



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
RESEARCH TRIANGLE PARK, NC 27711

February 25, 2021

OFFICE OF
AIR QUALITY PLANNING
AND STANDARDS

Mr. Brian Brunson
Intertek Testing Services NA LTD.
8431 Murphy Drive
Middleton, Wisconsin 53562

Dear Mr. Brunson,

The State of Alaska recently completed an independent review of over 200 compliance tests submitted to the United States Environmental Protection Agency (EPA) to support Step 2 certification applications for wood heater appliances. Alaska reviewed these reports to ascertain what newly certified appliances could be accepted into their program. Based on that review, Alaska determined that every test report had deficiencies and, as a result, has not cleared any appliance models for sale in Alaska. Please note that Alaska is a state that is highly dependent on wood heating as a source for home heating and a fine particulate matter (PM_{2.5}) nonattainment designation that has the North Star Borough in a very difficult situation needing the emissions reductions from certified lower emitting appliances.

(<https://dec.alaska.gov/air/burnwise/manufacturers-vendors/>)

Since the 2015 rulemaking (80 FR 13672; March 16, 2015), EPA has relied on Third Party certification review and assurances that the test reports coming from test laboratories are accurate and represent all required documentation collected in a manner consistent with regulatory requirements and specific test method criteria. The findings identified by Alaska reveal that there are serious and systematic problems to be addressed in the Third-Party Certification processes.

Staff in the Measurement Technology Group (MTG) within my division are now working with staff from the Office of Enforcement and Compliance Assurance's (OECA) Office of Compliance (OC) to review the findings from Alaska for current certified appliances as well as provide a more rigorous review of the test reports and other information that accompany all new applications for certification submitted to the Agency. For the review of those certified appliances, we are employing a template spreadsheet similar to the one used by the State of Alaska in their review. We will notify Alaska of where our findings differ from theirs and, if we find inconsistencies between their evaluation process and ours, we will work with them to help them understand the technical basis for our determination. This will be done in an effort to both verify their findings and provide clarity and transparency to the overall review process. To date, we have seen sufficient information to anticipate a number of major findings.

This letter serves as notice that the EPA will reject submitted test reports that do not meet the regulatory and test method-specific requirements laid out within 40 CFR 60, subparts AAA and QQQQ, and will also seek corrected test reports where documentation is missing, calculations are incorrect, and/or where other requirements are not demonstrated by the report documentation as being met. Rejection of the test report will result in a heater not being certified, which could result in additional costs to the manufacturer. For appliances where the manufacturer has already submitted test reports to the Agency and received certification, following our review and depending on the individual situation, we may require additional information, corrected reports, or new test runs to replace invalidated test runs. If an entire test report is invalidated, the certifications for those models may be revoked. We expect that Third-Party Certification of amended test reports will be thoroughly conducted with all requirements verified prior to these reports being resubmitted to the EPA.

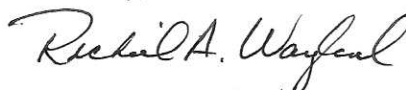
EPA regulations place the responsibility for compliance with the Wood Heater Rule requirement on each manufacturer, which is why they will be notified of any deficiencies in their testing or certification documentation by OECA. We recognize that through the rule defined process, the manufacturers, in turn, rely on the laboratories and Third-Party Certifiers to provide them with test reports that are appropriate for demonstrating compliance with the rule. Per the rule requirements of 60.533(f)(iii)(B) and 60.5475(f)(iii)(B) the Third-Party Certifier may only issue a Certificate of Conformity if (among other details) "...the test report is complete and accurate...". While this excerpt is not intended to sum up all requirements for a Certificate of Conformity, we stress that such a Certificate verifies that the accompanying test report is complete and accurate, and that the testing was conducted per the regulatory requirements. We anticipate that laboratories will be contacted for information to address any identified deficiencies including any testing or revised reports necessary to demonstrate full compliance with the rule(s). If EPA notifies a manufacturer of unacceptable testing or insufficiently documented test reports where you were the Third-Party Certification body of record, you will also be notified, with a copy mailed to your ISO accrediting bodies. Per your ISO accreditation, you will then need to conduct root cause analyses, document resolutions and new standard operating procedures (SOPs) that address the itemized concerns provided. We expect that future audits by your ISO Accrediting bodies will include reviews of your documentation demonstrating how you have addressed these issues and modified your process(es) to prevent future occurrences. If such report completeness and test report documentation issues are not resolved, and we continue to find need to reject test reports that you have Certified, the EPA would proceed to revoke your Approved Third-Party Certification body status. Third-Party Certifiers have a significant responsibility to the laboratories, manufacturers who pay for these tests, and to the American public who need clean burning wood heat.

The testing and certification of these appliances is a key aspect of EPA's wood burning appliance regulatory program. The Certification conducted in your office is much more than a pass/fail process for these appliances. Millions of dollars are being spent in airsheds across the country on change-out programs intended to replace older, dirtier appliances with newer, clean burning appliances and the verification that you provide through Certification of the test reports

are used for determining whether or not a manufacturer's appliances are chosen to participate in these programs. These test reports are intended to not only make a pass/fail statement about the appliance's performance during the test, but they must include sufficient documentation to provide the Administrator (or a state with rule delegation) with a full data set with which to assess the compliance status of the appliance as tested, from raw data sheets to reported emissions. Alaska had a reasonable expectation that these test reports would be complete and provide them with the information needed to help them with their decisions. In addition, the manufacturers who paid for the testing and certification had a reasonable expectation that the information needed by Alaska to make their decisions could be found in the test report and certification documentation. Other state air programs are also looking at wood burning appliances for change-out programs and replacement criteria. We intend to see that future testing and the documentation included in test reports are all appropriate for determining compliance with the Federal rules, and with respect to helping our regulatory partners implement meaningful programs to protect human health and the environment.

The EPA appreciates your participation in providing manufacturers and regulatory agencies with reports describing appropriate testing and containing thoroughly documenting test results. This is a key role in helping us implement a program that delivers results to the American public. For questions about this memorandum, or the process laid out within, please contact Mr. Steffan Johnson (johnson.steffan@epa.gov), Leader of the Measurement Technology Group.

Sincerely,



Richard A. Wayland

Director, Air Quality Assessment Division

cc:

Chuck French – OAQPS SPPD

Jacqueline Werner – OECA OC

John Dombrowski – OECA OC

Krishna Viswanathan – Region X

Martha Segall – OECA OC

Mike Koerber – OAQPS IO

Penny Lassiter – OAQPS SPPD

Robert Scinta – OECA OC

Rochelle Boyd – OAQPS SPPD

Steffan Johnson – OAQPS AQAD