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**Tate, Michele**

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**From:** Kevin Stewart [kstewart@lunginfo.org]

**Sent:** Friday, February 12, 2010 4:17 PM

**To:** EP, RegComments

**Subject:** One-page Summary of Comments of ALAPA to EQB on OWB Proposed Rulemaking

Please review the attached one-page Summary of Comments.

**Kevin M. Stewart**

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**American Lung Association in Pennsylvania**  
**Summary of Comments before the Environmental Quality Board Regarding Provisions for the**  
**Control of Emissions from the Operation of Outdoor Wood-Fired Boilers**  
**February 12, 2010**

The American Lung Association in Pennsylvania (ALAPA) strongly supports the proposed rulemaking and respectfully advocates that the Board adopt the regulation proposed by the Department.

The American Lung Association regards with great concern the burgeoning use of outdoor wood-fired boilers (OWBs) and finds, supported by the literature and by accounts of affected persons, that

- these units produce emissions that are either poorly controlled or essentially uncontrolled;
- the production of emissions occurs at a rate that far exceeds those from other common major household sources, usually by an order of magnitude or two;
- the kinds of emissions from such units are among those that are most hazardous to health, and include acid gases, fine particle pollution, air toxics and carcinogens;
- the use of such units produces air pollution that is causally associated with days of increased symptoms and restricted activity, increased absenteeism, increased medication use and physician visits, asthma attacks, hospital admissions, emergency department visits, and premature death.
- the use of such units frequently results in loss of enjoyment of life and property for exposed persons;
- the siting, design, installation, operation, and fuels of such units each contribute to create locally high levels of air pollution, both for the users themselves and for nearby residents
- the more that OWBs are permitted to proliferate unchecked, the more we can expect to see increased air pollution levels, not only for affected localities, but also for the region as a whole.

In short, the Department cannot afford *not* to institute responsible regulations to control the emissions from OWBs. The only issues remaining are what regulations would be both effective and fair.

- The proposed rulemaking before the Board is substantially in keeping with language proposed by the NESCAUM in its *Model Regulation for Outdoor Hydronic Heaters*, and of the same tenor as – and in some respects, weaker than – that being considered by or already adopted by several other states.
- Municipalities have simply not adequately controlled this source of air pollution, and do not appear likely to do so. In a survey conducted over the past year of 831 municipalities in 22 randomly selected counties in Pennsylvania, fewer than 10% (only 70 municipalities) could be affirmatively identified as having in place an ordinance *of any kind* governing outdoor wood-fired boilers.
- ALAPA supports the Department's requirement that new OWBs meet the United States EPA's Phase 2 emissions standard of 0.32 pound PM per million Btu heat output. ALAPA would also support an orderly phase-in to help owners of older equipment transition to less polluting alternatives.
- ALAPA supports the Department's suggested seasonal restriction on OWB use between the dates of May 1 and September 30.
- ALAPA strongly supports an effective rule governing stack height.
- As for any concerns about issues such as the workability of the rule in steep topography, or its applicability to siting in non-residential areas, or its potential for adverse effects on the economic security of some individuals, ALAPA would support focused steps to deal with specific concerns, and the establishment of programs as may be necessary to assist disadvantaged or indigent populations to deal with economic hardship that adoption of this regulation may pose. However, under no circumstances would ALAPA accept that the need to deal with these difficulties would justify the abandonment of strong controls of OWBs and their emissions.

One person's privilege to engage in legal activity does not give that person the right to affect adversely the health of another. In other words, one person's choice to employ an OWB does not give that person a right to pollute a neighbor's air. Simply, a person's right to clean air, as guaranteed by Pennsylvania's Constitution, must be upheld.