

HOUSE BILL REPORT

HB 1567

As Reported by House Committee On:
Environment & Energy

Title: An act relating to the sale and installation of solid fuel burning devices.

Brief Description: Concerning the sale and installation of solid fuel burning devices.

Sponsors: Representatives Doglio, Fey, Peterson, Riccelli, Fitzgibbon, Appleton, Jinkins and Macri; by request of Department of Ecology.

Brief History:

Committee Activity:

Environment & Energy: 2/12/19, 3/28/19 [DPS].

Brief Summary of Substitute Bill

- Changes the fee on the sale of new woodstoves from \$30 to \$50, beginning January 1, 2020.
- Requires the Department of Ecology to establish by rule a process for determining periodic increases to the fee.

HOUSE COMMITTEE ON ENVIRONMENT & ENERGY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Fitzgibbon, Chair; Lekanoff, Vice Chair; Doglio, Fey, Mead, Peterson and Shewmake.

Minority Report: Do not pass. Signed by 4 members: Representatives Shea, Ranking Minority Member; Dye, Assistant Ranking Minority Member; Boehnke and DeBolt.

Staff: Robert Hatfield (786-7117).

Background:

Washington's Clean Air Act regulates uses of wood stoves and fireplaces, both of which are captured under the term "solid fuel burning device." A solid fuel burning device is defined as

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any device for burning wood, coal, or any other nongaseous and nonliquid fuel, including woodstoves or fireplaces.

Since 1995 state law has restricted the sale of certain types of solid fuel burning devices that are not certified by the state or the Environmental Protection Agency as meeting fine particulate matter emissions criteria. In addition, the State Building Code does not allow the inclusion of uncertified woodstoves and fireplaces in new construction. The emissions criteria that are currently required of solid fuel burning devices are specific to different technologies. For example, a fine particulate matter emissions standard of 2.5 grams per hour applies to catalytic woodstoves, while a limit of 4.5 grams per hour applies to pellet stoves.

There is a fee of \$30 on the sale of new woodstoves. Revenue from the fee is placed into the Woodstove Education and Enforcement Account (Woodstove Account). Funds in the Woodstove Account must be spent on the woodstove education program and for enforcement of the woodstove program, except during the 2003-2005 biennium, when the Legislature was authorized to transfer funds from the Woodstove Account to the Air Pollution Control Account.

Summary of Substitute Bill:

The Department of Ecology may adopt by rule a process to distribute money in the Woodstove Education and Enforcement Account for the purposes of woodstove education and enforcement.

A flat fee of \$50 must be assessed on the retail sale of each solid fuel burning device, beginning January 1, 2020. The Department of Ecology must adopt by rule a process for determining periodic fee increases to account for inflation and costs associated with the woodstove education and enforcement program. The process must include input from industry, local air pollution control agencies, environmental groups, and other stakeholders, as well as a review of program costs.

Substitute Bill Compared to Original Bill:

The updated emissions standard is removed. The effective date of the woodstove fee is changed to January 1, 2020. The requirement that the fee be increased annually is removed. A requirement is added that the Department of Ecology is required to establish by rule a process for determining periodic increases to the woodstove fee. The process is required to include input from industry, local air pollution control agencies, environmental groups, and other stakeholders.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) The bill does not affect any wood stoves already in use, and does not require anyone to buy a new wood stove. The bill helps protect the air and helps those who depend on wood heat to heat their homes.

The bill increases emissions standards for woodstoves. The current standards were set in 1991 and have never been adjusted. There are 15 communities in Washington with 1.5 million people at risk of violating air quality standards because of woodstoves. If those standards are violated, additional limitations would go into effect. It is important to get cleaner, more efficient woodstoves in people's homes. Three Washington manufacturers already meet this standard. The bill would also update the woodstove fee and invest more money in education. New woodstoves burn one-third less wood than older stoves. The helps ensure that wood heat remains a viable option for the thousands in Washington who rely on it.

Nonattainment of air quality standards under the Clean Air Act is not just an issue in rural communities. The difference between the current standard and the new standard is 20 pounds of pollution per stove per year. These woodstoves are in a home for years, which adds up to a significant amount of particulate pollution over time. Cleaner stoves reduce the need to call a burn ban, which helps other woodstove users. Washington woodstove manufacturers are some of the most innovative manufacturers in the country.

Particulates from woodstoves contain polycyclic aromatic hydrocarbons (PAHs). Some PAHs can cause cancer. The Department of Ecology calculated loads of toxic chemicals in the Puget Sound region a few years ago, and woodstoves are the biggest emitters of PAHs in Puget Sound. These PAHs land on hard surfaces and are then washed into Puget Sound.

Particulate matter pollution from woodstoves is a significant threat to the heart and lung health of Washington residents. Pollution is not equally distributed; low-income communities and communities of color are disproportionately affected by air pollution. Woodstove pollution makes its way into all homes, even those that do not have a woodstove.

(Opposed) It is not possible to support moving to a 2.0 grams-per-hour emission standard. The proposed emission standard would be more stringent than the federal rule. The standard should move to the 2.5 grams-per-hour standard for the cordwood testing methodology. Washington has been a leader in reducing woodstove emissions. There should be a full availability to Washington consumers of all United States Environmental Protection Agency (EPA)-certified woodstoves. The woodstove education fee is important because it helps to reduce emissions in Washington. It is not possible to support the automatic fee escalator language. It is important to make sure that everyone who should be collecting the fee is actually collecting the fee.

The "crib method" of testing woodstove emissions was not intended to be a test of emissions from a woodstove in a home. Instead it was a method of comparing two stoves against each

other. The "cordwood method" of testing emissions is a much better forecaster of real-world performance. The cordwood challenge is 10 times more challenging and 10 times more accurate. It is important that the cordwood method is available.

(Other) There are concerns with language in the bill. Solid fuel burning devices and woodstoves are not synonymous. The Department of Ecology recognizes six different classes of wood burning devices, all of which operate on different principles, with different testing methodologies. Woodstoves generally operate on a continuous basis, so having a unit of time metric for those makes sense. Masonry heaters work on a completely different concept; they have a short, intense fire, and the energy from the fire is stored to then be emitted into the home over 24 hours. If a masonry heater were sampled on a unit of time basis while it is running, it would give off a skewed reading. The EPA has decided to defer action on a rule related to masonry heaters for now. The EPA may be looking at a standard based on units of particulate matter emitted per unit of wood burned. The bill as currently written would essentially ban masonry heaters. An amendment to exempt masonry heaters, or to adopt a technologically appropriate measurement standard, would be appropriate.

Persons Testifying: (In support) Representative Doglio, prime sponsor; Stu Clark, Department of Ecology; Craig Kenworthy, Puget Sound Clean Air Agency; Mindy Roberts, Washington Environmental Council; and Robin Evans-Agnew, Washington Thoracic Society.

(Opposed) Carolyn Logue, Northwest Hearth Patio and Barbecue Association; and Dan Henry, Quadra-Fire.

(Other) Jason Temple, TempleFire.

Persons Signed In To Testify But Not Testifying: None.