

SENATE BILL REPORT

SB 5697

As Reported by Senate Committee On:
Environment, Energy & Technology, February 20, 2019

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: Senators Cleveland, Darneille and Nguyen; by request of Department of Ecology.

Brief History:

Committee Activity: Environment, Energy & Technology: 2/13/19, 2/20/19 [DPS, DNP].

Brief Summary of First Substitute Bill

- Prohibits selling or installing solid fuel burning devices that do not meet an emission standard of 2 grams per hour, beginning January 1, 2021.
- Revises the fee assessed on new solid fuel burning devices.
- Authorizes the Department of Ecology to develop a process to distribute funds from the woodstove education and enforcement account for the purposes of woodstove education and enforcement.

SENATE COMMITTEE ON ENVIRONMENT, ENERGY & TECHNOLOGY

Majority Report: That Substitute Senate Bill No. 5697 be substituted therefor, and the substitute bill do pass.

Signed by Senators Carlyle, Chair; Palumbo, Vice Chair; Billig, Das, Lias, McCoy, Nguyen and Wellman.

Minority Report: Do not pass.

Signed by Senators Ericksen, Ranking Member; Fortunato, Assistant Ranking Member, Environment; Sheldon, Assistant Ranking Member, Energy & Technology; Brown, Rivers and Short.

Staff: Jan Odano (786-7486)

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.

Background: Since January 1, 1992, it has been prohibited to install in new or existing buildings used solid fuel burning devices not EPA certified or not meeting phase 2 standards established by the Oregon Department of Environmental Quality. All new and substantially remodeled residential and commercial construction within an urban growth area and area designated by the Environmental Protection Agency (EPA) as having poor air quality—being in non-attainment for particulate matter—are required to have an adequate source of heat other than wood stoves.

For all new and residential and commercial construction, wood stoves must meet Washington emission standards. The sale of used wood stoves must meet particulate emission standards following EPA test methodology of 2.5 grams per hour for catalytic wood stoves and 5.5 grams per hour for all other solid fuel burning devices. Fireplaces and masonry fireplaces must meet EPA's 1990 emission standards for woodstoves.

Local clean air agencies have the primary responsibility for administering state and federal Clean Air Acts (CAA) in counties which have elected to activate a local air authority or to form a multicounty air authority. In other areas of the state, DOE is responsible for administering state and federal CAA programs.

DOE provides education and technical assistance for woodstove users and support to local clean air agencies for compliance activities. A \$30 fee is imposed on the retail sale of each solid fuel burning device. The revenue from the fee is deposited into the woodstove education and enforcement account, which supports the woodstove education program.

Summary of Bill (First Substitute): After January 1, 2021, solid fuel burning devices offered for sale or installed in new or existing buildings must meet the statewide particulate air contamination emission standard of 2 grams per hour, under the EPA test methodology in effect.

Fireplaces and masonry fireplaces must meet EPA standards for woodstoves as of the effective date of the act.

A \$50 fee is assessed on the retail sale of each solid fuel burning device. Beginning January 1, 2021, and each year thereafter, the fee, rounded to the nearest whole dollar, must be increased by the approved fiscal growth factor. DOE may adopt by rule a process to distribute money from the account for the purposes of woodstove education and enforcement.

EFFECT OF CHANGES MADE BY ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE (First Substitute):

- Revises the effective date for fees.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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

Staff Summary of Public Testimony on Original Bill: *The committee recommended a different version of the bill than what was heard.* PRO: It has been since 1991 since the air emissions standards were last updated. PM2.5 has severe health implications. Pollution for woodstoves creates issues in 11 counties. It is important to address the standards now so that bans and other restrictions will not need to be implemented. Burn bans require woodstove users to use a different source of heat, which sometimes costs more. This standard would allow woodstove users to continue to burn. During winter months the levels of emissions increase significantly. This will put Washington ahead of the curve.

CON: This does not give flexibility with the standard. We should be able to use a more realistic cord wood test. Manufacturers need this flexibility to better match the national standards so that the internet and out of state sales match our state. Existing inventory needs to be addressed. The education fee is high and should be reviewed on how it is being used now. There needs to be an aggressive programs to assist user with cleaner burning. The FGF should be based on actual program costs and it should not be increased every year.

OTHER: I support the intent of the legislation to protect our resources and environment. The cleanest class of fireplaces are masonry fireplaces. The woodstove standard does not apply to masonry fireplaces and if made to comply with this standard it would put masonry fireplaces out of business. Masonry heaters have a roll to play in reducing air pollution and should be exempted.

Persons Testifying: PRO: Stu Clark, DOE; Robin Evans-Agnew, Washington Thoracic Society; Craig Kenworthy, Puget Sound Clean Air Agency.

CON: Carolyn Logue, NW Hearth, Patio & Barbecue Association; Dan Henry, Founder, Quadra Fire.

OTHER: Jason Temple, Templefire, Inc.

Persons Signed In To Testify But Not Testifying: No one.