



NEWS

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Air District wins legal challenge to wood burning rule

SAN FRANCISCO – The California courts have unanimously affirmed the Air District's authority to make manufactured logs sold and used in the Bay Area subject to the Air District's wood burning rule. The Air District's wood burning rule prohibits burning solid fuel, such as wood, wood pellets, and manufactured fire logs, when a Winter Spare the Air Alert is called, and requires solid fuel to contain a label informing consumers how to get information regarding the current burn status.

In mid-December, the California Supreme Court refused to review a First District Court of Appeals ruling rejecting Duraflame Inc.'s attempt to invalidate the Bay Area Air District's wood burning rule as it applies to manufactured fire logs. A stay that had been imposed on the Air District's enforcement of the labeling requirement for manufactured fire logs has now been lifted and the Air District will soon begin to enforce the labeling requirement at the retail, wholesale, and manufacturing levels.

As a result of the Supreme Court's decision, the California courts have unanimously affirmed that the Air District has the authority to prohibit burning of manufactured fire logs in the Bay Area when a *Winter Spare the Air Alert* is called, and to require that manufactured fire logs sold in the Bay Area contain a label informing consumers how to get information regarding the current burn status. These same provisions apply to other fire products, such as natural wood and wood pellets.

"The Court has affirmed the Air District's authority to write rules that protect public health and reduce harmful wintertime air pollution" said Jack Broadbent, executive officer of the Air District. "Soot from fireplace burning poses a significant public health threat that will be remedied by conscientious regulatory action."

Wood smoke from the 1.4 million fireplaces and wood stoves in the Bay Area can trigger asthma attacks making it difficult for people to breathe, especially children, seniors and those with heart or lung conditions. Wood smoke is the largest source of wintertime air pollution in the Bay Area and contains harmful pollutants such as hazardous soot and carbon monoxide, as well as toxins such as dioxin, which is linked to increased cancer rates in adults.

The public must check before they burn during the Winter Spare the Air season which runs from November 1 through February 28. When a *Winter Spare the Air Alert* is called, the burning of wood, manufactured logs or any other solid fuel is prohibited.

The daily burn status can be found:

- On the Air District Web sites: www.baaqmd.gov or www.sparetheair.org
- Via the toll-free hotline 1-877-4-NO-BURN (complaints can also be filed via the hotline)
- By signing up for AirAlerts at www.sparetheair.org or by signing up for phone alerts at
- 1-800-430-1515

The Bay Area Air Quality Management District (www.baaqmd.gov) is the regional agency chartered with protecting air quality in the Bay Area. For more information about Spare the Air, visit www.sparetheair.org.

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