



2015-2016 General Assembly

HOUSE BILL 765: Regulatory Reform Act of 2015, Sec. 4.3: Prohibit Implementation and Enforcement of Federal Standards for Wood Heaters

Committee:

Introduced by:

Analysis of: Sec. 4.3 of S.L. 2015-286

Date:

Prepared by: Jennifer Mundt

Legislative Analyst

SUMMARY: *Sec. 4.3 of S.L. 2015-286 prohibits the Environmental Management Commission from developing and adopting standards and plans to implement the federal air quality standards that limit emissions from wood heaters. This section also defines the term "wood heater."*

This section became effective October 22, 2015.

CURRENT LAW and BILL ANALYSIS:

Pursuant to G.S. 143-215.107, the Environmental Management Commission (EMC) is empowered to develop and adopt standards and plans necessary to implement the requirements of the federal Clean Air Act and regulations adopted by the United States Environmental Protection Agency (USEPA). **Section 4.3 of this act** limits the EMC's statutory authority to develop and adopt standards and plans to implement federal air quality standards by prohibiting the EMC and the Department of Environment and Natural Resources from issuing rules to implement regulations adopted by the USEPA after May 1, 2014, to limit emissions from wood heaters or enforce against a manufacturer, distributor, or consumer of a wood heater subject to federal regulation.

"Wood heater" is defined by this section to mean: a fireplace, wood stove, pellet stove, wood-fired hydronic heater, wood-burning forced-air furnace, or masonry wood heater or other similar appliance designed for heating a residence or business or for heating water for use by a residence through the combustion of wood or products substantially composed of wood.

EFFECTIVE DATE: This section became effective October 22, 2015.

BACKGROUND: On March 16, 2015, the USEPA promulgated final rules for [Standards of Performance for New Residential Wood Heaters, New Residential Hydronic Heaters and Forced-Air Furnaces](#). According to the USEPA, these rules strengthen the emissions standards (which were last updated in 1998) for new wood stoves and establish emissions standards for several types of previously unregulated new wood heaters including outdoor and indoor wood-burning forced air furnaces. The federal standards only apply to new heaters and new stoves and do not affect existing wood stoves or other wood-burning heaters currently in use in people's homes. The rules also do not apply to new or existing heaters that are fueled solely by oil, gas, or coal and would not apply to indoor or outdoor fireplaces, fire pits, pizza ovens, barbecues or chimineas.

O. Walker Reagan
Director



Research Division
(919) 733-2578