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U.S. Department of Energy
Mr. Daniel Cohen
Assistant General Council for Legislation, Regulation and Energy Efficiency
Office of the General Counsel
1000 Independence Avenue, SW
Washington, DC 20585

Via Email: Regulatory.Review@hq.doe.gov

March 21, 2011

Re: Regulatory Burden RFI

Dear Mr. Cohen:

The Hearth, Patio & Barbecue Association (HPBA) appreciates the opportunity to respond to the Department of Energy's (DOE's) request for information – published at 76 Fed. Reg. 6123 (February 3, 2011) – seeking comment and information to assist DOE in reviewing its existing regulations to determine whether such regulations should be modified or repealed pursuant to Executive Order 13563 (“Improving Regulation and Regulatory Review,” issued by President Obama on January 18, 2011). HPBA is the North American industry trade association for manufacturers, retailers, distributors, representatives, service firms, and allied associates for all types of hearth, patio and barbecue appliances, fuels and accessories, and represents the interests of its members in legislative, regulatory, and other governmental policy matters of concern to them.

As explained in the comments, HPBA believes that one of DOE's immediate priorities in implementing Executive Order 13563 should be to repeal its energy conservation standards for direct heating equipment as they apply to decorative vented gas fireplaces.

The regulations in question effectively ban decorative vented gas fireplaces, effective April 16, 2013. Because decorative vented gas fireplaces account for more than 70% of all vented gas fireplace sales, the ban on decorative vented gas fireplaces will have a devastating impact on the gas fireplace industry, with severe economic and employment consequences for many of HPBA's members, including manufacturers of these products, their suppliers, and other related businesses. DOE adopted its ban on decorative vented gas fireplaces without notice or opportunity for comment, and without any consideration of the adverse impact the ban would have on the gas fireplace industry. DOE also failed to consider the actual impact that a ban on decorative vented gas fireplaces would have on overall energy consumption. Indeed, DOE adopted its ban with virtually no information and without any credible analysis. A plainer or more egregious violation of the core principles of Executive Order 13563 is difficult to imagine. Not surprisingly, the results will be disastrous: the ban on decorative vented gas fireplaces will devastate the gas fireplace industry and from an overall energy conservation standpoint is virtually certain to be counterproductive.

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The impact that DOE's rule is that it leaves no reasonable hope of survival of the market for decorative vented gas fireplaces. HPBA estimates that over 70% of the products currently being produced by the vented gas fireplace industry are decorative vented gas fireplaces. As a result, DOE's 9,000 BTU input limit effectively bans the future production of decorative vented gas fireplaces. The wholesale loss of more than 70% of the products currently being produced by the vented gas fireplace industry will obviously be devastating for the entire industry, including manufacturers, their suppliers, and other related businesses, and result in the loss of many jobs in the industry.

The ban on decorative vented gas fireplaces can easily be repealed. HPBA respectfully submits that the public interest and DOE's own ethical principles demand that it should be repealed. Good faith implementation of Executive Order 13563 surely requires that it be repealed.

Thank you for considering HPBA's comments.

Sincerely yours,



W. Allan Cagnoli

Director of Government Affairs

Attachments: Comments

A, B, C, D, E, F and G

The Hearth, Patio & Barbecue Association (HPBA), based in Arlington, VA, is the North American industry association for manufacturers, retailers, distributors, representatives, service firms and allied associates for all types of hearth, barbecue and patio appliances, fuels and accessories. The association provides professional member services and industry support in education, statistics, government relations, marketing, advertising, and consumer education. There are more than 2,600 members in the HPBA.