



February 2003

NCHPBA

U P D A T E S

B U R N I N G N E W S & I S S U E S

A Note from the President

Another Expo is now history. Those of you taking the time to attend, I am sure you found it to be enjoyable and informative. Those claiming they cannot afford to attend, I just do not understand. If you are making a living in this industry, how can you not afford to go? This is the one venue where everything our industry has to offer is on display. Nowhere else will you have the opportunity to view this offering of merchandise, not to mention the educational classes.

Another date to mark on your calendar is the NCHPBA Annual Membership Meeting, to be held May 18–20, 2003 at Red Wing, MN. By now you should have received your

registration packet. This looks to be another program that will not only be fun, but you will learn a few things, which will help you run your business. I will be looking forward to seeing you there.

This looks to be another exciting year for our organization. Watch your mail for other things coming your way from North Central Hearth, Patio, & Barbecue Association.

Good Luck
Bill Sylvester

Headlines — “Faulty Installation Causes House Fire”

Your worst nightmare happens. One of your installers screwed up...or did they? Whatever the real story...the media reports in the newspaper and on TV that you are at fault for the fire. Reporters are clambering at your door. What do you do?

Or...you have new products that will be great for the environment. How do you get the message to the consumers?

Or...you have totally redesigned your showroom and have developed an “outdoor room display.” How do you get your regular customers to come and “take a look”?

Or...you are besieged with phone calls on types of fuel supplies, zone heating or general questions about all of our

products. Your customers want something in writing. What do you give them?

NCHPBA is developing a packet of Public Relations and Consumer information for all members. It will be available for pick up at the May meeting in Red Wing, Minnesota. This could help you with the answers to the above questions. This packet will have generic marketing information as well as materials on dealing with the press. It is a lot easier to establish a positive relationship with the press on good things you are doing rather than wait until something horrible happens and they come in to “investigate.” Come to Red Wing and get your PR packet.

Fact Sheets

HPBA has developed 15 different “Fact Sheets” regarding various facets of the industry such as “Accessorizing a Fireplace,” “Gas Stoves,” and “How to Create an Outdoor Room.” These are available in packets of 50 from HPBA at no cost. Contact Amy Pettry at HPBA 703-522-0086 or go

to the web page hpba.org and look in the newsroom. All of these are available for viewing before you order. This is a GREAT member benefit. Your customers will thank you for them.

Mystery Shopping Program

The NCHPBA Board of Directors enthusiastically approved the offering of a "mystery shopper" program for members. This will be part of a national effort. Canada provided this to their members in 2002 and the program was extremely well received. HPBA is coordinating this effort on a national scale to be able to negotiate a volume discount on the program and then establish the data for benchmarking. Some Board members indicated that this program is worth the price of the dues alone.

We will keep you informed of the program as time goes

on. It is anticipated that we will be able to send our flyers and contracts this summer for "mystery shopping" in fall. NCHPBA will underwrite a portion of the costs. Anyone interested in having his or her store "mystery shopped" can do so for a very small fee of \$20.00. An international firm will provide the shoppers and conduct the research. Each store will get individual feedback. NCHPBA will get feedback for our area and nationally. After we get through the program this year, we will analyze the results for replication in 2004 with the potential of expanding the program to offer multiple visits.

HearthCheck Offerings

NCHPBA has developed a half-day program to help contractors, building inspectors, installers and related persons better understand the basics of ventilation and pressurization, especially as they relate to atmospherically vented hearth products. This program reviews the house as a system concept and prepares attendees to conduct a simple house pressure test. The results can provide assurance to both the homeowner and the building contractor that all the appliances

work together in the house. Any problems found can be addressed.

Mike O'Rourke from Wilkening Fireplace in Walker, MN is the NCHPBA lead instructor for this program. This program can be modified for a one-hour presentation suitable for builder meetings. Contact the affiliate office for a program flyer.

Nominations Sought

Elections will take place this spring and results announced at the May 19, 2003 annual meeting. Candidates are being sought in all categories. Anyone interested in serving on the Board of Directors should contact one of the Nominating

Committee members, John Bergstrom, Mike O'Rourke or Tony Leggett. Names may also be submitted to the association office. All candidates must be obtained by March 15, 2003.

Government Actions

A new government alerts program has been developed through HPBA for all members. This computerized program searches each state for proposed legislation or regulations that could either positively or negatively affect our industry. When such is found, the information is forwarded to each affiliate office for review and feedback from the respective state Coordinator. This member determines whether the affiliate should just monitor the situation, support it or oppose it. NCHPBA has determined a color-coding for this new system. Red means oppose, yellow means monitor and green means support. When emails are sent from the NCHPBA office regarding any alert, colors will be used to enhance the specific determination made by the Coordinator.

If action is to support or oppose, the affiliate office notifies HPBA of the determination and a summary is prepared for www.capitolconnect.com/hpba. Emails and faxes will be sent so members can log on and review the material and determine to take action. Action is to send a letter either by email or fax to their respective legislator to support or oppose. HPBA drafts a letter that members can send. Many of these will have a space for personal documentation of

support or opposition. If members choose not to put in a personal note, a generic response will be provided. Once you register for this site, you will automatically get your House or Senate representative provided and included for the respective letters. All letters will be tracked so we can follow the activities.

This works on the federal level as well. Members have already been requested to respond with letters regarding the steel tariffs. Just recently, members in Minnesota have been asked to contact their House and Senate representatives to oppose proposed ergonomics legislation that has potentially harsh financial implications for business owners without any medical research justification that musculoskeletal injury would be prevented by the mandated legislation.

We urge members to register for the program regardless of any activities going on in their state at present. Get on board now and find out who your representatives are. Be prepared and then log on to the site on a regular basis and look at the "current issues" section to see if there is something that you need to respond.

Come to Red Wing in May



Beautiful Minnesota golf course.

Sunday to Tuesday, May 18-20, 2003 are the dates for the North Central HPBA's spring conference and annual meeting. Red Wing, Minnesota is the selected city. A quaint town on the Mississippi River, it offers an array of sights to explore if you choose some extra time there. The Board selected the Treasure Island Resort and Casino as the host hotel. Room rates are extremely reasonable at \$59 a night plus taxes. This makes attendance by all affordable.

The hotel boasts a new gourmet chef from Germany. Several of us can attest to his expertise with culinary delights. Rodger Holland and Denny Hildebrand have coordinated an excellent line up of speakers and topics as well. Application has been made to obtain National Fireplace Institute continuing education credit for the offerings.

As always, a golf outing has been planned. It will be at the Mississippi National Golf Links just outside of Red Wing. Plan to arrive for tee times beginning at 10:00 a.m. Although a little earlier than prior years—we want time for the "Hole in One" contest and other surprises. Fees for this outing are also reasonable at only \$55/person. We also want all duffers to get back to the hotel in time to "clean up" (hint-hint) prior to the



"Spirit of the Water" Treasure Island yacht.

evening reception and dinner cruise on the "Spirit of the Water." This will be a relaxing experience for all that can make it to join their colleagues aboard this beautiful yacht for a trip up and down the "Ole Miss." The two-tiered yacht has two bars and the galley chefs and crew will provide us with a delightful dinner as we float along for the two-hour trip. Everyone must be at the dock and on board by 7:00 p.m. on Sunday to partake of this wonderful event—included with the program at no extra cost.

Back to back programs on Monday offer variety for all. The evening banquet is a continental cuisine of salmon, pork, chicken and beef. Many have already indicated they would pay the separate fee of \$24.95 just to get the dessert offerings of tiramisu, white chocolate mousse, cappuccino cake and carrot cake.

Registration materials have already been sent. A second mailing will be done in April. If you want to be sure you get registered—contact the office and materials will be sent out immediately.

NCHPBA will also be offering the ability to pay for the spring program, dues and other events this year with your major credit cards. Checks will continue to be accepted and cash is always welcome, too.

Energy Fair 2003

NCHPBA is undertaking the challenge of having several booths at the Midwest Renewable Energy Association "Fair" to be held June 10–22, 2003 in Custer, Wisconsin. Lynn Meyer, Gary Stanley, Tony Leggett and Bob Marcell are coordinating the effort.

This fair boasts attendance of over 15,000 people during the three-day event and attendees come from all over the United States as well as many other countries. This three day family festival celebrates renewable energy, energy efficiency and sustainable living. Educational workshops cover everything from solar system design to organic gardening. Booths not only can sell product but also provide people with information on the latest

innovative products for homes, businesses, and transportation. Biomass, wind and solar are only a few of the products being demonstrated.

NCHBPA has already enlisted partnerships with CSIA, HPBA and NFI. NC members should contact the office or one of the coordinators for help with the activities. People will be needed to be in the booths throughout the three days. The booths are outdoor tent displays. Although we will not be directly selling product, we will be providing demonstrations of clean burning biomass products. We will also provide names and contact information on members to attendees.

Glass Doors are Hot

Hot glass fireplace doors and their danger to children was a recent CBS local TV news investigation. The reporters interviewed a family whose toddler put both hands on the glass doors of their home gas fireplace while it was burning. They showed the little child with both hands bandaged as he had received second and third degree burns and was requiring multiple skin grafts.

The reporter also interviewed staff at the Regional Burn Unit. Staff noted that children's skin can burn in less than a half a second. With doors as hot as 400 degrees or more, a half a second is too long. They noted that this was the 8th child they had that had been burned by glass fireplace doors this season.

The parents indicated they had not been warned as to how hot the doors can get. They said if they knew there was a cheap (quoted \$20) screen to put in front of the fireplace, they could have prevented this tragedy to their child. The reporter went on to cite how hot the doors can be even after the fireplace is turned off.

The hearth industry does have obligations to advise consumers about all aspects of operations of our appliances, whether they be gas, wood or other fuel. We don't have to scare them from purchases, but remind them, especially if they have or will have children around (e.g. grand kids) that they need to take the same precautions as with cooking stoves, ovens or even candles. Childproofing and pet proofing is warranted. Make sure they know that these glass doors can withstand the high temperatures but to do so...they DO GET HOT! Offer screens. This makes sure you are providing for safe operations. This also reduces the liability to your business. Failure to provide this information could be costly, and not just for a lost sale.

HPBA's new Fact Sheet on "Fireplace Safety" notes to keep children and pets away from fireplaces. Stress this means when it is off, too.

Before this article went to press, the NCHPBA office was

contacted about the responsibility of businesses and burns to adults and children in the showrooms, despite signage that the doors are hot. One business owner's attorney said they needed to take the same precautions as the "industry norm." When questioned whether the industry had a "norm" Jack Goldman, HPBA Director of Government Affairs and Legal Counsel, responded that the reference was to "reasonable person" test in liability (tort) cases. A defendant's liability must be tested against what a reasonable person would do under the circumstances—the duty of care. "Under the circumstances" is a key phrase because what is reasonable will vary depending on those circumstances. The Defendant's action is then measured against the duty of care of a reasonable person—was enough done (i.e. what a reasonable person would do) to prevent the injury?

Goldman further stated the hearth store's attorney would probably need to review cases—preferably in the same jurisdiction—to see what courts have decided. If there is a body of cases dealing with burns in hearth showrooms, then there would be a clear "bright line" standard for the duty of care. If there isn't, then a judge would ask a jury to look at similar situations—possibly not involving hearth dealers, or possibly involving hazards other than burns. In that case, a lawyer in giving advice would have to extrapolate to the issue of the duty of care regarding the potential for burns in a hearth dealership.

NCHPBA is continuing to investigate this situation. We have already contacted HHTI for their input on what they do to try to reduce the potential for burns from hot glass for homes and showrooms. We will be contacting other manufacturers as well as conducting a survey of retailers. We will ask what people are doing to prevent burns in showrooms as well as what instructions are given to potential owners to help with safety in the homes. We will publish our findings in the next issue of Update.

Private/Public Assistance

The activities with the Great Wood Stove and Fireplace Changeout are still reaping benefits. Consumers still call the office on a weekly basis to inquire about the program and if a new one will be offered. Information is provided to help them changeout even though a program is not in progress.

The positive relationships gained with public entities have also continued. Recently the NCHPBA office was contacted by the Wisconsin Department of Natural Resources for a speaker to help the US Forestry Department with presentations on wood fire safety in northern Wisconsin. Gary Waterstradt from the Energy Shop in Green Bay, Wisconsin gladly consented to help. He not only provided a presentation with over 80 in attendance,

he was able to provide packets of Fact Sheets (from HPBA). His son, Bill provided another program in Ashland and Dan Smith from Energy Shop North conducted another in Mercer.

People got verbal and written information on EPA certified stoves, safety, clean burning and efficiencies from our experts. Feedback was very positive. Speakers continue to be amazed that long time wood burning consumers really do not have sufficient knowledge on good burning techniques and types of wood to use.

Any member with speaking expertise should contact the office to be put on the speakers bureau list to be used for future such events. This was a win-win situation for all involved.



Response to Glass Door Burns

By Eric Hawkinson

Thank you for bringing to our attention the Madison, WI. TV news segment detailing the concerns of families who have had children burned; by accidental contact with a hot glass panel of a direct vent gas hearth appliance. I wanted to follow up with this letter which clarifies Hearth & Home Technologies' (HHT) position and our efforts to minimize risks against this happening.

From the technical side, we know that direct contact with a glass surface running above 175°F will cause burns in a short period of time. Tempered glass is allowed by ANSI standards to be about 450° F on the outside surface. Units with ceramic glass are allowed to run hotter and thus can increase the potential for severe injury in a shorter time period. At these temperatures, a third degree burn can occur in less than a second, so even with the most diligent adult supervision, accidents can happen very quickly. Precautions should always be taken whenever children are around hot temperatures, be they hearth products, kitchen appliances or hot running water in a bathroom.

About 8 yrs ago, the Heatilator took the approach that it would supply screens on all of our glass paneled units to help prevent the possibility of burns. This was done only on decorative rated products. This was later changed to consider any glass above a specified temperature in the gas burning fireplace market. In the last few years, HHT has made it an internal requirement that all of our gas fireplaces would have some additional source of secondary barrier to increase awareness by the home owner of the potential risk and provide some protection against inadvertent contact and burns. These may range from as simple as additional consumer hang tags on stoves to full screen barriers on fireplaces.

As of today, we have completed about 98% of our efforts there.

It should be noted that our company has taken this position to increase the safety of our products in a home environment and the field response from our customers has been great.

My hope is that the rest of the industry will follow voluntarily; unfortunately, many manufacturers still do not include screen barriers as standard on their products. My assumption is they do want to incur additional cost to their products or have concern about the aesthetic effects to the product. We have found that in addition to providing an added measure of safety, the screen over the glass panel actually improves the look of the fireplace by reducing the glare from the glass panel.

We know that it will only be a matter of time before more news broadcast such as you referenced will increase consumer knowledge to the risk and begin to ask specifically for them. For the good of our industry, it would in my opinion be much better if all manufacturers proactively included screens over their glass. This would certainly be preferable than doing so reactively due to lawsuits from consumers who have been injured by accidental contact with the hot glass surface.

If you or your readers are interested in seeing and discussing some of the things we have done as a company, please feel free to stop by one of our booths at the Expo and we can show you different examples. For those not attending the show, following are examples of some of our efforts to minimize the incidental contact risk.

Our first as we mentioned was a decorative screen over the glass. You can put your hand on the screen and push it back to the glass for a short period of time and while it is hot, you will not burn yourself. Another approach we have taken, is with our fronts having multiple selections, the optional glass or screen doors are locked shut and requires a consumer to remove the lock with a tool. We have instructions and labels that state that making the doors operable does allow access to the hot glass and to ensure children are not left alone close to the fireplace. We have also put the requirement that doors that are not locked have a minimum required pull force to open them. This is to ensure that toddlers can not open the front easily, this contact time with the door will also provide enough radiant heat that a child would know it is hot with out being burned. We have also changed our instructions to highlight the risk of the hot glass and advise them that the glass is still hot for an extended period after the unit has been shut down. All these items become even more important as the use of heater listed appliances grows and the units are cycling on the thermostat during times when an adult may not be present.

Our company is committed to products which lend to a "Healthy Home" environment. You can't have a healthy home if you or your children have the potential of being hurt while there. We want our customers to understand the risk and we're giving them options to help them be better educated about safe operation of our products in their homes. Education and correct use of any appliance are critical to the safety of our consumers. The more they understand gas hearth products and how they function, the better off our customers and our industry will be.

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