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## Environmental Health Committee

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### SSB 5565

**Brief Description:** Regarding the use of certain solid fuel burning devices.

**Sponsors:** Senate Committee on Environment, Water & Energy (originally sponsored by Senator Rockefeller).

#### Brief Summary of Substitute Bill

- Allows local air pollution control authorities or the Department of Ecology to prohibit the use of non-certified solid fuel burning devices as a measure to help meet air quality standards in an attainment plan.

**Hearing Date:** 3/25/09

**Staff:** Pam Madson (786-7111)

#### Background:

The federal Clean Air Act requires the U.S. Environmental Protection Agency (EPA) to set air quality standards for certain pollutants that harm public health and the environment. One of those pollutants is fine particulate matter. In Washington, wood smoke has been identified as a major source of fine particulate matter that can negatively affect air quality standards in an area. The EPA lowered the standard for this pollutant by 46 percent in 2006.

In 2007 the Legislature directed the Department of Ecology (DOE) to convene a work group to recommend practical and cost-effective measures to reduce effects of wood smoke. The work group made recommendations to update laws allowing curtailment of activities that increase wood smoke pollution. The Legislature adopted updates to the law in 2008. A longer term recommendation of the work group was to reduce the number of uncertified solid fuel burning devices in use in the state. The work group's report also identified areas of the state that were likely to violate the standards for fine particulate matter in 2008-09.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

The EPA may designate an area as an area of nonattainment if there is a pattern of failure to reach and maintain air quality standards over a period of time. When an area is designated as a nonattainment area, the state in which the area is located must submit a plan to reach attainment. This designation can cause additional requirements for all sources emitting fine particulate matter, including industrial and household sources.

During the winter months, more than half of Washington's statewide fine particulate matter comes from fireplaces and inserts, wood stoves, and pellet stoves. Newer certified wood burning devices are much cleaner burning than older devices. In areas of nonattainment, local air agencies and the DOE may prohibit the use of non-certified fireplace inserts and wood stoves as a contingency measure to meet the air quality standards if an area is failing to make progress toward achieving attainment and emissions from solid fuel burning devices are a contributing factor to the failure to make further progress.

**Summary of Bill:**

A local air pollution control authority or the DOE may prohibit the use of solid fuel burning devices that do not meet certain certification requirements as an additional measure to achieve and maintain federal air quality standards in an area that is designated as not meeting the standards. Before a prohibition may be declared, the local air agency or DOE must seek input from city, county, or jurisdictional health departments affected by the proposed prohibition and must make the following written findings:

- the area is designated a nonattainment area for fine particulate matter or is in maintenance status under that designation;
- the emissions from wood burning devices are a major contributing factor for violating federal air quality standards for fine particulate matter; and
- the area has an adequately funded program to help low-income households obtain an adequate source of heat including certified wood burning devices.

Cities, counties, and jurisdictional health departments must cooperate with local air pollution control authorities to implement a prohibition on the use of uncertified wood burning devices when a prohibition is declared. A jurisdictional health department is a health department of a city, county, city-county, or a district public health department.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.