



NEWS

FOR IMMEDIATE RELEASE
October 7, 2010

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Court of Appeal Rejects Duraflame challenge to Wood Burning Rule

SAN FRANCISCO – The Bay Area Air Quality Management District recently won an appellate case brought by Duraflame about the use and labeling of manufactured logs.

The First District Court of Appeal rejected the challenge from Duraflame to the Air District's Wood Burning Rule and must now provide labels on their products that give the public information about how they can check before they burn.

"The Court has reaffirmed the Air District's rule to protect public health and reduce harmful wintertime air pollution," said Jack Broadbent, executive officer of the Air District. "Fireplace smoke is the largest source of harmful pollution in the winter. Burning wood or manufactured logs produce soot that pollutes our air."

Duraflame challenged two major provisions of the Wood Burning Rule:

- A labeling requirement that mandates package labels on wood or firelogs to notify customers that use of the product may be restricted at times and to also provide a toll-free number and website address for customers to check the burn status.
- The prohibition of burning manufactured logs during a *Winter Spare the Alert*, when air quality is forecast to be unhealthy.

The Court rejected both challenges and concluded that the Air District had properly exercised its rulemaking authority. The labeling requirement went into effect on October 1, 2010.

The Wood Burning Rule, passed in July 2008, bans the use of wood-burning devices, including fireplaces, pellet stoves, wood stoves and outdoor fire pits when a *Winter Spare the Air Alert* is called between November and February. The Air District declares a *Winter Spare the Air Alert* when air pollution is forecast to reach unhealthy levels.

Air District survey data results indicate that 25 percent of Bay Area households reduced their wood burning because of the Winter Spare the Air program and 71 percent of respondents indicated that they supported the Wood Burning Rule.

Wood smoke is a major source of wintertime air pollution in the Bay Area and contains harmful pollutants such as particulate matter and carbon monoxide. Particulate matter, or soot, is a dangerous pollutant that is linked to respiratory illnesses such as asthma, bronchitis and lung disease. In the winter, wood smoke from the 1.4 million fireplaces and wood stoves in the Bay Area contributes to the harmful particulate pollution in the air.

The Bay Area Air Quality Management District (www.baaqmd.gov) is the regional agency chartered with protecting air quality in the nine-county Bay Area. For more information, visit www.baaqmd.gov.

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