

STATE OF ALASKA THE LEGISLATURE

2023

Source

HJR 11

**Legislative
Resolve No.**

7



Urging the United States Environmental Protection Agency to develop a woodstove certification program that addresses the threat to clean and healthy winter air in Fairbanks; and urging the state Department of Environmental Conservation to develop an economically and legally defensible state implementation plan for the Fairbanks North Star Borough nonattainment area.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

WHEREAS, in November 2009, the United States Environmental Protection Agency designated part of the Fairbanks North Star Borough a nonattainment area for fine particle pollution; and

WHEREAS, in May 2017, the United States Environmental Protection Agency reclassified the Fairbanks North Star Borough nonattainment area from moderate to serious for particulate matter 2.5 (PM2.5), which are fine inhalable particles with diameters that are generally 2.5 micrometers and smaller; and

WHEREAS PM2.5 pollution is of serious concern and is harmful to the health of

vulnerable Alaskans subjected to it; and

WHEREAS, in the winter, PM2.5 concentrations in the Fairbanks North Star Borough nonattainment area routinely exceed federal health-based standards; and

WHEREAS air quality issues could affect large-scale economic development, including military expansion; and

WHEREAS studies have identified wood burning as the greatest contributor of PM2.5 pollution; and

WHEREAS the state Department of Environmental Conservation has developed a state implementation plan to address wood burning as the root cause of PM2.5 pollution; and

WHEREAS actual PM2.5 pollution measured across the Fairbanks North Star Borough nonattainment area has halved as the result of efforts taken under the state Department of Environmental Conservation's moderate and serious state implementation plans; and

WHEREAS a significant reduction in PM2.5 emissions has been attributed to the replacement of solid fuel burning appliances, also known as woodstoves, with either new United States Environmental Protection Agency-certified solid fuel burning appliances or non-solid fuel burning appliance alternatives; and

WHEREAS United States Environmental Protection Agency-certified appliances installed in the Fairbanks North Star Borough nonattainment area did not decrease PM2.5 emissions when compared to previously installed solid fuel burning appliances because of the United States Environmental Protection Agency's failure to competently manage and implement testing standards for this program; and

WHEREAS the United States Environmental Protection Agency approved the state Department of Environmental Conservation's standards for wood-fired heating devices and solid fuel burning appliance control measures from the serious state implementation plan in September 2021, effectively supporting the state Department of Environmental Conservation's finding that the United States Environmental Protection Agency's national wood heater certification program is deeply flawed; and

WHEREAS, at the national policy level, the United States Environmental Protection Agency seems intent on turning attentions toward so-called greener sources of heat, including electric heat pumps, that will not work as solutions in the Fairbanks North Star Borough

because the second law of thermodynamics states that heat always moves from hotter objects to colder objects, unless energy in some form is supplied to reverse the direction of heat flow; and

WHEREAS residents of the Fairbanks North Star Borough need adequate and affordable sources of heat in harsh subarctic winter conditions, and the state Department of Environmental Conservation has acknowledged that a pathway for the use of solid fuel burning appliances is essential to these Alaskans; and

WHEREAS the state Department of Environmental Conservation's state implementation plan was crafted in adherence to an enormous effort from the local stakeholders group; and

WHEREAS the United States Environmental Protection Agency has yet to provide a working model necessary to dismiss overly burdensome and expensive controls on local power plants that insignificantly contribute to air pollution during air alert days in the Fairbanks North Star Borough; and

WHEREAS the United States Environmental Protection Agency proposes to mandate these more expensive controls, even though such an investment would be unlikely to reduce exposure to unhealthy air; and

WHEREAS the United States Environmental Protection Agency would further mandate ultra-low-sulfur diesel for home heating oil, driving up the cost of living for residents of the Fairbanks North Star Borough; and

WHEREAS these actions will drive residents to solid fuel burning appliances as a source of heat; and

WHEREAS the United States Environmental Protection Agency has nevertheless reverted to a liability-averse course of disapproval for the state Department of Environmental Conservation's state implementation plan that would impose costly and burdensome regulations;

BE IT RESOLVED that the Alaska State Legislature urges the United States Environmental Protection Agency to develop a woodstove certification program that the state Department of Environmental Conservation and residents of the Fairbanks North Star Borough nonattainment area can rely on to address the core threat to clean and healthy winter air in Fairbanks; and be it

FURTHER RESOLVED that the Alaska State Legislature urges the state Department of Environmental Conservation to continue efforts to develop and defend a state implementation plan for the Fairbanks North Star Borough serious nonattainment area that acknowledges the unique challenges Alaskans face, is economically and technically feasible, and is legally defensible, while avoiding costly and burdensome requirements that further such hardships; and be it

FURTHER RESOLVED that the Alaska State Legislature urges the state Department of Environmental Conservation to investigate all options to defend its state implementation plan, which reflects the community's needs and engagement, from federal attack, in court if necessary.

COPIES of this resolution shall be sent to the Honorable Joseph R. Biden, President of the United States; the Honorable Kamala D. Harris, Vice President of the United States and President of the U.S. Senate; the Honorable Deb Haaland, United States Secretary of the Interior; the Honorable Michael S. Regan, Administrator of the U.S. Environmental Protection Agency; and the Honorable Lisa Murkowski and the Honorable Dan Sullivan, U.S. Senators, and the Honorable Mary Peltola, U.S. Representative, members of the Alaska delegation in Congress.