

2018

Why the 2020 Effective Date for New Wood Heaters Needs to be Extended



S. 1857

Leading Sponsor and Cosponsor: Senators Shelley Moore Capito (R-WV) and Claire McCaskill (D-MO)

The first step of the Environmental Protection Agency's (EPA) New Source Performance Standards (NSPS) for New Residential Wood Heaters (*i.e.*, woodstoves and pellet stoves), New Residential Hydronic Heaters and Forced-Air Furnaces (*i.e.*, wood furnaces) became effective May 15, 2015.¹ **Although the EPA addressed a number of industry concerns in Step 1 of the rule, there are significant issues regarding EPA's finalized Step 2, which will be effective on May 15, 2020.**

The Problem: Between now and May 15, 2020, there simply is not enough time and test lab space for all manufacturers of every regulated product type to come into compliance on time.

- 🔥 New emissions limits and test methods came into effect in May 2015. **This extension does not remove or reduce regulation.** It simply provides more time to come into compliance with a second set of much more stringent requirements.
- 🔥 The issue is **not a matter of manufacturers not wanting to comply with the rule**, but of **insufficient time and lab capacity to complete this effort**, industry-wide, within the time allotted by the EPA.
- 🔥 We've seen what happens to this industry when it isn't given enough time to develop products. **Without this additional three years, consumers will face a reduction in product choice, more expensive stoves, and products that don't work as well as they could with more time for manufacturer engineering.**

A Solution: Extend the May 15, 2020 deadline by three years (to May 15, 2023) to allow this small industry adequate access to test labs, skilled lab engineers, and time to develop and certify the appliances which will become the **future of wood heating.**

How Congress Can Help

Cosponsor **S. 1857**. This legislation would simply deem the effective date of Step 2 of the NSPS to be May 15, 2023.

- 🔥 The House version of this bill (H.R. 453) passed the House on March 7, 2018 as an amendment to H.R. 1917.

¹ This effective date was only for woodstoves, pellet stoves, and hydronic heaters. Forced-air furnaces were granted later effective dates by EPA due to the problem we face today: the recognized infeasibility of the proposed effective dates.

More Information

Lack of Data: EPA does not have any viable data to justify the numbers they chose for the new, much lower Step 2 emissions targets.

- 🔥 EPA is using **incomplete data** collected from residential hydronic heaters to support emissions targets they chose for wood furnaces for 2020.²
 - **Wood furnaces** heat **air** while **hydronic heaters** heat **water** – two very different technologies.

Newly-Regulated Product Category: Large wood furnaces, a newly-regulated product category, have not yet been able to meet any of the targets set by EPA for 2020. It is not known if they ever will, especially since the emissions targets are based on observations of a completely different product.³

Step 2 Test Method for Woodstoves was only just finalized this year (2018): In order for woodstoves to meet Step 2 emissions targets, EPA is allowing compliance via a new fuel source for which there was no test method available when the emissions limit was set.⁴ Now that the new test method has been published, manufacturers can finally begin R&D on woodstoves using the new method. R&D and testing with this new method will take years to complete, time that EPA did not provide given that retailers are making decisions right now based on 2020 requirements.

Industry Legal Challenge: In response to EPA's finalization of the NSPS, the industry's trade association, the Hearth, Patio & Barbecue Association (HPBA) filed a judicial challenge to the rule in the U.S. Court of Appeals. We had hoped to come to a negotiated settlement with EPA on what reasonable Step 2 requirements would look like, but in late August 2016 – after industry had agreed to several EPA requests for extension to the motions deadlines – EPA opted to end negotiations and resume court proceedings.

Today's wood heaters are already clean burning and efficient: Some products burn 90 percent cleaner than those made just five years ago.⁵ Even over 10 years ago, a program in Libby, Montana that replaced an entire town's older, non-EPA-certified woodstoves with new EPA-certified woodstoves saw significant improvements in the air quality. Indoor air quality improved by 70 percent while outdoor air quality improved by 30 percent.⁶

Learn More

www.hpba.org

² 40 CFR Part 60. 80 Fed. Reg. 13672. (March 16, 2015). *Standards of Performance for New Residential Wood Heaters, New Residential Hydronic Heaters and Forced-Air Furnaces, Final Rule*. p. 13687. See GPO.gov.

³ U.S. Environmental Protection Agency. (February 2015). *Response to Comment on Proposed Rule, 'Standards of Performance for New Residential Wood Heaters, New Residential Hydronic Heaters and Forced-Air Furnaces, and New Residential Masonry Heaters.'* p. 310. See Regulations.gov.

⁴ 40 CFR Part 60. 80 Fed. Reg. 13672. (March 16, 2015). p. 13682. See GPO.gov.

⁵ Environmental Protection Agency. *Fact Sheet: Summary of Requirement for Wood-fired Hydronic Heaters*. Retrieved from: <https://www.epa.gov/residential-wood-heaters/fact-sheet-summary-requirements-wood-fired-hydronic-heaters>. (Accessed March 19, 2018).

⁶ Hearth, Patio & Barbecue Association. (2008). *Preliminary Report: Clearing the Smoke: The Woodstove Changeout in Libby, Montana*. Retrieved from <https://www.hpba.org/Initiatives/Woodstove-Changeouts/Success-Stories/Libby-Montana-Changeout>