

# News Release



San Joaquin Valley  
Air Pollution  
Control District

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## **New rule governs wood-burning stoves and inserts prior to home sales**

[December 3, 2003] Beginning Jan. 1, 2004, homeowners in the San Joaquin Valley will be required to certify prior to selling a home that any fireplace inserts or free-standing stoves in the home meet the requirements of Air District Rule 4901: Wood-burning Fireplaces and Wood-burning Heaters. Under the rule, only pellet-fueled heaters, open-hearth fireplaces and EPA Phase II-certified inserts and stoves can be left in the home when it's sold. Home sellers will have to remove, replace or permanently render inoperable non-pellet or non-Phase II fireplace inserts or stoves before they can complete the real estate transaction.

The Valley Air District, which covers eight counties including San Joaquin, Stanislaus, Merced, Madera, Fresno, Kings, Tulare and the valley portion of Kern, adopted this requirement in July 2003 to reduce wintertime particulate pollution as mandated by the U.S. Environmental Protection Agency. Wood-burning fireplaces and stoves are a significant source of this type of pollution.

Wood stoves and fireplace inserts purchased prior to July 1, 1992, will most likely not meet the new requirement and will need to be removed before the close of the real estate transaction (or escrow). Wood stoves and fireplace inserts purchased after July 1, 1992, are more likely to be in compliance with the EPA Phase II certification requirement. To be certain, stove and insert owners should check for a metal plate or sticker that verifies the device's manufacture date and certification level. Although wood-burning heaters are now required to be EPA Phase II-certified before they can be sold, the homeowner should ensure that the sticker or label is present on used stoves or those imported from outside of the United States.

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Additionally, it is illegal to sell or install a non-EPA Phase II stove or insert unless it is a pellet-fueled heater. Old stoves may be re-sold for decorative purposes, but they must first be rendered permanently inoperable for burning.

“Compliance with this regulation is critical,” said Bob Kard, director of compliance at the Valley Air District. “Failure to comply could lead to the seller being responsible for future costs of replacement or removal of the equipment, and fines.”

For more information about this and other air quality or compliance issues, visit [www.valleyair.org](http://www.valleyair.org), or call the nearest District office: Modesto (209) 557-6400, Fresno (559) 230-6000 and Bakersfield (661) 326-6900.

- 30 -

#### PHASE II CERTIFIED

Phase II certified is any wood-burning heater or insert certified by the U.S. Environmental Protection Agency (EPA) to meet Phase II emissions and performance standards. Devices manufactured in the United States on or after July 1, 1990, or sold on or after July 1, 1992 must be Phase II certified. For more information, and a listing of certified devices, visit [www.epa.gov/compliance/monitoring/programs/woodstoves](http://www.epa.gov/compliance/monitoring/programs/woodstoves).

#### THE RULE

Section 5.2 of Rule 4901, requires that any wood-burning heater (i.e. wood-burning stove or fireplace insert) included with the sale or transfer of real property to be either an EPA Phase II Certified or a pellet-fueled heater. Any other type of wood-burning heater must be rendered permanently inoperable or removed. The seller is to provide the buyer and the Air Pollution Control District a signed statement that the property meets the requirements of the rule. There are no restrictions on the sale or transfer of property with open-hearth fireplaces, natural gas- or propane-fueled devices, or wood-burning cook stoves with ovens. Please note that it is unlawful to sell any used wood-burning heater unless it is EPA Phase II Certified or a pellet-fueled heater, or has been permanently rendered inoperable.