

September 17, 2019

To: State Building Code Council Energy Code Technical Working Group
From: Montigo Del Ray Corp. Ferndale, WA

Re: WSEC R-27 – Gas Fireplace Efficiency (Proposed R403.1.3)/WSEC R-28 – Pilot Lights (R403.1.3)

Dear Members of the Energy Code Technical Working Group:

We are a privately-owned fireplace manufacturer with locations in Langley, British Columbia and Ferndale, Washington. Our business employs around 150 employees across both locations including union and non-union employees. We have been manufacturing and selling beautiful, safe and reliable fireplaces for both the residential and commercial markets to long-standing customers throughout the Pacific Northwest and the rest of North America since 1976.

The proposals referenced with regards to fireplace efficiency and pilot lights in front of the committee have us very concerned and alarmed. They not only threaten Washington jobs, our business and customer choice but also, due in part to the complexity of the regulations, do not belong in the building code but rather in the appliance efficiency standards as is the case in other jurisdictions. This approach is already underway in both British Columbia and California and we believe is the right approach to achieve a more robust and balanced regulation.

The efficiency proposal contemplates imposed minimum efficiencies on all appliances above 9000 BTUs/hr or more without adequate distinction between heater-rated (ANSI Z21.88) and decorative (ANSI Z21.50) appliances, something the now withdrawn U.S. DOE (U.S. Department of Energy) proposed in the past and was overturned. The importance of distinguishing the two categories of products is evidenced by more recent efforts in several regulatory environments. The British Columbia Ministry of Mines, Energy and Petroleum Resources (B.C MEM) has a new regulatory requirement for vented gas fireplaces, stoves and inserts manufactured or imported after January 1, 2019 that sets the minimum efficiency requirements of 50% fireplace efficiency (using CSA P4.1.15) for heater-rated appliances (Z21.88) but imposes no efficiency for decorative (Z21.50) appliances. Additionally, both the Natural Resources Canada (NRCAN) and the California Energy Commission (CEC) are contemplating regulatory efforts which distinguish between the two product categories. In our long experience in the market, we know that fireplaces are bought and installed by customers for aesthetic and design reasons first with only a subset of customers choosing heater rated appliances depending on their application and location in the dwelling. After much consultation with the industry, NRCAN and CEC are pursuing regulation that distinguishes these two distinct categories of products. We urge you to not move forward with a proposal that would impose totally different requirements than others and effectively maroon Washington customers by omitting an entire category of products from manufacturing.

With regards to the continuous pilot light proposal, our stance is the same with regards to the building code governing over the manufacture of appliances – we welcome this discussion but would like to participate in an environment with more industry feedback.

We urge the Energy Code Technical Work Group to remove these items from their overview and instead work with industry and listen to feedback collected on this issue from other jurisdictions to pursue an environmentally responsible and business friendly path.

Thank you,



Jonathan Burke, President & CEO

Montigo Del Ray Corp.

CC: Carolyn Logue (carolyn.logue@comcast.net)