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From: Schalles, Scott R.
Sent: Friday, December 11, 2009 7:56 AM
To: Gelnett, Wanda B.; Wilmarth, Fiona E.
Cc: IRRC
Subject: FW: Courtesy Copy of Comments before EQB on Proposed Rulemaking on OWBs
Attachments: Statement ALAPA by KMS on Proposed Rulemaking on OWBs Environmental Quality Board 120309.pdf

2802 comments

From: Kevin Stewart [mailto:kstewart@lunginfo.org]
Sent: Thursday, December 10, 2009 4:44 PM
To: Schalles, Scott R.
Subject: Courtesy Copy of Comments before EQB on Proposed Rulemaking on OWBs

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REVIEW COMMISSION

Mr. Schalles,

I understand that the IRRC would appreciate receiving items to review relevant to its role in the rulemaking process.

Please forward the attached comments to the appropriate persons and destinations.

Thank you very much.

Yours,

Kevin M. Stewart

Director of Environmental Health

American Lung Association in the Mid-Atlantic

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**Statement of
Kevin M. Stewart
Director of Environmental Health
American Lung Association in Pennsylvania**

**Before the
Environmental Quality Board
on the
Department of Environmental Protection's
Proposed Rulemaking at 25 Pa. Code Chapters 121 and 123
Regarding Provisions for the Control of Emissions of Particulate Matter
From the Operation of Outdoor Wood-Fired Boilers**

**Department of Environmental Protection
Northcentral Regional Office
208 West Third Street, Suite 101
Williamsport, Pennsylvania
December 3, 2009**

Good afternoon. I thank the Department of Environmental Protection (Department) and the Environmental Quality Board (Board) for your work and for the opportunity to present testimony on the proposed rulemaking for the purpose of controlling emissions of particulate matter (PM) from the operation of outdoor wood-fired boilers (OWBs). I am Kevin Stewart and I serve as Director of Environmental Health for the American Lung Association in Pennsylvania (ALAPA). I represent not only the one and one half million Pennsylvanians who suffer from chronic lung disease, but also the millions more who desire to breathe clean air and so protect their good health.

The Lung Association is the nation's oldest voluntary health organization. Our earliest predecessor agency in the Commonwealth was founded in 1892 to fight tuberculosis. We are now dedicated to our broader mission of improving lung health and preventing lung disease, a mission we carry out through education, community service, advocacy, and research. The Lung Association represents a body of scientific knowledge on the subject of lung disease, specifically on well-established links between air pollution and lung disease, both as a cause of new cases and as an exacerbating agent for existing conditions. We have been fighting for relief from air pollution since the middle of the last century.

In this respect, the Lung Association regards with great concern the burgeoning use of outdoor wood-fired boilers. It has been our observation, supported not only by the literature but also by first-person 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 and fine particle pollution; moreover, existing combustion science shows that we can expect emissions of air toxics and carcinogens to be high;
- the use of such units frequently results in adverse health consequences and loss of enjoyment of life and property for persons exposed to their emissions; and
- the siting, design, installation, operation, and fuels of such units each contribute to create locally high levels of air pollution, not only for the users themselves but also for residents of the surrounding area, pollution that, as OWBs have been more commonly installed and used, even has adverse impacts on regional air quality and on the ability to achieve and maintain ambient air quality standards for fine particle pollution.

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 Northeast States for Coordinated Air Use Management (NESCAUM) in its *Model Regulation for Outdoor Hydronic Heaters*, and of the same tenor as that being considered by or already adopted by several northeast states. Therefore, while we will offer a few additional considerations, the American Lung Association in Pennsylvania strongly supports the proposed rulemaking and respectfully advocates that the Board adopt the regulation proposed by the Department.

Current evidence is incontrovertible that particle pollution, such as that produced by outdoor wood-fired boilers, is causally associated with such adverse health outcomes as days of increased symptoms and restricted activity, missed days from work and school, increased medication use and physician visits, asthma attacks, hospital admissions, emergency department visits, and premature death.

Some effects can be immediate. Certain individuals' bodies respond so strongly to the pollutants emitted from such units that they are unable to remain in their own homes because of the fumigation effects that can occur in some localities as a result of proximity, topography, and weak air movement. Over a much longer time span, some pollutants from burning wood are understood to result in an increased risk of cancer, notably for people who are chronically exposed to such contaminants.

The more that poorly controlled outdoor wood-fired boilers are permitted to proliferate unchecked, the more we can expect to see increased air pollution levels, for affected localities, certainly, and even for the region as a whole. But even more important than that, we must remember that air pollution worsens and causes disease and even death for real people.

ALAPA recognizes that there are many sensitive groups within the population who are especially susceptible to fine particle pollution, notably a major type of pollution emitted from poorly controlled combustion. In Pennsylvania, we estimate that, of the population as a whole, about 22% are infants, children or youth under 18, and 15% are 65 or above; 12% (nearly one in eight people) have a chronic lung disease such as asthma, emphysema and chronic bronchitis; and 30% have some form of heart disease, while 6½% have diabetes. Any of the above puts people at higher risk of adverse health consequences from fine particle pollution, and some persons fall into more than one category. All told, these categories describe about half of the state's population. Estimates of the populations at increased risk from air pollution include:

- 2.8 million infants, children, and youth under 18
- 1.9 million persons 65 and above
- a quarter of a million children with asthma
- 900,000 adults with asthma
- a third of a million with chronic bronchitis
- 180,000 with emphysema
- 3.7 million with heart disease
- 800,000 with diabetes

According to the "Background and Summary" for the proposed rule, testimony the Board has already received, and the report of NESCAUM, *Assessment of Outdoor Wood-fired Boilers*, of 2006, as revised, the evidence is clear that OWBs deserve to be properly regulated if we as a Commonwealth are to be serious about achieving and maintaining air quality standards for PM. ALAPA wants to be clear that we support the Department and this Board in their work to craft just such necessary and proper regulations to preserve air quality and to protect public health.

We have read, with respect, the many comments by individuals who have written to secure their continued use of OWBs, and we have some suggestions to address their concerns, but we have also heard from and read the pleas of many others who are seeking to protect their health or that of their families, and to regain the use and enjoyment of their properties. We have seen repeatedly that persons who, in good faith, chose a place to live in a clean environment have been confronted with new, nearby OWB operations that at times made their homes unlivable. Although municipalities have certainly had the authority to impose certain restrictions on the use and siting of OWBs, they have in most cases, whether through lack of expertise, resources, or political will, failed to exercise that authority. Municipalities have simply not adequately controlled this source of air pollution, and do not appear likely to do so. That is why there is a need for this regulation.

The principle the American Lung Association follows here is simple, and the same that we employ when dealing with the matter of secondhand tobacco smoke – 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, the right of residents to the clean air guaranteed by Pennsylvania's Constitution must be upheld.

That being said, we have the following additional remarks:

- ALAPA supports the Department's requirement that new OWBs meet the United States Environmental Protection Agency's Phase 2 emissions standard of 0.32 pound PM per million Btu heat output. Given that most other states implementing such regulations have an effective date of April 1, 2010, for this requirement, Pennsylvania's provision would be consistent with those rules.
- ALAPA supports the Department's suggested seasonal restriction on OWB use between the dates of May 1 and September 30. Recognizing that this requirement may pose a hardship for those individuals who use OWBs as their sole source of heat, including hot water, some phase-in period for this provision may be appropriate.
- ALAPA strongly supports an effective rule governing stack height. NESCAUM reports have clearly demonstrated the necessity for such provisions. However, commenters have pointed out certain aspects of the stack height provisions that may prove to be unworkable. It may therefore be appropriate for the Department to consider steps to deal with situations regarding stack height in sloping topography so that undue burdens or safety hazards are not created even while the health of neighbors remains protected.
- When a property is bounded by extensive unoccupied properties on which no residence is permitted to be placed, ALAPA would be willing to consider an appropriate modification to the section of the regulation concerning siting OWBs with respect to property lines. We remain concerned that any such modification be ensured not to create local air pollution problems for others.
- ALAPA recognizes that in some circumstances, some users indicate that their use of OWBs contributes to their economic security. Therefore, separate from this regulation, we would support 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, it is critical to remember here that OWB users and their families are themselves likely to be exposed to elevated PM levels because of their use of these units, and that ALAPA continues to discourage their OWB use. ALAPA would favor efforts to assist persons to transition to less polluting alternatives.

Thank you for your attention. Should the Board have questions, I will do my best to answer them.

Respectfully submitted,

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