
January 24, 2019

The Honorable Andrew Wheeler
Acting Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Dear Acting Administrator Wheeler:

The purpose of this communication is to express the procedural and substantive concerns of Western Governors regarding the Environmental Protection Agency's (EPA) proposals to amend the New Source Performance Standards (NSPS) for new residential wood heaters, new residential hydronic heaters, and forced-air furnaces. The emissions from wood heaters represent a critical public health and environmental issue in the West. Since the 1980s, states have implemented regulatory and voluntary strategies to address these emissions. The efficacy of such strategies depends on an effective NSPS.

On November 30, 2018, EPA proposed extending the current NSPS compliance dates for wood heating devices. Per the Notice of Proposed Rulemaking (NPRM), [83 FR 61574](#), EPA sought comments on a "sell-through" provision for residential wood heaters. Such a provision would permit retailers to sell their current inventory beyond the current compliance date. In an Advanced Notice of Proposed Rulemaking (ANPRM), [83 FR 61585](#), EPA proposes additional changes to the NSPS.

On December 14, 2018, the Western State Air Resources Council (WESTAR) requested that EPA extend the comment periods for the NPRM and ANPRM for an additional 45 days to provide sufficient time for state regulators to fully evaluate these proposals. WESTAR also requested that EPA hold a second public hearing in the West, as the only hearing on these proposals was held in Washington, D.C., with a minimal two-week notice. EPA summarily denied these requests, hampering the cooperative federalism that this Administration has made a priority.

States are depending on the current compliance deadlines for these appliances to meet the responsibilities of their State Implementation Plans, as required by the Clean Air Act. As articulated in WGA Policy Resolution [2018-05, Air Quality and Methane Emissions Regulation](#), Western Governors request that EPA maintain the current NSPS compliance deadlines for new residential wood heaters. We also incorporate by reference WESTAR's January 14, 2019 comments to EPA in Docket ID No. EPA-HQ-OAR-2018-0195.

Western Governors encourage EPA to consult with state regulators regarding these proposals in addition to, and outside of, the public comment process and carefully consider their reasonable procedural requests in these and future proceedings. Thank you for your attention to this critical matter.

Sincerely,



David Ige
Governor of Hawai'i
Chair, WGA



Doug Burgum
Governor of North Dakota
Vice Chair, WGA