

# HOUSE BILL REPORT

## SB 6753

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### As Passed House:

March 4, 2008

**Title:** An act relating to changes in calling burn bans on solid fuel burning devices.

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

**Sponsors:** By Senators Fraser, Swecker, Rockefeller and Pridemore.

### Brief History:

#### Committee Activity:

Select Committee on Environmental Health: 2/26/08 [DP].

#### Floor Activity:

Passed House: 3/4/08, 93-0.

### 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.

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## HOUSE SELECT COMMITTEE ON ENVIRONMENTAL HEALTH

**Majority Report:** Do pass. Signed by 6 members: Representatives Hudgins, Vice Chair; Sump, Ranking Minority Member; Hunt, Morrell, Newhouse and Wood.

**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

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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 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 (DOE) 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.

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### **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 fine particulate 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 35 micrograms per cubic meter, measured on a 24-hour average, within 24 hours; and
- 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 DOE 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 DOE or any local air pollution control authority that has called a second stage burn ban without first calling a first stage burn ban is required to 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 DOE 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 DOE 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 DOE and the DOE is required to 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.

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**Appropriation:** None.

**Fiscal Note:** Not requested. Available on companion House Bill 2768.

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

**Staff Summary of Public Testimony:**

(In support) The bill is an interim work group product with no amendments in either house, so the work group probably gets an "A." The federal government has strengthened its air quality standards for small particulate matter by reducing the burn ban trigger level by 46 percent. Possible sanctions from the federal government for non-compliance include requirements for local government to put together and implement a costly compliance plan; limitations on siting a new facility; and taking away transportation dollars. Fourteen communities are effectively at, or very close to, non-compliance. Without being in air quality compliance, the heavy hand of direct federal regulation comes in. The goal is to prevent the heavy hand. The bill is important to maintain compliance and avoid moving into second stage burn bans, so people can continue to use their certified wood stoves that burn cleaner for a cheaper source of heat. The bill allows for calling a burn ban when adverse weather conditions are anticipated. The challenge is that once there is an air inversion there isn't time to slow down rising levels of particulate matter. First stage burn bans are extremely effective at cutting off rising levels. If the wood is burning correctly there should be no visible smoke. The bill is a very important tool for air quality agencies. This is an important public health bill when considering health effects associated with fine particulate matter. Impaired air quality events can cause and worsen asthma, and other respiratory diseases, as well as be a trigger for heart disease and stroke.

(Opposed) None.

**Persons Testifying:** Senator Fraser, prime sponsor; Bob Saunders, Department of Ecology; Gregg Grunenfelder, Department of Health; Marsha Fromhold, Puget Sound Clean Air; Gary Smith, Independent Business Association; and Carolyn Logue, Northwest Hearth, Patio, and Barbeque Association.

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