



Statement of the Hearth, Patio & Barbecue Association
before the
Environment Committee
February 22, 2012
Senate Bill 84

Sen. Meyer, Rep. Roy and members of the committee:

The Hearth, Patio & Barbecue Association (HPBA) is an international not-for-profit trade association first established in 1980 to represent and promote the interests of the hearth products industry in North America. The association includes manufacturers, retailers, distributors, manufacturers' representatives, service and installation firms, and other companies and individuals - all having business interests in and related to the hearth, patio, and barbecue products industries. We appreciate this opportunity to offer comments on Senate Bill 84, An Act Concerning Outdoor Wood Furnaces.

As you know, manufacturers, retailers and distributors and consumers have been required to sell and install Outdoor Wood Furnaces (OWFs) following very prescript requirements under state law in Public Act 05-227 (Conn. Gen. Stat. 22a-174k) for the last 6 ½ years.

You also need to be aware of HPBA and the industry involvement in ongoing revisions to the Federal Regulations called the New Source Performance Standards (NSPS) which will include OWFs. The proposed Federal Regulations are expected to be published by mid-2012 with promulgation (enactment) by mid-2013.

As drafted, SB 84 would prohibit the use of an OWF during the period of May 1 through September 30 each year even if the consumer:

- Installed and operate their OWFs in full compliance with existing state law;
- Installed and operate their OWFs in rural areas or communities;
- Installed and operate their OWF in agricultural operations.

We are not aware of a commodity or product that people are entitled to purchase in the State of Connecticut but not use for five months of a year.

We urge the committee to hold SB 84 since it is not needed. Municipalities have the ability right now to enact these types of limitations on OWFs were they to so choose. If there is a need or demand for the restrictions due to smoke issues, local officials will likely take action.

A statewide ban on OWFs during five months of the year would have the unintended effect of shutting down all such furnaces even when temperatures dip and heat for home, small business and agricultural operations are needed. OWF owners who have no issues with smoke, or no neighbors adversely affected by them, are needlessly harmed.

As you know, our association has repeatedly reached out to the committee's leadership to develop comprehensive legislation that would put this controversy to bed. We reiterate today our willingness to do so and have included a summary of other state regulations and laws with our testimony.

Local health departments have the authority right now to investigate and mitigate smoke complaints. They also have the authority to issue “. . . *orders for abatement of wood smoke when they find it to be a public nuisance.*”¹ A 2009 test case in the Department of Public Health specifically upheld this use of local authority, and we believe this is the appropriate way to handle such cases. Complaints about excessive smoke can be investigated and mitigated more easily and quickly at the local level.

We understand that much of the criticism of OWFs in some quarters is based on smoke complaints. *Please know that upwards of 75 percent of all complaints that are lodged with DEP are in regard to just a handful of furnaces.* Banning all OWFs because of a small number of problem furnaces is overkill and unfair.

We are also concerned about the fact that if this bill is enacted in its current form, consumers who have invested thousands of dollars in their OWF will be left with a product they cannot use during five months of the year. This is a taking of property that simply has no justification.

HPBA believes the State of Connecticut *can* permit OWF use and achieve our air quality management objectives at the same time. For the foregoing reasons, we would urge you to take no action on SB 84.

¹ Statement of Ellen Blaschinski, branch chief, regulatory services branch, Department of Public Health, to the Public Health Committee, HB 6616, *An Act Establishing Wood Smoke to be a Public Nuisance*, March 6, 2009.