



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



Affiliated with the Hearth, Patio & Barbecue Association

July 2005

A Note from the President

Having just returned from the executive board meeting in Salt Lake City... I had some time of the flight home to ponder how little I really know about our industry and how much I'm going to learn in the next two years. It takes a lot of cogs to make our industry go around and to move ahead.

Anyway! Some of the issues going on right now:

Idaho is getting very close to getting approval for NFI certification accepted as primary requirement for fireplace installation. This means other states can build off this as required preferred certifications. Also currently in the works is Massachusetts, Maryland, North Dakota and Pennsylvania.

Connecticut and Oregon failed in their latest attempt to get NFI certification passed.

Libby, Montana – To date, we have gotten donations from the industry in excess of one million dollars, from the EPA \$100,000, and from the state of Montana \$50,000. To accomplish this change out, we will need 3+ million to do it correctly, so donations are still needed. Thanks to all of you who have sent in your monies to date. It is greatly appreciated. If you get a chance to watch the documentary done on Libby, it is being shown on cable and satellite TV. It makes you appreciate all you have and that there are those a lot less fortunate out there! We are also hoping that Congress may allocate an additional 1 million dollars for 2006.

In British Columbia, the Children's Hospital's burn center is pleading with the industry to do something to help prevent burns. Hopefully, manufacturers will take note before negative propaganda gets out to the media. If your units have screens available, remember to offer them to people with young ones as well as grandparents, etc. CYA!

HPBA is starting on a PR program to start working with the media in being informative of the hearth industry regarding everything from hearth and grills to outdoor rooms.

Pellet industry Plus: HR6 Energy Bill which will allow customers an immediate rebate of 25% of the price of a pellet stove up to \$3000. The discount is supported by the Department of Energy for 75%+ thermal efficiency with renewable fuels.

A lot is going on in our industry and if you would like to do more or learn more, please come to our meetings. We can always use a little more help. So, remember to say a prayer for the guys & girls overseas that they may come back soon and safe. Till next time, keep the rubber side down and the home fires burning.

Lynn

P.S. A special thanks to Denny Hildebrand for all of his coaching and excellent leadership.

P.P.S. Thanks to all of our board members for their time and efforts. We had an excellent meeting on July 12th in St. Paul.

[Editors Note: We welcome Lynn Meyer as the new NCHPBA President and extend sincere thanks to Denny Hildebrand for his two years as our presiding officer. Thanks are also extended to Bob Marcell and Mike Nordby for their years of service on the Board of Directors. Mike Nordby will continue to serve NCHPBA as the representative to the HPBA Board of Directors. Bob Marcell continues to serve on the MREA Committee.]



Hey – it's a Jamboree!

For the first time ever, NCHPBA will host a Jamboree this August 10-11, 2005 at the Holiday Inn and Conference Center in St. Paul, Minnesota. This Jamboree will consist of having manufacturer displays in 200 square foot areas and also having these manufacturers providing speakers to detail products just before the rush of the season begins. Yes, this is the key – these will be products with serial numbers and are really going to be available for sale this fall. Having this display and education close to the season means you will remember these products well and be better able to explain them, install them and service them as needed.

Flyers have already been sent. More details will be provided as we get more manufacturers to sign up. We are also encouraging these manufacturers to send out their own mailing to encourage attendance. Some are also offering additional incentives to attend. The NCHPBA incentive is to host this event and help defray the cost of the food. It is free for anyone who wants to attend. We also see this as a tremendous member benefit.

Who dun it? It's the Mystery Shopper

NCHPBA is once again offering the Mystery Shopping program. Thirty-eight stores took advantage of this program the first year and 34 last year – however, last year we offered retailers the opportunity to have their store shopped more than once during the year. This resulted in a total of 91 mystery shopper visits – some yet to be done.

The first two years, Bare Associates offered HPBA member a huge discount on what they normally charge for visits. Well, just like the price of gas, this is going up, too. This year, the visits will cost \$50.00 each. Yes, this is more than before, but still less than the actual fee that Bare normally charges.

Got a good report – well good for you. Will it stay good? Got a bad report? Did you take the right steps to rectify the situation? How will you know if you don't get shopped again?

Did you have some problems with your report; did you get your report? If you had problems or did not get it, did you call the NCHPBA office? We can't help if we don't know there is a problem. CALL us.

A mailer will come soon for you to register for the program. As with last year, we will offer you to have as many visits as you want. Pick the month and the number of visits. ONE requirement, one of the visits must be in the month that HPBA will be collecting national statistics. You get your individual store report and have the statistics on how you compare to the national average.

Watch for the mailing. It will have the familiar "detective with the magnifying glass" on it.

HPBA Update: Commercial Fax Issue Resolved

Congress recently approved legislation to restore pre-2003 rules for sending unsolicited commercial faxes. The bill, S.714-Junk Fax Prevention Act – was signed into law by President Bush on July 9, 2005, and formally ends the long debate over whether businesses and trade associations can send unsolicited advertisements faxes to recipients with whom they have had an "established business relationship" (EBR).

Under the *Telephone and Consumer Protection Act of 1991 (TCPA)*, the law that regulates telemarketing calls and junk faxes, businesses could send faxes to people with whom they have an EBR. The term "established business relationship" means a relationship begun by a voluntary communication by the receiver of the fax regarding products or services provided by the sender of the fax. This relationship exists until either party ends it.

In 2003, A Federal Communications Commission (FCC) ruling eliminated the EBR exemption, thus requiring all businesses and associations to obtain prior written consent from anyone to whom they wanted to send a business-related fax. While the rule never went into effect, the new law permanently reverses that FCC rule. However, the new law does have some additional restrictions and guidelines for unsolicited faxing.

First, the sender can only use fax numbers that are obtained through the voluntary permission of the recipients or through public directories where the recipients have willingly provided their fax numbers with the expectation of receiving faxed information, e.g., websites, directory listings.

Second, all unsolicited fax ads must have an opt-out notice. The notice must:

- be clear and visible on the first page of the fax;
- state that the recipient has the right to ask the sender to stop sending future faxes;

■ tell the recipients how to submit opt-out requests, as follows:

- opt-out request must identify the fax number(s) that are to be removed;
- opt-out request must be sent directly to the sender; and
- person requesting opt-out must verify that he/she has not given previous permission to the sender to receive faxes;
- provide a domestic contact telephone and fax number to the sender and a cost-free method for making the opt-out request; and
- allow individuals or businesses to submit opt-out requests at any time on any day of the week.

Finally, the opt-out notices must comply with current requirement, which state that any unsolicited fax being sent contains, at the top or bottom of each page, the date and time that the fax was sent, the identification of the sender, and the telephone number of the sending fax machine.

Current fax lists are grandfathered from the rules regarding how the sender obtained the fax number. Fax numbers that were obtained prior to the new law and that were obtained through a prior EBR relationship are still eligible for use in unsolicited faxes. If limits are imposed, we will let you know.

With respect to providing the cost-free method for opt-out requests, Congress has granted authority to the FCC to exempt some classes of small businesses from that requirement if it determines that the cost of providing the cost-free method is unduly burdensome. Again, we will keep you informed of any developments. For more information, please contact Jack Goldman at goldman@hpba.org.

CEUs Count

Every program offered at this year's Annual Meeting and Conference at Red Wing this year provided NFI Continuing Education Units for recertification. 243 CEUs were earned by NFI Specialists at this event alone. 58 were Health and Safety,

81 were elective and 104 were Technical. The Education Committee has a goal to have EVERY program offer CEUs for your benefit.

MREA 2005

NCHPBA did it again. Two booths were taken at this year's Midwest Renewable Energy Fair held June 17-19, 2005 in Custer, Wisconsin. Over 300 booths and over 16,000 people attended this year's event.

Members from Snowbelt Stove and Fireplace, Stevens Point, WI (John Pence and Adrian Albrecht), Chimney Specialists, Inc., Highland, WI (George Breiwa), Wilkening Fireplace, Walker, MN (Mike O'Rourke), Onalaska Stove and Stone, Onalaska, WI Gary Stanley, and Marcell's Speicalties, Wausau, WI (Bob and BJ Marcell) were instrumental in the success of this year's event. Kudos to Bob and BJ for helping with set up and take down (the hard parts of lifting stoves) with special thanks to John Pence and his son for coming to assist the lifting part of the take down since Bob broke his finger the night before.

Mike O'Rourke provided two programs on Wood Technology with a large number of attendees returning to the booth to further discuss the benefits of renewable energy with our products. This was Mike O'Rourke's first year at the MREA. He said it was a lot of fun to staff this booth without the pressure of having to try to sell anything. The NCHPBA booth is for education on our products, not selling any per se'.

The theme of this year's booth was "Then and Now." NCHPBA staff obtained an old "Famous Oak" parlor stove which Lynn Meyer from American Home Fireplace & Patio cleaned, restored and painted red with gold trim. Since we estimated the age of this to be 1915, it was the "Then" part. The "Now"

part were 2005 models of wood and corn with a "cutaway" stove to demonstrate the differences in an EPA certified model. People would notice the old stove and we could tell them why they couldn't use one like that anymore.

The Board is now investigating other types of programs in all our states that could reap this same type of benefit – increased visibility and education.



Montana Heroes: The Libby Project

Libby, Montana is the site of a one-of-a-kind experiment with the hearth industry, the EPA, local, state, and the federal government. This small town in the northern part of Montana is in a PM 2.5 non-attainment area. It also is in a bit of a bowl with little industry yet statistics that indicate that over 80% of the emissions come from wood smoke. There are around 1300 households that have old non-EPA certified stoves.

Here is the really good part. The EPA has become a believer in our Stove Changeout programs. Around 50 government officials at the Atlanta EXPO toured the outdoor burn area and were totally astonished – no black smoke! They want to work with us AND help us promote the program and changeout old stoves. They have already promoted the HPBA in a national and regional Press Release regarding the Libby program

This is a HUGE opportunity for this industry. However (there is always a however or a but) we need statistics to prove that changeouts will have the effect we believe they have – namely a drop in emissions from using EPA-certified wood stoves (or our other clean burning units). So, HPBA has been underwriting obtaining a baseline of emissions statistics in Libby for over a year. This being obtained, lots of meetings have been held in Libby with the government folks, the four hearth dealers in the area and the EPA. In 2005 the project is designed to change out 300 stoves. The rest have to be changed out in 2006.

This is not a regular changeout, however. These stoves are being provided by the industry with EPA, and government money to help support the program. Donations are needed to help this project. Over 700 of the households in the area are already getting government subsidies. They could not afford to buy a new stove under the old Changeout rules. This,

however, is needed to have the data to support all the other Changeouts with EPA support. The regular type Changeouts would include selling of the stoves.

As indicated in this story headline – these Montana dealers are heroes of this industry. They will get paid for their installations (from EPA and industry money) but won't get any fees from selling of the stoves. Once all the existing stoves are changed out – their future business will only be from any remodels or new homes. These retailers are helping us all out. They do have other products that they sell as hearth is not the major part of any of their businesses, but this is still a huge impact on them.

As such, NCHPBA has made a donation to the HPBA Libby project. Individuals from the NCHPBA Board, NCHPBA staff, HPBA staff and other members have also made individual contributions. If you have not helped this project with a donation – there still is time. There is need for around \$3,000,000.00 more for next year's project. Federal funds are being solicited but anytime you ask from the Federal Government, there is sort of a "flip of the coin" if the project will be funded.

Contact HPBA at 703-522-0086 to ask how to send your check. OR cut your check and send it to HPBA with the memo of "HPBA Libby project." The EPA says there are more than 8 million old stoves in the whole United States that need to be replaced. The EPA is coordinating with HPBA for the Libby project, a Dayton, Ohio project and a Pittsburgh, Pennsylvania project this year. They want to conduct 40 more next year in non-attainment areas. WE NEED THIS LIBBY DATA. Please help out with a donation.

May At Red Wing, 2005

The Annual Meeting in Red Wing, Minnesota was another success. Although we did not break another attendance record, the evaluations were extremely positive. The critical comment was, "I learned something new at every program." That is the objective of anyone planning education events. Thanks must be extended to the efforts of the Education Committee: Rodger Holland (Even Temp), Chairman, and members, Jan Hildebrand (Burning Desires, Mandan, ND), Patty Fryk (Marcell's of Wisconsin Rapids, WI) and Alison Van Lanen (Truttman Hearth Ware, Green Bay, WI).

The Sunday golf outing was met with sunny warm weather. Those not golfing were able to take a tour of downtown Red Wing. Alison and Patty led this charge and reported having a ball. They got their tour guide to take them places not on any regular tour. Way to go Alison and Patty.

The Sunday evening Mississippi River cruise sponsored by Brownstone Distributing/CFM Majestic with dinner by American Energy Systems was blessed with a beautiful sunset and equally stunning moonlight through the clouds. It continues to



get rave reviews and be considered a wonderful relaxing way to network and begin the Annual meeting.

The annual meeting was held at lunch time this year. Newly elected to the Board of Directors was Michael Hauf from North Central Service, Minot, North Dakota, Brian Herzfeld from Freiers in Hudson, Wisconsin and Jim Butterfield from Hearth Partners, Onalaska, Wisconsin. Re-elected to another term of office was Gary Stanley from Onalaska Stove & Stone, Onalaska, Wisconsin, Margaret Zalaznik from Regency/FPI, U.S. in Benton, WI and Rodger Holland from Even Temp, Fridley, MN.

Since the annual meeting was held at lunch, that left the evening banquet free for "entertainment". Gary Tyson provided just that. Magic tricks and stage hypnosis highlighted the evening. His magic was amazing, but the hypnosis stole the



show. Fifteen members and guests of NCHPBA went on stage to be part of this act. At least seven became fully hypnotized and followed his directives. Lynn Meyer drove his sports car with reckless abandon. Debbie Hannig admits hers was red and white with lots of chrome while later she felt glued to her chair. Andrea Schlatterer expressed her anger to Bill Wiedenhoef for messing up her concrete floor while BJ Marcell became a ballerina and danced across the stage. Alison Van Lanen scolded staff for paying Gary Tyson since she felt he was a fake while Caleb Woodard could not budge that chair stuck to the floor.



Gary Boelter, the Fire Place Ltd., Milwaukee, WI, watching from the audience, asked why we didn't come up with this while he was serving on the Board. He said it was the most fun ever.

Tuesday brought the NFI Gas and Woodburning Reviews as well as a chance for American Red Cross CPR. Twenty one folks partook of this and most indicated this should become an annual event as well.

Lynn Meyer (above left) is pictured getting the Heimlich while the photo (above right) depicts the CPR practice. Don Kaiser from HPBA checks to see if Scott Engelberger has a pulse. We can safely say we lost no one.



Although the Treasure Island Resort and Casino has been a good venue for the affiliate these past three years, the Board felt it was time for a move so we will be going to Onalaska, Wisconsin for May 2006. The Stoney Creek Lodge will be the host site. The northwoods theme will be relaxing with plenty of conference rooms available at the Northwoods Conference Center next door. A paddle boat cruise is under consideration

along with the usual golf outing at one of the five courses in the vicinity. Also being contemplated is horseback riding, canoe trips or shopping trips to the Mall. Of course, great education will be provided. This year's committee will include new member, Scott Engelberger from The Fireplace Professionals in Cambridge, Wisconsin.

Failure to Inform or Doing the Right Thing

Several years ago this affiliate Board of Directors began to discuss the issue of burns to adults and, in particular, children with hot glass doors of stoves and fireplaces, especially gas units. This led to an article in our newsletter and debate at one of our annual meetings.

At this past May meeting, Bill Koehler from Security Group International, discussed the insurance perspective of having units burning in stores. You are liable if you "fail to inform" individuals of the risks of burns with hot glass doors. He jokingly indicated from their (liability insurance company) perspective, they would like to see astrobright neon lights and flashing arrows to every appliance with hot glass doors – to warn folks they could get hurt.

It is critical that everyone in the hearth business, from the owners to every sales person and installer, be able to intensely warn people about the potential risks with our products and how, with proper use, screens, etc., harm can be avoided. The Board of Directors again discussed this issue at the July meet-

ing. Proper use of our hearth products must be drilled into everyone that enters our stores, children must be safeguarded, as well as those wonderful adults who just don't seem to get the reality that gas fires are hot, too. If they purchase a product, the training must intensify so that not only the owners are aware of proper use but that they (the owners) impress the need to stay away from the hot glass doors by **all** that enter their house. Neighbors, relatives and other guests are particularly vulnerable to injury. Even pets can get hurt. Training **MUST** include that these doors can remain hot for up to 30 minutes after the flames have been extinguished.

Failure to inform is the legal term. The NCHPBA Board wants everyone to realize that these cautions and training is simply "the right thing to do, period." This industry must take the lead in preventing injury from our products. We should not wait for doctors, nurses or the press to take up the charge. Screens are a simple solution. Why not include one with every sale. Remember, burn scars last forever.

Lobby Training on your behalf

This August, the majority of your seven Codes Coordinators will undergo a full day training program hosted by HPBA on the intricacies of lobbying and working with state legislatures. As this affiliate and others get more involved with legislative processes, it is critical that members understand how this process works AND, of course, what does not work and therefore what to avoid.

The first full day training will be in Schaumburg, Illinois on August 2 with the second offering of this training on August 11, 2005 in Denver, Colorado. At time of this printing, Mike Nordby, Lynn Meyer, Ken Gates, Denny Hildebrand and Bob Marcell have all volunteered more of their precious summer time to undergo this training and be better prepared to help this affiliate with state legislative and regulatory issues. This is a huge commitment for this affiliate and the investment in this training will help us all.

Barbecuing is Big Business

Even the CBS Early Show knows this and had a recent segment on barbecues. They showed gas, charcoal and electric. They showed models from \$188 to the luxurious \$27,000 outdoor kitchen complete with 3 plasma monitors for when the outdoors, the cooking, or the company is boring.

Officers Elected

Your new officers for 2005-2006 are as follows: Lynn Meyer, President; Gary Stanley, Vice President; Russ Dimmitt, Secretary; and John Bergstrom, Treasurer.

HBPA EXPO 2006

Salt Palace Convention Center,
Salt Lake City, Utah
March 9-11, 2006.

Hearth, Patio & Barbecue
EXPO 2006

Officers and Board 2005-2007

Officers – 1 year term, May 2005-2006

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