



August 8, 2011

Office of the Secretary
Consumer Product Safety Commission
Room 502
4330 East-West Highway
Bethesda, Maryland 20814
Via: www.regulations.gov

**Comments of Consumers Union and Consumer Federation of America
to the U.S. Consumer Product Safety Commission
On
“Petition Requesting Safeguards for Glass Fronts of Gas Vented Fireplaces”
Docket No. CPSC– 2011–0028**

Introduction

Consumers Union (CU),¹ the non-profit publisher of *Consumer Reports*®, and Consumer Federation of America (CFA), a non-profit association of approximately 300 pro-consumer groups that was founded to advance the consumer interest through advocacy and education, submit the following comments to the U.S. Consumer Product Safety Commission (“CPSC” or “Commission”) in the above-referenced matter.²

Comments

The CPSC docketed a petition filed by Carol Pollack-Nelson, Ph.D. on May 23, 2011.³ The petition requests that CPSC “develop a mandatory standard for gas fireplaces that requires an integral protective barrier, guard or other device for any accessible surface (e.g., glass fronts) that, if contacted is hot enough to cause severe burns.”⁴

¹ Consumers Union of United States, Inc., publisher of *Consumer Reports*®, is a nonprofit membership organization chartered in 1936 to provide consumers with information, education, and counsel about goods, services, health and personal finance. Consumers Union’s publications and services have a combined paid circulation of approximately 8.3 million. These publications regularly carry articles on Consumers Union’s own product testing; on health, product safety, and market place economics; and on legislative, judicial, and regulatory actions that affect consumer welfare. Consumers Union’s income is solely derived from the sale of *Consumer Reports*®, its other publications and services, fees, noncommercial contributions and grants. Consumers Union’s publications and services carry no outside advertising and receive no commercial support.

² “Petition Requesting Safeguards for Glass Fronts of Gas Vented Fireplaces,” Federal Register, Vol. 76, No. 110, 33179 (June 8, 2011).

³ The petition filed by Dr. Pollack- Nelson is available on the web at <http://www.cpsc.gov/LIBRARY/FOIA/FOIA11/petition/gasfireplaces.pdf>.

⁴ Dr. Carol Pollack- Nelson’s petition, available on the web at <http://www.cpsc.gov/LIBRARY/FOIA/FOIA11/petition/gasfireplaces.pdf> at page 10.

The petition notes that the industry standard for gas vented fireplace heaters allows glass fronts to reach temperatures of 500 degrees Fahrenheit, that these glass fronts are accessible to children, that children are being injured as a result burns from contact with the high temperature glass. It should also be noted that the industry standard for Vented Gas Fireplaces, ANSI Z21.50-2007,⁵ allows ceramic glass to reach 1328 degrees Fahrenheit, tempered glass to reach 500 degrees Fahrenheit, and annealed glass to reach 446 degrees Fahrenheit. All are hot enough to cause severe contact burns.

The petition further notes that the voluntary standard has failed to adequately address this hazard. Finally, it describes how protective barriers can help to protect children.

Dr. Pollack-Nelson includes data from the CPSC's National Electronic Injury Surveillance System database (NEISS) estimating that more than 2,000 children ages 0 to 5 years of age suffered burn injuries on gas fireplaces from 1999 through March 2009.

We share Dr. Pollack-Nelson's concerns about the hazards posed by gas fireplaces, including the high surface temperature of the fireplace glass, the accessible location of the glass front, the attractiveness of fire to young children, and the lack of consumer awareness of the hazard.

CU and CFA support the Petitioner's request that the Commission establish a mandatory standard requiring a barrier/screen that would prevent contact with the glass, in order to prevent injuries to children.

In addition, we urge the Commission to include in its standard the following elements:

- A performance requirement for this barrier/screen; the temperature of the barrier/screen should not exceed the temperature at which it could cause serious contact burns when used according to manufacturer instructions.
- The barrier/screen should be installed as part of the unit and not as a separately available piece that has to be purchased apart from the gas vented fireplace. Once the unit installation is completed by a professional, it should have the fireplace barrier/screen in place.

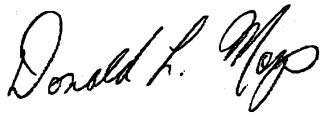
Regarding the petition filed by Mr. Lerner,⁶ concerning "a high temperature warning system" that "will project a clear high temperature alert onto the glass front of the fireplace that will remain visible from the time the fireplace is lit until the glass is cool enough to touch safely,"⁷ we do not believe that such a system would address the primary hazard of children being burned by contact with the hot glass front of the fireplace, since most of the children touching the glass fronts cannot read warning labels. Further, such a system might exacerbate the problem, as young children may be attracted to the bright light and touch the hot surface.

⁵ An industry standard, ANSI Z21.88-2009, addresses Vented Gas Fireplace Heaters, and includes the same temperature standards as ANSI Z21.50-2007. Our concerns about the hazards to children are the same for both the fireplace and the fireplace heater standards.

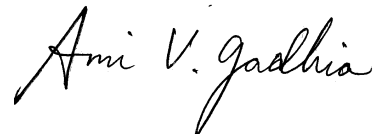
⁶ Mr. Lerner's letter to the Commission is available at <http://www.cpsc.gov/LIBRARY/FOIA/FOIA11/petition/gasfireplaces1.pdf>

⁷ "Petition Requesting Safeguards for Glass Fronts of Gas Vented Fireplaces," Federal Register, Vol. 76, No. 110, 33179 at 33180 (June 8, 2011).

Respectfully submitted,



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