

December 6, 2018

Dear Senator:

Legislation currently pending in the U.S. Senate – S. 1857, the Relief from New Source Performance Standards Act – is of significant concern to the National Association of Clean Air Agencies (NACAA). NACAA is the national, non-partisan, non-profit association of air pollution control agencies in 40 states, the District of Columbia, four territories and 114 metropolitan areas. The air quality professionals in our member agencies have vast experience dedicated to improving air quality in the U.S. This letter is based upon that experience. The views expressed in this letter do not represent the positions of every state and local air pollution control agency in the country.

S. 1857 would delay critically needed emission reductions from residential wood-burning devices throughout the country. In particular, this bill would postpone by three years, until May 15, 2023, Step 2 of EPA's final March 16, 2015 New Source Performance Standards (NSPS) for new residential wood heaters, pellet stoves, hydronic heaters and forced air furnaces, which took effect on May 15, 2015.<sup>1</sup> Multiple manufacturers have already met and surpassed the Step 2 standards that are to take effect in 2020. The proposed delay is unnecessary and unwarranted and would harm public health and the environment.

This three-year delay would result in an additional 2,500 tons per year of excess fine particulate matter (PM<sub>2.5</sub>) emissions across the country and would cause an additional 110 to 280 premature deaths each year and the annual loss of \$1 billion to \$2.3 billion (2013\$) in foregone monetized health benefits from increased premature deaths, asthma attacks, lost work days and other harmful health effects.<sup>2</sup> To put the potential PM<sub>2.5</sub> emissions increase into context, if the Step 2 NSPS set to take effect in 2020 are delayed by three years the resulting increase in national PM<sub>2.5</sub> emissions will be four times greater than the particulate emission reductions achieved by the Diesel Emission Reduction Act program from 2008 through 2013.

The House of Representatives approved a companion to S. 1857 on March 7, 2018 and on September 18, 2018, the Senate Environment and Public Works Committee reported the bill, which has now been placed on the Senate's Legislative Calendar. Should this bill come to the Senate floor for a vote, or should its provisions be taken up in other legislation, NACAA urges you to oppose it.

In 1988, EPA established NSPS for woodstoves; most pellet stoves were exempt from those standards. In March 2015, 27 years later, EPA revised the NSPS for woodstoves. These revised standards were applicable to all pellet stoves and established the first-ever national emission standards for hydronic heaters and forced air furnaces.

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<sup>1</sup> 80 Fed. Reg. 13,672 (March 16, 2015) – <https://www.gpo.gov/fdsys/pkg/FR-2015-03-16/pdf/2015-03733.pdf>

<sup>2</sup> Source: Northeast States for Coordinated Air Use Management, based on scaling of emissions and health incidences reported in *Regulatory Impact Analysis (RIA) for Residential Wood Heater NSPS Revision – Final Report*, U.S. Environmental Protection Agency (February 2015), Tables 7-2 and 7-3 – <https://www.epa.gov/sites/production/files/2015-02/documents/20150204-residential-wood-heaters-ria.pdf>

Residential wood heating in the U.S. produces five times more direct PM<sub>2.5</sub> emissions than all U.S. petroleum refineries, cement manufacturers and pulp and paper plants combined.<sup>3</sup> Wood smoke contains a mixture of harmful substances that penetrate deep into the lungs. Fine particulates from wood smoke not only affect air quality in entire regions, but also significantly impact air quality and public health at the local level including communities and neighborhoods located in valleys where wood smoke accumulates. In fact, a single wood-burning device can emit enough pollutants to place an entire neighborhood at risk.<sup>4</sup> Each year, residential wood combustion is responsible for hundreds of thousands of tons of PM<sub>2.5</sub> emissions. These emissions can increase the concentration of particle pollution to levels that cause serious health impacts ranging from exacerbation of cardiac and respiratory problems to premature death.<sup>5</sup> Further, PM<sub>2.5</sub> contributes significantly to our nation's regional haze problem. Residential wood smoke also contains volatile organic compounds, carbon monoxide and black carbon, as well as toxic air pollutants such as benzene, formaldehyde, dioxin and polycyclic organic matter (POM). EPA estimates that 44 percent of all stationary and mobile source POM, and almost a quarter of all area source air toxic cancer risks and 15 percent of non-cancer respiratory impacts, can be attributed to wood combustion.<sup>6</sup>

The Step 2 NSPS set to take effect in 2020 will put in place consistent health-protective residential wood heater emission standards nationwide and help to ensure the cleanest and most efficient wood heaters are available for purchase, providing significant long-term benefits to reduce fine particulate emissions regionally and locally. A few states have enacted legislation barring their jurisdictions from enforcing the March 2015 federal NSPS for residential wood-burning heating devices. However, emissions from residential wood combustion cause many counties across America to either exceed, or come precariously close to exceeding, the health-based National Ambient Air Quality Standards (NAAQS) for PM<sub>2.5</sub>. Many states and local areas are relying on the emission reductions that will result from the Step 2 NSPS to attain and maintain the NAAQS and/or meet other clean air goals, and have included these reductions in their State Implementation Plans. If EPA's Step 2 NSPS are delayed, these states and localities will be left with a shortfall in emission reductions that could impede their attainment efforts and put nonattainment areas at risk of missing statutory deadlines and attainment areas at risk of violating the NAAQS. Furthermore, such an outcome would be directly counter to EPA's first Priority Goal for FY 2018-2019 – "Improve air quality by implementing pollution control measures to reduce the number of nonattainment areas" – as stated in *Working Together: FY 2018-2022 U.S. EPA Strategic Plan*.<sup>7</sup>

There are complexities around regulating emissions from residential woodstoves at the state or local level because the devices are installed and operated in private homes. Nonetheless, in the face of a delay, some states and localities that depend on the emission reductions to occur from implementation of the Step 2 standards May 2020 may – as an alternative to regulating other industries or source categories to offset the emission reduction shortfall (if such other industries or source categories are even available) –

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<sup>3</sup> *Introduction to Hearth Appliances, Nature and Magnitude of Residential Wood Smoke*, Presentation of Larry Brockman, U.S. Environmental Protection Agency (March 6, 2018), p. 5 – <https://www.nescaum.org/documents/march-2018-residential-wood-heating-workshop/epa-intro-to-appliances-and-nature-magnitude.pdf>

<sup>4</sup> Source: Bay Area Air Quality Management District

<sup>5</sup> *Strategies for Reducing Residential Wood Smoke*, U.S. Environmental Protection Agency (March 2013), p. 4 – <https://www.epa.gov/sites/production/files/documents/strategies.pdf>

<sup>6</sup> *Regulatory Impact Analysis (RIA) for Residential Wood Heater NSPS Revision – Final Report*, U.S. Environmental Protection Agency (February 2015), p. 1-2 – <https://www.epa.gov/sites/production/files/2015-02/documents/20150204-residential-wood-heaters-ria.pdf>

<sup>7</sup> *Working Together: FY 2018-2022 U.S. EPA Strategic Plan*, U.S. Environmental Protection Agency (February 2018), p. 5 – <https://www.epa.gov/sites/production/files/2018-08/documents/fy-2018-2022-epa-strategic-plan-print.pdf>

have no choice but to pursue or build upon their own residential wood heater regulatory programs in order to ensure the anticipated reductions are realized.

Manufacturers had five years notice of the 2020 compliance date for the Step 2 standards and were well aware years earlier that EPA was preparing to revise the decades-old standards for woodstoves and set new standards for other devices that were never regulated at all. EPA worked closely with these stakeholders as the March 2015 rule was developed and incorporated a number of provisions – including a two-step phase in of standards with a five-year lag before Step 2 compliance was required – to accommodate them. Numerous manufacturers have now made investments enabling them to produce over 200 different models (in all categories – boilers, furnaces and stoves) of the cleaner devices necessary to meet the Step 2 standards in order to be ready for on-time compliance with the May 2020 regulatory deadline.

In short, the three-year extension to the Step 2 emission standards sought by S. 1857 is unnecessary and would postpone the reduction of air pollutants that harm public health and the environment and undermine the efforts of many states and local areas to meet their obligations under the Clean Air Act.

Should S. 1857 come to the Senate floor for a vote, or should its provisions be taken up in other legislation, we urge you to oppose it.

Sincerely,



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