

HOUSE JOINT RESOLUTION NO. 11

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES STAPP, Carrick, Dibert, Tomaszewski, Prax, Cronk, McCabe, Coulombe, Vance, Wright, Saddler, McKay

Introduced: 3/8/23

Referred: Resources

A RESOLUTION

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

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

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

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

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

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

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

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

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

28 **WHEREAS**, at the national policy level, the United States Environmental Protection
29 Agency seems intent on turning attentions toward so-called greener sources of heat, including
30 electric heat pumps that will not work as solutions in the Fairbanks North Star Borough
31 because the second law of thermodynamics states that heat always moves from hotter objects

1 to colder objects, unless energy in some form is supplied to reverse the direction of heat flow;
2 and

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

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

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

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

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

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

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

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

31 **FURTHER RESOLVED** that the Alaska State Legislature urges the state

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

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

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