



HPBA Retailer NSPS Toolkit

HPBA intends this toolkit to be a resource for all retailers and distributors with questions about the NSPS. If you have any further questions, please contact Rachel Feinstein (feinstein@hpba.org), HPBA's Senior Manager – Government Affairs.

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EPA NSPS Enforcement Visit Checklist for Retailers

- ✓ **Be welcoming to the EPA or state enforcement officer.**
 - Do not kick them out of your shop or refuse to cooperate.
- ✓ **Show them around your store and answer their questions to the best of your ability.**
 - Remember, it is ok to not know the answer to a question, as long as you follow up with them after the visit (“I don’t have an answer for you today, but I will get you that information as soon as possible.”)
- ✓ **If something is found out of place during the visit, such as an operation manual not being near a floor model, get a copy of the operation manual immediately and place it in front of or near the floor model**
 - Ensure that a copy of the operation manual is always kept with the floor model in the future.
- ✓ **If the enforcement officer finds an appliance on your show floor that shouldn’t be there (such as a non-certified stove), be apologetic and remove the product from your store as soon as possible.**
 - Remember, the product cannot be sold or given away if it is not previously owned by a non-commercial owner. It must be disposed of.
- ✓ **After the visit, call or email your regional HPBA affiliate director.**
 - Alert them to the visit so they may alert others of an enforcement officer in the area to help stores have the needed technical person onsite for their potential visit.
- ✓ **Have questions about anything that came up during the visit?**
 - Contact Rachel Feinstein, HPBA’s Senior Manager – Government Affairs, via email at feinstein@hpba.org (preferred communication) or phone at 703-522-0086 ext. 109.

HPBA FAQ for Retailers on the 2020 Deadlines for Wood Heating Products

The new rule that US EPA issued in 2015 covers all new residential wood and pellet stoves and inserts, hydronic heaters, and forced-air furnaces. As the next deadline, May 15, 2020, looms closer, it is imperative that retailers and distributors focus on the details of that deadline. There are some industry efforts underway that **may** affect these deadlines, and this in turn, may have created some confusion.

The purpose of this FAQ is to clarify the **current** deadlines and requirements that all dealers and distributors must meet on or after May 15, 2020 or be in violation of federal law.

What can be offered for sale on or after May 15, 2020?

Wood and pellet stoves and inserts that:

- Were tested on or after March 16, 2015 with crib wood (the traditional EPA test method fuel) certified to meet Step 2 (i.e., at or below 2.0 g/hr)
- Were tested on or after March 16, 2015 with cord wood and certified to meet Step 2 (i.e., at or below 2.5 g/hr)

Residential hydronic heaters that:

- If tested using crib wood EPA method, must be Step 2-certified at 0.10 lb/mmBtu or less per test run.
- If tested using cordwood alternative method, must be Step 2-certified at 0.15 lb/mmBtu or less per test run.
- **NOTE:** If a hydronic heater was tested using the European standard to meet Step 1, it cannot be sold on or after May 15, 2020 unless it is retested and certified using the EPA or ASTM methods specified in the rule.

Residential forced-air furnaces that:

- Are Step 2-certified at 0.15 lb/mmBtu or less per test run.

What do and don't these requirements apply to?

- **Applies to** all new residential cordwood and pellet stoves and inserts, hydronic heaters, and forced-air furnaces
- **Does not** apply to appliances installed before May 15, 2020
- **Does not** apply to fireplaces

Did EPA provide any sell-through of products past the 2020 effective date?

- No, EPA will not be allowing any sell-through!

What work is HPBA doing that, if successful, would affect the standards as written?

- HPBA's legal challenge to parts of the NSPS could impact requirements of the rule.
- Also, HPBA-supported legislation in the U.S. House (H.R. 453) and U.S. Senate (S. 1857) would extend the effective date of Step 2 by three years, from May 15, 2020 to May 15, 2023. However, this legislation was not signed into law in time.

What should retailers and distributors be focused on now, given these uncertainties?

- The only thing certain is what is on the books today. Retailers and distributors **must** comply with the current law as it stands, and not any potential changes that may not come to fruition.
- Many wood and pellet stoves that were certified below 2.0 g/hr with crib wood before March 16, 2015 will need to be retested and certified as Step 2-compliant to be sold after May 15, 2020 because EPA made changes to the method.

How active is EPA in enforcing the NSPS?

- EPA has demonstrated that they are enforcing the rules currently in effect and will continue to do so.
- EPA has alerted retailers who still have uncertified pellet stoves on their floor or in their warehouse.
- Retailers should assume that EPA and state personnel could be actively enforcing Step 2 of the rule beginning in May of 2020.

In states that passed state laws preventing state agencies from enforcing the NSPS, what does/will enforcement look like?

- Even though state agencies in certain states that we know of (VA, MI, MO) are unable to directly enforce the rule, that doesn't stop the federal EPA from enforcing the rule.

For Step 1, how well did the industry handle the transition to the new standards?

- When the May 15, 2015 effective date for the current EPA certification (Step 1) arrived, there were many models that met the Step 1 standard. Also, we had a 7-month transition period (until December 31, 2015) to clean out inventory of any stoves or pellet stoves that was not certified at 4.5 g/h or less.
- Most manufacturers had at least some products that already met this 4.5 g/hr target and were 'Deemed Certified' by US EPA.

What can we expect as we transition to Step 2 of the rule?

- Step 2 will be a very different story. Many hydronic heater and furnace manufacturers, in particular, have few or zero products that meet Step 2, and the deadline is just a little over two and a half years away.
- On May 15, 2020, every wood or pellet stove or insert, hydronic heater, or forced-air furnace in your store and your warehouse **must** meet the Step 2 standards. Otherwise you are violating Federal law if you offer it for sale.

With the Step 2 effective date quickly approaching, what should retailers and distributors consider in our business decisions between now and May 15, 2020?

- At the rate the test laboratories are getting things tested, and at the glacial rate that EPA is issuing certificates, there will be **a lot fewer models available to sell** by May 15, 2020.
- If the winter of 2019 is warm in your area, you will have to make some REALLY GOOD DEALS, to salvage your investment, as **there is NO sell-through time after the Step 2 deadline!**

Should retailers only buy appliances that meet Step 2?

- No, retailers and distributors should NOT immediately stop buying anything that doesn't meet Step 2. If you did that, you wouldn't have as many choices in models to sell. Also, manufacturers need that revenue to complete testing and certification of Step 2 products. Remember, you still have one full selling season between now and the Step 2 deadline.

Can retailers resell used appliances under the NSPS?

- **Yes.** The NSPS is a "new source performance standard," which means it does not set standards for existing sources. There are no sales prohibitions on truly used appliances. However, retailers should verify whether there are any local and/or state regulations that may restrict sale of used stoves.

It is important to keep in mind that "used" stoves/heaters must have been owned and operated by a non-commercial owner, meaning a private party, such as a homeowner.

It is not enough to simply burn an appliance in a showroom or at a trade show. All provisions of the NSPS continue to apply to stoves used only by a commercial owner, including a dealer.

EPA defines "commercial owner" very broadly to mean "any person who owns or controls a wood heater in the course of the business of the manufacture, importation, distribution (including shipping and storage) or sale of the wood heater."

Can a retailer sell a Step 1 stove before May 15, 2020, even if it can't be installed until after the Step 2 effective date?

- Yes, you can sell a Step 1 stove before May 15, 2020 and yes, you can install it after the effective date. The rule defines "sale" as "the transfer of ownership or control." This is key because it does not say "transfer of ownership and control." However, it must be a transfer of ownership or control to the end-user/consumer, not to a middleman like a contractor or distributor.
- Be sure to document the sale. The appliance doesn't necessarily need to be in the physical hands of the owner, but there does need to be a clear sale (transfer of ownership).

Have Questions?

If you have any additional questions about the current regulations, please feel free to contact Rachel Feinstein (HPBA's Senior Manager – Government Affairs) at feinstein@hpba.org.

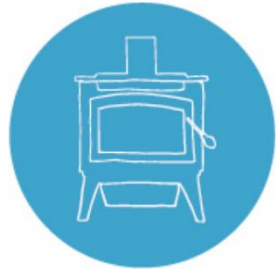


EPA's Wood Heater Regulations

What's the Truth and What are Just Rumors

RUMOR I'll be able to sell a product that was tested before 2015 and passed the Step 2 emissions requirements, even though the permanent label on the back says I can't sell the product after 2020.

FACT No, if it doesn't have a label on the product saying you can sell it after 2020, you must sell that product before May 15, 2020.



RUMOR HPBA is taking care of this sell-through issue. I'll be fine, I don't need to worry about selling all these Step 1 products by May 15, 2020.

FACT HPBA is doing the best we can to get sell-through for all products affected by the EPA's NSPS. But the rulemaking process is moving very slowly and EPA didn't even propose sell-through for all products.

RUMOR I can just give away a Step 1-certified product if I don't sell it before May 15, 2020.

FACT No, you can't. Transfer of ownership of a new affected product is not legal, even if no money is exchanged.

RUMOR I can just get a new label from the manufacturer to put on the product I currently have. If the model was tested, unchanged, and passed Step 2, I should just be able to switch out the label for the correct one.

FACT No, you cannot do this, and no manufacturer can do this.



RUMOR

If I burn the models in my store, I can sell them as used later, even if they don't meet Step 2.

FACT

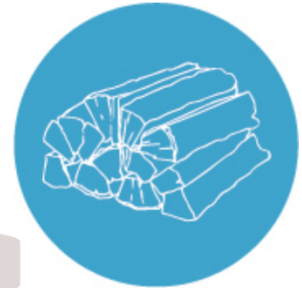
No. EPA clearly defines a "used stove" as a stove that has a clear chain of non-commercial ownership. As a retailer, you are considered a commercial owner of the products in your store.

RUMOR

I can just give away a Step 1-certified product if I don't sell it before May 15, 2020.

FACT

No, you can't. Transfer of ownership of a new affected product is not legal, even if no money is exchanged.



RUMOR

If I sell pellet stove models that are certified now, but used to be exempt, but it's the exact same model, I can still display the old version.

FACT

No that's what EPA is looking for in enforcement visits to retailers. You must sell these types of displays before May 15, 2020.

RUMOR

I live a long way from the interstate or any highly-populated area. My area is never going to see EPA enforcement make visits.

FACT

No, EPA enforcement has demonstrated that they will do enforcement anywhere, especially if you live near a national park or place of interest.

RUMOR

I don't have to have a floor model's manual "readily accessible to the consumer" in my store. That's such a trivial thing.

FACT

The NSPS states that a stove's manual must be "readily accessible to the consumer." It needs to be physically near the stove, either inside of it (if it isn't a burn model), next to it, in front of it, somewhere that it's apparent that it is the manual for that stove.

FOR MORE INFORMATION

Visit HPBA's website at www.hpba.org/Advocacy/EPAs-NSPS

HPBA NSPS Clarifications for Wood and Pellet Stoves

Certified Wood and Pellet Stove Permanent Labeling and What It Means for Retailers

EPA certified stove models fall into several categories depending on which Step of the current New Source Performance Standard (NSPS) they have achieved. The permanent labeling may be causing some confusion at the retail level about cut-off dates for allowable sales of different stove models. This document aims to clarify what appliances can be sold and when.

What must be sold before May 15, 2020?

There are three different labels you may see on stoves currently. These stoves must be sold before the effective date of Step 2 of the NSPS, currently May 15, 2020. They cannot be sold after Step 2 comes into effect. All of these must have average particulate matter (PM) emissions less than or equal to 4.5 grams per hour (g/hr).

Type	“Deemed Certified” and manufactured BEFORE May 15, 2015	“Deemed Certified” and manufactured AFTER May 15, 2015	Tested, certified, and manufactured per Step 1 after May 15, 2015
Manufactured date	Anytime before May 15, 2015	Between May 15, 2015 and May 15, 2020	Between May 15, 2015 and May 15, 2020
Label language	Permanent label indicates that the stove is certified to comply with July 1990 particulate matter emission standards.	“U.S. ENVIRONMENTAL PROTECTION AGENCY Certified to comply with 2015 particulate emission standards. Not approved for sale after May 15, 2020.”	“U.S. ENVIRONMENTAL PROTECTION AGENCY Certified to comply with 2015 particulate emission standards. Not approved for sale after May 15, 2020.”

Label Examples

“Deemed Certified” and manufactured BEFORE May 15, 2015	“Deemed Certified” and manufactured AFTER May 15, 2015 (same label for tested, certified, and manufactured per Step 1 after May 15, 2015)

What can be sold after May 15, 2020?

Step 2 Certified Models: these were tested and certified to Step 2 after May 15, 2015. They may be sold now and after May 15, 2020 **for as long as the certificate of compliance remains valid.**

- PM Emissions Requirements:
 - If the stove was tested using crib fuel: less than or equal to 2.0 g/hr; or
 - If the stove was tested using cordwood fuel: less than or equal to 2.5 g/hr

NOTE: Just because a stove currently certified by EPA has an emissions limit less than or equal to 2.0 g/hr or 2.5 g/hr does not necessarily mean it is Step 2 certified. A Step 2 certified product must comply with each of the following requirements:

Type	Step 2 Certified
Manufactured date	Anytime after May 15, 2015
Test Method	Model tested with EPA's testing protocol required by the 2015 NSPS
Label language	"U.S. ENVIRONMENTAL PROTECTION AGENCY Certified to comply with 2020 particulate emission standards using crib wood." OR "U.S. ENVIRONMENTAL PROTECTION AGENCY Certified to comply with 2020 particulate emission standards using cord wood."

Label Examples	
<p>Permanent Label for Step 2</p> <p style="text-align: right;">Back of Woodstove</p>	<p>Voluntary hangtag for models Step 2 certified before May 15, 2020 effective date.</p>

Retailers should contact their manufacturers for accurate information on which models are legal to sell after 2020.

The EPA's NSPS: Retailers & Distributors Must-Knows

1. EPA only recognizes two classes of trade: manufacturers and "everyone else."*

*Everywhere the word "retailers" is used in NSPS, it also refers to distributors.

2. As the rule is currently written, anything not meeting the Step 2 requirements cannot be sold or manufactured after May 15, 2020.

3. After December 31, 2015 only products certified may be offered for sale in your store, if they are covered by this rule.

4. Some exemptions eliminated: Pellet heaters and uncontrolled single burn rate heaters are no longer exempt

5. A wood or pellet stove is considered certified if:

- it has been certified at a laboratory after May 15, 2015 (the effective date of the rule), or
- it has been "deemed certified," meaning it was certified at or under 4.5 g/hr before the effective date.

6. A hydronic heater is considered certified if:

- it has been certified at a laboratory after May 15, 2015, or
- it has been "deemed certified" per recognition as such by the EPA or NY State.

7. A forced-air furnace (also known as a warm air furnace) has two different effective dates for Step 1 of the rule.

- Small add-on units (i.e. <65,000 BTUs/hr) must be certified by May 15, 2016 to be manufactured and sold after that date.
- Larger units (i.e. >65,000 BTUs/hr) must be certified by May 15, 2017 to be manufactured and sold after that date (note: the manufacture and sale of larger units are not affected by the NSPS until after May 15, 2017).

8. The December 31, 2015 deadline and all parts of the NSPS do not apply to:

- Coal-only stoves – note: no more wood/coal (multi-fuel) stoves allowed
- Cookstoves – as long as they meet the new definition (see top of page 33)
- Fireplaces – traditional – with non-gasketed doors
- Camping stoves

9. Stoves shipped to retailers after May 15, 2015 have new owner's manuals and catalytic stoves have temperature probes.

10. Pellet stoves certified after May 15, 2015 specify the grade of fuel used to test and instruct consumers to only use pellets that meet that grade.

11. All stoves certified after May 15, 2015 must post efficiency numbers and CO levels in addition to grams/hour in their manuals and on their websites.

12. Forced-air furnaces and hydronic heaters shipped after May 15, 2015 must include wood moisture meters and updated owner's manuals.

13. Step 2, currently set to come into effect May 15, 2020, sets the following new emissions requirements for all covered product categories:

- Wood and pellet stoves: 2.0 g/hr (if tested with crib wood); or 2.5 g/hr (if tested with cord wood)
- Hydronic heaters: 0.10 lb/mmBtu
- Forced-air furnaces: 0.15 lb/mmBtu