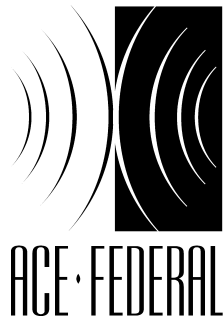


**Date:** March 23, 2015

**Case:** Notice of Proposed Rulemaking for Hearth Products Standards Meeting



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U. S. DEPARTMENT OF ENERGY PUBLIC MEETING  
NOTICE OF PROPOSED RULEMAKING FOR  
HEARTH PRODUCTS STANDARDS MEETING

U.S. Department of Energy  
1000 Independence Avenue, SW  
Washington, D.C. 20585  
Room No. 8E-089

Monday, March 23, 2015

9:00 a.m.

1     Appearances for Department of Energy meeting.  
2     Doug Brookman - Public Solutions  
3     John Cymbalsky - DOE  
4     Ashley Armstrong - DOE  
5  
6     Timothy Ballo - Earthjustice  
7     Leslie S. Bortz - RH Peterson Co.  
8     Robert J. Dischner - RH Peterson Co.  
9     Michael A. Caldarera - National Propane Gas  
10    Association  
11    Ryan Carroll - Hearth, Patio & Barbecue Association  
12    Rachel Feinstein - Hearth, Patio & Barbecue  
13    Association  
14    Jack H. Goldman - Hearth, Patio & Barbecue  
15    Association  
16    John A. Hodges - Wiley Rein LLP  
17    Caroline Davidson-Hood - Air-Conditioning, Heating &  
18    Refrigeration Institute  
19    James E. Houck - Technical Consultant - Energy and  
20    Environment  
21    Jim Kupsh - SIT Controls USA Inc.  
22    Daniel Lapato - American Public Gas Association

- 1 Jessica Lewis - Navigant
- 2 Adam Darlington - Navigant
- 3 Justin Elszasz - Navigant
- 4 Michael Rivest - Navigant
- 5 Barton Day - Law Offices of Barton Day, PLLC
- 6 David Delaquila - Aquila Consulting LLC
- 7 Dana Moroz - Napoleon Products
- 8 Tim Perrin - Polsinelli
- 9 Theodore E. (Rett) Rasmussen, III - Rasmussen Gas  
10 Logs & Grills
- 11 Raymond T. Reott - Reott Law Offices, LLC
- 12 Steven J. Rosenstock - Edison Electric Institute
- 13 John Schlachter - Maxitrol Company
- 14 Harry A. Sporidis - Polsinelli
- 15 Frank Stanonik - Air-Conditioning, Heating, &  
16 Refrigeration Institute
- 17 Sue Walker - Empire Comfort Systems
- 18 Gregory Rosenevist - Lawrence Berkeley National Lab
- 19 David Siap - Lawrence Berkeley National Lab
- 20
- 21
- 22

1 P R O C E E D I N G S

2 MR. BROOKMAN: Please take your seats we  
3 will begin. Good morning everyone welcome, glad to  
4 see you here this morning. This is the Notice of  
5 Proposed Rulemaking Public Meeting on Energy  
6 Conservation Standards for Hearth Products. Today is  
7 March 23, 2015 here in the Forrestal Building in  
8 Washington, D.C. at the Department of Energy.

9 My name is Doug Brookman of Public  
10 Solutions Baltimore nice to see you here this  
11 morning. We are going to start with welcoming  
12 remarks from Ashley Armstrong.

13 MS. ARMSTRONG: Good morning everyone, I  
14 would just like to welcome you to the public meeting.  
15 We are glad to have such a good turnout and we hope  
16 that everyone will participate throughout the date.  
17 We are here to at least give you an overview of our  
18 proposal and obviously we welcome you to speak up,  
19 ask questions, say comments as that is the purpose of  
20 this public meeting and we thank you all for coming  
21 today.

22 MR. BROOKMAN: We always start with

1 introductions. Start to my immediate left and you  
2 can get used to turning the microphone both on and  
3 off please say your name and organizational  
4 affiliation.

5 MR. GOLDMAN: Jack Goldman, Hearth, Patio  
6 and Barbecue Association.

7 MR. CARROLL: Ryan Carroll with the  
8 Hearth, Patio and Barbecue Association.

9 MR. DAY: Barton Day Counsel for HPBA.

10 MR. HODGES: John Hodges Wiley Rein,  
11 Counsel for Natural Propane Gas Association.

12 MR. CALDARERA: Mike Caldarera, National  
13 Propane Gas Association.

14 MR. DIRCKS: Peter Dircks with Hearth and  
15 Home Technologies.

16 MR. RASMUSSEN: Ratt Rasmussen with  
17 Rasmussen Gas Logs and Grills.

18 MR. BORTZ: Leslie Bortz with Robert H.  
19 Peterson Company.

20 MR. SKOLNICK: Steve Skolnick, Skolnick  
21 Associates and Mid Atlantic Hearth Products  
22 Association.

1                   MR. SCHLACHTER: John Schlachter with  
2 Maxitrol Company.

3                   MR. STANONIK: Frank Stanonik, Air  
4 Conditioning Refrigeration Institute.

5                   MR. LAPATO: Dan Lapato, American Public  
6 Gas Association.

7                   MS. WALKER: Sue Walker, Empire Comfort  
8 Systems.

9                   MR. ROSENSTOCK: Steve Rosenstock, Edison  
10 Electric Institute.

11                   MR. KUPSH: Jim Kupsh, SIT Controls.

12                   MR. STAS: Eric Stas, DOE General  
13 Counsel's office.

14                   MS. ARMSTRONG: Ashley Armstrong, DOE.

15                   MR. BROOKMAN: Let's see if that  
16 microphone over there works.

17                   MR. ROSENQUIST: Greg Rosenquist, Lawrence  
18 Berkeley National Laboratory.

19                   MR. RIVEST: Mike Rivest, Navigant  
20 Consulting.

21                   MR. SIAP: David Siap, Lawrence Berkeley  
22 National Laboratory.

1 MR. DARLINGTON: Adam Darlington, Navigant  
2 Consulting.

3 MR. ELSZASZ: Justin Elszasz, Navigant  
4 Consulting.

5 MS. LEWIS: Jessica Lewis, Navigant  
6 Consulting.

7 MR. BROOKMAN: If those of you in the back  
8 if you will just stand and introduce yourself please  
9 this will not be on the record but we will have  
10 business cards so we will know who is here, please.

11 MR. HOUCK: Jim Houck, an Independent  
12 Consultant.

13 MR. BROOKMAN: Thank you.

14 MR. DELAQUILA: Dave Delaquila, consultant  
15 from Action Company.

16 MS. FEINSTEIN: Rachel Feinstein, Hearth,  
17 Patio and Barbeque Association.

18 MR. REOTT: Raymont Reott, R. H. Peterson  
19 Company

20 MR. PERRIN: Tim Perrin, Consultant for  
21 ACE

22 MR. BALLO: Tim Ballo with EarthJustice.



1           MR. DISCHNER: Bob Dischner, RH Peterson  
2 and Company.

3           MR. BROOKMAN: Okay and once again thanks  
4 to all of you for being here for an early start on  
5 this day. Nice to see so many folks here, all of you  
6 received a packed of information I hope and if you  
7 look on page 3 there is an agenda which I will do a  
8 very brief review.

9           Immediately following this agenda review  
10 and some preliminary information there is an  
11 opportunity for opening comments, brief summary  
12 statements here at the outset as we get this meeting  
13 going. From there moving on to describing the  
14 regulatory and authority rulemaking overview and then  
15 moving on market technology assessment, we will take  
16 a break mid-morning around about 10:15 or 10:30 or  
17 so. Returning from the break engineering analysis,  
18 markups, energy use characterization, lifecycle costs  
19 and payback period analysis.

20           We will take lunch mid-day 12:30-ish.  
21 Returning from lunch shipments, national impact  
22 analysis, regulatory impact analysis, manufacturing

1 impact analysis and we will take a mid-afternoon  
2 break and then following that or whenever we get  
3 there utility impact analysis, environmental impact  
4 analysis, indirect employment analysis and at the end  
5 of the day whenever that is another opportunity for  
6 closing remarks.

7 Issues that you wish to bring to the  
8 floor, issues that haven't been covered sufficiently  
9 during the course of this meeting today. That's the  
10 general plan this is the framework that the  
11 Department of Energy observes consistently.  
12 Questions and comments on the agenda. Seeing none I  
13 would ask for your consideration each time you speak  
14 please say your name, please say your name each time  
15 you speak.

16 There will be a complete transcript of  
17 this meeting made available. I would ask you to  
18 speak one at a time please if you could try to be  
19 concise share the air time, there's a lot to be  
20 covered here in this day. If you could keep the  
21 focus here, please turn your cell phones on silent  
22 mode.

1           You are already getting used to turning  
2 these microphones on and off and webinar participants  
3 we welcome you, so glad you could join us via the  
4 web, the Department of Energy is trying hard to make  
5 sure all of these meetings are accessible via the  
6 web. If you would try to keep your telephone on mute  
7 and raise your hand in the software provided to be  
8 recognized to speak and then when we unmute you and  
9 I'll recognize you to speak, then we should be able  
10 to hear you in the room. That's been working fairly  
11 well recently and hopefully we won't have any  
12 glitches today with the technology.

13           I think that is the bulk of what I am  
14 supposed to cover except that I would encourage all  
15 participants, everyone here in the room and also  
16 those joining us via the web to send written comments  
17 following this meeting. I'm saying this especially  
18 for those that are joining via the web. We want to  
19 make certain that you participate as well as everyone  
20 who made it here into the meeting room itself.

21           And for the purpose of the public meeting  
22 to John Cymbalsky.

1           MR. CYMBALSKY: Thanks Doug, this is John  
2 Cymbalsky from DOE, program manager for appliance  
3 standards. The purpose of today's meeting is to  
4 present the procedural and analytical approaches to  
5 evaluate potential future energy conservation  
6 standards for residential hearth products and of  
7 course along the way we invite public comment on all  
8 of the slides you will see here today and of course  
9 any issue you might want to raise please feel free to  
10 raise it as we go through the slides.

11           And then as we go through the deck you  
12 will see the little issue boxes like you see up here  
13 on the slide. Basically you can comment on anything  
14 but these are the boxes you will see that DOE has  
15 highlighted as important points that it wishes some  
16 deeper comment on as we go along.

17           Comment period ends April 10th. Currently  
18 I understand there may be a request for an extension  
19 coming so please put that in writing and with reasons  
20 why you need a comment extension. So at this time we  
21 will take opening statements, I think we have a few  
22 in the que.

1           MR. BROOKMAN: Yes, let's do that. Brief  
2 opening statements, fairly brief I hope, summary  
3 statements here at the outset who would like to  
4 begin, okay is it Jack?

5           MR. GOLDMAN: Yes, my name is Jack  
6 Goldman. Good morning I'm President and CEO of the  
7 Hearth, Patio and Barbeque Association, the principal  
8 trade association representing the hearth products  
9 and barbeque industries in North America.  
10 HPBA's experience with appliance efficiency  
11 regulation has been difficult for both HPBA and DOE  
12 in large part because of the unique characteristics  
13 of hearth products and the fact that DOE has  
14 proceeded on the basis of inadequate information  
15 collection analysis and above all dialogue to inform  
16 the rulemaking process.

17           DOE's current rulemaking is deficient for  
18 the same basic reasons and it is my hope that this  
19 can be corrected starting today. As we will explain  
20 today significant errors compromise virtually every  
21 aspect of DOE's preliminary regulatory analysis and  
22 the proposed rule itself is premised on basic

1 misunderstandings with respect to the products and  
2 the relevant technical and economic issues.

3           As a result, substantially more  
4 information and analysis would be required to justify  
5 any energy conservation standard and a new notice  
6 providing an opportunity to comment on that new  
7 information and analysis would be required before any  
8 final rule could issue.

9           HPBA has thus requested that the proposed  
10 rule be withdrawn and that the notice be treated as a  
11 request for information. To facilitate comment for  
12 that purpose HPBA is also requesting 1) clarification  
13 of the range of products at issue 2) additional  
14 information and documentation concerning the basis  
15 for DOE's regulatory analysis and 3) an extension of  
16 the comment period to allow time for adequate review  
17 of and comment on the relevant issues.

18           To facilitate comment it is particularly  
19 important that DOE clarify the range of products at  
20 issue. HPBA does not believe that DOE can lawfully  
21 define a variety of different products as a single  
22 "covered product" under EPCA. But let's put that

1 issue aside for the moment. We can't even speak  
2 intelligently about the issues raised by the proposed  
3 rule without a clear understanding of the range of  
4 products at issue. My hope is that we will be able  
5 to achieve some clarify on that when we discuss the  
6 first issue upon which DOE seeks comment, its  
7 proposed hearth products definition.

8 We will need to understand the intended  
9 scope of coverage before we can even begin to address  
10 how best to define the scope of coverage, let alone  
11 the technical and economic issues that may be  
12 relevant to this rulemaking in view of that scope of  
13 coverage.

14 There is one related point that I cannot  
15 emphasize strongly enough. DOE is attempting to  
16 regulate products that are unlike any appliances it  
17 has ever sought to regulate before. It is also  
18 seeking to regulate at one fell swoop products that  
19 are materially different from each other in a variety  
20 of ways that DOE has failed to recognize. This is a  
21 critical problem because most of the basic data  
22 required for regulatory analysis has never been

1 collected and DOE has again and again sought to  
2 overcome critical information gaps by assuming  
3 incorrectly that information with respect to one  
4 product can reasonably be applied to others.

5           Basic misunderstandings concerning the  
6 products and markets involved here have also been a  
7 source of many areas that undermine virtually every  
8 aspect of the technical and economic analysis  
9 underlying the proposed rule. We will address a  
10 number of these issues when we discuss the specific  
11 issues upon which DOE has requested comment.

12           The basic point I would like to emphasize  
13 now is that the technical and economic issues raised  
14 by the proposal can only be considered on a product  
15 by product basis. With that introduction I would  
16 like to turn to some HPBA's central concerns with  
17 respect to the proposed rule.

18           First the proposed rule is not directed at  
19 the issue of appliance efficiency nor is it designed  
20 to address standby mode energy consumption which as  
21 defined by USC Section 629 Subsection 41 is energy  
22 consumption that "cannot be switched off or



1 influenced by the user". Instead the proposed rule  
2 is aimed solely at consumer behavior the presumed  
3 tendency of consumers to leave pilot lights burning  
4 unnecessarily.

5           It isn't clear that DOE has the authority  
6 to regulate consumer behavior as an energy efficiency  
7 issue and it certainly doesn't have the ability to do  
8 so by sweeping a variety of different products  
9 together in a single covered product category to be  
10 regulated without any regard to the utility or  
11 function because consumer behavior is the issue, two  
12 of the specific "problems" that the rule is intended  
13 to address do not even exist. In particular DOE's  
14 review under Executive Orders 12866 and 13563 states  
15 that the proposed rule is necessary because a "lack  
16 of consumer information and difficulties in analyzing  
17 relevant information" caused consumers to miss  
18 opportunities to invest in more efficient products.  
19 Similarly DOE suggests that misaligned incentives  
20 between purchasers and users also result in failures  
21 to invest in more efficient products.

22           In fact however, no investment in more

1 efficient products is required because consumers  
2 already have the ability to turn their pilot lights  
3 on and off as appropriate. DOE's only concern is  
4 that they might not do so. As a result we have a  
5 proposed rule that is designed not to make products  
6 more efficient, but to take control of pilot light  
7 operation completely out of the hands of consumers.

8           Second DOE simply presumes the existence  
9 and magnitude of the consumer behavior problem it  
10 seeks to address. I say presumes because there are  
11 no credible data demonstrating the existence and  
12 magnitude of the problem that DOE seeks to address.  
13 Instead the proposed rule is justified on the basis  
14 of a one page article citing data concerning a small  
15 number of gas fireplaces in service 20 years ago.

16           DOE simply assumes without any data -- DOE  
17 simply assumes without any data that the data cited  
18 in this article are relevant to the fireplaces that  
19 will be on the market five years in the future. Even  
20 more remarkably DOE assumes that these cited data are  
21 somehow relevant to completely different types of  
22 products such as patio heaters which it should go

1 without saying they are not.

2           In this regard DOE has completely failed  
3 to consider material differences in the ease of pilot  
4 light control, a factor that the article it relies on  
5 specifically identifies as important. There was a  
6 time when pilot lights could only be operated on  
7 hands and knees with a flashlight and screw driver,  
8 but the prevalence of such products has declined  
9 dramatically in the face of industry innovation and  
10 consumer demand for more user friendly pilot light  
11 controls.

12           Products with standing pilot lights are  
13 increasingly being equipped with features such as  
14 simple knob and push button controls and remote  
15 controls that allow consumers to turn pilot lights on  
16 or off with the touch of a button. The proposed rule  
17 does not even consider the impact that such controls  
18 have on consumer behavior nor does it consider the  
19 changes in consumer attitudes that have been driving  
20 increased demand for user-friendly pilot light  
21 controls. Consumers only seek such controls because  
22 they intend to use them.

1           Third, the proposed rule assumes that the  
2 problem with consumer behavior can only be modified  
3 by a federal design requirement completely  
4 eliminating the consumer's ability to control pilot  
5 light use. There is no basis for such an assumption  
6 because consumers have a direct financial incentive  
7 to avoid unnecessary energy consumption and the  
8 products currently available give them the ability to  
9 respond to that incentive without any need to accept  
10 increased product costs or decrease product  
11 performance because benefits can be obtained without  
12 sacrifice there is no reason to assume that consumer  
13 education would not be sufficient to induce consumers  
14 to act in their own economic interest.

15           The message is a simple one and requires  
16 easily prompted action. After all the products at  
17 issue don't work all but forgotten in closets or  
18 basement corners, instead they are prominently  
19 located in frequently occupied areas such as living  
20 rooms and family rooms where a burning pilot light  
21 provides a visible reminder of its presence every  
22 evening when the lights are turned off.

1 Others in the industry will speak more to  
2 other issues but suffice it to say that HPBA has many  
3 significant concerns about the proposed rule and the  
4 regulatory analysis that have produced it. As a  
5 result I am pleased that we are finally having an  
6 opportunity to discuss the issues and information  
7 relevant to the concerns that DOE seeks to address  
8 and my hope is that we can now begin to have the kind  
9 of dialogue required to address these concerns in a  
10 constructive way.

11 Thank you very much and I look forward to  
12 the rest of today's discussion.

13 MR. BROOKMAN: Okay any additional  
14 comments too at the outset, yes Mike please.

15 MR. CALDARENA: Good morning my name is  
16 Michael Caldarena. I am Vice-President of the  
17 Regulatory and Technical Services with the National  
18 Propane Gas Association. NPGA is the national trade  
19 association representing the U.S. propane industry.  
20 Our membership includes about 2800 companies in all  
21 50 states about 2300 of those companies are retail  
22 propane marketers who deliver the fuel to the end use

1 customer including those customers who use hearth  
2 products.

3 Our members also are engaged in the  
4 production and wholesale of propane equipment and  
5 manufacturers and distributors of propane gas  
6 appliances and equipment as well. NPGA believes that  
7 DOE has issued this NOPR without observance of its  
8 own rulemaking procedures and without pre-proposal  
9 outreach and dialogue required by executive orders.  
10 Due to this the proposed rule we believe and the  
11 regulatory analysis, including the technical support  
12 document cannot support the issuance of a final rule  
13 at this time.

14 We therefore urge that DOE withdraw the  
15 proposed rule and treat this NOPR as a request for  
16 information. It should also clarify the potential  
17 scope of the rulemaking and make additional  
18 information and documentation available for review  
19 and comment. In light of this DOE also should  
20 suspend the April 10th deadline for public comment.

21 NPGA also urges that DOE eliminate  
22 coverage of propane fueled products from this or any

1 other related rulemaking to the extent that DOE  
2 conducts rulemaking it should limit its hearth  
3 product definition to natural gas fueled products and  
4 clarify that its proposed energy conservation  
5 standard should not apply to the propane fueled  
6 products.

7           In this regard DOE appears to recognize  
8 that its proposed standard cannot be justified for  
9 propane fueled products with its discussion on page  
10 7101 of the NOPR where DOE acknowledges that propane  
11 is a "relatively expensive fuel". In addition  
12 propane is supplied for household use in cylinders or  
13 tanks of limited size or capacity. So as DOE  
14 recognizes in light of the discussion with regard to  
15 consumer behavior, consumers with propane products  
16 closely monitor their pilot light operation, hence  
17 there's no reason to presume that propane fueled  
18 products would be left with their pilot lights  
19 burning unnecessarily.

20           If DOE includes propane fueled products in  
21 the proposed hearth product definition the proposed  
22 energy conservation standard would apply to them and

1 subject these products to a completely unjustified  
2 regulatory burden. We intend to submit more  
3 substantive written comments by the comment deadline  
4 we thank you for your time.

5 MR. BROOKMAN: Thank you. Yes, please  
6 Peter?

7 MR. DIRCKS: Good morning my name is Peter  
8 Dircks, I'm Vice President of Marketing of Hearth &  
9 Home Technologies. We are headquartered in  
10 Lakeville, Minnesota and the market leader in the  
11 manufacture of wood, pellet and gas burning  
12 fireplaces, stoves and inserts. Our well-known  
13 brands include Heatilator, Heat and Glow, Quadrifire,  
14 Harmon and Pelpro. We employ over 1200 member owners  
15 and have manufacturing plants and distribution  
16 centers in Iowa, Minnesota, Pennsylvania, Washington,  
17 North Carolina, California and Maryland.

18 At HHT we believe in the importance of  
19 continuous improvement of our products for both our  
20 end consumers and the environment and are proud of  
21 our industry leading efforts in the areas of both  
22 safety and innovation. On behalf of HHT we have the



1 following concerns about the proposed rule.

2 First we seek further clarification around  
3 DOE's analyses that current energy consumption by the  
4 products proposed to be covered by the NOPR meet  
5 EPCA's jurisdictional threshold both for product  
6 consumption per household in a 12 month period as  
7 well as for the aggregate energy use within the  
8 United States in a 12 month period.

9 Secondly we seek further clarification  
10 around the scope of the proposed rule and there's  
11 really three sections of this, first is delineating  
12 the definition of hearth product to a reasonable  
13 range of products, clarifying the narrative  
14 description of the intended scope of this proposed  
15 definition as well as eliminating coverage of  
16 specific products entirely such as outdoor products,  
17 propane fueled products and products that by  
18 definition lack pilot ignition systems all together.

19 And then thirdly we object to the proposed  
20 energy conservation standard calling for a  
21 prescriptive design requirement that would completely  
22 disallow the use of a standing pilot and standby mode

1 as defined in the NOPR as we believe it would have  
2 the effect of a lessening competition within the  
3 hearth product by reducing consumer choice for hearth  
4 products of the kind that would still provide  
5 substantially all of the reported energy savings from  
6 the proposed prescription while providing significant  
7 product utility that would be lost under the proposed  
8 prescription.

9           And then secondly it would also eliminate  
10 future potential designs and applications where the  
11 use of a pilot in standby mode would be essential to  
12 those designs or applications but could still be  
13 designed to achieve substantially all of the  
14 purported energy savings claimed by the NOPR. So we  
15 at HHT also respectfully request that the proposed  
16 rule be withdrawn, that the NOPR be treated as a  
17 request for information and that DOE provide the  
18 clarification information and documentation necessary  
19 to facilitate comment and that the April 10, 2015  
20 deadline for submission of comment be extended  
21 pending clarification of the information and the  
22 issues to be addressed here today. Thank you very

1 much.

2 MR. BROOKMAN: Okay thank you yes, I don't  
3 believe I got your name the first time.

4 MR. DIRCKS: Sure I'm Peter Dircks Vice  
5 President of Marketing at Hearth and Home  
6 Technologies.

7 MR. BROOKMAN: Thank you and I was  
8 referring to the gentleman next to you there, Peter  
9 thanks for being complete that was good, your name  
10 please?

11 MR. RASMUSSEN: Rett Rasmussen.

12 MR. BROOKMAN: Okay.

13 MR. RASMUSSEN: Good morning I am Rett  
14 Rasmussen, President of Rasmussen Iron Works, Inc.,  
15 also known as Rasmussen Gas, Logs and Grills. We are  
16 a five generation family business founded in 1907.  
17 We have been manufacturing gas logs since 1958,  
18 infrared gas grills since 2000 and distributing  
19 radiant patio heaters since 2011.

20 There is no monolithic hearth product.  
21 The similarity between the products and our industry  
22 start and end with their consumption of gas lumping

1     them together is ambiguous, overbroad and unworkable  
2     as a definition. We submitted comments on this  
3     definition last year. Why didn't DOE give us an  
4     improved definition to comment on in this NOPR?

5             Gas logs are also not a monolithic  
6     product. There are countless variations in the sizes  
7     of wood burning fire places with differences in the  
8     front width, rear width, depth, opening height, gas  
9     line location, number of openings and all  
10    combinations of these different factors. Gas log  
11    sets are retrofit appliances to this vast variety of  
12    fireplace sizes, restrictions and combinations.

13            If there were a one size fits all gas log  
14    set my life would be much easier but there is no such  
15    solution. Accordingly gas log sets are designed to  
16    meet the market for these vast number of  
17    combinations. Some manufacturers focus on the sweet  
18    spot of sizes, 18 inch to 30 inch widths, but  
19    Rasmussen is a specialty manufacturer, offers  
20    standard solutions of up to 96 inches and custom  
21    solutions for large and unusual fireplaces with a  
22    variety of safety control systems.

1           Adding an electronic ignition system which  
2 I will refer to as an EIS to a gas log set presents a  
3 very challenging proposition. It is not as easy as  
4 merely replacing the safety pilot control valve as  
5 the NOPR suggests. EIS components are greater in  
6 number, valve control module, wiring, battery pack  
7 for transformer and greater in size than that for a  
8 standing pilot.

9           Gas log sets are not constructed as part  
10 of an entire enclosure like gas fireplaces. Gas log  
11 manufacturers do not have the voids in the sides or  
12 under the floor of the fireplace in which to hide the  
13 EIS components. Accordingly unless the installation  
14 is part of a new construction or an extensive remodel  
15 both of which are very small proportions of the gas  
16 log sales and the components can therefore be  
17 installed outside of but adjacent to the fire box,  
18 the EIS components must be installed in the fire box  
19 along with the gas log set.

20           Unfortunately EIS components are also more  
21 heat sensitive than those of standing pilot systems  
22 further complicating the location of components

1 issue. If not located properly the components could  
2 become damaged from the heat, potentially creating a  
3 safety hazard. A further issue with EIS is that they  
4 require outside power to operate. Since it is highly  
5 unusual for a wood burning fireplace to have a 120  
6 volt receptacle installed inside of it, batteries  
7 must be used to power the functions of the EIS.

8           Unfortunately batteries are also very heat  
9 sensitive, discharging at temperatures below that  
10 which adversely affect the EIS components. Again it  
11 is very challenging to include these large components  
12 while maintaining the aesthetically pleasing  
13 decorative effect of gas logs. This NOPR would  
14 severely reduce our ability to provide solutions for  
15 36 inch and large gas log set sizes. The EIS  
16 controls are the least developed systems in the  
17 hearth industry.

18           Battery powered electronic ignition  
19 systems with variable flame height remote control, a  
20 feature many people desire is only available with a  
21 gas capacity that allows for the use in 30 inch and  
22 smaller set sizes. Currently for these larger sets

1 there is only one safety control solution for  
2 installation inside the firebox and that is with a  
3 millivolt safety standard pilot system.

4 The only EIS solution is furnace controls  
5 that must be installed outside of the fire box and  
6 require 120 volt electricity. They are only  
7 available with on/off control, no remote flame  
8 modulation. My quest for over a dozen years and  
9 every conversation I have with gas control  
10 manufacturers is that they product a high BTU  
11 capacity battery powered electronic ignition system  
12 with variable flame height remote control but they  
13 have always told me that they just don't anticipate  
14 sufficient sales volume to warrant their extensive  
15 costs of design, testing, certification, tooling,  
16 marketing and other costs.

17 You see gas log manufacturers only have  
18 available to us safety control systems that have been  
19 made for other products or industries of greater  
20 sales volume but unfortunately lesser BTU flow than  
21 what our larger fireplaces need for gas log sets.  
22 Accordingly eliminating the millable safety control

1 will severely lessen the utility of my products for  
2 larger fireplaces, limiting them to match lighted  
3 natural gas, extensive remodels and new construction  
4 all of which would result in the virtual elimination  
5 of this category for my company.

6 I do not see in the TSD that has taken  
7 into account the cost of annually replacing batteries  
8 over the life of the gas log set which greatly  
9 reduces the economic benefit of switching to  
10 electronic ignition. DOE has determined that 90  
11 manufacturers would be impacted and that 66 of these  
12 are U.S. based small businesses, less than 500  
13 employees.

14 I know of only two large manufacturers in  
15 this industry, those greater than 500 and only one of  
16 which is U.S. based. Who are these other 22 large  
17 businesses? The hearth products industry is a small  
18 family business industry including not just the  
19 manufacturers but the distributors and retailers who  
20 sell their products to the consumer.

21 This NOPR strikes at the heart of free  
22 enterprise which DOE admits on page 7115, table V.8



1     it projects up to a 58% decrease in production  
2     workers as a result of the standard, ouch, how about  
3     we cut out 58% of DOE's workers and contractors might  
4     have evince a bit of empathy from DOE on the impact  
5     of this proposal?

6             I also agree with the NOPR on page 7116  
7     which states that the manufacturer product cost for  
8     gas log sets are likely to see a greater increase  
9     than for other products resulting in declining  
10    consumer demand and negative impacts on gas log  
11    manufacturer profitability.

12            I also agree with the NOPR on page 7125  
13    that larger manufacturers will have a competitive  
14    advantage due to their size and that this proposed  
15    standard would have a significant impact on a  
16    substantial number of small businesses. A dealer of  
17    mine in Michigan wanted me to be sure to read this to  
18    you. Rett please let Washington know that in the  
19    northern states the pilot which costs about \$3.00 a  
20    month to run actually keeps the cold air and moisture  
21    out of the fireplace box.

22            Without a standing pilot the fireplace is

1 allowed to get cold and the cold actually travels  
2 through the glass or screen and makes the room cold.  
3 The furnace kicks on fully which uses up any savings  
4 from not running the pilot. Also animals and insects  
5 nest in the flus and venting which creates a  
6 potential hazard for fire and carbon monoxide backup  
7 with the blockage. This could potentially hurt or  
8 kill people and cause damage to property. Pilots  
9 reduce the chance of this occurring.

10           Lastly gas log sets are an excellent  
11 source of emergency warmth in the case of a power  
12 outage in areas where electric heat pumps are the  
13 primary source of heat consumers would be cold and  
14 dark during ice storms and hurricanes that knock out  
15 power lines except for their gas log sets.

16           Bill from Maryland wrote to me "our power  
17 was knocked out yesterday evening by Hurricane Sandy  
18 and we used our Rasmussen unit to stay warm and even  
19 do a little cooking. It was a big help to have the  
20 unit which didn't need electricity to operate. No so  
21 for many if this NOPR is adopted.

22           This proposed rule will have negative

1 impact on the safety, wellbeing and choice of  
2 consumers as well as the financial and employment  
3 health of many small businesses. I respectfully  
4 request that gas log sets be excluded from a final  
5 rule. Thank you for the opportunity to present.

6 MR. BROOKMAN: Okay thank you. Other  
7 comments here at the outset, yes please and your name  
8 again please?

9 MR. BORTZ: Leslie Bortz from the Robert  
10 H. Peterson Company. I am Leslie Bortz, I am the  
11 President of the R. H. Peterson Company. Peterson is  
12 one of the larger manufacturers of gas logs in the  
13 United States we employ approximately 235 people at  
14 our manufacturing facility in California.

15 Can you hear?

16 MR. BROOKMAN: Yes.

17 MR. BORTZ: We sell our products through a  
18 network of small specialty distribution businesses  
19 across the country. We also manufacture other  
20 products that would be affected by the proposed  
21 rulemaking including gas barbeques, outdoor  
22 fireplaces and pits and to a lesser extent other

1    hearth products.

2                    Although our volume is a significant  
3    portion of the gas log industry, we are still a  
4    relatively small business which will be profoundly  
5    affected by DOE's proposals.  I have traveled here  
6    today to speak to you again in the hope that the  
7    Department of Energy would listen and re-evaluate its  
8    overbroad proposal that would treat gas logs like all  
9    other hearth products despite the acknowledged  
10   differences between gas logs and those other hearth  
11   products that would make the proposed rule  
12   particularly burdensome to the gas log industry.

13                   Peterson opposes DOE's proposed definition  
14   of hearth products making gas logs a covered product  
15   under EPCA.  Peterson also opposed the proposed  
16   regulation of hearth products to ban what DOE calls  
17   constant burning pilot lights.  First the definition  
18   of hearth products is over broad.  Currently there is  
19   not a statutory definition of hearth products however  
20   there is a proposed definition which states hearth  
21   products means a gas fired appliance that simulates a  
22   solid fuel fireplace or presents a flame pattern for

1 aesthetics or other purpose and that may provide  
2 space heating directly to the space in which it is  
3 installed.

4 Do you really intent to adopt the  
5 definition of hearth products which does not include  
6 wood burning fireplaces, coal burning fireplaces,  
7 alcohol burning fireplaces, pellet burning  
8 fireplaces, electric fireplaces, water, coal stoves,  
9 these are all normally considered hearth products but  
10 your definition does include gas ovens, gas cooking  
11 ovens, outdoor gas lights, outdoor barbeques,  
12 infrared heaters, garage heaters, and indoor gas  
13 lights.

14 DOE's definition is unnecessarily  
15 confusing because it mixes products designed to  
16 provide heat with those designed only for aesthetics.  
17 The DOE definition would include a variety of  
18 products which serve very different purposes  
19 including gas log sets and other decorative products  
20 within the definition of a covered product, is not  
21 consistent with EPCA's purpose. When you examine  
22 EPCA's original product categories they are all

1 products designed to use energy to deliver functional  
2 purposes to the consumers.

3           Decorative products are designed instead  
4 for aesthetic experience. Next topic DOE is  
5 designing different products into one category. At  
6 several points in its analysis DOE concedes that gas  
7 log sets are very different from other types of  
8 hearth products. Gas log sets must be installed in  
9 an existing solid fuel typically wood burning masonry  
10 or factory built fireplace.

11           As DOE acknowledges the gas log set  
12 manufacturer is not able to change the physical  
13 environment in which the gas log must operate. Gas  
14 logs also don't have an outside enclosure within  
15 which to hide the components that DOE assumes would  
16 replace standing pilots. The cumulative effect of  
17 these differences is that gas log sets will face  
18 severe challenges in complying with DOE's proposed  
19 rules that will not be present for many other types  
20 of hearth products.

21           Unlike other types of hearth products  
22 intermittent ignition is still a relatively new and

1 infrequently used device to be able to be added to a  
2 gas log set. For vented gas logs DOE estimates that  
3 only 6% currently use intermittent products. The  
4 reason for this low percentage is that it is  
5 difficult to do, expensive to do under any scenario  
6 and anything that adds to the cost of the products  
7 which are at the lower end of the hearth products  
8 market like gas logs has a disproportionate adverse  
9 impact on sales of gas logs.

10           It's difficult to add intermittent  
11 ignition system to gas log sets because anything that  
12 can make the gas log sits off center within the  
13 fireplace which interferes with the aesthetic  
14 experience of the consumer. If batteries are  
15 necessary it detracts from the appearance.

16           In addition DOE agrees that adding  
17 sensitive electronic components within the industry,  
18 within the masonry or factory build fireplace where  
19 they are subject to high heat is often impossible.  
20 There are also many varieties of masonry or factory  
21 build fireplaces into which gas logs must adapt. The  
22 entire market for gas logs is to retrofit

1 pre-existing masonry or factory built fireplaces.

2 Anything like DOE's proposed rule which  
3 sharply limits the flexibility of gas log sets  
4 unnecessarily makes installation of gas log sets  
5 impossible in a significant portion of the available  
6 masonry or factory built fireplace. To accommodate  
7 this market we sell 20 different types of burners  
8 with 10 -- 12 different sizes, 600 different log sets  
9 and another several thousand add on options.

10 In the fact of this broad range of  
11 installation requirements DOE is attempting to impose  
12 a one size fits all solution which will severely  
13 restrict consumer choice. In addition DOE has  
14 significantly underestimated the cost of switching  
15 from constant burning pilot lights to the  
16 alternative.

17 DOE would increase the MSRP price of a  
18 typical base log set not including installation these  
19 are our numbers, from \$511.00 to \$891.00 I would  
20 chart this. A roughly 75% increase. In turn there  
21 would be little financial savings to the consumer for  
22 change in pilot lights. As always the consumer can



1 simply choose to extinguish the pilot light when the  
2 log set is not in use thereby achieving all of the  
3 savings without any of the costs.

4 By the way there are gas companies all  
5 over the south especially that seem to be educating  
6 their consumers about doing this. Finally, all the  
7 intermittent pilots options have a higher  
8 installation cost than the constant burning standing  
9 pilot. Every intermittent pilot option is more  
10 expensive to install. Also if the unit could not use  
11 a battery powered millivolt system an electrician  
12 must also be hired to install a 110 volt suitable  
13 electrical hookup in or near the fireplace which is  
14 not designed to hold the electrical components.

15 In response to question 14 based on our  
16 experience we conservatively estimate that the  
17 additional cost of the electrical hookup alone is  
18 \$335.00. At these costs given the limited energy  
19 savings the additional costs to the consumer is more  
20 than the three times value of the first year's energy  
21 savings. Actually it's nearly 8 times the value of  
22 the energy savings which violates the so-called EPCA

1     rebuttable presumption.

2                     Based on prices of today using a constant  
3     burning pilot light equipped with one of our actually  
4     equipped with BTU's that you speak of for gas logs,  
5     it costs the consumer less than \$50.00 a year to  
6     operate the pilot year round, that is compared to  
7     \$335.00 and the extra cost. DOE supposedly, our  
8     national energy partner is using natural gas prices  
9     from 1993 to 2012 to overstate the gas costs of  
10    manual safety pilots.

11                    Surely DOE understands that the world is  
12    changed forever and gas reserves are expanding  
13    rapidly.

14                    Last week Morning Star the respected  
15    financial analyst described the following natural gas  
16    prices as the new normal for the United States.  
17    Examining the impact of abundant low cost supply we  
18    are reducing our estimate for natural gas prices by  
19    25%. Residential natural gas prices are now less  
20    than 90 cents a therm and falling fast.

21                    Rather than the much higher numbers in  
22    parts of DOE's chosen period used for setting prices.

1 By the time this rule takes effect in 2021 DOE's  
2 analysis will be even more unrealistic. DOE  
3 understands fully that taking the price of a product  
4 and increasing it by roughly 75% will drive down  
5 sales. DOE admits that this financial burden will  
6 fall disproportionately on gas log manufacturers,  
7 that's page 7116 of your NOPR.

8 Because gas logs are a product designed to  
9 go into existing fireplaces, consumers will simply  
10 stop buying and just continue to use wood in their  
11 existing wood burning fireplaces. Sales of gas logs  
12 will necessarily plummet.

13 My next topic is rulemaking. The  
14 rulemaking will adversely affect small businesses.  
15 Under the Regulatory Flexibility Act DOE must  
16 consider the impact of its rulemaking on small  
17 business. DOE has identified 66 businesses in its  
18 rulemaking that are small business manufacturers of  
19 gas logs.

20 That's better because we started with I  
21 think 16. DOE is ignoring the impacts on hundreds  
22 and possibly thousands of other small business

1 entities that will be adversely affected. The entire  
2 gas log industry and the vast majority of hearth  
3 industry are composed of small businesses. Anything  
4 that makes gas log sets less attractive to purchase  
5 will have an impact on hundreds or thousands of small  
6 businesses.

7 I acknowledge that DOE believes that it  
8 only needs to focus on manufacturers for purposes of  
9 the Regulatory Flexibility Act Analysis, we will  
10 outline in our written comments why we disagree with  
11 that limitation. In any event, however, even if it  
12 is not required by the Regulatory Flexibility Act,  
13 the impact on these additional small businesses is  
14 undeniable. Nothing prohibits DOE from considering  
15 that impact, even if it is not required to consider  
16 the impact.

17 Even if you limit the search for business  
18 entities in the hearth industry to manufacturers  
19 DOE's list is far too small. It is easy to pick up  
20 any month's edition of Hearth and Home Magazine,  
21 trade magazine, and find many additional small  
22 businesses that are not on DOE's list that are

1 manufacturers in this industry. I found 20  
2 additional manufacturers with ads in the March 2015  
3 Hearth and Home Magazine.

4 I looked at another -- actually I looked  
5 at an internet site called Woodland Direct and found  
6 another 18 additional small business manufacturers,  
7 almost all making outdoor fireplaces. These are  
8 numbers that just blow me away. DOE identifies key  
9 market participants, the manufacturers, wholesalers  
10 and the entities into two types of distribution  
11 channels.

12 100% of our gas log products are sold  
13 through a distribution retailer marketing system or  
14 what is commonly called a two-step distribution  
15 system. If you look at your information and take a  
16 look at those products and break them up as best you  
17 can which we did, on a conservative basis 56 1/2% of  
18 the hearth products in the DOE proposals are sold in  
19 this system.

20 They are not sold to builders, 56 1/2% are  
21 sold through distribution and retailing. For gas log  
22 sets these key market participants are almost all

1 small businesses. I anticipate that there are over  
2 150 small business manufacturers, another 200  
3 specialty hearth product distributors and  
4 representative companies, hundreds of retailers  
5 throughout the country and as the gentleman from NPGA  
6 mentioned, 2800 LP companies, I believe there are  
7 thousands of small companies that will be affected by  
8 this rule, not 66.

9 DOE has not cooperated with the industry.  
10 At every step in this process DOE has had and ignored  
11 numerous opportunities to sit down with the hearth  
12 products industry and develop more accurate  
13 information. DOE did attempt to gather some  
14 information from the hearth products industry, excuse  
15 me -- and for its part in the analysis Navigant was  
16 reasonable responsive.

17 But DOE's other contractors would not  
18 cooperate with the hearth industry and particularly  
19 we tried several times to contact Lawrence Berkeley  
20 National Labs by the way we did not know that they  
21 were a part of this until we were told last summer  
22 and the representatives from that entity which

1 performed important analysis -- important parts of  
2 the analysis for DOE. They refused to return our  
3 numerous telephone calls or emails or provide any  
4 information about the process.

5 I don't know where they got their  
6 information. DOE has ignored other technical options  
7 in large part because of the lack of communication  
8 with the industry DOE seems unaware that there are  
9 products on the market that would address many of its  
10 concerns. These products are pilot lights with a  
11 so-called time out option, this is a constant burning  
12 pilot light that is designed to shut itself off after  
13 a specific period of time in the event the main  
14 burner is not activated.

15 A time out pilot would address 98 to 99%  
16 of DOE's energy savings. DOE's proposals will  
17 actually cause consumers to use excess natural gas.  
18 Presently the most common manual pilot light that we  
19 sell allows the consumer to adjust the flame on the  
20 log set and people want adjustable. This enables the  
21 consumer to decide to use the log sets with different  
22 flame heights depending upon the consumer's choice

1 for the aesthetic experience. There are some  
2 significant gas savings from giving consumers the  
3 ability to turn down the log sets rather than forcing  
4 the consumer to run the gas log set at the maximum  
5 possible BTU usage.

6 DOE's proposal will force many consumers  
7 to run their logs at the maximum BTU usage even if  
8 they otherwise would prefer not to. This is because  
9 many battery powered intermittent ignition systems do  
10 not allow for varying the size of the flame. The  
11 intermittent system that DOE would require is a  
12 binary on and off which forces the consumer to run  
13 the gas log set at the maximum usage.

14 DOE's proposal will cause consumers to  
15 waste considerable gas that they would otherwise not  
16 and wipe out the limited savings.

17 There are limitations to the use of  
18 intermittent pilots particularly with gas log sets.  
19 We have tried to offer a battery powered intermittent  
20 pilot capable of variable log flame height control.  
21 It has not worked in the market so far. Last year  
22 for example we added a battery powered intermittent



1 pilot capable of an adjustable log flame control to a  
2 particular gas log product. We shipped many of these  
3 units in 2014 a significant number of these units  
4 came back to us because the intermittent pilots would  
5 not work well within the confines that must be  
6 addressed by gas log sets.

7           For this reason as DOE has acknowledged on  
8 page 7103 intermittent pilots are an infrequently  
9 used device added to a gas log set installation.  
10 Where intermittent pilots are easier to install and a  
11 hearth appliance such as a free-standing fireplace or  
12 fireplace insert where the housing for the fireplace  
13 can protect the intermittent pilot and also limit its  
14 adverse aesthetic impact, intermittent pilots are a  
15 growing part of the market and now save 50% of the  
16 units sold. This kind of market penetration for  
17 intermittent pilots is simply not happening for gas  
18 log sets because of their physical limitation.

19           In addition the market penetration for  
20 intermittent pilots is not happening for gas log sets  
21 because the cost implication of adding intermittent  
22 pilots is felt more strongly for gas log sets because

1 they have a lower initial price. DOE's forcing  
2 consumers to add an expensive device that they really  
3 have rejected so far only 6% of vented gas log sets  
4 have an intermittent pilot.

5 The consumer faced with paying the  
6 additional money to purchase a gas log set with an  
7 intermittent pilot often will choose to simply fall  
8 back and use its existing wood burning fire place as  
9 it was originally designed with wood burning fires.

10 DOE is ignoring trends. In 2011 DOE  
11 estimated that 75% of gas log users kept their pilots  
12 on year round. In 2013 DOE estimated that 25% of  
13 hearth products users kept their pilots on year  
14 round. In the current proposal DOE estimates that  
15 20% of the standing pilot users leave their pilot  
16 ignited year round. As evidenced by DOE's own  
17 estimates the percentage of users leaving their  
18 pilots on year round is declining.

19 In the current proposal DOE estimates that  
20 a far greater percentage of users 40% leave the  
21 standing pilot ignited only seasonally during the  
22 months when they are more likely to have a reason to

1 use the gas log set.

2           DOE acknowledges that the industry now  
3 uses labelling to suggest users extinguish their  
4 pilot kits when the log set is not in use. Our  
5 systems are designed to make extinguishing the  
6 standing pilot and closing the gas valve at the end  
7 of the season if not more frequently, this is easy to  
8 do. We also provide clear instructions for how to  
9 reignite the pilot after the consumer has  
10 extinguished it. It is clear from DOE's estimates  
11 that consumers are responding to the industry's  
12 labeling efforts.

13           DOE says labelling is not achieving the  
14 maximum economically justified energy savings but  
15 that conclusion is only supported by ignoring the  
16 growing success of labeling inflating the costs of  
17 gas usage, artificially under-estimating the cost of  
18 intermittent pilots for gas log sets.

19           Recommending that consumers operate their  
20 units in this manner would be a far more cost  
21 effective solution than charging a seasonal user  
22 \$380.00 extra to save them less than \$13.00 worth of

1 natural gas. DOE's overstated the energy savings in  
2 its proposed rulemaking. This product will be  
3 addressed by other witnesses. To avoid repetition I  
4 will not focus on it any longer except to say that  
5 the actual energy savings from DOE's proposal may in  
6 fact be negative.

7 As DOE's own programs recognizes houses  
8 with gas log sets are more whole home efficient than  
9 the whole homes with the product with which they  
10 compete which is wood and wood burning fireplace or  
11 wax logs and wood burning fireplaces.

12 For many years the DOE has supported the  
13 transition from consumers burning wood in their wood  
14 burning fireplaces to instead using natural gas based  
15 products. DOE recognizes that houses with gas log  
16 sets and decorative fireplaces are more efficient  
17 than those with wood burning fireplaces.

18 When a consumer has a wood burning fire  
19 they consume more BTU's per hour, wood takes three  
20 times the amount of oxygen, heat and home air to burn  
21 to achieve the same aesthetic appeal. In addition  
22 consumers will leave the flue fully open over night

1 following a wood burning fire, allowing the home to  
2 vent heated indoor air to the outside. In contrast  
3 gas logs and decorative fireplaces are instant on  
4 instant off the flue does not stay fully open beyond  
5 the period of usage.

6 In order to show more substantial energy  
7 savings for the cost of upgrading to an intermittent  
8 pilot, DOE also assumed that gas log sets would last  
9 approximately 16 years. In our experience the  
10 consumer who uses his gas log sets regularly will  
11 replace them in 10 years. DOE estimates that 80% of  
12 the consumers either turn their manual pilot units  
13 off after each use, 40% or use the pilot seasonally,  
14 another 40%.

15 This makes it unlikely that the average  
16 consumer will ever recover the cost of the expensive  
17 upgrade DOE is trying to force on unwilling  
18 consumers. DOE uses the wrong housing measures to  
19 estimate the energy saving, therefore overstating  
20 those savings from its proposal. DOE's process for  
21 estimating the energy savings is unduly complicated  
22 but it is under any analysis unable to assess the

1 actual energy impact of prohibiting standing pilots.

2 To begin with DOE is using housing starts  
3 with its analysis. We believe it should be using  
4 housing completions, that is what is used by Bureau  
5 of Census I suspect whatever. For many years there's  
6 been a significant difference between housing starts  
7 and housing completions. If you use housing  
8 completions the numbers are smaller and all of the  
9 energy savings in turn become smaller.

10 For gas log sets its wrong to use either  
11 for housing starts or housing completion. A tiny  
12 percentage of our sales go into new construction.  
13 Gas logs are a retrofit product. Sales do not  
14 correlate with housing starts at all. If you are  
15 going to try to do an analysis using housing starts  
16 or completions you also need to focus on single  
17 family homes.

18 Housing start data that uses multi-family  
19 construction ignores the reality that very few  
20 multi-family dwellings will have suitable masonry,  
21 fireplaces or factory built openings for gas log  
22 sets. That's just a fact. When DOE does its

1 analysis it begins with a level of housing starts  
2 starting in 2014 it uses a figure of approximately  
3 1.25 million housing starts for 2014.

4 That number is roughly double the number  
5 of single family housing completions in this country  
6 last year. Then DOE projects outward to a distance  
7 future using a typical level of housing starts of 1  
8 million five. If you look at the level of housing  
9 starts for single family homes cited by James Houck  
10 in his article in Hearth and Home Magazine, there are  
11 only isolated years in the last 40 where the U.S. has  
12 it a level of 1.5 million housing starts in a given  
13 year and that level has never continued for more than  
14 a few years in a row.

15 DOE's analysis assumes that we reach that  
16 level and sustain it for 30 consecutive years. These  
17 factors combine to overstate the purported energy  
18 savings.

19 DOE is ignoring a safety issue with its proposal. A  
20 safety pilot kit uses a constant burning standing  
21 pilot as a safety device. The pilot device will  
22 block the flow of gas to the burner as a safety

1 mechanism is the pilot is not lit.

2           The pilot we sell prevents the homeowner  
3 from turning on an unlit system and filling the home  
4 with gas. Gas log sets are safer than their  
5 alternative which is wood burning fireplaces.  
6 Anything that discourages consumers from switching to  
7 gas logs will only increase the number of home fires,  
8 injuries and death. Gas logs are far safer than  
9 their alternative which is burning wood in the  
10 fireplace.

11           With respect to gas logs, DOE's proposal  
12 will hurt the environment. Gas log sets are also far  
13 cleaner from an environmental prospective than the  
14 product they are replacing. As USEPA has recognized  
15 in its burn-wise program, consumers would be well  
16 advised to shift from wood burning fires to gas log  
17 sets in terms of an overall reduction in critical air  
18 pollutants.

19           In its analysis DOE is assuming there is  
20 some environmental benefit from limiting gas log  
21 sets. To the contrary, anything which discourages  
22 people from making the transition to gas log sets



1 from wood burning fires will have an immediate and  
2 major negative impact on the environment.

3 Many state environmental agencies and  
4 other environmental and health groups like the NRDC  
5 and American Lung Association have adopted the same  
6 environmental position endorsed by U.S. EPA favoring  
7 the transition to gas log sets. For example the  
8 leading air quality agents in the country in charge  
9 of improving air quality in the difficult Los Angeles  
10 region has what it calls healthy hearth program. As  
11 part of that program to improve public health, the  
12 South Coast Air Quality Management District actually  
13 pays consumers to change their wood burning  
14 fireplaces and use gas log sets.

15 The agency adopted this position after  
16 extensive rulemaking examining health and  
17 environmental benefits of this transition to gas log  
18 sets, using the analysis done by the very experts  
19 cited by DOE and its NOPR Jim Hauck who will testify  
20 here today.

21 DOE simply assuming a non-existent  
22 environmental benefit in its analysis and ignored the

1 considerable environmental detriment that will come  
2 about by making a gas log set three times as  
3 expensive as they are now. When properly account for  
4 the net environmental impact of the rule is negative  
5 as applied to gas log sets and would trigger  
6 requirements that DOE would evaluate the rule under  
7 the National Environmental Policy Act.

8 Conclusion, natural gas is plentiful in  
9 the United States. Natural gas reserves are higher  
10 now than they have been any time in our history.  
11 Natural gas prices are dropping each year as we find  
12 more sources for natural gas at a rate that exceeds  
13 consumption. In addition natural gas is a local fuel  
14 with virtually all of the United States natural gas  
15 consumption coming from sources within North America  
16 in exchange for modest energy savings of a very  
17 plentiful resource DOE's rulemaking would sharply  
18 limit consumer's ability to afford gas log sets.

19 Based on our customer feedback, customers  
20 like gas log sets because they look great but they  
21 don't heat a room. If they want heat they buy a  
22 different product. They also like the improved air

1 quality, improved health, lack of allergens, instant  
2 on/off, no creosote build-up in the chimney, no  
3 chimney fires, no sparks, ashes, relative in expense  
4 to purchase and operate, cleaner operation, improved  
5 safety, save trees and flexibility of use. The  
6 proposed rule will interfere with these  
7 characteristics by making the units prohibitively  
8 expensive or too unattractive to replace the wood  
9 burning fire.

10 Gas logs represent by far the lowest cost  
11 alternative for consumers tired of the inefficiency  
12 and pollution of their wood burning fireplace. DOE's  
13 proposal would rob consumers of that low cost choice,  
14 providing no offsetting financial benefit because of  
15 the gas savings if any from the proposed rule.

16 As it applies to gas log set, DOE's  
17 proposal does not achieve greater energy savings  
18 because homes with gas logs in terms of whole home  
19 efficiency are more efficient than the alternative.  
20 Because the savings from the pilot restriction is  
21 trivial it would be offset by the significant cost  
22 that would be created by eliminating or discouraging

1 customers from switching from wood burning fireplaces  
2 to gas logs.

3 The proposed rule would also undermine  
4 consumer alternatives because it would limit severely  
5 the number of available products on the market,  
6 particularly for customers looking for low cost  
7 alternatives to wood burning fireplaces. The  
8 proposed rule only adds restrictions and  
9 manufacturing burdens which would have dramatic and  
10 negative impact on the gas log industry.

11 Thank you for allowing me to go through  
12 that.

13 MR. BROOKMAN: Okay.

14 MR. BORTZ: I would like to present Jim  
15 Houck is he on your speaking --

16 MR. BROOKMAN: We are taking opening  
17 remarks, hopefully summary remarks and do you -- can  
18 you make a brief summary remark here or will it fit  
19 in the content in the presentation materials that are  
20 coming, Jim?

21 MR. HOUCK: I can make it short.

22 MR. BROOKMAN: Okay briefly here, just

1 stand right up and use that microphone right there.

2 MR. HOUCK: Yes my name is James Houck.

3 Okay now can you hear me?

4 MR. BROOKMAN: Yeah.

5 MR. HOUCK: Okay my name is James Houck.

6 I am an independent consultant. I worked for about  
7 25 years with the hearth industry, primarily on air  
8 pollution and environmental issues and I guess my  
9 short opening remark is that the rule as proposed  
10 will do environmental damage rather than as quoted in  
11 the proposed rule, in addition the proposed hearth  
12 product standard would have significant environmental  
13 benefits. It will not and I will discuss that in  
14 more detail when we get to the environmental section.

15 MR. BROOKMAN: Thank you that's helpful  
16 and let me note, maybe I wasn't clear at the outset.  
17 No one wants to diminish your capacity to comment in  
18 any way here. We are hoping though and it's  
19 typically beneficial to get more detailed comments  
20 during the course of the review of the packet itself,  
21 that way all of these features line up in the record  
22 you understanding my meaning here.

1           So now let me ask additional opening  
2 remarks perhaps final opening remarks before we move  
3 on to the content at hand? Yes is it Steve?

4           MR. SKOLNICK: It is Steve and I'm going  
5 to be very, very short since I don't have prepared  
6 remarks to read. I represent in addition to my own  
7 company the mid-Atlantic Hearth Product Association  
8 the local retailers and distributors and  
9 manufacturers reps. We have about 800 small  
10 businesses that we represent. We are very concerned  
11 that you are not addressing the differences between  
12 these products and just as you look between  
13 discussions from HHT on their products and gas logs  
14 there is a lot of differences just in the electronic  
15 ignition so how electronic ignition works in a gas  
16 fireplace is dramatically different than how it works  
17 in a gas log versus outdoor so lumping these products  
18 together are very concerning.

19           Also in a gas fireplace the electronic  
20 ignition has challenges so while there are  
21 differences in the challenges as you look through  
22 each of the product categories challenges still exist

1 so in a gas fireplace or a direct vent fireplace, the  
2 challenge primarily exists in cold climate so the  
3 standing pilot while it has electronic ignition in  
4 many of the applications, it also has that backup  
5 standing pilot and the backup standing pilot is very  
6 important in cold climate because the flue gets cold,  
7 everything just doesn't work right if there isn't  
8 that heat in that cold climate providing the  
9 environment in the fireplace.

10 The other thing we are very concerned  
11 about is that with your proposed rule we believe a  
12 lot of the product in the marketplace will be  
13 eliminated and many of our small businesses will  
14 suffer dramatically thank you.

15 MR. BROOKMAN: Thank you. Are we ready to  
16 move on now? Move on to the content at hand? Given  
17 the detail and length of these opening remarks I am  
18 hoping that as we go through these slides you can  
19 apply the same level of specificity in your comments  
20 to the Department as we are going along here, okay?  
21 That would be helpful. So then let's proceed with  
22 the packet and we are going to have an overview first

1 commencing with regulatory authority. Yes, Leslie?  
2 Please take -- feel free to take your jacket off,  
3 everybody make yourselves comfortable we are going to  
4 be here for a while.

5 Dana you didn't get a chance to introduce yourself,  
6 do you wish to do so, turn that microphone on, name  
7 and organizational affiliation?

8 MR. MOROZ: My name is Dana Moroz I  
9 represent Wolfe Steel Limited. I'm a foreign  
10 national I understand. I would also point out that  
11 we also have a manufacturing facility in Quinton,  
12 Kentucky. We employ 96 U.S. citizens at that  
13 facility so we are domestic as well.

14 MR. BROOKMAN: Thank you and I'm sorry for  
15 the run around here this morning.

16 MR. MOROZ: It's nothing like being made  
17 to feel special.

18 MR. BROOKMAN: Okay. So then we are going  
19 to begin with the regulatory authority and this is on  
20 slide number 10 in my packet here.

21 MR. CYMBALSKY: Okay so this is John  
22 Cymbalsky from DOE. Thank you everyone for our



1 opening remarks, we definitely heard from you and I  
2 think we can as Doug said pretty much map your  
3 opening remarks to the particular slides but as we go  
4 through it again if you can briefly again comment  
5 when we get there that would be great.

6 So regulatory authority -- so as the slide  
7 says EPCA of 1975 established the energy conservation  
8 program for consumer products other than automobiles  
9 so that is the program at hand here today that  
10 granted DOE the authority to classify additional  
11 types of consumer products as covered products,  
12 there's the site to the statute.

13 And we can prescribe energy conservation  
14 standards for those products if certain statutory  
15 criteria are met and for those who read the proposed  
16 coverage determination, DOE spelled out its calculus  
17 there in terms of energy consumption and the mapping  
18 to the statutory authority to cover hearth products.

19 EISA came along and required that any  
20 final rule establishing or revising energy  
21 conservation standards for a covered product must  
22 incorporate standby mode and off mode energy use into

1 a single amended or a new standard and you could see  
2 this site there.

3 As I mentioned DOE published a proposed  
4 determination of coverage for hearth products on  
5 December 31, 2013 there's the site to the Federal  
6 Register. DOE used the definition for hearth product  
7 as proposed in the notice of proposed determination  
8 to define the scope for the notice of proposed  
9 rulemaking that we are discussing here today and  
10 there are currently no energy conservation standards  
11 or test procedures for hearth products.

12 MR. BROOKMAN: Yes Steve Rosenstock?

13 MR. ROSENSTOCK: Steve Rosenstock, Edison  
14 Electric Institute. I think it is important to talk  
15 about the process because for many years after the  
16 Process Improvement Rule was created by the  
17 Department of Energy in 1996 for a long time every  
18 product went through a process of having a framework  
19 document with a public meeting and public input.

20 There's advanced notice of notice of  
21 proposed rulemaking now also called the preliminary  
22 analysis with notice and then public meeting and then

1 time for stakeholder input then the NOPR the proposed  
2 rule with obviously seeking public input and then the  
3 final rule, it was a four step process. Things have  
4 changed over the last years where products that have  
5 been regulated before we can you know a lot of times  
6 the framework was skipped because you know it has  
7 been done before. But I think that it seems like now  
8 things have really been -- I guess it was starting  
9 with the refrigerator proposed rule last December  
10 that things have been I'll use the word streamlined  
11 -- especially with a product that there have never  
12 been regulations before to go from termination of  
13 coverage all the way to proposed rule without those  
14 intermediate steps for entities that have never been  
15 regulated before.

16 I think in my view or again just speaking  
17 of process I'm wondering if this is going a little  
18 bit too far too fast. Again I'm saying this just as  
19 a process geek. I've been involved with this process  
20 for many, many years and especially to streamline the  
21 process for a product that's never been regulated  
22 before I think there are significant issues, thank

1 you.

2 MR. BROOKMAN: Thank you Dana? Turn the  
3 microphone on thank you.

4 MR. MOROZ: I just wanted to comment on  
5 that statement that I think is a little erroneous it  
6 says that there is currently no energy conservations  
7 standards or test procedures. I believe that test  
8 standard to which fireplaces at least have fireplace  
9 heaters are subjected to and the harmonized standards  
10 do address efficiencies.

11 MR. BROOKMAN: Do you have a citation?

12 MR. MOROZ: Not with me no, it would be NC  
13 2188.

14 MR. CYMBALSKY: That's an industry  
15 standard. I'm sorry I should be more specific,  
16 there's no federal U.S. test procedure that you must  
17 comply to. You may comply to your industry standard.

18 MR. MOROZ: Okay.

19 MR. BROOKMAN: Okay thanks for raising  
20 that. Frank Stanonik?

21 MR. STANONIK: Frank Stanonik, AHRI and  
22 I'm going to join my process geek friend over here

1 and raise a procedural issue specifically with regard  
2 to the undetermined definition of hearth product. In  
3 fact when DOE came out with the proposed  
4 determination it specifically stated in the federal  
5 register notice and I am quoting here "if after  
6 public comments DOE issues a final determination of  
7 coverage for this type of product, DOE will consider  
8 both test procedures and energy conservation  
9 standards for all hearth products."

10 MR. BROOKMAN: And Frank what is that  
11 source?

12 MR. STANONIK: That would be the federal  
13 register December 31, 2013 page 79639.

14 MR. BROOKMAN: Thank you for that.

15 MR. STANONIK: And the point is that the  
16 time that DOE came out with that proposal the  
17 presentation to all stakeholders and interests were  
18 that this issue of standards and test procedures for  
19 whatever hearth products were determined to be  
20 wouldn't occur until in fact the determination  
21 rulemaking was completed and in this case DOE has  
22 stepped back from that process. We think that is a

1 significant error and in fact is causing many people  
2 to spend a lot of time that may or may not have been  
3 required including the people doing the analysis if  
4 there had been a final determination of what a hearth  
5 product is and one final point on that is that as  
6 presently proposed and we don't agree with the  
7 definition that proposed definition does include  
8 unvented products and in fact there is a DOE test  
9 procedure on the books for unvented heaters.

10           And you can call an unvented gas, or  
11 whatever you want to call it but it is undoubtedly a  
12 heating product, unavoidable. They are unvented  
13 heaters they have always been considered unvented  
14 heaters and there is a DOE test procedure for  
15 unvented heaters.

16           MR. BROOKMAN: Okay Dana you had a follow  
17 up?

18           MR. MOROZ: I just in response to John  
19 mentioned that there was no federal test procedure  
20 the standard I referred to with said 2188 is an ANSI  
21 standard which I believe is a national standard.

22           MR. BROOKMAN: Yeah okay thank you.

1           MR. MOROZ: I'm sorry that was my foreign  
2 national.

3           MR. BROOKMAN: We are familiar with 2188,  
4 yes please Sue?

5           MS. WALKER: Yes just to follow up very,  
6 very, very briefly on Frank Stanonik's comment regard  
7 vent free gas products and their inclusion in this  
8 NOPR. And this is all regarding what is referred to  
9 as a pallet but is in fact a very, very important  
10 safety device called the oxygen detection safety  
11 pallet or ODS and it's been required on these  
12 products by ANSI standard since 1980.

13           All products on the market must be tested  
14 and listed to this standard and this is the only  
15 product in the U.S. market that incorporates this  
16 important safety device. So to just call it a pallet  
17 or standing pallet is a real mischaracterization  
18 function of the product. It has a unique -- a  
19 remarkable safety record. In the 34 years since the  
20 product has been in the U.S. market the Consumer  
21 Product Safety Commission confirms that there has  
22 never been a documented death or carbon monoxide

1 poisoning attributed to a product using this  
2 important device and also just briefly comment on the  
3 standby heat -- emergency heat benefit of other  
4 products, this is very, very important in the gas of  
5 vent free gas products.

6 At this point almost no products on the  
7 market require any electrical input to operate. They  
8 are a primary resource to consumers during the event  
9 of power outages whether brief or extended. In fact  
10 one way you can tell that is right after a power  
11 outage the sales of these products spike, people  
12 basically say never again will I be in this  
13 circumstance.

14 So to require the oxygen detection safety  
15 pallet to somehow be contrived to have electrical  
16 input and use batteries as backup would largely  
17 defeat that very, very important consumer benefit.  
18 One more brief point the controls from these products  
19 are very visible, accessible, consumer friendly and  
20 as others have pointed out you just can't miss it in  
21 the room.

22 The people who buy these products are very



1 focused on the energy savings so they are going to  
2 extinguish that pallet during periods of extended  
3 non-use or at the end of a season. I think that  
4 factor alone mischaracterizes these products in terms  
5 of this NOPR thank you.

6 MR. BROOKMAN: Thank you, additional  
7 comments here? Yes please go to the microphone and  
8 make sure it is turned on.

9 MS. DAVIDSON-HOOD: I just wanted to --  
10 I'm too short for this. Caroline Davidson-Hood from  
11 AHRI -- I just wanted to raise a procedural issue  
12 tacking on to what Frank mentioned before that the  
13 fact that the determination has not yet been  
14 finalized renders I think a problem under the  
15 American -- the APA, the Administered Procedures Act  
16 because you have no statutory authority for this  
17 rulemaking and it probably raises potential due  
18 process issues so I definitely think that the  
19 determination needs to be finalized before a  
20 rulemaking can be undertaken on products that are not  
21 even included in the statute yet, thank you.

22 MR. BROOKMAN: Thank you. Okay so back to

1 John Cymbalsky.

2 MR. CARROLL: Ryan Carroll with HBPA.  
3 Procedurally I would like to also say that we have  
4 been frustrated to some extent in the process because  
5 we have had over the course of the last 18 months or  
6 so a number of requests one in writing to our  
7 comments on the proposed coverage of determination.

8 We have had attorney to attorney contact  
9 seeking meetings as well and you know we are exciting  
10 to be here for dialogue but it has been a rough road  
11 to get there.

12 MR. BROOKMAN: Okay thank you. Let's  
13 proceed with the content and I think back to John  
14 Cymbalsky.

15 MR. CYMBALSKY: Okay thank you Doug. This  
16 slide shows the criteria for selecting standards  
17 levels so EPCA directs DOE to consider to the  
18 greatest extent practicable the following 7 factors  
19 in determining whether potential energy conservation  
20 standards are economically justified.

21 We refer to these as EPCA 7 factors and  
22 you can read them here. I think Leslie did a good

1 job pretty much in his opening remarks going through  
2 each and every one of these but -- and you could see  
3 that there are things like the impact on consumer  
4 utility or performance and lifetime operating costs,  
5 the impact on both consumers and manufacturers so we  
6 are going to go through all these here in the slide  
7 packet one by one pretty much and so we will be able  
8 to comment as we go through these factors.

9 Okay and here's a slide I think we have  
10 heard a lot about already and we will give you a  
11 chance to again comment upon. So here is the  
12 proposed definition of hearth product and I'm going  
13 to read it for you. A gas fired appliance that  
14 simulates a solid wood fuel fireplace or presents a  
15 flame pattern for aesthetics or other purpose and  
16 that may provide space heating directly to the space  
17 in which it is installed and so here's our first  
18 comment box.

19 We have heard a lot of comment already but  
20 if anyone else would like to comment on the proposed  
21 definition here's your chance.

22 MR. BROOKMAN: It would be helpful whether

1 now or in your written comments, it is especially  
2 instructive to be able to say what it should be, not  
3 what you don't like about it okay so yes, over here  
4 to is it Barton?

5 MR. DAY: Following directions diligently  
6 I'll start by saying we can't offer any suggestion as  
7 to what it should be for two reasons. One is we  
8 still don't know what it is intended to cover and  
9 until we figure that out there's no point in pursuing  
10 language.

11 The second issue is that we just don't  
12 think DOE has the legal authority to take completely  
13 different products and bundle them together as a  
14 single product. I mean  
15 Congress didn't go in the statute and say you know  
16 HVAC products are a covered product they said well  
17 room heaters are a covered product and furnaces are a  
18 covered product and water heaters are a covered  
19 product.

20 DOE's proposal sweeps together products  
21 that are far more different than those examples and  
22 treats it all as a covered product and in the process

1 essentially renders the limitation on their authority  
2 to impose standards irrelevant. Congress had a no  
3 Twinkie rule it said that there has to be an  
4 aggregate annual energy use of a certain level of a  
5 product for it to be worthy of a regulation in the  
6 first place. There are products covered in this  
7 rulemaking that I think pretty clearly would never  
8 meet that test and the fact that all of these  
9 products are being combined together willy nilly has  
10 the effect of aggregating the gas consumption of  
11 different products in order to avoid the need to  
12 justify regulating them individually.

13 I think that's not lawful but you know  
14 we've got a number of legal issues and concerns.  
15 What I would like to do is see if we can get some  
16 clarity on the proposed definition and there are a  
17 couple of issues I would like to raise in that  
18 respect. One is just looking at the language. There  
19 are a lot of disjunctions in here and if you look at  
20 it -- it is a gas fired appliance that simulates a  
21 solid fuel fireplace or presents a flame pattern  
22 okay.

1           So you could pretty much cross out that  
2 simulates a solid fuel fireplace because it's not  
3 particularly meaningful. I mean it's that or  
4 presents a flame pattern for aesthetics or other  
5 purpose seems to mean any purpose so where are we  
6 now? We have a gas fired appliance that presents a  
7 flame pattern for any purpose and it may or  
8 presumably may not provide space heating directly to  
9 the space in which it is installed so that whole  
10 clause is in parts no meaning.

11           So we are looking at a definition that  
12 says a hearth product is a gas fired appliance that  
13 presents a flame pattern for any purpose. And then  
14 we see the TSD we wouldn't have guessed this from  
15 looking at the proposed rule but in the TSD there are  
16 specific references to patio you know, ready and  
17 patio heaters that don't have a visible flame.

18           In plain English that doesn't present a  
19 flame pattern, it has a flame so I guess we have to  
20 read the definition as a gas fired appliance that  
21 produces a flame for any purpose. That covers  
22 everything under the sun, I mean it covers kitchen

1 stoves and ovens, it covers gas lights, it covers --  
2 there's just no way to look at that definition and  
3 have any reasonable sense of what products we have to  
4 address.

5 And so we have struggled with that all  
6 along and John if we could could we go on to the next  
7 slide because you have got some pictures here that I  
8 think you know it's helpful to look at examples and  
9 try to understand what it is we are talking about.

10 MR. CYMBALSKY: Before we move on I should  
11 probably take some more comment on the definition.

12 MR. BROOKMAN: Yeah, yes Frank.

13 MR. STANONIK: Again we obviously are not  
14 in agreement with the definition but as proposed it  
15 is difficult for us to understand how that definition  
16 leads to a determination that unvented or vent free  
17 gas logs whichever you choose to call them would be  
18 included in this definition and I will point out that  
19 it says may provide space heating in fact for  
20 unvented vent free products the emphasis that's  
21 presented in this definition is exactly the opposite.  
22 Those are heating products that may simulate a flame

1 pattern but they primarily are developed, sold in the  
2 market as heating products.

3 The fact that people may want to pick that  
4 particular type because it looks like a fire is a  
5 secondary issue but you take a vent free gas log,  
6 install it, even though it's not vented that room  
7 will be heated and it will be heated quickly and  
8 hotly if you will and so there's no may about it.

9 And so as we read that definition we could  
10 not understand how that definition leads to a  
11 conclusion that vent free gas logs wherever they are  
12 installed are somehow included as a hearth product.  
13 It's inconsistent.

14 MR. BROOKMAN: Let's hear additional  
15 comments on the definition. I am going to turn to  
16 you in a moment Barton. Other comments before? Okay  
17 keep going Barton.

18 MR. DAY: The other puzzling thing about  
19 the definition is just you know we have got a rule  
20 that's directed at pilot lights and the definition  
21 covers and is apparently intended to cover and that's  
22 why I wanted to go on to the examples, we have got



1 the radiant patio heaters, well they don't present  
2 the kind of product -- they don't present the kind of  
3 issue that DOE is concerned about, the possibility of  
4 pilot lights being left on indefinitely.

5           The other thing I would say about that  
6 type of product is they are not in any normal English  
7 sense a hearth product so I don't -- two things to  
8 conclude either the word hearth doesn't mean anything  
9 either well I guess that's the only answer if those  
10 products are in and then it does lead to the question  
11 if they are in what else don't we know about because  
12 again we wouldn't have guessed that they would be  
13 involved in this.

14           I guess one of the points I wanted to  
15 emphasis is why do we have products included in this  
16 that don't have pilot lights? I mean there are whole  
17 categories of products, match lit log sets, whole  
18 categories of outdoor products. I mean there's a  
19 vast you know, herd of products that operate on small  
20 propane tanks. They can't possibly have their pilot  
21 lights be left on indefinitely and produce the kind  
22 of gas usage that you are concerned about.

1           Are they intended to be covered or not? I  
2           guess with patio heaters the answer has got to be  
3           yes. So we are stumped and it is an issue that we  
4           literally particularly with the apparent inclusion of  
5           patio heaters that are so different from anything  
6           else, what else is covered? What else is intended to  
7           be covered? I mean the whole language would cover  
8           anything.

9           MR. BROOKMAN: Ashley Armstrong?

10          MS. ARMSTRONG: This is Ashley from DOE.  
11          I think what you see -- so I can appreciate the fact  
12          that there is some confusion in the room. I think  
13          what would be most helpful to the Department at this  
14          point is suggestions. So what you see on the slide  
15          examples of products currently on the market that we  
16          feel meet our definition, our proposed definition of  
17          hearth product.

18          Obviously this is not an exhaustive list,  
19          it was not meant to be an exhaustive list of  
20          pictures. Any product out there that would generally  
21          speaking meet that definition on the last slide would  
22          ultimately if we end up going forward with this and

1 finalizing be covered under the rule. So at this  
2 point I think it's you know, Barton you listed some  
3 examples of certain products you felt should or  
4 shouldn't be on it and so I think what would be  
5 helpful to us is how would you suggest that the  
6 definition be changed and that's open to everyone.

7 But I think that's going to be and why,  
8 that's more helpful to us than saying we don't  
9 understand your definition. So I think that would  
10 help us better understand your position and how it  
11 compares to our definition going forward.

12 MR. DAY: We did put in, this is Barton  
13 Day again, we did put in some suggestions on that and  
14 I would you know I will go back just to the point  
15 that we don't think it's legal to approach it this  
16 way but let's put that aside because at least let's  
17 figure out which products we are arguing about so  
18 that we can have an intelligent conversation.

19 And for that purpose you know we have made  
20 some suggestions. You have got a number of products  
21 illustrated up there that are fireplaces. Fireplace  
22 is a good plain English word, I think everybody knows

1 what a fireplace is so I would say if you want to  
2 cover fireplaces say fireplaces.

3           You have got stoves, free standing gas  
4 stoves up there, again good plain English, everybody  
5 knows what that is. You have got an outdoor gas  
6 fireplace presented there and plain English works  
7 pretty well on that. You have got log sets -- I  
8 think you have to identify the products because if  
9 you use these general terms about presenting a flame  
10 then you have the question of well why wouldn't that  
11 cover gas lights? Why wouldn't that cover barbeque  
12 grills? Why wouldn't it cover kitchen stoves?

13           And so I think you really you have to tell  
14 us what products you are interested in rather than  
15 having a broad definition that includes all kinds of  
16 other things. And the other suggestions that we  
17 have made are -- don't include products that aren't  
18 relevant to what's animating this rule and I put  
19 patio heaters in that category. They don't have  
20 standing pilot lights that can be left on  
21 indefinitely. They are just not relevant to this  
22 discussion.

1           Most outdoor products, like fire tables  
2     like that if you put a standing pilot light on that  
3     it blows out I mean those products don't have  
4     standing pilot lights, they are just not designed  
5     that way.

6           MR. BROOKMAN: So that's another criterion  
7     standing pilot lights?

8           MR. DAY: Well you know you are asking me  
9     to guess. The comments that we put in limit the  
10    scope of the definition to the scope of the problem  
11    that you are trying to address. That would in my  
12    view leave out essentially all outdoor products, it  
13    would leave out propane products, it would leave out  
14    products like mass log sets that by definition don't  
15    have standing pilot lights. There is just no reason  
16    to have them included in a rule where there's no  
17    potential for energy conservation benefits because of  
18    the inherent nature of the product.

19           MR. BROOKMAN: I saw Jack first.

20           MS. ARMSTRONG: Hang on one second and  
21     this is actually for Jack so perhaps he could answer  
22     this as he also makes his comments. Your association

1 broadly is HPBA hearth patio and barbeque so what  
2 does hearth mean in your world?

3 MR. GOLDMAN: Well I would like to first  
4 start by saying that we are being put in the position  
5 of telling you what we think should be regulated when  
6 it is your job to define what is being regulated.  
7 You know, so we don't understand what you want to  
8 cover and you are saying well we are not telling you  
9 well so why don't you tell us? Why don't you do our  
10 job for us? Okay

11 Hearth product -- excuse me, hearth  
12 product is defined as the base, the bottom of a  
13 fireplace. It's the stone or masonry bottom of a  
14 fireplace only.

15 MR. STAS: Eric Stas, DOE I would just  
16 point out that this is not a rule -- the purpose of  
17 the product is not to ban standing pilot lights to I  
18 think you are looking at it from a wrong perspective  
19 in terms of what the products are generally, the  
20 standing pilot light is a technology that we are  
21 looking at here.

22 MR. GOLDMAN: I'm not sure I understand

1 that one.

2 MR. BROOKMAN: I'm going to keep up with  
3 the que, Rett you are next.

4 MR. RASMUSSEN: Rett Rasmussen. Mr.  
5 Suspect please tell me all of your transgressions so  
6 I can properly charge you with all the crimes that  
7 you should be charged with, that's what this is. And  
8 I know this isn't a judicial proceeding but you know  
9 this is the United States of America and you are just  
10 you know saying hey tell us everything and with the  
11 regard Mr. Stas to the standing pilot, this is your  
12 gateway drug into regulating all of the industry here  
13 and make sure you tell us everything you want to have  
14 regulated.

15 Anything with a flame pattern well it  
16 either has a decorative pattern or it doesn't have a  
17 decorative pattern but that's a pattern if you do  
18 that. It's such a broad definition the way you have  
19 it there its kitchen sink. It's a fishing  
20 expedition, it's ridiculous, it's a waste of time,  
21 it's a waste of everybody's efforts, you folks need  
22 to get down to business and you figure out what it is

1 that the issues are that you need to regulate on. I  
2 mean I distribute radiant patio heaters, they are all  
3 electronic ignition, they are the most efficient type  
4 of burner systems you can get with infrared -- where  
5 is the need for regulation?

6 Where is the you know, I'm just blown away  
7 at what I consider to be just a lack of any type of  
8 reasonableness in this and how things are done in  
9 this country. I don't know about Canada but at least  
10 in the United States that's how things are done here.

11 MR. BROOKMAN: Barton do you want in here?

12 MR. DAY: Yeah, again I think the key here  
13 and Ashley I think one of the things that you said  
14 that is most troubling for us is well anything that  
15 meets the definition will be covered and I can tell  
16 you that I think by statute the only thing that's  
17 covered is what you analyze and justify a standard  
18 for.

19 And the problem is that you -- in the  
20 analysis there's so many assumptions that everything  
21 is the same and that all of these products have these  
22 homogenized characteristics I mean yeah you put



1 outdoor and you average an outdoor fireplace with a  
2 patio heater which is like averaging a ping pong ball  
3 with a light pickup. They are completely different  
4 and the average tells you absolutely nothing and  
5 again I think it's informative that from looking at  
6 everything that was in the proposed rule in the NOPR  
7 itself, we never would have guessed that radiant  
8 patio heaters are in there if they hadn't been named  
9 by name in the TSD and shipment numbers put together.

10 And so we wouldn't have even known to  
11 comment, excuse me they don't have standing pilots.  
12 Those products don't have standing pilots you  
13 couldn't leave them on indefinitely if you wanted to  
14 and they would be subject to this rule, they would be  
15 subject to the paperwork requirements and everything  
16 else and there's no way -- there is no way you can  
17 justify the proposed standards for those products.

18 There's no way the standard could be  
19 justified for match lit log sets and I understand  
20 your point Eric that you are sort of viewing the  
21 coverage determination as something separate but the  
22 coverage determination can't be made without a

1 rational explanation as to why you think the product  
2 is worthy of regulating and what you are focused on  
3 is regulating pilot light use.

4           And I don't see how you can rationally  
5 include in the definition products that by definition  
6 don't have pilot lights. Do you see what I am  
7 saying? And again you know if we can't agree on what  
8 it is that you think you should be regulating let's  
9 at least agree on what you think you should be  
10 regulating so that we can understand what products we  
11 have to focus on and provide an explanation about.

12           MR. BROOKMAN: Leslie you are next, use  
13 the microphone.

14           MR. BORTZ: I'm sorry Eric I think you  
15 mentioned that this isn't only about pilot kits?

16           MR. STAS: Eric Stas DOE I think the point  
17 is when you are looking at the covered products it's  
18 what do you see out in the market, in the real world,  
19 that would be types of units that are out there.  
20 It's the standing pilot is a technology that we are  
21 looking as an option of improving energy savings.

22           MR. BORTZ: Right.

1           MR. STAS: So I think you're -- it doesn't  
2 seem to fit this argument that you are sort of like  
3 saying the product class is something with a standing  
4 pilot light and that is sort of putting the cart  
5 before the horse or what have you.

6           MR. BORTZ: I think that's what you are  
7 doing, however let me ask you does that mean that a  
8 barbeque is included in this?

9           MR. CYMBALSKY: So you would see the  
10 definition so if it meets that definition.

11          MR. MOROZ: Does it? Does it? You are  
12 the guy who makes the definition? Does it?

13          MR. CYMBALSKY: We will take your comment  
14 on that, thanks.

15          MR. STANONIK: Frank Stanonik, AHRI  
16 specific to that point and barbeque I assume we are  
17 talking about a gas grill. I'm not aware that any  
18 gas grills are designed to provide any type of  
19 specific flame pattern. It's in no way shape or  
20 form, there's a flame but nobody spends time  
21 designing it to make a flame pattern.

22          MR. RASMUSSEN: It depends on your

1 definition of pattern.

2 MR. STANONIK: Well pattern in fact  
3 suggests design and attempt to me but the point is  
4 there is no way this definition should be inferred or  
5 intended to cover a gas grill.

6 MR. BORTZ: Does it?

7 MR. BROOKMAN: Leslie back to you keep  
8 going.

9 MR. BORTZ: Well I asked the question does  
10 it.

11 MR. BROOKMAN: I saw Ryan first, Ryan you  
12 want in here?

13 MR. CARROLL: Yeah I was just going to say  
14 the first part of this comment box DOE seeks comment  
15 on the proposed definition and here we are asking  
16 does this fit and we are being told well tell us  
17 whether or not it fits. I mean when I hear -- what I  
18 hear now is that definition sounds like it is set in  
19 stone and I thought there was an opportunity to  
20 comment which everybody here has about the way we did  
21 in January at the end of the comment period as well.

22 MS. ARMSTRONG: It's definitely still over

1 definition you are welcome to comment but --

2 MR. CARROLL: Then how can we tell you  
3 what fits when that's so influx, if it is still  
4 influx?

5 MR. BROOKMAN: Wait.

6 MR. STAS: You have seen the slide with  
7 the photos of the general types of products that were  
8 used as examples so perhaps you could help us craft a  
9 better definition to capture that type of products,  
10 maybe you think there's a better way to narrow it.  
11 So I mean I think the people in this room can sort of  
12 understand what we are trying to get at here I mean  
13 without taking things to extremes.

14 MR. MOROZ: What are you trying to get at?

15 MR. BROOKMAN: Hang on, that was Eric Stas  
16 now Steve.

17 MR. ROSENSTOCK: Steve Rosenstock, Edison  
18 Electric Institute. You know I used to do stuff at  
19 ASHRAE and ICC where we talk about definitions and  
20 that's because it makes such a difference for those  
21 codes. The way that it is written right now because  
22 of the words or other purpose I am afraid to say that

1 yes, barbeques would be covered because that is an  
2 "other purpose" so would gas lights, they are "other  
3 purpose" to provide illumination.

4           Again just the way the definition reads  
5 right now because it says other purpose it could be  
6 any gas product that is not covered, stoves and  
7 ovens, residential are covered in other DOE  
8 rulemakings but the way it is written right now it  
9 could cover barbeques it could cover gas lights and  
10 I'm sure there are other products that I am thinking  
11 about.

12           MR. BROOKMAN: So I'm hoping as several  
13 commenters have suggested that we can continue to  
14 provide useful comment on what this definition might  
15 be Barton you are next.

16           MR. DAY: The last comment is absolutely  
17 correct. I mean as I parched the language you know  
18 at the beginning of this discussion that definition  
19 covers every gas appliance that produces a gas flame  
20 for every purpose. Any purpose at all, so it covers  
21 water heaters, it covers central furnaces it covers  
22 every gas product that you have already regulated,

1 every gas product that you ever might regulate. It  
2 is not a useable definition.

3           You can't make any kind of regulatory  
4 determination without having an intended target.  
5 Tell us what the intended targets are so that we at  
6 least know what we have to comment on and you know  
7 again you have given us examples okay, we can comment  
8 on fireplaces we know you want to talk about  
9 fireplaces, great, let's talk about fireplaces but we  
10 can't talk about you know shipment numbers.

11           For some category if you are secretly  
12 including gas lights in there and we have no idea. I  
13 mean I would presume that you are not intending to  
14 include central furnaces but you have never said so  
15 so I assume you are not covering kitchen cooking  
16 stoves. But the words of the definition include them  
17 and that's the problem is that you know we need to  
18 understand what and you need to tell us you know the  
19 various places that you know you raise the question  
20 of well what's you know -- how do we address the  
21 intended products?

22           What are the intended products? We are

1 not intending you are intending and you need to tell  
2 us what you are intending so that we have an  
3 opportunity to comment.

4 MR. BROOKMAN: Rett

5 MR. RASMUSSEN: Rett Rasmussen yes we  
6 commented on this a year ago during the coverage  
7 proposal and now it's the same question again without  
8 any feedback, without any determination, without  
9 anything from DOE so it's kind of all we can look at  
10 it as is well you didn't give us the right answers we  
11 are looking for so give us other answers. So that's  
12 the frustration and we would like to see something  
13 back from DOE other than thank you for your comments,  
14 let's have a dialogue please.

15 MR. BROOKMAN: Frank.

16 MR. STANONIK: Frank Stanonik, AHRI. As  
17 far as recommending a different or improved or  
18 alternative definition I will indicate that in the  
19 rulemaking that was conducted and mostly completed on  
20 revising the standards for direct heating equipment  
21 we at that time were on record indicating that DOE  
22 should rely on and use the definition for various



1 types of vented, I'll use the word advisedly hearth  
2 products that are presented in the Z21 series of  
3 standards. Now we are here today because in fact DOE  
4 is intending to address a different set of products  
5 that are not included as direct heating equipment  
6 that is what that proposed determination is about and  
7 that's what this rulemaking is about.

8           And if that is the case okay, to me it  
9 further emphasizes that they should rely on the long  
10 established recognized industry definitions for  
11 various types of I'm going to use the word decorative  
12 gas fired products that are in the Z21 series of  
13 safety standards. The reason back in the other  
14 rulemaking the direct heating rulemaking where at  
15 least one of the reasons were the suggestion was not  
16 accepted was some concern that by if you will, gaming  
17 the definitions one might avoid regulation from  
18 federal standards.

19           But if in fact this all goes through that  
20 issue avoiding regulation will go away because they  
21 will either be regulated as a vented heating -- or  
22 I'm sorry as a piece of direct heating equipment

1 which already exists or they will be regulated as  
2 this new category of a new covered product whatever  
3 it is going to be called.

4           So to me that really eliminates one of the  
5 reasons not to use the industry definitions and if  
6 you use the industry definitions we can get past this  
7 point of -- well I will rephrase that. I believe it  
8 will be much clearer as to what will be covered or  
9 what is intended to be covered as opposed to as we  
10 are getting back into discussing the same  
11 conversation we had at the rulemaking on the proposed  
12 determination rule.

13           MR. BROOKMAN: Yes Leslie?

14           MR. BORTZ: I believe right now there is  
15 no standard or definition to these products.  
16 Interestingly and I really don't know the answer to  
17 this, I think I know the answer. Over the past few  
18 years when there has been no standard I believe that  
19 most products in the industry have become more  
20 efficient without a standard.

21           More so than your standard would have  
22 called for because your standard doesn't start for

1 several years. I think there are more heater  
2 fireplaces than the numbers you gave in 2011 compared  
3 to decorative fireplaces. I know our products use  
4 less gas wherever we can and have Rett you have  
5 products that you are losing less gas. The trend  
6 toward making more efficient products has nothing to  
7 do with the fact that you don't have a standard.

8 Is there anybody that would possibly like  
9 to help me on this because --

10 MR. BROOKMAN: I would like to finish out  
11 this segment and then we are going to go and take a  
12 break so as I see it we are now on the regulatory  
13 approach slide 15 and I think we are hearing again  
14 from John Cymbalsky.

15 MR. CYMBALSKY: Okay so we are on slide 15  
16 as Doug said the regulatory approach so DOE  
17 considered two options for energy conservation  
18 standards for hearth products and so number one would  
19 be a performance based standard so that would be  
20 either an efficiency level or a standard for the  
21 maximum energy allowed or a design which is a  
22 prescriptive standard pursuant to the definition of

1 energy conservation standard at 42 U.S.C. 6291(6).

2 DOE may establish either a performance  
3 standard or a design standard for these products but  
4 not both. So to assess these two options DOE  
5 reviewed available technology options for performance  
6 based standards and design standards, compared  
7 options for reducing active and standby mode energy  
8 consumption and considered these for all hearth  
9 products meeting the proposed definition.

10 DOE concluded that a prescriptive design  
11 requirement would be more effective than a  
12 performance based requirement for the following  
13 reasons. First of all there would be less burden on  
14 manufacturers because testing for an efficiency  
15 standard would not be required. There would be a  
16 single requirement that would apply to all products  
17 meeting the hearth product proposed definition and  
18 that product classes are unnecessary because standing  
19 pilot functionality components and energy use are  
20 similar across all hearth products.

21 DOE notes that it did group different  
22 product categories of hearth products commonly found

1 in the market for use in this analysis of potential  
2 performance standards, Barton?

3 MR. DAY: A couple of times there John you  
4 said that you would consider all hearth products.

5 MR. BROOKMAN: Your microphone.

6 MR. DAY: Oh sorry.

7 MR. BROOKMAN: Barton Day.

8 MR. DAY: Yeah Barton Day again, John a  
9 couple of times in your comments there you said that  
10 DOE considered some fact or another for all products  
11 meeting the definition. That presupposes of course  
12 that you have some concept of what is covered by the  
13 definition. That's what we are asking to hear, we  
14 have been around and around on that and we are not  
15 getting any kind of clarity as to what you  
16 considered. I would suggest and a way to try and  
17 make this meeting constructive would it at least be  
18 possible to hear from DOE what products it considered  
19 in coming up with its justification for the proposed  
20 rule.

21 I mean you have shipment data, shipment  
22 data for what exactly? You have average efficiency

1 numbers for what exactly? I mean that's what we need  
2 to know we can't comment on anything -- how do you  
3 comment on shipment numbers without knowing shipment  
4 of what, energy consumption of what. If we can at  
5 least cabin the discussion enough.

6 I want to end up with a constructive  
7 discussion here and you can see how we are flapping  
8 around. We don't want to just sit here and say well  
9 we don't know because you won't tell us what products  
10 and that's not going to be very helpful. You've --  
11 if you can articulate for us what products you looked  
12 at in the regulatory analysis then at least we can  
13 talk about that.

14 MR. CYMBALSKY: Okay I think this is a  
15 good stopping point we will pick up on this but let  
16 us take a few minutes to take a break.

17 MR. BROOKMAN: Yeah let's take a break we  
18 are due for a break. It's now 5 minutes after 11.  
19 We will resume in 15 minutes which means 20 minutes  
20 after 11. Please make sure to wear your badge or  
21 identification visible as you are walking around the  
22 halls, there are restrooms at both ends of the hall.

1 There's a coffee shop down on the ground floor you  
2 can get both water and coffee there at Dunkin Donuts  
3 and please don't leave the building or anything you  
4 will have to come back through security to get back  
5 in so we will resume here in this room at 11:20 and I  
6 appreciate everybody being so clear about their  
7 wants, needs and expectations. See you back here at  
8 11:20.

9 MR. BROOKMAN: Please start taking your  
10 seats we are going to resume. All set, okay we are  
11 going to pick up where we left off and I guess we are  
12 going to hear from Ashley Armstrong. Hey folks let's  
13 settle down please.

14 MS. ARMSTRONG: And unfortunately Barton  
15 is not here but I was going to go back to start  
16 addressing some of the things he raised earlier. So  
17 at break what I did was and granted I didn't have a  
18 whole lot of time but I did go back and quickly look  
19 at a couple of the comments that have been previously  
20 received in response to the proposed definition that  
21 was in the proposed coverage determination and  
22 actually Barton in his comments earlier raised a

1 couple of new points that hadn't previously been  
2 provided and they give issue -- they provide I think  
3 what I would call a pretty good foundation for DOE to  
4 go back and at least reconsider some of the changes  
5 that it would feel need to be made to the DOE -- to  
6 the proposed definition of a hearth product to  
7 address maybe some of the concerns.

8 But just to answer some of the questions  
9 in terms of scope, what is the analysis based on  
10 before we actually go forward and start talking about  
11 the analysis. A while back when we kicked off this  
12 effort one of the things that we did --

13 MR. BROOKMAN: Excuse me Ashley a few  
14 individuals have just joined us, we are just getting  
15 going here, we are just getting started please Ashley  
16 go ahead.

17 MS. ARMSTRONG: So a while back when we  
18 first kicked off some of these efforts one of the  
19 first things we did was reached out to HPBmA and we  
20 asked you guys for shipments information. And so DOE  
21 HPBA was kind enough to provide shipments information  
22 which subsequently can be found in the docket but it



1 is for these categories. So it's for vented  
2 fireplace, both inserts and stoves. It's for  
3 unvented fireplaces, both inserts and stoves, it was  
4 for log sets, both unvented and vented log sets and  
5 it was for outdoor products with the exception of  
6 patio heaters which were subsequently added in  
7 shipments data provided.

8 So to answer your question directly Barton  
9 we have data, all of these products for which the  
10 analysis is based on going forward. So I think you  
11 can generally see that DOE believe its definition was  
12 encompassing of this scope. You were out of the room  
13 when I started this but I think what you seeded  
14 earlier was pretty helpful to DOE.

15 I went back at the break and looked at  
16 some of the comments that were received on the  
17 proposed definition in response to the coverage  
18 determination and some of the things that you have  
19 said today in pointing out some of the confusion in  
20 our definition I think is more detailed than had been  
21 previously submitted and it is very helpful so we  
22 thank you for that.

1           And in response to that I think DOE can  
2 work with that going forward but this generally  
3 speaking on the side is the entire coverage. So we  
4 are hopeful that you will take this opportunity since  
5 you have been seeking opportunities to work with the  
6 Department and if you have specific comments about  
7 how we can refine our definition, you will use this  
8 as that opportunity to provide suggestions on how we  
9 can revise the definition given this scope.

10           MR. BROOKMAN: Please go to a microphone  
11 say your name.

12           MS. FEINSTEIN: Hi I'm Rachel Feinstein  
13 with the Hearth, Patio and Barbeque Association. I'm  
14 looking at the data that we provided to DOE and for  
15 outdoor products it was that was specified as factory  
16 built outdoor gas fireplaces, not outdoor products in  
17 general.

18           MS. ARMSTRONG: Yes.

19           MS. FEINSTEIN: It was specifically that  
20 thank you.

21           MR. BROOKMAN: Okay thanks for clarifying,  
22 Barton do you want in here?

1           MR. DAY: Yeah Ashley thanks that's very  
2 helpful. The picture still leaves some questions and  
3 I think the one that we have had the most difficulty  
4 trying to wrap our head around is outdoor products,  
5 you know as indicated you know the data that you got  
6 was you know related to built-in gas fireplaces. The  
7 inclusion of patio heaters came as a real surprise  
8 and sort of is a barn door thrown open and we just  
9 have no idea you know what else may be -- what else  
10 may be in there and again it's that outdoor category.

11           I mean what you have got shown in the  
12 picture there looks like it's a built-in type of fire  
13 table product, you know there are a lot of variations  
14 on these that don't make any sense in this rule for  
15 the same reason that I think the patio heaters don't  
16 which is they just don't have pilot lights and so  
17 they are not part of the issue that DOE is trying to  
18 address.

19           The other categories again we don't agree  
20 that they can all be lumped together but at least now  
21 we can know what we are talking about so that helps  
22 anything else that is not depicted there that we need

1 to worry about.

2 MS. ARMSTRONG: So I think what you will  
3 hear when we move forward is that this is generally  
4 the types of products that our analysis is based as  
5 we step through and talk about the market intact,  
6 some of the data we have collected, some of the  
7 products that we purchased and we took apart and how  
8 our analysis was based from the ground up was based  
9 on this subset of products on the slide so generally  
10 speaking we believed these were the subsets of  
11 products that meet our proposed definition.

12 Obviously you know presents a flame  
13 pattern to us that isn't anything that presents a  
14 flame pattern, it is something that the consumer  
15 would see a flame pattern, it is designed for that  
16 flame pattern sorry you know, that's not a furnace, a  
17 residential furnace. We will be talking about those  
18 later this week.

19 Or that is not a water heater it was not a  
20 residential cooking product that is otherwise  
21 characterized. Those provide a different function.  
22 This really was meant to be presented at least to us

1 present a clean pattern that that is what it's used  
2 for that is what it was designed for so you know,  
3 like I said we are open to any further suggestions  
4 you may have on the definitions this is defined in  
5 the scope and terms of what we analyze going forward  
6 which I think will at least help you in concentrating  
7 your comments for the rest of the days.

8           Some of the things that you have already  
9 said, Barton I think were really helpful to us and  
10 made us think a little further at break and go back  
11 and look at some of the comments that were already  
12 and talk about how we could further craft this to  
13 help get rid of some of the ambiguity so we  
14 appreciate you bringing those to our attention.

15           And that's the kind of constructive  
16 feedback we are looking for throughout this process.  
17 So we are hoping that is the way the rest of the day  
18 will go.

19           MR. DAY: That's helpful thanks.

20           MR. BROOKMAN: Leslie? Get that  
21 microphone close.

22           MR. BORTZ: I came in in the middle so

1 maybe you answered but she isn't here.

2 MR. BROOKMAN: Go ahead she can hear you.

3 MR. BORTZ: Do you intend to cover outdoor  
4 gas lights as hearth products:?

5 MR. CYMBALSKY: No so what you see here in  
6 our analysis this is what we contemplated for the  
7 definition.

8 MR. BORTZ: Do you intend to cover indoor  
9 gas lights? Does that mean that that's what you are  
10 going to do or does that mean that is what you  
11 contemplate now?

12 MS. ARMSTRONG: That is what at this point  
13 this is Ashley from DOE that is what we propose to  
14 do. Obviously our proposal is open for comment so if  
15 you agree with that you can say you agree. If you  
16 believe we should change course and include lights  
17 you can also comment that way one way or the other.

18 Right now as you can see lights were not  
19 expressly analyzed which means that's not something  
20 DOE thought of as being in scope.

21 MR. BORTZ: Okay does that mean that you  
22 will not regulate gas lights under this rule?

1 MS. ARMSTRONG: I cannot say will not  
2 until we finalize something that's the determination  
3 of will and won't. At this time they are not  
4 proposed to be in scope. It's still a proposal it's  
5 still out for comment. Nothing is final until we  
6 finish the proceeding.

7 MR. BROOMAN: Rett?

8 MR. RASMUSSEN: Rett Rasmussen. In  
9 looking at the intent of your coverage as depicted by  
10 those photos one of these things is not like the  
11 other and that's the patio heater. That's commonly  
12 referred to as a mushroom type heater of which that  
13 is one variety. The other variety is an infrared  
14 type installed heater and those do not have -- they  
15 have more heating function than they have aesthetic  
16 appeal with regard to any flame pattern.

17 Their flame pattern is one of nondescript  
18 pattern if you wanted to describe any type of pattern  
19 it is not the same aesthetic appeal that simulates a  
20 wood fire and so I would recommend that patio heaters  
21 be taken out of this intent of coverage, thank you.

22 MR. CYMBALSKY: Thank you Rett, I just

1 want to point out that is exactly the feedback we are  
2 looking for stated in that way, very helpful, well  
3 addressed it's constructive so we can work with that  
4 type of comment and you know go forward with that.  
5 And if you say you agree with DOE not to analyze  
6 lights, that's a constructive comment as well.

7 MR. BROOKMAN: Okay Barton?

8 MR. DAY: Yeah just a quick definitional  
9 point. It is the patio heaters that threw us because  
10 we couldn't see how they could fit in under a  
11 definition that said flame pattern.

12 MR. BROOKMAN: I thought there were many  
13 different things --

14 MR. DAY: I thought flame pattern meant  
15 what you explained a minute ago until we saw patio  
16 heaters.

17 MR. BROOKMAN: Are there many different  
18 kinds of patio heaters?

19 MR. DAY: They are fairly generic they are  
20 really suited to general types.

21 MR. RASMUSSEN: Actually you could put  
22 there is at least three different types, there is



1 also one that doesn't put as much heat but it is the  
2 spinning tube type one where it has a flame effect  
3 but people expect to have heat off, this is Rett.

4 MR. BROOKMAN: Okay thank you were you  
5 finished Barton? Okay you were. I really appreciate  
6 this last series of comments and the exchange that  
7 was there. Do we have additional comments based on  
8 these photographs about products and definitions,  
9 Leslie?

10 MR. BORTZ: It looks like you are  
11 intending to cover outdoor fireplaces.

12 MS. ARMSTRONG: This is Ashley that is  
13 correct.

14 MR. BORTZ: That is correct. How do you  
15 intend -- what do you intend to consider? What's  
16 going to be -- how are you going to -- I mean despite  
17 what you say in your analysis that there are  
18 extremely few outdoor fireplaces that have standing  
19 pilots.

20 MS. ARMSTRONG: Okay so first I do want to  
21 -- this is Ashley from DOE. So the definition of  
22 as Eric pointed out earlier the definition and then

1 the proposed standards are really two separate things  
2 for us. The presence of a standing pilot has nothing  
3 to do with DOE's definition of scope. DOE was  
4 defining the scope based on these characteristics of  
5 products in a more broad term.

6 Obviously we have had a lot of discussion,  
7 a very fruitful discussion and some suggestions about  
8 how DOE could further potentially change that  
9 definition to make it more clear. You know the  
10 presence or absence of a pilot though has nothing to  
11 do with whether products will or won't meet that  
12 definition. The pilot is nowhere in that definition.

13 That isn't the coverage determination,  
14 purely for defining what types of products are in in  
15 terms of regulatory coverage for DOE to finalize its  
16 coverage determination.

17 The second part of this and I think gets  
18 to your question which I am going to say partially I  
19 am going to answer throughout the day in terms of the  
20 proposed standards you know the analysis we did for  
21 standards is going to be presented through the rest  
22 of the day. It starts all the way from the market

1 assessment we did, what types of products we chose  
2 from the market. We took apart how we costed those  
3 and then downstream of that the economic analysis fed  
4 into lifecycle and national benefits and costs.

5 So I am going to hold your question in  
6 terms of what exactly we considered in terms of  
7 certain attributes and how we did that for the rest  
8 of the day but obviously if you see something  
9 throughout the day for any certain product that you  
10 have data or you feel is different you should comment  
11 on it, that's what this is all about.

12 MR. BROOKMAN: Leslie keep going.

13 MR. BORTZ: That outdoor fireplaces have  
14 -- you have in your statistics that 26% of outdoor  
15 fireplaces have a standing pilot. That's just not  
16 true.

17 MR. BROOKMAN: Okay.

18 MR. CYMBALSKY: We would look forward to  
19 the number that you think it is so data definitely  
20 will help .

21 MR. BROOKMAN: Barton?

22 MR. DAY: Just one quick one before we get

1 off the definitional point and that is that I  
2 understand what you are saying about coverage but  
3 there is going -- there's a separate definitional  
4 issue as to the scope of the standard because you are  
5 basically saying well we want the coverage  
6 determination to cover products whether they have got  
7 standing pilots or not but the standard really can't  
8 be justified for products that don't have standing  
9 pilot lights to begin with so we will just need to  
10 pick that up later.

11 MS. ARMSTRONG: So this is Ashley from  
12 DOE. So you are absolutely right and our analysis  
13 and all of our analysis there will be some fraction  
14 of the market that is not impacted by our standards  
15 and that usually means that they are at or above they  
16 already meet our standards so our standard has no  
17 impact on that percentage of the market and as we  
18 march through today and we talk about shipments and  
19 we talk about the distribution there will be some  
20 fraction of the market that we are going to  
21 acknowledge in these different categories that are  
22 already shipped without a pilot thus would comply.

1           MR. DAY: Just to clarify and I agree with  
2 what you just said I mean there are products that  
3 some have pilot lights some don't. There are some  
4 categories of products that don't have standing pilot  
5 lights at all and so there is no you know, there is  
6 no justification for having them subject to the  
7 standard.

8           MS. ARMSTRONG: Right so this is Ashley  
9 from DOE so if there are certain products as we march  
10 through today that could never have a standing pilot  
11 you know we welcome that feedback and we believe they  
12 shouldn't be subject to at least a pilot light, the  
13 consideration of a pilot that's something that you  
14 are more than welcome to provide comment on.

15           MR. BROOKMAN: Are we ready to move on  
16 now, I think we are ready to move to the market and  
17 technology assessment yes.

18           MR. CYMBALSKY: So this slide just shows  
19 you what we are all going to cover here in the next  
20 few hours so.

21           MR. ELSZASZ: Good morning, I think it is  
22 still morning. My name is Justin Elszasz. I'm a

1 managing consultant with Navigant Consulting and I  
2 will be presenting the market assessment as well as  
3 our engineering analysis. So to start off the  
4 purpose of the market assessment is to both  
5 qualitatively and quantitatively you know give really  
6 the big picture of the hearth market, the hearth  
7 product market and again this is using the proposed  
8 definition of hearth products.

9           So when we say we are characterizing the  
10 hearth industry we are talking about gas fired  
11 products. We used a couple of different resources in  
12 order to tackle the market assessment. One is  
13 through product literature review you know this is  
14 product literature that is generally available on  
15 line. Another is through confidential manufacturer  
16 interviews and another key resource was trade  
17 association data in this case from Hearth Patio and  
18 Barbeque Association.

19           As mentioned by John earlier additional  
20 technology options were considered by given the focus  
21 of the rule on a prescriptive standby you know  
22 standard the technology that is relevant to this

1 assessment is obviously electronic ignition.

2 If I can change slides, okay. So the next  
3 few slides are going to be the groups of products  
4 that were analyzed as part of the hearth product  
5 analysis going forward. So the first of these groups  
6 again we saw these groups earlier on an earlier slide  
7 during what John and Ashley were talking about.

8 The first of these groups was vented  
9 fireplaces, inserts and stoves and that of course  
10 includes both b-vent and direct vent styles. The  
11 next in these groups is of course the unvented  
12 variety so similar style products, fireplaces,  
13 inserts and stoves but without the means for venting  
14 byproducts of combustion outside of the building.

15 Unvented products both in this category as  
16 well as unvented gas logs which we will see in a  
17 moment of course include the oxygen depletion sensor.  
18 The next group, these are the next two groups, vented  
19 gas logs and unvented gas log oh I think Frank has a  
20 --

21 MR. BROOKMAN: Frank Stanonik.

22 MR. STANONIK: Frank Stanonik AHRI. Since

1 you have identified it here I am going to take the  
2 opportunity to point out you do show that unvented  
3 products do require an oxygen depletion sensor which  
4 is in fact built-in to the pilot system and in the  
5 previous slide DOE explained or it was explained that  
6 product classes are necessary because standing pilot  
7 functionality is similar across all hearth products  
8 and again I'm only dealing with the definition as  
9 proposed but in fact the pilot on an unvented product  
10 has a very unique functionality that is not found in  
11 any other types of vented I'm sorry, any other types  
12 of hearth products as defined here and you have  
13 identified it it's the ODS which is part of the pilot  
14 system so I think that has been overlooked in terms  
15 of how DOE has been approaching this requirement.

16 MR. ELSZASZ: I actually have a follow up  
17 question to that. Is there a specific difference  
18 between the standing safety pilot and an electronic  
19 ignition in terms of functionality or safety? So in  
20 other words would you know you mentioned that the  
21 oxygen depletion sensor has a safety component to it,  
22 you know we would look for feedback as to whether the



1 electronic ignition system could sufficiently you  
2 know supplant those functions I guess.

3 MR. STANONIK: Frank Stanonik AHRI okay  
4 I'm not sure I understood the question because when  
5 you say electronic ignition system to me are you  
6 talking about a system that would light a pilot and  
7 then the pilot would be there operating as opposed to  
8 electronic ignition systems which just will directly  
9 ignite the main gas.

10 MR. ELSZASZ: Yes so primarily we are  
11 concerned with intermittent pilot ignitions as I will  
12 mention later we found that that was the predominant  
13 style of electronic emission in the hearth product  
14 market so I guess the question here is whether or not  
15 an IPI system could satisfy the safety and  
16 functionality that a standing pilot would for  
17 unvented products.

18 MR. STANONIK: Okay I understand the  
19 question we will try and get you an answer.

20 MR. ELSZASZ: Okay, thank you.

21 MR. BROOKMAN: Leslie?

22 MR. BORTZ: I don't -- I believe in

1 today's world that yes it could but it couldn't do so  
2 as reliably and of course reliability is critical.

3 MR. ELSZASZ: Okay thank you.

4 MR. BROOKMAN: Thank you Leslie.

5 MR. ELSZASZ: I will go ahead and move on.

6 So again the next two groups here that we have  
7 identified are vented gas log sets and unvented gas  
8 log sets. Of course as was mentioned earlier I think  
9 we have kind of discussed some of the key features of  
10 gas log sets earlier in opening statements but gas  
11 log sets are typically installed and existing masonry  
12 fireplaces. Of course a distinguishing feature  
13 between these groups as well that are vented or  
14 unvented or not and these products also, you know  
15 what was mentioned before don't include an enclosure  
16 or heat shielding so I guess on that there. And of  
17 course the last product category that we kind of  
18 analyzed and we have already discussed this quite a  
19 bit are outdoor products.

20 MR. ROSENSTOCK: Steve Rosenstock, Edison  
21 Electric Institute. For this particular sub-category  
22 wouldn't the majority of a lot of these products --

1 I'm just more familiar with these products in  
2 commercial settings rather than residential so did  
3 you do that sort of break out, whether it is more  
4 commercial versus residential because you know it  
5 does make a difference in terms of type of product  
6 coverage sometimes under DOE?

7 MR. ELSZASZ: Well so when it comes to I  
8 guess the differences between how they are used and  
9 energy use I guess I would defer to later portions of  
10 the analysis specifically the energy use analysis.

11 MS. ARMSTRONG: But Steve to your point  
12 for coverage the answer is no.

13 MR. CYMBALSKY: Move on.

14 MR. ELSZASZ: The products covered are not  
15 based on if it goes in a commercial building or a  
16 residential setting.

17 MR. BROOKMAN: Thank you Ashley and John  
18 Cymbalsky both, proceed.

19 MR. ELSZASZ: So based on data that we  
20 received from Hearth Patio and Barbeque Association  
21 we were able to estimate market shares again of the  
22 gas fired hearth product market and so these are the

1 -- you know estimates that we came up with. Again  
2 outdoor product category was adjusted starting with  
3 HPBA data as a starting point but was adjusted to  
4 include patio heaters and I think we have a question?

5 MR. HOUCK: James Houck.

6 MR. BROOKMAN: Why don't you leave that on  
7 James?

8 MR. HOUCK: Okay now can you hear me?

9 MR. BROOKMAN: Yeah.

10 MR. HOUCK: James Houck. Yeah I have a  
11 couple points regarding your market assessment  
12 slide. One is I'm not questioning the accuracy  
13 although I don't have the numbers in front of me but  
14 the division of how you categorize these different  
15 types of appliances I think may cause considerable  
16 confusion and if it was involved in DOE's projection  
17 of future markets it's totally inappropriate and the  
18 project that this shows in the rule in the technical  
19 support document is quite an error.

20 What I'm referring to is you have  
21 grouped vented fireplaces, inserts and stoves  
22 together and unvented fireplaces, inserts and stoves

1 together and vented gas logs and unvented gas logs  
2 off to the side. Inserts and gas logs are for a  
3 retrofit market. Fireplaces and stoves are primarily  
4 not entirely, but primarily for a new housing market  
5 therefore the impact that it will have on the  
6 prediction of future markets will be different if  
7 they are categorized in this way.

8 For example you would not want to use a  
9 new housing development for estimating of the gas log  
10 sets or the inserts which appears to be the case.  
11 Also what I want to talk about later I hope I have  
12 the opportunity is the ramifications that these have  
13 on safety and air quality.

14 MR. BROOKMAN: Okay thank you.

15 MR. ELSZASZ: Okay as far as the comments  
16 you had regarding shipments those will be  
17 particularly useful during the shipments analysis  
18 discussion which is a bit later so if you have you  
19 know, comments regarding what was used as far as  
20 correlations go to predict shipments into the future  
21 that I think would be the time to you know state  
22 those comments.

1 MR. BROOKMAN: Dana?

2 MR. MOROZ: Dana Moroz, Wolf Steel. I  
3 don't have numbers unfortunately to support it but I  
4 am gravely concerned about the 15% of outdoor  
5 products that your assessment has identified. I  
6 think that's grossly exaggerated certainly based on  
7 our production and our sales without having those  
8 numbers in front of me to quote to you.

9 MR. ELSZASZ: Okay thank you. If there  
10 aren't any more comments I am going to go ahead and  
11 move on. So as we stated earlier you know this  
12 rulemaking is focused on a prescriptive requirement  
13 and so digging into the market assessment a little  
14 bit further we are looking at the different types of  
15 ignition systems that are in the market and generally  
16 these fell into three different categories, match lit  
17 which is essentially the lack of the ignition system,  
18 the constant burning or standing pilot which we have  
19 discussed earlier and the electronic ignition.

20 Again we will discuss this a little bit  
21 further later but we found that as far as electronic  
22 ignitions go intermittent pilot ignition systems are

1 the primary form found in the hearth product market  
2 and so based on several resources including comments  
3 we have gotten during confidential manufacturer  
4 interviews these are the estimates that we came up  
5 with for each of the hearth product groups, split out  
6 by their ignition type.

7 So I think I'll pause here and leave this  
8 up for a second if anyone has comments on these  
9 estimate shares.

10 MR. BROOKMAN: Barton?

11 MR. DAY: Yeah one of the major issues is  
12 that you missed a technology completely. The  
13 industry developed a technology that was developed  
14 solely to achieve greenhouse gas emission reductions  
15 and its now being standardized under ANSI under the  
16 name On Demand. Be careful with that terminology  
17 because some people in the industry have used that  
18 for other types of devices but it is a device that  
19 was designed specifically to eliminate unnecessary  
20 pilot use.

21 It's been in use in the industry for the  
22 last several years. Its use is expanding and so you

1 know it is an important -- it's a very important  
2 change in terms of the innovation that has gone on  
3 and in the industry of which there has been quite a  
4 bit. I would also point out that match lit  
5 technology isn't legal for vented indoor products so  
6 there is no such thing as a match lit indoor product  
7 except for --

8 MR. ELSZASZ: Sorry was that vented or  
9 unvented?

10 MR. DAY: Vented. The sole exception to  
11 that is unvented I'm sorry vented gas log sets only  
12 natural gas, only in some jurisdictions and for  
13 outdoor it is the predominant, it's the predominant  
14 approach in your standing pilot numbers for outdoor  
15 products or probably or to magnitude high at least.

16 MR. ELSZASZ: Thank you.

17 MR. BROOKMAN: Frank Stanonik?

18 MR. STANONIK: Frank Stanonik AHRI. With  
19 regard to your numbers here on unvented products  
20 whether it is a gas log set or otherwise at least  
21 from the perspective of the manufacturers we  
22 represent the electronic ignition percentage is so



1 small it is practically zero so we think you have  
2 certainly overestimated what percentage of these  
3 products have electronic ignition as you have defined  
4 it here.

5 MR. ELSZASZ: Thank you.

6 MR. STANONIK: We will try to get you a  
7 more precise number but it is going to be small.

8 MR. ELSZASZ: Thanks.

9 MR. BROOKMAN: Yes please Barton?

10 MR. DAY: The other key point is that  
11 these numbers if you had looked at these numbers five  
12 years ago they would be totally different. If you  
13 look at them five years from now without any DOE  
14 activity they would be completely different. This is  
15 an area where innovation in the industry has been a  
16 major factor and these numbers are changing very  
17 rapidly.

18 MR. ELSZASZ: Just to follow up when it  
19 comes to the additional ignition type that you have  
20 mentioned I think what would specifically help us  
21 would be again shipments data so that we could  
22 accurately reflect market shares here.

1 MR. DAY: Well you can't because the  
2 picture is changing very rapidly.

3 MR. ELSZASZ: I see okay, thank you.

4 MR. CYMBALSKY: So this is John from DOE  
5 could Barton or somebody else comment on what it  
6 actually does in terms of the On Demand and how many  
7 hours of non-active mode does it shut itself off  
8 with? The way I understood it earlier that is what  
9 it means to be On Demand. Is there a common out grid  
10 on the set up of these things or?

11 MR. BROOKMAN: Ryan.

12 MR. CARROLL: Yeah Ryan Carroll with HPBA.  
13 It's programmable so it could be as few as a handful  
14 of hours that might be set by the controls  
15 manufacturer I believe.

16 MR. CYMBALSKY: Factory set at some level?

17 MR. CARROLL: Maybe.

18 MR. CYBASKY: But is it shipped by the  
19 manufacturer at some level of hours?

20 MR. SCHLACHTER: In our case yes.

21 MR. BROOKMAN: Is it John?

22 MR. SCHLACHTER: I'm sorry John

1 Schlachter, Maxitrol, yes the manufacturer determines  
2 the length of time per the main burner not to be  
3 active. After that time period times out it  
4 extinguishes the pilot.

5 MR. CYMBALSKY: Can you tell us the hours?

6 MR. DAY: This is Barton Day again the key  
7 point about it is that it is designed to eliminate  
8 all pilot light gas consumption except during  
9 relatively heavy periods of product use and so the  
10 prospect of standing pilot lights being left on  
11 outside the heating season or outside the intensive  
12 use season it completely eliminates that.

13 MR. CYMBALSKY: Right so I guess what  
14 would help us in our analysis is just two fold right  
15 so we would like to make a more accurate depiction of  
16 how the market is moving in terms of the shipments  
17 and then at the same time be able to know how to  
18 adjust our hourly -- our annual hours of non-use just  
19 to get the energy correct to so that would -- both of  
20 those things would be helpful.

21 MR. BROOKMAN: Okay John?

22 MR. SCHLACHTER: I just wanted to comment

1 that yeah it's programmed and shipped to the  
2 manufacturer that way. It's not a user programmable  
3 function so the consumer can't change that timing.

4 MR. BROOKMAN: Okay thank you, comment  
5 from someone who is joining us online, Martin Thomas  
6 says there is also a remote operated pilot which  
7 makes it easy to turn the pilot on and off, Dana you  
8 are next.

9 MR. MOROZ: I just wanted to comment that  
10 this we are talking about new technology that is  
11 evolving and these numbers as Barton has pointed out  
12 shows a trend that the industry is working towards  
13 developing new technology so I have asked for a  
14 definitive timeline that these controls shut down is  
15 it practical? There are new systems being developed  
16 every day. We are going to our suppliers and we are  
17 saying here's what we are looking at and what's  
18 practical -- what works best and achieves the desired  
19 effect which is a satisfied customer.

20 So to come up with a timeline and say this  
21 specifically is what they are going to do today is  
22 not practical, we haven't got there yet with our

1 technology. We have one on the market today the  
2 standards for pilot controls are just being revised  
3 by a technical committee to address this new type of  
4 technology and so it would be premature for us to  
5 come up with a definitive time line for them.

6 MR. BROOKMAN: Frank Stanonik?

7 MR. STANONIK: Frank Stanonik AHRI. Just  
8 one other point in terms of what this particular NOPR  
9 I can't help but note that although you presented in  
10 a slide I'll say at least a pseudo-definition of  
11 constant burning standing pilot no such definition  
12 was provided in the regulation so I think for all of  
13 us it might be helpful to at least see what DOE  
14 proposed or what they believe is the definition of  
15 constant burning pilot.

16 In the absence of that I am assuming it is  
17 the common industry definition which is fairly  
18 similar to what we see on the slide that being the  
19 case the On Demand pilot shuts off the pilot not with  
20 any additional user interaction, is not by definition  
21 a constant burning standing pilot.

22 MS. ARMSTRONG: Right and this is Ashley.

1 So that brings up a good point and to both of yours  
2 would you suggest that DOE analyze that as a design  
3 option in this rule?

4 MR. STANONIK: Of course.

5 MR. DAY: I think I would suggest --

6 MR. BROOKMAN: Barton Day?

7 MR. DAY: Yes sorry I apologize. I think  
8 I would suggest that the issue that you are trying to  
9 address probably won't be around in five years.

10 MR. BROOKMAN: Yes Rett?

11 MR. RASMUSSEN: Rett Rasmussen. Just  
12 since the last time we were here three and a half  
13 years ago our gas logs sales were about 3 to 5%  
14 electronic ignition systems. Last year it was up to  
15 about 14% so we are working on it ourselves but as I  
16 said in my comments with our types of products we  
17 have a very hard limit with current technology or  
18 even expected technology because of the extreme cost  
19 to develop by the control manufacturers products with  
20 electronic ignition that will accomplish what you  
21 want for larger fireplaces that just isn't available  
22 and I would be out of business in that segment if

1 this went through.

2 MR. BROOKMAN: Okay well thanks for that  
3 specificity that is helpful and please hand that  
4 microphone to Leslie.

5 MR. BORTZ: I don't mean to question you  
6 Rett but I think there's a big difference between the  
7 amount of electronic ignition systems on LP as  
8 compared to natural. Do you see that?

9 MR. RASMUSSEN: Rett Rasmussen we sell  
10 more natural gas sets than we do propane for vented  
11 products, for vent free it's still a little bit more  
12 skewed to the natural than propane but as far as the  
13 electronic ignition system usage I haven't analyzed  
14 it between the two gas types. I think it's still  
15 skewed a little more towards natural just because it  
16 is the larger proportion of our sales.

17 MR. BORTZ: Excuse me Leslie Bortz. I  
18 believe that proportionately there is more sold to  
19 the LP market because the LP market has a pilot that  
20 costs more money to run.

21 MR. BROOKMAN: Okay.

22 MR. ELSZASZ: Thank you that's helpful.

1           MR. BROOKMAN: So we are going to keep  
2 moving on with the market assessment.

3           MR. ELSZASZ: Actually we are moving on to  
4 the engineering analysis. So the purpose of the  
5 engineering analysis is basically you start to put  
6 some numbers to this. So the idea here is to  
7 determine what the cost difference is for the  
8 proposed prescriptive requirement disallowing  
9 standard pilots. So the methodologies used here,  
10 it's kind of a combination of two approaches. One is  
11 a design option approach which seeks to determine the  
12 incremental cost of adding on a new technology or  
13 design and the second methodology is reverse  
14 engineering or in other words tearing down the  
15 physical product, determining its bill of materials  
16 and then assigning costs based on that bill of  
17 materials.

18           Again focused on the prescriptive -- the  
19 potential prescriptive standard here we have assumed  
20 that a standing pilot model would need to convert to  
21 an intermittent pilot ignition again. We found that  
22 IPI or intermittent pilot ignitions are more



1 predominant in a hearth market. And also I will just  
2 mention going forward that as it was mentioned  
3 previously match lit systems you know, of course  
4 don't have a standing pilot and so you know when it  
5 comes to discussing the effects of the proposed  
6 standard the match lit systems aren't really  
7 considered.

8 So graphically and this could be sorry --

9 MR. BROOKMAN: Leslie?

10 MR. BORTZ: When we started talking to  
11 Navigant you had four categories. You had match lit,  
12 you had piezo you had standing pilot and you had  
13 electronic ignition. We explained to you much to our  
14 dis-benefit I think that piezo isn't a type of  
15 ignition it is a part of an ignition system. If a  
16 person buys which they do -- buys a piezo on a  
17 standing pilot system it is because they want to be  
18 able to turn it on and off so I think that I made a  
19 mistake in not in the reality of the systems but I  
20 made a mistake by telling you that's not a system  
21 because certainly there's no reason to have a piezo  
22 if you are not going to turn the unit on and off.

1 MR. BROOKMAN: Rett please?

2 MR. RASMUSSEN: Rett Rasmussen. Yeah a  
3 piezo just replaces a match or an aim in flame.  
4 That's all it does. It's just an easy means of  
5 igniting the gas. It has nothing to do with the main  
6 function of these control systems which is for safety  
7 shutdown in the event of an interruption in the gas  
8 supply or a flame out. You want to be able to shut  
9 down that gas flow absolutely required on propane  
10 because propane is heavier than air and sinks to the  
11 ground, pools and lights off of the first spark.

12 Natural gas is lighter than air and vents  
13 up the chimney so.

14 MR. BORTZ: So the point is we sell a  
15 fairly significant amount of what you would call  
16 standing pilot but with piezos and I don't know if  
17 you take that into consideration when you say how  
18 much energy wasted energy, there is because there is  
19 no reason to buy the piezo accept it makes it an  
20 awful lot easier than sticking your hand in the  
21 fireplace with a match.

22 MR. BROOKMAN: Yeah okay thank you, Dana?

1           MR. MOROZ: Dana Moroz, Wolf Steel. In  
2 your methodology and your reverse engineering  
3 approach I am a little concerned about how you would  
4 have identified your costs. There's a fundamental  
5 difference between electronic ignition and standing  
6 pilots. One uses a generator system and one uses a  
7 flame as part of an electrical circuit. The problem  
8 that arises is when it is applied inside of an  
9 appliance is it becomes much more sensitive to air  
10 movement and that air movement is governed by the  
11 different applications of the installation whether it  
12 be a fireplace or an insert or a stove.

13           Electronic ignition additionally will  
14 suffer a microsecond of disconnect between the flame  
15 and that sensor to shut off the gas. A standing  
16 pilot system on the other hand that uses the  
17 generator will operate up to 30 seconds without any  
18 flame before it will shut off the gas. That makes it  
19 much more tolerant of the many varying conditions and  
20 each appliance and your tear down method of assessing  
21 cost doesn't look at that development of each  
22 individual product and how it interacts within that

1 environment.

2           It's like looking at simply taking this  
3 component out and putting this component in and  
4 there's a lot more detail and design that goes in  
5 behind the scenes to make it function in each and  
6 every application.

7           MR. BROOKMAN: Okay thank you.

8           MR. ELSZASZ: So again drilling down into  
9 this engineering analysis a little further you know  
10 I've mentioned this a couple of times already we  
11 found intermittent pilot ignitions to be the  
12 predominant form of electronic ignition systems in  
13 the hearth market and so when comparing a standing  
14 pilot unit and this applies to any of the groups that  
15 we looked at, you know what we are trying to assess  
16 is what the differences between a standing pilot and  
17 having to convert it to an electronic ignition and so  
18 in the case of the electronic ignition the general  
19 assumption was that these would be converting to an  
20 intermittent pilot.

21           As far as the standing pilot units are  
22 concerned the baseline assumption varied by products

1 so in the case of vented and unvented fireplaces,  
2 inserts and stoves we found that the millivolt gas  
3 valve was more predominant for several reasons, not  
4 the least of which being space constraints.

5 So fireplaces, inserts and stoves already  
6 have an enclosure and heat shielding and make it more  
7 readily available for the larger millivolt gas valve  
8 whereas for vented and unvented gas log sets, outdoor  
9 you know there are I guess additional space  
10 constraints imposed as well as cost considerations  
11 and we found that manual gas valves were more  
12 predominant for those product groups.

13 MR. BROOKMAN: Leslie?

14 MR. BORTZ: I'll wait, yes sorry.

15 MR. ELSZASZ: You can go ahead.

16 MR. BORTZ: No I'm sorry I'm a talker so.

17 MR. ELSZASZ: This is the last slide of  
18 the engineering analysis so you can go ahead and  
19 comment anyways but so these are the results of that  
20 engineering analysis. What you will find presented  
21 here are you know each of the groups, for each of the  
22 groups what is driving the cost are predominantly two

1 things, of course the components and labor that went  
2 into the assembly but also the representative  
3 shipment volumes.

4 So based on shipments data that we have  
5 gotten from HPBA as well as a listing of  
6 manufacturers we have assumed a certain shipment  
7 volume for each of these product groups which you  
8 know tend to scale the manufacturer production costs  
9 and so I guess I will pause here as well for comments  
10 on the manufacturer --

11 MR. KUPSH: Can I make a quick comment  
12 going back?

13 MR. BROOKMAN: Jim please?

14 MR. KUPSH: Based on slide 30 if you take  
15 a look at your information on slide 26 shouldn't IPI  
16 be your representative baseline because it is the  
17 system that has the highest percentage for the first  
18 two categories?

19 MR. ELSZASZ: Right so I should have  
20 explained here is what is meant by baseline is --

21 MR. KUPSH: Cost wise.

22 MR. ELSZASZ: What's that?

1           MR. KUPSH: You are saying cost wise  
2 rather than yeah --

3           MR. ELSZASZ: Right.

4           MR. KUPSH: But I makes it seem as that is  
5 the predominant system not what is for those two  
6 categories the predominant system currently is IPI.

7           MR. ELSZASZ: I see right so back in the  
8 market in tech assessment that's where we see it so  
9 you are talking about vented fireplaces, inserts and  
10 stoves so we do -- that is factored into the analysis  
11 we know that electronic ignitions are more  
12 predominant in that group. What we are seeing here  
13 is that baseline is normally since there aren't  
14 currently any heart product standards what we defined  
15 as baseline is a product that consumes the most  
16 energy in standby mode and so you know normally with  
17 a product that already has an efficiency level  
18 established, the baseline would be that unit which  
19 just meets the minimum efficiency standard. But  
20 since that isn't the case here the baseline is what  
21 uses the most energy.

22           MR. CYMBALSKY: This is John from DOE so

1 just to follow up so when we get later in the  
2 analysis the market shares of those technologies are  
3 factored in when we do the impacts to consumers,  
4 manufacturers, et cetera.

5 MR. ELSZASZ: Right.

6 MR. BROOKMAN: Let me see Rett?

7 MR. RASMUSSEN: Rett Rasmussen on the  
8 slide that was just up with the chart what is max  
9 tech in quotes is that a type of electronic?

10 MR. ELSZASZ: Maximum technology.

11 MR. RASMUSSEN: What does that mean?

12 MR. ELSZASZ: Or max tech option is the  
13 design option that reduces the energy consumption of  
14 the mode that you are looking at by the largest  
15 amount.

16 MR. RASMUSSEN: Rett Rasmussen so are you  
17 saying that the electronic ignition represents the  
18 maximum technology for being able to have no gas  
19 usage in the standby mode?

20 MR. ELSZASZ: Right, right.

21 MR. RASMUSSEN: Thank you.

22 MR. ELSZASZ: Yep.



1                   MR. BROOKMAN: Frank and then back to  
2 Leslie.

3                   MR. STANONIK: Frank Stanonik AHRI. A  
4 question and actually two questions but the first  
5 question so your chart on slide 31 of the  
6 representative shipment volume is that intended to  
7 reflect the market assessment that is shown on slide  
8 24?  
9 Or based on that? And the reason I ask is because if  
10 I look at slide 24 the total estimate of unvented  
11 products is I'm going to round it to up 23% which is  
12 certainly less than half of 56% which is the vented  
13 fireplaces so if I maintain those proportions the  
14 total of the two numbers in this slide for unvented  
15 should be less than 5,000 and in fact if you actually  
16 run the numbers it comes out to be about 4,100 and  
17 yet you have got it at 7,000 so why is it -- the  
18 question is why is it different?

19                   MR. ELSZASZ: Yeah so the portions are  
20 different because these take into account the number  
21 of manufacturers that are making any one of these  
22 types of products so that is why the difference in

1 purportions.

2 MR. STANONIK: But I venture --

3 MS. ARMSTRONG: No Frank it is purchasing  
4 power right so in the cost model the cost of the  
5 component will change based on the purchasing power  
6 in terms of volume of the manufacturer that's what  
7 this slide is trying to depict. It's not going to  
8 match the shipments from the other, it is purchasing  
9 power.

10 MR. STANONIK: So it is not intended to  
11 match?

12 MS. ARMSTRONG: Correct it is not intended  
13 to match.

14 MR. STANONIK: All right then I had one  
15 more question and I'm going to go back to the  
16 previous slide 30 your representative standing pilot  
17 type for an unvented fireplace insert stove you have  
18 a millivolt gas valve and for an unvented gas log you  
19 have a manual gas valve, both of those products use  
20 the same ODS pilot system, why the distinction? We  
21 couldn't understand why that was there or I will  
22 rephrase that. What do you think is different maybe,

1 it's the same.

2 MR. ELSZASZ: So the difference between  
3 the millivolt and the manual we found was both the  
4 space constraints and the cost so in the case of a  
5 vented or unvented gas log sets by reviewing product  
6 literature we found that manual gas valves were more  
7 likely to be used in gas log sets as opposed to an  
8 unvented one and it does effect the cost that we see  
9 on slide I think 31.

10 MR. STANONIK: Ok excuse me so unvented  
11 gas log sets you are including products that don't  
12 have ODS systems?

13 MR. ELSZASZ: No. Unvented whether its  
14 fireplace, inserts, stove or gas logs would include  
15 the oxygen depletion sensor.

16 MR. STANONIK: They have the same control.

17 MS. ARMSTRONG: Perhaps the manufacturers  
18 can answer.

19 MR. BROOKMAN: Jim Kupsh?

20 MR. KUPSH: Yes, you have for the unvented  
21 systems you have both millivolt and manual  
22 applications. Normally the manual application is not

1 anything but a log set because it is a more cost  
2 effective lower price than the fireplace those have a  
3 millivolt system on it.

4 MR. ARMSTRONG: So in answer to your  
5 question Frank, that would affect our delta which is  
6 why we did them more conservative.

7 MR. BROOKMAN: Thank you Ashley, Dana?

8 MR. MOROZ: Just if I can get a little bit  
9 more clarity Jim are you saying it's not a millivolt  
10 control then?

11 MR. KUPSH: No what I'm saying is that you  
12 have for unvented systems you have both a manual  
13 valve application and a millivolt valve application  
14 but I doubt there are any stoves, fireplaces,  
15 inserts, vent free that are being sold with just a  
16 manual valve. It only really exists as a baseline  
17 for the log set applications and on the more  
18 expensive fireplace stoves they are using the  
19 millivolt and so that would probably be the only  
20 control application both using the ODS sensing pilot.

21 MR. BROOKMAN: Thanks Jim, Dana?

22 MR. MOROZ: This is Dana again just from

1 my clogged old mind what you are telling me then is  
2 the manual does not employ millivolts?

3 MR. KUPSH: No when you -- a millivolt  
4 valve has a separate millivolt operator for the main  
5 burner.

6 MR. MOROZ: Right.

7 MR. KUPSH: A manual valve has simply an  
8 electromagnet as a safety in the control.

9 MR. MOROZ: And what --

10 MR. KUPSH: And a millivolt does too but  
11 it also has a second operator. A manual valve is  
12 like pilot rotate to on.

13 MR. MOROZ: And what holds the gas flow  
14 I'm sorry I'm just trying to get an understanding.

15 MR. KUPSH: The thermal couple on the  
16 pilot.

17 MR. MOROZ: So it is millivolt?

18 MR. KUPSH: Correct but that's normally  
19 not -- that's normally what's being considered a  
20 millivolt valve.

21 MR. MOROZ: By point of definition and  
22 that's why I'm trying to when you get down to it it

1 is a millivolt system then?

2 MR. BROOKMAN: So Rett please?

3 MR. RASMUSSEN: Rett Rasmussen what  
4 distinguishes generally between a manual control from  
5 a millivolt is the manual control uses a thermocouple  
6 a single couple whereas for its heating element it is  
7 electrical element and the millivolt uses a  
8 multi-couple or thermopile.

9 So you need a lot more electricity, a lot  
10 more millivoltage to operate a millivolt control  
11 system because it has the dual operation of both  
12 safety feature and operating the on and off of the  
13 control valve as from what you need for a manual  
14 control system where it is merely the safety function  
15 that the pilot is being used for.

16 MR. MOROZ: Dana from Wolf Steel again.  
17 And I just asked for that clarity Rett because here  
18 we are identifying it as a different system. I think  
19 traditionally in our industry we identified the one  
20 with the thermopile as being a remote control  
21 millivolt system and the manual was employing a  
22 thermocouple but here we are calling it a manual

1 which would suggest it is just and on and off shut  
2 off which it is not.

3 I think we should distinguish that in fact  
4 it is a millivolt system as well.

5 MR. RASMUSSEN: Rett Rasmussen well I  
6 distinguish millivolt systems as being really they  
7 are operator device agnostic, you can put a wall  
8 switch, you can put a remote control, you can put a  
9 wall timer you can put any variety of external  
10 switching devices on to that type of system that you  
11 can't put on to a manual control valve.

12 MR. MOROZ: Agreed but we are defining --  
13 we are distinguishing between a manual and a  
14 millivolt and to Frank's point I think it is  
15 misleading, it is a millivolt.

16 MR. RASMUSSEN: Rett Rasmussen what they  
17 are actually putting here and correct me if I am  
18 wrong, is they looked at all the different types of  
19 products within that particular group and within the  
20 unvented fireplace, inserts and stoves they found  
21 that the predominant usage of valve type is the  
22 millivolt gas valve whereas for gas log sets and

1 unvented gas log sets it is a manual control. And  
2 from that that is where they made their cost  
3 calculations that was the baseline they established.

4 I don't make unvented fireplaces, inserts  
5 and stoves, perhaps a manufacturer of that would  
6 better be suited to comment on what type of control  
7 valve is the most predominant type.

8 MR. BROOKMAN: Yes Barton go ahead.

9 MR. DAY: Just a question, we are now  
10 talking about which type is predominant. Going back  
11 a couple of slides where you had the breakout in  
12 market share that you referred to -- my question is  
13 where did you get data to come up with the market  
14 shares?

15 MR. ELSZASZ: You mean for the ignition  
16 types?

17 MR. DAY: Yeah.

18 MR. ELSZASZ: Ignition type, a couple of  
19 resources. One was through product literature review  
20 so that that was an extensive review that resulted in  
21 essentially a data base with model numbers, ignition  
22 information and so those proportions for several of



1 these categories that was used as well as during the  
2 confidential manufacturer interviews.

3 We got feedback during that interview  
4 process that indicated you know typically what  
5 percentage of their shipments you know were for each  
6 ignition type I guess.

7 MR. BROOKMAN: Rett go ahead.

8 MR. RASMUSSEN: Yeah I'm a little -- well  
9 I can tell you and I will be happy to divulge it in  
10 my Navigant interview that I said that I have no idea  
11 what the percentages are there is no you know, valid  
12 clearing house for it where everybody in the industry  
13 is divulging their sales numbers.

14 I don't know how they come up with these  
15 and there is only I'm sorry how many manufacturers  
16 did you interview for this assessment?

17 MR. ELSZASZ: I'll have to refer to  
18 another member of my team for that.

19 MR. RASMUSSEN: More than 10?

20 MS. ARMSTRONG: No.

21 MR. RASMUSSEN: 5? Okay so just supposing  
22 it was 7 take away me because I wouldn't do numbers,

1 Leslie did you do numbers for the industry?

2 MR. BORTZ: No, we did some numbers but  
3 they weren't these. They weren't close to these. On  
4 our manufacturer we did some guess on our  
5 manufacturer interview and they are just value and --

6 MR. BROOKMAN: Okay so back to Barton.  
7 Pardon me let's let Leslie follow on please go ahead  
8 Leslie.

9 MR. BORTZ: It's a different question.

10 MR. BROOKMAN: Okay then Barton go ahead.

11 MR. DAY: I was just going to point out we  
12 have been trying to figure out you know how to get  
13 reasonable data on this and one of the issues is that  
14 if you simply look at model numbers and so forth  
15 without shipment data for the specific models it is  
16 useless and the additional problem is that as I  
17 mentioned there has been a lot of evolution and I  
18 went to one major manufacturer at the show as you  
19 probably know. I mean several major manufacturers  
20 have completely shifted away from standing pilot  
21 lights and others you ask them you know well what is  
22 your design been like, what about the newly designed

1 products over the last few years and they are saying  
2 you know we have one product that we have designed  
3 that has a standing pilot, everything else doesn't.

4 But trying to get hard data on that I mean  
5 we could see the enormous trend, we can see that  
6 trend showing up when people are talking about the  
7 products that are coming out now as opposed to  
8 historical you know products that are still on the  
9 market but trailing off. It's just -- I don't think  
10 you can look at product literature review as being  
11 informative as to what the percentages are and  
12 frankly if you have figured out a way to get any  
13 reliable data on that you are ahead of us.

14 MR. BROOKMAN: Leslie?

15 MR. BORTZ: Can I just ask you --

16 MR. BROOKMAN: Microphone.

17 MR. BORTZ: Back to page 23 and 24.

18 MS. ARMSTRONG: So this is Ashley from DOE  
19 and while is he redoing the slides and getting back  
20 to slide 23 I just want to point out that while the  
21 distribution of the different types of pilot lights  
22 will matter later when we talk about the shipments

1 and the energy use and the energy savings, it will  
2 matter for the national impacts and the costs and  
3 benefits yes. It doesn't necessarily matter so much  
4 for the engineering.

5           The engineering is looking at what is the  
6 cheapest product out there and then what can you do  
7 to it to make it more efficient so what you are  
8 seeing on the slide at least where Justin was is for  
9 those different types of ignition systems, those are  
10 the ones that we found that were in product  
11 literature predominantly where we took apart products  
12 that were the cheapest out there to build right now.

13           In other words so we are starting from the  
14 bottom of the ground and working our way up in terms  
15 of cost. As I think you would agree that we should  
16 be doing. Now in terms of savings and how you accrue  
17 savings that's going to depend a lot on your  
18 distribution and we are not there yet. We are going  
19 to get there but we are not there yet.

20           So I think for this point you know what  
21 you are seeing on the slide is actually what you  
22 would probably want us to do it is how you make sure

1 you accumulate costs in the best manner but we are  
2 going to get to our distribution of what I would call  
3 efficiencies which in this case is distribution of  
4 different pilot lights later.

5 MR. BROOKMAN: Leslie?

6 MR. BORTZ: We are at slide 23 and 24.  
7 Slide we is discussing market assessments and all the  
8 slides before that you specifically I believe you  
9 said this is trying to get us to a definition of what  
10 we are covering or a definition of what hearth  
11 products means, something to that effect. Is that --

12 MR. CYMBALSKY: It is the scope to which  
13 we analyze the proposed definition yeah. So this is  
14 the scope of the products that we included based on  
15 the definition.

16 MR. BORTZ: Then you continued on 24 the  
17 next one you have still market assessment, this is  
18 estimated shares of overall hearth products market  
19 but that's divided very differently. That looks like  
20 it's divided by pilot kit types or pilot kits, not by  
21 any definition that you have except pilot kits or how  
22 pilot kits are run.

1 MR. CYMBALSKY: So what these numbers are  
2 essentially these five numbers here add to 100 so  
3 these are what were analyzed.

4 MR. BORTZ: Right but you are analyzing  
5 them because they have different pilot kit types, you  
6 have changed your market assessment from assessing  
7 for a definition to assessing for pilot kits right?

8 MS. ARMSTRONG: No.

9 MR. CYMBALSKY: No, so the difference is  
10 in the engineering analysis what we are looking at  
11 here is the technology option.

12 MR. BORTZ: Vented fireplace, insert and  
13 stove don't fit a definition that I know of except it  
14 would fit a definition for pilot kits. It's the only  
15 way you can do it, it's the only thing it could be  
16 for isn't it?

17 MR. ELSZASZ: I guess I don't understand  
18 the comment.

19 MS. ARMSTRONG: Yeah I'm not following but  
20 I am happy to have a conversation with you at lunch  
21 about what is going on here. You know when we go  
22 back to the previous slide and the market assessment

1 that's just showing the breakdown of the different  
2 categories of products based on the shipment data we  
3 got on the market.

4 MR. RASMUSSEN: What's this breakdown for?

5 MS. ARMSTRONG: What's this? Which one  
6 are we talking about?

7 MR. RASMUSSEN: 24.

8 MS. ARMSTRONG: Go back to 24 for me, the  
9 percentage of projects?

10 MR. RASMUSSEN: Yeah.

11 MS. ARMSTRONG: We'll get to this but when  
12 we talk about downstream analysis when you give us  
13 overall shipment number you are going to see that  
14 roughly 56% of the market is this category is a  
15 vented fireplace.

16 MR. BORTZ: Why? Because of the use?

17 MS. ARMSTRONG: Because the cost and the  
18 savings and the distribution of different pilot  
19 lights in each of these categories is going to be  
20 different.

21 MR. BORTZ: It has to do with pilot  
22 lights.

1 MS. ARMSTRONG: It has to do with hours of  
2 use, energy savings, cost benefit analysis and I  
3 think we need to do our due diligence and analyze  
4 these separately.

5 MR. KUPSH: Jim Kupsh. I'm just curious  
6 is this simply the DOE statistics, I mean HPBA  
7 statistics or did you account for non-reporting  
8 industry sales?

9 MR. ELSZASZ: In the outdoor products we  
10 accounted for non-HPBA. We had gotten further  
11 information that for outdoor products specifically,  
12 non-HPBA manufacturers were much more dominant.

13 MR. KUPSH: You might find that a few  
14 other categories such as unvented gas logs is  
15 affected by non-reporting sales also.

16 MR. ELSZASZ: Okay thank you.

17 MR. BROOKMAN: Yes please --

18 MS. ARMSTRONG: So why don't we go back to  
19 the engineering past where we were and keeping going  
20 because really what we are talking about here is the  
21 cost benefit and until we get to that I don't think  
22 it's going to really --



1 MR. BROOKMAN: Okay final question and  
2 then we are going to move on, go ahead.

3 MR. DELAQUILA: Dave Delaquila, consultant  
4 for Maxitrol Company. In our cost analysis when you  
5 look at unvented heaters the market there you are  
6 probably talking about for sure 90% plus currently  
7 use let's say the continuous pilot ODS system. In  
8 your analysis did you look at the certification cost  
9 to re-certify every single model with the new  
10 ignition device and what was the base cost analysis  
11 that you used?

12 MR. ELSZASZ: I think that we will get to  
13 later when we get to manufacturer impact analysis.

14 MR. BROOKMAN: Right so we have just  
15 another slide or two that we should go through before  
16 we break for lunch which will be shortly so let's  
17 proceed.

18 MR. ELSZASZ: This is really the end of  
19 the engineering analysis. What I am presenting here  
20 is a manufacturer markup and what this represents is  
21 essentially the amount of profit that a manufacturer  
22 would get by selling one of these units so all it is

1 is a multiplication factor to the manufacturer  
2 production costs.

3 So what we are talking about is  
4 multiplying this you know, these manufacturer  
5 production costs by what we estimated to be 1.45 and  
6 this was derived through again through the  
7 confidential manufacturer interview process so again  
8 we can seek comment here on what the MPC's as well as  
9 the markup number that would be there.

10 MR. BROOKMAN: Leslie?

11 MR. BORTZ: Leslie Bortz, can I apologize  
12 once.

13 MR. BROOKMAN: Just leave it on.

14 MR. BORTZ: Okay then you will hear what I  
15 don't want you to hear.

16 MR. CYMBALSKY: You are catching on.

17 MR. BORTZ: Yeah, let's say something  
18 costs me \$10.00 that means I sell it to my  
19 distributor for \$14.50.

20 MR. ELSZASZ: Yes.

21 MR. BORTZ: To my distributor for \$14.50.

22 MR. ELSZASZ: Right this is not the end

1 line right.

2 MR. BROOKMAN: Yes Dana?

3 MR. MOROZ: Just to confirm this number is  
4 an average markup based on the 7 manufacturers you  
5 interviewed and was it a cross section of all the  
6 different types of products as well?

7 MR. ELSZASZ: Yes.

8 MR. MOROZ: Thank you.

9 MR. BROOKMAN: So you see the comment box  
10 there embedded in this slide on manufacturer markup  
11 slide 33 additional comments, questions here. As  
12 Ashley already said we are going to get into greater  
13 detail in a lot of this as we proceed. Let's break  
14 for lunch. It's now 12:30 we have made good progress  
15 on the day, covered a lot of ground more yet to  
16 cover. 12:30 let's break for an hour, please make  
17 sure to have this badge with you visible as you walk  
18 around the Forrestal Building. This room will be  
19 secured so you can leave your stuff here. If you go  
20 to the big cafeteria which is down to the ground  
21 floor and about a hundred yards in that direction you  
22 will have to pass back through a security portal so

1 you will need an ID at least typically you will.

2 And there is a Dunkin Donuts, pardon me  
3 there's a Subway sub shop where the Dunkin Donuts is  
4 down on the ground floor. You know where the  
5 restrooms are so we will resume in one hour which  
6 will be 1:30 and we have a good start on it we will  
7 pick up at 1:30 here.

8 MR. BROOKMAN: Okay let's resume please  
9 take your seats. All set Linda? We are going to  
10 pick up where we left off. Thanks for being back  
11 here on time everyone we are going to pick up where  
12 we left off, markups analysis.

13 MR. SIAP: Hello I'm David Siap from  
14 Lawrence Berkeley National Laboratory. I'm going to  
15 be going over the markups analysis, energy use as  
16 well as lifecycle costs. Can you guys hear me? As  
17 well as lifecycle costs, payback period, shipments,  
18 national and regulatory impact analysis.

19 So the purpose of the markups analysis is  
20 to determine the consumer price based on the  
21 manufacturer selling price or MSP for both baseline  
22 and high efficiency products. DOE also characterized

1 the distribution channels through which our products  
2 move from the manufacturer to the consumer. DOE  
3 identified two primary distribution channels shown  
4 here, replacement and new construction.

5 The replacement has a wholesaler and a  
6 mechanical contractor between the manufacturer and  
7 the consumer and new construction is similar with a  
8 general contractor before the consumer.

9 To Leslie's earlier point there were other  
10 distribution channels including retailer analyzed as  
11 well however for the retailer market and the  
12 retailers function similar to the replacement market  
13 except there was a retailer instead of a wholesaler.  
14 But for the retailer market DOE wasn't able to --  
15 didn't have enough data to formulate a markup for  
16 that market participant, the retailer so it did not  
17 go forward with a separate distribution channel at  
18 this time.

19 MR. BORTZ: How did you get at that --

20 MR. BROOKMAN: Leslie please turn on the  
21 microphone.

22 MR. BORTZ: I'm sorry here I am.

1                   MR. BROOKMAN: Say your name for the  
2 record.

3                   MR. BORTZ: The missing Leslie Bortz,  
4 Robert H. Peterson Company. How did you get data for  
5 mechanical contractors?

6                   MR. SIAP: That's coming up later in the  
7 slide. It's through the ACCA 2005 report with the  
8 census data.

9                   MR. BORTZ: Maybe they are the same, you  
10 know, you can look at them the same way.

11                   MR. BROOKMAN: I didn't get your point  
12 there Leslie, I'm sorry.

13                   MR. BORTZ: Well if a wholesaler sells to  
14 a mechanical contractor then sells to an end user  
15 maybe the retailers is like the mechanical  
16 contractor.

17                   MR. BROOKMAN: Got you, okay.

18                   MR. SIAP: Thanks for that. Okay so --

19                   MR. BROOKMAN: The Department is looking  
20 for a kind of patterns of use here, patterns of  
21 distribution so if you are able to comment on what  
22 would be a typical pattern.

1                   MR. BORTZ: I did, yes what I said was we  
2 independently came up with we broke out each of the  
3 categories that you had before, in other words you  
4 had three categories in vented products, three -- we  
5 broke out each of them we figured out approximately  
6 how much it was et cetera and we figured that 56  
7 point some odd percent were sold through a  
8 distribution channel to a retailer.

9                   MR. BROOKMAN: Okay thank you.

10                  MR. SIAP: Thanks, so to formulate these  
11 markups DOE analyzed financial data from each market  
12 participant and it's important to note that although  
13 in practice the markups are applied to the entire  
14 hearth product they apply to the ignition component,  
15 each component as well.

16                  The table at the bottom lists the data  
17 sources for each market participant. The  
18 manufacturer markup we have covered previously  
19 because as a result of the input from manufacturers.  
20 Wholesaler markup is formulated from the hearth  
21 report, the mechanical contractor from the ACCA  
22 report, general contractor from the latest 2007

1 census bureau data and sales tax from the 2013 sales  
2 tax clearing house.

3 MR. BROOKMAN: Yes Rett?

4 MR. RASMUSSEN: The wholesaler markup does  
5 the HARDI profit report include fireplace  
6 distributors?

7 MR. SIAP: I am not sure on that one.

8 MR. RASMUSSEN: What does it include?

9 MR. BROOKMAN: Greg Rosenquist?

10 MR. ROSENQUIST: Hi this is Greg  
11 Rosenquist to help him out. It mostly covers major  
12 HVAC contractors and provides some level of detail on  
13 their size. It doesn't explicitly call out you know  
14 the distributors of the industry.

15 MR. RASMUSSEN: Distributors of these  
16 products okay.

17 MR. ROSENQUIST: Specifically yeah. I  
18 would certainly welcome any data.

19 MR. RASMUSSEN: I was going to say on what  
20 basis do you provide equivalency between this and  
21 fireplace distributors?

22 MR. ROSENQUIST: We just use the same



1 data. I mean we use that same data out of that  
2 report and make the assumption that it is  
3 representative of this industry as well.

4 MR. RASMUSSEN: And you could assume that  
5 it's the same for toy distributors and for Twinkie  
6 distributors and all of that?

7 MR. ROSENQUIST: I wouldn't go that far.

8 MR. RASMUSSEN: But not necessarily  
9 specific to this.

10 MR. ROSENQUIST: Again absent any data  
11 this is what we went with.

12 MR. RASMUSSEN: Thank you.

13 MR. BORTZ: Leslie Bortz again does this  
14 mean that what you are saying is that the overall  
15 market for -- or the overall markup for a replacement  
16 product is 3.23 and for a new construction is 3.99?  
17 Is that what you are saying?

18 MR. BROOKMAN: You are jumping ahead and  
19 yes.

20 MR. BORTZ: That's ridiculous.

21 MR. BROOKMAN: Let's let him get to that  
22 point and then we will get additional comments.

1           MR. BORTZ: Okay I just wanted to say it's  
2     ridiculous.

3           MR. BROOKMAN: Okay we will capture that  
4     in detail. Let's proceed with the presentation.

5           MS. ARMSTRONG: So wait I want to go back  
6     to that point. This is Ashley from DOE. I think  
7     your point is well taken that we didn't have  
8     fireplace specific data but it was generally from  
9     heating, ventilation, air conditioning, those types  
10    of contractors that distribute the products so are  
11    you telling me the distributors of fireplaces are  
12    exclusive just to fireplaces they do not distribute  
13    any other type of heating, ventilation or air  
14    conditioning products or that they are always just  
15    fireplaces?

16          MR. BORTZ: Often.

17          MR. RASMUSSEN: Rett Rasmussen yeah that  
18    is correct. You have specific fireplace  
19    distributors. They don't necessarily sell furnaces  
20    or water heaters or things like that. Those are  
21    different types of products with different margin  
22    structures I would imagine than what our types of

1 products have in this industry. You know I am  
2 jumping ahead but I agree I don't have hard fast  
3 numbers, but they just seemed low and they are there  
4 for the --

5 MR. KUPSH: Jim Kupsh, IT Controls. Yes  
6 the HARDI members are normally not your fireplace  
7 distributor type people, they are specific to HVAC  
8 cell replacement parts and it's -- I'm trying to  
9 think of people, not John Stone, but let's say Larson  
10 in the Midwest, CC Dixon in the southeast, RE Michael  
11 on the east coast, those are your HARDI type  
12 wholesalers.

13 MR. RASMUSSEN: Yeah Rett Rasmussen they  
14 are not fireplace distributors.

15 MS. ARMSTRONG: Okay.

16 MR. RASMUSSEN: They are different animals  
17 and that's our whole point on definition is it is a  
18 different animal.

19 MS. ARMSTRONG: I think that's fine and  
20 your point is well taken except for do you have a  
21 suggestion then on where we could look for data  
22 that's more specific on you know in absence of that

1 we welcome your feedback, we are happy to revise the  
2 analysis to consider a more specific distribution  
3 chain but we need your help.

4 MR. RASMUSSEN: Rett Rasmussen. Again we  
5 are a small mom and pop industry we don't have these  
6 types of you know these types of data that you are  
7 looking for in most cases. We just do our little job  
8 and sell product and make people happy that's what we  
9 do.

10 MS. ARMSTRONG: But you have enough of an  
11 inclination to say we are wrong?

12 MR. BORTZ: Yes.

13 MS. ARMSTRONG: So that's where I'm trying  
14 to or at least assert that we are wrong. So how do  
15 we reconcile that you have the knowledge and the  
16 expertise in your industry to assert we are wrong but  
17 yet -- so can you help us connect the dots?

18 MR. BORTZ: Yes, we will try to help you.

19 MS. ARMSTRONG: Thank you.

20 MR. BROOKMAN: Okay thank you Leslie.

21 Dana you have a comment?

22 MR. MOROZ: It's private. I think what we

1 are not saying is it is the wrong assumption, that  
2 doesn't suggest that we have that information. We  
3 are saying that it is a different distribution  
4 network and that is consistent with our product line  
5 as well.

6 MR. BORTZ: What I am saying again Leslie  
7 is the replacement market cannot be that much lower  
8 than a builder market, it just can't be.

9 MS. ARMSTRONG: And is that specific to  
10 log sets or is that specific to all the various  
11 categories of fireplaces we are talking about.

12 MR. BORTZ: Fireplaces I believe you will  
13 find fireplace people here that can answer that  
14 question. I believe it is that if you sell direct to  
15 builders there is a different markup than if you sell  
16 to the replacement market. Somebody help me, can you  
17 help?

18 MR. BROOKMAN: Dana go ahead.

19 MR. MOROZ: Dana Moroz from Wolf Steel. I  
20 would agree with that there is a different markup  
21 depending on who the customer is.

22 MS. ARMSTRONG: Sure.

1           MR. RASMUSSEN: Rett Rasmussen and we are  
2 a manufacturer. I don't know; you would have to poll  
3 the actual distributors and what you have shown is  
4 here is just data from a distribution channel that is  
5 not of what this proposed rule is about and that's  
6 where I just go back to DOE and say shouldn't you  
7 have some data specific to this industry that you  
8 wish to regulate.

9           MR. BROOKMAN: Jim did you have a comment  
10 here? I thought you were trying no okay, yes please  
11 Barton?

12           MR. DAY: Yes this is Barton. Just a  
13 general comment -- you know I think sometimes there's  
14 a perception that you know that we've got all of this  
15 data and information and we are not sharing it and  
16 the truth of the matter is we don't have the  
17 information. This industry is just as Rett said it's  
18 an industry with two manufacturers that are not small  
19 businesses and a lot of the issues that are in play  
20 here, they are required pieces for the economic  
21 analysis for the energy use nobody has ever collected  
22 the data. It just doesn't exist.

1           We don't have it and I guess part of what  
2           I think you hear people reacting to is just the ready  
3           application okay there's a blank in our regulatory  
4           analysis we have to have a number to put in the blank  
5           so we will just find a number and in the absence of  
6           data we will just make an assumption whether there is  
7           a basis for the assumption or not and I think that is  
8           the perception and I think that's what people are  
9           responding to and really the point I wanted to make  
10          is we don't have -- we are not sitting on a pile of  
11          data.

12                 We can't give you all the answers, we  
13          don't know the answers, a lot of these issues just  
14          have not been studied and that's the problem is that  
15          you are going into a rulemaking where the basic data  
16          is just not there.

17                 MR. BROOKMAN: Press on.

18                 MR. SIAP: So DOE developed two markups  
19          for each product market participant, the baseline and  
20          incremental market. We are on slide 36. The  
21          replacement markup relates the MSP of the baseline  
22          products to the consumer purchase price and the

1 baseline markup is applied to the baseline MSP only  
2 to determine the baseline consumer purchase price.

3 Incremental markups relate to change in  
4 the MSP of higher efficiency products to the change  
5 in the consumer purchase price. This covers only  
6 expenses that ferry with MSP such as operating  
7 expenses and profit. Fixed costs such as overhead  
8 and labor we do not scale with increased efficiency.

9 To clarify the incremental markup is  
10 applied to the MSP difference only of higher  
11 efficiency and baseline products.

12 MR. BORTZ: Leslie Bortz, if I have a  
13 product that costs me a dollar can you explain what  
14 this says?

15 MR. SIAP: Sure so if you had well if you  
16 had one product that cost a dollar and another that  
17 cost two dollars and so the base and the dollar is  
18 the baseline product and the baseline markup applies  
19 only to the baseline that first dollar.

20 MR. BORTZ: Okay.

21 MR. SIAP: For the higher efficiency  
22 product, the two dollar product it would be the first



1 dollar is the baseline markup is applied to the first  
2 dollar and the incremental markup is applied to the  
3 second dollar and the sum is then your total consumer  
4 price.

5 MR. BORTZ: So if I have a product that is  
6 better or more efficient or whatever it costs me two  
7 dollars I will get five dollars, my price will be  
8 \$5.33?

9 MR. SIAP: That's correct.

10 MR. BORTZ: What's the use of making  
11 things better?

12 MR. DAY: I have a really simple question  
13 and that is as you were looking at these issues did  
14 you look at the individual types of product  
15 differently or did you just look at everything as  
16 though they were the same?

17 MR. SIAP: There was consideration by type  
18 but primarily just the hearth product was viewed as  
19 the class so primarily the same.

20 MR. DAY: So one analysis for everything?

21 MR. SIAP: Yes.

22 MR. DAY: Yes, okay thank you.

1 MR. BROOKMAN: Leslie go ahead.

2 MR. BORTZ: I would like to say that we  
3 need -- I'm not sure that we need because I don't --  
4 we are not through this and I don't know how it is  
5 being used but we need a two-step distribution markup  
6 system. All of our products are sold that way and I  
7 believe all of your products, no?

8 MR. BROOKMAN: When you say two step  
9 Leslie you mean?

10 MR. BORTZ: Distributor to retailer.

11 MR. BROOKMAN: Gotcha, Rett?

12 MR. RASMUSSEN: Leslie, Rett Rasmussen  
13 this brings up a good point. Is there are many  
14 different ways that manufacturers get their products  
15 to market. One company tends to do the two-step  
16 distribution model. Some people go strictly to the  
17 mass merchants, to your Lowe's and Home Depot and  
18 people like that. Others go to internet retailers,  
19 some go -- not as many in this industry consumer  
20 direct, but some and some go dealer direct, some go  
21 builder direct, a combination of all of these and  
22 just as you have so many different small companies

1 they all find their little niche in the marketplace  
2 that allows them to make payroll every week and  
3 remain in business year after year and some of them  
4 not.

5 So you know a one size fits all is very  
6 difficult because there is not a one size fits all  
7 company in this industry.

8 MR. BROOKMAN: Okay.

9 MR. RASMUSSEN: Thank you.

10 MR. SIAP: Okay so here we have the  
11 results as I have already touched on a little bit.  
12 The top table gives the results per market  
13 participant for both replacement and new construction  
14 distribution channel and baseline and incremental  
15 markup. The manufacturer markup is the same as  
16 discussed previously at 1.45 and the bottom table  
17 gives the aggregated markup for both the baseline and  
18 incremental case.

19 MR. BROOKMAN: Leslie?

20 MR. BORTZ: The bottom indicates that  
21 there is like a ratio of like 3 to 1 more replacement  
22 something like that?

1 MR. SIAP: Yes.

2 MR. BORTZ: What's that based on?

3 MR. SIAP: The ratio of replacement to new  
4 construction was based on the ratio of the current  
5 stock as listed in the residential energy consumption  
6 survey, most recent data justified against the latest  
7 shipment data.

8 MR. BORTZ: Okay.

9 MR. SIAP: For that same year.

10 MR. BORTZ: What does that have to do with  
11 our industry?

12 MR. SIAP: Well the survey lists the year  
13 the house was built and whether the so the ratio  
14 there gives you the ratio of new construction to non.

15 MR. BORTZ: But if it is a furnace or  
16 something like that or what products HVAC is that  
17 what you said?

18 MR. SIAP: Sorry?

19 MR. BORTZ: Did you say that the products  
20 that this is based on?

21 MR. SIAP: The residential energy  
22 consumption, the REC survey gives hearth product --

1 lists hearth products exclusively for fireplaces.

2 MR. BORTZ: I'm just at a loss.

3 MR. ROSENQUIST: I agree are you getting  
4 at the shipments to the replacement market versus the  
5 new construction market?

6 MR. SIAP: Yes.

7 MR. ROSENQUIST: So generally speaking in  
8 most products I'm either going to use round about  
9 figures, 75 to 80% of shipments generally go into the  
10 replacement market just because the sheer volume of  
11 the unit that is in the stock --

12 MR. BORTZ: A refrigerator?

13 MR. ROSENQUIST: Yeah.

14 MR. BORTZ: Yeah okay.

15 MR. ROSENQUIST: If you have 10 million  
16 refrigerators shipped each year, 8 million are going  
17 into the existing stock, the rest going into new  
18 construction, so he is getting at a 3 to 1 ratio  
19 here.

20 MR. BORTZ: Yes, those are really also  
21 done through a retailer, the replacement market.

22 It's not a contractor I don't understand when you say

1 mechanical contractor, that's just the guy who puts  
2 it in. You buy it at Sears. I don't understand the  
3 terminology.

4 MR. ROSENQUIST: Yeah if you look back at  
5 the distribution channels again the assumption in  
6 this analysis is that every party in that  
7 distribution channel is marking up the equipment  
8 until it finally gets to the consumer.

9 MR. BORTZ: Right.

10 MR. ROSENQUIST: And you are talking about  
11 distribution channel where there is manufacturer to  
12 retailer.

13 MR. BORTZ: I'm talking about manufacturer  
14 to distributor to retailer.

15 MR. ROSENQUIST: To retailer and then to  
16 consumer right?

17 MR. BORTZ: Right.

18 MR. ROSENQUIST: And in that distribution  
19 channel we still say that there is going to be a  
20 general contractor because someone has to install it.  
21 We are not saying that the consumer is doing it  
22 themselves.

1 MR. BORTZ: You are right.

2 MS. ARMSTRONG: So if you look on --

3 MR. ROSENQUIST: But the main thing is  
4 here is this is what we use in the analysis, these  
5 two distribution channels and what you are saying is  
6 that something else, there is other distribution  
7 channels that exist.

8 MR. BORTZ: Right and it seems like there  
9 are other distribution channels than what you are  
10 using.

11 MS. ARMSTRONG: So these are the two we  
12 are using right, look at those channels, the flow  
13 diagrams. So is there is a missing entity, so the  
14 left is replacement and the right is new  
15 construction, so are we missing an entity?

16 MR. BORTZ: Yes.

17 MS. ARMSTRONG: And what that entity is  
18 called?

19 MR. BORTZ: The retailer.

20 MS. ARMSTRONG: So you think there should  
21 be a retailer in between the wholesaler and the  
22 contractor or between the contractor and the -- the

1 contractor you are saying is just the installer?

2 MR. BORTZ: Right.

3 MS. ARMSTRONG: So you are saying instead  
4 of the contractor we should have a retailer there and  
5 that after the consumer purchases it from a retailer  
6 they will then get a contractor to install it did I  
7 get it?

8 MR. BORTZ: No well close.

9 MS. ARMSTRONG: Okay.

10 MR. BORTZ: And that can happen but  
11 normally what happens is the retailer also either  
12 does himself or has contractors to do it.

13 MS. ARMSTRONG: Okay so what we are  
14 calling --

15 MR. BORTZ: And mechanical contractor and  
16 the contractor just makes a fee he doesn't mark up.

17 MS. ARMSTRONG: Okay so and generally  
18 speaking do you all agree that these two change if  
19 you change mechanical contractor to retailer are  
20 generally the two chains that would govern you know  
21 all the different categories of hearths we are  
22 talking about here.



1                   MR. DIRCKS: This is Peter Dircks from  
2 HHT. I think what you are hearing from the group  
3 here is it is very different based on what company  
4 you are.

5                   MS. ARMSTRONG: Yep.

6                   MR. DIRCKS: What market you are serving,  
7 what end consumer you are serving and how you go to  
8 market, that's really what these two gentlemen are  
9 saying. Some companies may use a two-step  
10 distribution some of us used direct through retail it  
11 also differentiates by replacement of new  
12 construction. I think what you have probably done  
13 there Greg is looked at the HVAC market based on what  
14 your comments were earlier and assumed that there is  
15 this two or three-step process. The hearth industry  
16 is different, it's a specialty hearth channel because  
17 of the distribution -- there's key skillsets required  
18 in order to distribute and install.

19                   So I think for us to give you some  
20 guidance here today in order to clarify this is  
21 probably quite difficult because there is a lot of  
22 different paths to market. I think what you are

1 saying or I think what you are hearing is that is not  
2 correct. And so we would need to come back to you  
3 with other guidance at the appropriate time to figure  
4 out exactly what was the arithmetic that you guys  
5 used for this.

6 MS. ARMSTRONG: I think we would welcome  
7 that guidance and we would be happy to incorporate it  
8 if you would be willing to put it together.

9 MR. BROOKMAN: Leslie go ahead. Leslie on  
10 the record go ahead.

11 MR. BORTZ: I think what you said is more  
12 attuned to what we do and we are us we are not him  
13 and him.

14 MR. BROOKMAN: Ashley's  
15 re-characterization, yes okay thank you.

16 MR. BORTZ: Thanks.

17 MR. BROOKMAN: Okay now we are moving on.

18 MR. SAIP: The next section is the energy  
19 use analysis slide 38. The purpose is to determine  
20 annual energy consumption of the hearth product  
21 technician system. Resulting energy costs are inputs  
22 to the lifecycle costs and payback period analysis.

1 So here we have a brief summary of the energy's  
2 methodology and I will be going over walking through  
3 each point later on.

4 The energy use is determined through the  
5 equation in the box there. The  $Q_p$  is either the  
6 standing pilot or intermittent pilot ignition system  
7 power as determined in the engineering analysis.  
8 This is a fuel input for standing pilot and  
9 electrical power for intermittent pilot. OHP is the  
10 operating hours of the pilot the on-time of the  
11 standing pilot or intermittent pilot ignition system.

12 For a standing pilot it is determined  
13 through field studies and RECs 2009 household data  
14 and for intermittent pilot based on the hearth  
15 product main burner operation. The final term  
16 secondary effects are the impact of ignition  
17 operation on households space condition system energy  
18 use. In the heating season the standing pilot is  
19 counted as beneficial heat and reduces furnace  
20 operating hours and in the non-heating season it is  
21 counted as an additional cooling load and increases  
22 cooling.

1 MR. BROOKMAN: Steve Rosenstock?

2 MR. ROSENSTOCK: Steve Rosenstock, Edison  
3 Electric Institute. For the non-heating season I was  
4 looking at the technical support document and I was  
5 wondering what kind of diversity factor did you use  
6 for pilot lights. In other words what percentage did  
7 you assume were turned off during the cooling season?

8 MR. SIAP: That is coming up on slide 40  
9 or 39 for the steady pilot operating hours. You will  
10 see a distribution there.

11 MR. BROOKMAN: We are going to get to that  
12 in a little bit.  
13 Frank Stanonik?

14 MR. STANONIK: Frank Stanonik AHRI. I  
15 think your equation at least as you have explained it  
16 here is incorrect so you are defining ignition system  
17 power as standing pilot or intermittent pilot  
18 ignition system power and then you define the  
19 intermittent pilot ignition system power only as the  
20 electrical power okay, but if I have an intermittent  
21 pilot ignition system okay what happens is I use  
22 electrical power to ignite the pilot and then the

1 pilot is consuming gas during at least the burner  
2 operating cycle.

3 So in that situation the overall energy  
4 use of the pilot would be both the electrical power I  
5 used to light it and whatever gas was burned during  
6 the period it was on and yes your explanation says  
7 the IPI I'm only going to count my electrical power.

8 MR. SIAP: This is the concern with the  
9 standby use so that would be active mode energies.  
10 So I tried to characterize the standby mode energy  
11 use as opposed to --

12 MR. STANONIK: Wow Frank Stanonik AHRI I  
13 mean I have this bad habit of just reading words. It  
14 says is determined annual energy consumption of the  
15 hearth product ignition system. Well I didn't see  
16 standby in there at all. That tells me just how much  
17 energy the pilot is going to use. If that's the case  
18 you really need to rewrite this and be a little  
19 clearer.

20 MR. BROOKMAN: Okay thank you Frank. Yes  
21 Rett?

22 MR. RASMUSSEN: Rett Rasmussen. I assume

1 you are just for your electrical power consumed. You  
2 are just taking into account 120 volt or your house  
3 current electricity. Do you also have some allowance  
4 for battery consumption and the cost from the  
5 replacement of batteries?

6 MR. SIAP: For as far as cost that's kind  
7 of more on the LCC analysis section we don't have a  
8 cost for replacement of batteries.

9 MR. RASMUSSEN: So there's nothing within  
10 this equation here that takes into account batteries,  
11 you are just assuming it's line electricity?

12 MR. SIAP: We don't assume a different  
13 power requirement for those two cases.

14 MR. RASMUSSEN: Rett Rasmussen so when we  
15 get into the actual costing of it then we will see  
16 that you are either doing it just with electricity or  
17 also including batteries.

18 MR. BROOKMAN: Okay Barton?

19 MR. DAY: I wanted to comment on --

20 MR. BROOKMAN: Your mic.

21 MR. DAY: I was going to comment on the  
22 use of the RECs data but we might be better to hold

1 that to the next one. You can either turn to me  
2 later.

3 MR. BROOKMAN: Yes. Comments here before  
4 we move on.

5 MR. CYMBALSKY: This is John from Doe. I  
6 want to just go back to Leslie's point about how  
7 these things are purchased so at least in this area  
8 it's very common for the contractor to sell directly.  
9 I mean they have huge I mean [www.gaslogs.com](http://www.gaslogs.com) takes  
10 you to Cypress Air which is a very major contractor  
11 here that does HVAC and fireplaces. They are also a  
12 contractor.

13 MR. BORTZ: They are a retailer.

14 MR. CYMBALSKY: So I think we might be  
15 talking about the same thing.

16 MR. BORTZ: We might be but I don't think  
17 you are they are a retailer buying from a  
18 distributor.

19 MR. CYMBALSKY: So will there be two steps  
20 or one step if we go back to that chain, that's what  
21 we are trying to --

22 MR. BORTZ: There will be the same

1 two-steps that there always are, excuse me, Leslie  
2 Bortz, the retailer sells the product and then the  
3 contractor, whether it is the same guy or not,  
4 charges a fee to install it.

5 MR. CYMBALSKY: So if I go to gaslogs.com  
6 they are having their big sale and I call them up.  
7 They have actually been at my house before so I know  
8 these guys but Cypress Air the guy comes in, he sold  
9 me whatever it is he sold and he is installing it.  
10 So is that two people or one person, in your mind?

11 MR. BORTZ: It is two people that can be  
12 one, but it is two separate functions.

13 MR. CYMBALSKY: Two fees so.

14 MR. BORTZ: There are two fees there.  
15 There is the markup he gets for selling the product  
16 and the fee he gets for installing it.

17 MR. CYMBALSKY: Just to go back again to  
18 re-emphasize Ashley's point so the mechanical  
19 contractor should be a retailer before in the same  
20 box or a different box?

21 MR. BORTZ: I don't know.

22 MR. BROOKMAN: Several people wish to



1 speak. Go ahead Mike Rivest?

2 MR. RIVEST: This is Mike Rivest. These  
3 are intended to be an ownership flow as well so in  
4 this case the contractor and his markup would be part  
5 of an installation cost and not necessarily part of  
6 the this distribution chain.

7

8 MR. RIVEST: In that case in that  
9 situation, you know his retailer/contractor but it is  
10 one step.

11 MR. BORTZ: Well not necessarily because  
12 --

13 MR. RIVEST: What I mean by step is an  
14 ownership step.

15 MR. BROOKMAN: Let's hear from this person  
16 behind you.

17 MS. FEINSTEIN: Rachel Feinstsein, Hearth,  
18 Patio, Barbeque Association. I have been -- I have  
19 come into this issue of retailer/contractor licensing  
20 in the last six months or so as it has become a  
21 growing issue for our retailers. In some states  
22 retailers who sell these products and then they want

1 to go out and install the products for their  
2 customers they have to be a licensed contractor of  
3 some kind within their state.

4 In Virginia right now the license is I  
5 think it is alternative energy contractor and also  
6 HVAC licensed contractors or mechanical contractors  
7 can also install but they are usually contracted by a  
8 retailer, so a retailer pays them an annual fee  
9 almost an annual salary to be the contractor for  
10 their location.

11 MR. BROOKMAN: Do they work for the  
12 retailer?

13 MS. FEINSTEIN: In some cases yes.

14 MR. BROOKMAN: So from the consumer's  
15 point of view they just see the one thing though  
16 right?

17 MR. FEINSTEIN: The retailers, they see  
18 the retailer the contractor who is hired by the  
19 retailer to go out and install.

20 MR. BROOKMAN: So when the consumer gets  
21 the bill let's say it's \$1,000.00 they don't know  
22 that a cut went somewhere and one cut went somewhere

1 else.

2 MR. BORTZ: You can buy it and take it  
3 home.

4 MR. BROOKMAN: You can, you can but.

5 MR. BORTZ: You won't follow our  
6 instructions because you need to be a qualified  
7 scholar to do it, but people do it they buy it and  
8 take it home and they install it themselves or they  
9 hire a plumber or a qualified installer.

10 MR. BROOKMAN: Okay.

11 MR. CYMBALSKY: So I guess obviously it  
12 has been done differently in different places but I  
13 guess what we are interested in is to try to get that  
14 final price correct. I mean frankly if there is five  
15 steps or three steps is the beginning to the end.

16 MR. BORTZ: Right it doesn't matter there  
17 is a markup to the person who is selling it and there  
18 is a cost to installing it.

19 MR. BROOKMAN: Okay, Rett final comment?

20 MR. RASMUSSEN: Rett Rasmussen. Right,  
21 some of what you are saying John when you look at the  
22 Cypress Air that's marketing but the functions within

1 that are multiple -- you have got the dealer  
2 function, you have got the contractor function. Some  
3 areas of the country require the mechanical  
4 contractors Rachel said, some do not.

5 The whole United States is as varied in  
6 their requirements for installation as there are  
7 different manufacturers and different means of going  
8 to market, further complicating the issue, so, yes.

9 MR. BORTZ: Matchless ones, easier ones to  
10 install and harder ones to install.

11 MR. BROOKMAN: Okay are we ready to move  
12 on now, I think so.

13 MR. SIAP: There's a question in the back.

14 MR. HOUCK: James Houck, I had a question  
15 on your slide 38. How did you calculate the benefit  
16 of the heating season?

17 MR. SIAP: That's going to be coming up in  
18 about 3-4 slides.

19 MR. HOUCK: Okay I'll ask the question  
20 then.

21 MR. SIAP: The secondary yeah.

22 MR. BROOKMAN: Yes Jack?

1           MR. GOLDMAN: Jack Goldman just a quick  
2 question. If you were to put parenthesis around the  
3 first step --

4           MR. SIAP: Yes.

5           MR. GOLDMAN: In that equation would it be  
6 QP times OHP or QP times OHP plus secondary because  
7 they could have different results depending on that.

8           MR. SIAP: It's yeah so you do the  
9 multiplication first in this case, yes.

10          MR. BROOKMAN: Okay keep going.

11          MR. SIAP: So the buildings -- first I am  
12 going to talk about the building sample before going  
13 back into the depths of the energy use. The building  
14 sample is how DOE characterizes the households which  
15 have hearth products. Starting from the latest RECs  
16 data which is the residential energy consumption  
17 survey -- we first decided to get those which have a  
18 fireplace and those which use either natural gas or  
19 propane.

20                 Finally if it has a flue we added to the  
21 vented hearth product sample and if it is flue-less  
22 we add it to the vent-less hearth product sample.

1 The vented sample was 541 households representative  
2 of 4.67 million households nationally. When the  
3 vent-less sample was 171 households representative of  
4 1.83 households nationally, yes question?

5 MR. BROOKMAN: Barton?

6 MR. DAY: The issue with the RECs data as  
7 near as I can tell the only gas hearth products that  
8 are covered by the RECs data at all are fireplaces  
9 that are used for secondary heating -- and there's no  
10 data on inputs, there's no data on the presence or  
11 absence of pilot lights. There is no information on  
12 pilot light use patterns, there is some limited data  
13 on product use patterns, product use frequency but to  
14 me the issue that  
15 leaps out is that fireplaces that are used for  
16 secondary heating are a very small fraction of  
17 fireplaces so the data is not even representative of  
18 fireplaces and I can tell you that if there's any  
19 resemblance between that and data for patio heaters  
20 it's random.

21 I mean there is absolutely nothing to link  
22 you know this data for any other product and I don't

1 understand, maybe I'm missing something in the RECs  
2 data and there is all this information about other  
3 products I don't know, there's nothing I can find and  
4 my perception from looking at it is that you are  
5 taking data set for an extremely narrow range of  
6 products and just applying it to everything because  
7 there is no other numbers, am I missing data?

8 MR. SIAP: Well RECs does include the  
9 fireplace only but we use it to establish the house,  
10 the characteristics of the households themselves, we  
11 don't use it for studying pilot market share or  
12 behavior, any of that so.

13 MR. BROOKMAN: Leslie?

14 MR. BORTZ: Leslie Bortz, Barton if you  
15 are right -- Barton, if you are right doesn't that  
16 mean this stops at the first diamond?

17 MR. DAY: Yeah.

18 MR. BORTZ: That's it.

19 MR. DAY: Yeah by definition well it's the  
20 first diamond is yes.

21 MR. BORTZ: It's everything that there is.

22 MR. DAY: It's just that all the other

1 products drop out there.

2 MR. BORTZ: Everything's out then.

3 MR. DAY: Every category drops out because  
4 fireplaces used for space heating is --

5 MR. BORTZ: Is the only thing they have.

6 MR. BROOKS: Can you restate how what the  
7 specifics are in RECs?

8 MR. SIAP: So um although that's what's  
9 the diamond says and that's strictly how the question  
10 is asked the RECs provides a measurement of the fuel  
11 consumed as well and if we look at the number of  
12 units identified in RECs it's not a small portion of  
13 all hearth product shipments, it's a large portion  
14 relative to the shipment so maybe this document could  
15 be labeled better.

16 MR. DAY: I looked at the questionnaire  
17 and the questionnaire on residential energy use, the  
18 only question that addresses any of the products we  
19 are talking about is fireplaces used for heating.  
20 The data summaries at the website that you linked us  
21 to in the notice are just fireplaces used for  
22 secondary heating.



1           If there's some data on any other product  
2    --

3           MR. CYMBALSKY: That would probably be the  
4    majority of what we are talking about here, I mean  
5    it's houses that have a gas for example -- have a gas  
6    furnace and they have a fireplace, a gas fireplace of  
7    whatever type we sell out there.

8           RECs would consider that secondary heating  
9    because their primary heater is their gas furnace.

10          MR. DAY: Well it actually doesn't you can  
11   look at the total of single family homes --

12          MR. CYMBALSKY: Right.

13          MR. DAY: That are accounted for and  
14   fireplaces used for secondary heating and you can add  
15   up wood and gas and propane and you can add up all  
16   the categories of fireplaces and I forget the total  
17   single family households, like 78 million is what  
18   the RECs data assumes and there's like 4 million  
19   fireplaces total.

20          And for the last 30 years or more about  
21   right at 50% of all newly constructed single family  
22   homes have fireplaces so the 35 plus million

1 fireplaces all but like 4 and I don't remember the  
2 numbers off the top of my head. I think that's right  
3 all but 4 are missing from the data side.

4 Well they are not missing from the data  
5 side because there is a category for products that  
6 are used for secondary heating which is where the  
7 vast majority of all the products that we are talking  
8 about would fall.

9 MR. BROOKMAN: James go ahead with your  
10 comment?

11 MR. HOUCK: This is James Houck. Yes  
12 there is a couple of issues with the data set. One  
13 is it's based on the consumer's response they are  
14 asked if they use their fireplace for secondary heat.  
15 The rule of thumb, working with fireplaces in  
16 residential homes is about a third aren't used, about  
17 a third are used for aesthetics and a third are truly  
18 used for a secondary heat source. But very few  
19 people use a fireplace for a cooling effect.

20 When you ask a person that uses it  
21 primarily for aesthetics they say oh yes secondary  
22 heat so that puts an incredible uncertainty in this

1 number because it is not really people that are using  
2 the secondary heat. When someone asks you do you use  
3 your fireplace for secondary heat source I say yes.  
4 The other issue is it doesn't distinguish between  
5 fireplaces that have an insert in them or not. Of  
6 course a fireplace insert is more designed for  
7 heating than I guess what you would call a true  
8 fireplace so there is a pre-disposition for this  
9 number to include fireplace inserts, not just the  
10 whole universe of fireplaces.

11 MR. BROOKMAN: Okay thank you.

12 MR. ROSENQUIST: You have to remember,  
13 this is Greg Rosenquist from LBNL is that we are  
14 using RECs to create a building sample for all vented  
15 hearth products and all unvented hearth products and  
16 so we are using that same building sample for vented  
17 gas logs and vented gas fireplaces as a basis for our  
18 analysis when we do the lifecycle cost analysis.

19 Where we get that weighting correctly in  
20 terms of the market share of each product is when we  
21 go back into the shipments and national impact  
22 analysis. Here with the lifecycle cost analysis we

1 are trying to determine what percentage of consumers  
2 would benefit or burden from replacing their standing  
3 pilot with intermittent pilot ignition device.

4 So I hope that's clear again we are just  
5 trying to create what is a representative building  
6 sample with sort of sparse information that we have  
7 from RECs. So we can perform our lifecycle cost and  
8 payback period.

9 MR. BROOKMAN: Leslie get close to that  
10 microphone.

11 MR. BORTZ: You said you  
12 are trying to figure out the percentage that would be  
13 helped by going to an intermittent pilot system,  
14 isn't that 100%?

15 MR. ROSENQUIST: I say benefit what I mean  
16 is on a cost basis right. If the benefits of the  
17 energy savings outweigh the increased cost of the  
18 product.

19 MR. BORTZ: Okay.

20 MR. ROSENQUIST: That's what I mean.

21 MR. SIAP: Okay so moving on. In our  
22 energy use determination the next term is the

1 ignition system representative power. This is  
2 determined in the engineering analysis, we have a  
3 table here listing the representative power used for  
4 each hearth product type by standing pilot,  
5 intermittent pilot and also for the hearth product  
6 main burner, yes?

7 MR. ROSENSTOCK: Question Steve  
8 Rosenstock, Edison Electric Institute. You are  
9 showing an ignition wattage of 50 watts that's across  
10 every single product, there is no variation, is that  
11 like an average value. The reason I am asking is I  
12 was over a neighbor's house and they had a huge  
13 propane grill, gas grill, sorry don't want to get  
14 anyone mad at me it was a gas grill and they were  
15 having trouble with the ignition so they changed out  
16 a AA battery as I recall so I see 50 watts, is that  
17 the nameplate rating or is the actual wattage on  
18 there when they are putting in the ignition when the  
19 actual ignition is on?

20 MR. SIAP: That's an average it may be a  
21 conservatively high average but yes it is meant to be  
22 an average.

1           MR. ROSENSTOCK: Again Steve Rosenstock,  
2 again was that based on nameplate or actually like a  
3 watt meter?

4           MR. SIAP: I would have to defer to the  
5 engineering analysis team to --

6           MR. ROSENSTOCK: Steve Rosenstock EEI. I  
7 looked in the technical support document and I wasn't  
8 finding anything, thanks.

9           MR. BROOKMAN: Jim?

10          MR. KUPSH: I think the actual opposite,  
11 if you look at your unvented fireplace, inserts,  
12 stoves, standing pilot and unvented gas log sets the  
13 gas consumed by both of those applications is  
14 effectively the same, more of the same pilot, they  
15 cannot be different they use the same amount of gas.

16                 And so the fact that you are off by 50% on  
17 the unvented fireplace insert stove makes me believe  
18 that there was not any true testing done because it  
19 is unrealistic, those should be very, very close to  
20 each other. It's effectively the same pilot, one has  
21 an extra device attached to it but the burning is all  
22 the same. So I have a hard time with the accuracy

1     there.

2                     MR. SIAP:    Okay.

3                     MR. BROOKMAN:  Yes Barton?

4                     MR. DAY:    Yes where did the main burner  
5     BTU numbers come from and why do they matter?  I'm  
6     having a hard time understanding what the relevance  
7     on this is?

8                     MR. SIAP:    Well the relevance of them is  
9     coming up there is very important in determining the  
10    intermittent pilot operating hours, it will come in a  
11    couple of slides.  As far as the magnitude how they  
12    are determined I would defer to the engineering  
13    analysis team.

14                    MR. BROOKMAN:  Microphone, Justin?

15                    MR. ELSZASZ:  Justin Elszasz, Navigant  
16    Consulting.  The main burner numbers are again  
17    averages and there are two primary sources to that.  
18    One was again the product data base that I mentioned  
19    earlier that included the model name information as  
20    well as ignition type and you know the number that  
21    you see there, the main burner fuel input.

22                    And the other was they were asking through

1 a confidential manufacturer of these.

2 MR. DAY: When you say I'm sorry this is  
3 Barton Day, and you said data based are you referring  
4 to just information you collected from literature?

5 MR. ELSZASZ: Yes.

6 MR. DAY: So no adjustment well obviously  
7 no adjustment for product shipments and so forth it's  
8 just how many products have this and how many have  
9 that?

10 MR. ELSZASZ: Right and again it was also  
11 refined during the interview process so manufacturers  
12 were allowed the opportunity to comment on that  
13 number.

14 MR. BROOKMAN: Leslie?

15 MR. BORTZ: Leslie, you have 50,000 I  
16 don't know if it matters yet but you have 50,000 for  
17 outdoor fireplaces I think somewhere else you had 25.  
18 If you can find it back -- it's a different number.

19 MR. BROOKMAN: Are you following him?

20 MR. SIAP: I'm not sure what you are  
21 referring to it might have been --

22 MR. BORTZ: An outdoor I'm sorry, Leslie.



1 The main burner in the outdoor fireplaces uses 50,000  
2 BTU's. I think somewhere else you said it used 25.

3 MR. BROOKMAN: Oh I see, okay.

4 MR. CYMBALSKY: I've gone back in the  
5 whole slide deck this is the first time I have seen  
6 this number.

7 MR. BORTZ: It may have been in your TSD  
8 or somewhere. I don't know if it matters.

9 MR. BROOKMAN: Okay let's move on.

10 MR. SIAP: Okay next here is the operating  
11 hours of the pilot. First we are going to go over  
12 the standing pilot operating hours. DOE identified  
13 three modes for gas fired hearth products in the  
14 field study. 40% of users left their standing pilot  
15 on all year, 20% turned their pilot off daily when in  
16 use and the remaining 40% mode three had higher  
17 variation with many turning their standing pilot off  
18 at the end of the heating season. Question Barton?

19 MR. DAY: Barton Day. The -- I mean the  
20 obvious question is where did the data come from for  
21 this. You site a study and I guess my first question  
22 is do you actually have the study and if so can it be

1 made available for review and comment? The magazine  
2 article just suggests that there are just suggests  
3 numbers for fireplaces you know for what was on the  
4 market, actually what was installed or in use 20  
5 years ago.

6 MR. SIAP: So we have -- the numbers in  
7 that article are what we have. We also found more  
8 recent survey data, not field data 2007 housing  
9 environment study shows that 44% of users turned  
10 their standing pilot off at the end of the heating  
11 season but --

12 MR. DAY: I'm sorry what's the additional  
13 information I couldn't quite hear you.

14 MR. SIAP: The housing and environment  
15 study in 2007.

16 MR. BORTZ: Leslie Bortz. It said in 2007  
17 that 44% of people turned their pilots off at the end  
18 of the season?

19 MR. SIAP: Yes.

20 MR. BORTZ: And you are going to say in  
21 2021 that number is going to be 40%?

22 MR. SIAP: Well I bring that up as it is

1 consistent with the 1997 number but if you have  
2 different data we would be happy to take it into  
3 consideration.

4 MR. BROOKMAN: Barton?

5 MR. DAY: This is Barton Day and that's  
6 the issue is there is no data. There is not a single  
7 data point that I am aware of as to you know used  
8 patterns of pilot lights on. Any products other than  
9 this very limited data on fireplaces with an old  
10 design. If there is a more recent study that  
11 addresses any of these products it would be good to  
12 see that but again you know a point we made early on  
13 is these products, they are all different and a  
14 pattern of consumer behavior with respect to one type  
15 of product is not necessarily going to have anything  
16 to do with a pattern of behavior as to other  
17 products.

18 And one of the key issues here that looks  
19 like was not considered at all is that the -- one of  
20 the key factors influencing consumer behavior is ease  
21 of pilot light control and you know it's obvious that  
22 if you have to crawl on your hands and knees with a

1 screwdriver and a flashlight to operate a pilot  
2 light, one could imagine that that's not going to  
3 happen all the time.

4           If it takes the flip of a switch on a  
5 handheld remote like turning off the light as you  
6 leave a room, a whole different ballgame and those  
7 controls are out there they exist, they are  
8 increasingly prevalent and for some styles of product  
9 you know the controls are so easy that the  
10 presumption that pilots are going to be left on  
11 indefinitely is just incredible.

12           And without having any data on any  
13 products without any information on the configuration  
14 of the pilot light controls I would say there is  
15 absolutely no evidence to permit any analysis based  
16 on pilot light use patterns and I understand in your  
17 analysis you have got blanks to fill in but you can't  
18 fill in blanks without data and there's not data.

19           MR. SIAP: So there is data and we are  
20 presenting it here and so this is an ask of whoever  
21 to provide more recent data. So you have asserted  
22 that this new product is becoming more prevalent.

1 MR. DAY: This industry has no data.

2 MR. SIAP: Okay so to back up your  
3 assertion there must be something.

4 MR. DAY: The assertion is there is no  
5 data.

6 MR. SIAP: No but he asserted that this  
7 new On Demand technology is running you know  
8 penetrating into the market.

9 MR. CYMBALSKY: Why would people pay for  
10 it if they weren't going to use it.

11 MR. BROOKMAN: Yeah, this gentleman here  
12 please say your name. Do you want to get in here?

13 MR. REOTT: Raymond Reott. The slide that  
14 is up on the board right now has the wrong numbers  
15 according to the TSD. According to the TSD table 7  
16 3.1 page 7-6 only 20% of the people leave their  
17 standing pilot on all year and 40% turn them off  
18 daily so those first two figures on the chart on the  
19 wall there are reversed actually.

20 MR. BROOKMAN: Thank you, yes James?

21 MR. HOUCK: James Houck. I would like to  
22 comment what Barton just talked about. I want to

1 point out that that study was done in Canada in 1997  
2 and I don't have it in front of me but I believe  
3 there was only 14 homes that did not turn their pilot  
4 light off. Now the statistics on that --

5 MR. BROOKMAN: Was that the end of the  
6 season?

7 MR. HOUCK: Yes, I believe that is how it  
8 was in the study I would have to look at it again to  
9 be sure on that. Something like that, the statistics  
10 are staggering when you consider there is probably  
11 around 14 million plus or minus gas fireplaces in the  
12 United States so that's .0001 percent of the total  
13 population that you are basing this assumption on.  
14 In Canada in 1997 so I would say that means nothing.

15 MR. BROOKMAN: Thank you yes Dana?

16 MR. MOROZ: Dana Moroz, Wolf Steel. I  
17 would also like to make the comment that based on  
18 this information or the date this information was  
19 accrued is like going back to caveman days. We live  
20 in the information world. As a manufacturer I can  
21 tell you we do a great deal to educate consumers  
22 today of both the use of the pilot and how to turn it

1 off that wasn't available back then. You can go on  
2 YouTube and find information on how to turn off  
3 almost any pilot, that didn't exist in 1997 so to  
4 just draw those numbers out and say they are still  
5 valid today lacks credibility.

6 MR. BROOKMAN: Jim?

7 MR. KUPSH: Jim Kupsh. To add to what  
8 Dana is saying is if you take a look at and as a  
9 control manufacturer, the percentage of non-standing  
10 pilot IPI appliances in 1997 I doubt it reach 1 or  
11 2%. It is significantly higher today and all of  
12 those appliances turn off the pilot on every single  
13 cycle or have the ability to do that.

14 And so to in any way suggest that this  
15 data from 1997 can be even considered as a framework  
16 to what's occurring today is unrealistic.

17 MR. BROOKMAN: Okay yes  
18 Peter?

19 MR. DIRCKS: Yes Peter HHT. You mentioned  
20 that the study from 2007 is the housing and  
21 environment study who was the actual source, I mean  
22 what's the company that put it out?

1           MR. SIAP: StatCan distributed the report  
2           citing that study.

3           MR. DIRCKS: I'm sorry I couldn't hear  
4           you.

5           MR. SIAP: StatCan provided the source,  
6           provided the report, the source.

7           MR. DIRCKS: All right and I have a  
8           followed comment. I think what you are hearing from  
9           most of the people in the room here not only on this  
10          issue but even the one earlier on distribution and  
11          even just based on the energy used by the consumers  
12          is it really does go back to this definitional issue  
13          of what is the definition of the products and what is  
14          the intended scope of my opinion because consumers  
15          are buying all of these products for different  
16          reasons and that was articulated earlier.

17          There's a different between what a  
18          consumer is looking for in a gas fireplace versus an  
19          insert versus a gas log so I think there is actually  
20          a theme here in the last three topics that we have  
21          covered by lumping all of this together, over  
22          simplifying and using data that's you know, 15, 18



1 years old is what's really giving us a lot of  
2 questions with the integrity of the information as  
3 well as how we can best respond.

4 MR. BROOKMAN: Okay James?

5 MR. HOUCK: Yes James Houck. Regarding  
6 that Canadian data in 2007 again I don't have it in  
7 front of me so my number is off a little bit but they  
8 had three categories of responses in that survey they  
9 turned their pilot light off in the summer, or they  
10 didn't turn their pilot light off in the summer and  
11 no response.

12 And there were more no responses I believe  
13 or at least in the same magnitude of the other two so  
14 again that data is very questionable.

15 MR. BROOKMAN: Frank Stanonik.

16 MR. STANONIK: One little comment, I'm  
17 hearing a lot of references to Canadian studies. I  
18 just want to make sure everyone is aware that when it  
19 comes to vent-free gas fired products, those products  
20 in fact are not allowed, or I will say they are not  
21 allowed in Canada so any of the Canadian studies that  
22 look at fireplace pilot use have no relevance to

1 vent-free products because in fact they are not a  
2 Canadian product.

3 MR. BROOKMAN: Thanks Frank. Bart?

4 MR. DAY: Yeah I just wanted to make a  
5 general comment about anecdotal evidence because you  
6 know as we looked at this issue and tried to get some  
7 sense of what is realistic we have concluded that we  
8 -- that it's an incredible challenge because there is  
9 substantial evidence that when you look at fireplaces  
10 as a group that as many as half of all fireplaces are  
11 used not at all or rarely.

12 Again we are talking about a product that  
13 performs its primary function just by sitting there.  
14 And that's what fireplaces are. They are an  
15 architectural feature and the data on fireplaces in  
16 general is right around 50%. 5-0 are not used  
17 regularly at all. Either are used not at all or are  
18 used rarely and the problem you have with anecdotal  
19 evidence when we talk internally what any particular  
20 manufacturer sees is experience with people that are  
21 using the product, so they are only seeing half the  
22 data set to start with so whatever impression they

1 get is going to overstate the issues with respect to  
2 anything related to product use because they are not  
3 seeing the substantial population of products that  
4 aren't used.

5 Survey data is subject to the same  
6 problem. Characteristically when you do survey data  
7 the people who are actually using products are much  
8 more likely to respond than the people who don't and  
9 so everything is skewed in the direction of inflating  
10 anecdotal or survey data and so you know reliable  
11 data about issues like pilot light use is frankly  
12 just wanting and I think the other significant issue  
13 is that two of the major factors that control the  
14 outcome there are consumer attitudes which have been  
15 changing rapidly and continue to change.

16 And product design which has evolved  
17 rapidly and continues to change and so to -- if we  
18 had reliable data from you know a year ago it  
19 wouldn't be reliable data for two years from now let  
20 alone five years from now because we see the trends.

21 It's a very difficult issue to get at and  
22 the sentiment of the industry is that you know

1 concerns based on this model of you know the pilot  
2 lights that nobody changes is just -- it's not an  
3 applicable model to products that are coming on the  
4 market today or that will be on the market five years  
5 from now and so there's a real question as to whether  
6 there is any issue to address through regulation at  
7 all.

8 MR. BROOKMAN: Okay moving on.

9 MR. SIAP: Still in the operating hours  
10 now we move on to the intermittent pilot operating  
11 hours covered by these two equations here. The  
12 intermittent pilot hours are determined using the  
13 main burner operating hours and the IPI on time per  
14 main burner operating hours. This is determined by  
15 the main burner cycles per hour and the operation per  
16 main burner cycle.

17 The average main burner cycle time is  
18 determined -- is assumed to be similar to similar  
19 equipment, direct heating equipment where we assume  
20 an average main burner cycle time of 20 minutes which  
21 leads to three main burner cycles per hour. DOE  
22 assumes that an IPI operation per cycle of 30 seconds

1 and this results in an average IPI operating hours of  
2 3.9 hours per year.

3 MR. BROOKMAN: Barton?

4 MR. DAY: Yes these assumptions come out  
5 of the test procedure for direct heating equipment.  
6 Several years ago we submitted a submission and a  
7 test procedure proceeding and we have submitted it to  
8 DOE several times since then. This has absolutely no  
9 relevance to hearth products. This is a strictly  
10 utilitarian heating appliance operating on a  
11 thermostat. This is absolutely has got nothing to do  
12 with any hearth product, they just don't operate like  
13 that.

14 MR. BROOKMAN: Dana?

15 MR. MOROZ: Dana from Wolf Steel. I would  
16 agree with Barton on that point the fact is that most  
17 homeowners use these as decorative appliances, they  
18 don't turn it on to cycle the heat, they turn it on  
19 because they want to enjoy the ambience, the cold  
20 temperature outside allows them to do so and they  
21 don't want to watch it come on and off for 20 minutes  
22 every hour, they want to have it on for several hours

1 while they are sitting there enjoying it and that's  
2 how fireplaces are used.

3 InterCan went through this recently in  
4 Canada trying to evaluate the same usage and was  
5 unable to define it. When they looked to themselves  
6 and surveyed within their own organization they found  
7 that was consistent with the proposed usage. That  
8 most users leave it on for an extended period of time  
9 to enjoy the ambience, not to heat.

10 MR. SIAP: Right so just briefly the we  
11 realize that the hearth product and burner cycle may  
12 be longer. Here we choose to kind of potentially  
13 overstate the energy use of the IPI to be  
14 conservative in our estimates.

15 MR. BROOKMAN: Frank?

16 MR. STANONIK: Frank Stanonik, AHRI. So  
17 the slide says that the average main burner cycle  
18 time is 20 minutes and I understand it to be the  
19 burner on time?

20 MR. SIAP: Yes.

21 MR. STANONIK: Well by the fact you are  
22 calling it a cycle that suggests that there is a

1 burner off time which there is if it is  
2 thermostatically controlled and if that is the case  
3 then you do not have -- the only way you get three  
4 main burner cycles in an hour is in fact if you have  
5 three consecutive burner cycles of 20 minutes which  
6 is basically one burner operating of one hour.

7           So you have got a little flaw here in how  
8 you have analyzed this because what you haven't  
9 mentioned is okay if it is operating this way what is  
10 the off cycle and if in fact and then one other point  
11 that has just been brought up here okay. In the  
12 discussion of how people use decorative equipment it  
13 is totally appropriate. They just want to watch the  
14 flame okay.

15           But if this is a vent-free product okay  
16 they can't let it run forever because the room will  
17 just get too hot. They will either open the window  
18 and then I guess heat the outdoors or they in fact  
19 will cycle the equipment or turn it down or whatever  
20 because again there is no way around it, a vent-free  
21 product will heat the room and it doesn't take very  
22 long for going from comfortable hot to too hot and so

1 it's a whole different situation of how that main  
2 burner is going to operate.

3 MR. BROOKMAN: Sue?

4 MS. WALKER: All I was just going to say  
5 on the vent-free products overwhelmingly they are  
6 thermostatically controlled and cycle automatically.

7 MR. BROOKMAN: Okay yes Rett?

8 MR. RASMUSSEN: Rett Rasmussen. The ANSI  
9 standards for vented decorative appliances they do  
10 not permit the use of thermostats so you will not  
11 have this type of cycling with decorative products.

12 MR. BROOKMAN: Sue is that correct? Yeah  
13 okay, Barton nothing there -- okay.

14 MR. SIAP: Next I have how we determine  
15 the main burner operating hours. Now that the  
16 previously stated cycles per hour is for main burner  
17 operating hours not hours in general so the main  
18 burner operating hours are determined using the  
19 overall hearth product energy use as listed in RECs  
20 2009. The main burner input capacity as determined  
21 in the engineering analysis and several adjustment  
22 factors where we adjust the heating and cooling load



1 to project -- to account for 2021 of rejected  
2 building shell efficiency as well as 2021 average  
3 climate conditions. Yes?

4 MR. ROSENSTOCK: Steve Rosenstock, EEI.  
5 When you are saying building shell you are saying  
6 residential or commercial or a combination of both?

7 MR. SIAP: Residential.

8 MR. DAY: This is Barton Day again the  
9 whole issue of burner operating hours the appendix of  
10 testimony that we are talking about a minute ago has  
11 assumptions that are completely out of whack for  
12 hearth products again I completely -- looking at a  
13 different type of product. But these numbers you are  
14 starting with the RECs data again so you are starting  
15 with the small fraction of fireplaces that are used  
16 for secondary heating you know for most of the  
17 products we are talking about the pattern is going to  
18 be different.

19 For fireplaces in general the pattern is  
20 going to be different and so you know we don't --  
21 this is not producing data that is going to be  
22 representative of any of the products that we are

1 talking about and that's really the problem is that  
2 the operational use data is way off and it doesn't  
3 connect with pilot light use data anyway. It seems  
4 like we are assuming some use pattern of pilot lights  
5 without any evidence on the basis of product use  
6 information for which we have no evidence.

7 MR. SIAP: The final term is the secondary  
8 effects or the impact of the pilot heat on the base  
9 heating or cooling. Secondary effects are determined  
10 in these equations listed here the first term is the  
11 energy use of the pilot, this is just the energy  
12 consumed by the pilot as the product of the power  
13 consumption and the operating hours.

14 Next is the fraction of useful heat from  
15 the pilot which is the distribution based on another  
16 field study and it's assumed to be more for unvented  
17 units and less for decorative units and finally DOE  
18 takes into account the efficiency of the main space  
19 heating or cooling appliance depending on season.

20 MR. BROOKMAN: Steve Rosenstock?

21 MR. ROSENSTOCK: Steve Rosenstock, Edison  
22 Electric Institute. When I looked in the technical

1 support document table 7.3.6 it talks about the  
2 fraction of the heat of useful heat. I'm seeing  
3 ranges depending on the product of 1 to 47% or 0 to  
4 23% or for the unvented products 2 to 94% so you were  
5 talking about a distribution based on a field study.  
6 It's based on a Canadian field study and as Frank  
7 said the unvented products aren't even allowed right  
8 so in terms of the distributions how did you  
9 determine -- or I'll ask what is the shape of the  
10 distributions and how did you do it for unvented  
11 products?

12 MR. SIAP: So I will start with vented and  
13 then go to unvented. Vented products is a triangular  
14 distribution where the upper bound is established as  
15 the number determined in that study as that was one  
16 household that had the furnace thermostat coincident  
17 in the same room and basically right next to the  
18 fireplace.

19 So we assumed that that is one of the most  
20 impactful scenarios for a furnace and a hearth  
21 product interacting. For the unvented units we  
22 recognize that there is a potential for higher, much

1 higher impact on furnace use so we assumed double.  
2 If that number should be something else we welcome  
3 comment on that.

4 MR. ROSENSTOCK: Steve Rosenstock EEI. So  
5 you said the unvented was -- you also assumed a  
6 triangular distribution?

7 MR. SIAP: Also triangular yes.

8 MR. ROSENSTOCK: So where was the peak of  
9 the triangle just out of curiosity within that?

10 MR. SIAP: It's symmetric so --

11 MR. ROSENSTOCK: By 23 and so in the first  
12 case it would be -- Steve Rosenstock, EEI so it would  
13 be 23 in the case of 1 to 47 and for the zero to 23  
14 it might be 11 --

15 MR. SIAP: Right.

16 MR. ROSENSTOCK: And then 2 to 94 it might  
17 be 48 or something like that, 48.

18 MR. SIAP: Right in that range.

19 MR. BROOKMAN: Go ahead Frank?

20 MR. STANONIK: Frank Stanonik with AHRI.  
21 In the case specific case of unvented vent-free  
22 products I would strongly urge you to essentially

1 scrap this analysis and just start by what I would  
2 call first principals and the first principal is that  
3 on a vent-free heater all of the pilot energy during  
4 the heating season is going into the space. That is  
5 installed in a room or wherever and it is intended to  
6 provide heat to that area so in fact all of the pilot  
7 energy because it can go nowhere else is going into  
8 the space so it is all useful heat.

9 Now if you want to get into an analysis  
10 and figure out what is going on with infiltration and  
11 some other things you can do that but to suggest that  
12 there is a range for a pilot on a vent-free heater is  
13 to borrow a phrase from Leslie, ridiculous. There's  
14 no place else for the heat to go but into the space.  
15 It is 100% putting BTU's into that space.

16 Now during the heating season you could  
17 you know, you could do some analysis that might look  
18 at bins and say okay how many hours are in the  
19 heating season, am I really wanting heat as opposed  
20 to not wanting -- all those things but to take this  
21 study that you have done in Canada and then make some  
22 assumptions and look at some distributions just

1 doesn't fit.

2 MR. BROOKMAN: Barton? Okay, yes James  
3 please.

4 MR. HOUCK: Yes I would like to expand on  
5 that a little bit. First of all I think it would be  
6 fair in your equation to have a plus or minus in the  
7 secondary effects because I believe you would  
8 probably have more benefits in the winter and losses  
9 in the summer. A couple of other things about that,  
10 one is I would be surprised and sometimes I am  
11 surprised that you have taken into account the  
12 magnitude of the heating benefit in the winter.

13 The standard in the industry used by the  
14 U.S. weather service is heating degree days and  
15 that's any day that has an average temperature below  
16 65 degrees Fahrenheit that is deemed that heating is  
17 needed. So I would argue anywhere a fireplace is  
18 located and the number of days that are below 65  
19 degrees the energy is not wasted, in fact it is used  
20 to heat the dwelling.

21 The other component on that, is again it  
22 was alluded to a little earlier, it is not a linear

1 fashion, in other words if there is a hundred million  
2 BTU's of energy put out, used by the pilot light the  
3 benefit to the home can be much greater than that.  
4 Fireplaces to have open chimneys for example a gas  
5 log set put in an old masonry fireplace -- if the  
6 draft is lost and becomes negative and which you have  
7 air infiltrating into the home that air can be very  
8 cold and causing your main heating source such as a  
9 forced air furnace to work a lot harder.

10 So I would argue that probably the  
11 secondary benefits of a pilot light are not  
12 adequately taken into consideration.

13 MR. BROOKMAN: Okay.

14 MR. SIAP: So finally we have the results  
15 of the energy use analysis. The top table lists the  
16 standing pilot fuel use by product type. The bottom  
17 table lists the energy use by the intermittent pilot.  
18 The first column is the energy use direct electricity  
19 use directly by the intermittent pilot.

20 The third column is the space heating fuel  
21 impact -- this is the increased energy use by the  
22 furnace or the fuel used in heating appliance due to

1 the lack of useful heat from the standing pilot.  
2 Similarly for those households which have an electric  
3 resistant heat pump space heating appliance the  
4 fourth column takes those electrical impacts into  
5 account.

6 And finally the last column takes into  
7 account, lists the benefits of the lack of the  
8 additional cooling load from the standing pilot which  
9 results in reduced air conditioning or other cooling  
10 operating hours, yes?

11 MR. BROOKMAN: Yes Steve Rosenstock?

12 MR. ROSENSTOCK: Steve Rosenstock, Edison  
13 Electric Institute. Again thank you for that, that  
14 kind of the breakout. I guess my thought is again  
15 just looking at table 731 it says that in your in a  
16 technical support document it says year round  
17 standing pilot is 20% of the population. So for  
18 these numbers in the table these numbers are just  
19 for, well I'll just start with the cooling, for the  
20 space cooling that's only for the 20% of homes that  
21 are actually running the pilot in the summer time.  
22 Am I correct in that assumption?



1 MR. SIAP: For that part yes.

2 MR. ROSENSTOCK: Okay the next question I  
3 was going to have is you know especially for a lot of  
4 these products where you know the pilot is going to  
5 be inside the fireplace and in many cases it is  
6 behind a glass door as well I know you said the  
7 fraction if like only 20% of the heat is actually  
8 getting into the space and it starts out like I'll  
9 say 700 to 1000 BTU's you are talking about you know  
10 a couple hundred BTU's where the cooling load of the  
11 house might be 36,000 BTU's per hour at a peak time  
12 on a peak July day. That's kind of within the noise,  
13 are you saying that the thermostat has to go on and  
14 off just because of that extra couple of hundred  
15 BTU's?

16 MR. SIAP: We acknowledge that it is a  
17 really small portion of the cooling load but we  
18 account for the analysis -- for the heat input into  
19 this space the same as the cooling and the heating  
20 season.

21 MR. KUPSH: Jim Kupsh. The 20% -- that  
22 20% is it calculated off of 100% of the fireplaces or

1 is that 20% calculated off of 20% of the fireplaces  
2 that have a standing pilot system? In other words  
3 are you subtracting out all of the existing  
4 fireplaces that currently have an IPI system?

5 MR. SIAP: So these results are presented  
6 separately so this is for only the standing pilot or  
7 intermittent pilot so that 20% is only standing  
8 pilot.

9 MR. KUPSH: But the calculation was based  
10 on 1997 when the entire market was standing pilot,  
11 how 40% of the installations and it's growing as we  
12 get to 2020 are not standing pilot, is that taken  
13 into consideration?

14 MR. SIAP: So we used the 1997 report to  
15 provide some kind of data point for the behavior with  
16 standing pilot only. So we applied those modes to --

17 MR. KUPSH: I understand but my statement  
18 or question is if you use 1997 as the 20% then you  
19 have to use it only the appliances that are now  
20 standing pilot. If you use it as a -- if you take  
21 into account for all of them now you then have to  
22 take into account that 40% of the appliances no

1 longer have standing pilot.

2 MR. CYMBALSKY: What he is saying is the  
3 behavior is constant not the stock of standing  
4 pilots.

5 MR. KAPSH: How can you say the behavior  
6 is --

7 MR. CYMBALSKY: 40% of the lower number is  
8 standing pilot.

9 MR. KAPSH: You have no data to say the  
10 behavior is constant you are basing it on 1997 data  
11 in which there was no IPI applications.

12 MR. CYMBALSKY: And that's fine no, no,  
13 no. Let's just think about standing pilots. So in  
14 2007 or '97 you had a population of people with  
15 standing pilots. 40% of them said we don't turn it  
16 off. Fast forward to now the number of people with  
17 standing pilots is a lot lower but of that lower  
18 number you still have 40% of them that keep the  
19 standing pilot on.

20 Behavior is the same of people with  
21 standing pilot unless --

22 MR. KAPSH: So are you saying the 20% is

1 only standing pilot applications?

2 MR. CYMBALSKY: Right.

3 MR. KAPSH: And you subtracted out from  
4 the whole population.

5 MR. CYMBALSKY: Yes.

6 MR. KAPSH: Okay thank you.

7 MR. BROOKMAN: Yes?

8 MR. RASMUSSEN: Rett Rasmussen. I would  
9 like to point out that since that is a Canadian study  
10 Canada is north of the United States of America. If  
11 you recall in my comments -- opening comments I had a  
12 dealer from Michigan which is just south of Canada  
13 but still in the northern part of the United States  
14 that suggested that standing pilot usage is going to  
15 be greater in the northern climates and what it would  
16 be in the southern part of the United States so I  
17 would like to just point out that this is what I  
18 consider to be a discrepancy in the use of these  
19 Canadian numbers for making policy for the United  
20 States.

21 MR. BROOKMAN: Barton?

22 MR. DAY: Yeah I just want to go back to

1 the point John when you were commenting a moment ago  
2 you said but the behavior is the same and there's no  
3 reason to believe that is the case and the reason for  
4 that is in the article itself and again if you guys  
5 have the study we would love to see the study, all we  
6 had access to was the article that you linked to in  
7 the notice.

8           And the notice states as one of its  
9 principal conclusions that the ease of pilot light  
10 control has a significant effect on consumer behavior  
11 and they picture a product as part of the art for the  
12 article and say well if you have easy controls like  
13 this product it has a significant effect on pilot use  
14 guess what, that product is now the norm.

15           MR. CYMBALSKY: And it's not a standing  
16 pilot light in your mind.

17           MR. DAY: No it is a standing pilot light.  
18 I'm saying of standing pilot light products now and  
19 this is why it would have been great if you guys  
20 could have come to the expo because if you had walked  
21 around the expo you would have seen you know you flip  
22 open a panel there's a dial, there's a button -- it's

1 as easy as a barbeque grill and this is the bulk of  
2 the product now. It's not -- it's not crawling  
3 around on your hands and knees with a screwdriver and  
4 a flashlight anymore so behavior is going to be  
5 completely different.

6 MR. CYMBALSKY: We are happy to take the  
7 data, the bulk of the product is different so tell us  
8 what the bulk is and we will implement it.

9 MR. DAY: There is no data, that's the  
10 problem.

11 MR. CYMBALSKY: Well there's a showroom  
12 full of it.

13 MR. DAY: You mean in terms of model.

14 MR. CYMBALSKY: I mean before you  
15 criticized and I don't mean in a negative way you  
16 know the product offerings and models available was a  
17 bad way of gathering data but you are also saying if  
18 we went to the HPBA show which we tried to the  
19 weather actually screwed it up.

20 MR. DAY: I didn't mean anything --

21 MR. CYMBALSKY: But if we walked around  
22 the floor and just took a survey of the product there

1 to use your point would that be okay to do, you know  
2 we collect data --

3 MR. DAY: It would at least have given you  
4 a flavor.

5 MR. CYMBALSKY: I mean we use product  
6 literature, everything that we can get our hands on.

7 MR. BROOKMAN: Leslie please?

8 MR. BORTZ: I have mentioned to you  
9 several times that we have piezos on some of our  
10 pilot systems and the only reason people would buy  
11 them and spend the extra money would be to turn the  
12 pilot on and off, you haven't considered that at all  
13 and we didn't have that in 1997 and we had started in  
14 2007.

15 MR. BROOKMAN: Let's go to the comment  
16 boxes. Here you see two comment boxes I think  
17 perhaps we have covered both of these.

18 MS. ARMSTRONG: So we kind of have to move  
19 a little bit quicker, some of us because I know there  
20 are certain areas especially when we get to the  
21 shipments analysis that some people have already  
22 commented that they wanted to highlight so we are

1 going to go pretty quick through some of these, just  
2 highlight major points. If there are certain things  
3 you want please stop us but we are -- all of our  
4 information is documented in the notice and in the  
5 technical support documents.

6 We will always welcome your data. We are  
7 happy to revise our analysis and/or our assumptions  
8 that were explained in response to new data that  
9 becomes available or any data that you are willing to  
10 submit whether it be on the record or confidentially  
11 through a contractor we have ways of doing that. And  
12 since many of you have pointed out today that you  
13 know you don't necessarily agree with some of the  
14 data sources that have been used or some of the  
15 assumptions however you can't just state disagreement  
16 you actually have to explain why and perhaps you may  
17 have data to back that up.

18 So if you don't might proceed but  
19 highlight the high points, thanks.

20 MR. SIAP: Okay thanks. Okay so the next  
21 section is a lifecycle cost and payback period  
22 analysis. The purpose is to provide an economic



1 evaluation from the consumer's perspective.  
2 Lifecycle costs or LCC's are the total consumer cost  
3 over the life of the product. Payback period or PBP  
4 is the time required to recover the increased  
5 purchase price through reduced operating costs. The  
6 LCC's determined using the equations and the  
7 methodology -- the LCC and the PBP are determined on  
8 those equations. The LCC's the sum of the total  
9 installed cost and the lifetime operating cost.

10           The LCC savings is the difference of the  
11 LCC and the standard in the base case and the payback  
12 period is the portion of the change of the total  
13 installed cost and the first year operating cost.

14           The same consumer sample is developed in  
15 the building sample a few slides ago were used for  
16 this LCC analysis.

17           So the graphic to walk you through the  
18 lifecycle cost, the top bracket here kind of shows  
19 how the total cost installed cost is developed, it is  
20 the sum of the consumer price and the installation  
21 costs and the lifetime operating cost is developed on  
22 the lower half as the sum of the annual operating

1 expenses over the lifetime discounted to the  
2 appropriate rate and with the appropriate energy  
3 prices.

4 The consumer price is determined using the  
5 manufacturer cost and the markup. The manufacturing  
6 and markup were discussed manufacturing costs and the  
7 markup were discussed earlier and the results for the  
8 average price are listed in the table below for both  
9 standing pilot and intermittent pilot.

10 MR. BROOKMAN: Leslie?

11 MR. BORTZ: Leslie Bortz, can I assume  
12 from page --

13 MR. BROOKMAN: Is your microphone on?  
14 Leave it on Leslie.

15 MR. BORTZ: I can't I'm swearing. Can I  
16 assume from this bottom of that chart that the cost  
17 at some point -- that the consumer price that you  
18 have here is \$82.08?

19 MR. SIAP: So the consumer price is broken  
20 up there for each ignition type so for a standing  
21 pilot the consumer price is \$165.00 and for  
22 intermittent pilot it's \$247.00.

1 MS. ARMSTRONG: So this is Ashley from DOE  
2 just to clarify when I first saw this slide I was a  
3 little and you still may not necessarily agree which  
4 we welcome your data and comments on but this is just  
5 the ignition system so we have isolated the ignition  
6 system. We are not saying this is the cost of your  
7 product so take that shock factor away.

8 But there still might be a shock factor  
9 associated with the ignitions of some but this is  
10 what that is meant to show. This is the ignition  
11 system only.

12 MR. BORTZ: Yes ma'am.

13 MS. ARMSTRONG: We welcome comment, like I  
14 said we welcome comments and feedback or it's you  
15 know and data and if anyone who wants to continue  
16 discussions through our manufacturer process or  
17 whatever we are welcome to that, we are open to that.

18 MR. BROOKMAN: Dana?

19 MR. MOROZ: I appreciate the invitation  
20 Ashley but again it is data that we don't necessarily  
21 have why look at oh what have I got right now about  
22 60 different gas appliances and applying that product

1 to each and every one of them will require different  
2 diligences so I can't capture that cost. I can't  
3 give you a nice round figure and say this is what it  
4 is going to cost on an average, I'm sorry. I would  
5 like to be able to but it is not available.

6 MR. BROOKMAN: Okay thank you moving on.

7 MR. SIAP: Okay so next is the  
8 installation cost. The purpose is to represent the  
9 labor for material necessary to install the hearth  
10 product ignition system.

11 MR. BROOKMAN: Martin Thomas has a comment  
12 and his comment is some of the IPI pilots have a  
13 switch that converts them to a standing pilot. The  
14 product literature recommends leaving the pilot on in  
15 cold weather, okay.

16 MR. SIAP: So this installation cost is  
17 meant to represent the incremental and installation  
18 costs of the ignition system only. For some standing  
19 pilot users switching to IPI they may require an  
20 electrical connection that is considered for a house  
21 build prior to 1990 in addition for grounding for  
22 older houses prior to 1960. The labor costs and

1 mechanical cost data were sourced from 2013 RS Means.  
2 The results by task -- the average cost by task are  
3 listed there as well as the percent of households.  
4 Yes Barton?

5 MR. BROOKMAN: Yes Barton?

6 MR. DAY: I would like to go back to that  
7 point that just blew by so quickly and I apologize if  
8 it is out of order but it really is essentially an  
9 important point and that is that the proposed  
10 standard doesn't do what the NOPR suggests that it  
11 would do and one of either two ways and I think the  
12 fundamental problem is that in the technical analysis  
13 there was not an adequate appreciation of the  
14 function that a standing pilot light performs and in  
15 particular and this is a broader point, there was not  
16 adequate appreciation for the importance of being  
17 able to warm up the vent system to get proper draw on  
18 a product before main burners are ignited and it's --  
19 the short answer is that's you can expect a lot of  
20 operational problems if you simply put an IPI on a  
21 product that's designed to operate with a standing  
22 pilot.

1           And it's a significant issue. The point  
2           that was made a moment ago is I believe almost every  
3           manufacturer in the industry that offers IPI offers  
4           IPI with the ability to put a standing pilot function  
5           on and the reason for that is to prevent these  
6           operational problems that are typically characterized  
7           as cold weather problems but there is a switch or a  
8           button setting on the remote control and so the idea  
9           that the IPI devices that are used by most of the  
10          manufacturers would eliminate all gas consumption  
11          except when the main burners are on is incorrect and  
12          so the gas savings you are assuming is overstated for  
13          that reason.

14                 And on the flipside on the cost side the  
15          assumption well most of your manufacturers are using  
16          products that will satisfy the standards, that's not  
17          true either and so you know there's the basic issue  
18          of if you are going to allow a standing pilot  
19          function on an IPI unit then your gas savings are  
20          high and if you are not then your economic impacts  
21          are way, way, way low so it is a very important point  
22          and I apologize for taking it out of order but as we

1 got to this point I just realized we hadn't gotten to  
2 that yet and it's a critical point.

3 MR. BROOKMAN: Okay.

4 MS. ARMSTRONG: So I have one follow up to  
5 that. Do you have an estimated fraction that the  
6 manufacturers recommend must leave the standing pilot  
7 on?

8 MR. BROOKMAN: Anybody?

9 MS. ARMSTRONG: So his point is that our  
10 savings are overstated because there is a fraction of  
11 the market that even if you switch to an electronic  
12 ignition would still require some type of pilot or  
13 some type to remain on.

14 MR. KUPSH: As a control manufacturer I  
15 will tell you that every customer we have every  
16 fireplace manufacturer who makes a fireplace and uses  
17 our IPI system includes a switch to be able to allow  
18 the homeowner to deal with issues of cold climate and  
19 so every IPI system has this capability, every  
20 manufacturer is using it.

21 MS. ARMSTRONG: That's allowance versus  
22 I'm wondering what fraction actually recommends, what

1 are the terms for which you recommend because that is  
2 what is going to impact our savings.

3 MR. BROOKMAN: Dana?

4 MR. MOROZ: Dana from Wolf Steel. I guess  
5 this really demonstrates how this is an evolving  
6 technology you know the assumption here that we are  
7 talking about today is hey we have got this great new  
8 system we could drop it in and save a bunch of gas  
9 which is great I love it but the reality is we are  
10 trying to make it fit into a system that has a lot of  
11 variables that influence it that make it effective or  
12 not effective, whereas we are an industry trying to  
13 manage and develop that, our suppliers are working  
14 with us but there has been no clear answer and this  
15 what we call an anti-condensation switch, this  
16 accessory really essentially bypass intermittent  
17 pilots has become necessary because of the failing of  
18 an intermittent system in some applications and so we  
19 don't prescribe it, we don't say use it all the time  
20 but we need to have it available so when our  
21 customers experience the failing of our product using  
22 an IPI system there had to be a solution.



1           Our market is very delicate, you know we  
2 talk about is it a heater is it not a heater, is it  
3 decorative? We have cultivated a market that  
4 appreciates the product we have, we can damage it  
5 severely if we force technology on to it that isn't  
6 effective yet and so this is a step for us, this ACS  
7 switch helps us get to that next level but that  
8 technology is not here today.

9           MR. BROOKMAN: Okay, we are going to move  
10 on.

11           MR. SIAP: So next we have energy prices  
12 I'll go over this briefly. The purpose is to develop  
13 the average marginal monthly prices by geographic  
14 area. DOE calculates these prices by multiplying the  
15 current average annual energy prices by the monthly  
16 price factors and the marginal price factors. The  
17 annual energy prices are listed -- the sources are  
18 listed there for the electricity, natural gas and oil  
19 as well as the monthly energy price factors and the  
20 marginal energy price factors.

21           MR. BROOKMAN: Steve Rosenstock?

22           MR. ROSENSTOCK: Steve Rosenstock, EEI.

1 I'm looking at this slide and I needed to double  
2 check what about the marginal prices for the propane  
3 products, what are those based on?

4 MR. SIAP: The monthly energy price  
5 factors for propane LPG is listed there EIA 2009  
6 short term outlook.

7 MR. ROSENSTOCK: Steve Rosenstock EEI, you  
8 don't have any more recent data to use?

9 MR. SIAP: I believe that's the most  
10 recent data, 2012? 2009?

11 MR. CYMBALSKY: We will update it as the  
12 EIA puts it out but we use by rule we will use the  
13 most recent EIA data so it's not like we are ignoring  
14 a more recent year when it comes out we will use it.

15 MR. BROOKMAN: It takes a while for them  
16 to assemble it all.

17 UNIDENTIFIED: I've worked there for 20  
18 years so I can tell you it's not an overnight thing.

19 MR. DAY: Did we accidentally skip slide  
20 51 on installation costs or did I just miss it.

21 MR. BROOKMAN: We didn't skip it but we  
22 went quickly through it.

1           MR. DAY: Okay I was just wondering if  
2 anybody had to say about it.

3           MR. BROOKMAN: Do you wish to say  
4 something about installation costs?

5           MR. DAY: My understanding anecdotally is  
6 that the installation costs are and obviously it  
7 depends on the product but for fireplace inserts, for  
8 gas log sets yeah the installation costs are  
9 significant, a significant concern.

10          MR. BROOKMAN: Okay, yes Leslie?

11          MR. BORTZ: Leslie, we provide that to you  
12 in our -- we will provide it to you in our -- I'll  
13 give it to you today but I will provide it to you in  
14 the written comments.

15          MR. BROOKMAN: Thank you that's helpful.  
16 Thank you Dana?

17          MR. MOROZ: I don't have that information  
18 but I can say that in most states and certainly in  
19 Canada you require a qualified technician to put any  
20 electrical in which now brings a whole other factor  
21 another contractor into the installation. I also  
22 think in some applications such as inserts or even

1 logs, in some states there might be some conflict as  
2 to putting an electrical component in that cavity  
3 with the fireplace.

4 MR. BROOKMAN: Okay.

5 MR. SIAP: Thanks, the next slide is the  
6 energy price trends. These are the average monthly  
7 marginal -- these are how we determine the average  
8 monthly marginal energy prices by geographical area.  
9 These price trends come from EIA's AEO 2014 by Census  
10 division. After 2040 they are extrapolated according  
11 to fed guidelines.

12 The projected energy prices are shown in there for  
13 both electricity, natural gas and propane are listed  
14 there.

15 MR. BROOKMAN: Steve Rosenstock?

16 MR. ROSENSTOCK: Steve Rosenstock, EEI.  
17 Again just for clarification the value shown these  
18 are nominal prices not inflation adjusted these are  
19 the nominal projections?

20 MR. CYMBALSKY: No they are real prices.

21 MR. ROSENSTOCK: Okay thank you Steve  
22 Rosenstock, EEI. Again at least on the electricity

1 side if you look at the EIA data over the last 50  
2 years the price for electricity has not increased, it  
3 has flat lined or gone down, again if you look at the  
4 basically 1960 through 2012 EIA when you look at some  
5 of those tables this history has shown at least for  
6 electricity that the real prices over time does not  
7 increase.

8 So again if it is showing it as real  
9 prices increasing again at least on the electricity  
10 side it is going to overstate the actual dollar  
11 impacts on the electricity side, thank you.

12 MR. BROOKMAN: Yes Leslie?

13 MR. BORTZ: Leslie from RHP. What's your  
14 start for residential LP or residential natural gas  
15 price? Where do you start from? What's a number, a  
16 real dollar number?

17 MR. SIAP: Well the number listed on the  
18 slide there at the beginning so for natural gas it's  
19 around \$10.00.

20 MR. BORTZ: \$10.00 for what?

21 MR. CYMBALSKY: Per million BTU, straight  
22 from EIA. This is not a standards program.

1           MR. BORTZ: It will be in a couple of  
2 months but it is not now.

3           MR. CYMBALSKY: We are not in the gas  
4 price forecasting business here in our shop.

5           MR. SIAP: Okay next is the repair and  
6 maintenance.

7           MR. BROOKMAN: Let's linger on the price  
8 trends just for a moment and see if there are any  
9 additional comments there? Okay let's go.

10          MR. SIAP: These are the labor and  
11 material required to ensure hearth products  
12 operation. DOE did not identify specific maintenance  
13 requirements for either hearth product ignition  
14 system and we assumed no maintenance cost. The  
15 repair costs were equal to the cost of replacing or  
16 repairing the failed component because the ignition  
17 system is a component of the hearth product. DOE  
18 assumed that the repair and the replaced cost are the  
19 same so the frequency for this was determined based  
20 on warranty information and product lifetime and the  
21 cost was equal to the component cost of the module.  
22           The results are shown there.

1 MR. BROOKMAN: Barton?

2 MR. DAY: This is Barton Day a quick  
3 question. Did you assume a different repair  
4 frequency for electronic ignition versus standing  
5 pilot?

6 MR. SIAP: In our research we saw similar  
7 warranty information and so we have the same ignition  
8 repair year so we have the same failure rate, we  
9 welcome comment data on that.

10 MR. DAY: Did you not receive comment  
11 indicating that there's a significantly different  
12 rate of repair?

13 MR. SIAP: Not yet.

14 MR. BROOKMAN: The comment period is open  
15 so go for it. Rett?

16 MR. RASMUSSEN: Rett Rasmussen. I'd like  
17 to point out that warranties are more of a marketing  
18 tool than an indication of failure of the product.

19 MR. BROOKMAN: Okay Leslie?

20 MR. BORTZ: Our experience with  
21 intermittent pilot repair cost is that it didn't take  
22 a month. It wasn't 9.6 years and our experience with

1 safety pilot kits they just about never fail.

2 MR. BROOKMAN: Yeah interesting, we have a  
3 comment from Martin Thomas who is joining us online  
4 and Martin's comment is when there is a switch on an  
5 IPI system it is no longer an IPI and the energy  
6 losses will be higher. End users may forget that  
7 their fireplace has the permitted pilot set. Okay.

8 MR. KUPSH: Jim Kupsh just a quick  
9 question, your intermittent pilot repair costs  
10 includes both components, both the valve and the  
11 ignition control?

12 MR. SIAP: This is for the entire  
13 intermittent pilot that was costed out in the  
14 engineering analysis.

15 MR. KUPSH: Because you basically have a  
16 valve that is similar in cost in both plus the  
17 ignition module and --

18 MR. BORTZ: These costs are just --

19 MR. SIAP: Thanks. Next is the lifetime  
20 which is the age when the hearth product is retired  
21 from service. This information was again based on  
22 warranty information, manufacturer literature,



1 published studies from lifetime distributions for  
2 residential appliances and similar products for the  
3 average lifetime. The result is a median lifetime of  
4 15 years.

5 Moving on -- discount rates are used to  
6 determine the present value of lifetime operating  
7 expenses when a product is retired from service. DOE  
8 used data based on interest to return rates for  
9 various types of debt and equity to calculate a real  
10 effective discount rate for each household. DOE  
11 sampled a discount rate that accounts for  
12 distribution of 6 income groups.

13 DOE used as its data source the survey of  
14 consumer finances from 1995 to 2010 which resulted in  
15 an average discount rate of 4.2%. The overall  
16 distribution of discount rates as shown there on the  
17 bottom by income group and discount rate.

18 MR. BROOKMAN: Steve Rosenstock?

19 MR. ROSENSTOCK: Steve Rosenstock, Edison  
20 Electric Institute. Again that discount rate it's  
21 nominal or real?

22 MR. SIAP: That one is real.

1 MR. ROSENSTOCK: Okay.

2 MR. SIAP: Not inflation.

3 MR. ROSENSTOCK: I appreciate that so and  
4 again just looking at this chart I know from the  
5 technical support document. Because you have such  
6 widely scattered data do you know what the median  
7 value was?

8 MR. SIAP: I only have the average at this  
9 point I don't have it off the top of my head the  
10 median.

11 MR. ROSENSTOCK: Thank you.

12 MR. SIAP: Okay finally we have the base  
13 case efficiency distribution which reflects the  
14 projected market share of the products at the  
15 different efficiency levels, standing pilot or  
16 intermittent pilot in the base case in 2021. This  
17 reflects that not all consumers purchase products at  
18 the minimum standards standing pilot and consumers  
19 already purchasing intermittent pilot are not  
20 impacted by this standard so this used primarily  
21 historical model data as well as the data from the  
22 engineering analysis.

1                   So the second column there gives the  
2 market share for each hearth product type and for  
3 each hearth product type the third and fourth column  
4 gives the fraction of standing pilot and intermittent  
5 pilot.

6                   MR. BORTZ: What is this?

7                   MR. BROOKMAN: Leslie go ahead.

8                   MR. CYMBALSKY: So what this chart  
9 explains is that when the standard comes into effect  
10 in 2021 we project the market to be already at 42%  
11 IPI so the standard effects 58% of the market  
12 starting in 2021 of the units being sold.

13                   MR. BORTZ: Do you take into consideration  
14 that 90% of the outdoor and 50% of the vented are  
15 match lit?

16                   MR. SIAP: Match lit yes we take both of  
17 these adjusted numbers here as well as shipping  
18 studies you will see later have match lit just  
19 aggregated from them so we don't take into account  
20 match lit.

21                   MR. BORTZ: Okay because these are the  
22 exact same numbers that you have now they are just

1 doubled, you know.

2 MR. DAY: Just quickly the point that I  
3 have made previously is that I question whether these  
4 numbers are representative now but the main point is  
5 that there is a very significant trend line that you  
6 are ignoring and I think that certainly for a number  
7 of those categories those assumptions just based on  
8 the trends on the market are reasonable and you will  
9 see far fewer --

10 MS. ARMSTRONG: And that's great and we  
11 welcome the data you manufacturers have their  
12 shipment data and their shipment weighted sales by  
13 the different ignition types, we would welcome that  
14 type of data and obviously we would use that if we  
15 were to do any reanalysis in the absence of providing  
16 the data to back-up your claims it's hard to tell one  
17 way or the other.

18 MR. DAY: The issue is fairly obvious in  
19 some respects as I have indicated. There are major  
20 manufacturers who have completely eliminated their  
21 use of standing pilot lights already. You know the  
22 question is and one of the questions we will come

1 back to this at the end but we are going to need  
2 additional time to comment if you want us to pull  
3 together data. I mean we have been working on it but  
4 the data is not there and it needs to be assembled.

5 MR. BROOKMAN: Leslie?

6 MR. BORTZ: You have seemed to indicate  
7 that there is a trend toward IPIs which you are  
8 trying to notice in this the trend is there but then  
9 you say in all your documentation you saw no trends  
10 of anything at all, none. Should I get --

11 MR. CYMBALSKY: So provide us with  
12 supporting data we will include it in the analysis.

13 MR. BROOKMAN: Next slide.

14 MR. SIAP: Yeah here we have just talked  
15 about all of these already so I am going to go to  
16 yeah, so okay, here they are. The results are  
17 presented here you can see this aggregated the  
18 installed cost, future operating costs, and the LCC  
19 as well as the payback period for an IPI system and  
20 here's the bottom table there shows the results of  
21 TSL1 which means the entire standing pilot market is  
22 switched over to intermittent pilot.

1                   This takes into account all of the  
2 consumers which currently have intermittent pilot and  
3 it also takes into account those consumers which  
4 would have a net cost.

5                   MR. BROOKMAN: Comments on the table, two  
6 tables yes Barton?

7                   MR. DAY: Barton. Sorry just to clarify  
8 what did you assume as the lifetime number?

9                   MR. SIAP: So the lifetime was that  
10 distribution shown on slide 53 which had a median  
11 value of roughly 15 years, 55 sorry.

12                   MR. DAY: For all products?

13                   MR. SIAP: Yes.

14                   MR. CYMBALSKY: John from DOE you can see  
15 that the distribution takes us out to 30 years.

16                   MR. DAY: For all products, thank you.

17                   MR. BROOKMAN: Let's take a break, we have  
18 been going almost 2 hours, 10 minutes only so go grab  
19 a break to wherever you need to go and get back here  
20 okay, which means we will resume at 3:35 by that  
21 clock up there.

22                   MR. BROOKMAN: Okay we are going to resume

1 where we left off.

2 MR. SIAP: Okay so now we are starting  
3 with the shipments.

4 MR. BROOKMAN: Shipments here we go.

5 MR. SIAP: Shipment analysis. So the  
6 purpose of the shipments is to forecast the hearth  
7 products that would be expected to be shipped between  
8 2021 and 2050 both with and without energy  
9 conservation standard. DOE formulates both the  
10 shipment projections and price elasticity. The  
11 shipment projections estimate the number of hearth  
12 products shipped.

13 DOE has found that historical hearth  
14 product shipments are highly correlated with housing  
15 starts. DOE uses housing starts as opposed to  
16 housing completions because that is the number that  
17 AEO provides. DOE does not have housing completions  
18 projections.

19 MR. BROOKMAN: Barton?

20 MR. DAY: Just the point that the only  
21 product that actually is tied to new housing starts  
22 is fireplaces. You know some of the products like

1 inserts and log sets, they have to have an existing  
2 house to go into and so the you know, the correlation  
3 to new home starts for most of these products is  
4 pretty random.

5 MR. BROOKMAN: Okay, yes James?

6 MR. HOUCK: Yes I would like to talk about  
7 that a little bit. When I read in the federal  
8 register the proposed rule that says because DOE  
9 observed a strong correlation between housing starts  
10 and product shipments you use a 10 year average of  
11 the ratio of hearth product shipments to housing  
12 starts, along with the forecasted housing starts from  
13 AEO 2014 to project future hearth product shipments,  
14 I was astounded. That can't be, something is wrong  
15 here and I don't know what it is but for a couple of  
16 reasons.

17 One is as Barton just pointed out I looked  
18 at shipment records from 2009 to 2013 of hearth  
19 products and almost half, 48.5% were either inserts  
20 or gas log sets, they have nothing to do with new  
21 housing starts.

22 Another 9% fireplaces and gas stoves,



1 freestanding fireplaces and gas stoves, typical  
2 fireplaces, one normally assumes you know things of  
3 as a fireplace. Now I am going to remodeling so  
4 there is 57.5% of the products that have nothing to  
5 do with new housing starts, that's the first thing.

6           The second thing even ignoring -- even  
7 ignoring that fraction that doesn't seem to be  
8 correlatable to new housing starts or at least only  
9 in the very general sense, perhaps as the economy  
10 gets better -- I'll just read this paragraph even  
11 ignoring retrofitting and remodeling there is a very  
12 large uncertainty and inherent in using housing  
13 starts to predict new gas heart products, number one.  
14 I beg your pardon?

15           MR. BROOKMAN: What is the paragraph from?

16           MR. HOUCK: From me.

17           MR. BROOKMAN: Okay this is from you?

18           MR. HOUCK: Yes.

19           MR. BROOKMAN: Okay.

20           MR. HOUCK: Number one the fraction of  
21 fireplaces shipped that are wood fueled, gas fueled  
22 or electric which is a reflection of consumer

1 preferences influenced in turn by many economic and  
2 social issues historically has changed and most  
3 certainly will change in the future. It has changed  
4 significantly over the years and one would need a  
5 crystal ball to figure out how that would change in  
6 the future.

7           Number two -- the fraction of new homes  
8 that have a new fireplace has historically changed  
9 and again almost certainly will change in the future.  
10 It's over the last decade, a couple of decades, it  
11 has gone up and down 10 to 20% I believe it is a slow  
12 trend down right now. Again one would have  
13 difficulty predicting that in the future.

14           Number three -- the volatility seen since  
15 2005 in new housing starts is yet a prediction of  
16 future housing starts is fundamentally uncertain. I  
17 don't probably need to dwell on what happened in 2005  
18 and 2006 time period.

19           Number four -- the number of fireplaces  
20 installed in multi-family units. Completed in 2013  
21 represents only about 1% of the total installed in  
22 new housing in that year. A future shift in

1 proportion to single family as opposed to the  
2 multi-housing starts will add complexity to a  
3 prediction based on new housing starts.

4 MR. BROOKMAN: Okay.

5 MR. SIAP: In addition to shipment  
6 projections DOE uses price elasticity to account for  
7 the impacts of increased prices due to a standard on  
8 shipments. So we will go to housing -- hearth  
9 product shipments prediction method as I stated  
10 previously DOE has seen a high correlation in housing  
11 starts and shipment projections, correlation  
12 coefficient of 0.98. Core 1 is a perfect  
13 correlation.

14 DOE then takes AEO's 2014 housing start  
15 projections through 2050 and applies the historical  
16 ratio seen in the historical data to the shipment  
17 projections that allows us to make the hearth product  
18 shipment projections and finally the DOE uses price  
19 list to account for decreased shipments due to the  
20 increase in price in the standard year.

21 MR. BROOKMAN: Barton?

22 MR. DAY: Yeah, Barton Day I was

1 surprised to see that your assumption in terms of  
2 price elasticity is that hearth products are like  
3 water heaters and other standard home appliances that  
4 are present in virtually every home. None of the  
5 products we are talking about are present in even  
6 half of homes and products like gas log sets and  
7 inserts the consumer is sitting there with a  
8 fireplace already, you know.

9 It is a highly discretionary purchasing  
10 decision and to think that price elasticity I think  
11 that that hit on these products from increased costs  
12 is going to be a little blip like it would be for  
13 products pretty much everyone has to have is  
14 completely unrealistic and it reflects a  
15 misunderstanding of the market.

16 The presumption at the beginning as well  
17 as all of these products are part of one market, no  
18 they are not. There's a fireplace market in which  
19 gas competes with wood and electric and it is right  
20 on down the line for every one of these products. So  
21 the cost impact in terms of what that will do to  
22 sales I think is seriously out of whack.

1 MR. BROOKMAN: Steve Rosenstock?

2 MR. ROSENSTOCK: Steve Rosenstock, EEI.

3 And again if you go back to slide 65 where it shows  
4 the AEO projection, thank you. As I recall doesn't  
5 AEO project a higher percentage of multi-family going  
6 to -- it's going back to 1.4 million, you know a huge  
7 increase but isn't the part most of that bump in the  
8 increase is really for multi-family building rather  
9 than single family building?

10 Because I think that the trend over the  
11 last few years has been a rise but the rise has been  
12 because of multi-family rather than single family.

13 MR. CYMBALSKY: This is John from DOE. My  
14 understanding is the correlation coefficient still  
15 holds over the historical time period.

16 MR. ROSENSTOCK: Steve Rosenstock, EEI.  
17 Well but the thing is though if it is going to be  
18 more multi-family following up with what Mr. Houck  
19 said there is a lower likelihood of products going  
20 in, that's just the new ones, that is just the  
21 fireplaces again.

22 MR. CYMBALSKY: If they had created the

1 correlation coefficient on just single family but  
2 then applied multi-family starts to it then I would  
3 see your point and I don't believe they did that  
4 here.

5 MR. ROSENSTOCK: Steve, I was wondering  
6 about what they did the correlation to?

7 MR. SIAP: The statistical analysis is  
8 pretty clean there but we will take comment if you  
9 think there is a better way to correlate it.

10 MR. DIRCKS: This is Peter from HHT. I  
11 would concur with both of the gentlemen's comments.  
12 I mean look at the U.S. Census Bureau data that is  
13 where you are looking for some input. They have been  
14 tracking incident rates of fireplaces for about the  
15 past four years. It's about 50% the last 40 years  
16 just on fireplaces, so I think just to kind of to  
17 combine all the comments here just to straight line  
18 that across all the products I think is an issue I  
19 think that Barton raised but in terms of your --  
20 Steve's comments on single-family versus multi-family  
21 that is typically broken on the Census Bureau and it  
22 would still be lower than what you are showing here

1 at 50% or less so thank you.

2 MR. BROOKMAN: Thank you. Yes?

3 MR. RASMUSSEN: Rett Rasmussen, nice to  
4 see the business cycle has been eliminated and also  
5 you know the NOPR talks about a disproportionate  
6 impact on gas log manufacturers due to increased  
7 price of the product, that there is price elasticity  
8 or at least there's consumer demand elasticity based  
9 on the higher price that gas log sets would be if  
10 they had to go to all electronic ignition systems so  
11 I can't see how you can have straight line growth or  
12 straight line projected shipments at infinitum.

13 MS. ARMSTRONG: Go to the next slide.

14 MR. BROOKMAN: There's the bump down.

15 MR. SIAP: Okay, the next section --

16 (CABLE ON COMPUTER WITH THE POWER POINT'S  
17 DISCONNECTED).

18 MR. RASMUSSEN: Rett Rasmussen just for  
19 the record my last comment was sarcastic with regard  
20 to the business cycle.

21 MR. BROOKMAN: Thanks for clarifying.

22 MR. RASMUSSEN: I just want to clarify for

1 the record.

2 MR. BROOKMAN: Leslie?

3 MR. BORTZ: You say that you haven't seen  
4 any difference in trend in multi-family compared to  
5 single-family I've got numbers here that show a  
6 trend. I will send them.

7 MR. BROOKMAN: Please submit those yeah.

8 MR. BORTZ: Here from the Census Bureau.

9 MR. BROOKMAN: Yes submit them thank you.

10 MR. BORTZ: They are the numbers that you  
11 have.

12 MR. CYMBALSKY: All I said is the analysis  
13 was done and the correlation coefficient applies. If  
14 there is a better method you think we could use feel  
15 free to suggest it.

16 MR. BROOKMAN: Barton?

17 MR. DAY: I'm sorry it's not a  
18 correlation, there's no causal connection okay it's  
19 like predicting the stock market based on skirt  
20 length, okay.

21 MR. BORTZ: It works.

22 MR. DAY: It's exactly what it is if you



1 crunch the numbers and get the lines to go together  
2 it doesn't mean that there is a correlation.

3 MR. BROOKMAN: We need to move on.

4 MR. DAY: For fireplaces yes, okay but you  
5 have to look at each product.

6 MR. BROOKMAN: We have to keep going here.

7 MR. SIAP: So the purpose of the national  
8 impact analysis or NIA is to estimate the impacts of  
9 an energy conservation standard over the lifetime of  
10 the hearth product shipped between 2021 and 2050  
11 essentially this takes the LCC and the shipments  
12 analysis and provides a national impact analysis.

13 The national energy savings or the NES is  
14 the difference in the lifetime energy consumption of  
15 hearth products for the base case compared to the  
16 standards case and the net present value is the  
17 difference in the present value of installed cost and  
18 the present value of the operating costs over the  
19 analysis period. In the interest of time I will skip  
20 to the graphics showing these as opposed to the text.

21 From the shipments here we calculate the  
22 energy use in both the base case and the standards

1 case, applying a full fuel of cycles and taking the  
2 difference gives the national energy savings.

3 The net present value is formulated  
4 similarly, we calculate the operating costs savings  
5 in the base case and the standards case, take the  
6 difference and that is the cumulative operating cost  
7 savings, the difference in the product costs of the  
8 base case and standards case gives the cumulative  
9 total consumer cost increase.

10 The difference of that discounted to the  
11 present value gives the net present value.

12 Okay so the summary of the NIA impact  
13 inputs. We went over all of these before except for  
14 the full fuel cycle of energy factors which  
15 essentially accounts -- this converts the site of  
16 electricity to primary power plant energy  
17 consumption, accounting for resource extraction,  
18 distribution losses, et cetera.

19 Here are the actual input values for the  
20 NIA. Again we went over most of these discount  
21 factors 3 and 7% and the base case is 58% standing  
22 pilot, 42% intermittent pilot and the standards case

1 distribution will be all intermittent pilot. Just to  
2 go over briefly the base case and the standard level  
3 how that interacts.

4 The products that are below the standard  
5 in this case, standing pilot will roll up to comply  
6 with the standard means that they will switch to  
7 intermittent pilot. Products and or above the  
8 standard will not be affected.

9 Okay so this is the results of the NIA  
10 primary national energy savings of .62 quads. .69  
11 quads is the full fuel cycle energy savings. The net  
12 present value, discounted at 3% is 3.12 billion  
13 dollars in 2013 dollars and the net present value of  
14 consumer benefit discount at net 7% is 1.03 billion  
15 dollars.

16 MR. ROSENSTOCK: Steve Rosenstock real  
17 quick sorry. That's until 2040 or 2050 what's the  
18 time?

19 MR. SIAP: Well so that's in the lifetime  
20 of products shipped during that year so that's from  
21 2021 until the end of life of the last product  
22 shipped in 2050.

1 MR. BROOKMAN: Yes Barton?

2 MR. DAY: So it's the 30 years of  
3 shipments and then in the 30th year you are going to  
4 make up a number, a million of these things and then  
5 that 30 year distribution for all of them to die out  
6 so roughly you add 30 years to the end, so the last  
7 bit of savings after you discount is probably a very  
8 small number when you discount over 60 years.

9 MR. SIAP: Yeah it's very small.

10 MR. DAY: This is Barton, I think I feel  
11 compelled to point out that you are assuming products  
12 absent to rule. The technology for pilot lights and  
13 pilot light operation would be exactly the same in  
14 2040 as it is today, correct? I mean that's how you  
15 are crunching your numbers?

16 MR. SIAP: Yes our distributions are  
17 constant with time in the absence of data.

18 MR. DAY: Well I would just point out that  
19 if technology were that static I would be preparing  
20 comments on a typewriter and sending them in by snail  
21 mail.

22 MR. BROOKMAN: Okay thank you, additional

1 comments here?

2 MS. ARMSTRONG: So I guess would you like  
3 us to -- perhaps the manufacturers can give us  
4 information on historical model availability, how  
5 their model offerings have changed over time because  
6 seeing as you have said over and over at this forum  
7 that shipment data is sparse at least for your  
8 industry and not actually collected.

9 Certainly they know how their model  
10 offerings have changed over time and maybe that's a  
11 good proxy of the shift of how potentially models  
12 have evolved with technology changes over time. We  
13 would welcome that type of data and we would welcome  
14 using it in our analysis for the industry.

15 MR. BORTZ: We gave it to you, you don't  
16 even have it, we handed it to you.

17 MR. BROOKMAN: Okay we are moving on.

18 MR. SIAP: Okay the last slide in this  
19 section is the regulatory impact analysis or RIA  
20 slide 76. The purpose is to investigate national  
21 impacts of non-regulatory alternatives to the  
22 mandatory amended energy conservation standard. DOE

1 used a modified NIA spreadsheet to calculate -- to  
2 evaluate several non-regulatory alternatives to the  
3 proposed standard listed here including no action,  
4 consumer rebates, consumer tax rebates, manufacturer  
5 tax credits, voluntary energy efficiency targets and  
6 government purchases.

7 DOE calculated the resulting NES and NPV  
8 for each non-regulatory alternative and no  
9 alternative was found to be as beneficial as the  
10 proposed standard.

11 MR. DAY: This is Barton. Since the whole  
12 issue here is consumer behavior you know I would  
13 suggest that you consider you know public education  
14 and information. Consumers have a direct financial  
15 interest, they don't have to buy more expensive  
16 products, they don't have to have inconvenience or a  
17 lack of performance in their products.

18 Pilot lights can be turned on and off.  
19 Today many products can have their pilots turned on  
20 and off literally with the flip of a switch. The  
21 failure to consider the non-regulatory options for  
22 dealing with this I think really needs to be

1 rethought.

2 MR. BROOKMAN: Thank you.

3 MR. RASMUSSEN: Rett Rasmussen, also with  
4 these other regulatory alternatives or non-regulatory  
5 alternatives, perhaps there is some of these that  
6 would not have the impact on production workers in  
7 the gas hearth industry as shown on page 7115 of the  
8 NOPR that could lead to up to 58% decrease in the  
9 number of production workers and the impacts that  
10 that has on employment of the economy and the impact  
11 on people's lives.

12 MR. BROOKMAN: Thank you, moving on to  
13 manufacture impact analysis.

14 MS. LEWIS: Hi my name is Jessica Lewis  
15 from Navigant Consulting and I will be discussing the  
16 manufacturer impact analysis or MIA that was  
17 conducted in this part of the NOPR. The main purpose  
18 of the MIA is to assess the impacts of a proposed  
19 standard on manufacturers. A second purpose is to  
20 identify sub-groups of manufacturers that may be  
21 differently impacted by a standard and to evaluate  
22 potential impacts on those manufacturers. In the

1 slides that follow I will discuss impacts on two  
2 sub-groups, small businesses and manufacturers of gas  
3 log sets.

4           And finally the MIA looks at the effects  
5 of a standard on factors like domestic direct  
6 employment, manufacturing capacity and the cumulative  
7 regulatory burden facing the industry. The primary  
8 tool DOE uses to conduct the manufacturer impact  
9 analysis is a discounted cash flow model known as the  
10 government regulatory impact model, also fondly  
11 referred to as the GRIM.

12           The major output of the model is the  
13 industry net present value or INPV which is a metric  
14 used to quantify financial impacts on the industry.  
15 As part of the MIA we also conducted interviews with  
16 manufacturers which helped us to refine inputs to the  
17 cash flow model and to better understand the  
18 qualitative effects of the proposed standard.

19           In general the MIA process takes place in  
20 three phases. In the first phase we develop an  
21 industry profile using publicly available information  
22 such as SEC filings and manufacturers' annual



1 reports. In the second phase we developed an  
2 interview guide to gather targeted information from  
3 manufacturers and we also prepare the cash flow  
4 spreadsheets used to estimate financial impacts on  
5 the industry.

6 In the final phase we conduct interviews  
7 with manufacturers and use feedback to further  
8 develop and refine the analysis, finalize inputs to  
9 the cash flow model and examine the potential  
10 qualitative impacts of a standard.

11 To build the cash flow model for the  
12 industry we relied on content from several of the  
13 analyses that have been discussed earlier today.  
14 These inputs include financial and product  
15 information from the market and technology  
16 assessment, manufacturer production costs from the  
17 engineering analysis and annual shipment projections  
18 from the shipments analysis.

19 In addition to that we developed two key  
20 pieces of information as part of the MIA. The first  
21 is a set of multiple manufacturer markup scenarios  
22 which allows us to model a range of potential

1 financial impacts on the industry and the second is a  
2 set of conversion costs that enable us to account for  
3 various one-time costs manufacturers might incur in  
4 order to comply with the requirements of the  
5 standard.

6           On the qualitative side one of the primary  
7 outputs of the MIA is a set of key issues  
8 manufacturers raised during the course of interviews.  
9 We have touched on most of this today but to walk  
10 through quickly. First manufacturers raised concerns  
11 regarding impacts on profitability. They indicated  
12 that units with electronic ignitions systems tend to  
13 be more expensive to manufacture than units with  
14 standing pilot lights and expressed concern that a  
15 rise in prices can lead to a drop in sales.

16           Second manufacturers indicated that the  
17 proposed standard could potentially impact the  
18 competitive dynamics of the market. On this front  
19 small manufacturers specifically expressed concern  
20 about their ability to compete with larger  
21 manufacturers who may see advantages when sourcing  
22 components for electronic ignition systems at higher

1 volumes and we will discuss that more later.

2           And finally several manufacturers  
3 indicated that electronic ignition systems represent  
4 a more complicated technology and may be less  
5 reliable. On that point several manufacturers  
6 indicated that units with electronic ignition systems  
7 tend to require more servicing and repair than some  
8 of the units with standing pilot lights. Others  
9 mentioned factors like we have heard today about how  
10 units with standing pilot lights may in some cases be  
11 better suited to colder climates and also are able to  
12 operate during power outages.

13           Moving on to the next few slides, we will  
14 walk through the quantitative analysis in more  
15 detail. First as I mentioned one of the key inputs  
16 to the cash flow model is a set of markup scenarios.  
17 The markup is a multiplier applied to the  
18 manufacturing production costs to capture all  
19 non-production costs so this includes things like  
20 R&D, selling general and administrative expenses,  
21 interest expenses and also profit.

22           By varying the markup in our model we are

1 able analyze a range of potential impact on the  
2 industry. In the NOPR we modeled two markup  
3 scenarios, the preservation of gross margin  
4 percentage markup scenario and the preservation of  
5 pre-unit operating profit markup scenario.

6 And the preservation of gross margin  
7 percentage scenario represents an upper bound, or  
8 less severe set of impacts. It assumes that  
9 manufacturers maintain the same markup after  
10 standards take effect as they had beforehand which  
11 implies that as production costs increase  
12 manufacturers are able to raise their prices and  
13 increase their operating profit in absolute dollars  
14 on a per unit basis.

15 In contrast the preservation of operating  
16 profits scenario assumes manufacturers cannot  
17 maintain the same markup after standards take effect.  
18 Instead they maintain the same operating profit but  
19 must reduce their markup in order to do so and by  
20 lowering the markup after standards take effect this  
21 scenario estimates a more severe set of impacts on  
22 manufacturer profitability.

1           In addition to markups the other key input  
2 we developed as part of the MIA is a set of  
3 conversion cost estimates to account for any one-time  
4 costs manufacturers face in order to comply with the  
5 standard. We typically break these costs down into  
6 two primary categories, product conversion costs and  
7 capital conversion costs and in bottom three rows of  
8 this table you can see that we have estimated total  
9 industry conversion costs under the proposed standard  
10 to be 8.7 million dollars and this consists of  
11 \$900,000.00 in capital conversion costs and 7.8  
12 million dollars in product conversion costs.

13           Earlier someone raised a question about  
14 how we accounted for testing and certification of  
15 redesigned models and things of that nature and for  
16 many products the requirements -- the conversion cost  
17 requirements of the standard may be heavily focused  
18 on new tooling and equipment to fulfill the new  
19 requirements for compliant products.

20           In this case as we have all discussed  
21 today the proposed standard largely entails a  
22 component swap. So the capital conversion costs,

1 which are one time investments in equipment, tooling  
2 and other physical assets are relatively low. We  
3 assigned a nominal conversion cost of \$10,000 per  
4 manufacturer for any adjustments to their production  
5 lines or facilities that they might undertake.

6           And then for the product conversion costs  
7 which are one-time investments in things like R&D  
8 testing, certification and related costs we reviewed  
9 product literature and came up with an estimate of  
10 total models available in the industry as well as the  
11 percentage of those models currently offered only  
12 with standing pilot lights. So many models out there  
13 may have an option of electronic ignition or a  
14 standing pilot light and we focused specifically on  
15 those models only offered with standing pilot lights  
16 under the assumption that models offered with an  
17 option would not require any further investment in  
18 R&D or testing and certification, the standing pilot  
19 option would simply no longer be available.

20           So we identified 781 models that we  
21 thought would require potential conversion and  
22 assigned a \$10,000 per model fee to account for

1 additional R&D and testing and certification costs.  
2 We developed those numbers based on manufacture  
3 feedback but certainly we would be very open to  
4 further feedback and comment if folks feel that you  
5 know there's additional data to share there.

6 MR. BROOKMAN: Yes Dana?

7 MR. MOROZ: Dana Moroz from Wolf Steel. I  
8 would like to sideline a moment if I could. I have a  
9 plane to catch so unfortunately I'm not going to be  
10 able to stay for the rest of this. I wanted to first  
11 of all thank the DOE for allowing me to participate  
12 today and be part of this. It has been very  
13 informative. And I certainly appreciate going  
14 through the whole process being a foreign national.

15 You know I think we have all voiced in  
16 different ways, I think we all agree with the concept  
17 of what is trying to be achieved here and to quote  
18 Barton we are not trying to be difficult. There's a  
19 lot of data we don't have, our customers don't know  
20 what they have and what they don't so it's hard to  
21 ask them questions sometimes too.

22 I guess my biggest concern is that we move





1                   MR. BROOKMAN: Don't forget your detailed  
2 written comments.

3                   MS. WALKER: Thank you.

4                   MR. BROOKMAN: Gotcha.

5                   MS. ARMSTRONG: Sorry I am going to ask  
6 one question. For those that have to go please feel  
7 free to go and perhaps you can follow up later but  
8 over the course of the day we have heard a variety of  
9 things that you know this industry is evolving, its  
10 moving to a more energy efficiency options. DOE over  
11 the analysis period you need to take into account the  
12 trends that this industry is voluntarily, there is a  
13 good percentage of the market that already is  
14 offering EI systems safely and reliably -- so I guess  
15 as a broader, bigger picture question you know --  
16 what prevents the rest of that industry or that  
17 particular -- are there particular products or  
18 categories of products where there are technology  
19 issues or I mean in other words.

20                   You say it is evolving anyway, you say it  
21 is going to get there in time. You say DOE should  
22 acknowledge that over time in its analysis period but

1 yet we are also hearing that DOE, you can't set a  
2 standard that adopts it because the technology is not  
3 there but yet there are products out there, there's a  
4 good percentage of the market doing it so are there  
5 certain categories where it is limited?

6 Is there certain categories where it is  
7 right for moving to and there are no technology issue  
8 I'm just asking you, you know what are those lines?

9 MR. BROOKMAN: Go ahead Rett.

10 MR. RASMUSSEN: Rett Rasmussen. While I  
11 spoke in my opening comments about the limitations of  
12 electronic ignition systems with gas log sets and I  
13 don't see that in five years' time that the issue of  
14 having acceptable electronic ignition systems like  
15 are used on smaller sets to be able to use on larger  
16 sets is going to come on to the marketplace.

17 It's an economic issue that the gas valve  
18 manufacturers will not overcome because the volume  
19 isn't there to make it economically feasible and  
20 rewarding to them to do so so if you were to push  
21 this through for larger gas log sets I'm out of  
22 business essentially in that and I am not willing to

1 give up on that easy. I view that I am in the  
2 happiness business, I tell my staff that -- that's  
3 what we do, we are in the happiness business so we  
4 try to make the best products we can for the market,  
5 what they want, deliver it consistently and this is  
6 not a happy process so gas logs are definitely there  
7 are bright lines there that we just cannot accomplish  
8 with what you want to accomplish here.

9           The other side of it too is there isn't a  
10 whole lot of fireplaces that are in that large area,  
11 but by the same token the folks that put them in they  
12 want what they want. They want to be able to enjoy  
13 the gas log set like the guy in the lesser house you  
14 know in the other neighborhood can do in his house.

15           But you know, so we try to accommodate  
16 that because we are in the happiness business and  
17 that is how we stay in business is providing products  
18 that will with the best available technology for what  
19 there is, there are just fewer options as we get  
20 bigger.

21           MR. BROOKMAN: Leslie do you want in here?

22           MS. ARMSTRONG: So I think that's really

1 helpful so thank you for that.

2 MR. BROOKMAN: No, okay Peter.

3 MR. DIRCKS: I also have to leave so I  
4 will make a couple of quick closing comments so --  
5 first of all thank you, this was a step in the right  
6 direction to get the dialogue going on the issues so  
7 I think this was very productive today and good back  
8 and forth.

9 So basically I just want to kind of  
10 reiterate my opening comments. You know from our  
11 view one of the big things that we came here today is  
12 really seeking further clarification on the scope of  
13 the proposed rule, delineating the definition of a  
14 hearth product to a reasonable range. I think you  
15 gave us some insights much more so than we have had  
16 before.

17 You have asked for further opportunity by  
18 us and the industry to respond and we will do that  
19 and I think so of the comments that we have already  
20 provided, both written and verbal today has  
21 accomplished that and we can do more on that ground.  
22 I know a number of us have already given you some

1 feedback into some of the specific products that we  
2 would recommend that you eliminate entirely and the  
3 reasons for that so that's fairly logical.

4 I think in closing you know as I mentioned  
5 before as a manufacturer that has moved to IPI in the  
6 vast majority of our fireplaces we have done that, my  
7 comment earlier this morning was we just simply  
8 object to the proposed standard calling for the  
9 prescription design requirement that would completely  
10 disallow the use of standing pilots for a lot of the  
11 reasons we have already talked about today.

12 Because we do feel that affects lessening  
13 competition especially by reducing consumer choice  
14 for those use and installation conditions like we  
15 have talked about like "climate" situations that are  
16 real. And then secondly because we are very proud at  
17 HHT of our history of innovation both in safety and  
18 performance and we say that with pride and  
19 humbleness.

20 And so because of that we really would  
21 recommend that you be very careful considering  
22 eliminating future designs and applications where the

1 use of the pilot in a standby mode would still be  
2 essential to those designs or applications but we  
3 could still design to achieve substantially all of  
4 the purported energy savings that you are looking to  
5 do because there are companies, large and small, that  
6 can still get to that without formal regulation.

7           So with all that in mind thank you and I  
8 will just reiterate really kind of the final comment  
9 today because this was a step in the right direction  
10 that's really why we are you know, asking you to look  
11 at the NOPR and treating it as a request for  
12 information. You guys have been very helpful in  
13 saying that we can provide more information that  
14 might aid you in your efforts and I think that's why  
15 at the outset this morning I request that the April  
16 10th deadline be extended so that we could possibly  
17 do that.

18           Help you in how you want to shape this for  
19 the betterment of all, so thanks very much.

20           MR. BROOKMAN: Frank Stanonik. I don't  
21 think we are quite ready to close yet but Frank keep  
22 going.

1           MR. STANONIK: I was assuming everyone had  
2 to leave and giving their closing remarks. Just  
3 something that I wanted to point out on this question  
4 of the industry net present value.

5           MR. BROOKMAN: Thank you for bringing us  
6 back.

7           MR. STANONIK: And although the analysis  
8 here seems relatively mild I can't help but notice,  
9 and I would hope the DOE notices that in this  
10 particular case in the shipment information you have  
11 been given, this industry in the last 8 years is  
12 still in an extremely rough ride. I just looked at  
13 the numbers and it almost bottomed out where the  
14 shipments were about almost one fifth of what they  
15 were at the peak in '05 or whatever year you started  
16 with.

17           And so my point of that is I started with  
18 this because I was trying to see what you are  
19 projecting for future shipments but my point is that  
20 in this particular case I think it is worth noting  
21 that again the shipments for this product have in the  
22 last 8 years have decreased significantly and so for

1 the people, especially most of them being small  
2 businesses to even suggest any kind of change where  
3 there is a negative impact on a net present value is  
4 a lot worse than let's say where they have been  
5 having average shipments for the last 7 or 8 years or  
6 maybe even a couple of high years, they are in a very  
7 different situation that I think warranted special  
8 consideration.

9 MR. BROOKMAN: Thank you, Leslie?

10 MR. BORTZ: I would just like to make sure  
11 that we get to the environmental --

12 MR. BROOKMAN: Right I was going to  
13 suggest that we press on here, okay just to get  
14 through the rest of these slides.

15 MS. LEWIS: Okay so just quickly as the  
16 results demonstrate we estimated a range of impacts  
17 on INPV between negative 2.6 and 0.4 percent for the  
18 industry.

19 MR. SKOLNICK: You can sit at the table.

20 MR. RIVEST: This is Mike Rivest, Navigant  
21 Consulting. I'm always a little concerned when I see  
22 that the magnitude of the impacts is not consistent



1 with the magnitude of the reaction of the  
2 manufacturers. So there are three drivers to the  
3 manufacturing impacts. There's the magnitude of the  
4 investments that are needed to comply to the  
5 regulations so that's the capital costs, the figure  
6 of 8.7 million dollars that Jessica mentioned.

7           It would be really important that we get  
8 that number right so the figures that were mentioned  
9 earlier about the \$10,000.00 of product R&D and  
10 certification, you know, that is something that we  
11 would definitely like to have comment on. The other  
12 big driver is shipments. I saw some reactions  
13 earlier to price elasticity and you know to the  
14 extent that we can have comments on your expected  
15 change in shipments due to the price changes that we  
16 are anticipating and the rationale for those changes,  
17 that would be very useful because that's a key driver  
18 to the manufacturing impacts on the log sets in  
19 particular if the prices are going to go up, your  
20 comments?

21           All right but --

22           MR. BORTZ: But you got it.

1 MR. RIVEST: Navigant got it from you.

2 MR. BORTZ: Yeah.

3 MR. RIVEST: But I think what we need is  
4 to have something to the docket from a broader  
5 spectrum of the industry and then have Lawrence  
6 Berkeley National Lab you know prepare their  
7 shipments analysis okay. Really the other -- well  
8 you guys have been repeating stuff all day I can  
9 repeat a little bit too.

10 MR. BORTZ: Just as long as get to Jim's  
11 comments because he has got some important stuff to  
12 say.

13 MR. RIVEST: All right I have nothing more  
14 to say, thank you.

15 MR. BROOKMAN: Okay we are going to return  
16 to Jessica who will press on and take comments as we  
17 go along and we will make sure we get to Jim's  
18 comments on emissions Jessica?

19 MS. LEWIS: Thank you. Another thing to  
20 note about these results is that they are intended to  
21 capture impacts on the industry as a whole and don't  
22 necessarily reflect differential impacts on different

1 subgroups of manufacturers or individual  
2 manufacturers.

3 MR. BROOKMAN: Before you move on Mike  
4 made a special plea for comments on conversion costs  
5 and also anything additional in shipments, so let's  
6 see if there is anything additional at this time on  
7 those subjects before we move on. Yes, Rett?

8 MR. RASMUSSEN: Rett Rasmussen. My  
9 company has never been faced with having to make such  
10 a drastic change in a relatively short period of  
11 time. I don't know what it is going to cost and I'm  
12 one of the more sophisticated, more experienced guys  
13 in the industry with regard to design of product.  
14 There's a whole host of other guys that are newer to  
15 the industry or not very good at what they do already  
16 without having to go to something as sophisticated as  
17 electronic ignition systems.

18 You know, I don't know and here's the gas  
19 log guys. There's a whole lot of other folks out  
20 there, we are the ones that are here. I welcome you  
21 to try to get the data out of them. As far as  
22 shipments go the same thing I you know, who knows

1 what it is going to be, it's a crap shoot, we have  
2 never been down this path before and as far as data  
3 goes it's not what our companies do, that's what you  
4 guys do, you guys are in the numbers business on  
5 that, our numbers are sales of product, shipping  
6 product, manufacturing product, but it is based on  
7 consumer demand and not you know, as far as  
8 projecting out, it is making sure we have enough to  
9 go for the next couple of months of raw materials,  
10 not necessarily way down in for what you are doing, I  
11 don't know, the data doesn't exist, that's the  
12 problem.

13 MR. BROOKMAN: Yeah go ahead Leslie?

14 MR. BORTZ: I'm sorry I can't get all  
15 three things together at one time. Cost, you  
16 mentioned \$10,000 as a cost number that was  
17 discussed. We have mentioned that the cost of  
18 certification alone is 12 to 15 thousand dollars for  
19 each product and we have an ANSI certified lab which  
20 costs us a lot of money and Rett doesn't.

21 Most gas log guys don't so the cost is  
22 going to be a heck of a lot more than \$10,000.00.

1 MR. BROOKMAN: Thank you --

2 MR. BORTZ: \$16,312.00.

3 MR. BROOKMAN: Jessica?

4 MS. LEWIS: Thank you so to jump ahead and  
5 look at some of the impacts on subgroups of  
6 manufacturers DOE first looked at the impacts on  
7 small businesses. Out of 90 total hearth  
8 manufacturers identified, DOE identified 66 as  
9 domestic small businesses. This classification is  
10 based on the Small Business Administration's small  
11 business size standards which set a cap of 500  
12 employees or fewer for a manufacturer in the hearth  
13 industry to be considered a small business.

14 We use publicly available information to  
15 research small business, contacted small businesses  
16 directly and also asked other manufacturers for  
17 information about small business during the course of  
18 interviews. As mentioned repeatedly over the course  
19 of the day manufacturers have expressed concern that  
20 a standard eliminating standard pilot lights would  
21 impact their ability to compete with large  
22 manufacturers.

1           This concern stems largely from a  
2 difference in purchasing power between small and  
3 large manufacturers and the idea that because large  
4 manufacturers produce at higher volumes they would be  
5 able to source components at a lower per unit price.

6           To evaluate these concerns we modeled the  
7 difference in cost that small manufacturers might  
8 face when sourcing electronic ignition system  
9 components at lower volumes. The regulatory  
10 flexibility analysis included in section 6B of the  
11 NOPR and also discussed in chapter 12 of the TSD  
12 presents the results of that analysis and in short it  
13 suggests that a standard eliminating standing pilot  
14 lights could lead to a higher increase in per unit  
15 MPC's for manufacturers producing at lower volumes  
16 relative to manufacturers producing at higher  
17 volumes.

18           Would anyone like to comment on that  
19 before I move on to the discussion of gas log set  
20 manufacturers, yes?

21           MR. GOLDMAN: Yes this is Jack Goldman of  
22 HPBA. I guess this comment was made earlier but I

1     guess we would like to know who the other large  
2     manufacturers are, we count one or two and I'm the  
3     trade association president, I know my members, I  
4     know the players in the industry I just don't know  
5     who those other companies are and I think if a third  
6     of the companies are considered large and they are  
7     really just one or two I think it really changes the  
8     results of this analysis so I would like to know who  
9     they are.

10                   MR. BORTZ:  Who are of the --

11                   MR. GOLDMAN:  The 22 large companies.

12                   MR. BORTZ:  They actually have a list and  
13     some of the 90 that they had at the beginning were  
14     foreign owned companies.

15                   MS. LEWIS:  That does include foreign  
16     manufacturers.

17                   MR. GOLDMAN:  Even with that I don't see  
18     the numbers.

19                   MR. BORTZ:  Well I said that the number is  
20     more like 3,000 entities affected by it and I changed  
21     my mind now I think it's more like 4,000 and I am  
22     being honest, Leslie Bortz again.  By 90 is a

1 specific number that you have, I went through it and  
2 there were so many that were large, and there are so  
3 many that were foreign and you came up with 66 out of  
4 90, that part is right, the 90 isn't right.

5 MR. BROOKMAN: Okay thank you Leslie,  
6 yeah?

7 MS. LEWIS: Thank you.

8 MR. GOLDMAN: Where is the list?

9 MS. LEWIS: The list is published in I  
10 believe chapter 3 of the technical support document  
11 and to clarify how we determine the number of  
12 manufacturers, we are focused on manufacturers of the  
13 final product that would be tested and sort of  
14 certified to comply with this standard so we are  
15 looking at manufacturers of a gas fireplace or a gas  
16 log set as opposed to the components.

17 We also don't count multiple subsidiaries  
18 of the same parent company, some manufacturers may  
19 have a wide variety of brands but we would only count  
20 those based on the one parent company.

21 MR. GOLDMAN: If a large company in Europe  
22 sells a little bit in this country are they



1 considered a large manufacturer for this analysis?

2 MS. LEWIS: They would be.

3 MR. GOLDMAN: That's just absolutely  
4 wrong.

5 MS. LEWIS: Well I would definitely invite  
6 you to look at the list included in chapter 3 of the  
7 TSD and please come back to us with comments you know  
8 if you feel we have mischaracterized anything.

9 MR. GOLDMAN: There are two major European  
10 companies that sell in the U.S. through U.S.  
11 subsidiaries and they aren't major and their U.S.  
12 operations are small. And that's it, after that  
13 there might be a company that sells a handful of  
14 stoves and if they are considered large and not  
15 affected then the effect you are having is to have  
16 more foreign ownership and production of stoves at  
17 the cost of U.S. operations. I just think if that is  
18 your assumption you are absolutely false.

19 MS. ARMSTRONG: So I don't think anyone  
20 this is Ashley, I think you mischaracterized that  
21 because I don't think we are saying they are not  
22 going to be affected, I don't think that's fair to

1 say that the Department's analysis at all suggests  
2 that, it is just that we are required to look  
3 specifically at small businesses and the small  
4 businesses are set up by definition and the  
5 definition is not something that DOE creates of  
6 itself, it is something that is a size standard that  
7 is created by SBA and includes subsidiaries and all  
8 that kind of stuff, it has nothing to do with sales.

9 So I'm not here to argue with you.

10 MR. GOLDMAN: I've resisted saying this --

11 MS. ARMSTRONG: Please let me finish  
12 because I sat here and let you finish all day.

13 MR. GOLDMAN: I've spoken twice.

14 MS. ARMSTRONG: Well you don't have to be  
15 rude.

16 MR. GOLDMAN: Oh so I'm rude, you have  
17 never been rude today?

18 MR. BROOKMAN: Let's let Ashley finish,  
19 let's let Ashley finish, go ahead.

20 MS. ARMSTRONG: My point was that we have  
21 our list, its publicly available we would welcome  
22 your input on it but it has nothing to do with sales

1 so that is all I was trying to say and clarify.

2 MR. BROOKMAN: Jack do you wish to  
3 continue?

4 MR. GOLDMAN: I think if you had talked  
5 with us at our offer to talk with you years ago we  
6 wouldn't be having this discussion now.

7 MR. BROOKMAN: Okay I'm going to take  
8 final comments here because we have to get through  
9 the rest of these slides, Rett?

10 MR. RASMUSSEN: Yes on the list that is in  
11 chapter 3 you have either got a single asterisk, two  
12 asterisks or no asterisk. It shows that all the  
13 foreign manufacturers therefore would be -- or you  
14 didn't classify them by size or they are all large  
15 manufacturers according to your asterisk chart here,  
16 the way that you have applied the asterisk, so I  
17 would find that that is probably hard to believe that  
18 every foreign manufacturer is greater than 500  
19 employees.

20 MS. LEWIS: I believe most of them were  
21 large, I don't know the number off the top of my  
22 head and I think often it has to do with a parent

1 company so you have a smaller subsidiary that might  
2 in itself appear to be a small company but it is  
3 owned by some multi-national firm.

4 MR. BROOKMAN: I think we are gaining  
5 ground on this --

6 MR. RIVEST: Mike Rivest isn't the issue  
7 -- excuse me.

8 MR. BORTZ: Take a look at my list of  
9 3,000 and you will decide how many there are but  
10 there are more than 66 names that are going to be  
11 seriously affected by this rule.

12 MS. LEWIS: And the last point to that is  
13 that 66 also does exclude distributors and retailers  
14 and that may account for part of the difference in  
15 the numbers we are discussing.

16 MR. BORTZ: That causes a big jump of  
17 making up the difference there are still entities  
18 that will be affected by this rule, whatever you call  
19 them they are still businesses, small businesses in  
20 the United States.

21 MS. LEWIS: Thank you, moving on to the  
22 subgroup analysis for manufacturers of gas log sets.

1 In researching the market we identified 23 gas log  
2 set manufacturers including 17 small businesses  
3 during interviews manufacturers stressed that gas log  
4 sets represent a distinct market segment.

5 MR. BORTZ: Wait a second -- I'm sorry.

6 MS. LEWIS: Unlike many other hearth  
7 products they are designed for use in existing wood  
8 burning fireplaces. They compete with wood and wax  
9 logs and unlike some other hearth products as we have  
10 discussed today their sales do not follow trends in  
11 new housing construction.

12 Manufacturers also noted that electronic  
13 ignition systems take up more space than standing  
14 pilot lights and cannot be as easily concealed in gas  
15 log sets which are not sold as part of packaged units  
16 in the same way many other products are.

17 Manufacturers also indicated that electric  
18 outlets may not be located in close enough proximity  
19 to existing wood-burning fireplaces to easily  
20 accommodate installation which could require the use  
21 of batteries or extension cords or else drive up  
22 installation costs.

1                   Finally manufacturers expressed concern  
2                   that a transition to electronic ignition systems  
3                   could drive up the price of gas log sets and in doing  
4                   so lead to a decline in consumer demand.

5                   To address that concern we looked at the  
6                   increase in MPC that a switch to electronic ignition  
7                   systems would likely entail. This table shows the  
8                   percentage increase in MPC for different types of gas  
9                   hearth products estimated to result from a switch  
10                  from standing pilot light units to units with  
11                  electronic ignition systems and as we can see impacts  
12                  are most severe for gas log sets, for vented gas log  
13                  sets we are looking at an increase of 37% of MPC, for  
14                  unvented gas log sets, 27% of MPC which compares to  
15                  9% and 11% increases for vented and unvented  
16                  fireplaces, inserts and stoves respectively.

17                  Outdoor hearth products also fall in the  
18                  same range as the gas log sets however there were a  
19                  few factors that would likely mitigate impacts on  
20                  outdoor hearth products including the fact that they  
21                  would have the option to transition to less expensive  
22                  matchless systems which unvented gas log sets are not

1 allowed under ANSI standards.

2 At this time I would like to request  
3 comment and feedback on this analysis or anything  
4 else we discussed as part of the manufacturer impact  
5 analysis.

6 MR. BROOKMAN: Leslie.

7 MR. BORTZ: Leslie. It says that your  
8 vented gas log set price of going up 37% our price is  
9 up by 71%, that's our price on our price list, that's  
10 what we charge. We are not in business to overcharge  
11 for stuff because they we can't sell it. Our price  
12 is up 71% for doing that.

13 MR. BROOKMAN: Okay thank you. Additional  
14 comments before we move on?

15 MR. BORTZ: Which doesn't include the cost  
16 of installation which is probably another 250 bucks  
17 or more additionally, the price has more than  
18 doubled.

19 MR. BROOKMAN: Yes Rett?

20 MR. RASMUSSEN: Rett Rasmussen. I would  
21 like to bring up that the incremental -- when you buy  
22 a car they sell you on the base and then they go up

1 in incremental amount to sell you the sport package  
2 or the luxury package or things like that and your  
3 incremental cost to go to that additional benefit is  
4 a small portion. You have already been sold on the  
5 big part.

6           The problem you have with unvented gas log  
7 sets is right now they have manual safety controls,  
8 millivolt controls with wall switches, go up to  
9 remotes and then electronic ignition. This proposal  
10 would take then from zero not buying an unvented gas  
11 log set to the full enchilada up to with an  
12 electronic ignition system.

13           With vented gas log sets some people will  
14 be able to continue to buy natural gas, match lighted  
15 ones and then make the full leap to electronic  
16 ignition systems. For propane vented ones they are  
17 in the same boat as the vent free propane ones, it's  
18 all or nothing so you don't have that ability to ease  
19 somebody into the higher price.

20           That is going to severely impact the  
21 consumers buying decisions because they have to  
22 swallow the big pill. Some of the other savings that



1     come up as far as you know environmental savings and  
2     this and that, that's not money that they can take  
3     off of the purchase price that's just vapor savings,  
4     that has nothing that influences consumer choice and  
5     consumer demand, thank you.

6                 MR. BROOKMAN:  Leslie, keep that  
7     microphone close.

8                 MR. BORTZ:  We answered a question from  
9     Navigant how would energy conservation standards  
10    impact the companies' manufacturing capacity in both  
11    the short and long term.  In the short term we would  
12    have a lot of excess capacity and in the long term we  
13    would likely be out of business.

14                MR. BROOKMAN:  Moving on to emissions  
15    analysis and James is this where you want to comment?

16                MR. HOUCK:  Yes.

17                MR. BROOKMAN:  Get ready.

18                MR. ROSENQUIST:  I am Greg Rosenquist  
19    stepping in David Siap who had to catch an airplane.  
20    Next analysis is the emissions analysis.  This is  
21    where we take energy savings from the national impact  
22    analysis and convert them to emission savings for

1 carbon dioxide, NOx, N2O methane, SO2 and mercury and  
2 we do this by DOE does this by looking at the annual  
3 energy outlook and deriving emission factors for each  
4 one of these emissions that you see there.

5 This is the results of the analysis this  
6 is the amount of savings that come as a result of the  
7 energy savings that we will calculate from the  
8 national impact analysis.

9 And then the next step is to--

10 MR. BROOKMAN: James, please.

11 MR. HOUCK: James Houck. The reason that  
12 I am sort of slow to start -- I don't know where to  
13 start it is so complex and there is so much  
14 information here but I will say this. I would ask  
15 you why are we doing this, what is the most important  
16 thing here and I say what's paramount is human health  
17 and welfare. This has been neglected in this role.

18 Air quality as measured by the standard  
19 air quality metrics in the United States has this air  
20 pollutants criteria air pollutants, climate change  
21 agents will all be impacted negatively by this rule.  
22 And going along with this will be the health and

1 safety not really the air quality, but the health and  
2 safety of residential occupants and I'll explain why.

3 Really there are two categories of hearth  
4 products here. There is a gas log sets and the gas  
5 fireplace inserts at least for this analysis on air  
6 pollution there is two categories. These are  
7 retrofitted in the wood burning fireplaces if you got  
8 a gas log set you should put it into a wood  
9 fireplace. No longer do you have a wood fire, now  
10 you have a gas fire that's one category.

11 The other category are free-standing  
12 fireplaces sometimes called gas stoves and also the  
13 traditional gas fireplace everything thinks about  
14 wall mounted or inserted into the wall. In the  
15 future these are in new homes or remodeling. A  
16 consumer has a choice, they can choose wood or they  
17 can choose gas results in some electric, but  
18 primarily the two choices are wood and gas.

19 So if a person does not choose gas the  
20 alternative is probably wood. We have all heard  
21 today that this is going to cause a significant  
22 increase in the cost of particularly gas log sets but

1 other gas hearth appliances as well. Therefore a  
2 consumer, like most consumers, are going to be  
3 discouraged in purchasing a gas fireplace in a new  
4 construction or retro-fitting their existing wood  
5 fireplace.

6 Now why is this important? The emissions  
7 from solid fuel combustion, solid fuel fireplaces are  
8 dramatically, dramatically higher than they are from  
9 gas appliances. This is why they are recognized by  
10 many state and local air quality regulators, many of  
11 them either specifically require, encourage, specify  
12 whatever adjective you would like for people to use  
13 gas fireplaces rather than wood fireplaces.

14 So when I saw in the federal register in  
15 addition the proposed hearth products standards would  
16 have significant environmental benefits I kind of  
17 went oh my goodness this is not right.

18 Specifically in terms of health impacts is  
19 fine particles. Now this has been a big issues in  
20 the United States and is often referred to as PM2.5.  
21 A number of state and local regulatory agencies are  
22 struggling with obtaining national ambient air

1 quality standards.

2 A national air quality standards are  
3 mandated under the Clean Air Act. U.S. EPA requires  
4 state and local air quality jurisdictions to obtain  
5 national quality standards. They are required to  
6 come up with the state implementation plan if they  
7 don't and a maintenance plan if they are marginal.

8 Frequently again frequently state and  
9 local air quality agencies say you should you have  
10 to, again there are various adjectives as a way to  
11 discourage wood burning and encourage gas burning  
12 because they all recognize that the air quality  
13 issues associated with wood is more serious than gas.

14 So criteria pollutants, okay criteria  
15 pollutants are set forth under Section 109 of the  
16 Clean Air Act, 40 CFR Part 50 requires the  
17 administrator of the EPA to do things about it, I'm  
18 simplifying things because I know we are all tired  
19 here. There are 6 criteria air pollutants two of  
20 which are very important here and one is carbon  
21 monoxide and the other as I alluded to is fine  
22 particles.

1           I managed to work and there is very little  
2 work out there, we actually compared in a realistic  
3 fashion air emissions from wood combustion fireplace  
4 used in a typical fashion and gas combustion in a  
5 typical fireplace, actually several fireplaces and we  
6 found that again consistent with pretty much  
7 everyone's intuitive understanding that there were  
8 148 times more carbon monoxide emitted in a typical  
9 fireplace used with wood burning wood than there was  
10 with natural gas.

11           And amazingly, amazingly 568 times more  
12 particles, fine particles emitted from wood  
13 combustion than with natural gas and even more  
14 significant particles -- fine particles less than 2  
15 and microns that are produced from combustion are  
16 very small particles, they are sub-micron, they call  
17 these sub-microns and those are the most health  
18 injurious of all particles.

19           So wood combustion in the fireplace turns  
20 to criteria pollutants, again regulated in the Clean  
21 Air Act, a problem for many state and local air  
22 quality jurisdiction, widely recognized as an impact

1 to human health and welfare are going to be very  
2 negatively affected by this proposed rule, simply  
3 because people are going to choose less gas  
4 appliances because they are going to cost more and I  
5 would argue what I am hearing of gas log set with  
6 some kind of unattractive box they are going to be  
7 less attractive.

8 The criteria pollutants are just one, the  
9 other is hazardous air pollutants, known as HAPS, the  
10 acronym HAPS that is also defined under the Clean Air  
11 Act, actually the Clean Air Act Amendments of 1990,  
12 at Section 122 and I'll read this sentence because it  
13 is easier to read it:

14 HAPS are also known as toxic air  
15 pollutants or air toxins and are those air pollutants  
16 that cause or may cause cancer or other serious  
17 health effects, such as reproductive effects or birth  
18 defects or adverse environmental and ecological  
19 effects.

20 Originally the list was 187 that has gone  
21 up and down a little bit. Many of them are organic  
22 compounds and I know most of you are not organic

1 chemists but when you look at the chemical makeup of  
2 wood, cellulose, lignin, hemicellulose, resins you  
3 would expect a number of the compounds specifically  
4 listed on the HAPS list to be emitted by the  
5 incomplete combustion of wood and this includes and  
6 you will recognize some of these as bad actors:

7           Cetalaldehyde, benzene, catechol, cresol  
8 (o,m and p) dibenzofurans, ethyl benzene,  
9 formaldehyde, hexane, methanol which is also known as  
10 wood alcohol by the way and there is a reason for  
11 that name, naphthalene, phenol, propionaldehyde,  
12 styrene, toluene, xylenes (o,m,p) isomers and  
13 polycyclic organic matter.

14           And that's just a few. EPA selected this  
15 list because these are the kinds of things that are  
16 common and common industry in North America but I  
17 would always say there are more of any compounds than  
18 there are stars in the universe so there would  
19 probably be many other toxic air pollutants, organic  
20 compounds emitted from wood combustion that are not  
21 on this list.

22           We specifically measured some of these



1 HAPS compounds. Formaldehyde there were 64 times  
2 more masses of formaldehyde emitted from wood  
3 combustion than there was gas combustion, 13 times  
4 more benzene and 107 times more of polycyclic organic  
5 matter.

6           Again as I noted that there is both --  
7 there are many organic compounds that are on the list  
8 that are toxic and these would be in a particular  
9 phase or in the vapor phase and petition between the  
10 two. As I noted there was 568 times more particles  
11 emitted, particles, wood combustion are 70 to 90%  
12 organic compound saw a lot of them are in there and  
13 also we measured vapor in this test and there was a  
14 parameter called non-methane vault or organic  
15 compound MVOC and we found that there were 30 times  
16 more mass of MVOC emitted from wood combustion then  
17 there was from gas combustion.

18           So the two regulatory metrics of local air  
19 quality degradation compound pollutants that are  
20 found in the United States unquestionably residential  
21 wood combustion emits a tremendous amount more.

22           Now climate change, well climate change in

1 the past people have said well you know buy a mass  
2 combustion the carbon dioxide emitted from that is  
3 biomass neutral people plants photosynthesis it and  
4 take it back. That may be true there is some  
5 argument on that.

6 Also methane is 80% excuse me natural gas  
7 is 80% to 90% methane and so people say well there is  
8 periods of losses from natural gas, notwithstanding  
9 the fact that there might be a credit for the carbon  
10 dioxide from biomass combustion and that methane from  
11 the leakage of our transmission system of natural gas  
12 may contribute to greenhouse gas, still wood  
13 combustion in a fireplace produces more of a climate  
14 impact than does natural gas combustion.

15 And the reason being recent and I say  
16 recent in the last decade recognition that black  
17 carbon is a serious greenhouse gas agent and it's a  
18 pretty complicated story but I refer anyone who wants  
19 to research this EPA's 2012 report to Congress on  
20 black carbon which is readily available on the web  
21 gives a pretty good description of the whole issue.

22 One thing I want to point out though that

1 may not be apparent in reading this document is there  
2 are two reasons that black carbon is considered a bad  
3 greenhouse gas actor. One is basically absorption of  
4 energy because it is black in the atmosphere. The  
5 other is changing to snow, makes snow black and that  
6 causes light energy to absorbed rather than to be  
7 reflected. This is particularly relevant and bad for  
8 residential wood combustion because a smokestack  
9 chimney from a fireplace is close to the ground, it's  
10 15 to 30 feet off the ground and by the very nature  
11 fireplaces are often used where there is ice and snow  
12 so you have something that directly impacts the ice  
13 and snow and it is there when the ice and snow is  
14 there.

15 So I would argue that the black carbon is  
16 even a bigger issue than one would thing from  
17 residential fireplace combustion, so that's the air  
18 quality issues. But hand in hand with that is there  
19 is home safety. And I cite from the notes here the  
20 National Fire Protection Association, in their  
21 document which again you could find there are many of  
22 them on the web you can find.

1           In the time period 2004 to 2008 they cited  
2   26 times more structural fires from solid fuel  
3   fireplaces than they did from gas fireplaces. The  
4   primary reason is creosol accumulation. The very  
5   same thing that produces fine particles produces  
6   organic vapors that condense on the walls of a  
7   chimney when a chimney is cold and I think many of  
8   you have heart of chimney fires and that's what  
9   causes the structural fires.

10           Now this 26 times more structural fires is  
11   real because when you add up the number of using VO  
12   numbers, the number of fireplaces that are used for  
13   secondary heat that are natural gas and propane it's  
14   pretty close the number of wood fireplaces used for  
15   secondary heat, so there is 26 times more fires is a  
16   pretty good reflection of the bigger risk in terms of  
17   safety in the home.

18           That 22,500 fires caused 17 that's what  
19   the number is for residential wood combustion, 22,500  
20   fires caused 17 civilian deaths, 96 civilian injuries  
21   and 172 million dollars in direct property damage as  
22   compared to the 860 fires that were caused by natural

1 gas fireplaces which was 0 civilian deaths, 13  
2 civilian injuries and 30 million dollars in direct  
3 property damage.

4           And then there is one more thing and it  
5 relates to the air quality. Because residential wood  
6 combustion produces much more air pollutants and  
7 because you have with a wood fire place an open  
8 chimney situation where you have a smoldering fire at  
9 the end of the burn the draft lessens as the fire box  
10 temperature cools yet you are still producing  
11 particulates and carbon monoxide, particularly carbon  
12 monoxide.

13           And anecdotally and I can finish this up  
14 when you go to a person's home that has a wood  
15 fireplace you often smell the wood smoke smell,  
16 that's a manifestation of the back spill of  
17 pollutants into the home, thank you.

18           MR. BROOKMAN: Okay thank you yes Leslie.

19           MR. BORTZ: Can I ask Jim was some of that  
20 work done on our products?

21           MR. HOUCK: Yes this is Jim Houck, yes it  
22 was. I can tell you the brief specifics there were 3

1 different natural gas products and 1 LPG product that  
2 was compared against residential fireplaces.

3 MR. BORTZ: I can only say that in our  
4 products he didn't use enough wood to compare it to  
5 because 11 - 15 pounds or whatever it was a small  
6 amount of wood a guy who builds a real fire builds it  
7 with 18 to 20 pounds of wood so his number is off by  
8 another third there would be much more problem with  
9 wood.

10 MR. BROOKMAN: Okay.

11 MR. BORTZ: Because a guy who builds a big  
12 fire doesn't build an 11-15 pound.

13 MR. CYMBALSKY: So this is John from DOE  
14 and I want to thank you for that -- that was actually  
15 informative to me. Getting back to I think the part  
16 of the argument you made that is of most interest to  
17 our analysis is the presumption that the wood and the  
18 gas are perfect substitutes for one another.

19 So my question to you is you have  
20 mentioned how the maybe not so much for log sets, but  
21 the industry has been moving towards the ignition and  
22 we have gone through some periods lately where

1 natural gas prices have had some pretty big ups and  
2 volatility to say the least. Some years it was  
3 really, really high gas prices in the not too distant  
4 past.

5 I was wondering if you can correlate these  
6 economic impacts to your consumers with switching  
7 from wood to gas over that same time period so that  
8 we could potentially build this sort of fuel  
9 switching model that you are suggesting by you know  
10 making the price of your product a little bit more  
11 expensive. The presumption is they will switch to  
12 wood but I guess I would like to know how or if you  
13 have data or anything like that to support it.

14 MR. BROOKMAN: Leslie?

15 MR. BORTZ: I have data on our sales and  
16 there is no correlation at all that I can see.

17 MR. CYMBALSKY: Very helpful.

18 MR. BORTZ: The correlations that I saw  
19 were after September 11, 2001 the whole place shut  
20 down but after events Sandy whatever where ice  
21 storms, whatever we would get a big pickup in sales  
22 of both vented and unvented, I think probably more

1 unvented logs because of

2 MR. CYMBALSKY: The lack of electricity or

3 --

4 MR. BORTZ: But I don't see any

5 correlation.

6 MR. CYMBALSKY: And that was my question

7 to press or to build in a fuel switching model would

8 be nice to have some economic behavior that suggests

9 that that actually exists because my thinking with

10 the wood is that it is generally not marketed in the

11 people that are using wood primarily are in areas

12 where they are not actually paying for the fuel, they

13 have wood at their disposal so.

14 MR. BORTZ: Go out and take a look at the

15 people who are selling wood.

16 MR. CYMBALSKY: No there are some but I

17 think there has been a long trend of that declining

18 here in the northeast anyway.

19 MR. BORTZ: Wood burning fireplaces.

20 MR. BROOKMAN: Jim do you want to make an

21 additional comment?

22 MR. HOUCK: Yes in response to that.



1           MR. CYMBALSKY: Again it's just another  
2 data request. I'm not saying what you are saying is  
3 incorrect I'm just -- I would like to see some data  
4 that would allow us to actually do an analysis over  
5 the fuel switching here because we do it for other  
6 products because we see it.

7           MR. BORTZ: You want data that shows.

8           MR. CYMBALSKY: I mean HEA a long time  
9 ago, because you know I have been in this business I  
10 hate to say it for over 25 years now, they used to do  
11 a fuel switching survey that actually included wood  
12 and natural gas and they did look at fireplaces as  
13 well at one point in time.

14           MR. BORTZ: I think that when gas is  
15 plentiful and as you know since the beginning of the  
16 1970's gas has been either going to be out of --  
17 there's going to be no gas in three years or we are  
18 going to have 100 years supply or there's no gas, you  
19 know it has gone up and down.

20           Obviously when gas is plentiful it is  
21 easy, you get more buy because the gas companies want  
22 it.

1                   MR. CYMBALSKY: And I think for the  
2 consumer it's a convenience thing right, the gas  
3 product is much easier to use than the wood product.

4                   MR. BORTZ: Right now if you compare and I  
5 think our log sets would be comparable on this the  
6 cost of natural gas compared to the gas of wood, the  
7 cost of natural gas is one-quarter per hour in Los  
8 Angeles, I didn't do it everywhere but -- in Los  
9 Angeles it has high prices for wood and reasonably  
10 high prices for gas but higher for wood.

11                  MR. BROOKMAN: Jim a follow up?

12                  MR. HOUCK: Yes in response to John's  
13 questions, comments there. First of all your thought  
14 about the purchase of wood and that's not entirely  
15 true there is some fraction of people that do both  
16 and actually its very outdated but it is one of your  
17 REC studies is back in the days before there were  
18 electronic and I can't remember the exact date I  
19 think it's like 1993 or something like that.

20                         There's actually a question as to why do  
21 you buy wood and it's a substantial fraction I think  
22 over half that buy their wood so that's one thing.

1 The other thing is fuel switching. It is very  
2 difficult to get a direct correlation, just like my  
3 comment was on the correlating thing that's how these  
4 are because there are so many things going on.

5 But one only gets by looking at the  
6 Department of Energy records you need to look at for  
7 example the fraction of people that heat their home  
8 with coal. In 1949 over half the people in this  
9 country heated with coal as natural gas network  
10 because more prevalent and inexpensive that went away  
11 with other issues too but now less than a tenth of a  
12 percent heat with coal and over 70% heat with natural  
13 gas first air furnace.

14 Similarly during the 70's there was a big  
15 influx in the number of wood burning excuse me wood  
16 burning stoves because of the concern of the  
17 availability and cost of fossil fuels so yes there  
18 are certainly trends that get an exact one you could  
19 use in modeling I'm not sure about that.

20 MR. BROOKMAN: Tim Ballo?

21 MR. BALLO: Tim Ballo with Earth Justice  
22 and just to follow along here because I do care about

1 what happens in the air. There's a couple of points  
2 though I think we need to get to the bottom of the  
3 relative use duty cycles for a fireplace versus gas  
4 logs. I mean obviously if I have to flick a switch I  
5 am going to you know, and I don't have to stack wood  
6 and build a fire it's somewhat easier to use the  
7 appliance that might be used more often.

8           The other thing that I just want to  
9 encourage the Department to consider if you do want  
10 to go down the path of doing this kind of detailed  
11 analysis which I think you know would definitely help  
12 inform the analysis for the proposal is to consider  
13 as you do sort of the full fuel cycle approach to  
14 energy throughout the rest of the analysis do so here  
15 as well because you know the production and the  
16 extraction of natural gas imposes a lot of  
17 environmental harms but I don't necessarily -- that I  
18 think are different from the environmental harms  
19 created by wood, production of wood for heating  
20 including some of the same HAP air toxic issues that  
21 were discussed that original from wood burning.

22           A lot of that same nasty stuff is produced

1 when gas is produced.

2 MR. BROOKMAN: Frank Stanonik.

3 MR. STANONIK: I'm just going to because  
4 we are getting close to 5 I'm just going to jump here  
5 because there's a point I want to make that was kind  
6 of alluded to but I think it's important because at  
7 the moment DOE's analysis has totally discounted it  
8 and that's the fact that the analysis assumes there  
9 is no change in the utility of the product by this  
10 requirement and I think it needs to be recognized  
11 that if these products do have a utility -- let me  
12 rephrase that.

13 Those models of these products that don't  
14 require any external electric supply have a very real  
15 utility that when those customers, those homeowners  
16 lose electric power they have a source of heat and  
17 that is for the people who have those products and  
18 are in that situation that's a very real and very  
19 important utility and I think DOE at the moment the  
20 analysis is just discounted that this proposal might  
21 have any effect on utility and I think that's  
22 incorrect.

1 MS. ARMSTRONG: So I have a question, this  
2 is Ashley and Frank can follow up and this is purely  
3 from my own experiences but I actually have a  
4 fireplace it's vented though that has EI and its  
5 fully functional when the power is off so I guess I'm  
6 asking you is there a certain part of the market that  
7 you know either without electricity would be impacted  
8 because mine is fully functional when the hurricane  
9 hit my house and I had several days without it, the  
10 battery is fine, it worked fine.

11 So is there something with the EI that  
12 prevents it in certain situations? I'm just trying  
13 to understand that. Mine was made by someone here.

14 MR. STANONIK: Frank Stanonik so actually  
15 my point was that okay so if you are going to go down  
16 -- if you are doing this analysis okay and let's say  
17 your options no -- let me rephrase that. The options  
18 you should look at would be EI that requires an  
19 external power supply okay or EI that doesn't okay.

20 Now obviously the ones that don't still  
21 have the utility but I think and again your products  
22 are obviously working very well but I think for the

1 manufacturers there are significant questions and  
2 issues still about reliability and whatever else with  
3 those types of systems and then you still have to get  
4 to that issue of okay so again I don't know how often  
5 do you have to change your battery I don't know, it's  
6 another cost, right.

7 MR. RASMUSSEN: Rett Rasmussen, Ashley is  
8 your fireplace a wood burning fireplace or a gas  
9 fireplace -- it's a gas fireplace unit. There are  
10 all different types of electronic ignition systems  
11 out there. There are ones that are battery powered  
12 only there are some that have their 120 with battery  
13 backup --

14 MS. ARMSTRONG: They are both.

15 MR. RASMUSSEN: Alone so you know there is  
16 all those variety of types. I did want to mention  
17 one thing you know in response to Tim. In switching  
18 from wood to gas that there is quite a bit of usage  
19 due to the convenience of gas -- there is for the  
20 first month until they get the first gas bill and  
21 then it's pretty self-regulating. People enjoy the  
22 convenience of it until they realize that there is a

1 cost of actually having to pay for all of that gas  
2 and then they temper themselves back to what their  
3 budgets are and what they really -- the impact they  
4 want to feel of their usage of that product so yes,  
5 big spike first month tails off after that, okay.

6 MR. BROOKMAN: So as it is almost just a  
7 few minutes before five, we should take final remarks  
8 briefly for closure here.

9 MR. DAY: I want to make one comment on  
10 the battery issue and that is you know there are  
11 products that are sold with IPI with battery backup  
12 for power outages and so forth and that's great but  
13 if you know one of the President's points in his  
14 climate plan is that we need to be resilient as a  
15 society we are seeing more and more extreme weather  
16 events and the studies that have been done on that to  
17 really look at what went wrong in Katrina and what  
18 could we do better.

19 One of the first things that comes out of  
20 that is batteries are almost the first thing to go  
21 and it's just -- that has been the experience  
22 whenever there is a problem and you know the short



1 answer I think is that having a system that requires  
2 batteries in a major power outage situation can't  
3 compete with having a product that requires no  
4 external source of electricity, it is not equivalent,  
5 thank you.

6 MR. BROOKMAN: So then closing remarks  
7 from John Cymbalsky.

8 MR. CYMBALSKY: Thanks everyone for coming  
9 I really do appreciate the dialogue that we did, we  
10 gained a lot of useful insight from you and we hope  
11 we continue to throughout the comment period. We  
12 have heard from a few of you about an extension and  
13 so obviously we are open to that we just need a  
14 letter and a reason why you need an extension and of  
15 course DOE will consider that upon receipt. Yes, a  
16 PDF letter to me would be perfectly acceptable and  
17 then we will consider that comment extension based on  
18 the reasons given within.

19 So for those of you traveling get home  
20 safe and again we really do appreciate your  
21 attendance and your conversation today, bye.

22 (Whereupon at 5:01 p.m. the meeting

1     adjourned)

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