

# **Authority for Air Agencies to Enact an Area Wide Ban on Use of Uncertified Stoves, Inserts or Fireplaces**

## **Summary of 2007 Report**

### **The problem:**

- Curtailments, change-out programs, and public education/information may not be sufficient or yield fast enough response to prevent violations of the federal standards.
- Banning or phasing out uncertified devices in some areas may be necessary to prevent or reduce high PM<sub>2.5</sub> levels and protect public health.

### **The 2007 report recommendation:**

- Amend RCW 70.94.477 to allow Ecology or local air quality agencies to prohibit the use of solid fuel burning devices in high-risk areas.
- Ecology, local air quality agencies, health departments, and local governments would be allowed to ban the use of uncertified wood stoves, inserts, or other wood burning devices in high-risk areas.
- RCW 70.94.477 currently allows a ban only for the "sole purpose of a contingency measure." A contingency measure can only be used if strategies intended to return an area to attainment status did not work.

### **Issues identified in the 2007 Report:**

The report stated there was general support for this idea last year, but it acknowledged a variety of specific concerns, including:

- Which agencies should have the authority
- What devices to include in authorizing statute
- How to identify use of uncertified devices vs certified ones
- How to secure compliance with a ban on use
- How to address low-income households use
- How to address homes with wood burning devices as a sole source of heat
- What a minimum notification period would be
- Whether some sort of phasing is appropriate

### **For Discussion**

#### **Pro:**

- Adverse health impacts are significant
- Curtailment and change-out may not work well enough to protect health or attainment status
- A future ban would make change-out programs much more effective
- Use of this authority might be a reason for more change-out monies.

#### **Con:**

- Ban on use is difficult to implement and enforce
- Could have large impact on low-income household budgets
- Would need much work with local jurisdictions.

## Background

### 70.94.477, Limitations on use of solid fuel burning devices.

(2) For the sole purpose of a contingency measure to meet the requirements of section 172(c)(9) of the federal clean air act, a local authority or the department may prohibit the use of solid fuel burning devices, except fireplaces as defined in RCW 70.94.453(3), wood stoves meeting the standards set forth in RCW 70.94.457 or pellet stoves either certified or issued an exemption by the United States environmental protection agency in accordance with Title 40, Part 60 of the code of federal regulations, if the United States environmental protection agency, in consultation with the department and the local authority makes written findings that:

- (a) The area has failed to make reasonable further progress or attain or maintain a national ambient air quality standard; and
- (b) Emissions from solid fuel burning devices from a particular geographic area are a contributing factor to such failure to make reasonable further progress or attain or maintain a national ambient air quality standard.

A prohibition issued by a local authority or the department under this subsection shall not apply to a person in a residence or commercial establishment that does not have an adequate source of heat without burning wood