

Testimony of Anne Jackson, Minnesota Pollution Control Agency
Proposed Amendments to the 2015 New Source Performance Standards for New Residential Wood
Heaters, New Hydronic Heaters and Forced-Air Furnaces
EPA-HQ-OAR-2018-0195
June 8, 2020

The MPCA does not support this proposal and requests that it be withdrawn.

Fully implementing the NSPS for wood heating, particularly hydronic heaters, matters because wood burning comprises 55% of the directly emitted fine particulate matter from combustion sources to Minnesota's ambient air. In some areas of Minnesota, people are heating with wood burning stoves for 6 months or more. In our study of wood burning in Minnesota, we estimate that about 1.45 million cords were burned during the 2017-2018 heating season, 65% of that burned for primary and secondary heat.

This proposed rule imposes a number of new, unreasonable burdens:

First, it imposes an unreasonable burden of enforcement and outreach on the State.

Minnesota incorporated the 2015 NSPS and its 2020 timetable into state laws and pursuant to the delegation agreement with EPA. The 2015 NSPS is now state law in Minnesota, which means that the May 15, 2020 compliance deadline is enforceable in Minnesota. EPA's proposed revision will not change this deadline.

EPA's proposal creates for us an unforeseen, time-consuming communication demand in a very difficult time. It creates a patchwork of regulations. This proposal is now adding confusion to messages from federal and state agencies. Minnesota was expecting full support from EPA to notify manufacturers and retailers about the approaching May 2020 deadline, and to undertake enforcement as necessary, especially with internet sales, as that is the most difficult for Minnesota to monitor. With EPA's announcement of a proposed sell-through period along with lax enforcement, Minnesota must now undertake a nation-wide communication effort to notify manufacturers and retailers that Minnesota law does not allow sales in Minnesota of non-Step 2 wood-burning appliances.

Second, this proposal is contrary to helping small businesses. Recognizing the value of providing efficient and clean-burning wood stoves, Minnesota manufacturers like Lamppa Manufacturing in Tower Minnesota have been making and selling Step 2-compliant stoves long before the May 2020 deadline. Extending the sell through period for non-compliant appliances unfairly burdens Minnesota manufacturers that have already met the standard.

We recognize the shut-down of stores impacted many small businesses, but it appears that MN retailers were already responsibly preparing for the May deadline. We saw donations from small businesses to the Stoves for Homes program, taking their duty to comply with the NSPS by May 15th seriously. The pandemic in the spring did not keep foot traffic away from big box stores, and online sales at both large and small retailers continued. This proposal thus disproportionately impacts small businesses who have done the work to prepare for this deadline to go into effect.

But the heaviest burden this proposal imposes is to public health. Given the health burden of fine particulate matter, there is no good reason to provide additional time to sell noncompliant devices,

especially hydronic heaters, in the face of fighting a deadly, respiratory virus pandemic. This proposal to provide the sell through date is unconscionable, and must be withdrawn.