

SENATE BILL REPORT

SB 5174

As of January 24, 2025

Title: An act relating to wood burning devices.

Brief Description: Concerning wood burning devices.

Sponsors: Senators Shewmake, Nobles and Wellman; by request of Department of Ecology.

Brief History:

Committee Activity: Environment, Energy & Technology: 1/24/25.

Brief Summary of Bill

- Modifies definitions in the Washington Clean Air Act (WCAA) relating to certain wood burning devices.
- Grants the Department of Ecology authority to adopt or amend rules: (1) implementing federal emission standards for certain wood burning devices, (2) establishing state emission standards and certification procedures for certain wood burning devices, and (3) setting state emission standards and other requirements for residential home heating devices burning solid fuels other than wood or pellet fuel.
- Amends WCAA statutes regarding certain wood burning devices to reference state emission standards and certification procedures rather than federal standards and certification procedures.

SENATE COMMITTEE ON ENVIRONMENT, ENERGY & TECHNOLOGY

Staff: Matt Shepard-Koningsor (786-7627)

Background: Woodstoves and Other Solid Fuel Burning Devices. There are several types of devices that burn solid fuel such as wood, including woodstoves, fireplaces, hydronic heaters, forced-air furnaces, and pellet stoves. These devices are often used as primary or

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supplementary sources of heat, either for space or water heating. Smoke from the use of these devices contains particle pollution, known as fine particulate matter or PM_{2.5}, in addition to other pollutants.

Federal Clean Air Act and Inspector General Report. The federal Clean Air Act (FCAA) requires the United States Environmental Protection Agency (EPA) to develop emission standards for categories of stationary sources of air pollution. Under FCAA authority, in 2015, EPA revised the new source performance standards for residential wood heaters. These revisions included a reduction in the allowable PM_{2.5} emissions from new residential wood heaters. To demonstrate a covered device meets the applicable PM_{2.5} emission standard, manufacturers of those devices must apply for a certificate of compliance from EPA before it reaches consumers.

In February 2023, the EPA Office of the Inspector General released a report evaluating whether EPA effectively uses its oversight and enforcement authority to ensure that all wood heaters reaching consumers are properly tested and certified. The report concluded that EPA's new source performance standards are flawed, and that EPA has approved methods that lack clarity and allow too much flexibility.

Washington Clean Air Act. The Washington Clean Air Act (WCAA) regulates outdoor air pollution in Washington. Air pollution control regulations address emissions of air contaminants that injure health or unreasonably interfere with the enjoyment of life and property. The Department of Ecology (Ecology), seven local clean air agencies (clean air agencies), and Tribal governments manage air quality in Washington.

The WCAA defines a "solid fuel burning device" as any device for burning wood, coal, or any other nongaseous and nonliquid fuel, including a woodstove and fireplace, which are separately defined.

Ecology, under its WCAA authority, regulates the use of woodstoves and other solid fuel burning devices, in addition to which devices may be advertised, sold, resold, exchanged, or given away in Washington. These devices must meet both Washington and EPA emission standards for certification and labeling. To be certified, the device must meet the most protective emission standards that apply under state and federal law. Emission standards differ based on the device's technology. For example, there are different emission standards applying to woodstoves and pellet stoves, wood-fired hydronic heaters, and wood-fired furnaces. Ecology maintains a list of certified wood stoves and other wood burning devices on its website. A clean air agency may not adopt an emission standard for new solid fuel burning devices different from Ecology's.

The WCAA contains several provisions relating to solid fuel burning devices, including, without limitation, provisions:

- restricting the installation of a new or used solid fuel burning device in new or existing buildings unless it is EPA-certified or otherwise exempt;

- imposing a minimum \$30 fee on the sale of new woodstoves;
- prohibiting the knowing advertisement, sale, exchange, or giving away of an uncertified solid fuel burning device;
- referencing WCAA penalties and enforcement for certain violations; and
- establishing statewide opacity standards for smoke plumes.

Air Quality Events and Nonattainment Areas. Air quality events include air pollution episodes, air quality burn bans, and impaired air quality stages. Air quality burn bans are called by Ecology, clean air agencies, and Tribes. A burn ban limits solid fuel burning device use and outdoor burning. During certain air quality events, a person in a residence or business with an adequate source of heat without burning wood is restricted from burning wood in a solid fuel burning device unless the device is certified to Oregon or EPA emission standards, certified by Ecology, or the device is an EPA-certified or exempted pellet stove. These limitations do not restrict a person from installing or repairing a certified solid fuel burning device approved by Ecology or from replacing a non-certified solid fuel burning device with a certified device. State law contains other exceptions and emergency situations.

Under the FCAA, there are three ways to designate an area's air quality: (1) attainment—meeting an air quality standard, (2) nonattainment—not meeting an air quality standard, or (3) unclassifiable—information is insufficient to make a designation. Each designation is made for a specific air quality standard based on one of six common air pollutants, including PM_{2.5}. In areas of nonattainment for PM_{2.5}, Ecology or a clean air agency may, after meeting specified requirements, prohibit the use of solid fuel burning devices, except for certain fireplaces, woodstoves, and pellet stoves. As of January 2025, all of Washington is in attainment for PM_{2.5}.

Prohibition Against Burning Certain Materials. A person may not burn, in a residential solid fuel burning device, garbage, treated wood, plastics, rubber products, animals, asphaltic products, waste petroleum products, paints, or other substances that emit dense smoke or obnoxious odors.

Summary of Bill: Washington Clean Air Act. Several WCAA references to solid fuel and solid fuel burning devices are replaced with wood and wood burning devices, respectively. Federal law definitions for residential forced-air furnace and residential hydronic heater are referenced and included in WCAA statutes. Wood burning device is defined as any device for burning wood or pellet fuel, including a woodstove, fireplace, masonry heater, residential forced-air furnace, and residential hydronic heater. The definition of woodstove is amended to include certain devices burning wood or pellet fuel and residential wood heaters, and to exclude coal-fired furnaces, coal stoves, and other listed devices now included in the broader definition of wood burning device.

Authority of the Department of Ecology. Ecology's authority to establish, by rule, emissions standards for new solid fuel burning devices is amended to permit Ecology to

adopt rules to implement federal emission standards for new residential wood heaters, and to implement the federal emission standards for new residential forced-air furnaces and new residential hydronic heaters. Ecology may also adopt rules to establish and implement emission standards for masonry heaters, which may include incorporation of federal emission standards. If Ecology adopts these rules, the emission standards must be those in effect as of January 1, 2025. Ecology may amend the rules to maintain consistency with federal emission standards unless it finds that the federal emission standards are less stringent or that the changes would adversely impact air quality. Ecology may adopt, by rule, a sell-through provision allowing retailers to sell EPA-certified wood burning devices in their inventory for up to 12 months after a device is removed from Ecology's certification list.

Ecology may adopt additional certification procedures for wood burning devices to ensure compliance with the adopted emission standards. Ecology may also adopt emission standards and other requirements for residential home heating devices burning solid fuels other than wood or pellet fuel, including devices burning coal and other nongaseous and nonliquid fuels.

Ecology's authority to adopt, by rule, a program to determine whether a new wood burning device complies with the emission standards and to approve the sale of compliant devices is amended to include new state certification requirements and a requirement to publish a list of compliant devices.

Restrictions Relating to Wood Burning Devices. A wood burning device may not be:

- installed in new or existing buildings unless the device meets the applicable emission standard and certification requirements adopted by Ecology; or
- sold, offered for sale, or knowingly advertised for sale in Washington to state residents that does not meet the statewide emission standards adopted by Ecology, using an applicable test methodology adopted by the EPA.

Air Quality Events and Nonattainment Areas. During certain air quality events, a person in a residence or business with an adequate source of heat without burning wood is restricted from burning wood in a wood burning device unless the device is certified by Ecology. References to Oregon and EPA emission standards and certain pellet stoves are removed.

The existing state law provision permitting the installation or repair of a certified device, or replacement of a non-certified device with a certified device is amended to reference statewide emission standards and certification requirements.

Ecology or a clean air agency may, after meeting existing statutory requirements, prohibit the use of pellet stoves in certain areas of nonattainment for particle pollution.

Prohibition Against Burning Certain Materials. Coal is added to the list of items that a person is prohibited from burning in a wood burning device.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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