

Bay Area Air Quality Management District
939 Ellis Street
San Francisco, California 94109

APPROVED MINUTES

Advisory Council Public Health Committee Meeting
12:30 p.m., Wednesday, May 10, 2006

- 1. Call to Order – Roll Call.** Chairperson Bramlett called the meeting to order at 12:30 p.m. Present: Jeffrey Bramlett, Chairperson, Cassandra Adams, Steven Kmucha, M.D., Karen Licavoli-Farnkopf, MPH, Linda Weiner. Absent: Janice Kim, M.D., Brian Zamora.
- 2. Public Comment Period.** There were no public comments.
- 3. Approval of Minutes of April 11, 2006.** Dr. Kmucha moved approval of the minutes; seconded by Ms. Adams; carried unanimously.
- 4. Wood Smoke Abatement Efforts.** John Crouch, Director of Public Affairs of the Hearth, Patio & Barbeque Association (HBPA) presented “Wood Smoke Abatement Program Applications,” stating that he would focus on developments in the field of appliance change-outs, both locally and nationwide. He indicated that hearth products fall into two categories: (a) heating (wood stoves, pellet stoves, gas hearth products, and others—such as electric, oil, and corn stoves) and (b) decorative products (wood – open fireplaces, and also gas and electric appliances). With respect to the latter, an open wood burning fireplace is primarily a decorative feature in most houses. In wood burning surveys, some individuals note that their fireplace is primarily decorative but also a secondary heating source. Others may only use their fireplace on major wintertime holidays. A number of heating appliances come as a free-standing item or as an insert for a fireplace, and are known as “aftermarket” products. Inserts include a gas heating element, and a pellet or woodstove insert. In phone surveys of homes, responses vary considerably such that residents identify a fireplace with an insert as a single unit, or as two separate units.

Operating assumptions for air quality and hearth products from the hearth products industry are that metropolitan areas contain substantially more fireplaces than wood stoves or inserts but that the inserts are also used substantially more than open fireplaces. Some open fireplaces are not used at all. Approximately 85-90% of wood stoves on a nationwide basis are pre-Environmental Protection Agency (EPA) certified. As much as 50% of Bay Area wood combustion units are not certified. In 1990, the HBPA conducted a change-out program in Seattle, and a similar program in Northern California/Southern Oregon. There have been modest industry discounts provided for such change-out programs but little public funding has been forthcoming. The California Energy Commission has offered funding for change-out programs for emission offsets.

The EPA has created a “change-out team” to coordinate change-out programs nationwide. It models its approach on diesel engine retrofit programs. It has held workshops, at times co-located with HBPA trade shows, on wood appliance change-out products and strategies.

EPA has reached out to state and local tribes in this program, and has upgraded its wood burning data on its website. It has issued guidance on State Implementation Plan (SIP) credits. It also has instituted a national woodstove change-out campaign with program elements that focus on raising awareness, developing partnerships, targeting specific areas and providing tools for program work. EPA uses a slide at the National Chimney Sweep Guild to educate viewers on the importance of addressing wood smoke emissions. It indicates that approximately 80% of fine particle (PM_{2.5}) pollution derives from woodstoves. This total exceeds the total PM_{2.5} emissions from petroleum refineries, cement manufacturers and pulp and paper plants.

On-going or completed woodstove change-out campaigns in 2005 were conducted in Libby, Montana; Southwest Pennsylvania; Washoe County, Nevada; Butte County, California; Christiansburg, Virginia; Darrington, Washington; Whatcom/Island County, Washington; Swinomish Tribe, Washington; Questa, New Mexico; Yakima, Washington; and Delta County, Colorado. Similar campaigns are planned in 2006/2007 in Washington County, Ohio; Sacramento and San Joaquin, California; Oakridge, Oregon; Christiansburg, Virginia; Whatcom/Island County, Washington; Swinomish Tribe and Yakima, Washington; Libby Montana, Greenville; South Carolina, Hagerstown; Maryland, Central Washington, Maine; Rutland, Vermont; New Jersey, Minnesota; Catawba County, North Carolina and Oneida Nation, Wisconsin. The HBPA is soliciting interest in a "state wide" change-out this winter in California and would welcome District participation. In 1999, the District got PG&E to include a two-sentence statement on electricity bills in Northern California/Central California that resulted in the change-out of many wood stoves. This was not costly for the District.

In Libby, Montana there is a "Whole Town" change-out of wood burning appliances underway. As there is no natural gas in Libby, there is considerable wood burning during cold weather that contributes to 82% of total PM_{2.5} in the area. Through assistance from the HBPA, the EPA and federal funding, all stoves in Libby will be changed-out over a two-year period. In late 2007, data from "before" and "after" PM monitoring will be analyzed and compared.

Key elements of wood stove change-out programs include the verification of the emission reductions, the provision of financial incentives for change-out, and public education. In Libby, the HBPA is providing free-of-charge over 300 EPA-certified stoves to low-income families. Some public resources are being applied in the form of Supplemental Environmental Projects (SEPs) funds as well as emission offset programs.

Rising energy costs have created major challenges to wood burning appliance change-out programs because there is a greater interest in supplementing home heating with wood due to anticipated increases in home heating costs. Old wood stoves and inserts do not break and consumers do not shop for replacements as with electric appliances. Incentives must therefore be larger to trigger change-outs. However, with the heightened awareness about increasing energy and fuel costs, access to the media on heating and energy costs is much easier.

Mr. Crouch added that change-out campaigns, in order to maximize effectiveness, must be sponsored by both public and private funding. Media attention is also crucial to program effectiveness. Targeted funding of change-out programs to areas with higher incidences of asthma is an area for future consideration. EPA certification applies to wood stoves, but not to fireplaces, pellet stoves, masonry heaters and outdoor wood furnaces. To expand the jurisdiction of certification over other appliances and units, EPA would have to reopen its new source performance standards process.

Kathy Hayes, Government Affairs Director, North Bay Association of Realtors, stated that having participated in local community discussions on the change-out of wood burning appliances in the home at the point of its sale, and having observed how local government policy is moved forward on this field, she believes that point-of-sale is both challenging and problematic. It not only takes a long time to implement but also places a huge responsibility and liability on the real estate industry. It takes 25 to 40 years for an entire housing stock to turnover, and this does not provide a rapid response to air quality, health and safety issues. It also leads to the inequitable treatment of property, with one house regulated and another house unregulated. It also makes the realtor a *defacto* employee of whatever agency or group is imposing the rule, and the work that is done is without compensation for the real estate representatives. Evaluation of wood burning appliances in the home, under any wood smoke ordinance with a point-of-sale provision, becomes a liability on the real estate community and becomes an inherent part of the escrow process. It encumbers a real estate transaction with additional inspections, inspection fees, and other processes which could take multiple weeks to schedule and accomplish, depending upon the jurisdiction.

Point-of-sale has had various applications. The City of Santa Rosa has chosen different paths to address health and safety, or water conservation issues, and has not included point-of-sale in these. The City of Marin adopted a point-of-sale ordinance for water conservation devices in homes, but it later repealed it as it was too slow, too bureaucratic and too great a burden on realtors. The Las Galinos Municipal Service District repealed a similar point-of-sale approach for water conservation units. The City of Sebastopol adopted a point-of-sale program for wood burning appliances in homes that included a community wide “don’t use” policy. This posed a major problem for its real estate community, which found itself saddled with work that belonged to the City: preparing forms for implementing the ordinance and setting deadlines for the submission of paperwork. The City had not developed any guidance for the implementation of the policy, and some procedures that the City had committed to developing have yet to be developed. Liability issues created by the policy lead to lawsuits against realtors. Many escrows were completed without any wood burning appliance change-out occurring. Although realtors were not the moving party in the point-of-sale requirement, they were nevertheless named a party to a lawsuit concerning certain property sales.

The City of Santa Rosa instead implemented a community wide “can’t use” policy. It did not ask for a wood burning appliance insert, but instead created an honor system approach to compliance. Santa Rosa took its lead from a model that advocated water conservation devices, with similar discussion attempting to provide incentives for the purchase and installation of water-conserving toilets on a community-wide basis. Citizens could pick up free toilets from the city and have them installed. Paying the plumber to install the water-saving devices turned out to be less expensive than the overall costs involved in the point-of-sale approach.

Several years ago the City of Truckee passed a point-of-sale ordinance. One-third of all the homes had a woodstove or fireplace insert that was not EPA-certified. The implementation date of the point-of-sale ordinance was extended several times due to the time and expense to train staff and to discuss the implementation problems with the real estate community. Since that time the City of Truckee reconsidered and rescinded the ordinance and elected instead to require the change-out of wood burning appliances in all homes over a five-year period. The City of Truckee will be divided into five quadrants, and priority for change-out will be given to those areas determined to have the largest wood smoke problem. Within five years, the entire community will be retrofitted. This will allow the air quality staff and inspectors one

concentrated area per year on which to focus. Homeowners must certify that they are in compliance. A non-certified stove must be replaced or removed, and regulatory staff will then have to follow-up to ensure this is done.

Community education must also be a part of any Bay Area-wide campaign. Although one speaker who addressed the Public Health Committee in April opined that the public is well educated on wood smoke issues, that viewpoint may not be shared by others. Ms. Hayes added that she has learned a great deal over the last several years about wood smoke on both a family and professional level, and the choices she would make now about wood smoke are different from ones she would have previously made. The need to get quality information out to the public about wood smoke, and in a coordinated fashion with all stakeholders to the process, cannot be sufficiently emphasized. With the right data, citizens will make informed choices.

It is premature to move into any regulatory mode without having maximized public education. Ordinances such as the one implemented in Sebastopol are less preferable to a universal change-out program such as the one which the City of Truckee is implementing. The question of accurately measuring the impact of any program or regulation is important to the total wood smoke abatement effort.

Ms. Hayes concluded that there are alternatives to point-of-sale that treat every home equally and provide a much bigger result for the investment in dealing with wood burning appliances. The real estate community is interested in working with the Air District to come up with an approach to wood smoke abatement that does not unduly impact realtor industry.

In reply to questions, Ms. Hayes noted that in any discussion with regulators, two issues must be addressed: the use of the real estate community staff as *defacto* employees to the regulatory process, and the matter of liability in suits over housing and property. From a health and safety point of view, point-of-sale is not an effective or timely approach. A more viable approach would be phased-in, beginning with education and moving to a “can’t use” policy, and thereafter to a universal change-out program that moves through a community and indicates to residents that if they obtain a certified device, they have plenty of time in which to make the change, and that financial incentives are available to them in order to achieve this goal.

Chairperson Bramlett directed that at the next meeting the Committee will discuss an initial draft of possible recommendations which will be refined and then presented to the Council.

5. **Committee Member Comments/Other Business.** There were none.
6. **Time and Place of Next Meeting.** The June 13, 2006 meeting was canceled. Chairperson Bramlett directed that members be surveyed as to their availability on future suggested dates.
7. **Adjournment.** 2:04 p.m.

/s/ James N. Corazza

James N. Corazza
Deputy Clerk of the Boards