

**Attorneys General of New York, Alaska, Maryland, Massachusetts, New Jersey, Oregon,  
Rhode Island, Vermont, Washington and the Puget Sound Clean Air Agency**

**May 21, 2021**

Chet Wayland  
Director, Air Quality Assessment Division  
US EPA Office of Air Quality Planning and Standards,  
109 T.W. Alexander Drive, Mail Drop E-143-02  
Research Triangle Park, NC 22710

Re: *Request that EPA Revoke Use of Alternative Test Methods 125 and 127 for New Source Performance Standard Wood Heaters Certification*

Dear Chet Wayland,

On behalf of the Attorneys General of New York, Alaska, Maryland, Massachusetts, New Jersey, Oregon, Rhode Island, Vermont, Washington and the Puget Sound Clean Air Agency, we write to request that EPA revoke alternative test methods 125 and 127, both based on ASTM 3053, to certify compliance with the New Source Performance Standard (the Standard) for wood heaters. These alternative test methods threaten to undermine the air quality benefits of the Standard.

As outlined in an April 28, 2021 letter from multiple state regulators to EPA, the Alaska Department of Environmental Conservation, New York State Energy Research and Development Authority, and Northeast States for Coordinated Air Use Management have together undertaken a comprehensive review and audit of wood heaters certified under test methods relying on ASTM 3053. These entities found that certifications relying on those alternative test methods suffer from deficiencies that artificially lower emissions during the certification tests. Alternative test methods 125 and 127 allow too much variability and manufacturer or laboratory manipulation to provide a result sufficient to determine compliance with the Standard. In light of these findings, we request that EPA reevaluate the authorizations for alternative test methods 125 and 127, and if EPA corroborates the reports' findings, revoke these alternative test methods. *See* 40 CFR §§ 60.8(b), 60.534(a)(1)(ii) (specifying authority to authorize alternative test methods); *see also* 40 CFR § 60.533(l)(1) (allowing revocation of certifications for wood heater models where test results cannot be replicated).

States continue to invest considerable resources to facilitate the exchange of older, more-polluting wood heaters for newer less-polluting units. Wood heater certifications based on deficient test methods, which produce artificially lower emissions than what can be achieved by homeowners, undermines these efforts. Furthermore, wood heaters with high particulate matter emissions pose dangers to the health of our residents, including vulnerable populations, such as children, the elderly, and environmental justice communities. EPA can mitigate these problems by requiring the use of either EPA's method 28R or alternative test method 140 (the Integrated Duty Cycle Test Method that EPA has indicated represents the future of certification test methods for wood heaters).

Last year, numerous States submitted an amicus brief supporting EPA’s authority to conduct auditing of wood heater certifications. *See States’ Amicus Brief, Hearth Patio & Barbecue Ass’n v. U.S. Env’tl. Prot. Agency*, No. 15-1056 (D.C. Cir. Sept. 21, 2020), ECF No. 1862523. In that amicus brief, we argued that manufacturers could effectively evade the Standard, and thus contribute to harmful air pollution, by using alternative test methods based on ASTM 3053 for test certifications and running tests more loosely than permitted by method 28R. For example, these methods do not require the use of fuel logs that are 5/6 the length of the firebox, and using shorter logs allows for cleaner burns. What is more, gaming the tests leads to results that cannot be replicated.

We now ask that EPA take the additional step of reviewing the reports and information brought forward by air regulators and other parties and to reassess using alternative test methods 125 and 127. If EPA findings corroborate the state air regulator’s reports—including that stoves certified under alternative test methods 125 and 127 do not reliably produce emissions below the Standard—then EPA should disallow the use of these methods. Moreover, when the certifications for wood heater models that used alternative test method 125 or 127 are up for renewal, EPA should require recertification testing using method 28R or alternative test method 140. *See* 40 CFR § 60.533(h)(2) (indicating certifications expire every five years).

Thank you for your attention to addressing this troubling threat to the air quality protections afforded by the Standard.

Sincerely,

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