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**Select Committee on  
Environmental Health**

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**HB 2768**

**Brief Description:** Regarding changes in calling burn bans for solid fuel burning devices.

**Sponsors:** Representatives Campbell, Hunt and Wood.

**Brief Summary of Bill**

- Lowers the trigger points for calling burning bans on solid fuel burning devices.
- Requires reporting if second stage burn bans are called without first calling a first stage burn ban.

**Hearing Date:** 1/22/08

**Staff:** Brad Avy (786-7289).

**Background:**

Nearly half of Washington's households have wood burning devices. During the past 20 to 25 years, the number of wood stoves, fireplaces, pellet stoves, and fireplace inserts in Washington has grown rapidly. Wood burning units can emit hundreds of times more pollution than other forms of heat such as natural gas, electricity, or oil. Washington's wood heat regulation implements the 1991 Legislature's Clean Air Washington Act. This legislation restricts indoor burning, tightens emission standards for new wood stoves and other solid fuel burning devices, and emphasizes education and enforcement to control wood stove pollution. Since 1997, all fireplaces offered for sale in Washington must meet certification standards comparable to wood stove standards. Masonry fireplaces must also meet design standards that achieve similar emission reductions. The State Building Code Council devised fireplace construction standards and testing methods to meet this emission requirement. In September 2006 the U.S. Environmental Protection Agency issued revised national air quality standards for fine particle pollution (PM<sub>2.5</sub> – particles 2.5 micrometers in diameter and smaller). This strengthened the previous daily fine particle standard from 65 micrograms of particles per cubic meter to 35

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micrograms of particles per cubic meter of air. This standard increases protection of the public from short-term exposure to fine particles. Some communities are unable to meet these new standards, primarily because of wood smoke emissions. The current strategies are not sufficient to reduce wood smoke emissions to levels which comply with the federal standards or adequately protect public health.

In 2007, the Department of Ecology was charged by the legislature to convene and chair a work group to study the impacts of wood smoke from solid fuel burning devices on communities in Washington. Recommendations of this work group have been provided to the legislature on practical and cost-effective opportunities to reduce exposure to wood smoke from solid fuel burning devices and meet the new national air quality standards for fine particulates. House Bill 2768 is one outcome of the work group study.

### **Summary of Bill:**

This bill changes the criteria for calling burn bans for solid fuel burning devices.

### **First Stage Burn Ban**

The criteria for a first stage of impaired air quality is reached when forecasted meteorological conditions are predicted to cause fine particulate levels to exceed 35 micrograms per cubic meter, measured on a 24 hour average, within 48 hours. (Existing law requires measurement of these levels before calling a first stage burn ban.)

### **Second Stage Burn Ban**

A second stage of impaired air quality is reached when:

- a first stage of impaired air quality has been in force and has not been sufficient to reduce the increasing fine particulate pollution trend when fine particulates are at an ambient level of 25 (reduced from 60) micrograms per cubic meter measured on a 24 hour average; and
- forecasted meteorological conditions are not expected to allow levels of fine particulates to decline below 25 (reduced from 60) micrograms per cubic meter for a period of 24 (reduced from 48) hours or more from the time that the fine particulates are measured at the trigger level.

A second stage burn ban may be called without calling a first stage burn ban only when all of the following occur:

- Fine particulate levels have reached or exceeded 25 micrograms per cubic meter, measured on a 24 hour average.
- Meteorological conditions have caused fine particulate levels to rise rapidly.
- Meteorological conditions are predicted to cause fine particulate levels to exceed the 35 micrograms per cubic meter, measured on a 24 hour average, within 24 hours.
- Meteorological conditions are highly likely to prevent sufficient dispersion of fine particulate.

When a second stage burn ban is called without calling a first stage burn ban, the Department of Ecology or the local air pollution control authority calling the second stage burn ban must evaluate the effectiveness of the burn ban programs and provide a joint report to the legislature by September 1, 2011.

The Department of Ecology or any local air pollution control authority that has called a second stage burn ban without first calling a first stage burn ban shall prepare a written report describing:

- the meteorological conditions that resulted in their calling the second stage burn ban;
- whether the agency could have taken actions to avoid calling a second stage burn ban without calling a first stage burn ban; and
- any changes the department or authority is making to its procedures of calling first stage and second stage burn bans to avoid calling a second stage burn ban without first calling a first stage burn ban.

After consulting with affected parties, the Department of Ecology (Department) must prescribe the format of such a report and may also require additional information be included in the report. All reports must be sent to the Department and the Department shall keep the reports on file for not less than five years and available for public inspection and copying.

This bill removes the provision where until June 30, 2009 an authority may determine by rule an alternative ambient air level of fine particulates that defines when a first stage and when a second stage of impaired air quality exists.

**Appropriation:** None.

**Fiscal Note:** Requested on January 18, 2008.

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