

# SENATE BILL REPORT

## SB 6753

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As Passed Senate, February 19, 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:** Senators Fraser, Swecker, Rockefeller and Pridemore.

**Brief History:**

**Committee Activity:** Water, Energy & Telecommunications: 2/1/08 [DP].

Passed Senate: 2/19/08, 48-0.

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### SENATE COMMITTEE ON WATER, ENERGY & TELECOMMUNICATIONS

**Majority Report:** Do pass.

Signed by Senators Rockefeller, Chair; Honeyford, Ranking Minority Member; Fraser, Hatfield, Holmquist, Morton, Oemig and Regala.

**Staff:** Scott Boettcher (786-7416)

**Background:** Nearly half of Washington's households have wood burning devices. 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 Clean Air Washington Act. 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 (i.e., particles 2.5 micrometers in diameter and smaller). The revised standards changed 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 was changed to protect public health from short-term exposure to fine particles. Some communities are unable to meet the new standard, primarily because of wood smoke emissions. In 2007 the Department of Ecology (Ecology) was charged with convening 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.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Summary of Bill:** Ecology or a local air pollution control authority may call a first stage burn ban when forecasted meteorological conditions are predicted to cause fine particulate levels to exceed 35 micrograms per cubic meter as measured on a 24 hour basis.

Ecology or a local air pollution control authority may call a second stage burn ban when a first stage burn ban has been in force and not been sufficient to reduce fine particulate levels below 25 micrograms per cubic meter over a 24 hour period, and forecasted meteorological conditions are not expected to allow fine particulate levels to decline below 25 micrograms per cubic meter for a 24 hour period or longer.

Ecology or a local air pollution control authority may call a second stage burn ban without calling a first stage burn ban when all of the following occur: (1) fine particulate levels have reached or exceeded 25 micrograms per cubic meter over a 24 hour period; (2) meteorological conditions have caused fine particulate levels to rise rapidly; (3) meteorological conditions are predicted to cause fine particulate levels to exceed 35 micrograms per cubic meter as measured on a 24 hour basis; and (4) meteorological conditions are highly likely to prevent sufficient dispersion of fine particulates.

When Ecology or a local air pollution control authority calls a second stage burn ban without calling a first stage burn ban, Ecology or the local air pollution control authority calling the second stage burn ban must prepare a report describing: (1) the meteorological conditions that resulted in calling the second stage burn ban; (2) whether the agency could have taken actions to avoid calling a second stage burn ban without calling a first stage burn ban; and (3) 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.

Ecology and local air pollution control authorities must evaluate the effectiveness of state burn ban programs and provide a joint report to the Legislature by September 1, 2011.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

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

**Staff Summary of Public Testimony:** PRO: SB 6753 makes existing state law work given the new, more restrictive, national air quality standards for fine particulates. Being able to call burn bans as prescribed in the bill is an essential tool to manage adverse impacts when problems with stagnation and air quality arise. Burn bans will help new non-attainment areas as a result of the new, more restrictive standard. Managing fine particulate air quality is necessary for public health.

**Persons Testifying:** PRO: Gary Smith, Independent Business Association; Bob Saunders, Ecology; Edward Hosack, Northwest Hearth, Patio, and Barbeque Association; Dennis McLerran, Puget Sound Clean Air Agency; Dave DeBruyn, American Lung Association of Northwest; Gregg Grunenfelder, Washington State Department of Health.