

# HOUSE BILL REPORT

## ESHB 1302

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### As Passed Legislature

**Title:** An act relating to burn ban triggers.

**Brief Description:** Modifying burn ban triggers.

**Sponsors:** By House Committee on Natural Resources, Ecology & Parks (originally sponsored by Representatives Kagi, Jarrett and B. Sullivan).

#### **Brief History:**

##### **Committee Activity:**

Natural Resources, Ecology & Parks: 2/4/05, 2/8/05 [DPS].

##### **Floor Activity:**

Passed House: 3/10/05, 64-32.

Passed Senate: 4/15/05, 35-7.

Passed Legislature.

#### **Brief Summary of Engrossed Substitute Bill**

- Changes the size of particulates measured, and adds additional requirements that must be satisfied, when determining if restrictions on the use of solid fuel burning devices should be instituted.

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### HOUSE COMMITTEE ON NATURAL RESOURCES, ECOLOGY & PARKS

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives B. Sullivan, Chair; Upthegrove, Vice Chair; Buck, Ranking Minority Member; Blake, Dickerson, Eickmeyer, Hunt and Williams.

**Minority Report:** Do not pass. Signed by 3 members: Representatives Kretz, Assistant Ranking Minority Member; DeBolt and Orcutt.

**Staff:** Jason Callahan (786-7117).

#### **Background:**

The Washington Clean Air Act (Act) regulates the use of wood stoves, fireplaces, and other solid fuel burning devices. The Act prohibits the sale of solid fuel burning devices that do not meet certain defined standards. Use of uncertified burning devices, which are those devices that do not meet these standards, may generally continue if the device was purchased prior to the sales prohibition.

The Act also establishes a two-phase burn ban. During a first stage burn ban, residential and commercial buildings are prohibited from burning wood in any stove or fireplace that is not certified. During a second phase burn ban, all buildings are prohibited from burning wood in both certified and uncertified solid fuel burning devices. Buildings that do not have an adequate source of heat without burning wood are allowed to burn wood during both first and second phase burn bans.

Both the Department of Ecology (Department) and local air agencies have the authority to declare first and second stage impaired air episodes. There are two triggers for a first stage impaired air episode. The first trigger is a recorded measurement of particulates in the air that are 10 microns or smaller at an average concentration of 60 micrograms per cubic meter over 24 hours. A first stage episode can also be triggered if carbon monoxide is measured at an average ambient level concentration of eight parts per million over an eight hour period. A second stage impaired air quality episode is triggered when the 24 hour average concentration for particulates that are 10 microns or smaller reach a concentration of 105 micrograms per cubic meter.

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### **Summary of Engrossed Substitute Bill:**

#### First Stage Burn Bans

The triggers for establishing a first and second stage burn ban are altered. The formula for declaring a first stage ban is changed from measuring particulates sized 10 microns or smaller at a concentration of greater than 60 micrograms per cubic meter, to measuring particulates sized 2.5 microns or smaller at a concentration of 35 micrograms per cubic meter. In addition to measuring the necessary concentration of fine particulates, a first state burn ban can not be called unless the meteorological forecast predicts that the conditions for the following 48 hours will not allow the levels of fine particulates to decline below a concentration of 35 micrograms per cubic meter.

The carbon monoxide standard for allowing a first stage burn ban is removed. Only the fine particulate measurements can trigger a burn ban.

#### Second Stage Burn Bans

The formula for declaring a second stage ban is changed from measuring particulates sized 10 microns or smaller at a concentration of greater than 105 micrograms per cubic meter, to measuring particulates sized 2.5 microns or smaller at a concentration of 60 micrograms per cubic meter. In addition to the measurement of fine particulates, a second stage burn ban can not be given effect unless a first stage burn ban has been in force and proven insufficient to reduce the rate of increase in the concentration of fine particulates in the air. Also, the meteorological forecast must predict that the conditions for the following 48 hours will not allow the levels of fine particulates to decline below the necessary trigger level.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Testimony For:** Wood smoke is very dangerous to people with chronic respiratory problems, and in some neighborhoods with narrow valleys, the accumulation of wood smoke can be a health hazard. The control of wood smoke is a very important part of the state's clean air programs. Wood smoke burn bans are only a reality in the state's most densely populated counties, and a phase two burn ban has not been instated since 1991.

Hearth products must be used responsibly. Washington is a model for balancing the right to use wood heat with the necessary protection of air quality. This bill does not change that balance because it is primarily a technical change to remain consistent with a recently amended federal law.

**Testimony Against:** None.

**Persons Testifying:** (In support) Edward Hosack, North West Hearth, Patio and Barbeque Association; James Nolan and Mike Ryherd, Puget Sound Clean Air Agency; and Stu Clark, Department of Ecology.

(With concerns) Bill Garvin, Washington Forest Protection Association.

**Persons Signed In To Testify But Not Testifying:** None.