

113TH CONGRESS
2^D SESSION

H. R. 4407

To require the Administrator of the Environmental Protection Agency to set reasonable limits on the stringency and timing of proposed regulations for new residential wood heaters, new residential hydronic heaters, new forced-air furnaces, and new residential masonry heaters, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 4, 2014

Mr. LUETKEMEYER (for himself and Mr. HARPER) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To require the Administrator of the Environmental Protection Agency to set reasonable limits on the stringency and timing of proposed regulations for new residential wood heaters, new residential hydronic heaters, new forced-air furnaces, and new residential masonry heaters, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Wood Stove Regulatory
5 Relief Act of 2014”.

1 **SEC. 2. REGULATION OF NEW RESIDENTIAL WOOD HEAT-**
2 **ERS, NEW RESIDENTIAL HYDRONIC HEATERS,**
3 **NEW FORCED-AIR FURNACES, AND NEW RESI-**
4 **DENTIAL MASONRY HEATERS.**

5 (a) PROHIBITION.—During the period specified in
6 subsection (c), the Administrator may not finalize, issue,
7 implement, or enforce any rule described in subsection (b)
8 unless such rule meets the requirements described in sub-
9 section (d).

10 (b) RULES.—Subsection (a) applies with respect to—

11 (1) the proposed rule entitled “Standards of
12 Performance for New Residential Wood Heaters,
13 New Residential Hydronic Heaters and Forced-Air
14 Furnaces, and New Residential Masonry Heaters”
15 published at 79 Fed. Reg. 6330 (February 3, 2014)
16 or any successor or substantially similar rule; and

17 (2) any other rule under section 111 of the
18 Clean Air Act (42 U.S.C. 7411) that is applicable to
19 any new source that is a residential wood heater, a
20 residential hydronic heater, a forced-air furnace, or
21 a residential masonry heater.

22 (c) APPLICABILITY.—This Act applies during the 8-
23 year period beginning on the date of enactment of this
24 Act.

25 (d) REQUIREMENTS.—

1 (1) NUMERIC EMISSION LIMITS.—During the
2 period specified in subsection (c), in finalizing or
3 issuing any rule described in subsection (b), the Ad-
4 ministrator may not establish a particulate matter
5 emissions limit—

6 (A) for adjustable rate wood heaters or
7 pellet heaters/stoves that were, on or before the
8 effective date of the rule, certified as being in
9 compliance with any applicable standard of per-
10 formance for particulate matter, that is less
11 than 4.5 grams of particulate matter per hour;

12 (B) for all other adjustable rate wood heat-
13 ers, single burn rate wood heaters, or pellet
14 heaters/stoves, that is less than 4.5 grams of
15 particulate matter per hour;

16 (C) for any residential hydronic heater,
17 that is less than 0.32 pound per million British
18 thermal unit heat output as measured under
19 ASTM E2618–13 “Standard Test Method for
20 Measurement of Particulate Emissions and
21 Heating Efficiency of Solid Fuel-Fired
22 Hydronic Heating Appliances” using either
23 cordwood or cribs; or

1 (D) for any forced-air furnace, that is less
2 than 0.93 pound per million British thermal
3 unit heat output.

4 (2) TRANSITION PERIOD.—During the period
5 specified in subsection (c), in finalizing or issuing
6 any rule described in subsection (b), the Adminis-
7 trator shall—

8 (A) with respect to a residential wood
9 heater that was certified on or before the effec-
10 tive date of the rule by the Administrator as in
11 compliance with any applicable emissions limit
12 in effect prior to the date of enactment of this
13 Act—

14 (i) provide that such certification shall
15 remain valid until the date that is five
16 years after such heater was certified; and

17 (ii) permit any such heater to be man-
18 ufactured and sold at retail until the date
19 that is five years after such heater was
20 certified;

21 (B) with respect to a forced-air furnace—

22 (i) except as provided in clause (ii)—

23 (I) that is manufactured on or
24 before the effective date of such rule,
25 permit such forced-air furnace to be

1 sold at retail for a period of at least
2 one year after such effective date; or

3 (II) that is manufactured after
4 the effective date of such rule, not re-
5 quire such forced-air furnace to meet
6 any applicable particulate matter
7 emissions limit set forth in such rule
8 until the date that is at least one year
9 after such effective date; or

10 (ii) that was tested under Canadian
11 Standards Administration B415.1–10 test
12 protocol on or before the effective date of
13 the rule and met a particulate matter
14 emissions limit of 0.93 pound per million
15 British thermal unit heat output, permit
16 such forced-air furnace to be manufactured
17 and sold at retail for a period of five years
18 after such effective date; and

19 (C) with respect to a hydronic heater
20 that—

21 (i) is a qualified model, deem such
22 hydronic heater to be certified as in com-
23 pliance with any otherwise applicable emis-
24 sions limit under such rule for the duration
25 of the period it would be considered a

1 qualified model, but in no case for a period
2 of less than 3 years beginning on the effec-
3 tive date of such rule; or

4 (ii) is not a qualified model and that
5 is manufactured on or before the effective
6 date of such rule, permit such hydronic
7 heater to be sold at retail for a period of
8 at least one year after such effective date.

9 (3) CERTIFICATION PROCEDURES.—

10 (A) INDEPENDENT ACCREDITED THIRD
11 PARTY TESTING AND CERTIFICATION.—During
12 the period specified in subsection (c), in final-
13 izing or issuing any rule described in subsection
14 (b), the Administrator shall provide that certifi-
15 cations of compliance with any applicable emis-
16 sions limit under such rule be issued by inde-
17 pendent third party laboratories accredited as
18 certification bodies under ISO/IEC 17065,
19 based on testing performed by the certification
20 body or another laboratory accredited under
21 ISO/IEC 17025 to perform certification testing.

22 (B) LIMITED ROLE OF EPA.—During the
23 period specified in subsection (c), in finalizing
24 or issuing any rule described in subsection (b),
25 the Administrator shall provide that the Envi-

1 ronmental Protection Agency’s role in any cer-
2 tification or auditing process provided in such
3 rule shall be limited to conducting selective au-
4 dits of the testing, certification, and quality as-
5 surance/quality control functions performed by
6 certification bodies or test laboratories that are
7 accredited by the ISO.

8 (e) DEFINITIONS.—In this Act:

9 (1) ADMINISTRATOR.—The term “Adminis-
10 trator” means the Administrator of the Environ-
11 mental Protection Agency.

12 (2) ISO.—The term “ISO” means the Inter-
13 national Organization for Standardization.

14 (3) ISO/IEC 17025.—The term “ISO/IEC
15 17025” means the International Organization for
16 Standardization/International Electrotechnical Com-
17 mission standard number 17025.

18 (4) ISO/IEC 17065.—The term “ISO/IEC
19 17065” means the International Organization for
20 Standardization/International Electrotechnical Com-
21 mission standard number 17065.

22 (5) NEW SOURCE.—The term “new source” has
23 the meaning given such term in section 111(a)(2) of
24 the Clean Air Act (42 U.S.C. 7411(a)(2)).

1 (6) STANDARD OF PERFORMANCE.—The term
2 “standard of performance” has the meaning given
3 such term in section 111(a)(1) of the Clean Air Act
4 (42 U.S.C. 7411(a)(1)).

5 (7) QUALIFIED MODEL.—The term “qualified
6 model” means, with respect to a hydronic heater, a
7 model that had been shown to meet performance lev-
8 els established by the Administrator under a vol-
9 untary partnership program in effect prior to the
10 date of enactment of this Act.

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