, and thank you for considering the points presented here.

Thank you for your consideration.

Sincerely yours,

EMPIRE COMFORT SYSTEMS, INC.

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