

Good Morning. My name is Maria Smilde. I am here with Earthjustice.

The Clean Air Act does not authorize the EPA to impose a sell through date beyond May 15, 2020. Section 111 of the Clean Air Act requires the EPA to set performance standards that reflect the “best system of emission reduction.” In 2015 the EPA adopted the current set of standards which imposed stricter emissions limits for wood stoves with a May 2020 compliance deadline, allowing five years for manufacturers and retailers to prepare.

In order to amend this standard, the EPA must show that the current requirements no longer reflect the best system of emission reduction and provide a reasoned explanation for why it is now disregarding its previous conclusions. It has not done so, nor does it assert that the proposed amendments reflect the best system of emissions reduction at all. It has instead sought to justify the extension with reference to loss of retail sales, but the proposal provides no detail on the extent of retailers’ lost revenue, or how that loss of revenue differs from what EPA had previously anticipated as a consequence of compliance.. Additionally, the EPA has provided no analysis of the health burdens to be anticipated by extending the compliance deadline, nor of the economic impacts to businesses that have been prudent in ensuring compliance with the current requirements.

In the EPA’s own qualitative assessment following its previous decision to not extend sales of Step 1 stoves an additional two years, it said that the sales season for wood heating devices typically runs from October to March. The EPA is proposing extending the sell through period though November, which would add two full months of sales during peak sales seasons, despite retailers only losing approximately half a month of their peak sale season to the COVID-19 Pandemic. Thus, these amendments have the potential to result in even more non-compliant stoves being sold than would have otherwise been sold had there been no pandemic. Considering the long lifetime of many of these stoves, the harmful emissions resulting from this extension is significant.

To the extent that retailers made a business decision to stock and continue to sell Step 1 stoves as the deadline approached, the people in those communities should not be the ones to bear the negative consequences of those decisions. Particulate matter pollution has been shown to cause a wide range of health problems, including respiratory illness. Considering that respiratory difficulties have been a

common COVID-19 symptom, the EPA should not use one public health crisis to rationalize extending another, nor does the Clean Air Act permit it to do so. Thank you.