
SUBSTITUTE SENATE BILL 5174

State of Washington

69th Legislature

2025 Regular Session

By Senate Environment, Energy & Technology (originally sponsored by Senators Shewmake, Nobles, and Wellman; by request of Department of Ecology)

READ FIRST TIME 02/18/25.

1 AN ACT Relating to wood burning devices; amending RCW
2 70A.15.3520, 70A.15.3530, 70A.15.3540, 70A.15.3550, 70A.15.3580, and
3 70A.15.3600; reenacting and amending RCW 70A.15.3510; adding a new
4 section to chapter 70A.15 RCW; and creating a new section.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** (1) The legislature finds that wood
7 burning stoves are an economical and appealing source of home heating
8 and that it has a duty to protect public health and the environment
9 by minimizing air pollution. In 2015, the United States environmental
10 protection agency established new air quality standards for certain
11 wood burning devices, setting a compliance date for step two of the
12 standards of May 15, 2020. Washington's laws regulating certain
13 devices, as of May 15, 2020, are weaker than those put in place by
14 the environmental protection agency.

15 (2) The legislature also finds that a 2021 report by the
16 Northeast states for coordinated air use management, a nonprofit
17 association of eight state air quality agencies, found that the
18 environmental protection agency's certification program to verify
19 that new wood burning devices meet clean air requirements was
20 unreliable and allowed devices that did not meet the requirements to
21 enter the market, putting public health and the environment at risk.

1 Similarly, a 2024 report by the United States office of the inspector
2 general found that the environmental protection agency failed to
3 properly oversee and administer the wood heater program and as a
4 result, wood burning devices that do not meet clean air act standards
5 may be offered for sale unbeknownst to consumers.

6 (3) The legislature intends to:

7 (a) Protect public health and the environment by aligning state
8 standards for emissions with existing federal standards, where
9 federal standards are more stringent;

10 (b) Protect consumers from woodstoves improperly certified by the
11 environmental protection agency by creating a voluntary state wood
12 burning device verification program; and

13 (c) Support voluntary verification by allowing the department of
14 ecology to add voluntary verification as a criterion in determining
15 which stoves qualify for regional wood stove change-out programs and
16 the wood smoke reduction grant program.

17 **Sec. 2.** RCW 70A.15.3510 and 2020 c 20 s 1115 are each reenacted
18 and amended to read as follows:

19 Unless the context clearly requires otherwise, the definitions in
20 this section apply throughout RCW 70A.15.3510 through 70A.15.3620:

21 (1) "Authority" means any air pollution control agency whose
22 jurisdictional boundaries are coextensive with the boundaries of one
23 or more counties.

24 (2) "Department" means the department of ecology.

25 (3) "Fireplace" means: (a) Any permanently installed masonry
26 fireplace; or (b) any factory-built metal (~~(solid-fuel)~~) wood burning
27 device designed to be used with an open combustion chamber and
28 without features to control the air to fuel ratio.

29 (4) "New woodstove" means: (a) A woodstove that is sold at
30 retail, bargained, exchanged, or given away for the first time by the
31 manufacturer, the manufacturer's dealer or agency, or a retailer; and
32 (b) has not been so used to have become what is commonly known as
33 "secondhand" within the ordinary meaning of that term.

34 (5) "Opacity" means the degree to which an object seen through a
35 plume is obscured, stated as a percentage. The methods (~~(approved)~~)
36 adopted by the department in accordance with RCW 70A.15.3000 shall be
37 used to establish opacity for the purposes of this chapter.

38 (6) "Residential forced-air furnace" has the same meaning as set
39 forth in 40 C.F.R. Part 60, subpart QQQQ (2025).

1 (7) "Residential hydronic heater" has the same meaning as set
2 forth in 40 C.F.R. Part 60, subpart 0000 (2025).

3 (8) "Solid fuel burning device" means any device for burning
4 wood, coal, or any other nongaseous and nonliquid fuel, including a
5 ((~~woodstove and fireplace~~)) wood burning device.

6 (9) "Wood burning device" means any device for burning wood or
7 pellet fuel, including a woodstove, fireplace, masonry heater,
8 residential forced-air furnace, and residential hydronic heater.

9 ((~~(7)~~)) (10) "Woodstove" means a ((~~solid fuel~~)) wood burning
10 device ((~~other than a fireplace not meeting the requirements of RCW~~
11 70A.15.3530)), including any fireplace insert, ((~~woodstove, wood~~
12 burning heater)) pellet stove, wood stick boiler, ((~~coal-fired~~
13 furnace, coal stove,)) or similar device burning any ((~~solid~~)) wood
14 or pellet fuel, used for aesthetic or space-heating purposes in a
15 private residence or commercial establishment, which has a heat input
16 less than one million British thermal units per hour. The term
17 "woodstove" does not include ((~~wood cook stoves~~)) fireplaces, masonry
18 heaters, residential forced-air furnaces, or residential hydronic
19 heaters. For purposes of this chapter, the term "woodstove" includes
20 any residential wood heater as defined in 40 C.F.R. Part 60, Subpart
21 AAA (2025).

22 **Sec. 3.** RCW 70A.15.3520 and 1991 c 199 s 503 are each amended to
23 read as follows:

24 ((~~After January 1, 1992, no used solid fuel~~)) No wood burning
25 device shall be installed in new or existing buildings unless such
26 device ((~~is either Oregon department of environmental quality phase~~
27 II or United States environmental protection agency certified or a
28 pellet stove either certified or exempt from certification by the
29 United States environmental protection agency)) meets the applicable
30 emission standards adopted by the department under RCW 70A.15.3530.

31 (1) By July 1, 1992, the state building code council shall adopt
32 rules requiring an adequate source of heat other than woodstoves in
33 all new and substantially remodeled residential and commercial
34 construction. This rule shall apply (a) to areas designated by a
35 county to be an urban growth area under chapter 36.70A RCW; and (b)
36 to areas designated by the environmental protection agency as being
37 in nonattainment for particulate matter.

38 (2) For purposes of this section, "substantially remodeled" means
39 any alteration or restoration of a building exceeding ((~~sixty~~)) 60

1 percent of the appraised value of such building within a (~~twelve-~~
2 ~~month~~) 12-month period.

3 **Sec. 4.** RCW 70A.15.3530 and 1995 c 205 s 3 are each amended to
4 read as follows:

5 (1) The department (~~of ecology shall establish by rule under~~
6 ~~chapter 34.05 RCW:~~

7 ~~(1) Statewide)~~ must adopt rules establishing statewide emission
8 performance standards for new (~~solid fuel~~) wood burning devices in
9 accordance with this section, which may include adopting rules to:

10 (a) Implement the federal emission standards for new residential
11 wood heaters in 40 C.F.R. Part 60, subpart AAA (2025);

12 (b) Implement the federal emission standards for new residential
13 forced-air furnaces and new residential hydronic heaters in 40 C.F.R.
14 Part 60, subpart QQQQ (2025); and

15 (c) Establish and implement emission standards for masonry
16 heaters if the United States environmental protection agency adopts
17 such standards.

18 (2) (a) Except as provided in (b) of this subsection and
19 subsection (8) of this section, if a federal emission standard
20 applies to a particular wood burning device as of January 1, 2025,
21 the applicable statewide emission standards adopted by the department
22 under this section must be consistent with the federal emission
23 standards adopted by the United States environmental protection
24 agency, as it existed on January 1, 2025.

25 (b) The department may amend the rules to maintain consistency
26 with the emission performance standards adopted by the United States
27 environmental protection agency. If the United States environmental
28 protection agency adopts federal emission standards that are less
29 stringent than those in existence on January 1, 2025, the department
30 must retain the more stringent statewide emission standards.

31 (3) Notwithstanding any other provision of this chapter which
32 allows an authority to adopt more stringent emission standards, no
33 authority shall adopt any emission standard for new (~~solid fuel~~)
34 wood burning devices other than the statewide standard adopted by the
35 department under this section.

36 (~~(a) After January 1, 1995, no solid fuel~~) (4) No wood burning
37 device shall be offered for sale in this state to residents of this
38 state that does not meet the (~~following particulate air contaminant~~
39 emission standards under the test methodology of the United States

1 environmental protection agency in effect on January 1, 1991, or an
2 equivalent standard under any test methodology adopted by the United
3 States environmental protection agency subsequent to such date: (i)
4 Two and one-half grams per hour for catalytic woodstoves; and (ii)
5 four and one-half grams per hour for all other solid fuel burning
6 devices. For purposes of this subsection, "equivalent" shall mean the
7 emissions limits specified in this subsection multiplied by a
8 statistically reliable conversion factor determined by the department
9 that compares the difference between the emission test methodology
10 established by the United States environmental protection agency
11 prior to May 15, 1991, with the test methodology adopted subsequently
12 by the agency. Subsection (a) of this subsection does not apply to
13 fireplaces)) statewide emission performance standards adopted by the
14 department under this section, using only the applicable test
15 methodology adopted by the United States environmental protection
16 agency. For the purposes of this subsection (4), "wood burning
17 device" does not include a fireplace.

18 ((~~b~~)) (5) After January 1, 1997, no fireplace, except masonry
19 fireplaces, shall be offered for sale unless such fireplace meets the
20 1990 United States environmental protection agency standards for
21 woodstoves or equivalent standard that may be established by the
22 state building code council by rule. Prior to January 1, 1997, the
23 state building code council shall establish by rule a methodology for
24 the testing of factory-built fireplaces. The methodology shall be
25 designed to achieve a particulate air emission standard equivalent to
26 the 1990 United States environmental protection agency standard for
27 woodstoves. In developing the rules, the council shall include on the
28 technical advisory committee at least one representative from the
29 masonry fireplace builders and at least one representative of the
30 factory-built fireplace manufacturers.

31 ((~~e~~)) (6) Prior to January 1, 1997, the state building code
32 council shall establish by rule design standards for the construction
33 of new masonry fireplaces in Washington state. In developing the
34 rules, the council shall include on the technical advisory committee
35 at least one representative from the masonry fireplace builders and
36 at least one representative of the factory-built fireplace
37 manufacturers. It shall be the goal of the council to develop design
38 standards that generally achieve reductions in particulate air
39 contaminant emissions commensurate with the reductions being achieved
40 by factory-built fireplaces at the time the standard is established.

1 ~~((d))~~ (7) Actions of the department and local air pollution
2 control authorities under this section shall preempt actions of other
3 state agencies and local governments for the purposes of controlling
4 air pollution from ~~((solid fuel))~~ wood burning devices, except where
5 authorized by chapter 199, Laws of 1991.

6 ~~((e) Subsection (1)(a) of this section shall not apply to
7 fireplaces.~~

8 ~~(f) Notwithstanding (a) of this subsection, the department is
9 authorized to adopt, by rule, emission standards adopted by the
10 United States environmental protection agency for new woodstoves sold
11 at retail.)~~ (8) For ~~((solid fuel))~~ wood burning devices for which
12 the United States environmental protection agency has not established
13 emission standards, the department may exempt or establish, by rule,
14 statewide standards including emission levels and test procedures for
15 such devices ~~((and such emission levels and test procedures shall be
16 equivalent to emission levels per pound per hour burned for other new
17 woodstoves and fireplaces regulated under this subsection))~~.

18 ~~((2) A)~~ (9) The department must establish, by rule, a program
19 to:

20 (a) Determine whether a new ~~((solid fuel))~~ wood burning device
21 complies with the statewide emission ~~((performance))~~ standards
22 ~~((established in subsection (1) of))~~ adopted under this section; and

23 (b) ~~((Approve the sale))~~ Publish a list of devices that comply
24 with the statewide emission ~~((performance))~~ standards.

25 NEW SECTION. Sec. 5. A new section is added to chapter 70A.15
26 RCW to read as follows:

27 (1) Subject to amounts appropriated for this specific purpose,
28 the department must administer a voluntary program to verify that a
29 wood burning device certified by the United States environmental
30 protection agency complies with emission standards adopted by the
31 department under this chapter.

32 (2) To participate in the program, a wood stove manufacturer must
33 submit its United States environmental protection agency required air
34 quality compliance documentation to the department for review. Upon
35 review of the documentation, the department must evaluate whether the
36 device meets emission standards and therefore, was property certified
37 by the United States environmental protection agency.

1 (a) If the department finds that the device meets emission
2 standards, the department must notify the manufacturer. The
3 department may also publish notice on its website.

4 (b) If the department finds that the device does not meet
5 emission standards, the department may provide technical support to a
6 manufacturer to help address deficiencies. The department must deny
7 verification until the manufacturer has sufficiently addressed all
8 deficiencies.

9 (3) The department may adopt rules to implement this section.

10 (4) A wood stove manufacturer's decision to participate or not
11 participate in the voluntary wood burning device verification program
12 may not be used as a condition of a device's sale in Washington
13 state.

14 **Sec. 6.** RCW 70A.15.3540 and 2020 c 20 s 1116 are each amended to
15 read as follows:

16 (~~After July 1, 1988, no~~) No person shall sell, offer to sell,
17 or knowingly advertise to sell a ((new woodstove)) wood burning
18 device in this state to a resident of this state unless the
19 ((woodstove has been approved by the department under the program
20 established)) wood burning device meets the applicable emission
21 standards adopted by the department under RCW 70A.15.3530.

22 **Sec. 7.** RCW 70A.15.3550 and 2020 c 20 s 1117 are each amended to
23 read as follows:

24 (~~After July 1, 1988, any~~) Any person who sells, offers to sell,
25 or knowingly advertises to sell a ((new woodstove)) wood burning
26 device in this state in violation of RCW 70A.15.3540 shall be subject
27 to the penalties and enforcement actions under this chapter.

28 **Sec. 8.** RCW 70A.15.3580 and 2020 c 20 s 1119 are each amended to
29 read as follows:

30 (1) Any person in a residence or commercial establishment which
31 has an adequate source of heat without burning wood shall:

32 (a) Not burn wood in any ((solid fuel)) wood burning device
33 whenever the department has determined under RCW 70A.15.6010 that any
34 air pollution episode exists in that area;

35 (b) Not burn wood in any ((solid fuel)) wood burning device
36 except those which are ((either Oregon department of environmental
37 quality phase II or United States environmental protection agency

1 ~~certified or~~) certified by the department under RCW 70A.15.3530(1)
2 (~~or a pellet stove either certified or issued an exemption by the~~
3 ~~United States environmental protection agency in accordance with~~
4 ~~Title 40, Part 60 of the Code of Federal Regulations~~)), in the
5 geographical area and for the period of time that a first stage of
6 impaired air quality has been determined, by the department or any
7 authority, for that area.

8 (i) A first stage of impaired air quality is reached when
9 forecasted meteorological conditions are predicted to cause fine
10 particulate levels to exceed (~~(thirty-five)~~) 35 micrograms per cubic
11 meter, measured on a (~~(twenty-four)~~) 24-hour average, within (~~(forty-~~
12 ~~eight)~~) 48 hours, except for areas of fine particulate nonattainment
13 or areas at risk for fine particulate nonattainment;

14 (ii) A first stage burn ban for impaired air quality may be
15 called for a county containing fine particulate nonattainment areas
16 or areas at risk for fine particulate nonattainment, and when
17 feasible only for the necessary portions of the county, when
18 forecasted meteorological conditions are predicted to cause fine
19 particulate levels to reach or exceed (~~(thirty)~~) 30 micrograms per
20 cubic meter, measured on a (~~(twenty-four)~~) 24-hour average, within
21 (~~(seventy-two)~~) 72 hours; and

22 (c) (i) Not burn wood in any (~~(solid-fuel)~~) wood burning device in
23 a geographical area and for the period of time that a second stage of
24 impaired air quality has been determined by the department or any
25 authority, for that area. A second stage of impaired air quality is
26 reached when a first stage of impaired air quality has been in force
27 and has not been sufficient to reduce the increasing fine particulate
28 pollution trend, fine particulates are at an ambient level of
29 (~~(twenty-five)~~) 25 micrograms per cubic meter measured on a (~~(twenty-~~
30 ~~four)~~) 24-hour average, and forecasted meteorological conditions are
31 not expected to allow levels of fine particulates to decline below
32 (~~(twenty-five)~~) 25 micrograms per cubic meter for a period of
33 (~~(twenty-four)~~) 24 hours or more from the time that the fine
34 particulates are measured at the trigger level.

35 (ii) A second stage burn ban may be called without calling a
36 first stage burn ban only when all of the following occur and shall
37 require the department or the local air pollution control authority
38 calling a second stage burn ban under this subsection to comply with
39 the requirements of subsection (3) of this section:

1 (A) Fine particulate levels have reached or exceeded (~~(twenty-~~
2 ~~five)~~) 25 micrograms per cubic meter, measured on a (~~(twenty-four)~~)
3 24-hour average;

4 (B) Meteorological conditions have caused fine particulate levels
5 to rise rapidly;

6 (C) Meteorological conditions are predicted to cause fine
7 particulate levels to exceed the (~~(thirty-five)~~) 35 micrograms per
8 cubic meter, measured on a (~~(twenty-four)~~) 24-hour average, within
9 (~~(twenty-four)~~) 24 hours; and

10 (D) Meteorological conditions are highly likely to prevent
11 sufficient dispersion of fine particulate.

12 (iii) In fine particulate nonattainment areas or areas at risk
13 for fine particulate nonattainment, a second stage burn ban may be
14 called for the county containing the nonattainment area or areas at
15 risk for nonattainment, and when feasible only for the necessary
16 portions of the county, without calling a first stage burn ban only
17 when (c)(ii)(A), (B), and (D) of this subsection have been met and
18 meteorological conditions are predicted to cause fine particulate
19 levels to reach or exceed (~~(thirty)~~) 30 micrograms per cubic meter,
20 measured on a (~~(twenty-four)~~) 24-hour average, within (~~(twenty-four)~~)
21 24 hours.

22 (2) Actions of the department and local air pollution control
23 authorities under this section shall preempt actions of other state
24 agencies and local governments for the purposes of controlling air
25 pollution from (~~(solid-fuel)~~) wood burning devices, except where
26 authorized by chapter 199, Laws of 1991.

27 (3)(a) The department or any local air pollution control
28 authority that has called a second stage burn ban under the authority
29 of subsection (1)(c)(ii) of this section shall, within (~~(ninety)~~) 90
30 days, prepare a written report describing:

31 (i) The meteorological conditions that resulted in their calling
32 the second stage burn ban;

33 (ii) Whether the agency could have taken actions to avoid calling
34 a second stage burn ban without calling a first stage burn ban; and

35 (iii) Any changes the department or authority is making to its
36 procedures of calling first stage and second stage burn bans to avoid
37 calling a second stage burn ban without first calling a first stage
38 burn ban.

39 (b) After consulting with affected parties, the department shall
40 prescribe the format of such a report and may also require additional

1 information be included in the report. All reports shall be sent to
2 the department and the department shall keep the reports on file for
3 not less than five years and available for public inspection and
4 copying in accordance with RCW 42.56.090.

5 (4) For the purposes of chapter 219, Laws of 2012, an area at
6 risk for nonattainment means an area where the three-year average of
7 the annual (~~ninety-eighth~~) 98th percentile of (~~twenty-four~~) 24
8 hour fine particulate values is greater than (~~twenty-nine~~) 29
9 micrograms per cubic meter, based on the years 2008 through 2010
10 monitoring data.

11 (5) (a) Nothing in this section restricts a person from installing
12 or repairing a certified (~~solid-fuel~~) wood burning device
13 (~~approved by the department under the program established~~) that
14 meets the applicable emission standards adopted by the department
15 under RCW 70A.15.3530 in a residence or commercial establishment or
16 from replacing a (~~solid-fuel~~) wood burning device with a certified
17 (~~solid-fuel~~) wood burning device that meets the applicable emission
18 standards adopted by the department under RCW 70A.15.3530. Nothing in
19 this section restricts a person from burning wood in a (~~solid-fuel~~)
20 wood burning device, regardless of whether a burn ban has been
21 called, if there is an emergency power outage. In addition, for the
22 duration of an emergency power outage, nothing restricts the use of a
23 (~~solid-fuel~~) wood burning device or the temporary installation,
24 repair, or replacement of a (~~solid-fuel~~) wood burning device to
25 prevent the loss of life, health, or business.

26 (b) For the purposes of this subsection, an emergency power
27 outage includes:

28 (i) Any natural or human-caused event beyond the control of a
29 person that leaves the person's residence or commercial establishment
30 temporarily without an adequate source of heat other than the (~~solid~~
31 ~~fuel~~) wood burning device; or

32 (ii) A natural or human-caused event for which the governor
33 declares an emergency in an area under chapter 43.06 RCW, including a
34 public disorder, disaster, or energy emergency under RCW
35 43.06.010(12).

36 **Sec. 9.** RCW 70A.15.3600 and 2020 c 20 s 1121 are each amended to
37 read as follows:

1 (1) Unless allowed by rule under chapter 34.05 RCW, a person
2 shall not cause or allow any of the following materials to be burned
3 in any residential (~~((solid-fuel))~~) wood burning device:

- 4 (a) Garbage;
- 5 (b) Treated wood;
- 6 (c) Plastics;
- 7 (d) Rubber products;
- 8 (e) Animals;
- 9 (f) Asphaltic products;
- 10 (g) Waste petroleum products;
- 11 (h) Paints; (~~(or)~~)
- 12 (i) Coal; or

13 (j) Any substance, other than properly seasoned fuel wood, which
14 normally emits dense smoke or obnoxious odors.

15 (2) To achieve and maintain attainment in areas of nonattainment
16 for fine particulates in accordance with section 172 of the federal
17 clean air act, a local air pollution control authority or the
18 department may, after meeting requirements in subsection (3) of this
19 section, prohibit the use of (~~((solid-fuel))~~) wood burning devices,
20 except:

21 (a) Fireplaces as defined in RCW 70A.15.3510(3), except if needed
22 to meet federal requirements as a contingency measure in a state
23 implementation plan for a fine particulate nonattainment area; or

24 (b) Woodstoves meeting the standards set forth in RCW
25 70A.15.3580(1) (b) (~~(; or~~
26 ~~(c) Pellet stoves)~~).

27 (3) Prior to prohibiting the use of (~~((solid-fuel))~~) wood burning
28 devices under subsection (2) of this section, the department or the
29 local air pollution control authority must:

30 (a) Seek input from any city, county, or jurisdictional health
31 department affected by the proposal to prohibit the use of (~~((solid~~
32 ~~fuel))~~) wood burning devices; and

33 (b) Make written findings that:

34 (i) The area is designated as an area of nonattainment for fine
35 particulate matter by the United States environmental protection
36 agency, or is in maintenance status under that designation;

37 (ii) Emissions from (~~((solid-fuel))~~) wood burning devices in the
38 area are a major contributing factor for violating the national
39 ambient air quality standard for fine particulates; and

1 (iii) The area has an adequately funded program to assist low-
2 income households to secure an adequate source of heat, which may
3 include woodstoves meeting the requirements of RCW 70A.15.3510(~~(+7)~~)
4 (10).

5 (4) If and only if the nonattainment area is within the
6 jurisdiction of the department and the legislative authority of a
7 city or county within the area of nonattainment formally expresses
8 concerns with the department's written findings, then the department
9 must publish on the department's website the reasons for prohibiting
10 the use of (~~solid-fuel~~) wood burning devices under subsection (2)
11 of this section that includes a response to the concerns expressed by
12 the city or county legislative authority.

13 (5) When a local air pollution control authority or the
14 department prohibits the use of (~~solid-fuel~~) wood burning devices
15 as authorized by this section, the cities, counties, and
16 jurisdictional health departments serving the area shall cooperate
17 with the department or local air pollution control authority as the
18 department or the local air pollution control authority implements
19 the prohibition. The responsibility for actual enforcement of the
20 prohibition shall reside solely with the department or the local air
21 pollution control authority. A city, county, or jurisdictional health
22 department serving a fine particulate nonattainment area may agree to
23 assist with enforcement activities.

24 (6) A prohibition issued by a local air pollution control
25 authority or the department under this section shall not apply to:

26 (a) A person in a residence or commercial establishment that does
27 not have an adequate source of heat without burning wood; or

28 (b) A person with a shop or garage that is detached from the main
29 residence or commercial establishment that does not have an adequate
30 source of heat in the detached shop or garage without burning wood.

31 (7) On June 7, 2012, and prior to January 1, 2015, the local air
32 pollution control authority or the department shall, within available
33 resources, provide assistance to households using (~~solid-fuel~~) wood
34 burning devices to reduce the emissions from those devices or change
35 out to a lower emission device. Prior to the effective date of a
36 prohibition, as defined in this section, on the use of uncertified
37 stoves, the department or local air pollution control authority shall
38 provide public education in the nonattainment area regarding how
39 households can reduce their emissions through cleaner burning
40 practices, the importance of respecting burn bans, and the

1 opportunities for assistance in obtaining a cleaner device. If the
2 area is designated as a nonattainment area as of January 1, 2015, or
3 if required by the United States environmental protection agency, the
4 local air pollution control authority or the department may prohibit
5 the use of uncertified devices.

6 (8) As used in this section:

7 (a) "Jurisdictional health department" means a city, county,
8 city-county, or district public health department.

9 (b) "Prohibit the use" or "prohibition" may include requiring
10 disclosure of an uncertified device, removal, or rendering
11 inoperable, as may be (~~approved~~) adopted by rule by a local air
12 pollution control authority or the department. The effective date of
13 such a rule may not be prior to January 1, 2015. However, except as
14 provided in RCW 64.06.020 relating to the seller disclosure of wood
15 burning appliances, any such prohibition may not include imposing
16 separate time of sale obligations on the seller or buyer of real
17 estate as part of a real estate transaction.

--- END ---