



## NATIONAL ASSOCIATION OF STATE FIRE MARSHALS

### **Public Comment of the National Association of State Fire Marshals To the U.S. Consumer Product Safety Commission Regarding the Advance Notice of Proposed Rulemaking Fire Pots and Gel Fuel, Docket No. CPSC-2011-0095**

VIA Electronic Submission: [www.regulations.gov](http://www.regulations.gov)

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Office of the Secretary  
Consumer Product Safety Commission  
4330 East West Highway, Room 820  
Bethesda, MD 20814

The National Association of State Fire Marshals (NASFM), whose members are the senior state fire officials in the U.S. and the District of Columbia, is pleased to provide this comment on the U.S. Consumer Product Safety Commission (CPSC) Advance Notice of Proposed Rulemaking on Fire Pots and Gel Fuel (76 Fed. Reg. 80832, Dec. 27, 2011). NASFM's primary mission, and that of individual State Fire Marshals, is to protect life, property and the environment from fire and related hazards.

The CPSC staff should be commended for its timely and thorough analysis of incidents involving fire pots and gel fuel products. NASFM and its members provided information to the *New York Times* reporter whose inquiries and articles brought this issue to light in June 2011. In our July 2011 comment for the CPSC's FY 2013 Agenda and Priorities Hearing, NASFM urged the CPSC to take swift action to ban fire pots and gel fuels, saying, "At what point do the number of incidents reach a level or a severity that the CPSC will determine...that these two categories of products do not belong on the market?"

Having reviewed the CPSC's *Federal Register* notice and staff briefing package on this issue, NASFM can only repeat – even more fervently and urgently than before – our call for a ban on fire pots and gel fuel, and their swift removal from the market. Every time these products are used together, they present the possibility of a confluence of deadly circumstances. The CPSC was established "to protect the public from unreasonable risks of injury or death." There would be no better demonstration of this purpose than to initiate a ban against these products and go the step further of taking action under Section 12 of the Consumer Product Safety Act to remove these products from commerce immediately.

The CPSC staff's own analysis has made the case that there is no satisfactory remedy for mitigating the deadly risk of using these products, short of a total ban. Trying to make these inherently unsafe products safer is a waste of time while consumers continue to be grievously injured and killed by incidents involving fire pots and napalm-like gel fuel. There is no way to label safe use of these products; relying on recalls means that the products must first enter the market and cause problems; and any effort to develop standards to attempt to address each of the hazard scenarios identified by the CPSC staff is not worth the cost in time, money and lives.

Burns are arguably the most painful injuries to endure, and the most expensive and long-term to treat, with everlasting physical and psychological scarring to survivors – many of whom, during their arduous, excruciating rehabilitation, say that they wish they had died instead. Do not let one more person become an unwitting victim of this deadly combination of products.

The world does not need another decorative way to produce fire, especially when the result is potentially a not-so-rare concurrence of circumstances that can lead to horrific injury or death every time the products are used together. There are no redeeming qualities of these products that could outweigh the cost in human lives. Fire pots and gel fuels are inherently unsafe. They are imminent hazards. NASFM, like the Commissioners, are sworn stewards of the public's safety, and we do not see why there would be any choice but to ban these products by regulation, and to take expeditious action against them as imminent hazards under Section 12 of the CPSA.