



April 15, 2011

U.S. Department of Energy
Office of the General Counsel
1000 Independence Avenue, SW
Room 6A245
Washington, D.C. 20585

{Re: Department of Energy Request for Information: Reducing Regulatory Burden (Reply Comments)}

The National Propane Gas Association (NPGA) offers the following reply comments in response to the Department of Energy's (DOE's) February 3, 2011 Request for Information (RFI) seeking comment and information to assist DOE in reviewing its existing regulations to determine whether such regulations should be modified or repealed. {See 76 FR 6123} This RFI was published by DOE pursuant to Executive Order 13563, titled "*Improving Regulation and Regulatory Review*," issued by President Obama on January 18, 2011.

NPGA is the national trade association of the liquefied petroleum gas industry (propane) with a membership of about 3,000 companies, including 39 affiliated state and regional associations representing members in all 50 states. The single largest group of NPGA members is retail marketers of propane gas (approximately 2700 companies) who typically deliver fuel to the ultimate end users. Our membership also includes propane producers, transporters and wholesalers, as well as manufacturers and distributors of associated equipment, containers and appliances. Propane gas is used in over 18 million installations nationwide for residential and commercial space and water heating, decorative fireplaces, cooking, agriculture, industrial processing, and as a clean air alternative engine fuel for both over-the-road vehicles and industrial lift trucks.

Specifically, the purpose of this letter is to offer NPGA's support of comments submitted by the Hearth, Patio and Barbecue Association (HPBA) as it pertains to a recent DOE Final Rule (published April 16, 2010) that implemented minimum efficiency standards for decorative gas fireplaces.

NPGA believes, as does HPBA, that one of DOE's immediate priorities in implementing Executive Order 13563 should be to repeal its Final Rule on energy conservation standards for direct heating equipment as they apply to decorative vented gas fireplaces. The rule arbitrarily imposes a maximum BTU input rate of 9,000 BTUs/hr that is so low that it effectively bans decorative vented gas fireplaces as these fireplaces are simply not manufactured to the same efficiency standards as direct heating equipment.

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

DOE: Reducing Regulatory Burden
Reply Comments
April 15, 2011
Page 2 of 2

would have on overall energy consumption. Indeed, DOE adopted its ban with virtually no information and without any credible analysis.

DOE's Final Rule clearly violates the core principles of Executive Order 13563 and will significantly impact the gas fireplace industry. 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 for the entire industry including manufacturers, their suppliers, and other related businesses, and result in the loss of many jobs in the industry. DOE's rule is so egregious that it leaves no reasonable hope of survival of the market for decorative vented gas fireplaces.

NPGA requests that DOE's implementation of Executive Order 13563 include the repeal of the ban on decorative vented gas fireplaces.

Thank you in advance for your consideration of our comments. Please feel free to contact us if you should have any questions or desire additional information.

Sincerely,

Robert F. Elliott

Robert F. Elliott
Director, Regulatory Affairs