



HPBA 2010 Manufacturer Membership Application

(For the period January 1, 2010 – December 31, 2010)

www.hpba.org

Company _____

Address (Please provide a street address) _____

City _____ State/Province _____ Zip/Postal Code _____ Country _____

Company Phone _____ Company Fax _____ Toll Free Phone/Fax _____ / _____

Company E-mail _____ Company Web Site _____

Primary Contact _____ Title _____

Phone _____ Fax _____ E-mail _____

Does your company brand, import, or manufacture any solid fuel related products? YES or NO (please circle your answer) If YES, please see the (NSPS) explanation on back of application.

COMPLETE THE FOLLOWING FOR 2010 HPBA MANUFACTURER MEMBERSHIP

Dues Level	North American Sales	Dues* (\$US)	EXPO Badges	Dues Level	North American Sales	Dues* (\$US)	EXPO Badges
<input type="checkbox"/> M1	\$0 - \$1 million	\$1,639	7	<input type="checkbox"/> M9	To - \$75 million	\$12,291	33
<input type="checkbox"/> M2	To - \$2 million	\$2,458	11	<input type="checkbox"/> M10	To - \$100 million	\$13,656	35
<input type="checkbox"/> M3	To - \$5 million	\$4,097	15	<input type="checkbox"/> M11	To - \$150 million	\$16,388	37
<input type="checkbox"/> M4	To - \$10 million	\$5,736	19	<input type="checkbox"/> M12	To - \$200 million	\$19,119	39
<input type="checkbox"/> M5	To - \$15 million	\$6,828	21	<input type="checkbox"/> M13	To - \$250 million	\$21,850	41
<input type="checkbox"/> M6	To - \$20 million	\$8,194	23	<input type="checkbox"/> M14	To - \$300 million	\$24,581	43
<input type="checkbox"/> M7	To - \$30 million	\$9,559	27	<input type="checkbox"/> M15	Over - \$300 million	\$27,995	45
<input type="checkbox"/> M8	To - \$50 million	\$10,925	31				

Reportable Sales:

2010 HPBA membership dues are based on all sales of **hearth** and/or **barbecue** products of the manufacturer and shall be based on the manufacturers' **2009** calendar year-end sales (*projected year-end sales if actual sale figures are not yet available*) of hearth and/or barbecue products, their components, accessories, and fuels, including but not limited to such products that are manufactured, branded, imported, sold or distributed through **any and all distribution paths**, calculated in \$US for all such transactions in North America. HPBA membership dues for manufacturers of products **other** than hearth or barbecue products as defined above shall pay membership dues representing the lowest manufacturer dues category.

2010 Member Dues Calculation

- Does your Company have any Sales in Canada? Yes No
- Is your Company located in Canada? Yes No

*Companies that can answer 'NO' to both questions above are eligible for an 8.5 % discount on their 2010 membership dues. (Certification of 2009 reportable sales may be required.)

2010 Membership Dues (from schedule above) (\$US) _____

- 8.5% (if applicable) (\$US) _____

= **Total 2010 Membership Dues (\$US)** _____ (nearest whole dollar amt.)

I certify that we have selected the appropriate membership category, have paid the appropriate level of annual dues for this company, and upon request will provide verification of sales and/or a notarized letter attesting to membership classification and dues category for this company.

Signature: _____ Title: _____ Date: _____

Payment information on other side (Completion Required for Membership) →

Condition of eligibility for membership and agreement to abide by the bylaws, dues, and membership policies of HPBA.

This company agrees to fully abide by all HPBA membership policies and practices including, but not limited to, all HPBA policies and practices regarding exhibiting at, participating in, and attending HPBA's annual Hearth, Patio & Barbecue EXPO, including the following:

- Events in the nature of an exhibition of products, other than in an EXPO exhibit booth, whether hosted by a vendor or by a retailing entity or by a distributor customer of hearth products, are prohibited at any time during the days of the EXPO education and exhibition.
- EXPO exhibitors may not have products on display at events attended by their dealers, other than in an EXPO exhibit booth, unless they obtain a variance from HPBA's EXPO Committee for a very narrow purpose.
- Manufacturers or other vendors who are not exhibiting at the EXPO also agree that they will not host events as set forth above at any time during the days of the EXPO education and exhibition.

All manufacturers with solid fuel related products and accessories are required to participate in the New Source Performance Standards (NSPS) funding assessment as a condition of membership. (Enclosed NSPS Addendum)

As a result of paying annual membership dues to Hearth, Patio & Barbecue Association (HPBA) and/or any association affiliated with the HPBA, I certify that we have read the above statements and agree to abide by the (i) Bylaws, (ii) NSPS Addendum and (iii) the Membership Policies and Practices of HPBA. As an Officer of this company, I reaffirm that we have selected the appropriate membership category, and have paid the appropriate level of annual dues for this company.

Signature and Title of Company Officer (Required for Membership)

Date

Print Name

Payment Information

Mail: Send this completed application with a check for the full amount payable to the address below.

Fax: Fax application (**front & back**) with credit card payment to the number below.

Please charge my credit card Visa MasterCard AmEx \$US Amount _____

Credit card account number _____ Expiration date _____

Billing address zip/postal code _____

Name appearing on credit card (*Print Name Clearly*) _____

Signature _____ Date _____

Enclosed is my check in the amount of \$ _____ made payable to Hearth, Patio & Barbecue Association. **Remit U.S. funds only.** For U.S. federal income tax purposes membership dues may be deductible as business expenses, not as charitable contributions. The Omnibus Budget Reconciliation Act of 1993 requires HPBA to inform each member that an estimated 11 percent of dues in 2010 will be allocable to lobbying expenditures as defined by the Act and therefore are not deductible as business expenses.

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New Source Performance Standards (NSPS) (Membership Application Addendum)

Background

The New Source Performance Standards (NSPS), the primary industry regulation from the U.S. Environmental Protection Agency (EPA), will be revised and updated for the first time since its inception twenty years ago. The NSPS for New Residential Wood Heaters, 40 CFR Part 60, Subpart AAA, is commonly known as the "EPA wood stove certification program" and regulates many subsets of the hearth industry. The far reaching implications of the NSPS will determine the future of the industry, as well as the manufacture, production, design, and quality of products created by our members.

To curtail the proposed expansion of the regulation, HPBA has created a new program to coordinate and present the concerns of our members to EPA and educate other decision-makers about the industry. This program, the NSPS Initiative, has grown to almost 90 HPBA members whose businesses will be directly affected by the new revision. These HPBA members have been assessed, and are paying, an additional amount (coupled with their membership dues) to help fund the HPBA efforts to influence the best possible outcome of a potentially broader NSPS. This NSPS Coalition, in collaboration with HPBA staff, is dedicating time and money to this process; we would like to see others join the effort as well.

What is the NSPS?

From an EPA website is this explanation of the NSPS:

"Section 111 of the Clean Air Act, 'Standards of Performance of New Stationary Sources,' requires EPA to establish federal emission standards for source categories which cause or contribute significantly to air pollution. These standards are intended to promote use of the best air pollution control technologies, taking into account the cost of such technology and any other non-air quality, health, and environmental impact and energy requirements. Generally, state and local air pollution control agencies are responsible for implementation, compliance assistance, and enforcement of the new source performance standards (NSPS). The EPA retains concurrent enforcement authority and is also available to provide technical assistance when a state or local agency seeks help."

Impact of the NSPS on HPBA Members

The next edition of the NSPS will determine the regulatory future of our industry for the next decade or longer. A negative outcome in the NSPS revision could result in federal regulations that would severely limit the use, sale or manufacturing of some HPBA members' products or industries. Additionally, state regulations and laws that exceed the federal standards could be enacted, especially in those states known for strict environmental regulations. Local efforts to regulate our industries could also become more aggressive.

Alternatively, a positive outcome of the NSPS could result in our industries having a level of federal approval to allow for unprecedented product development and sales. It is the goal of the HPBA and its staff to seek the most positive outcome possible in the current NSPS review by coordinating the concerns of our industries, meeting with EPA staff to continually educate them about us and resolve any conflicts that may emerge, providing the research and arguments necessary to answer charges or direct policy, and many other tasks.

(Over)

To date, HPBA staff has briefed interested manufacturers on this emerging issue during:

- 1) Conference calls during the fall of 2008 and throughout 2009;
- 2) The Manufacturers Meeting at HPBExpo in Reno;
- 3) Quarterly memoranda with NSPS Initiative updates;
- 3) An open meeting in Denver, May 27-28, 2009 that produced a “sense of the industry” on many issues, which was conveyed to EPA staff at a meeting on June 16, 2009; and
- 4) A scheduled coalition conference in Denver December 8-9, 2009.

Funding Formula

At its June, 2009 meeting in Orlando, the HPBA Board of Directors had an extensive discussion of the funding of the NSPS process. Since the first NSPS process in the late 1980s, the HPBA has had a long history of assessing additional financial support from subsets of manufacturers when issues arose that were not universal and only affected a portion of membership. Generally, these assessments were matched by resources from HPBA's budget. In line with this tradition, the Board voted on a 50/50 funding ratio, with HPBA matching the coalition member assessment. Assessed coalition members include all manufacturers whose business includes wood, coal, pellet burning and venting products—including accessory manufacturers/importers.

Invoicing Details

- 1) Costs in 2010 are estimated to be approximately 10%-15% of your dues payment, based on your dues class;
- 2) Invoices will be sent out quarterly;
- 3) Actual expenses will be individually billed according to a membership dues proportional rate;
- 4) A company that has wood burning products as a minority portion of their production pays the full assessment. (Example: A company that manufactures 20% wood products and 80% gas products would pay the full assessment); and
- 5) Participation is a condition of membership (i.e., mandatory) for companies who make products affected by this rule making.

EPA's Tentative NSPS Timeline

- 2009: Spring to Fall— EPA conducts an initial review of NSPS coverage
Winter— EPA finishes initial review
- 2010: Spring— EPA will issue an “Advanced Notice of Proposed Rulemaking” (ANoPR)
Fall— EPA issues a “Notice of Proposed Rulemaking” (NoPR)
- 2011: Spring— EPA will issue a Proposed Rule
- 2012: Spring— EPA will issue a final rule

EPA has committed to the states that they will finish this initial review by the end of 2009. Their current target for a formal “Notice of Proposed Rulemaking” (NoPR) is expected the fall of 2010. This document would formally lay out their proposed scope and targets and invite comment from industry, states, and environmental groups. The EPA intends to finalize the rule revision “approximately one year after the Advance Notice,” or approximately by October 1, 2011. This date will be strongly influenced by the volume and complexity of comments to the NoPR that they receive. In the summary of the June 16 briefing, the EPA acknowledges the probability of a “phase-in period” for any changes.

Future Steps

HPBA staff plans to provide a written and/or a teleconference update on a quarterly basis. Information specific to the NSPS Initiative is now available in a password protected web portal on our website for all assessed members who are current in their payments. (You may contact Nick Bian to receive your NSPS Initiative web portal password at bian@hpba.org.) We will circulate a final review document later this fall to coalition members and host an NSPS Initiative coalition meeting in Denver, Colorado, from December 8-9, 2009. Additionally, there will be a key briefing for manufacturers at HPBExpo in Orlando, Florida, at 8:00 a.m. on Wednesday, March 10, 2010. Based on the known timeline, our best understanding is that the fall/winter of 2010 could be a time of intense activity as we respond to the EPA's NoPR.