

# HOUSE BILL REPORT

## SHB 1053

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### As Passed Legislature

**Title:** An act relating to wood burning devices.

**Brief Description:** Changing the limitations on the use of wood stoves.

**Sponsors:** By House Committee on Agriculture & Ecology (originally sponsored by Representatives Horn, Chandler and Sheldon).

**Brief History:**

**Committee Activity:**

Agriculture & Ecology: 1/18/95, 1/25/95 [DPS].

**Floor Activity:**

Passed House: 2/3/95, 96-0.

Senate Amended.

House Concurred.

Passed Legislature.

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### HOUSE COMMITTEE ON AGRICULTURE & ECOLOGY

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 16 members: Representatives Chandler, Chairman; Koster, Vice Chairman; McMorris, Vice Chairman; Mastin, Ranking Minority Member; Chappell, Assistant Ranking Minority Member; Boldt; Clements; Delvin; R. Fisher; Honeyford; Johnson; Kremen; Poulsen; Regala; Robertson and Schoesler.

**Staff:** Rick Anderson (786-7114).

**Background:** Permanent and Temporary Wood Smoke Bans:

Current law allows local air authorities to permanently ban the use of non-certified wood stoves beginning July 1, 1995.

Current law also sets out a two-stage system for temporarily banning the use of wood stoves and fireplaces during periods of "impaired air quality". The first stage of impaired air quality occurs when small particulate matter (less than 10 microns in diameter, otherwise known as PM-10) is measured at 75 micrograms per cubic meter or carbon monoxide is measured at eight parts per million over an eight hour period. The second stage of impaired air quality occurs when PM-10 averages 105 micrograms per cubic meter over 24 hours.

Non-certified wood stoves and fireplaces are temporarily banned when a first stage of impaired air quality is initiated. All wood stoves and pellet stoves are banned during a second stage of impaired air quality. The temporary bans do not apply to a residence or business that uses wood as its only adequate source of heat.

Current law dictates that only a single stage of impaired air quality can be used when a local air authority permanently bans non-certified wood stoves. Under a single stage system, all certified wood stoves and pellet stoves are banned when PM-10 levels reach 90 micrograms per hour over a 24 hour period.

Federal Planning Requirements:

The federal Clean Air Act requires the state or local implementing entity to submit an implementation plan for areas that do not meet federal air quality standards. The implementation plan identifies the specific actions that will be taken to bring the area into compliance with federal standards. Section 172(c)(9) of the federal act requires that the implementation plan include specific contingency actions in the event that the actions listed in the implementation plan do not result in attainment of the federal air standards or in "reasonable further progress" toward the standards. The federal Environmental Protection Agency requires that the state or local implementing entity has specific legal authority to enforce implementation of any action identified in the implementation plan. Permanent and temporary wood smoke bans are actions that the state and local air authorities may cite in submitting implementation plans to the federal Environmental Protection Agency.

Sale or Advertising of Non-Certified Wood Stoves:

Current law prohibits the sale of new wood stoves that do not meet the most recent emission standards. It is also illegal to advertise the sale of a new wood stove that does not meet current standards.

**Summary of Bill:** A local air authority or the Department of Ecology may permanently ban non-certified stoves only if the EPA makes a written finding that the ban is necessary to meet or maintain federal air quality standards in a specific area, and the ban is identified as a contingency measure in state implementation plans. The provision allowing a single stage of impaired quality is deleted. Non-certified wood stoves may be sold, or advertised for sale, to non-state residents.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Bill:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** The bill reduces confusion and makes it unlikely that a permanent burn ban will be initiated.

**Testimony Against:** None.

**Testified:** Rep. Jim Horn, prime sponsor (pro); Sam Sullivan, Hearth Products Association (pro); Jim Nolan, Puget Sound Air Pollution Control (pro); Stu Clark, Department of Ecology (pro); and Steve Sheldon, Olympia Fireplace (pro).