EPA's Wood-Burning Stove Ban Has Chilling Consequences For Many Rural People

It seems that even wood isn’t green or renewable enough anymore. The EPA has recently banned the production and sale of 80 percent of America’s current wood-burning stoves, the oldest heating method known to mankind and mainstay of rural homes and many of our nation’s poorest residents. The agency’s stringent one-size-fits-all rules apply equally to heavily air-polluted cities and far cleaner plus typically colder off-grid wilderness areas such as large regions of Alaska and the American West.

While EPA’s most recent regulations aren’t altogether new, their impacts will nonetheless be severe. Whereas restrictions had previously banned wood-burning stoves that didn’t limit fine airborne particulate emissions to 15 micrograms per cubic meter of air, the change will impose a maximum 12 microgram limit. To put this amount in context, EPA estimates that secondhand tobacco smoke in a closed car can expose a person to 3,000-4,000 micrograms of particulates per cubic meter.

Most wood stoves that warm cabin and home residents from coast-to-coast can’t meet that standard. Older stoves that don’t cannot be traded in for updated types, but instead must be rendered inoperable, destroyed, or recycled as scrap metal.

The impacts of EPA’s ruling will affect many families. According to the U.S. Census Bureau’s 2011 survey statistics, 2.4 million American housing units (12 percent of all homes) burned wood as their primary heating fuel, compared with 7 percent that depended upon fuel oil.

Local governments in some states have gone even further than EPA, not only banning the sale of noncompliant stoves, but even their use as fireplaces. As a result, owners face fines for infractions. Puget Sound, Washington is one such location. Montréal, Canada proposes to eliminate all fireplaces within its city limits.

Only weeks after EPA enacted its new stove rules, attorneys general of seven states sued the agency to crack down on wood-burning water heaters as well. The lawsuit was filed by Connecticut, Maryland, Massachusetts, New York, Oregon, Rhode Island and Vermont, all predominately Democrat states. Claiming that EPA’s new regulations didn’t go far enough to decrease particle pollution levels, the plaintiffs cited agency estimates that outdoor wood boilers will produce more than 20 percent of wood-burning emissions by 2017. A related suit was filed by the environmental group Earth Justice.
Did EPA require a motivational incentive to tighten its restrictions? Sure, about as much as Br’er Rabbit needed to persuade Br’er Fox to throw him into the briar patch. This is but another example of EPA and other government agencies working with activist environmental groups to sue and settle on claims that afford leverage to enact new regulations which they lack statutory authority to otherwise accomplish.

“Sue and settle “ practices, sometimes referred to as “friendly lawsuits”, are cozy deals through which far-left radical environmental groups file lawsuits against federal agencies wherein court-ordered “consent decrees” are issued based upon a prearranged settlement agreement they collaboratively craft together in advance behind closed doors. Then, rather than allowing the entire process to play out, the agency being sued settles the lawsuit by agreeing to move forward with the requested action both they and the litigants want.

And who pays for this litigation? All-too-often we taxpayers are put on the hook for legal fees of both colluding parties. According to a 2011 GAO report, this amounted to millions of dollars awarded to environmental organizations for EPA litigations between 1995 and 2010. Three “Big Green” groups received 41% of this payback, with Earthjustice accounting for 30 percent ($4,655,425). Two other organizations with histories of lobbying for regulations EPA wants while also receiving agency funding are the American Lung Association (ALA) and the Sierra Club.

In addition, the Department of Justice forked over at least $43 million of our money defending EPA in court between 1998 and 2010. This didn’t include money spent by EPA for their legal costs in connection with those rip-offs because EPA doesn’t keep track of their attorney’s time on a case-by-case basis.

The U.S. Chamber of Commerce has concluded that Sue and Settle rulemaking is responsible for many of EPA’s “most controversial, economically significant regulations that have plagued the business community for the past few years”. Included are regulations on power plants, refineries, mining operations, cement plants, chemical manufacturers, and a host of other industries. Such consent decree-based rulemaking enables EPA to argue to Congress: “The court made us do it.”

Directing special attention to these congressional end run practices, Louisiana Senator David Vitter, top Republican on the Senate Environment and Public Works Committee, has launched an investigation. Last year he asked his Louisiana Attorney General Buddy Caldwell to join with AGs of 13 other states who filed a Freedom of Information Act (FOIA) seeking all correspondence between EPA and a list of 80 environmental, labor union and public interest organizations that have been party to litigation since the start of the Obama administration.

Other concerned and impacted parties have little influence over such court procedures and decisions. While the environmental group is given a seat at the table, outsiders who are most impacted are excluded, with no opportunity to object to the settlements. No public notice about the settlement is released until the agreement is filed in court…after the damage has been done.

In a letter to Caldwell, Senator Vitter wrote: “The collusion between federal bureaucrats and the organizations entering consent agreements under a shroud of secrecy represents the antithesis of a transparent government, and your participation in the FOIA request will help Louisianans understand the process by which these settlements were reached.”

Fewer citizens would challenge EPA’s regulatory determinations were it not for its lack of accountability and transparency in accomplishing through a renegade pattern of actions what they cannot achieve through democratic legislative processes.

A recent example sets unachievable CO₂ emission limits for new power plants. As I reported in my January 14 column, a group within EPA’s own Science Advisory Board (SAB) determined that the studies upon which that
regulation was based had never been responsibly peer reviewed, and that there was no evidence that those limits can be accomplished using available technology.

Compared with huge consequences of EPA’s regulatory war on coal, the fuel source that provides more than 40 percent of America’s electricity, a clamp-down on humble residential wood-burning stoves and future water heaters may seem to many people as a merely a trifling or inconsequential matter. That is, unless it happens to significantly affect your personal life.

As a *Washington Times* editorial emphasized, the ban is of great concern to many families in cold remote off-grid locations. It noted, for example, that “Alaska’s 663,000 square miles is mostly forestland, offering residents and abundant source of affordable firewood. When county officials floated a plan to regulate the burning of wood, residents were understandably inflamed.”

Quoting Representative Tammie Wilson speaking to the *Associated Press*, the *Times* reported: “Everyone wants clean air. We just want to make sure that we can also heat our homes” Wilson continued: “Rather than fret over EPA’s computer – model – based warning about the dangers of inhaling soot from wood smoke, residents have more pressing concerns on their minds as the immediate risk of freezing when the mercury plunges.”

And speaking of theoretical computer model-based warnings, where’s that global warming when we really need it?

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