

116TH CONGRESS  
1ST SESSION

# H. R. 5391

To establish a voluntary program that strengthens the economy, public health, and environment of the United States by reducing emissions from wood heaters, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 11, 2019

Mr. WELCH (for himself and Mrs. RODGERS of Washington) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To establish a voluntary program that strengthens the economy, public health, and environment of the United States by reducing emissions from wood heaters, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Wood Heaters Emis-  
5 sions Reduction Act of 2019” or the “WHERA Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1           (1) ADMINISTRATOR.—The term “Adminis-  
2           trator” means the Administrator of the Environ-  
3           mental Protection Agency.

4           (2) AFFECTED WOOD HEATER MODEL.—The  
5           term “affected wood heater model” means a model  
6           of wood heater described in—

7                   (A) section 60.530(a) of title 40, Code of  
8                   Federal Regulations (or a successor regulation);  
9                   and

10                   (B) subsections (a) and (b) of section  
11                   60.5472 of that title.

12           (3) CERTIFIED CLEAN HEATER.—The term  
13           “certified clean heater” means a heater that—

14                   (A) has been certified or verified by—

15                           (i) the Administrator; or

16                           (ii) the California Air Resources  
17                   Board;

18                   (B) meets or has emissions below the most  
19                   stringent Step 2 emission reductions standards  
20                   described in the Final Rule;

21                   (C) with respect to an affected wood heater  
22                   model, has a thermal efficiency rating of not  
23                   less than 65 percent, as certified by the Admin-  
24                   istrator under the Final Rule; and

1 (D) is installed by a licensed or certified  
2 professional or verified by the State in which  
3 the heater is being installed.

4 (4) FINAL RULE.—The term “Final Rule”  
5 means the final rule entitled “Standards of Perform-  
6 ance for New Residential Wood Heaters, New Resi-  
7 dential Hydronic Heaters and Forced-Air Furnaces”  
8 (80 Fed. Reg. 13672 (March 16, 2015)).

9 (5) INDIAN TRIBE.—The term “Indian tribe”  
10 has the meaning given the term in section 4 of the  
11 Indian Self-Determination and Education Assistance  
12 Act (25 U.S.C. 5304).

13 (6) REGIONAL AGENCY.—The term “regional  
14 agency” means a regional or local government agen-  
15 cy—

16 (A) with jurisdiction over air quality; or

17 (B) that has received approval from the air  
18 quality program of the State of the agency to  
19 carry out a wood heater emissions reduction  
20 and replacement program.

21 (7) REPLACEMENT OF AN OLD WOOD HEAT-  
22 ER.—The term “replacement of an old wood heater”  
23 means the replacement of an existing wood heater  
24 that—

1 (A) does not meet the reductions standards  
2 described in paragraph (3)(B);

3 (B) is removed from a home or building in  
4 which the wood heater was the primary or sec-  
5 ondary source of heat; and

6 (C) is surrendered to a supplier, retailer,  
7 or other entity, as defined by the Adminis-  
8 trator, who shall render the existing wood heat-  
9 er inoperable and ensure the existing wood  
10 heater is disposed through—

11 (i) recycling; or

12 (ii) scrappage.

13 (8) STATE.—The term “State” means—

14 (A) each of the several States of the  
15 United States;

16 (B) the District of Columbia;

17 (C) the Commonwealth of Puerto Rico;

18 (D) Guam;

19 (E) the United States Virgin Islands;

20 (F) American Samoa; and

21 (G) the Commonwealth of the Northern  
22 Mariana Islands.

23 (9) WOOD HEATER.—The term “wood heater”  
24 means an enclosed, wood-burning appliance capable  
25 of and intended for residential space heating or

1 space heating and domestic water heating that is an  
2 affected wood heater model, including—

3 (A) a residential wood heater;

4 (B) a hydronic heater; and

5 (C) a forced-air furnace.

6 **SEC. 3. ESTABLISHMENT OF GRANT PROGRAM FOR WOOD**  
7 **HEATER EMISSIONS REDUCTIONS.**

8 (a) IN GENERAL.—Subject to the availability of ap-  
9 propriations, the Administrator shall establish a grant  
10 program that provides funding for grant, rebate, and other  
11 programs administered by States, regional agencies, and  
12 Indian tribes that are designed—

13 (1) to provide financial incentives to home-  
14 owners for the replacement of old wood heaters that  
15 greatly contribute to particulate pollution with more  
16 efficient, cleaner-burning heaters that are—

17 (A) properly installed; and

18 (B) certified clean heaters;

19 (2) to achieve significant reductions in emis-  
20 sions from wood heaters in terms of pollution pro-  
21 duced by wood heaters and wood heater emissions  
22 exposure;

23 (3) to help homeowners transition to safer and  
24 more efficient sources of heat; and

1           (4) to support retailers, installers, and manu-  
2           facturers that sell and make certified clean heaters  
3           that are more efficient and cleaner-burning.

4           (b) APPLICATIONS.—The Administrator shall—

5           (1) provide to States, regional agencies, and In-  
6           dian tribes guidance for use in applying for funding  
7           under this section, including information regard-  
8           ing—

9                   (A) the process and forms for applications;

10                   (B) permissible uses of funds received  
11           under this section; and

12                   (C) the cost-effectiveness of various emis-  
13           sion reduction technologies eligible for funds  
14           provided under this section;

15           (2) establish, for applications described in para-  
16           graph (1)—

17                   (A) an annual deadline for submission of  
18           the applications;

19                   (B) a process by which the Administrator  
20           shall approve or disapprove each application;

21                   (C) a simplified application submission  
22           process to expedite the provision of funds; and

23                   (D) a streamlined process by which a  
24           State, regional agency, or Indian tribe may

1           renew an application described in paragraph (1)  
2           for subsequent fiscal years;

3           (3) require States or regional agencies applying  
4           for funding under this section to provide detailed in-  
5           formation on how the State or regional agency in-  
6           tends to carry out and verify projects under the  
7           wood heater emissions reduction program of the  
8           State or regional agency, including—

9                   (A) a description of the air quality in the  
10           State or the area in which the regional agency  
11           has jurisdiction;

12                   (B) the means by which the project will  
13           achieve a significant reduction in wood heater  
14           emissions and air pollution, including the esti-  
15           mated quantity of—

16                           (i) residences that depend on non-cer-  
17                           tified clean heaters as a primary or sec-  
18                           ondary source of heat; and

19                           (ii) air pollution produced by wood  
20                           heaters in the State or the area in which  
21                           the regional agency has jurisdiction;

22                   (C) an estimate of the cost and economic  
23           benefits of the proposed project;

1 (D) the means by which the funds will be  
2 distributed, including a description of the in-  
3 tended recipients of the funds;

4 (E) a description of any efforts to target  
5 low-income individuals that own older wood  
6 heaters;

7 (F) provisions for the monitoring and  
8 verification of the project; and

9 (G) a description of how the program will  
10 carry out the replacement of old wood heaters,  
11 including—

12 (i) how the older units will be removed  
13 and placed out of service; and

14 (ii) how new heaters purchased with  
15 funding provided under this section will be  
16 installed; and

17 (4) require Indian tribes applying for funding  
18 under this section to provide detailed information on  
19 how the Indian tribe intends to carry out and verify  
20 projects under the wood heater emissions reduction  
21 program of the Indian tribe, including—

22 (A) the means by which the project will  
23 achieve a significant reduction in wood heater  
24 emissions;



1 (B) an estimate of the cost and economic  
2 benefits of the proposed project;

3 (C) the means by which the funds will be  
4 distributed, including a description of the in-  
5 tended recipients of the funds;

6 (D) a description of any efforts to target  
7 low-income individuals that own older wood  
8 heaters;

9 (E) provisions for the monitoring and  
10 verification of the project; and

11 (F) a description of how the program will  
12 carry out the replacement of old wood heaters,  
13 including—

14 (i) how the older units will be removed  
15 and placed out of service; and

16 (ii) how new heaters purchased with  
17 funding provided under this section will be  
18 installed.

19 (c) ALLOCATION OF FUNDS.—

20 (1) IN GENERAL.—For each fiscal year, the Ad-  
21 ministrator shall allocate funds made available to  
22 carry out this section—

23 (A) among States, regional agencies, and  
24 Indian tribes that submitted an application

1 under this section that was approved by the Ad-  
2 ministrator;

3 (B) of which not less than 4 percent shall  
4 be allocated to Indian tribes to perform func-  
5 tions that include—

6 (i) addressing subsequent mainte-  
7 nance costs resulting from the installation  
8 of wood heaters under this section; and

9 (ii) training qualified installers and  
10 technicians; and

11 (C) among different geographic areas and  
12 varying population densities.

13 (2) ALLOCATION PRIORITY.—The Administrator  
14 shall provide to each State, regional agency, and In-  
15 dian tribe described in paragraph (1) for a fiscal  
16 year an allocation of funds, with priority given to  
17 States, regional agencies, and Indian tribes that will  
18 use the funds to support projects that—

19 (A) maximize public health benefits, in-  
20 cluding indoor and outdoor air quality;

21 (B) are the most cost-effective;

22 (C) target the replacement of wood heaters  
23 that emit the most pollution;

24 (D) include certified clean heaters and  
25 other heaters that achieve emission reductions

1 and efficiency improvements that are more  
2 stringent than the Step 2 emission reductions  
3 standards, as described in the Final Rule;

4 (E) target low-income households;

5 (F) encourage the recycling of old wood  
6 heaters when replacing those heaters; and

7 (G) serve areas that—

8 (i) receive a disproportionate quantity  
9 of air pollution from wood heaters;

10 (ii) have a high percentage of resi-  
11 dents that use wood as their primary  
12 source of heat; or

13 (iii) are poor air quality areas, includ-  
14 ing areas identified by the Administrator  
15 as—

16 (I) in nonattainment or mainte-  
17 nance of national ambient air quality  
18 standards for particulate matter  
19 under section 109 of the Clean Air  
20 Act (42 U.S.C. 7409); or

21 (II) class I areas under section  
22 162(a) of that Act (42 U.S.C.  
23 7472(a)).

24 (3) UNOBLIGATED FUNDS.—Any funds that are  
25 not obligated by a State, regional agency, or Indian

1 tribe by a date determined by the Administrator in  
2 a fiscal year shall be reallocated pursuant to the pri-  
3 orities described in paragraph (2).

4 (4) STATE, REGIONAL AGENCY, AND TRIBAL  
5 MATCHING INCENTIVE.—

6 (A) IN GENERAL.—Subject to subpara-  
7 graph (B), if a State, regional agency, or In-  
8 dian tribe agrees to match the allocation pro-  
9 vided to the State, regional agency, or Indian  
10 tribe under paragraph (1) for a fiscal year, the  
11 Administrator shall provide to the State, re-  
12 gional agency, or Indian tribe for the fiscal year  
13 a matching incentive consisting of an additional  
14 amount equal to 30 percent of the allocation of  
15 the State, regional agency, or Indian tribe  
16 under paragraph (1).

17 (B) REQUIREMENT.—To receive a match-  
18 ing incentive under subparagraph (A), a State,  
19 regional agency, or Indian tribe—

20 (i) may not use funds received under  
21 this section to pay a matching share re-  
22 quired under this subsection; and

23 (ii) shall not be required to provide a  
24 matching share for any additional amount  
25 received under that subparagraph.

1 (d) ADMINISTRATION.—

2 (1) IN GENERAL.—Subject to paragraphs (2)  
3 and (3), States, regional agencies, and Indian tribes  
4 shall use any funds provided under this section—

5 (A) to develop and implement such pro-  
6 grams in the State or in areas under the juris-  
7 diction of the regional agency or Indian tribe as  
8 are appropriate to meet the needs and goals of  
9 the State, regional agency, or Indian tribe; and

10 (B) to the maximum extent practicable, to  
11 use the programs described in subparagraph  
12 (A) to give high priority to projects that serve  
13 areas described in subsection (c)(2)(G).

14 (2) APPORTIONMENT OF FUNDS.—The chief ex-  
15 ecutive officer of a State, regional agency, or Indian  
16 tribe that receives funding under this section may  
17 determine the portion of funds to be provided as  
18 grants and the portion to be provided as rebates.

19 (3) USE OF FUNDS.—A State, regional agency,  
20 or Indian tribe shall use funds provided under this  
21 section for—

22 (A) projects to complete the replacement of  
23 old wood heaters, including the installation of  
24 heaters and training of certified installers of  
25 heaters that—

1 (i) are at least as efficient and clean-  
2 burning as certified clean heaters; and

3 (ii) meet the purposes described in  
4 subsection (a); and

5 (B) with respect to Indian tribes, the pur-  
6 poses described in subsection (c)(1)(B).

7 (4) SUPPLEMENT, NOT SUPPLANT.—Funds  
8 made available under this section shall be used to  
9 supplement, not supplant, funds made available for  
10 existing State clean air programs.

11 (5) PUBLIC NOTIFICATION.—Not later than 60  
12 days after the date on which the Administrator  
13 makes funding available under this section each fis-  
14 cal year, the Administrator shall publish on the  
15 website of the Environmental Protection Agency—

16 (A) the total number of grants awarded  
17 and the amounts provided to States, regional  
18 agencies, and Indian tribes;

19 (B) a general description of each applica-  
20 tion of a State, regional agency, or Indian tribe  
21 that received funding; and

22 (C) the estimated number of wood heaters  
23 that will be replaced using funds made available  
24 under this section.

1           (6) REPORT.—Not later than 2 years after the  
2       date on which funds are first made available under  
3       this section, and biennially thereafter, the Adminis-  
4       trator shall submit to Congress a report evaluating  
5       the implementation of the program under this sec-  
6       tion.

7   **SEC. 4. OUTREACH AND INCENTIVES.**

8       The Administrator shall establish a program under  
9       which the Administrator shall—

10           (1) inform stakeholders of the benefits of re-  
11       placing wood heaters that do not meet the Step 2  
12       emission reductions standards described in the Final  
13       Rule;

14           (2) develop nonfinancial incentives to promote  
15       the proper installation and use of certified clean  
16       heaters; and

17           (3) consult with Indian tribes to carry out the  
18       purposes of this Act.

19   **SEC. 5. SUPPLEMENTAL ENVIRONMENTAL PROJECTS.**

20       (a) EPA AUTHORITY TO ACCEPT WOOD HEATER  
21       EMISSIONS REDUCTION SUPPLEMENTAL ENVIRON-  
22       MENTAL PROJECTS.—Section 1 of Public Law 110–255  
23       (42 U.S.C. 16138) is amended—

24           (1) in the heading, by inserting “and wood  
25       heater” after “diesel”; and

1           (2) in the matter preceding paragraph (1), by  
2       inserting “and wood heater” after “diesel”.

3       (b) SETTLEMENT AGREEMENT PROVISIONS.—Sec-  
4       tion 2 of Public Law 110–255 (42 U.S.C. 16139) is  
5       amended in the first sentence—

6           (1) by inserting “or wood heater” after “diesel”  
7       each place it appears;

8           (2) by inserting “, as applicable,” before “if the  
9       Administrator”; and

10          (3) by inserting “, as applicable” before the pe-  
11       riod at the end.

12   **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

13       (a) IN GENERAL.—There is authorized to be appro-  
14       priated to carry out this Act \$75,000,000 for each of fiscal  
15       years 2019 through 2025, to remain available until ex-  
16       pended.

17       (b) MANAGEMENT AND OVERSIGHT.—The Adminis-  
18       trator may use not more than 1 percent of the amounts  
19       made available under subsection (a) for each fiscal year  
20       for management and oversight of the programs under this  
21       Act.

○