

Oregon “Heat Smart for Clean Air Law”

(Senate Bill 102)

Q and A

In a nut shell, what does the law do?

- This new Oregon law, which was called [Senate Bill 102](#) in the 2009 Oregon Legislature, accelerates the turnover of older uncertified woodstoves and other solid fuel burning devices by requiring the removal of uncertified (non-EPA certified or non-ODEQ certified) woodstoves or wood fireplace inserts upon sale of a home.
- The law also applies to uncertified woodstoves in outbuildings, shops and garages.
- Uncertified stoves will either not have an [EPA certification](#) or an Oregon DEQ certification sticker (issued in the mid 1980’s) or be listed on EPA’s website of certified stoves.
- Pellet stoves, masonry heaters and wood-fired furnaces are exempt.
- Uncertified woodstoves are required to be removed **ONLY** when a home is sold.
- The law will address enforcement and education and a “basket” for funds to support these campaigns.
- The seller and buyer must come to agreement which is responsible for arranging for the removal and destruction of the uncertified woodstove and there is a 30 day window to comply.
- Current Oregon law will not allow an uncertified woodstove to be sold or reinstalled.
- The law requires that the uncertified woodstove is both removed and destroyed (recycled) and that verification of the destruction is sent to Oregon DEQ. Rules on the reporting requirements to verify the removal and destruction of the uncertified woodstove will be drafted. Until the rules are drafted, removal is mandatory and reporting of the destruction of the uncertified woodstove is voluntary.

When will the law be in effect?

- The law goes into effect **August 1, 2010**.
- ODEQ estimates the administrative rules will be in effect October 1, 2010. This gap means the requirement for reporting to ODEQ when a stove is removed will be essentially voluntary until the rules are adopted because the rules will establish a process for reporting the removal and destruction of uncertified stoves.
- ODEQ will provide resources on their website starting August 1 to assist a home seller/ buyer with voluntary reporting. Once the rules are approved a formal process will be in place for reporting.

Which government agency will oversee the law?

- The logistics of the law, rulemaking, education and enforcement are being carried out by the [Oregon Department of Environmental Quality](#).
- The law’s rules will be drafted by the [Environmental Quality Commission](#).
- The law authorizes the EQC to create new emissions requirements for exempt woodstoves, and outdoor wood boilers. It will set emission standards for exempt wood stoves. Ultimately the EQC can create certification standards if EPA were to leave the standards as they are now, but EPA is in the process of revising the “[New Source Performance Standard](#)” or, NSPS. This is a federal government program that deals with emissions from woodstoves, pellet stoves and outdoor boilers.

How can I tell if my woodstove has to be removed when I sell (or buy) my house?

- First, make sure it burns cord wood. Pellet stoves, masonry heaters and wood-fired central furnaces are exempt.
- The second clue is if the woodstove is over 25 years old it might not be certified. Those older stoves typically are large, black, and have a plain metal door with a vent on the door than can be opened or closed by hand.

- If has only been in the house a few years it is probably certified.
- If the woodstove and is not EPA or Oregon DEQ certified it must be removed when the home is sold. A certified woodstove will have a metal tag on the back that verifies it is EPA (or Oregon DEQ) certified. The U.S. [Environmental Protection Agency](#) (EPA) has required that all wood stoves and wood-burning fireplace inserts be certified since 1992. Oregon DEQ had a program for certification in the mid 1980's, so if the stove was certified by ODEQ, it does not have to be removed.
- A certified woodstove will be listed on the EPA's list of certified stoves at: <http://www.epa.gov/Compliance/resources/publications/monitoring/caa/woodstoves/certifiedwood.pdf>
- If the woodstove is a fireplace insert, the certification sticker will be hidden inside the fireplace (behind the fascia) on the back of the stove. The first thing to do is check the EPA website at the above web address.
- If verification can't be met by looking at the EPA website, contact a certified and licensed [chimney sweep](#) or the service department of hearth product retail store. Often they can verify the stove is certified without looking for the label, but if direct observation of the certification sticker is required, they will need to remove the stove to check for the label. For a list of hearth stores, visit <http://www.oregonfireplaces.com/dealerLocator.htm>

Can I get the woodstove tested or certified?

- No. woodstoves and wood inserts must be tested in the lab prior to sale. It is not possible to "convert" an old woodstove and make it certified after it is installed.

What is the impact on consumers and the hearth products business?

- The [Heat Smart Law](#) will have a major impact on users of wood stoves in Oregon who are selling or buying a home with an uncertified wood stove. DEQ estimates 80,000 uncertified woodstoves are still in use. The impact will be on the subset of these homes that are sold.
- Hearth retailers, chimney sweeps, home inspectors and real estate agents will be impacted because they either need to know about the law or they will be involved in the inspection, repair, removal, or replacement of wood stoves and inserts.
- EPA estimates that for each uncertified woodstove taken out of the local air shed there is a subsequent long term savings of \$3,900 in health care costs.
- It is anticipated that insurance rate may be lower for homes where uncertified stoves have been removed and or/changed out for new hearth appliances.

What do we do after we remove the uncertified stove?

- The law does not require a home seller or buyer to replace the uncertified wood stove - just to take it out and destroy it. But, many new homeowners will choose to replace the woodstove with a modern, certified clean burning wood, pellet, or natural gas stove. Your local [hearth products retailer](#) will have many types of appliances in their showroom.
- A certified chimney sweep or hearth products service technician should verify that the chimney is safe to use after the stove is removed. If the stove has a stove pipe directed through the ceiling or wall, it will need to be capped properly. However, an open fireplace is a very inefficient way to heat a home and it is very dirty burning. The point of this law is to clean up the air, so strong consideration should be given to replacing the woodstove.
- [Tax credits](#) for installation of qualifying wood or pellet stoves are available from the Oregon Department of Energy through the Residential Energy Tax Credit program (up to \$300) and from the federal government (up to \$1500).

Why does the State Legislature feel this law is a good thing?

- Several counties in Central and Southern Oregon already had ordinances that required this. Those programs appeared to be making a positive impact on air quality in those areas, so this law takes it statewide.

- Old, dirty-burning woodstoves are [bad for people's health](#), particularly the young and elderly and people with respiratory problems.
- Wood stoves can last a long time. ODEQ estimates that 80,000 “pre EPA” wood stoves are in Oregon homes. Now there are much cleaner burning technologies. Modern stoves are 10 times cleaner than old stoves, they are more efficient, and improve indoor air quality. If we don't require that they are removed when a home is sold they could last *another* 20 years.
- After over 20 years of use old, uncertified woodstoves pose a fire safety risk. Low income households cannot afford to take the risk of a fire caused by an aging woodstove or unmaintained chimney. At the time of removal chimneys will be inspected and repaired which will reduce [chimney fires](#). The law will prevent accidents and save lives.
- A few communities in Oregon run the risk of violating the federal EPA particulate emissions guidelines (PM 2.5). If they exceed the limits, there are dramatic consequences.
- The law creates a funding “basket” that can be used to target communities for accelerated woodstove changeout programs. Many of these areas are lower income neighborhoods.
- The law makes it illegal to burn trash and toxic materials in wood stoves. Incredible as it may seem, there was no law about that.

What role did the hearth industry (OHPBA) play in the passing of this law?

- OHPBA and the Oregon Real Estate Association partnered with ODEQ to draft the bill language starting in 2007.
- Members of OHPBA's board met with legislators, ODEQ and testified at the Legislature.
- Lobbyists Harvey Gail and Steve West assisted with the legislative process.
- We did not always agree with ODEQ and there were a lot of tricky areas, but it was worked out. The bill passed in the 2009 session and was signed into law.

Looks like I don't need to remove my certified woodstove in my new house, but where can I find information about woodstoves and burning clean?

There are a lot of resources on line! Here's just a few!

<http://www.oregonfireplaces.com/>

<http://www.deq.state.or.us/aq/burning/woodstoves/heatSmart.htm>

<http://www.hpba.org/consumers/hearth/responsible-wood-burning>

<http://www.heatgreen.org/>

<http://renewableresidentialheating.org/>

http://static.hpba.org/fileadmin/factsheets/product/FS_WoodBurningFAQs.pdf

http://static.hpba.org/fileadmin/factsheets/product/FS_ResponsibleWoodBurning.pdf

<http://epa.gov/burnwise/>

http://www.ocsa.com/html/find_your_sweep.html

<http://www.csia.org/>