



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC 20460

OFFICE OF
ENFORCEMENT AND COMPLIANCE
ASSURANCE

JAN 15 2020

Mr. Ryan Carroll
Vice President – Government Affairs
Hearth, Patio and Barbecue Association
1901 North Moore Street, Suite 600
Arlington, Virginia 22209

Re: Donation of Unsold Step 1 Heaters to Non-Profit Organization

Dear Mr. Carroll,

We received your November 25, 2019 letter requesting approval of a process to donate unsold Step 1 heaters to non-profit organizations (i.e., charities) prior to the May 15, 2020 deadline after which the sale or transfer of any Step 1 wood heater product is prohibited. As you acknowledged in your request, existing regulations state that after the deadline, no commercial owner is permitted to advertise for sale, offer for sale, or sell an affected wood heater unless the affected wood heater has been certified to comply with the 2020 particulate matter emissions standards. See § 60.538(c)(2).

We reviewed your proposed process with the Environmental Protection Agency's Office of Air Quality Planning (OAQPS) and Standards and the Office of General Counsel (OGC) and believe that donating any unsold Step 1 heater to a non-profit organization is consistent with the 2015 Wood Heater Rule (Rule) provided the following conditions are met:

- The transfer of ownership from the commercial owner to the non-profit organization is initiated and completed before May 15, 2020;
- The non-profit organization does not subsequently sell the heater after the transfer has occurred; and
- The non-profit organization ensures the safe installation of donated heater and disables or destroys the replaced stove so that it may not be reused.

Moreover, provided that the transfer of ownership to the non-profit organization has been completed before May 15, 2020, the actual physical delivery of any heater to the non-profit organization may occur after that. Subsequently, the non-profit organization may give the heater to another non-profit organization or an individual as part of its work to rehabilitate substandard housing. This transfer after May 15, 2020, is permissible because neither party is a "commercial owner" as that term is defined in the Rule.

With this in view, we agree with your proposed process as outlined in your letter:

- In the run-up to the deadline of May 15, 2020: Dealer or distributor makes written donation of units – identified explicitly by serial number – to the non-profit organization;
- Before May 15, 2020: the non-profit organization acknowledges receipt of donation, expressly identified by serial number;
- Dealer or distributor labels products in-store or warehouse, prominently identifying the product as “SOLD” and belonging to the non-profit organization;
- Dealer or distributor physically delivers the product to the non-profit organization within a reasonable period (e.g., 90 days).

If you have any questions concerning this letter, please contact Rafael Sanchez of my staff at (202) 564-7028 or via email at sanchez.rafael@epa.gov.

Sincerely,



Martha Segall
Acting Director
Monitoring, Assistance, and Media Programs Division
Office of Compliance

cc: Mike Koerber, Deputy Director, OAQPS
David S. Harlow, Senior Counsel, OAR
Adam Baumgart-Getz, Group Leader, OAQPS
Scott Jordan, Attorney-Advisor, OGC