



Meeting Summary

Docket ID No. EERE-2014-BT-STD-0036-0023

RIN 1904-AD35

Tuesday, December 22, 2015

On December 15, 2015, representatives of the Hearth Patio & Barbecue Association (HPBA) met with Department of Energy (DOE) officials to discuss issues related to DOE's proposed energy conservation standard for "hearth products" published at 80 Fed. Reg. 7082 (February 9, 2015).

The meeting was attended by the following individuals:

Jack Goldman, President & CEO of HPBA
Ryan Carroll, Director – Government Affairs, HPBA
Barton Day, Law Offices of Barton Day PLLC, as counsel for HPBA
John Cymbalsky, DOE Office of Energy Efficiency and Renewable Energy
Daniel Cohen, DOE Office of the General Counsel
Eric Stas, DOE Office of the General Counsel

The issues discussed are summarized below.

1. Unavailability of Information Required for Regulatory Analysis

HPBA stated that – in the case of products DOE has characterized as “hearth products” – even very basic information required for regulatory analysis is lacking. In general, available information is very limited, fails to distinguish between materially different products, and does not reflect the impact of significant trends in product design. Moreover, survey-based data typically reflects significant errors with respect to even the most basic technical issues (such as whether a product is vented or vent-free), and is typically subject to sampling bias (often with the result that frequently-used products are over-represented and products that are not actively used are significantly under-represented).

HPBA believes that a robust discussion would be necessary to inform any future information collection activity with respect to “hearth products,” and – in the event DOE wishes to pursue such efforts – HPBA will be prepared to engage in such a discussion and to work constructively with DOE to assist it in identifying and determining how to address its information needs.

2. Activities of HPBA's Energy Conservation Task Force

HPBA stated that energy conservation issues are already being addressed through the rapid adoption of control systems designed to promote product efficiency or reduce energy



consumption. In addition, HPBA advised DOE that it has formed an Energy Conservation Task Force that is working actively to address energy conservation issues.

HPBA stated that it would like to have a dialogue with DOE and energy efficiency advocates concerning the potential for public education or assistance efforts to influence consumer behavior with respect to pilot light operation, indicating that such efforts would have the potential to produce energy conservation benefits with respect not only to new products, but to the substantial population of existing products that are already in the hands of consumers.

HPBA stated that its Energy Conservation Task Force has recommended that an industry initiative be developed to eliminate conventional safety pilot lights on all heater-rated and decorative vented gas fireplaces, vented gas fireplace inserts, and vented gas freestanding stoves, and has been authorized to develop a detailed initiative and implementation plan to achieve that objective. HPBA's Energy Conservation Task Force is also considering potential energy conservation initiatives with respect to other products that are the subject of DOE's proposed "hearth products" rule.

3. Request for Withdrawal of Proposed Rule

HPBA reiterated its pending request that DOE withdraw its proposed rule in order to facilitate open dialogue unconstrained by DOE's *ex parte* policy, and to eliminate the threat of a prescriptive design standard that would stifle innovation and ban existing technology options that are already being used to secure the bulk of the energy conservation benefits the proposed rule was intended to provide.

4. Omission of March 31, 2015 Submission from the Administrative Record

HPBA noted that an HPBA submission of March 31, 2015 did not appear in the rulemaking docket. A copy of that document is attached for inclusion in the docket.

Respectfully submitted,

Ryan Carroll
Director – Government Affairs
Hearth, Patio & Barbecue Association