

# SENATE BILL REPORT

## SHB 1053

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As Reported By Senate Committee On:  
Ecology & Parks, March 22, 1995

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

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

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

**Brief History:**

**Committee Activity:** Ecology & Parks: 3/16/95, 3/22/95 [DPA].

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### SENATE COMMITTEE ON ECOLOGY & PARKS

**Majority Report:** Do pass as amended.

Signed by Senators Fraser, Chair; C. Anderson, Vice Chair; McAuliffe, McDonald, Spanel and Swecker.

**Staff:** Gary Wilburn (786-7453)

**Background:** Washington's air pollution control laws regulate wood stoves and fireplaces as air pollution sources in a number of ways: (1) New wood stoves sold at retail must meet emission performance standards; (2) opacity levels for purposes of education and enforcement are specified in statute; (3) certain materials are prohibited from being burned in such devices; (4) an education program to encourage efficient and proper use of such devices is maintained; and (5) operational limitations are imposed upon such devices during periods of impaired air quality.

In 1990 the laws restricting operation during impaired air quality periods were amended to provide for a two-stage wood stove and fire place "ban." The first stage is reached when particulate levels in the outdoor air reach 75 micrograms per cubic meter. When a first stage is declared, all noncertified wood stoves must cease operation. A second stage is reached at 105 micrograms, and when declared, all wood stoves and fireplaces must cease operation. An exception is made at both stages for persons who do not have an adequate source of heat without burning wood.

The 1990 legislation also authorized local air pollution control authorities, on or after July 1, 1995, to geographically limit the use of noncertified wood stoves. In exercising this limitation the authority must consider the following factors: (1) contribution of such stoves to nonattainment of air quality standards; (2) population density; and (3) public health effects. An authority exercising this limitation was authorized to declare a "single stage" ban on the use of both certified and noncertified stoves when particulate levels reached 90 micrograms.

The two-stage burn ban has proven effective in curtailing particulate from wood stoves and fireplaces, and only rarely have particulate levels approached the second stage level. It is suggested that a single stage ban in an area may allow peak levels to reach higher than a two-stage system, because curtailment actions will not occur until a higher level is reached.

Federal air pollution laws impose deadlines and specific planning requirements upon states to achieve attainment with federal ambient air quality standards. State plans to achieve attainment must include contingency measures to be implemented if the state fails to reach attainment or to make reasonable further progress as defined under federal law.

**Summary of Amended Bill:** The provisions of existing law authorizing a single stage burn ban are deleted. The provisions authorizing a geographical limitation on the use of noncertified stoves are limited to the sole purpose of a contingency measure to meet federal clean air law requirements. The limitation may only be imposed when the United States Environmental Protection Agency makes written findings that the area fails to attain, maintain, or make reasonable further progress toward attainment of federal standards, and that wood stove emissions are a contributing factor to the failure. The prohibition in existing law on sales of noncertified stoves, and the advertising of sales of stoves that are not certified, is limited to sales to residents within this state.

**Amended Bill Compared to Original Bill:** The provision clarifying that the prohibition on sales and advertising of uncertified stoves is limited to Washington State residents is added by the amendment.

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Testimony For:** The bill provides a needed narrowing of authority to limit uncertified stove use to situations where it is necessary to meet federal air standards.

**Testimony Against:** None.

**Testified:** PRO: Steve Sheldon, Olympia Fireplace Supply; Sam Sullivan, NW Hearth Products Association; Stu Clark, Ecology; Dennis McLerran, Puget Sound Air Pollution Control.