

DOCKETED

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Comment Received From: Hearth, Patio & Barbecue Association
Submitted On: 6/11/2019
Docket Number: 18-AAER-06

Request for Extension of Comment Period

Additional submitted attachment is included below.

Before the California Energy Commission

In the matter of:)
) Docket No. 18-AAER-06
)
Phase 2 Appliance) Request of the Hearth Patio &
Efficiency Regulations) Barbecue Association for an
) Extension of the Comment Period
)
)
) June 11, 2019
)
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Request for Extension of the Comment Period

As initially stated during the June 6, 2019 California Energy Commission (“CEC”) Staff Workshop concerning proposed energy efficiency standards for “hearth products,” the Hearth, Patio & Barbecue Association (“HPBA”) respectfully requests at least a 45-day extension of the June 28, 2019 deadline for submission of public comment on the CEC’s Draft Staff Report dated May 2019 and entitled “Efficiency Standards and Marking for Gas Hearth Products” (the “Draft Staff Report”).

In its June 11, 2018 comments in the above-captioned proceeding, HPBA explained that the U.S. Department of Energy (“DOE”) has previously proposed a “hearth products” definition that was so vague and open-ended that it literally covered gas products as diverse as fireplaces, patio heaters and gas lights. Because that proposed definition had caused so much confusion in DOE’s ill-fated “hearth products” rulemaking, HPBA’s June 11, 2018 comments to the CEC expressed concern that “[t]he term ‘hearth products’ is too broad and inexact to define any specific range of products that have sufficiently similar characteristics – and sufficiently limited material differences – to be categorized together for purposes of any cogent discussion with respect to energy conservation,” and urged the CEC to focus its attention on “a clearly-identified universe of products that are sufficiently similar to be grouped together for purposes of regulatory analysis.”¹ HPBA’s comments specifically recommended that the CEC limit its attention to the range of products it appeared to be most interested in: vented gas fireplaces, vented gas fireplace inserts, and vented gas free-standing stoves (collectively “vented gas fireplace products”). HPBA stated that analysis of potential requirements for that range of products “will be difficult due to the complexity of the products involved, the unique issues they present, and a general lack of reliable data for analysis,” but that this range of products “is well-defined, and has been the subject of considerably more information collection and relevant dialogue than” any other type of product covered by the extraordinarily broad wording of DOE’s proposed “hearth products” definition.² Faced with uncertainty as to the potential scope of the CEC’s interest and the difficulties involved in providing comment on a wide range of materially different products,

¹ June 11, 2018 Comments of the Hearth, Patio & Barbecue Association in Response to Invitation to Comment on Hearth Products Comments (HPBA Comments) at pp. 1, 4.

² HPBA Comments at pp. 2, 4-5, 12.

HPBA expressly limited its comments to vented gas fireplace products and urged the CEC to consider any other products separately if it wished to do so.

HPBA's subsequent communications with CEC staff did not lead it to believe that comment on products other than vented gas fireplace products would be needed. Consequently, HPBA was surprised to find that the Draft Staff Report recommends regulation of additional and materially different categories of products. Fortunately, this range of products is significantly narrower than the range of products DOE targeted as "hearth products." However, the products it includes had not been the subject of significant substantive discussion, are materially different than vented gas fireplace products, and raise issues that the Draft Staff Report failed to identify or address.

HPBA will need to submit extensive comment addressing numerous serious issues involving the Draft Staff Report's analysis and recommendations for vented gas fireplace products. That task presents a significant challenge for a small trade association whose members are overwhelmingly small businesses. Those challenges have been substantially compounded by the need to address additional issues concerning a different range of products produced by an overlapping but different population of HPBA's manufacturer-members.

HPBA needs additional time to provide adequate comment addressing all of the issues raised by the Draft Staff Report and requests that the June 28, 2019 deadline for submission of public comment be extended by a minimum of 45 days.

Please contact me directly if you have any questions concerning this request.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ryan Carroll". The signature is fluid and cursive, with a large initial "R" and "C".

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