

**Legislative Regulation  
Review Committee**

2010-033

Department of Consumer Protection

**SALE OF HARDWOOD PELLETS**

**STATE OF CONNECTICUT**  
**REGULATION**  
of the  
**DEPARTMENT OF CONSUMER PROTECTION**  
(NAME OF AGENCY)  
concerning  
**THE SALE OF HARDWOOD PELLETS**  
(SUBJECT MATTER OF REGULATION)

(NEW) **Section 1.** The Regulations of Connecticut State Agencies are hereby amended by adding section 43-27-1 as follows:

**43-27-1. Sale of hardwood pellets.**

- (a) For the purpose of this section, the term “hardwood pellets” means a processed wood product containing the pieces, remnants, sawdust, or any combination thereof, of hardwood trees or lumber that has been compressed or otherwise formed into relatively uniform shapes for use in stoves or hearths for the purpose of heating homes or structures. Additional ingredients within said pellets may include switchgrass, other types of grass, or other organic materials.
- (b) Hardwood pellets offered for sale within this state shall be sold by weight. The unit of measure shall be the pound. All packages of hardwood pellets shall have a net weight declaration and be subject to unit pricing pursuant to sections 21a-73 through 21a-77, inclusive, of the Connecticut General Statutes. Unit pricing, for the purpose of this section, means having a conspicuous label on or near any packages being sold at retail indicating the price per pound computed to the nearest cent.
- (c) The standards set forth in subsections (a) and (b) shall apply until such time as a standard is adopted by the National Conference on Weights and Measures and published in the National Institute of Standards and Technology Handbook 130, as amended, of the United States Department of Commerce.
- (d) Violations of this section shall be deemed an unfair or deceptive trade practice pursuant to the Connecticut Unfair Trade Practices Act, Chapter 735a of the Connecticut General Statutes.

**STATEMENT OF PURPOSE**

The purpose of these proposed regulations is to provide additional safeguards for consumers purchasing hardwood pellets by establishing a unit of measure, the pound, for this popular heating method.

The Department believes that properly measuring and labeling hardwood pellets using the unit price per pound will help avoid confusion in the marketplace, where this commodity may otherwise be sold by irregular measures such as the “barrel” or “truckload.” Pursuant to Conn. Gen. Stat. Section 21a-75, the Commissioner has the authority to designate which consumer commodities are subject to unit pricing.

The legal effect of this proposal would be to create a new regulation section that adds a unit of measure to be used in the sale of hardwood pellets and requires the posting of a unit price per pound.

Be it known that the foregoing:

Regulations  Emergency Regulations

Are:

Adopted  Amended as hereinabove stated  Repealed

By the aforesaid agency pursuant to:

Sections 4-168 and 43-27(d) of the General Statutes and

Section \_\_\_\_\_ of the General Statutes, as amended by Public Act No. \_\_\_\_\_ of the \_\_\_\_\_ Public Acts.

Public Act No. \_\_\_\_\_ of the \_\_\_\_\_ Public Acts.

After publication in the Connecticut Law Journal on \_\_\_\_\_ of the notice of the proposal to:

Adopt  Amend  Repeal such regulations

(If applicable): And  the holding of an advertised public hearing on \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_

WHEREFORE, the foregoing regulations are hereby:

Adopted  Amended as hereinabove stated  Repealed

Effective:

When filed with the Secretary of the State.  
(OR)

The \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

In Witness Whereof:	DATE 4/7/10	SIGNED (Head of Board, Agency or Commission) <i>Jerry Farrell</i>	OFFICIAL TITLE, DULY AUTHORIZED COMMISSIONER
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Approved by the Attorney General as to legal sufficiency in accordance with Sec. 4-169, as amended, C.G.S.:	SIGNED <i>WLB AK</i>	DATE 4/26/10	OFFICIAL TITLE, DULY AUTHORIZED ASST. ATTY. GENERAL
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- Approved
- Disapproved
- Disapproved in part, (Indicate Section Numbers disapproved only)
- Rejected without prejudice.

By the Legislative Regulation Review Committee in accordance with Sec. 4-170, as amended, of the General Statutes.	DATE	SIGNED (Clerk of the Legislative Regulation Review Committee)
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Two certified copies received and filed, and one such copy forwarded to the Commission on Official Legal Publications in accordance with Section 4-172, as amended, of the General Statutes.

DATE	SIGNED (Secretary of the State)	BY
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**INSTRUCTIONS**

One copy of all regulations for adoption, amendment or repeal, except emergency regulations, must be presented to the Attorney General for his determination of legal sufficiency. Section 4-169 of the General Statutes.

Seventeen copies of all regulations for adoption, amendment or repeal, except emergency regulations, must be presented to the standing Legislative Regulation Review Committee for its approval. Section 4-170 of the General Statutes.

Each regulation must be in the form intended for publication and must include the appropriate regulation section number and section heading. Section 4-172 of the General Statutes.

Indicate by "(NEW)" in heading if new regulation. Amended regulations must contain new language in capital letters and deleted language in brackets. Section 4-170 of the General Statutes.