

TALKING POINTS REGARDING WASHINGTON STATE BUILDING CODE COUNCIL PROPOSALS:

WSEC R-27 – Gas Fireplace Efficiency (Proposed R402.4.2.1) WSEC R-28 – Pilot Lights (Proposed R403.1.3)

Below are some talking points to help you craft your testimony before the Washington State Building Code Council. In addition to these talking points, it is also important to emphasize the following:

- The economic impacts to your specific business. How much business will be lost if this proposal goes into place? What does this mean in terms of jobs?
- The impact on your customers. How many want decorative, non-heating appliances?

To testify, you will need to sign in when you get to the hearing. Even though the hearing goes until 2 p.m., I would suggest getting to the room to get signed in prior to 10 AM. Make sure you sign in that you want to testify.

At the start of your testimony, be sure to state your name, your company, where you are located, and (if applicable) how many jobs you support and how much business you do in Washington state.

General Talking Points:

- The building code is not the appropriate location for the complexity surrounding regulation of these appliances and how they function. This should be done in an appliance efficiency discussion either through statute or through a regulatory function that involves the manufacturers in the industry because these will dictate how an appliance must be manufactured for sale in the state of Washington.
- The Province of British Columbia, and Canada have all developed appliance efficiency standards through regulation. The state of California is currently working on a regulation. Multiple workshops and meetings were held with industry to develop and refine proposals that will work for consumers and avoid economic devastation in the industry. A similar process in Washington state would ensure consistency for manufacturers.
- The gas fireplace efficiency proposal does not draw an adequate distinction between heater-rated (ANSI Z21.88) and decorative (ANSI Z21.50) appliances. The importance of a distinction between the two categories of product is reflected in several more recent regulatory efforts. The British Columbia Ministry of Mines, Energy & Petroleum Resources (B.C. MEM) has new regulatory requirements for vented gas fireplaces, stoves, and inserts manufactured or imported into the province on or after January 1, 2019. The regulation sets minimum efficiency requirements of 50 percent fireplace efficiency (or “FE” using CSA P.4.1-15) for Z21.88 appliances, but imposes no FE minimum for Z21.50 appliances. Natural Resources Canada (NRCAN) and the California Energy Commission (CEC) are also creating a distinction between heater-rated and decorative appliances. The common decision to consider heater-rated appliances Z21.50 and Z21.88 as distinct product categories speaks to the recognition that the two product categories are intended for very different purposes. While both

categories of product are, first and foremost, aesthetic, they are manufactured, certified, marketed, and purchased based on the specific heating needs of the consumer.

- The B.C. MEM, NRCan, and CEC regulators are all aware of the other regulatory efforts and appreciate that these products are sold throughout North America. Given the expense of multiple testing, marketing, and certification channels for products sold in multiple jurisdictions, similar regulatory requirements – to the extent practicable – are a means by which to limit what might otherwise lead to overly burdensome, cost-ineffective regulations.
- The proposal before the State Building Code Council is a drastic departure from any current or contemplated requirements for these products, treating all products (both Z21.50 and Z21.88 appliances) as a single category of product. The 9,000 BTU per hour (BTU/hr) exemption captures little, if any, of the market. The end result is that products not designed or purchased to function as a heater would be required to be a very efficient radiant space heater. Moreover, the 9,000 BTU/hr figure is a vestige of an effort to arbitrarily set by the U.S. Department of Energy to differentiate heaters from non-heaters roughly 10 years ago. Due to vacatur in federal court over defects in the rulemaking, the 9,000 BTU/hr threshold appears in no other current or contemplated rulemakings.
- The proposal also does not contain the appropriate economic considerations that must be developed for a rule that will impact manufacturers, dealers and distributors in Washington state. The economic impacts by the State Building Code Council only calculate impact on builders and those who would require permits. The reality of this change is that it will impact the TYPES of products that can be sold in Washington state thus having economic impacts on the hearth industry far beyond the costs to those getting permits.
- Regarding elimination of continuous pilot lights, once again this is building code attempting to govern manufacture of appliances. All other discussions on this are happening in a regulatory or statutory environment with more industry stakeholder input and work from those who make the product to ensure what is being asked for can actually be installed and still have operational efficiency for the consumer. This is an impact on manufacturers from an economic impact and must be approached from that perspective.
- Specifically, we need to have more nuanced discussions regarding Intermittent Pilot Ignitions, timed or on-demand pilot ignitions and how to allow some level of continuous pilot ignition in colder, damper climates (such as Western Washington). The damper air in Western Washington can impact drafting in the operation of the appliance.
- We urge the State Building Code Council to oppose these proposals and instead ask the Department of Commerce to engage in specific industry discussions to determine an appropriate path regarding regulation of gas hearth appliances.