

UNITED STATES OF AMERICA
ENVIRONMENTAL PROTECTION AGENCY

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OFFICE OF AIR AND RADIATION
OFFICE OF AIR QUALITY PLANNING AND STANDARDS

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PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE
2015 STANDARDS OF PERFORMANCE FOR
NEW RESIDENTIAL WOOD HEATERS,
NEW RESIDENTIAL HYDRONIC HEATERS,
AND FORCED-AIR FURNACES

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DOCKET NO. EPA-HQ-OAR-2018-0195

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MONDAY
JUNE 8, 2020

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The public hearing met via
teleconference, at 9:00 a.m. EDT, Chuck French,
OAQPS Group Leader, presiding.

EPA PANEL
CHUCK FRENCH, Hearing Panel Chair
MICHELLE BERGIN, Hearing Panelist
NJERI MOELLER, Hearing Panelist
NATHAN TOPHAM, Hearing Panelist

PUBLIC COMMENTERS

JOHN ACKERLY, Alliance for Green Heat
ROGER AYERS, Dreamstyle Remodeling
LAURA BENDER, American Lung Association

MICHAEL BENJAMIN, California Air Resources Board
(CARB)

RYAN CARROLL, Hearth, Patio & Barbeque
Association (HPBA)

JOHN CROUCH, HPBA

JESSICA GORDON, CARB

RICHARD HOFFMAN, HPBA

DALE HORIHAN, Lamppa Manufacturing

ANNE JACKSON, Minnesota Pollution Control Agency

LISA RECTOR, NESCAUM

RICHARD RUSSO, Russo Products

MARIA SMILDE, EarthJustice

PETER SOLAC, Woodland Stoves and Fireplaces

RODNEY TOLLEFSON, Central Boiler Inc.

MARY UHL, WESTAR

D. PEI WU, Oregon Department of Environmental
Quality

1 P-R-O-C-E-E-D-I-N-G-S

2 9:03 a.m.

3 MR. FRENCH: Good morning, everyone,
4 welcome. My name is Chuck French. I'm a Group
5 Leader in the EPA's Office of Air Quality
6 Planning and Standards.

7 I will be chairing today's public
8 hearing on the EPA's proposed amendments for the
9 standards of performance for new residential wood
10 heaters and new residential hydronic heaters and
11 forced-air furnaces, which is also commonly known
12 as the wood heaters new source performance
13 standards, or NSPS.

14 Welcome and thank you for coming
15 today. As I said, I'll be chairing the hearing,
16 but joining me on the panel are Nate Topham from
17 EPA's Office of Air Quality Planning and
18 Standards, who is also the current Project
19 Manager for the NSPS.

20 Also on the panel is Michelle Bergin,
21 a physical scientist from the EPA's Air Office
22 policy and strategies Group.

1 On May 22, 2020 EPA published in the
2 Federal Register proposed amendments to the wood
3 heaters NSPS. Due to the nationwide spread of
4 COVID-19 virus, EPA is proposing to allow more
5 time for retailers to continue selling Step 1-
6 certified residential wood heating devices.

7 The proposal, if finalized as
8 proposed, would allow retailers and vendors to
9 sell Step 1-certified wood heating devices from
10 the date of publication of the final rule, which
11 we project will occur in September given our
12 current schedule, and we've allowed retailers to
13 sell from that time until November 30, 2020, as
14 explained in the proposed Federal Register
15 notice.

16 The pandemic has resulted in
17 significant losses in retail sales due to
18 temporary closure of stores, stay-at-home
19 directives, and other restrictions implemented
20 across the country and the world.

21 As a result, vendors and retail stores
22 lost time, approximately 60 days, to sell their

1 remaining inventory of Step 1 units before the
2 May 15, 2020 compliance date. The additional
3 time proposed in this action, if finalized, would
4 help ensure that retailers regain time with
5 normal business operations lost due to the
6 pandemic.

7 Okay, well before we begin, I'd like
8 to go through a few housekeeping items and ground
9 rules that will help make today's hearing run
10 smoothly. This is our division's first virtual
11 hearing, so please bear with us as we work
12 through technical difficulties that we might
13 face.

14 Our goal is to make this as accessible
15 to as many members of the public as we can, which
16 is why we are not relying on a web-based system.

17 Okay, so here's how today's hearing
18 will work. All registered participants should
19 have received an email notification about today's
20 hearing that includes the approximate time when
21 each speaker will be asked to speak.

22 I will call on each speaker in the

1 order shown on the agenda. When I call you to
2 speak, the operator will unmute your line or you
3 may need to enter *6 on your phone to unmute.
4 Once I call your name, please state your first
5 and last name and spell it so we have accurate
6 information for the transcript.

7 This hearing will be transcribed and
8 included in a record of comments on this
9 rulemaking action and will be placed in the
10 docket for this rulemaking. Each speaker will
11 have five minutes to give comments.

12 One of the panel members will let you
13 know when you have one minute remaining and also
14 when you've reached your five-minute time limit.
15 To be fair to everyone, we are going to strictly
16 enforce the five-minute limit.

17 We are here mainly to listen to you
18 today, however, occasionally, a panel member may
19 ask clarifying questions regarding your comments.
20 When you are finished speaking, please remain on
21 the line until I am able to confirm that there
22 are no further clarifying questions from the

1 panel.

2 Once we are done with each speaker,
3 the operator will remute your line, and then I
4 will call on the next speaker, and so on.

5 I encourage each of you to also submit
6 a written copy of your testimony. As explained
7 in the Federal Register notice, comments must be
8 received on or before July 6, 2020. So, again, I
9 encourage everyone to submit written comments in
10 addition to the testimony.

11 If time allows, we will also ask if
12 any of those people on the listener line would
13 like to make a statement. So even if you did not
14 register in advance, we will try to accommodate
15 last-minute speakers, again, as time allows.

16 If you are not registered and want to
17 provide a statement or testimony, please contact
18 Kathy Mills, that's with a K, K-A-T-H-Y, Mills,
19 M-I-L-L-S. Her phone number is 919-541-1599.
20 I'll repeat that, it's 919-541-1599. Or you can
21 send Kathy an email at mills, M-I-L-L-S, dot
22 Kathy, K-A-T-H-Y, @epa.gov.

1 The operator, one of the panel
2 members, or Kathy will provide further
3 instructions for this process of registering
4 after we've finished hearing from the registered
5 speakers.

6 If speakers have additional comments
7 you would like to make or if you are listening
8 and don't get a chance to speak, you may submit
9 them in writing. Again, comments must be
10 received on or before July 6, 2020.

11 Let me assure you that EPA gives equal
12 consideration to both written and oral comments.
13 Instructions for submitting written comments and
14 other information to the docket are provided in
15 the May 22nd Federal Register notice.

16 Please note that there's a temporary
17 suspension of mail delivery to EPA, and no hand
18 deliveries are currently accepted. For this
19 reason, we encourage the public to submit
20 comments via regulations.gov or email, as
21 explained in the Federal Register notice. So see
22 the Federal Register notice for more details on

1 how to submit comments.

2 As shown on the agenda, we are holding
3 two sessions today, a morning session and an
4 afternoon session. We may close a session 15
5 minutes after the last pre-registered speaker has
6 testified if there are no additional speakers.

7 Furthermore, we may take short breaks
8 throughout the day as needed. Thank you again
9 for taking the time to share your comments on
10 EPA's proposal.

11 Okay, with that, I think we're ready
12 to get started. Our first speaker today is John
13 Ackerly. Again, please state your name and spell
14 it, and then you can begin your testimony. Thank
15 you. Johns, are you online?

16 MR. JOHNS: Remember to enter *6 to
17 unmute your line.

18 MR. ACKERLY: Can you hear me?

19 MR. FRENCH: Yes, John, I can hear
20 you.

21 MR. ACKERLY: Okay, thanks. Yeah,
22 this is John Ackerly, J-O-H-N, A-C-K-E-R-L-Y, and

1 I'm the President of the Alliance for Green Heat.
2 We are a 501(c)(3) non-partisan, nonprofit
3 organization in Maryland.

4 So thanks for holding this hearing. I
5 didn't expect to be the first speaker, but with a
6 name like Ackerly, I have often been the first
7 speaker.

8 Let me start by saying that we support
9 a partial limited sell-through but not one that
10 will result in more Step 1 units coming from
11 manufacturers into the retail market. That would
12 backfire.

13 There is a way to do this proposed
14 sell-through in a smarter, more targeted way, and
15 there's a way to do it that will add too much
16 wood smoke into communities and neighborhoods.

17 One of the roles of AGH, the Alliance
18 for Green Heat, is to bring greater transparency
19 to the wood heating (phonetic) community. In the
20 next two or three minutes we'd like to talk about
21 details that the EPA may not have considered.

22 We sympathize with millions of small

1 retailers who still have some Step 1 appliances.
2 Their predicament is partly, or in some cases
3 mostly, because manufacturers could not or did
4 not get them Step 2 appliances early enough.

5 Manufacturers had five years, and that
6 was enough time. Now it's the retailers' turn.

7 We do not think that manufacturers
8 should be able to sell or ship Step 1 units
9 during this proposed sell-through, unless the
10 manufacturer is also the only retailer and they
11 do not use other retailers.

12 On the EPA's website you say the
13 proposed amendments, if finalized, would provide
14 retailers more time to sell Step 1-certified
15 residential wood heating devices.

16 Please stick to your word and only
17 consider a sell-through for retailers, and do not
18 use this as a back doorway for manufacturers to
19 keep moving Step 1 units into the market.

20 As you know, many manufacturers held
21 off producing and selling their certified Step 2
22 products until 2019, thinking or just hoping that

1 there would be a sell-through.

2 If you happen to be a dealer who sells
3 those lines of stoves, you were put in a very bad
4 spot. Now HPBA has been a very good partner to
5 the EPA insofar as they have helped educate
6 retailers about the EPA regulations.

7 But they are a large organization
8 that's getting pulled in many directions, and
9 their policies are also very driven by
10 manufacturer concerns, not necessarily by
11 retailers. In 2019, they were still urging
12 retailers to buy Step 1 products. They said, and
13 I quote, manufacturers need that revenue to
14 complete testing and certification of Step 2
15 products. Remember, you still have one full
16 selling season between now and the Step 2
17 deadline, unquote.

18 The retailers tried to stop buying
19 Step 1 appliances, but some of the manufacturers
20 that they sold for pressured them to keep buying
21 Step 1 units.

22 Okay, the second way that the EPA can

1 make this a smarter targeted sell-through is to
2 limit it to stoves and not allow central heaters.
3 Step 1 central heaters have the potential to be
4 far more polluting than Step 1 stoves.

5 If the EPA is concerned with air
6 quality implications of a sell-through, the best
7 way to allay these concerns is to focus on
8 stoves, not the appliances that have the biggest
9 fire boxes and the biggest potential to cause
10 excessive smoke, and the worst reputation in the
11 industry.

12 In the upper Midwest, in the Great
13 Lakes states, hundreds or thousands more Step 1
14 central heaters could be installed in communities
15 that already have too many cheaper polluting
16 outdoor boilers and warm-air furnaces.

17 And it's patently unfair to companies
18 like Lamppa Manufacturing and Fire Chief, who are
19 even smaller than their competitors who did not
20 design a Step 2 unit. They deserve to recoup
21 their investment to design and certify Step 2
22 furnaces, not to be undercut by the EPA.

1 They followed your rules and your
2 timelines, and now you should not penalize them
3 for that and reward the companies that fought
4 your rules and thought they would not have to
5 comply on May 15th.

6 MR. TOPHAM: You have one minute.

7 MR. ACKERLY: Thank you. Out west,
8 many communities and valley towns experienced
9 severe weather inversions where winter time wood
10 smoke gets trapped close to the ground. These
11 are the areas that most need Step 2 appliances
12 and that don't need the cheaper, more polluting
13 Step 1 stoves to be competing in the marketplace
14 for yet one more heating season.

15 In anticipation of this likely sell-
16 through, we urge those communities, starting with
17 Fairbanks, Alaska, to adopt rules, if they
18 haven't already, that do not allow more Step 1
19 sales or installs.

20 And we also call on the EPA to
21 publicly recognize states and local jurisdictions
22 that may not allow this sell-through. The third

1 way to make this a smarter, more targeted sell-
2 through is to limit the time period to as little
3 as four weeks but no more than eight weeks.

4 Retailers lost two very slow months
5 due to COVID-19, and the EPA is proposing to
6 replace that with months during the peak of the
7 selling season.

8 Currently, an informal sell-through is
9 already happening as hundreds of retailers use
10 different methods to offload Step -- excuse me?

11 MR. TOPHAM: You have reached five
12 minutes.

13 MR. FRENCH: The five minutes is up.
14 We'll let you finish your last thought there, and
15 then we'll have to move on.

16 MR. ACKERLY: Okay. If anyone goes to
17 eBay today or tomorrow, you'll find hundreds of
18 new stoves.

19 Craigslist is another outlet. There's
20 currently an informal, illegal sell-through going
21 on, and EPA needs to do some more tangible
22 enforcement to stem this problem.

1 Thank you very much. I'll submit this
2 for the record.

3 MR. FRENCH: Okay, thank you. Thank
4 you, John. Do any of the panel members have
5 questions for Mr. Ackerly?

6 MR. TOPHAM: No.

7 MS. BERGIN: No, that was great.

8 MR. FRENCH: Okay, well, thank you for
9 your testimony, and, again, send written comments
10 to the docket. And we're ready for the next
11 speaker. Our next speaker is Laura Bender.

12 So, Laura, please state your name,
13 first and last, and spell it out for us, please?
14 And then you can begin your testimony.

15 MS. BENDER: Great, it's Laura, L-A-U-
16 R-A, Bender, B like boy, -E-N-D-E-R. Should I go
17 ahead?

18 MR. FRENCH: Yes, go ahead.

19 MS. BENDER: Good morning. My name is
20 Laura Kate Bender, and I'm the National Assistant
21 Vice President of Healthy Air at the American
22 Lung Association.

1 Our mission is to save lives by
2 improving lung health and preventing lung
3 disease. The American Lung Association opposes
4 the proposed delay in full implementation of Step
5 2 of the New Source Performance Standards for
6 residential wood heaters.

7 Allowing six months of additional
8 sales of polluting wood heaters will mean real
9 health terms for Americans. The COVID-19
10 pandemic makes it more important, not less, that
11 EPA fully implement and enforce the standards on
12 time.

13 As the nation's premier lung health
14 organization, to say the American Lung
15 Association takes the COVID-19 pandemic seriously
16 is an understatement. We put a high priority on
17 protecting the community we serve with lung
18 disease and the American public at large.

19 In fact, I'll take this moment to
20 remind everyone of the continued importance of
21 social distancing and handwashing, and note that
22 we have up-to-date information available at

1 lung.org/COVID-19.

2 But the pandemic is not adequate
3 justification for the action that EPA is
4 proposing due to the public health imperative of
5 cleaning up dangerous wood smoke pollution.

6 The 2015 New Source Performance
7 Standards place more protective limits on
8 pollution from new wood-burning stoves, boilers,
9 and furnaces, the first update to these standards
10 for these types of devices in 27 years.

11 The new standards reflect the improved
12 technology that was already widely in use. The
13 Lung Association advocated in strong support of
14 updating these standards and asked that they be
15 even more protective than what EPA proposed and
16 ultimately finalized.

17 Strong protections against wood smoke
18 emissions are critical because these emissions
19 include particulate matter, carbon monoxide,
20 nitrogen oxide, volatile organic compounds, and
21 hazardous air pollutants that include several
22 carcinogens.

1 In the short time since the updates
2 were finalized in 2015, the science on the health
3 harms of particulate matter has grown even more
4 alarming. The evidence is very clear that PM
5 causes premature death, short and long-term
6 respiratory problems, and cardiovascular harm.

7 Particle pollution also causes lung
8 cancer. The research also shows that long-term
9 exposure to PM is likely to cause central nervous
10 system harm and may also cause reproductive and
11 developmental impacts, including low birth weight
12 in babies and the development of diabetes.

13 No threshold exists from harms from
14 particulate matter, and the risk is not shared by
15 everyone equally. At the Lung Association we
16 often say that someone in every family is at an
17 increased risk of health harm from air pollution.

18 But in too many cases entire families
19 are at greater risk. In its 2019 integrated
20 science assessment for PM, EPA found that non-
21 white populations and especially black
22 populations faced higher risks from particle

1 pollution.

2 What's more, the COVID-19 pandemic
3 underscores the importance of lung health and,
4 unfortunately, has further exacerbated
5 disproportionate harms. Emerging evidence links
6 higher levels of particle pollution exposure over
7 the long term to higher death rates from COVID-
8 19.

9 During the pandemic, people who live
10 near polluting sources will face multiple threats
11 to their lungs at once, and even when the COVID
12 risk has subsided, the dirty wood stoves that
13 would be sold during this delay would continue
14 polluting communities for years and even decades
15 to come.

16 I'll also note that when the NSPS was
17 under development, the Lung Association urged EPA
18 to reduce the uncommonly long timeframe for
19 compliance. We said in 2014 EPA has neglected
20 its responsibility to update the standards for
21 new devices for 17 years, increasing the need to
22 provide the best systems of emission reduction as

1 soon as possible, not five to eight years down
2 the road.

3 Normally, new source performance
4 standards must be met immediately by the affected
5 industry. The technology needed to meet these
6 standards exists and is in use today.

7 The European system shows that
8 comparable units are possible and produce greater
9 efficiency in wood use and heat production.
10 Furthermore, many American manufacturers produce
11 many product lines that already meet the
12 standards.

13 The final rule did not heed our
14 request and included what we deemed an unusually
15 long phase-in period before the limits could come
16 into effect -- before the limits would come into
17 effect this year. However, the decision has
18 meant that retailers have ample time to plan to
19 comply with the May 15th deadline.

20 Then in April of this year EPA
21 declined to finalize this year's sell-through
22 period for more polluting wood heaters after

1 finding that the evidence did not support
2 manufacturers' and retailers' claims of harm in
3 complying with the original timeline.

4 In that final rule, EPA noted that the
5 peak selling season for new wood stoves ends in
6 March. And yet now in this proposed delay, EPA
7 cites retailer claims that the COVID-19 pandemic
8 began impacting sales on March 15th.

9 MR. TOPHAM: You have one minute.

10 MS. BENDER: It's difficult to imagine
11 how -- thank you. It difficult to imagine how a
12 maximum of 16 days of sales impacted in March
13 could possibly justify the six and a half months'
14 extension that EPA has proposed.

15 Here's the bottom line. Any delay in
16 the full implementation and enforcement of the
17 2015 standards will mean that homeowners will
18 install new wood-burning furnaces, boilers, and
19 stoves that produce far more dangerous air
20 pollution than modern, state-of-the-art, cleaner
21 units would.

22 The American Lung Association asks EPA

1 to reject this proposal and prevent real harm to
2 American families. Thank you.

3 MR. FRENCH: Okay, thank you. Any
4 panel members have questions?

5 MS. BERGIN: No, thank you.

6 MR. FRENCH: Okay, well, thank you for
7 your testimony, and please submit it to the
8 docket if you can. And we're ready for the next
9 speaker. Our next speaker is Lisa Rector.

10 Lisa, please state your name and spell
11 it for us please, and then you can begin your
12 testimony. Lisa, are you online?

13 You might have to press --

14 MS. RECTOR: Sorry, I had too many
15 mutes on. I apologize.

16 MR. FRENCH: No problem, okay. Thank
17 you.

18 MS. RECTOR: You're welcome. My name
19 is Lisa Rector. My last name is spelled R-E-C-T-
20 O-R.

21 MR. FRENCH: Okay, you can begin when
22 you're ready.

1 MS. RECTOR: Great, thanks. As I said
2 earlier, my name is Lisa Rector, and I am the
3 Policy and Program Director at NESCAUM.

4 NESCAUM is the regional association of
5 eight northeastern state air quality agencies,
6 and my testimony represents the majority view of
7 the NESCAUM member states.

8 From an overall use standpoint, wood
9 is not a major fuel source for residential
10 heating, but from a public health and air quality
11 standpoint, its impacts are significant. Per
12 EPA's own analysis, this source category is
13 responsible for 50 percent of all area source
14 cancer risks. During this pandemic, studies have
15 associated increased levels of particulate matter
16 with increased COVID-19 death rates. Now more
17 than ever, it is irresponsible for EPA to release
18 a rule that will increase PM emission levels.

19 EPA's current proposal suffers from
20 significant shortcomings. The proposed rule
21 allows manufacturers to continue shipping Step 1
22 appliance to retailers, yet we find it highly

1 questionable that retailers would have ordered
2 Step 1 appliances from manufacturers with only 60
3 days remaining before the Step 2 sales deadline.

4 EPA has also, once again, failed to
5 present a legal basis for allowing a sell-
6 through. A plain reading of Section 111(e) of
7 the Clean Air Act prohibits the installation of
8 any appliance that doesn't meet Step 2 standards
9 after the effective date of May 15, 2020. Deeply
10 concerning is EPA's failure to document,
11 estimate, or analyze the impact of COVID-19 for
12 this sector.

13 EPA did not undertake any effort to
14 estimate the amount of sales lost between March
15 15th and May 15th, thus has no basis for knowing
16 if the proposal will make retailers whole or
17 provide a loophole to sell more Step 1 devices
18 than would have occurred absent the pandemic.

19 Nor did EPA evaluate the comparability
20 of the purchases that will take place during the
21 four months of low enforcement combined with the
22 60-day sales period from October 1st through

1 November 30th.

2 Conversations with EPA indicate that
3 it has on hand monthly historical sales data.
4 EPA also has information from its 2018 proposed
5 sell-through rule, where industry made numerous
6 statements about their selling season, leading
7 EPA to conclude in its response to comments for
8 that proposed rule that the industry sales season
9 ends in March.

10 Furthermore, many sales outlets for
11 these appliances did not close. Large retail
12 outlets such as Home Depot, Lowe's, and others
13 remained open, and online sales options continued
14 to be available for many retailers.

15 EPA should have completed a regulatory
16 impact analysis. The lack of analysis is
17 difficult to understand given the Agency
18 completed just such a review for its 2018
19 proposed sell-through rule.

20 We recognize that COVID-19 might have
21 adversely affected small specialty hearth
22 retailers in those states with strong health

1 protective stay-at-home orders. EPA could have
2 employed 60 days of enforcement discretion this
3 summer.

4 Unfortunately, EPA's proposed approach
5 provides an overly broad sell-through EPA itself
6 denied two months ago, stating that there was not
7 sufficient rationale for sell-through after the
8 Step 2 compliance date.

9 Most disturbing is the preamble
10 statement that the sector will be a low-
11 enforcement priority for the Agency. The
12 statement, in effect, gives all industry a six-
13 month extension.

14 Historically, EPA's track record for
15 enforcement in this sector has been questionable
16 at best. In the past five years, to the best of
17 our knowledge, only one minor enforcement action
18 has taken place, despite NESCAUM and others
19 raising substantive issues and details on non-
20 compliant manufacturers to the Agency.

21 NESCAUM's review of EPA-approved test
22 reports used to certify model lines found

1 significant issues, raising serious concerns
2 about the efficacy of EPA's certification
3 program.

4 In reviewing publicly available test
5 reports, NESCAUM has yet to find a single failed
6 certification test. Are we to believe that in a
7 30-year timeframe every unit brought to the labs
8 passed?

9 Reviewing OECA's track record in this
10 sector does not instill faith that its efforts
11 have been effective in ensuring the development
12 of clean air appliances. To go on record to
13 state that this will now become an even lower
14 enforcement priority should raise serious
15 questions about OECA's commitment to protecting
16 the public from this critical source of
17 pollution.

18 MR. TOPHAM: You have one minute.

19 MS. RECTOR: Thank you. While these
20 are unprecedented times, EPA's response to
21 industry to provide relief goes well beyond the
22 burden COVID-19 placed on the sector.

1 The proposed rule is entirely absent
2 of data supporting the need for this action, nor
3 does it provide data to show that the remedy is
4 appropriate. Manufacturers and retailers had 60
5 months to prepare for Step 2 implementation.
6 With only two months left, this rule rewards
7 those who failed to plan appropriately and
8 punishes those who planned well.

9 We urge EPA to withdraw this proposal
10 as well as increase and improve OECA oversight to
11 achieve the already too-long delayed emission
12 reductions that the public sorely needs.

13 Thank you.

14 MR. FRENCH: Thank you, Lisa. Do any
15 panel members have questions?

16 MR. TOPHAM: No.

17 MR. FRENCH: Okay, well thank you for
18 your testimony, and please submit written
19 comments to the docket.

20 Our next speaker is Dale from Lamppa
21 Manufacturing. Dale, could you please state your
22 full name and spell it out for us? And then you

1 can begin your testimony. Remember to hit *6 to
2 unmute your line.

3 Are you there, Dale? Dale, you can
4 unmute your line by hitting *6. Hello, is --
5 Dale, are you on the line?

6 Okay, we can move on to the next
7 speaker and come back to Dale if he calls in. So
8 our next speaker is Richard Russo. Richard,
9 could you please state your full name -- first
10 unmute your line and then state your full name
11 and spell it for us, and then you can begin your
12 testimony?

13 MR. RUSSO: My name is Richard Russo,
14 R-U-S-S-O.

15 MR. FRENCH: Very good, you can begin
16 your testimony when you're ready.

17 MR. RUSSO: Okay, I'm Richard Russo,
18 owner of Russo Products, a distribution company
19 of wood and pellet-burning appliances.

20 I have been in this industry since
21 1974 as a manufacturer and a distributor. My
22 company sells to retail businesses throughout New

1 England, and due to COVID-19, I was unable to
2 sell Step 1 appliances for almost two months due
3 to state mandates.

4 On March 1st, we had 67 Step 1
5 appliances in inventory. This is the time of
6 year when retailers take advantage of deep
7 discounts to pass onto homeowners.

8 On May 15th, we had 45 Step 1
9 appliances remaining, valued at \$61,843. Where
10 business basically stopped due to the pandemic
11 and as a small business owner, I ask that extra
12 time be granted to sell through these Step 1
13 appliances.

14 The economic hardships that we have
15 all gone through due to the virus and not being
16 able to sell these Step 1 appliances only adds to
17 our greater losses. Thank you.

18 MR. FRENCH: Thank you. Do the panel
19 members have any questions?

20 MR. TOPHAM: No.

21 MS. BERGIN: No.

22 MR. FRENCH: Okay. Again, we

1 encourage you to submit written comments to the
2 docket, including testimony, and thanks again for
3 your testimony.

4 We'll move on to the next speaker.

5 MR. RUSSO: Okay, thank you.

6 MR. FRENCH: Thank you. The next
7 speaker is Ryan Carroll from HPBA. Ryan, are you
8 on? You can unmute your line and state your name
9 and spell it out for us, please?

10 Try pushing *6 to unmute your line.
11 Ryan Carroll, are you on? Ryan, if you're -- are
12 you on, Ryan?

13 MR. CARROLL: Yes, sir, I am.

14 MR. FRENCH: Okay, great. Could you
15 please state your name, your full name, and then
16 spell it out for us? And then you can begin your
17 testimony.

18 MR. CARROLL: Great. Thank you,
19 Chuck, I appreciate it. Good morning, I'm Ryan
20 Carroll. First name is R-Y-A-N. Last name is C-
21 A-R-R-O-L-L. I'm the Vice President of
22 Government Affairs for the Hearth, Patio &

1 Barbecue Association.

2 I would like to thank EPA for
3 continuing to look at sell-through -- add a sell-
4 through allowance under the 2015 new source
5 performance standards for residential wood
6 heaters and for allowing us the opportunity to
7 speak before you today.

8 The Hearth, Patio & Barbecue
9 Association, or HPBA, is the principal national
10 industry association representing manufacturers,
11 retailers, distributors, and representatives for
12 all types of hearth, barbecue, and patio
13 appliances, fuels, and accessories.

14 This includes solid fuel fire at home
15 heating appliances, including wood stoves, pellet
16 stoves, hydronic heaters, and forced-air
17 furnaces, all of which are appliances covered by
18 the 2015 NSPS.

19 HPBA endorses EPA's proposal to
20 provide a sell-through period for retailers with
21 stranded Step 1 inventory. Although EPA
22 determined in late March and early April of this

1 year to deny two years of additional sell-through
2 beyond May 15, 2020's Step 2 effective date of
3 the 2015 NSPS, the effects of the COVID-19
4 pandemic were not entirely clear at that time,
5 and the widespread social and financial impacts
6 were certainly not anticipated when the Agency
7 proposed the two-year sell-through in November of
8 2018, nor when EPA published the NSPS final rule
9 in 2015 obviously.

10 I will point out that there's a world
11 of difference between EPA's denied two-year sell-
12 through proposal and the proposed extension of
13 today, allowing dealers to recoup the final two
14 months of sales prior to an outright prohibition
15 on sale of these Step 1 appliances as of May 15,
16 2020.

17 In the 2015 NSPS, EPA regularly made
18 reference to a full five-year period to develop
19 and sell Step 1 appliances. In the November 2018
20 proposed rule for a two-year sell-through period
21 for Step 1 sales, EPA sought to ensure that the
22 full five-year compliance period is available so

1 that consumers, manufacturers, and retailers,
2 more importantly, are not adversely affected.

3 With the stay-at-home orders,
4 commercial closures, and greatly depressed
5 consumer spending due to the COVID-19 pandemic in
6 the two months leading up to the May 15, 2020
7 Step 2 effective date, there can be no doubt that
8 our industry, small business dealers across the
9 U.S., were deprived of the full five-year sales
10 period assumed by EPA.

11 Importantly, they were denied arguably
12 the most crucial two-month selling opportunity.
13 Had they been able to operate in late March, all
14 of April, and early May, dealers across the
15 nation would have been able to have held their
16 traditional season-ending sales. The promotional
17 selling opportunities this year were especially
18 needed for dealers with remaining Step 1
19 inventory, even if it meant selling units at a
20 significant loss.

21 Instead, the opportunity to
22 aggressively discount and sell appliances came to

1 an abrupt halt, essentially during our industry's
2 annual trade show, HPBA Expo, which many of our
3 dealers attended.

4 For many of the industry's businesses,
5 the shutdowns were even more stark with sales of
6 physical stock completely suspended, although
7 service calls and other safety-related operations
8 were allowed in many cases to continue.

9 It's important to note that the
10 current sell-through extension is not a
11 manufacturing extension, nor was the proposal in
12 the November 2018 notice of -- or proposed rule,
13 I'm sorry. This will not lead to a growing
14 stockpile of Step 1 appliances on the market as
15 manufacturers continue to produce Step 1
16 appliances. That's not what is contemplated
17 here.

18 Just as this is not a manufacturing
19 deadline that would dramatically increase the
20 number of Step 1 appliances on the market, the
21 existing inventory of Step 1 products is far
22 lower than it has ever been.

1 And the industry has worked diligently
2 to clear out Step 1 inventory in the run-up to
3 May 15, 2020. In many cases, this was done
4 through aggressive sales all winter with OECA's
5 endorsement, which we thank you guys for.

6 EPA also -- or HPBA also began
7 promoting a stoves-to-homes initiative in March
8 of this year, allowing industry to donate unused
9 clean-burning Step 1 stoves to qualifying
10 nonprofits.

11 Similar to a change-out program, the
12 initiative allowed for these clean-burning
13 appliances to go to families in need, generally
14 as replacements for units that can be decades-old
15 and much higher-polluting, combined with the --

16 MR. TOPHAM: You have one minute.

17 MR. CARROLL: Thank you. Combined
18 with the aggressive sales earlier in the season,
19 the existing inventory of Step 1 appliances is at
20 an all-time low.

21 We appreciate that it may be hard to
22 precisely quantify the loss of sales and revenue

1 from COVID-19 impacts, but we will work with our
2 dealer members to provide EPA that information in
3 the written comments.

4 However, a brief sell-through period
5 later this year would be consistent with EPA's
6 oft-stated intention to give the industry the
7 benefit of a full five-year period in which to
8 sell Step 1 inventory.

9 We're simply looking for a means by
10 which to ensure that this unprecedented global
11 pandemic not compound financial loss for our
12 industry.

13 EPA's proposed sell-through period is
14 one way to help small businesses in that regard,
15 and we urge the Agency to promulgate sell-through
16 as proposed.

17 I thank you again for allowing us to
18 appear with you today, and we look forward to
19 continuing to engage with the Agency throughout
20 the process. Thank you.

21 MR. FRENCH: Okay, well thank you.
22 Any questions from the panel?

1 MS. BERGIN: No.

2 MR. CARROLL: I appreciate it, guys,
3 thank you.

4 MR. FRENCH: Thank you for the
5 testimony. The next speaker, I'd like to see if
6 Dale from Lamppa is online.

7 Dale, are you online? Please unmute
8 yourself, push *6 on your phone or unmute if
9 you're on the computer. Dale from Lamppa
10 Manufacturing? Okay, I guess he's not available.

11 All right, well then let's move on to
12 the next speaker that we have, Maria from
13 EarthJustice. Maria, please unmute your phone.
14 You're the next speaker. Please state your name
15 clearly and spell it. Go ahead.

16 MS. SMILDE: My name is Maria Smilde,
17 that's M-A-R-I-A, S-M-I-L-D-E.

18 MR. FRENCH: Okay, thank you. Begin
19 your testimony, please.

20 MS. SMILDE: Yes, I'm here with
21 EarthJustice, that's spelled all one word. The
22 Clean Air Act does not authorize the EPA to

1 impose a sell-through date beyond May 15, 2020.

2 Section 111 of the Clean Air Act
3 requires the EPA to set performance standards
4 that reflect the best system of emission
5 reduction.

6 In 2015, the EPA adopted the current
7 set of standards which imposed stricter emission
8 limits for wood stoves with a May 2020 compliance
9 deadline, allowing five years for manufacturers
10 and retailers to prepare.

11 In order to amend this standard, the
12 EPA must show that the current requirements no
13 longer reflect the best system of emission
14 reduction, and provide a reasoned explanation for
15 why it is now disregarding its previous
16 conclusions. It has not done so, nor does it
17 assert that the proposed amendments reflect the
18 best system of emissions reduction at all.

19 It has instead sought to justify the
20 extension with reference to loss of retail sales,
21 but the proposal provides no detail on the extent
22 of retailers' lost revenue or how that loss of

1 revenue differs from what the EPA had previously
2 anticipated as a consequence of compliance.

3 Additionally, the EPA has provided no
4 analysis of the health burdens to be anticipated
5 by extending the compliance deadline, nor the
6 economic impacts to businesses that have been
7 prudent in ensuring compliance with the current
8 requirement.

9 In the EPA's own qualitative
10 assessment following its previous decision not to
11 extend sales of Step 1 stoves an additional two
12 years, it said that the sales season for wood
13 heating devices typically runs from October to
14 March.

15 The EPA is proposing extending the
16 sell-through period through November, which would
17 add two full months of sales during peak sales
18 season, despite retailers only losing
19 approximately half of a month of their peak sales
20 season to the COVID-19 pandemic. Thus, these
21 amendments have the potential to result in even
22 more non-compliant stoves being sold than would

1 have otherwise been sold had there been no
2 pandemic.

3 Considering the long lifetime of many
4 of these stoves, the harmful emissions resulting
5 from the extension is significant.

6 To the extent that retailers have made
7 a business decision to stock and continue to sell
8 Step 1 stoves as the deadline approached, the
9 people in those communities should not be the
10 ones to bear the negative consequences of those
11 decisions.

12 Particulate matter pollution has been
13 shown to cause a wide range of health problems,
14 including respiratory illness. Considering that
15 respiratory difficulties have been a common
16 COVID-19 symptom, the EPA should not use one
17 public health crisis to rationalize extending
18 another, nor does the Clean Air Act permit it to
19 do so.

20 Thank you.

21 MR. FRENCH: Okay, thank you. Do
22 panel members have any clarifying questions?

1 MS. BERGIN: No, thanks.

2 MR. FRENCH: Okay. Well thank you for
3 your testimony, and, again, please submit
4 comments to the docket. I'm going to ask again
5 if Dale from Lamppa Manufacturing, are you on the
6 line?

7 Dale from Lamppa Manufacturing would
8 be our next speaker if he's online. If so,
9 please press *6 to unmute.

10 Okay, well that's -- our next speaker
11 on the agenda was Mary from WESTAR, but she's
12 scheduled for 11:00 a.m.

13 Are there any other listeners that
14 would like to speak? If so, please contact Kathy
15 Mills. Kathy Mills, and her phone number is 919-
16 541-1599, or you can send her an email at mills,
17 that's M-I-L-L-S, dot Kathy, K-A-T-H-Y, @epa.gov.

18 So if there's any listeners that would
19 like to speak, please contact Kathy Mills.

20 Okay, well it looks like we don't have
21 any additional speakers at this time, so we'll
22 take a 15-minute break and resume at, let's say,

1 10:00 a.m.

2 We'll start the meeting again and see
3 if we have additional speakers ready to speak.
4 Okay, thank you, everybody. So a 15-minute
5 break. We'll reconvene at 10:00 a.m.

6 Thank you.

7 (Whereupon, the above-entitled matter
8 went off the record at 9:44 a.m. and resumed at
9 10:00 a.m.)

10 MR. FRENCH: Okay, welcome back,
11 everybody. Again, my name is Chuck French. I'm
12 the Chair of the panel for today's hearing.
13 Today's hearing is regarding the proposed
14 amendments for the wood heaters NSPS that were
15 published on May 22nd.

16 On the panel with me today we have
17 Nate Topham joining me, who's an engineer from
18 the Office of Air Quality Planning and Standards,
19 and the current Project Manager for the wood
20 heater NSPS project.

21 And also joining on the panel is
22 Michelle Bergin, from the Air Office policy and

1 strategies group.

2 Okay. Welcome, everybody. Just a
3 reminder, a quick reminder for anybody that's
4 new, I'll announce registered speakers. Once I
5 call on you, we want you to say your name clearly
6 and spell it out so that we can get an accurate
7 recording of the name and information, and then
8 you'll have five minutes to present your
9 testimony.

10 One of the panel members will give a
11 warning when there's one minute left. They'll
12 let you know that you have one minute remaining,
13 and then when you've -- also let you know when
14 you've reached your five-minute time limit.

15 We encourage everybody to submit
16 written comments, their testimony as well as any
17 other written comments that they have. And
18 details on how to submit comments are provided in
19 the Federal Register notice published on May 22,
20 2020.

21 If you have not registered to speak
22 and you want to speak, please contact Kathy

1 Mills, that's Kathy with a K, K-A-T-H-Y, Mills is
2 M-I-L-L-S. Kathy's phone number is 919-541-1599.
3 I'll repeat that. It's 919-541-1599, and the
4 email address is mills, M-I-L-L-S, dot Kathy, K-
5 A-T-H-Y, @epa.gov. So if you have not yet
6 registered to speak and you want to register,
7 please contact Kathy Mills.

8 With that, I guess first before we get
9 started I wanted to check and see if Dale from
10 Lamppa manufacturing has joined us. Dale, if
11 you're online, Dale, you're the next speaker. If
12 so, please unmute your line.

13 If you're on a phone, you have to
14 press *6 to unmute your line. So please do so.
15 Dale from Lamppa, you're the next speaker.

16 Go ahead and unmute yourself and state
17 your name clearly and spell it out, and then you
18 can begin your testimony.

19 So, Dale, are you online?

20 Okay, I guess Dale is not able to join
21 us yet. Are there any other registered speakers?
22 Let's see, Kathy Mills, anybody else registered?

1 No, not yet.

2 Okay, well, the next speaker on our
3 agenda is actually 11:00 a.m., so if we don't
4 have any speakers now, we'll just sit tight, and
5 we'll keep the line open so we're here as if --
6 so we're still available.

7 If you decide you want to speak,
8 please contact Kathy Mills. Again, her phone
9 number is 919-541-1599, and again, we welcome
10 written comments. Please submit them to the
11 docket, as explained in the May 22nd Federal
12 Register notice.

13 Okay, so we'll leave the line open,
14 and we'll check back in every ten minutes or so
15 to see if we have any speakers. So I'm just
16 going to leave the line open and check back every
17 ten minutes or so to see if we have any speakers,
18 and we'll go from there.

19 Our current plan is to break for
20 lunch, we'll see exactly what time that is. It
21 will be somewhere around noon time but maybe
22 earlier depending on whether or not we have

1 speakers in that last hour.

2 It's scheduled for 12:00 p.m. --

3 (Simultaneous speaking.)

4 MR. FRENCH: Oh, do I hear -- is that
5 Dale?

6 MR. CROUCH: Chuck, this is John
7 Crouch.

8 MR. FRENCH: Hi, John.

9 MR. CROUCH: I'm prepared to speak.

10 MR. FRENCH: You'd like to go ahead
11 and speak. Yes, I had you on -- yeah, okay,
12 good. So, yeah, we had you on the afternoon
13 session, but if you'd like to go ahead and do
14 your testimony now, that would be great.

15 Is that what you want to do?

16 MR. CROUCH: Yes, sir.

17 MR. FRENCH: Okay, great. So our next
18 speaker is John Crouch. If you could please
19 state your name clearly and then spell it out,
20 and then you can begin your testimony.

21 MR. CROUCH: Certainly. I'm John
22 Crouch, C-R-O-U-C-H, Director of Public Affairs

1 for the Hearth, Patio & Barbecue Association,
2 HPBA. I would like to add some additional
3 comments to those that were given by our Vice
4 President, Mr. Ryan Carroll.

5 By way of background, I have for the
6 last 32 years, beginning as a retailer in
7 Colorado, worked on, advised, and organized wood
8 stove change-out programs in the U.S. and Canada.
9 On behalf of the industry, I've worked and
10 partnered with the U.S. EPA, several chapters of
11 the American Lung Association, and virtually all
12 of the states with fine particulate issues
13 related to wood smoke, especially Oregon,
14 Washington, Alaska, Colorado, Idaho, Montana,
15 Utah, Arizona, and California.

16 In the process of advising and
17 organizing all of these change-outs, I have come
18 to know a great many local wood stove retailers,
19 particularly in small rural communities. It is
20 on their behalf that I offer some thoughts.

21 But first, I should address an
22 obvious, if unspoken, question that some may

1 have. Why, if this is so important, haven't more
2 of these small businesses come forward
3 themselves?

4 And the answer is simple. They are
5 afraid. For months their businesses have been
6 closed or have seen significantly reduced traffic
7 due to COVID-19 mitigation efforts. Their
8 businesses' employees are at a risk of closing
9 permanently or being severely hurt economically.

10 Further, many of the retailers that
11 need this relief, correctly or not, are afraid of
12 publicly announcing that they did not clear their
13 stock out in time. They are afraid that that
14 would invite enforcement, either from OECA or
15 their local state agency. Consequently, I am
16 here to speak on their behalf. I suggest there
17 are four things to keep in mind.

18 Most of the dealers do not have any
19 Step 1 stoves, particularly those dealers in
20 larger markets. But of the 20 to 35 percent of
21 the dealers who do have Step 1 appliances, these
22 represent a significant loss to these very small

1 rural businesses, principally in small towns.

2 The dealers that do have Step 1 units
3 may have only 5 to 15, although often they are
4 pellet-burning stoves, which have a higher
5 wholesale value. So the total wholesale value to
6 the dealer may be between \$15,000 and \$30,000 per
7 store. And that may represent a significant
8 percentage of that store owner's net income for
9 the year.

10 Third, many of these stoves, as I
11 said, are pellet stoves and a good number of the
12 cord wood stoves were already certified at less
13 than 3.5 grams an hour, and some stoves at less
14 than 2 grams an hour. All stoves had to be
15 recertified after 2015, even those that were less
16 than 2 grams an hour in the laboratory due to the
17 way the rule was written. And that impacted the
18 number of Step 1 units.

19 Fourth, some have suggested that these
20 stoves are substantially dirtier than Step 2
21 stoves or furnaces or hydronic heaters. But the
22 plain truth is that the EPA has done no in-home

1 testing of Step 2 or Step 1 units and has no way
2 of knowing if these stoves are an improvement or
3 not.

4 So on behalf of small retailers in
5 Wisconsin, Tennessee, Oregon, California,
6 Minnesota, Ohio, New Hampshire, and many other
7 states, I urge you to finalize this proposal. It
8 is not a major impact on the environment, and it
9 not will have a major impact -- but it will have
10 a major impact on many small businesses in rural
11 communities that have been hard hit by the
12 economic shutdown.

13 MR. TOPHAM: You have one minute.

14 MR. CROUCH: Thank you.

15 MR. FRENCH: Okay. Thank you, John.

16 You have a little less than a minute left. Do
17 you have any other remarks, or that's your --

18 MR. CROUCH: No, that's what I wanted
19 to say.

20 MR. FRENCH: Very good, thank you.

21 Any of the panel members have clarifying
22 questions?

1 MS. BERGIN: No, thank you.

2 MR. FRENCH: Well thank you, John,
3 and, again, please submit written comments to the
4 docket, and thanks for your testimony.

5 I guess I'll check again, our next
6 speaker would be Dale from Lamppa manufacturing,
7 if Dale is on the line? Remember to -- Dale, if
8 you're there, unmute -- press *6 to unmute your
9 phone or if you're on the computer you can
10 unmute.

11 Dale, are you there? No. Okay, are
12 there any other speakers that want to speak now?
13 Okay. Did Mary from WESTAR join us yet by any
14 chance?

15 Okay, so I guess we'll just, again,
16 keep the line open. So in another ten minutes or
17 so we'll check in.

18 MS. UHL: I am. This is Mary.

19 MR. FRENCH: Hi, Mary.

20 MS. UHL: I am here, but I'd prefer to
21 wait until 11:00 a.m. so that our members can
22 listen in.

1 MR. FRENCH: Yeah, I understand,
2 that's fine. On the West Coast it's still pretty
3 early. All right, no problem, so we'll just
4 check back in in ten minutes.

5 Thank you, everybody.

6 (Whereupon, the above-entitled matter
7 went off the record at 10:12 a.m. and resumed at
8 10:22 a.m.)

9 MR. FRENCH: Okay, welcome back,
10 everybody, and to those new people, welcome. My
11 name is Chuck French. This is the public
12 hearing, the virtual hearing, for the wood
13 heaters new source performance standards proposed
14 amendments.

15 The proposed amendments to the wood
16 heaters were published in the Federal Register on
17 May 22nd. I encourage people to go read that and
18 submit written comments, as described in the
19 Federal Register notice.

20 So today's public hearing, again, is
21 regarding the wood heaters NSPS proposed
22 amendments, and my name is Chuck French. I'm the

1 Chair of today's hearing.

2 Joining me on the panel are Nate
3 Topham from the Office of Air Quality Planning
4 and Standards. Nate is the current project
5 manager for the NSPS rulemaking activities.

6 Also joining me on the panel is
7 Michelle Bergin. Michelle is a physical
8 scientist with the Air Office policy and
9 strategies group.

10 Each speaker has five minutes to
11 provide testimony. I'll introduce each speaker,
12 and please state your name clearly and spell it
13 out for us. And, again, each speaker will have
14 five minutes.

15 One of the panel members will let you
16 know when you have one minute remaining, and then
17 they will also, once we've reached the five-
18 minute limit, one of the panel members will let
19 you know that you've reached the limit.

20 I encourage all speakers to submit
21 their written testimony as well as the oral
22 testimony, and any other written comments that

1 they may have. And the Federal Register notice
2 explains exactly how to submit comments, so
3 please see the Federal Register notice published
4 on May 22nd for more details.

5 If you have not yet registered to
6 speak and want to, please contact Kathy Mills,
7 that's with a K, K-A-T-H-Y, Mills. Kathy's phone
8 number is 919-541-1599, and her email address is
9 mills, that's M-I-L-L-S, dot Kathy, that's K-A-T-
10 H-Y, @epa.gov.

11 So with that, I'll call up the next
12 speaker, which is Dale from Lamppa. Dale, could
13 you please say your first and last name and then
14 spell it out so we have an accurate recording of
15 the information?

16 MR. HORIHAN: Yes, my name is Dale
17 Horihan. That's spelled H-O-R-I-H-A-N, and I'm
18 representing Lamppa Manufacturing Incorporated.
19 Do you want me to just continue, Chuck?

20 MR. FRENCH: Yeah, please go ahead
21 with your testimony. Thank you.

22 MR. HORIHAN: Lamppa Manufacturing is

1 an 85-year-old manufacturing company. We've been
2 manufacturing wood-burning products for 85 years.
3 It's a small family-owned company in northern
4 Minnesota. We're only about 30 miles from the
5 Canada border.

6 The company is currently owned by
7 Daryl Lamppa. He is the third generation. He
8 and his father, Herb Lamppa, developed the Vapor
9 Fire line of gasification wood burning furnaces.

10 And so Daryl's actually the third
11 generation, and his son, Garrett, is just now
12 starting to take over management of the company,
13 so that'll be the fourth generation.

14 Back in the late '80s -- well,
15 actually, we got into wood burning furnaces in
16 the '70s, and this was after Daryl had a chimney
17 fire with a furnace that he had bought from
18 another company.

19 Daryl and his father, Herb, are avid
20 environmentalists and probably more concerned
21 about air pollution and smoke from wood furnaces
22 before the EPA really even got involved.

1 But this started -- the EPA started
2 looking at smoke back in the '70s, and both Daryl
3 and Herb decided that they had to get going on
4 clean burning furnaces. They wanted no smoke.

5 The main thing Daryl wanted was a
6 furnace that he would feel safe with his family
7 in the home, and so he needed to have a furnace
8 that didn't produce any creosote.

9 And to produce no creosote, they knew
10 they had to have a furnace that didn't produce
11 smoke. So this started back in the 1970s. Daryl
12 actually had both the Vapor Fire 100 and the 200
13 certified through the same lab, Intertek, down in
14 Wisconsin back in 2010 for the energy tax credit.

15 When he did that testing, the EPA was
16 already working on the NSPS, and I believe it was
17 initially supposed to be enacted in 2015. They
18 announced that they were going to do a Phase 1
19 and a Phase 2, but Daryl and Herb realized
20 there's a lot of expense in the R&D and all the
21 testing to be done.

22 So they felt it was not in their

1 interest to pursue Phase 1, so they chose to
2 immediately pursue Phase 2. And so when Daryl
3 did the initial testing in 2010, he was advised
4 by Intertek that no one else had done any testing
5 yet.

6 But as everyone knows, the EPA mandate
7 for Phase 1 got postponed from 2015 to 2017. And
8 Daryl's initial tests in 2016 for his furnace did
9 come in below the EPA mandate for Phase 1, but
10 not below the mandate for Phase 2, so he
11 continued his R&D and testing.

12 Now, I should mention that we are a
13 small company, so all of the money that Daryl and
14 Herb used for testing and development all came
15 out of Daryl's retirement savings that he had
16 been saving for he and his wife.

17 A very small company, they only had
18 three or four employees at the time, and so this
19 was a very painful process. He scraped basically
20 everything he had together to do the R&D and the
21 testing.

22 The testing really got to be expensive

1 because of the many, many times that he had to go
2 down to Wisconsin, which is about an eight or
3 nine-hour drive, and then all the hotel expense
4 and everything.

5 So anyway --

6 MR. TOPHAM: You have one minute.

7 MR. HORIHAN: Okay, Daryl passed the
8 test in 2018, came in at 0.093 under Phase 2. We
9 feel that instead of -- we don't feel we're being
10 punished, but we should have an opportunity for
11 meeting the mandates and getting everything done
12 on time.

13 But if you continue to extend it, it
14 feels like we're being punished. The deadline
15 was May 15, 2020, so the game is done. So now
16 why would you start talking about changing the
17 rules after the game is completed?

18 We do not support extending the sell-
19 through. We would go along with extending it for
20 two months until July 15th, but why would you
21 continue it through another main heating season
22 completely? We just disagree with this.

1 I guess that's the end of my
2 statement. I appreciate your time and appreciate
3 your consideration. Thank you.

4 MR. FRENCH: Thank you. I'll first
5 ask if any of the panel members have clarifying
6 questions?

7 Okay, well, thank you very much for
8 your testimony, and, again, please submit written
9 comments to the docket. Details are described in
10 the Federal Register notice published on May
11 22nd. Okay, I guess we'll take another ten-
12 minute break. We'll just hang, we'll keep the
13 line open.

14 If anybody wants to speak that hasn't
15 yet spoken and has not yet registered, please
16 contact Kathy Mills.

17 So with that, we'll just come back in
18 ten minutes, which would be 10:41, and we'll
19 leave the line open again. Thank you, everybody.

20 MR. HORIHAN: Thank you.

21 (Whereupon, the above-entitled matter
22 went off the record at 10:31 a.m. and resumed at

1 10:41 a.m.)

2 MR. FRENCH: Hello, everyone, welcome
3 back. This is Chuck French. This is the virtual
4 public hearing for the wood heaters NSPS proposed
5 amendments, which were published in the Federal
6 Register on May 22, 2020.

7 And joining me on the panel -- well,
8 I'm the Chairperson of the hearing, and joining
9 me on the panel is Nate Topham, who is an
10 engineer with the Office of Air Quality Planning
11 and Standards, and he's the current project
12 Manager.

13 Also on the panel is Michelle Bergin,
14 she's a physical scientist with the Air Office
15 policy and strategies group. And, again, I'm the
16 Chair, Chuck French, and I'm the Group Leader
17 within OAQPS working on this proposed rulemaking.

18 Anyway, we don't have any speakers
19 slated for this timeframe, and as far as I know
20 there's been no new registrations. The next
21 scheduled speaker is at 11:00 a.m., based on the
22 latest agenda.

1 So we'll just keep the line open again
2 for another ten minutes, and, again, if anybody
3 wants to speak that hasn't yet registered, please
4 contact Kathy Mills. Kathy Mills, that's with a
5 K.

6 Kathy's phone number is 919-541-1599,
7 and her email address is mills, that's M-I-L-L-S,
8 dot Kathy with a K, K-A-T-H-Y, @epa.gov. So,
9 meanwhile, just sit tight, we're going to keep
10 the line open and just take a ten-minute break.

11 So we'll come back in at 10:53. Thank
12 you. That's Eastern Time.

13 (Whereupon, the above-entitled matter
14 went off the record at 10:43 a.m. and resumed at
15 10:53 a.m.)

16 MR. FRENCH: Welcome back, everyone.
17 Again, my name is Chuck French. Just as a
18 reminder, this is the public hearing for the
19 proposed amendments to the wood heaters new
20 source performance standards, or NSPS.

21 If you are not yet registered to
22 speak, you can contact Kathy Mills. Kathy

1 Mills's phone number is 919-541-1599, and her
2 email is mills.kathy, that's M-I-L-L-S, dot, K-A-
3 T-H-Y, @epa.gov. So if you'd like to speak and
4 you are not registered yet, you can contact Kathy
5 to register.

6 Just to go over the -- we're expecting
7 -- our next scheduled speaker is at 11:00 a.m.,
8 so I think given that's only six minutes away, I
9 guess we'll just kind of remain on the line for a
10 bit and see who joins us.

11 But I guess we'll just hang on line
12 for another five minutes or so, and then I think
13 we'll be having several other new people join us
14 from the West Coast about that time as well.

15 So we'll go through logistics a -- but
16 more right about just before 11:00, right around
17 11:00 a.m. Eastern Time. So just hold tight.
18 Thank you.

19 (Whereupon, the above-entitled matter
20 went off the record at 10:54 a.m. and resumed at
21 11:00 a.m.)

22 MR. FRENCH: Okay, welcome, everybody.

1 My name is Chuck French. This is the virtual
2 hearing for the wood heaters new source
3 performance standard proposed amendments that
4 were published in the Federal Register on May
5 22nd.

6 For people that are rejoining us,
7 welcome back, for people new to the meeting,
8 welcome. Again, my name is Chuck French, I'm a
9 Group Leader in the EPA's Office of Air Quality
10 Planning and Standards.

11 I will be chairing today's public
12 hearing, which is with regards to the EPA's
13 proposed amendments for the wood heaters NSPS
14 that were published on May 22, 2020 in the
15 Federal Register.

16 Joining me on the panel are Nate
17 Topham from EPA's Office of Air Quality Planning
18 and Standards, and Nate is the current Project
19 Manager for the wood heaters NSPS rulemaking
20 activities.

21 Also joining me on the panel is
22 Michelle Bergin. Michelle Bergin is a physical

1 scientist from the EPA's Air Office, and she's in
2 the Policies and Strategies Group.

3 So before we get started I'll just
4 remind people of some of the ground rules. When
5 I call a speaker to speak, we want you to say
6 your name, first name and last name, and spell it
7 out for us.

8 If you need to unmute your phone,
9 please press *6. Each speaker will have five
10 minutes to provide testimony. One of the panel
11 members will let you know when there's one minute
12 remaining and then they will also let you know
13 when your five-minute time limit is up.

14 We are here mainly to listen, however,
15 occasionally, a panel member may ask a clarifying
16 question. After you've finished speaking, please
17 remain on the line until I can confirm there are
18 no questions from the panel members.

19 And then once we're done, we'd like
20 you to remute your line and then I'll call on the
21 next speaker and so on. As explained in the
22 Federal Register notice, the comment period

1 closes on July 6th.

2 We welcome everybody to submit written
3 comments. Details on how to submit comments are
4 explained in the Federal Register notice
5 published on May 22nd, and we treat written
6 comments equally to the oral testimony that we
7 hear today.

8 We encourage people to submit -- for
9 the speakers today, after you speak, we encourage
10 you to also submit a written copy of your
11 testimony to the docket.

12 So with that, I'll just remind people
13 if you're not yet registered to speak and you
14 want to, you can contact Kathy Mills. That's
15 Kathy with a K, K-A-T-H-Y, last name Mills,
16 M-I-L-L-S. Her phone number is 919-541-1599 and
17 her email address is mills.kathy@epa.gov, and
18 that's mills.kathy@epa.gov.

19 Okay, so with that, I think I'll call
20 on the next speaker, who is Mary from WESTAR.

21 And again, Mary, please unmute your
22 line and then state your name clearly and spell

1 it out for us, and then you can begin your
2 testimony.

3 Mary, are you there? To unmute your
4 line you may have to push *6.

5 MS. UHL: My name is Mary Uhl, U-H-L.
6 I'm the Executive Director of the Western States
7 Air Resources Council, an association of 15
8 Western state air quality agencies.

9 Our membership spans the West, from
10 Dakotas, Colorado, and New Mexico, to the Pacific
11 Coast and includes Alaska and Hawaii.

12 Thank you for the opportunity to share
13 our perspectives on the importance of effective
14 control of residential wood heating appliance
15 emissions and the NSPS. We will submit
16 additional written comments.

17 The WESTAR region encompasses large
18 and small cities that have been in non-attainment
19 due to residential wood heating but are now in
20 attainment, areas that are now in attainment, as
21 well as communities that are on the verge of
22 becoming non-attainment due to wood smoke.

1 Communities adversely affected by
2 residential wood heating in the West range from
3 large, urbanized areas like Tacoma, Washington;
4 Sacramento, California; and the Salt Lake City
5 region; to smaller towns like Libby, Montana; Oak
6 Ridge, Oregon; and current PM 2.5 non-attainment
7 areas West Silver Valley, Idaho; Portola,
8 California; Fairbanks, Alaska; and Klamath Falls,
9 Oregon, a place that has the unhealthiest air in
10 the country due to residential wood heating
11 emissions.

12 Reducing emissions from residential
13 wood heating devices is of critical importance
14 across the West.

15 Many communities that are adversely
16 impacted by wood heating are located in valley
17 settings that are subject to winter-time
18 temperature inversions, trapping wood smoke and
19 exposing the public to unhealthy levels of
20 particulate solutions.

21 Residential wood heating has been a
22 source of public health concern and Western

1 states have developed and implemented regulatory
2 and voluntary strategies to address the problem
3 since the 1980s.

4 A key element of those strategies is a
5 strong and effective NSPS so that only the
6 cleanest-burning new appliances are installed in
7 our airsheds.

8 In fact, some non-attainment areas CIP
9 control strategies depend on Step 2 stoves to get
10 the area back into attainment. Strategies to
11 improve and maintain the air quality in
12 residential wood heating impacted airsheds
13 require a combination of federal, state, and
14 local actions.

15 States have a crucial need for
16 stringent new appliance standards to complement
17 state and local regulatory and voluntary
18 activities, like curtailment programs during wood
19 smoke pollution episodes and publicly finance
20 stove change-outs that replace dirty stoves with
21 newer, cleaner ones.

22 Residential wood heaters have a useful

1 life that may span 20 to 30 years. Unless the
2 cleanest new devices are installed in homes, the
3 necessary emission reductions will not
4 materialize, and other, sometimes more burdensome
5 restrictions on job-producing industries may be
6 required to regain good air quality.

7 After over 30 years since the original
8 1988 NSPS standards, residential wood heating is
9 still a significant air pollution problem
10 throughout the West.

11 It is so significant that the only way
12 many areas can maintain good air quality is to
13 stop people burning wood for heat during
14 pollution episodes.

15 While we recognize the difficult
16 economic environment some businesses have
17 experienced through no fault of their own as a
18 result of the COVID-19 pandemic, we do not
19 believe it is warranted to continue to allow the
20 sale of Step 1 appliances beyond the deadline
21 established in the 2015 NSPS.

22 In this latest proposal, EPA has

1 failed to produce concrete data on either the
2 stranded inventory or the associated health
3 impacts of allowing non-compliant appliances
4 which will continue to pollute to 20 to 30 years.

5 In early April, EPA determined that
6 there was no justification for granting an
7 additional sell-through.

8 According to Hearth and Home Magazine,
9 retailers across the country saw increased hard
10 product sales every month over the previous year
11 leading up to March 2020.

12 Many of the Step 1 stoves in the 2015
13 update were originally certified to meet the 1990
14 emission limits and were subsequently
15 grandfathered until 2020.

16 This makes the technology 30 years old
17 already. This lenient Step 1 standard was
18 intentionally set to allow industry to devote its
19 resources to develop models for more stringent
20 Step 2 standards.

21 In contrast to the original 1988 NSPS
22 in which manufacturers and retailers were allowed

1 only two years to transition to more stringent
2 standards, they received five years in the 2015
3 NSPS update.

4 Many companies rose to the challenge.
5 By October 2018, 37 manufacturers had certified
6 105 residential wood heater model lines.

7 MR. TOPHAM: You have one minute.

8 (Simultaneous speaking.)

9 MS. UHL: -- allowing a period
10 undermines the incentive so important to the
11 success of the performance certification program
12 by punishing those manufacturers and retailers
13 that have innovated and prepared for the
14 regulatory deadline, and rewards those that have
15 overproduced and undersold older, dirtier
16 technology appliances.

17 Allowing an unknown number of
18 outdated, polluting appliances will have a
19 lasting adverse impact on airsheds across the
20 West.

21 Thank you again for the opportunity to
22 present our Western states' perspective on the

1 potential changes to the residential wood heating
2 NSPS.

3 MR. FRENCH: Thank you. Do any of the
4 panel members have clarifying questions?

5 MR. TOPHAM: No.

6 MS. BERGIN: No, thanks.

7 MR. FRENCH: Okay, thank you, Mary,
8 for your testimony. We don't have any other
9 registered speakers at this time slot so we'll
10 leave the line open again for another ten minutes
11 or so.

12 So, again, if people would like to
13 speak and they're not yet registered, please
14 contact Kathy Mills. Again, her phone number is
15 919-541-1599 and her email address is
16 mills.kathy@epa.gov.

17 Meanwhile, we're going to take a
18 ten-minute break and just leave the line open,
19 and be back on at about 11:20 a.m. Eastern Time.

20 (Whereupon, the above-entitled matter
21 went off the record at 11:10 a.m. and resumed at
22 11:20 a.m.)

1 MR. FRENCH: Okay, welcome back,
2 everybody. This is Chuck French, you're here for
3 the virtual public hearing for the wood heaters
4 NSPS proposed amendment that was published on May
5 22nd in the Federal Register.

6 At this time, we do not have any more
7 registered speakers for the morning. We have an
8 afternoon session scheduled from starting at
9 1:00, and it's scheduled to go to 3:00, but it
10 may end early if we don't have speakers the last
11 hour or so.

12 So, I think what we'll do, since we
13 have no more speakers for the morning session,
14 which was originally scheduled to last until
15 noon, but since we have no speakers we'll just
16 leave the line open for another ten minutes or
17 so.

18 And then if we don't have anybody
19 registered in the next ten minutes we'll break
20 for lunch. So, that would be 11:31 a.m. So, at
21 11:31 a.m. Eastern Time we'll start our lunch
22 break and the lunch break will end at 1:00 p.m.

1 So, we'll reconvene at 1:00 p.m. sharp
2 Eastern Time and start the second session of our
3 public hearing. So, again, I'll leave the line
4 open for at least another eight, nine minutes to
5 see if we have any new speakers registered.

6 If so, I'll let you know. Otherwise,
7 at 11:31 a.m. Eastern Time we'll break for lunch.

8 (Whereupon, the above-entitled matter
9 went off the record at 11:22 a.m. and resumed at
10 11:31 a.m.)

11 MR. FRENCH: Welcome back, everybody.
12 Again, my name is Chuck French. We have no new
13 speakers for the morning session so, again, my
14 name is Chuck French. I've been the Chair for
15 this hearing session today.

16 So, we're going to take a lunch break
17 starting in a minute. Before we sign off,
18 though, I want to thank everyone who has shared
19 their comments so far on today's hearing session
20 regarding the proposed amendments for the wood
21 heaters NSPS.

22 Thanks again for your testimony so

1 far. So, at this time, we're going to break for
2 lunch. We will resume the hearing at 1:00 p.m.
3 Eastern time.

4 So, we're going to leave the line open
5 but we'll be off to lunch and we'll regroup at
6 1:00 p.m. Eastern time.

7 We look forward to continuing the
8 session and hearing from additional speakers in
9 the afternoon session. So, meanwhile, have a
10 good lunch and we'll reconvene at 1:00 p.m.
11 Eastern Time.

12 Thank you, everybody.

13 (Whereupon, the above-entitled matter
14 went off the record at 11:32 a.m. and resumed at
15 1:03 p.m.)

16 MR. FRENCH: Good morning to folks on
17 the West Coast and good afternoon to people on
18 the East Coast. This is the second session of
19 the public hearing for the wood heaters NSPS
20 proposed amendments.

21 My name is Chuck French, I'm a Group
22 Leader in EPA's Office of Air Quality Planning

1 and Standards.

2 I will be chairing today's public
3 hearing on the EPA's proposed amendments for the
4 standards of performance for new residential wood
5 heaters and new residential hydronic heaters and
6 forced-air furnaces, which is also known as the
7 wood heaters New Source Performance Standards, or
8 NSPS. Welcome and thank you for calling in
9 today.

10 Joining me on the panel are Nate
11 Topham, from EPA's Office of Air Quality Planning
12 and Standards, and Nate is the current Project
13 Manager for the wood heaters NSPS.

14 Also on the panel, we have Njeri
15 Moeller, who is a chemical engineer in the Office
16 of Air Quality Planning and Standards. She's the
17 other panel person. So, we have three people on
18 the panel and, again, I'll be chairing the panel.

19 On May 22, 2020 EPA published in the
20 Federal Register proposed amendments to the wood
21 heaters NSPS. Due to the nationwide spread of
22 the COVID-19 virus, EPA is proposing to allow

1 more time for retailers to continue selling Step
2 1-certified residential wood heating devices.

3 The proposal, if finalized as
4 proposed, would allow retailers and vendors to
5 sell Step 1-certified wood heating devices from
6 the date of promulgation of the final rule, which
7 we project would happen likely in September of
8 2020.

9 And they would be able to sell those
10 Step 1 devices from the date of publication of
11 the final rule until November 30, 2020. That's
12 what we proposed.

13 The pandemic has resulted in
14 significant losses in retail sales due to
15 temporary closure of stores, stay-at-home
16 directives, and other restrictions implemented
17 across the country and the world.

18 As a result, vendors in retail stores
19 lost time, approximately 60 days, to sell their
20 remaining inventory of Step 1 units before the
21 May 15, 2020 compliance date.

22 The additional time proposed in this

1 action, if finalized, would help ensure that
2 retailers regain time with normal business
3 operations lost due to the pandemic.

4 Okay, let's see, before we get
5 started, I'd like to go through a few
6 housekeeping items and ground rules that will
7 help make today's hearing run smoothly.

8 This is our division's first virtual
9 hearing so please bear with us as we work through
10 any technical difficulties that we might face.

11 Our goal is to make this as accessible
12 to as many people as possible, which is why we
13 are not relying on a web-based system. Okay, so
14 here's how we'll hold the hearing today, here's
15 how it'll work.

16 First of all, all registered
17 participants should have received an email
18 notification for today's hearing that includes
19 the approximate time when each speaker will be
20 asked to speak.

21 I will call on each speaker in the
22 order shown on the agenda. When I call on you to

1 speak, the operator will unmute your line or you
2 may have to enter *6 on your phone to unmute
3 yourself.

4 Once I call your name, please state
5 your first name and last name clearly and spell
6 it so we have accurate information for the
7 transcript.

8 This hearing will be transcribed and
9 included in the record of comments on this
10 rulemaking action and placed in the docket. Each
11 speaker will have five minutes to give comments.

12 One of the panel members will let you
13 know when you have one minute remaining and they
14 will also let you know when your five-minute time
15 limit has been reached.

16 To be fair to everyone, we are going
17 to enforce the five-minute limit. We are here to
18 mainly listen to you today, however, occasionally
19 a panel member may ask you questions to clarify
20 your comments.

21 When you are finished speaking, we
22 request that you remain on the line until I am

1 able to confirm that there are no clarifying
2 questions from our panel.

3 Once we are done, the operator will
4 remute your line and then I'll call on the next
5 speaker and so on. So, besides the oral
6 testimony we're hearing today, I encourage each
7 of you to submit a written copy of your
8 testimony.

9 As explained in the Federal Register
10 notice, comments must be received on or before
11 July 6, 2020. If time allows, we will also ask
12 if any of those on the listener line would like
13 to make a statement.

14 So, even if you didn't register in
15 advance, we will try to accommodate last-minute
16 speakers as time allows.

17 If you are not registered and want to
18 provide a statement or testimony, please contact
19 Kathy Mills, and that's Kathy with a K.

20 Kathy's phone number is 919-541-1599.
21 I'll repeat that, 919-541-1599. And her email
22 address is mills.kathy@epa.gov.

1 The operator, one of the panel
2 members, or Kathy will provide further
3 instructions for this process after we have
4 finished hearing from the registered speakers.

5 If speakers have additional comments
6 you would like to make or if you are listening
7 and did not get a chance to speak, you may submit
8 them in writing.

9 We welcome written comments. Comments
10 must be received on or before July 6th, and let
11 me assure you that EPA gives equal consideration
12 to both written and oral comments.

13 Instructions for submitting written
14 comments or other information to the docket are
15 provided in the May 22nd Federal Register notice.
16 Please note that there's a temporary suspension
17 of mail delivery to EPA and no hand deliveries
18 are currently accepted.

19 For this reason, we encourage the
20 public to submit comments via the regulations.gov
21 or email, as explained in the Federal Register
22 notice.

1 So, I recommend you read the Federal
2 Register notice which provides the details as far
3 as how to submit comments and where to submit
4 comments.

5 Okay, as I mentioned earlier, we are
6 holding two sessions today. We had the morning
7 session and now we're starting the afternoon
8 session.

9 We may close a session 15 minutes
10 after the last pre-registered speaker has
11 testified if there are no additional speakers.
12 Furthermore, we may take short breaks throughout
13 the session as needed.

14 So, thank you again for taking the
15 time today to share your comments on our proposed
16 rule. So, with that, we'll get started.

17 Okay, the first speaker for our
18 afternoon session is D. Pei Wu. Again, could you
19 please say your name, first and last, and spell
20 it for us?

21 And then after that you can begin your
22 testimony. Thank you. You may have to unmute

1 your line.

2 MS. WU: Hi, can you hear me now?

3 MR. FRENCH: Yes, perfect.

4 MS. WU: Great. Good afternoon, my
5 name is D. Pei Wu. That's D, the letter D, and
6 then my last name is Wu, W-U.

7 I am the Lead Air Quality Planner for
8 Oregon's fine particulate matter planning
9 activities including wood stove standards,
10 outreach, and regulatory programs.

11 The mission of the Oregon Department
12 of Environmental Quality is to be a leader in
13 restoring, maintaining, and enhancing the quality
14 of Oregon's air, land, and water.

15 Thank you for the opportunity to share
16 DEQ's perspective on the importance of effective
17 control of residential wood heating appliance
18 emissions and the New Source Performance
19 Standards.

20 Oregon's a beautiful state on the West
21 Coast, encompassing coastal fishing towns and
22 ports, fertile and productive Willamette Valley

1 vineyards and farms, and mountain ranges with
2 protected wilderness, hunting, and timberlands.

3 East of the Cascades are high desert
4 plateaus with very cold winters and hot dry
5 summers. Two PM 2.5 non-attainment areas in
6 Oregon, Klamath Falls and Oak Ridge, are small
7 cities and towns nestled in mountain valleys.

8 Oregon strongly opposes the proposed
9 rule to extend the sell-through period and delay
10 the health and environmental benefits of Step 2
11 residential wood heaters for another generation
12 of Oregonians.

13 An extension in the sell-through date
14 is not acceptable to Oregon for the following
15 reasons. One, the health impacts of fine
16 particulate matter or PM 2.5 are well documented,
17 significant, severe, and pervasive.

18 Throughout Oregon and especially in
19 non-attainment areas, in areas close to the
20 standard, a major source of PM 2.5 in the winter
21 time is smoke from residential wood combustion.

22 DEQ notes a lack of data in the

1 proposal to support a COVID-related sell-through
2 extension and a lack of analysis on the emissions
3 impact and costs to public health.

4 The proposed addition of two months of
5 sell-through time effectively shifts the sales
6 from some of the lowest sales months of the year,
7 April and May, to the two highest sales months of
8 the year, October and November.

9 This is based on information provided
10 in HPBA and retailers' own comments on the NPRM
11 from Fall 2018.

12 Oregon DEQ is concerned that EPA is
13 effectively giving a much longer extension, e.g.
14 six months, to retailers based on their messaging
15 of low-enforcement priority for Step 2
16 violations.

17 Delaying the implementation of the
18 2015 Step 2 standards will have a negative impact
19 on communities' ability to attain and maintain
20 the PM 2.5 national ambient air quality
21 standards.

22 Oregon communities depend on those

1 stringent standards.

2 The 2015 update for the residential
3 wood heating NSPS was the product of five years'
4 of deliberation by a stakeholder group that
5 included states, manufacturers, retailers,
6 laboratories, and public health and consumer
7 advocacy groups, along with with EPA, while the
8 current proposal does not reflect the
9 deliberative and inclusive process that is the
10 hallmark of cooperative federalism.

11 The regulatory impact analysis of the
12 original proposed sell-through showed health
13 costs of the proposed action to be 10 to 40 times
14 greater per year for the life of a stove, 20 or
15 30 or 50 or longer years, than the one-time
16 benefit to manufacturers or retailers.

17 That health burden accrues in excess
18 deaths and illness. Extending sales for a season
19 could increase health impacts for that buyer,
20 their children, and their neighbors for 20 or
21 more years, 50 or 80.

22 EPA's own decision on the 2018

1 proposal issued on April 2, 2020 found that,
2 quote, manufacturers have had since May 2015 to
3 develop Step 2 compliance wood heating devices,
4 and that retailers have had since May 2015 to
5 manage their inventory of Step 1 compliant wood
6 heating devices and replace them with Step 2
7 compliant wood heating devices ahead of the May
8 2020 deadline, unquote.

9 As of our last look, over 200 wood
10 stove models met the Step 2 standards as of
11 October 2018.

12 Based on the most recently available
13 American Community Survey data for the past five
14 years, areas of PM 2.5 non-attainment and areas
15 close to non-attainment in Oregon experience
16 higher than average adverse impacts on children's
17 health and for people of color.

18 For instance, the communities that
19 experience the highest impacts from wood smoke
20 already experience from 25 to 74 percent higher
21 levels of asthma and chronic lower respiratory
22 disease than the relevant state averages.

1 MR. TOPHAM: You have one minute.

2 MS. WU: Similarly, communities
3 experiencing the highest level of PM exposure are
4 also disproportionately low-income communities.

5 The median annual household incomes of
6 wood smoke impacted communities in Oregon ranges
7 from \$15,000 to \$20,000 less than the state
8 median household income.

9 For the above-listed reasons, Oregon
10 DEQ finds the proposed sell-through extension to
11 be ill-justified and contrary to EPA's own
12 findings on April 2nd.

13 DEQ opposes this proposal, which will
14 subject small and medium-sized cities and towns
15 in our state to another generation of poor and
16 unhealthy winter-time air quality.

17 Oregon will be submitting these
18 comments in writing, along with a more detailed
19 copy of our comments submitted on January 14,
20 2019. Thank you.

21 MR. FRENCH: Thank you. First, I'd
22 like to ask the panel if you have any clarifying

1 questions?

2 MS. MOELLER: No, thank you.

3 MR. FRENCH: Okay, thank you for your
4 testimony and, again, we welcome written comments
5 as well, as described in the Federal Register
6 notice. Thank you.

7 So, our next speaker is Jennifer Knee.
8 Could you please state your name and spell it out
9 for us? And then you can begin your testimony.
10 You may need to hit *6 to unmute yourself.
11 Jennifer, are you there?

12 Jennifer Knee, next speaker, you may
13 have to unmute yourself and press *6 if you're on
14 the phone. Okay, we'll come back to Jennifer
15 later.

16 So, we're ready to move on to the next
17 registered speaker, it's Peter from Woodland
18 Stoves. Peter, can you unmute yourself?

19 Push *6 and you can begin your
20 testimony. First state your name and then spell
21 it out, and then begin your testimony.

22 MR. SOLAC: Hello, I'm Peter Solac,

1 owner of Woodland Stoves and Fireplaces. We are
2 located in the city of Minneapolis, Minnesota.
3 We have 12 full-time employees.

4 Since 1977 we have been supplying and
5 installing wood-burning appliances. We primarily
6 work in the Twin Cities metropolitan area. The
7 vast majority of our customers do not use wood as
8 their primary heat source.

9 They tell me they use wood burning for
10 ambiance but also highly value the auxiliary
11 heat. They also want wood burning as a back-up
12 in the event of power or other equipment failure
13 in their central heating.

14 For those reasons, and because of our
15 company's concern for air quality, we started
16 encouraging our customers to choose EPA-certified
17 wood burning products as soon as they became
18 available.

19 We display a large variety of
20 EPA-certified wood stoves and fireplaces and
21 fireplace inserts, because the appearance is
22 important in the diverse housing styles found in

1 our market area.

2 On January 1, 2019 we had 52
3 appliances on display that were EPA-certified,
4 Step 1 only. They had a value of \$148,180. As
5 of May 15, 2020 we had 15 of these appliances
6 left valued at \$59,392.

7 The two-month shutdown caused by the
8 COVID-19 virus brought our store traffic to a
9 standstill. We need additional time to sell
10 these EPA-certified Step 1 wood-burning
11 appliances.

12 MR. FRENCH: Thank you for your
13 testimony. Does the panel have any questions,
14 clarifying questions?

15 MS. MOELLER: No, thank you.

16 MR. FRENCH: Thank you, thanks for
17 your testimony and, again, we encourage you to
18 submit it in writing and written comments along
19 with it.

20 Okay, moving on to our next speaker,
21 Niels Wittus. I hope I'm pronouncing that right.
22 Could you please state your name and spell it out

1 for us, and then begin your testimony?

2 You may have to press *6 to unmute
3 yourself. Is Niels Wittus on the line from the
4 Wittus Fire By Design? You're our next speaker.
5 If you're on mute, push *6.

6 Okay, so I'll come back to Niels
7 later. So, we'll go to the next speaker on our
8 agenda, it's Roger Ayers.

9 Roger's our next speaker, if you could
10 state your name and spell it out? And again,
11 just unmute yourself and you can begin your
12 testimony.

13 MR. AYERS: So, that is Roger Ayers,
14 R-O-G-E-R, A-Y-E-R-S.

15 MR. FRENCH: Okay, thank you, go
16 ahead.

17 MR. AYERS: All right, so, first and
18 foremost, I want to thank you for this
19 opportunity, but I think the biggest thing we
20 need to look at is how often can we do something
21 that costs next to nothing that can actually help
22 countless individuals?

1 We're sitting there in the middle of
2 this coronavirus with multi-trillion-dollar
3 packages going forth to try and turn the economy
4 around and all we really need to do, relative to
5 this specific aspect, is just give us a little
6 bit of breathing room to move the inventory.

7 Not only was the business impacted, of
8 course, by a lack of traffic and concerned
9 consumers, but supply lines were interrupted well
10 before the noted incident in the United States.

11 And now if I could, I kind of wanted
12 to diverge a bit to discuss something more
13 meaningful, and that's while we could all put our
14 hands around half a gram or one gram of
15 particulates between the old standards and the
16 new standards, what we're really talking about is
17 an infinitesimal amount of variance in the
18 overall air quality relative to the number of
19 people that have the stoves and how many are
20 actually going out as a result of this specific
21 issue.

22 More telling to me is, what about all

1 the homes with regular fireplaces? So,
2 essentially, we have in the neighborhood of I
3 think -- and this is from the actual government
4 stats -- most of the older homes sitting at 75
5 percent, with old-style fireplaces.

6 Those old-style fireplaces are
7 throwing out 44 to 60 grams of particulates per
8 hour and we're splitting hairs over a gram or two
9 of this very small number of units.

10 To me, I think a most important
11 element that would really make a difference to
12 the EPA and the air quality would be putting
13 forth an initiative that, when a home sells, they
14 have to actually take that older fireplace and
15 put in place an efficient wood-burning or gas
16 insert.

17 That would make the huge difference.
18 When we look at air quality and we look at what's
19 actually impacting our cities, it isn't the
20 stoves that are now at less than two grams of the
21 stoves that are sitting at 3.5 grams.

22 It's the millions of fireplaces that

1 are sitting there spewing out 44 grams of
2 particulates.

3 I think if we step back further, you
4 look at the market that is aging, which is the
5 Boomers, who are getting out of their homes and
6 selling in record numbers in I think what was
7 somewhere in the neighborhood of 15 million
8 homes.

9 When you take that and look at as it
10 rolls into the marketplace and those 44 grams of
11 particulates, I think we could all agree that
12 would be an area we could really address the air
13 quality.

14 The second thing would be new home
15 construction. So, a lot of new homes are getting
16 constructed, some with gas and some with wood.
17 And again, there's no requirement for those
18 constructed homes to meet these new standards.

19 So, what would be far better for the
20 environment and far better for the wood industry
21 or, for that matter, the pellet industry or the
22 fireplace industry as a whole would be to look at

1 where our biggest pollutants are coming from and
2 addressing that.

3 When you tie it into a home sale and
4 the initial investment to put in a stove and
5 upgrade, it's pretty infinitesimal relative to
6 the overall profits.

7 So, that's I guess what I would like
8 to forward, is let's give us the breathing room
9 to move this handful of stoves out that are
10 already there, that's next to nothing in terms of
11 the footprint.

12 And let's look at the bigger picture:
13 one, stimulating the market; two, really
14 improving our air quality; three, putting our
15 hands around the biggest issue, the 44 grams,
16 that is the issue.

17 Any questions from the Board?

18 MR. FRENCH: Do the panel members have
19 any questions?

20 MS. MOELLER: No, thank you.

21 MR. AYERS: Could I ask what is the
22 likelihood of something like that happening? I

1 mean, there's meaningful. You are the EPA, our
2 job is to protect the environment.

3 We're looking at splitting hairs on
4 this infinitesimal, ridiculous element and
5 walking away from the big issue. This gives us a
6 chance of actually addressing that and making a
7 difference.

8 MR. FRENCH: We welcome your comments
9 and we'll consider all those comments when we
10 receive them.

11 MR. AYERS: I'm with you but you've
12 received it, and this isn't something I'm trying
13 to pin anyone's arms back on. I'm just saying
14 what do you think of that idea? Does that bear
15 merit?

16 MR. FRENCH: I can't give you an
17 answer today but we'll think about that as we
18 move forward. And again, we welcome your written
19 comments and we'll think it through and talk with
20 our colleagues.

21 MR. AYERS: Now, do my written
22 comments need to come? I think this was all

1 being transcribed, so are my comments not already
2 transcribed for consideration?

3 MR. FRENCH: No, they are, we'll have
4 a full transcript of this hearing and it'll be in
5 the docket.

6 So, yes, we do have your comments,
7 we're just offering the opportunity to submit
8 additional written comments if you like.

9 MR. AYERS: Oh, okay, back-up
10 evidence. And, really, a lot of this comes from
11 --

12 MR. TOPHAM: You've reached five
13 minutes.

14 MR. AYERS: -- the housing industry,
15 et cetera, I would say just in parting, as the
16 economy tightens within the structure of those
17 that are economically disadvantaged, they
18 actually start burning more wood. And again,
19 those fireplaces at 44 grams, those really are --

20 MR. FRENCH: Okay, well, thank you for
21 your comments. We ran over the five minutes so
22 we have to move on but thanks again for your

1 comments and if you have additional comments, we
2 welcome you to send them in writing.

3 Written comments and oral comments
4 have the same weight in our consideration. So,
5 if you have additional thoughts or comments,
6 please submit them as I explained in the Federal
7 Register notice that was published on May 22nd.

8 So, with that, I think we're ready to
9 move on to the next speaker. Actually, before we
10 move on, I want to check and see has Jennifer
11 Knee joined us yet?

12 She was earlier on the agenda but she
13 wasn't answering. Jennifer, are you on? If so,
14 can you unmute yourself and we'll be ready for
15 your testimony? Push *6 if you're on a phone to
16 unmute yourself.

17 Okay, Jennifer Knee, are you there?
18 If so, press *6 to unmute yourself and spell your
19 name. Okay, we'll move on and come back to
20 Jennifer later if we have time. We have Niels
21 Wittus, did Niels Wittus join us?

22 I hope that I pronounced that right.

1 Wittus Fire By Design. If so, could you unmute
2 yourself by pushing *6 and introduce your full
3 name and spell it for us?

4 Okay, we'll circle back to those folks
5 later. I guess we should move on to the next
6 speaker which would be a Rodney Tollefson,
7 Central Boiler.

8 Rodney, are you on? Could you unmute
9 yourself by pushing *6?

10 MR. TOLLEFSON: Yes, I'm here.

11 MR. FRENCH: Could you give us your
12 name and spell it out for us?

13 MR. TOLLEFSON: Rodney, R-O-D-N-E-Y,
14 T-O-L-L-E-F-S-O-N, Central Boiler.

15 MR. FRENCH: Thank you. Go ahead and
16 start your testimony.

17 MR. TOLLEFSON: The effects of the
18 COVID-19 pandemic and resulting nationwide
19 shutdowns have been devastating to many
20 businesses and industries.

21 Most Central Boiler dealers do not
22 have Step 1 EPA-certified units left to sell, but

1 for those that do, some will be suffering loss of
2 income that may put them out of business or
3 create hardship that is difficult to recover from
4 without immediate approval of the sell-through
5 provision.

6 The sales of Central Boiler wood-fired
7 outdoor hydronic heaters for the time period of
8 March 15, 2020 through May 15, 2020 are down by
9 46 percent compared to the same time period of
10 2019 because of the effects of the COVID-19
11 pandemic.

12 There have been substantial
13 investments in the attempt to help these dealers
14 sell EPA-1 certified inventory prior to May 15,
15 2020.

16 But even with consumer rebate
17 offerings of 38 percent discounts, sales are at a
18 fraction of what they would have been without the
19 COVID-19 interruptions.

20 The COVID-19 interruptions are
21 directly related to this decrease in sales. The
22 loss of sales affecting these dealers for these

1 products that would have been sold prior to the
2 May 15th deadline now leave them with units that
3 are not certified to sell.

4 These dealers need the sell-through
5 that has been proposed by the U.S. EPA. Some of
6 these dealers have been locked down and prevented
7 from operating their businesses due to state
8 rules associated with the COVID-19 pandemic.

9 Quarantine, employee restrictions, and
10 general commerce restrictions have reduced the
11 number of units they would have sold prior to May
12 15th had the COVID-19 not occurred.

13 It is very crucial for the proposed
14 sell-through to be approved immediately in order
15 to prevent more lost sales and lost income for
16 these affected dealers.

17 To comply with the regulations,
18 dealers could not sell Step 1-certified units
19 since the May 15, 2020 deadline. Central Boiler,
20 on behalf of Central Boiler Dealers, is
21 requesting the proposed sell-through to be
22 enacted effective immediately.

1 On behalf of Central Boiler -- another
2 statement here. For central heaters, the limit
3 is heat-output-based so that means that they have
4 to be both clean and efficient.

5 The emissions per unit of delivered
6 heat is very low. These are very low emission,
7 clean-burning, efficient furnaces.

8 On behalf of Central Boiler and its
9 dealers, I would like to thank the EPA for the
10 opportunity to speak at this hearing.

11 MR. FRENCH: Thank you. Do any of the
12 panel members have questions, clarifying
13 questions?

14 MR. TOPHAM: No, thank you.

15 MS. MOELLER: No, thank you.

16 MR. FRENCH: Thank you for your
17 testimony and, again, we encourage you to submit
18 a copy to the docket as well. Thank you.

19 Okay, we'll move on to the next
20 speaker, who is Anne Jackson. Anne, could you
21 unmute yourself and state your name clearly and
22 spell it out for us?

1 And then you can begin your testimony,
2 please. You may have to push *6 to unmute
3 yourself. Can you hear me?

4 MS. JACKSON: This is Anne Jackson,
5 J-A-C-K-S-O-N.

6 MR. FRENCH: Very good, go ahead.

7 MS. JACKSON: I'm with the Minnesota
8 Pollution Control Agency. I'm an engineer in the
9 Air Assessment and Analysis section responsible
10 for regulating programs to reduce wood smoke in
11 Minnesota.

12 The MPCA does not support this
13 proposal and requests that it be withdrawn.
14 Fully implementing the NSPS for wood heating,
15 particularly hydronic heaters matters because
16 wood burning comprises 55 percent of directly
17 emitted fine particulate matter from combustion
18 sources to Minnesota's ambient air.

19 In some areas of Minnesota, people are
20 heating with wood burning stoves for six months
21 or more. In our study of wood burning in
22 Minnesota, we estimate that about 1.45 million

1 cords were burned in the 2017-2018 heating
2 season, 65 percent of that burned for primary and
3 secondary heat.

4 This proposed rule imposes a number of
5 new, unreasonable burdens. First, it imposes an
6 unreasonable burden of enforcement and outreach
7 on the states.

8 Minnesota incorporated the 2015 NSPS
9 and its 2020 timetable into state laws and
10 pursuant to the delegation agreement with the
11 EPA.

12 The 2015 NSPS is now state law in
13 Minnesota, which means that the May 15, 2020
14 compliance deadline remains enforceable in
15 Minnesota. EPA's proposed revision will not
16 change its deadline.

17 EPA's proposal now creates for us an
18 unforeseen, time-consuming communication demand
19 in a very difficult time that creates a patchwork
20 of regulations.

21 This proposal is now adding confusion
22 to messages from federal and state agencies.

1 Minnesota was expecting full support from EPA to
2 notify manufacturers and retailers about the
3 approaching 2020 deadline and to take enforcement
4 as necessary, especially with Internet sales,
5 because that's the most difficult for Minnesota
6 to monitor.

7 With EPA's announcement of a proposed
8 sell-through period, along with lax enforcement,
9 Minnesota must now undertake a nationwide
10 communication effort to notify manufacturers and
11 retailers that Minnesota law does not allow sales
12 in Minnesota of non-Step-2 wood-burning
13 appliances.

14 Second, this proposal is contrary to
15 helping small businesses. Recognizing the value
16 of providing efficient and clean burning wood
17 stoves, Minnesota manufacturers like Lamppa
18 Manufacturing in Tower, Minnesota have been
19 making and selling Step 2 compliant stoves long
20 before the May 2020 deadline.

21 Extending the sell-through period for
22 non-compliant appliances unfairly burdens those

1 Minnesota manufacturers that have already met the
2 standards and provided those devices.

3 We recognize the shutdown of stores
4 impacted many small businesses but it appears
5 Minnesota retailers were already preparing
6 responsibly for the May deadline.

7 We saw a few donations from small
8 businesses to the Stoves for Homes Program,
9 taking their duty to comply with the NSPS by May
10 15th seriously.

11 The pandemic in the spring did not
12 keep foot traffic away from big-box stores and
13 online sales at both large and small retailers
14 continued.

15 This proposal thus disproportionately
16 impacts small businesses who have done the work
17 to prepare for this deadline to go into effect.
18 But the heaviest burden of all that this proposal
19 imposes is to public health.

20 Given the health burden of fine
21 particulate matter, there's no good reason to
22 provide additional time to sell non-compliant

1 devices, especially hydronic heaters in the face
2 of fighting a deadly respiratory virus pandemic.
3 This proposal to provide --

4 MR. TOPHAM: You have one minute.

5 MS. JACKSON: -- is unconscionable and
6 must be withdrawn. Thank you for this
7 opportunity to provide these remarks.

8 MR. FRENCH: Thank you. Do any of the
9 panel members have clarifying questions they'd
10 like to ask?

11 MS. MOELLER: No, thank you.

12 MR. TOPHAM: No, thank you.

13 MR. FRENCH: Thank you for your
14 testimony. Again, we welcome written comments as
15 well. Okay, our next speaker is Ali from Oregon
16 DEQ. Could you say your full name and spell it
17 out for us?

18 You may have to hit *6 to unmute your
19 phone first. Is Ali from Oregon DEQ on the line?
20 Please try to unmute yourself, you can push *6.
21 Okay, I guess we'll move on to the next speaker
22 and then we'll circle back.

1 Next on the agenda is Michael
2 Benjamin. Could you unmute yourself by pushing
3 *6 and say your name and spell it out for us?
4 And then you can begin your testimony, please.

5 MR. BENJAMIN: Yes, Michael Benjamin,
6 can you hear me?

7 MR. FRENCH: Yes, thank you.

8 MR. BENJAMIN: Last name is Benjamin,
9 B-E-N-J-A-M-I-N. My name is Michael Benjamin and
10 I am Chief of the Air Quality Planning and
11 Science Division at the California Air Resources
12 Board.

13 I appreciate the opportunity to
14 comment in opposition to the proposal.
15 California is one of the largest markets for
16 stove retailers in the nation, while at the same
17 time suffering from some of the worst air
18 quality.

19 Of the one million residential wood
20 heating devices statewide, 30 percent are used as
21 the primary source of heat. These devices cause
22 significant air quality and health impacts in

1 both rural and urban areas.

2 Almost 1000 premature deaths in
3 California have been attributed to fine
4 particulate from residential combustion, which
5 overwhelmingly comes from wood heating devices.

6 In addition to their public health
7 impacts, particulate emissions from residential
8 wood burning contributes to fine particulate
9 matter non-attainment status in many areas of
10 California.

11 About 80 percent of California's
12 population lives in parts of the state that are
13 designated either completely or partially as
14 non-attainment with PM 2.5 national ambient air
15 quality standards.

16 Some of the state implementation plans
17 developed by CARB and local air quality agencies
18 rely on the exclusive purchase and use of
19 lower-emitting Step 2 heaters to achieve
20 attainment with a PM 2.5 max.

21 Ironically, this EPA proposal would
22 effectively prevent those areas from attaining

1 the standards as expeditiously as practicable, as
2 the Clean Air Act requires.

3 And because stoves last for more than
4 20 years, any sell-through would lock in
5 increased emissions over that period.

6 This is one of the several reasons
7 that the proposal is unlawful as Clean Air Act
8 Section 176(c) prohibits federal actions that
9 would, quote, increase the frequency or severity
10 of any existing max violation or, quote, delay
11 timely obtainment of any standard.

12 It is not clear that any sell-through
13 would be lawful under Clean Air Act Section
14 111(b). The proposed sell-through would also
15 either violate or illegally amend EPA's
16 determination of the best system of emission
17 reduction, BSER, without acknowledgment or basis.

18 EPA cannot provide any examples of
19 prior such reinterpretations of BSER or any legal
20 basis for this proposal.

21 Even if rejiggering of BSER were
22 permissible, the sales period from March 15th to

1 May 15th and an uncertain summer or early fall
2 date to November 30th are not fungible. Fall is
3 a much stronger sales season than spring.

4 The extent to which sales were
5 specifically hampered by COVID-19 and economic
6 downturn are also unclear. EPA's cited basis for
7 the proposal is a letter from Hearth, Patio, and
8 Barbecue Association quoting member retailers.

9 It is clear that small stove retailers
10 are hurting, as are small businesses across the
11 country, though the impact on larger retailers
12 who have remained open is less clear.

13 Yet COVID impacts are just one of the
14 several reasons these retailers cite for their
15 predicament, along with a warm winter,
16 longer-term consumer preferences and perpetually
17 slow spring sales. These are the precise
18 conditions that EPA determined as of April 2nd
19 did not justify a sell-through. Contrary to
20 rulemaking law and policy, EPA made no attempt to
21 quantify or even qualitatively identify the
22 potential impacts of this proposal.

1 The EPA did not even attempt to
2 estimate the remaining stock of Step 1 stoves.
3 CARB requests this information, along with data
4 about stove sales in California in order to
5 evaluate the impact of the proposal on
6 Californians.

7 Yet ongoing sale of Step 1 stoves will
8 produce increased emissions over their
9 decades-long lifetime.

10 MR. TOPHAM: You have one minute.

11 MR. BENJAMIN: These will
12 disproportionately harm residents of
13 disadvantaged communities in California who are
14 already breathing unhealthy air, and make it
15 harder for the state and local air districts to
16 attain air quality standards.

17 In addition to the well documented
18 health impacts of these emissions, there is
19 evidence that PM 2.5 pollution worsens the
20 impacts of COVID-19.

21 The sell-through also competitively
22 penalizes manufacturers and retailers who have

1 invested in Step 2 devices ahead of the legal
2 deadline.

3 As EPA noted in its response to
4 comments on the prior sell-through proposal, this
5 is, quote, a matter of equity. The proposed
6 sell-through is illegal, unnecessary, and
7 harmful. I urge you to withdraw it.

8 Thank you.

9 MR. FRENCH: Thank you. Any panel
10 members have clarifying questions you'd like to
11 ask?

12 MS. MOELLER: No, thank you.

13 MR. TOPHAM: No, thank you.

14 MR. FRENCH: Thank you for your
15 testimony and I guess we're ready to move on to
16 the next speaker. So, the next speaker is Dick
17 Hoffman.

18 Could you please unmute yourself?
19 Push *6 and then say your name and spell it out
20 for us? And then you can start your testimony,
21 please.

22 Dick Hoffman, are you there? Can you

1 unmute yourself? Can't hear you. You might have
2 to push *6. Okay, before I move on, I'd like to
3 remind listeners if you decide you want to make a
4 statement or testify and you have not yet
5 registered, please contact Kathy Mills.

6 Kathy's phone number is 919-541-1599
7 and her email address is mills.kathy@epa.gov.
8 So, if you have not spoken yet and you would like
9 to, please contact Kathy Mills.

10 Again, her phone number is
11 919-541-1599. With that, I'm going to go back to
12 the list of registered speakers. I'm going to go
13 back to see if Jennifer Knee, did you join us?
14 Are you online?

15 If so, could you unmute yourself? If
16 you're on the phone, you push *6 and then you can
17 say your name and spell it out. Jennifer Knee?
18 Okay, let's go back to Niels Wittus from Wittus
19 Fire By Design.

20 Are you online? If so, could you
21 unmute yourself and say your name and spell it
22 out and then you can provide your testimony.

1 Okay, we'll move on to the next person I have on
2 the list, who is it looks like Ali from Oregon
3 DEQ.

4 Are you on the line? If so, please
5 unmute yourself. You can push *6 if you're on a
6 phone to unmute yourself and then you can say
7 your name and spell it out, full name, and start
8 your testimony.

9 Okay, I'll go back to Dick Hoffman.
10 Dick Hoffman, are you on the line? Can you
11 unmute yourself and say your name and spell it
12 out?

13 MR. HOFFMAN: This is Dick Hoffman,
14 H-O-F-F-M-A-N.

15 MR. FRENCH: Thank you. You can go
16 ahead and start your testimony when you're ready.

17 MR. HOFFMAN: Thank you for the
18 opportunity to speak this afternoon. I'm located
19 in Western North Carolina, a short drive to
20 adjacent states of Virginia, Tennessee, and
21 Georgia, all being a wood-burning region.

22 I'm a small business owner with 24

1 years as a hearth retailer and industry
2 participant. I've been an HPBA member and 20
3 years a regional affiliate, and in March of this
4 year I was elected as the Chairman of HPBA.

5 I support clean-burning appliances and
6 wood stove change-out. November of '19, we sold
7 our retail portion of the business but I remain
8 active in the industry and a concerned consumer.

9 Although I am like any other retailer
10 in the industry, I prepared for this deadline.
11 When we transitioned to a new owner, he assumed
12 the operation of the store, the inventory of
13 affected units, which was actually less than six.
14 Getting to that number was a bumpy road.

15 Selling wood heaters from as early as
16 the fall of 2018, it was a very challenging
17 period. Many consumers came to our store with
18 some knowledge, mostly misinformation that Step 1
19 stoves were not desirable and thought to be
20 dirty-burning.

21 Yet some of our units were already
22 meeting the grams per hour requirements, but were

1 in the process of being recertified before new
2 product could be on the floor. We educated those
3 consumers and discounted the sales as possible to
4 move them out.

5 Some inventory remained for the next
6 season. Purchasing for the upcoming season
7 became a new obstacle, with carryover stoves to
8 be adjusted for. As I projected how to be, in my
9 buying decisions, deciding the allocations, the
10 funds, for that mix of available stoves was very
11 painful.

12 Our product line represented four
13 different manufacturers. Some of them had
14 transitioned well with the majority of their line
15 now certified to the new standard, others had not
16 been as thorough, with only two to four units
17 available.

18 We prepared for the May 15, 2020
19 deadline, we aggressively discounted and promoted
20 the sale of non-compliant units. Our fall season
21 was very different.

22 I'm happy to report that the continued

1 effort and with that, when the new owner took the
2 place, only one stove was in existence as of
3 March 1st.

4 The COVID-19 pandemic brought on the
5 closure of retail hearth stores all across the
6 nation for as much as 90 days. Consumers are
7 still adjusting, they're not yet returning to the
8 retail hearth stores.

9 Adding the last 60 days of retail
10 selling lost to COVID-19 is financially
11 devastating to the stores with new and viable
12 Step 1 units.

13 As was said earlier this morning,
14 there's a fear that exists with many retailers
15 with Step 1 stoves not to speak out because they
16 don't want to be identified. I want to be their
17 voice.

18 I ask for the approval of the proposed
19 extension to allow retailers to have those last
20 60 days of selling taken away by the COVID-19
21 pandemic and disruption.

22 Thank you for the opportunity to speak

1 and share a retailer's perspective.

2 MR. FRENCH: Thank you. Any questions
3 from the panels, any clarifying questions?

4 MS. MOELLER: No, thank you.

5 MR. FRENCH: All right, thank you.

6 So, we've been through the full list of
7 registered speakers, although three of them
8 didn't respond.

9 So, I'm going to circle back and see
10 if they're available. Jennifer Knee, are you
11 available to speak? If so, can you unmute
12 yourself and state your name and spell it out,
13 and give your testimony?

14 Jennifer Knee, are you out there? You
15 need to press *6 to unmute yourself if you're on
16 a phone. Jennifer Knee?

17 I can't hear you if you're out there.
18 Okay, we'll move on. Is somebody speaking? Is
19 Niels Wittus available?

20 Niels Wittus, Wittus Fire By Design?
21 Are you online? If so, could you unmute yourself
22 and state your name and spell it out, and be

1 ready to provide testimony?

2 Okay, you may have to push *6 to
3 unmute yourself. We'll move on to the next
4 person on my list, which is Ali from Oregon DEQ.
5 Are you available?

6 If so, please unmute yourself and say
7 your name and spell it out for us? And then you
8 can begin your testimony. You may have to push
9 *6 to unmute yourself. Ali from Oregon DEQ, are
10 you out there?

11 MS. WU: Hi, this is D from Oregon
12 DEQ. Ali was unable to make this time slot and
13 so I delivered our testimony in his place. Thank
14 you.

15 MR. FRENCH: Thank you for that
16 information. Okay, that's all the names I have
17 on the registered list.

18 So, with that, I know we have a number
19 of listeners on the line. Again, if you would
20 like speak, provide a statement or a comment, you
21 could please contact Kathy Mills. Her phone
22 number is 919-541-1599.

1 I'll repeat that, it's 919-541-1599.
2 And Kathy's email address is Mills, that's
3 M-I-L-L-S, dot, Kathy, that's K-A-T-H-Y,
4 @epa.gov.

5 So, if you're online and you would
6 like speak and you haven't spoken already, you
7 can contact Kathy Mills to register.

8 So, given that, I guess we'll stay on
9 the line for at least another 15 minutes to see
10 if anybody registers or see if some of the folks
11 have shown up yet that I mentioned that have not
12 answered yet.

13 So, why don't we just stay on the line
14 and give it 15 minutes? If nobody registers and
15 these other people don't show up, we'll probably
16 end the meeting shortly after that.

17 So, let's take a 15-minute break and
18 see if we get any more people to register. But
19 again, we're keeping the line open. So, it's
20 1:58 p.m. now so at 2:13 p.m. it will be our
21 15-minute mark.

22 (Whereupon, the above-entitled matter

1 went off the record at 1:58 p.m. and resumed at
2 2:13 p.m.)

3 MR. FRENCH: Okay, just in case there
4 is someone who joined us, my name is Chuck
5 French, I've been chairing this hearing today
6 regarding the wood heaters NSPS proposed
7 amendments that were published on May 22, 2020.

8 We're in our second session for today
9 and joining me on the panel are Nate Topham, who
10 is the Project Manager, and Njeri Moeller, who's
11 a chemical engineer in the Air Office.

12 We do have an additional speaker that
13 registered just recently, so we'll start with
14 that speaker. So, I'd like to call up Jessica
15 Gordon as our next speaker.

16 Jessica, could you unmute yourself by
17 pushing *6 and then say your name, first and last
18 name, and then spell it out for us, and then you
19 can start your testimony?

20 MS. GORDON: Thank you, can you
21 confirm that you can hear me?

22 MR. FRENCH: Yes, I can hear you,

1 thank you.

2 MS. GORDON: Thanks, this is Jessica
3 Gordon, J-E-S-S-I-C-A, G-O-R-D-O-N, and I'm a
4 senior attorney with the California Air Resources
5 Board.

6 Thank you for the opportunity to speak
7 today, especially at the last minute. Some of
8 today's speakers described EPA as effectively
9 proposing a six-month sell-through period rather
10 than a two-month period.

11 That is because EPA has announced that
12 it will treat Step 1 stove sales prior to
13 finalization of a sell-through period as a
14 low-enforcement priority.

15 But I also note that the May 15, 2020
16 NSPS deadline for Step 1 stove sales remains in
17 effect, so sale of Step 1 devices has been
18 unlawful since May 16th and will remain unlawful
19 until any sell-through is finalized.

20 Many states and over half of
21 California's 35 local air districts, including
22 the largest air district, have delegated EPA

1 authority to enforce the NSPS.

2 Additionally, under Clean Air Act
3 Section 304, states, other jurisdictions, and
4 private citizens can also file citizens' suits
5 for sale of Step 1 stoves in the period that
6 those sales are illegal before any sell-through
7 is finalized.

8 So, while EPA may choose not to
9 enforce the NSPS in the interim, there's a
10 variety of other entities that can.

11 Thank you.

12 MR. FRENCH: Thank you. Any panel
13 members have clarifying questions they'd like to
14 ask?

15 MS. MOELLER: No, thank you.

16 MR. TOPHAM: No, thank you.

17 MR. FRENCH: Thank you for your
18 testimony and, again, we encourage all speakers
19 to submit their testimony to the docket as well
20 as any other additional comments they might have.

21 And the Federal Register provides
22 detailed information of how to submit comments.

1 Okay, with that, I can see if the two speakers on
2 our list that have not yet spoken -- Jennifer
3 Knee?

4 If you're online and would like to
5 speak, please unmute yourself. If you're on the
6 phone, press *6, say your name, spell your name,
7 and then you can provide testimony. So, Jennifer
8 Knee?

9 Okay, I guess Jennifer's not
10 available. I have a Niels Wittus on the list
11 here, I think it's Wittus Fire By Design is the
12 name of the organization. Are you on the line?

13 If so, please unmute yourself and you
14 can state your name and spell your name and
15 provide your testimony? Press *6 if you're on a
16 phone to unmute yourself.

17 Niels Wittus, if you're online and you
18 want to speak, please unmute yourself by pushing
19 *6 on your phone and introduce yourself and spell
20 your name, please? Okay. That's all the
21 speakers I have on my list.

22 I'll check with Kathy and see if

1 there's any other names. So, at this time I'm
2 not aware of any other speakers so what we'll do
3 now is we'll just hang onto the line, keep the
4 line open for another 15 minutes.

5 So, I'd like the panel to remain open
6 and wait 15 minutes in case, and during that
7 time, if there's anybody on the list on the line
8 that wants to speak, we have some time left for
9 speakers.

10 So, if you're on the listening line
11 and would like to speak and have not yet spoken
12 or not yet provided testimony, please contact
13 Kathy Mills. Kathy Mills' phone number is
14 919-541-1599.

15 I'll repeat that, it's 919-541-1599,
16 or you can send an email to Kathy at
17 mills.kathy@epa.gov.

18 So, if anybody would like to speak
19 that has not yet spoken, we welcome your
20 testimony. You just have to contact Kathy Mills
21 to provide your name and so forth.

22 So, with that, I'll give it 15 minutes

1 to see if anybody else registers. If they don't,
2 we'll end the hearing shortly after that, after I
3 give some closing remarks.

4 So, it's 2:20 now, Eastern Time, so at
5 2:35 Eastern Time, if we don't have any
6 additional speakers I'll give some closing
7 remarks, short closing remarks, and we'll end the
8 hearing at that point.

9 (Whereupon, the above-entitled matter
10 went off the record at 2:20 p.m. and resumed at
11 2:35 p.m.)

12 MR. FRENCH: Okay, well, this is Chuck
13 French again. So, we had no additional people
14 register to speak so I'm going to provide closing
15 remarks and then we'll sign off for today.

16 Again, my name is Chuck French, I'm a
17 Group Leader from EPA's Office of Air Quality
18 Planning and Standards. I have been chairing
19 this hearing today.

20 At this time, I want to thank my
21 fellow panelists and to thank everyone who
22 offered testimony today, and the listeners

1 regarding the proposed amendments for the
2 standards of performance for new residential wood
3 heaters, new residential hydronic heaters, and
4 forced-air furnaces.

5 And remember, you can continue to
6 submit comments on the proposal through July 6,
7 2020.

8 So, I recommend you look at the
9 Federal Register notice that was published on May
10 22, 2020 and you're welcome to submit written
11 comments, but please note the comment period
12 closes on July 6, 2020.

13 So, please, whatever comments you have
14 remaining, please submit them no later than July
15 6, 2020. With that, this hearing session is now
16 adjourned.

17 Thank you, everybody, thanks for your
18 participation. Have a good the rest of the day.
19 Bye, thank you.

20 (Whereupon, the above-entitled matter
21 went off the record at 2:36 p.m.)
22

A			
A-C-K-E-R-L-Y 9:22	77:8 79:22 83:5 84:11	57:21 62:10,14 65:9	announce 45:4
A-R-R-O-L-L 32:21	93:9 100:8 101:1,5	65:17 66:1 68:7,8	announced 58:18
A-T-H-Y 46:5	109:22 125:12 127:20	69:9 70:11 71:6,9,12	126:11
A-Y-E-R-S 94:14	130:6,13	77:22 78:11,16 85:7	announcement 108:7
a.m 1:16 3:2 43:12 44:1	Additionally 41:3 127:2	85:14 87:20 90:16	announcing 50:12
44:5,8,9 47:3 53:21	address 46:4 49:21	92:15 95:18 96:12,18	annual 36:2 90:5
54:7,8 61:22 62:1,21	56:8 63:7 67:17 70:2	97:12 98:14 106:9,18	answer 50:4 99:17
63:14,15 64:7,17,20	74:15 82:22 97:12	111:10,11,17,22	answered 124:12
64:21 74:19,21,22	117:7 124:2	112:14,17 113:2,7,13	answering 101:13
75:20,21 76:7,9,10	addressing 98:2 99:6	115:14,15,16 125:11	anticipated 34:6 41:2,4
77:14	adds 31:16	126:4,21,22 127:2	anticipation 14:15
ability 87:19	adequate 18:2	130:17	anybody 45:3 46:22
able 6:21 11:8 31:16	adjacent 118:20	airsheds 70:7,12 73:19	61:14 63:2 75:18
35:13,15 46:20 79:9	adjourned 131:16	alarming 19:4	124:10 129:7,18
82:1	adjusted 120:8	Alaska 14:17 49:14	130:1
above-entitled 44:7	adjusting 121:7	68:11 69:8	anyone's 99:13
54:6 61:21 63:13	adopt 14:17	Ali 110:15,19 118:2	anyway 60:5 62:18
64:19 74:20 76:8	adopted 40:6	123:4,9,12	apologize 23:15
77:13 124:22 130:9	advance 7:14 82:15	all-time 37:20	appear 38:18
131:20	advantage 31:6	allay 13:7	appearance 92:21
above-listed 90:9	adverse 73:19 89:16	Alliance 2:2 10:1,17	appears 109:4
abrupt 36:1	adversely 26:21 35:2	allocations 120:9	appliance 24:22 25:8
absent 25:18 29:1	69:1,15	allow 4:4,8 13:2 14:18	68:14 70:16 85:17
acceptable 86:14	advised 49:7 59:3	14:22 71:19 72:18	appliances 11:1,4
accepted 8:18 83:18	advising 49:16	78:22 79:4 108:11	12:19 13:8 14:11 25:2
accessible 5:14 80:11	advocacy 88:7	121:19	26:11 28:12 30:19
accessories 33:13	advocated 18:13	allowance 33:4	31:2,5,9,13,16 33:13
accommodate 7:14	Affairs 32:22 48:22	allowed 4:12 36:8 37:12	33:15,17 34:15,19
82:15	affiliate 119:3	72:22	35:22 36:14,16,20
accrues 88:17	afraid 50:5,11,13	allowing 17:7 25:5 33:6	37:13,19 50:21 70:6
accurate 6:5 45:6 56:14	afternoon 9:4 48:12	34:13 37:8 38:17 40:9	71:20 72:3 73:16,18
81:6	75:8 77:9,17 84:7,18	72:3 73:9,17	92:5 93:3,5,11 108:13
achieve 29:11 112:19	85:4 118:18	allows 7:11,15 24:21	108:22 119:5
Ackerly 2:2 9:13,18,21	agencies 24:5 68:8	82:11,16	appreciate 32:19 37:21
9:22 10:6 14:7 15:16	107:22 112:17	ambiance 92:10	39:2 61:2,2 111:13
16:5	agency 1:2 2:12 26:17	ambient 87:20 106:18	approach 27:4
acknowledgment	27:11,20 34:6 38:15	112:14	approached 42:8
113:17	38:19 50:15 106:8	amend 40:11 113:15	approaching 108:3
Act 25:7 39:22 40:2	agenda 6:1 9:2 43:11	amendment 75:4	appropriate 29:4
42:18 113:2,7,13	47:3 62:22 80:22 94:8	amendments 1:7 3:8	appropriately 29:7
127:2	101:12 111:1	4:2 11:13 40:17 41:21	approval 103:4 121:18
action 5:3 6:9 18:3	aggressive 37:4,18	44:14 54:14,15,22	approved 104:14
27:17 29:2 80:1 81:10	aggressively 35:22	62:5 63:19 65:3,13	approximate 5:20
88:13	120:19	76:20 77:20 78:3,20	80:19
actions 70:14 113:8	AGH 10:17	125:7 131:1	approximately 4:22
active 119:8	aging 97:4	AMERICA 1:1	41:19 79:19
activities 55:5 65:20	ago 27:6	American 2:3 16:21	April 21:20 33:22 35:14
70:18 85:9	agree 97:11	17:3,14,18 21:10	72:5 87:7 89:1 90:12
actual 96:3	agreement 107:10	22:22 23:2 49:11	114:18
add 10:15 33:3 41:17	ahead 16:17,18 39:15	89:13	area 24:13 70:10 92:6
49:2	46:16 48:10,13 56:20	Americans 17:9	93:1 97:12
adding 107:21 121:9	89:7 94:16 102:15	amount 25:14 95:17	areas 14:11 68:20 69:3
addition 7:10 87:4	106:6 116:1 118:16	ample 21:18	69:7 70:8 71:12 86:5
112:6 115:17	air 1:4,5 2:4 3:5,17,21	analysis 24:12 26:16,16	86:19,19 89:14,14
additional 5:2 8:6 9:6	13:5 16:21 18:21	41:4 87:2 88:11 106:9	106:19 112:1,9,22
17:7 34:1 41:11 43:21	19:17 22:19 24:5,10	analyze 25:11	arguably 35:11
44:3 49:2 68:16 72:7	25:7 28:12 39:22 40:2	Anne 2:12 105:20,20	Arizona 49:15
	42:18 44:18,22 55:3,8	106:4	arms 99:13

asked 5:21 18:14 80:20
 asks 22:22
 aspect 95:5
 assert 40:17
 assessment 19:20
 41:10 106:9
 Assistant 16:20
 associated 24:15 72:2
 104:8
 association 2:3,7 16:22
 17:3,15 18:13 19:15
 20:17 22:22 24:4 33:1
 33:9,10 49:1,11 68:7
 114:8
 assumed 35:10 119:11
 assure 8:11 83:11
 asthma 89:21
 attain 87:19 115:16
 attaining 112:22
 attainment 68:20,20
 70:10 112:20
 attempt 103:13 114:20
 115:1
 attended 36:3
 attorney 126:4
 attributed 112:3
 authority 127:1
 authorize 39:22
 auxiliary 92:10
 available 17:22 26:14
 28:4 34:22 39:10 47:6
 89:12 92:18 120:10
 120:17 122:10,11,19
 123:5 128:10
 average 89:16
 averages 89:22
 avid 57:19
 aware 129:2
 Ayers 2:2 94:8,13,13,17
 98:21 99:11,21 100:9
 100:14

B

B 16:16
 B-E-N-J-A-M-I-N 111:9
 babies 19:12
 back 11:18 30:7 44:10
 47:14,16 54:4,9 57:14
 58:2,11,14 61:17 62:3
 63:11,16 65:7 70:10
 74:19 75:1 76:11
 91:14 94:6 97:3 99:13
 101:19 102:4 110:22
 117:11,13,18 118:9
 122:9
 back-up 92:11 100:9
 backfire 10:12
 background 49:5

bad 12:3
 barbecue 33:1,8,12
 49:1 114:8
 Barbeque 2:6
 based 62:21 87:9,14
 89:12
 basically 31:10 59:19
 basis 25:5,15 113:17,20
 114:6
 bear 5:11 42:10 80:9
 99:14
 beautiful 85:20
 becoming 68:22
 began 22:8 37:6
 beginning 49:6
 behalf 49:9,20 50:16
 52:4 104:20 105:1,8
 believe 28:6 58:16
 71:19
 Bender 2:3 16:11,15,16
 16:19,20 22:10
 benefit 38:7 88:16
 benefits 86:10
 Benjamin 2:4 111:2,5,5
 111:8,8,9 115:11
 Bergin 1:19 3:20 16:7
 23:5 31:21 39:1 43:1
 44:22 53:1 55:7 62:13
 65:22,22 74:6
 best 13:6 20:22 27:16
 27:16 40:4,13,18
 113:16
 better 97:19,20
 beyond 28:21 34:2 40:1
 71:20
 big 99:5
 big-box 109:12
 bigger 98:12
 biggest 13:8,9 94:19
 98:1,15
 birth 19:11
 bit 64:10 95:6,12
 black 19:21
 Board 2:4 98:17 111:12
 126:5
 Boiler 2:17 102:7,14,21
 103:6 104:19,20
 105:1,8
 boilers 13:16 18:8
 22:18
 Boomers 97:5
 border 57:5
 bottom 22:15
 bought 57:17
 boxes 13:9
 boy 16:16
 break 43:22 44:5 47:19
 61:12 63:10 74:18

75:19,22,22 76:7,16
 77:1 124:17
 breaks 9:7 84:12
 breathing 95:6 98:8
 115:14
 brief 38:4
 bring 10:18
 broad 27:5
 brought 28:7 93:8
 121:4
 BSER 113:17,19,21
 bumpy 119:14
 burden 28:22 88:17
 107:6 109:18,20
 burdens 41:4 107:5
 108:22
 burdensome 71:4
 burned 107:1,2
 burning 57:9,15 58:4
 71:13 92:9,11,17
 100:18 106:16,20,21
 108:16 112:8
 business 5:5 31:10,11
 35:8 42:7 80:2 95:7
 103:2 118:22 119:7
 businesses 30:22 36:4
 38:14 41:6 50:2,5
 51:1 52:10 71:16
 102:20 104:7 108:15
 109:4,8,16 114:10
 businesses' 50:8
 buy 12:12
 buyer 88:19
 buying 12:18,20 120:9
 Bye 131:19

C

C- 32:20
 C-R-O-U-C-H 48:22
 California 2:4 49:15
 52:5 69:4,8 111:11,15
 112:3,10 115:4,13
 126:4
 California's 112:11
 126:21
 Californians 115:6
 call 5:22 6:1,4 7:4 14:20
 45:5 56:11 66:5,20
 67:19 80:21,22 81:4
 82:4 125:14
 calling 78:8
 calls 30:7 36:7
 Canada 49:8 57:5
 cancer 19:8 24:14
 CARB 2:5,9 112:17
 115:3
 carbon 18:19
 carcinogens 18:22

cardiovascular 19:6
 Carolina 118:19
 Carroll 2:6 32:7,11,13
 32:18,20 37:17 39:2
 49:4
 carryover 120:7
 Cascades 86:3
 case 125:3 129:6
 cases 11:2 19:18 36:8
 37:3
 category 24:12
 cause 13:9 19:9,10
 42:13 111:21
 caused 93:7
 causes 19:5,7
 central 2:17 13:2,3,14
 19:9 92:13 102:7,14
 102:21 103:6 104:19
 104:20 105:1,2,8
 certainly 34:6 48:21
 certification 12:14 28:2
 28:6 73:11
 certified 4:6 11:21
 51:12 58:13 72:13
 73:5 103:14 104:3
 120:15
 certify 13:21 27:22
 cetera 100:15
 Chair 1:18 44:12 55:1
 62:16 76:14
 chairing 3:7,15 65:11
 78:2,18 125:5 130:18
 Chairman 119:4
 Chairperson 62:8
 challenge 73:4
 challenging 119:16
 chance 8:8 53:14 83:7
 99:6
 change 107:16
 change-out 37:11 49:8
 119:6
 change-outs 49:17
 70:20
 changes 74:1
 changing 60:16
 chapters 49:10
 cheaper 13:15 14:12
 check 46:9 47:14,16
 53:5,17 54:4 101:10
 128:22
 chemical 78:15 125:11
 Chief 13:18 111:10
 children 88:20
 children's 89:16
 chimney 57:16
 choose 92:16 127:8
 chose 59:1
 chronic 89:21

Chuck 1:16,18 3:4
32:19 44:11 48:6
54:11,22 56:19 62:3
62:16 63:17 65:1,8
75:2 76:12,14 77:21
125:4 130:12,16
CIP 70:8
circle 102:4 110:22
122:9
cite 114:14
cited 114:6
cites 22:7
cities 68:18 86:7 90:14
92:6 96:19
citizens 127:4
citizens' 127:4
city 69:4 92:2
claims 22:2,7
clarify 81:19
clarifying 6:19,22 42:22
52:21 61:5 66:15 74:4
82:1 90:22 93:14
105:12 110:9 116:10
122:3 127:13
clean 25:7 28:12 39:22
40:2 42:18 58:4 105:4
108:16 113:2,7,13
127:2
clean-burning 37:9,12
105:7 119:5
cleaner 22:20 70:21
cleanest 71:2
cleanest-burning 70:6
cleaning 18:5
clear 19:4 34:4 37:2
50:12 113:12 114:9
114:12
clearly 39:15 45:5
46:17 48:19 55:12
67:22 81:5 105:21
close 9:4 14:10 26:11
84:9 86:19 89:15
closed 50:6
closes 67:1 131:12
closing 50:8 130:3,6,7
130:14
closure 4:18 79:15
121:5
closures 35:4
Coast 54:2 64:14 68:11
77:17,18 85:21
coastal 85:21
cold 86:4
colleagues 99:20
color 89:17
Colorado 49:7,14 68:10
combination 70:13
combined 25:21 37:15

37:17
combustion 86:21
106:17 112:4
come 20:15 21:15,16
30:7 49:17 50:2 59:9
61:17 63:11 91:14
94:6 99:22 101:19
comes 100:10 112:5
coming 3:14 10:10 98:1
comment 66:22 111:14
123:20 131:11
COMMENTERS 2:1
comments 6:8,11,19
7:7,9 8:6,9,12,13,20
9:1,9 16:9 26:7 29:19
32:1 38:3 43:4 45:16
45:17,18 47:10 49:3
53:3 54:18 55:22 56:2
61:9 67:3,3,6 68:16
76:19 81:9,11,20
82:10 83:5,9,9,12,14
83:20 84:3,4,15 87:10
90:18,19 91:4 93:18
99:8,9,19,22 100:1,6
100:8,21 101:1,1,3,3
101:5 110:14 116:4
127:20,22 131:6,11
131:13
commerce 104:10
commercial 35:4
commitment 28:15
common 42:15
commonly 3:11
communication 107:18
108:10
communities 10:16
13:14 14:8,16 20:14
42:9 49:19 52:11
68:21 69:1,15 87:22
89:18 90:2,4,6 115:13
communities' 87:19
community 10:19 17:17
89:13
companies 13:17 14:3
73:4
company 30:18,22 57:1
57:3,6,12,18 59:13,17
company's 92:15
comparability 25:19
comparable 21:8
compared 103:9
competing 14:13
competitively 115:21
competitors 13:19
complement 70:16
complete 12:14
completed 26:15,18
60:17

completely 36:6 60:22
112:13
compliance 5:2 20:19
27:8 34:22 40:8 41:2
41:5,7 79:21 89:3
107:14
compliant 27:20 89:5,7
108:19
comply 14:5 21:19
104:17 109:9
complying 22:3
compound 38:11
compounds 18:20
comprises 106:16
computer 39:9 53:9
concern 69:22 92:15
concerned 13:5 57:20
87:12 95:8 119:8
concerning 25:10
concerns 12:10 13:7
28:1
conclude 26:7
conclusions 40:16
concrete 72:1
conditions 114:18
confirm 6:21 66:17 82:1
125:21
confusion 107:21
consequence 41:2
consequences 42:10
Consequently 50:15
consider 11:17 99:9
consideration 8:12
61:3 83:11 100:2
101:4
considered 10:21
Considering 42:3,14
consistent 38:5
constructed 97:16,18
construction 97:15
consumer 35:5 88:6
103:16 114:16 119:8
consumers 35:1 95:9
119:17 120:3 121:6
contact 7:17 43:14,19
45:22 46:7 47:8 56:6
61:16 63:4,22 64:4
67:14 74:14 82:18
117:5,9 123:21 124:7
129:12,20
contemplated 36:16
continue 4:5 20:13
24:21 36:8,15 42:7
56:19 60:13,21 71:19
72:4 79:1 131:5
continued 17:20 26:13
59:11 109:14 120:22
continuing 33:3 38:19

77:7
contrary 90:11 108:14
114:19
contrast 72:21
contributes 112:8
control 2:12 68:14 70:9
85:17 106:8
Conversations 26:2
cooperative 88:10
copy 7:6 67:10 82:7
90:19 105:18
cord 51:12
cords 107:1
coronavirus 95:2
correctly 50:11
costs 87:3 88:13 94:21
Council 68:7
countless 94:22
country 4:20 69:10 72:9
79:17 114:11
course 95:8
covered 33:17
COVID 20:11 114:13
COVID- 20:7
COVID-19 4:4 15:5 17:9
17:15 20:2 22:7 24:16
25:11 26:20 28:22
31:1 34:3 35:5 38:1
41:20 42:16 50:7
71:18 78:22 93:8
102:18 103:10,19,20
104:8,12 114:5
115:20 121:4,10,20
COVID-related 87:1
Craigslist 15:19
create 103:3
creates 107:17,19
credit 58:14
creosote 58:8,9
crisis 42:17
critical 18:18 28:16
69:13
Crouch 2:8 48:6,7,9,16
48:18,21,22 52:14,18
crucial 35:12 70:15
104:13
current 3:18 4:12 24:19
36:10 40:6,12 41:7
44:19 47:19 55:4
62:11 65:18 69:6
78:12 88:8
currently 8:18 15:8,20
57:6 83:18
curtailment 70:18
customers 92:7,16

D

D 2:19 84:18 85:5,5,5

123:11
Dakotas 68:10
Dale 2:11 29:20,21 30:3
 30:3,5,7 39:6,7,9 43:5
 43:7 46:9,10,11,15,19
 46:20 48:5 53:6,7,7
 53:11 56:12,12,16
dangerous 18:5 22:19
Daryl 57:7,16,19 58:2,5
 58:11,19 59:2,13 60:7
Daryl's 57:10 59:8,15
data 26:3 29:2,3 72:1
 86:22 89:13 115:3
date 4:10 5:2 25:9 27:8
 34:2 35:7 40:1 79:6
 79:10,21 86:13 114:2
day 9:8 131:18
days 4:22 22:12 25:3
 27:2 79:19 121:6,9,20
deadline 12:17 21:19
 25:3 36:19 40:9 41:5
 42:8 60:14 71:20
 73:14 89:8 104:2,19
 107:14,16 108:3,20
 109:6,17 116:2
 119:10 120:19 126:16
deadly 110:2
dealer 12:2 38:2 51:6
dealers 34:13 35:8,14
 35:18 36:3 50:18,19
 50:21 51:2 102:21
 103:13,22 104:4,6,16
 104:18,20 105:9
death 19:5 20:7 24:16
deaths 88:18 112:2
decades 20:14
decades-long 115:9
decades-old 37:14
decide 47:7 117:3
decided 58:3
deciding 120:9
decision 21:17 41:10
 42:7 88:22
decisions 42:11 120:9
declined 21:21
decrease 103:21
deemed 21:14
deep 31:6
Deeply 25:9
delay 17:4 20:13 22:6
 22:15 86:9 113:10
delayed 29:11
Delaying 87:17
delegated 126:22
delegation 107:10
deliberation 88:4
deliberative 88:9
delivered 105:5 123:13

deliveries 8:18 83:17
delivery 8:17 83:17
demand 107:18
denied 27:6 34:11
 35:11
deny 34:1
Department 2:19 85:11
depend 70:9 87:22
depending 47:22
Depot 26:12
depressed 35:4
deprived 35:9
DEQ 86:22 87:12 90:10
 90:13 110:16,19
 118:3 123:4,9,12
DEQ's 85:16
described 54:18 61:9
 91:5 126:8
desert 86:3
deserve 13:20
design 13:20,21 94:4
 102:1 117:19 122:20
 128:11
designated 112:13
desirable 119:19
despite 27:18 41:18
detail 40:21
detailed 90:18 127:22
details 8:22 10:21
 27:19 45:18 56:4 61:9
 67:3 84:2
determination 113:16
determined 33:22 72:5
 114:18
devastating 102:19
 121:11
develop 34:18 72:19
 89:3
developed 57:8 70:1
 112:17
development 19:12
 20:17 28:11 59:14
developmental 19:11
devices 4:6,9 11:15
 18:10 20:21 25:17
 41:13 69:13 71:2 79:2
 79:5,10 89:3,6,7
 109:2 110:1 111:20
 111:21 112:5 116:1
 126:17
devote 72:18
diabetes 19:12
Dick 116:16,22 118:9
 118:10,13
difference 34:11 96:11
 96:17 99:7
different 15:10 120:13
 120:21

differs 41:1
difficult 22:10,11 26:17
 71:15 103:3 107:19
 108:5
difficulties 5:12 42:15
 80:10
diligently 37:1
directions 12:8
directives 4:19 79:16
directly 103:21 106:16
Director 24:3 48:22
 68:6
dirty 51:20 73:15
dirty 20:12 70:20
dirty-burning 119:20
disadvantaged 100:17
 115:13
disagree 60:22
discount 35:22
discounted 120:3,19
discounts 31:7 103:17
discretion 27:2
discuss 95:12
disease 17:3,18 89:22
display 92:19 93:3
disproportionate 20:5
disproportionately
 90:4 109:15 115:12
disregarding 40:15
disruption 121:21
distancing 17:21
distribution 30:18
distributor 30:21
distributors 33:11
district 126:22
districts 115:15 126:21
disturbing 27:9
diverge 95:12
diverse 92:22
Division 111:11
division's 5:10 80:8
docket 1:11 6:10 8:14
 16:10 23:8 29:19 32:2
 43:4 47:11 53:4 61:9
 67:11 81:10 83:14
 100:5 105:18 127:19
document 25:10
documented 86:16
 115:17
donate 37:8
donations 109:7
doorway 11:18
dot 7:21 43:17 46:4
 56:9 63:8 64:2 124:3
doubt 35:7
downturn 114:6
dramatically 36:19
Dreamstyle 2:2

drive 60:3 118:19
driven 12:9
dry 86:4
due 4:3,17 5:5 15:5
 18:4 31:1,2,10,15
 35:5 50:7 51:16 68:19
 68:22 69:10 78:21
 79:14 80:3 104:7
duty 109:9

E

E-N-D-E-R 16:16
e.g 87:13
earlier 24:2 37:18 47:22
 84:5 101:12 121:13
early 11:4 33:22 35:14
 54:3 72:5 75:10 114:1
 119:15
EarthJustice 2:15
 39:13,21
East 77:18 86:3
Eastern 63:12 64:17
 74:19 75:21 76:2,7
 77:3,6,11 130:4,5
eBay 15:17
economic 31:14 41:6
 52:12 71:16 114:5
economically 50:9
 100:17
economy 95:3 100:16
EDT 1:16
educate 12:5
educated 120:2
effect 21:16,17 27:12
 109:17 126:17
effective 25:9 28:11
 34:2 35:7 68:13 70:5
 85:16 104:22
effectively 87:5,13
 112:22 126:8
effects 34:3 102:17
 103:10
efficacy 28:2
efficiency 21:9
efficient 96:15 105:4,7
 108:16
effort 25:13 108:10
 121:1
efforts 28:10 50:7
eight 15:3 21:1 24:5
 60:2 76:4
either 50:14 72:1
 112:13 113:15
elected 119:4
element 70:4 96:11
 99:4
email 5:19 7:21 8:20
 43:16 46:4 56:8 63:7

64:2 67:17 74:15
80:17 82:21 83:21
117:7 124:2 129:16
Emerging 20:5
emission 20:22 24:18
29:11 40:4,7,13 71:3
72:14 105:6 113:16
emissions 18:18,18
40:18 42:4 68:15
69:11,12 85:18 87:2
105:5 112:7 113:5
115:8,18
emitted 106:17
employed 27:2
employee 104:9
employees 50:8 59:18
92:3
enacted 58:17 104:22
encompasses 68:17
encompassing 85:21
encourage 7:5,9 8:19
32:1 45:15 54:17
55:20 67:8,9 82:6
83:19 93:17 105:17
127:18
encouraging 92:16
endorsement 37:5
endorses 33:19
ends 22:5 26:9
energy 58:14
enforce 6:16 17:11
81:17 127:1,9
enforceable 107:14
enforcement 15:22
22:16 25:21 27:2,11
27:15,17 28:14 50:14
107:6 108:3,8
engage 38:19
engineer 44:17 62:10
78:15 106:8 125:11
England 31:1
enhancing 85:13
ensure 5:4 34:21 38:10
80:1
ensuring 28:11 41:7
enter 6:3 9:16 81:2
entire 19:18
entirely 29:1 34:4
entities 127:10
environment 52:8
71:16 97:20 99:2
environmental 1:2 2:19
85:12 86:10
environmentalists
57:20
EPA 1:18 4:1,4 8:11,17
10:21 12:5,6,22 13:5
13:22 14:20 15:5,21

17:11 18:3,15 19:20
20:17,19 21:20 22:4,6
22:14,22 24:17 25:4
25:13,19 26:2,4,7,15
27:1,5 29:9 33:2,21
34:8,17,21 35:10 37:6
38:2 39:22 40:3,6,12
41:1,3,15 42:16 49:10
51:22 57:22 58:1,15
59:6,9 71:22 72:5
78:19,22 83:11,17
87:12 88:7 96:12 99:1
104:5 105:9 107:11
108:1 112:21 113:18
114:18,20 115:1
116:3 126:8,11,22
127:8
EPA's 3:5,8,17,21 9:10
11:12 24:12,19 25:10
27:4,14 28:2,20 33:19
34:11 38:5,13 41:9
65:9,12,17 66:1 77:22
78:3,11 88:22 90:11
107:15,17 108:7
113:15 114:6 130:17
EPA-1 103:14
EPA-approved 27:21
EPA-certified 92:16,20
93:3,10 102:22
EPA-HQ-OAR-2018-0...
1:11
epa.gov 7:22 43:17
46:5 56:10 63:8 64:3
124:4
episodes 70:19 71:14
equal 8:11 83:11
equally 19:15 67:6
equipment 92:12
equity 116:5
especially 19:21 35:17
49:13 86:18 108:4
110:1 126:7
essentially 36:1 96:2
established 71:21
estimate 25:11,14
106:22 115:2
et 100:15
European 21:7
evaluate 25:19 115:5
event 92:12
everybody 44:4,11 45:2
45:15 54:5,10 61:19
64:22 67:2 75:2 76:11
77:12 131:17
evidence 19:4 20:5
22:1 100:10 115:19
exacerbated 20:4
exactly 47:20 56:2

examples 113:18
excess 88:17
excessive 13:10
exclusive 112:18
excuse 15:10
Executive 68:6
existence 121:2
existing 36:21 37:19
113:10
exists 19:13 21:6
121:14
expect 10:5
expecting 64:6 108:1
expeditiously 113:1
expense 58:20 60:3
expensive 59:22
experience 89:15,19,20
experienced 14:8 71:17
experiencing 90:3
explained 4:14 7:6 8:21
47:11 66:21 67:4 82:9
83:21 101:6
explains 56:2
explanation 40:14
Expo 36:2
exposing 69:19
exposure 19:9 20:6
90:3
extend 41:11 60:13
86:9
extending 41:5,15
42:17 60:18,19 88:18
108:21
extension 22:14 27:13
34:12 36:10,11 40:20
42:5 86:13 87:2,13
90:10 121:19
extent 40:21 42:6 114:4
extra 31:11

F

face 5:13 20:10 80:10
110:1
faced 19:22
fact 17:19 70:8
failed 25:4 28:5 29:7
72:1
failure 25:10 92:12
fair 6:15 81:16
Fairbanks 14:17 69:8
faith 28:10
fall 87:11 114:1,2
119:16 120:20
Falls 69:8 86:6
families 19:18 23:2
37:13
family 19:16 58:6
family-owned 57:3

far 13:4 22:19 36:21
62:19 76:19 77:1 84:2
97:19,20
farms 86:1
father 57:8,19
fault 71:17
fear 121:14
federal 4:2,14 7:7 8:15
8:21,22 45:19 47:11
54:16,19 56:1,3 61:10
62:5 65:4,15 66:22
67:4 70:13 75:5 78:20
82:9 83:15,21 84:1
91:5 101:6 107:22
113:8 127:21 131:9
federalism 88:10
feel 58:6 60:9,9
feels 60:14
fellow 130:21
felt 58:22
fertile 85:22
fighting 110:2
file 127:4
final 4:10 21:13 22:4
34:8,13 79:6,11
finalization 126:13
finalize 21:21 52:7
finalized 4:7 5:3 11:13
18:16 19:2 79:3 80:1
126:19 127:7
finance 70:19
financial 34:5 38:11
financially 121:10
find 15:17 24:22 28:5
finding 22:1
findings 90:12
finds 90:10
fine 49:12 54:2 85:8
86:15 106:17 109:20
112:3,8
finish 15:14
finished 6:20 8:4 66:16
81:21 83:4
fire 13:9,18 33:14 57:9
57:17 58:12 94:4
102:1 117:19 122:20
128:11
fireplace 92:21 96:14
97:22
fireplaces 2:16 92:1,20
96:1,5,6,22 100:19
first 5:10 6:4 9:12 10:5
10:6 16:13 18:9 30:9
32:20 46:8 49:21
56:13 61:4 66:6 80:8
80:16 81:5 84:17,19
90:21 91:20 94:17
107:5 110:19 125:17

fishing 85:21
five 6:11 11:5 15:11,13
 21:1 27:16 40:9 45:8
 55:10,14 64:12 66:9
 73:2 81:11 88:3 89:13
 100:12,21
five- 55:17
five-minute 6:14,16
 45:14 66:13 81:14,17
five-year 34:18,22 35:9
 38:7
floor 120:2
focus 13:7
folks 77:16 102:4
 124:10
followed 14:1
following 41:10 86:14
foot 109:12
footprint 98:11
forced-air 1:9 3:11
 33:16 78:6 131:4
foremost 94:18
forth 95:3 96:13 129:21
forward 38:18 50:2 77:7
 98:8 99:18
fought 14:3
found 19:20 27:22 89:1
 92:22
four 15:3 25:21 50:17
 59:18 120:12,16
fourth 51:19 57:13
fraction 103:18
French 1:16,18 3:3,4
 9:19 15:13 16:3,8,18
 23:3,6,16,21 29:14,17
 30:15 31:18,22 32:6
 32:14 38:21 39:4,18
 42:21 43:2 44:10,11
 48:4,8,10,17 52:15,20
 53:2,19 54:1,9,11,22
 56:20 61:4 62:2,3,16
 63:16,17 64:22 65:1,8
 74:3,7 75:1,2 76:11
 76:12,14 77:16,21
 85:3 90:21 91:3 93:12
 93:16 94:15 98:18
 99:8,16 100:3,20
 102:11,15 105:11,16
 106:6 110:8,13 111:7
 116:9,14 118:15
 122:2,5 123:15 125:3
 125:5,22 127:12,17
 130:12,13,16
frequency 113:9
fuel 24:9 33:14
fuels 33:13
full 12:15 17:4 22:16
 29:22 30:9,10 32:15

34:18,22 35:9 38:7
 41:17 100:4 102:2
 108:1 110:16 118:7
 122:6
full-time 92:3
fully 17:11 106:14
funds 120:10
fungible 114:2
furnace 57:17 58:6,7,10
 59:8
furnaces 1:9 3:11 13:16
 13:22 18:9 22:18
 33:17 51:21 57:9,15
 57:21 58:4 78:6 105:7
 131:4
further 6:22 8:2 20:4
 50:10 83:2 97:3
Furthermore 9:7 21:10
 26:10 84:12

G

G-O-R-D-O-N 126:3
game 60:15,17
Garrett 57:11
gas 96:15 97:16
gasification 57:9
general 104:10
generally 37:13
generation 57:7,11,13
 86:11 90:15
Georgia 118:21
getting 12:8 60:11 97:5
 97:15 119:14
give 6:11 38:6 45:10
 81:11 95:5 98:8 99:16
 102:11 122:13 124:14
 129:22 130:3,6
given 4:11 26:17 49:3
 64:8 109:20 124:8
gives 8:11 27:12 83:11
 99:5
giving 87:13
global 38:10
goal 5:14 80:11
Gordon 2:9 125:15,20
 126:2,3
government 32:22 96:3
gram 95:14,14 96:8
grams 51:13,14,16 96:7
 96:20,21 97:1,10
 98:15 100:19 119:22
grandfathered 72:15
granted 31:12
granting 72:6
greater 10:18 19:19
 21:8 31:17 88:14
greatly 35:4
Green 2:2 10:1,18

ground 5:8 14:10 66:4
 80:6
group 1:16 3:4,22 45:1
 55:9 62:15,16 65:9
 66:2 77:21 88:4
 130:17
groups 88:7
growing 36:13
grown 19:3
guess 39:10 46:8,20
 53:5,15 61:1,11 64:9
 64:11 98:7 102:5
 110:21 116:15 124:8
 128:9

H

H-O-F-F-M-A-N 118:14
H-O-R-I-H-A-N 56:17
H-Y 56:10
hairs 96:8 99:3
half 22:13 41:19 95:14
 126:20
hallmark 88:10
halt 36:1
hampered 114:5
Hampshire 52:6
hand 8:17 26:3 83:17
handful 98:9
hands 95:14 98:15
handwashing 17:21
hang 61:12 64:11 129:3
happen 12:2 79:7
happening 15:9 98:22
happy 120:22
hard 37:21 52:11 72:9
harder 115:15
hardship 103:3
hardships 31:14
harm 19:6,10,17 22:2
 23:1 115:12
harmful 42:4 116:7
harms 19:3,13 20:5
Hawaii 68:11
hazardous 18:21
health 17:2,9,13 18:4
 19:2,17 20:3 24:10
 26:22 41:4 42:13,17
 69:22 72:2 86:10,15
 87:3 88:6,12,17,19
 89:17 109:19,20
 111:22 112:6 115:18
Healthy 16:21
hear 9:18,19 48:4 67:7
 85:2 106:3 111:6
 117:1 122:17 125:21
 125:22
hearing 1:7,15,18,19,19
 1:20 3:8,15 5:9,11,17

5:20 6:7 8:4 10:4
 44:12,13 54:12,12,20
 55:1 62:4,8 63:18
 65:2,12 75:3 76:3,15
 76:19 77:2,8,19 78:3
 80:7,9,14,18 81:8
 82:6 83:4 100:4
 105:10 125:5 130:2,8
 130:19 131:15
hearth 2:6 26:21 32:22
 33:8,12 49:1 72:8
 114:7 119:1 121:5,8
heat 2:2 10:1,18 21:9
 71:13 92:8,11 105:6
 107:3 111:21
heat-output-based
 105:3
heater 44:20 73:6
heaters 1:8,8 3:10,10
 3:12 4:3 13:2,3,14
 17:6,8 21:22 33:6,16
 44:14 51:21 54:13,16
 54:21 62:4 63:19 65:2
 65:13,19 70:22 75:3
 76:21 77:19 78:5,5,7
 78:13,21 86:11 103:7
 105:2 106:15 110:1
 112:19 119:15 125:6
 131:3,3
heating 4:6,9 10:19
 11:15 14:14 24:10
 33:15 41:13 60:21
 68:14,19 69:2,10,13
 69:16,21 70:12 71:8
 74:1 79:2,5 85:17
 88:3 89:3,6,7 92:13
 106:14,20 107:1
 111:20 112:5
heaviest 109:18
heed 21:13
held 11:20 35:15
Hello 30:4 62:2 91:22
help 5:4,9 38:14 80:1,7
 94:21 103:13
helped 12:5
helping 108:15
Herb 57:8,19 58:3,19
 59:14
Hi 48:8 53:19 85:2
 123:11
high 17:16 86:3
higher 19:22 20:6,7
 51:4 89:16,20
higher-polluting 37:15
highest 87:7 89:19 90:3
highly 24:22 92:10
historical 26:3
Historically 27:14

hit 30:1 52:11 91:10
110:18
hitting 30:4
Hoffman 2:10 116:17
116:22 118:9,10,13
118:13,17
hold 64:17 80:14
holding 9:2 10:4 84:6
home 26:12 33:14 58:7
72:8 96:13 97:14 98:3
homeowners 22:17
31:7
homes 71:2 96:1,4 97:5
97:8,15,18 109:8
hope 93:21 101:22
hoping 11:22
Horihan 2:11 56:16,17
56:22 60:7 61:20
hot 86:4
hotel 60:3
hour 48:1 51:13,14,16
75:11 96:8 119:22
household 90:5,8
housekeeping 5:8 80:6
housing 92:22 100:14
HPBA 2:7,8,10 12:4
32:7 33:9,19 36:2
37:6 49:2 87:10 119:2
119:4
huge 96:17
hundreds 13:13 15:9
15:17
hunting 86:2
hurt 50:9
hurting 114:10
hydronic 1:8 3:10 33:16
51:21 78:5 103:7
106:15 110:1 131:3

I

Idaho 49:14 69:7
idea 99:14
identified 121:16
identify 114:21
ill-justified 90:11
illegal 15:20 116:6
127:6
illegally 113:15
illness 42:14 88:18
imagine 22:10,11
immediate 103:4
immediately 21:4 59:2
104:14,22
impact 25:11 26:16
52:8,9,10 73:19 87:3
87:18 88:11 114:11
115:5
impacted 22:12 51:17

69:16 70:12 90:6 95:7
109:4
impacting 22:8 96:19
impacts 19:11 24:11
34:5 38:1 41:6 72:3
86:15 88:19 89:16,19
109:16 111:22 112:7
114:13,22 115:18,20
imperative 18:4
implement 17:11
implementation 17:4
22:16 29:5 87:17
112:16
implemented 4:19 70:1
79:16
implementing 106:14
implications 13:6
importance 17:20 20:3
68:13 69:13 85:16
important 17:10 36:9
50:1 73:10 92:22
96:10
importantly 35:2,11
impose 40:1
imposed 40:7
imposes 107:4,5
109:19
improve 29:10 70:11
improved 18:11
improvement 52:2
improving 17:2 98:14
in-home 51:22
incentive 73:10
incident 95:10
include 18:19,21
included 6:8 21:14 81:9
88:5
includes 5:20 33:14
68:11 80:18
including 19:11 32:2
33:15 42:14 85:9
126:21
inclusive 88:9
income 51:8 90:8 103:2
104:15
incomes 90:5
incorporated 56:18
107:8
increase 24:18 29:10
36:19 88:19 113:9
increased 19:17 24:15
24:16 72:9 113:5
115:8
increasing 20:21
indicate 26:2
individuals 94:22
industries 71:5 102:20
industry 13:11 21:5

26:5,8 27:12 28:21
30:20 33:10 35:8 37:1
37:8 38:6,12 49:9
72:18 97:20,21,22
100:14 119:1,8,10
industry's 36:1,4
infinitesimal 95:17 98:5
99:4
informal 15:8,20
information 6:6 8:14
17:22 26:4 38:2 45:7
56:15 81:6 83:14 87:9
115:3 123:16 127:22
initial 59:3,8 98:4
initially 58:17
initiative 37:7,12 96:13
innovated 73:13
insert 96:16
inserts 92:21
insofar 12:5
install 22:18
installation 25:7
installed 13:14 70:6
71:2
installing 92:5
installs 14:19
instance 89:18
instill 28:10
instructions 8:3,13
83:3,13
integrated 19:19
intention 38:6
intentionally 72:18
interest 59:1
interim 127:9
Internet 108:4
interrupted 95:9
interruptions 103:19,20
Intertek 58:13 59:4
introduce 55:11 102:2
128:19
inventory 5:1 31:5
33:21 35:19 36:21
37:2,19 38:8 72:2
79:20 89:5 95:6
103:14 119:12 120:5
inversions 14:9 69:18
invested 116:1
investment 13:21 98:4
investments 103:13
invite 50:14
involved 57:22
Ironically 112:21
irresponsible 24:17
issue 95:21 98:15,16
99:5
issued 89:1
issues 27:19 28:1 49:12

it'll 80:15 100:4
items 5:8 80:6

J

J-A-C-K-S-O-N 106:5
J-E-S-S-I-C-A 126:3
J-O-H-N 9:22
Jackson 2:12 105:20
106:4,4,7 110:5
January 90:19 93:2
Jennifer 91:7,11,12,14
101:10,13,17,20
117:13,17 122:10,14
122:16 128:2,7
Jennifer's 128:9
Jessica 2:9 125:14,16
126:2
job 99:2
job-producing 71:5
John 2:2,8 9:12,19,22
16:4 48:6,8,18,21
52:15 53:2
Johns 9:15,16
join 46:20 53:13 64:13
101:21 117:13
joined 46:10 101:11
125:4
joining 3:16 44:17,21
55:2,6 62:7,8 65:16
65:21 78:10 125:9
joins 64:10
July 7:8 8:10 60:20 67:1
82:11 83:10 131:6,12
131:14
JUNE 1:13
jurisdictions 14:21
127:3
justification 18:3 72:6
justify 22:13 40:19
114:19

K

K 7:18 46:1 56:7 63:5,8
67:15 82:19
K- 46:4
K-A- 64:2
K-A-T- 56:9
K-A-T-H-Y 7:18,22
43:17 46:1 56:7 63:8
67:15 124:3
Kate 16:20
Kathy 7:18,21,22 8:2
43:14,15,17,19 45:22
46:1,4,7,22 47:8 56:6
56:9 61:16 63:4,4,8
63:22,22 64:4 67:14
67:15 74:14 82:19,19
83:2 117:5,9 123:21

124:3,7 128:22
129:13,13,16,20
Kathy's 46:2 56:7 63:6
82:20 117:6 124:2
keep 11:19 12:20 47:5
50:17 53:16 61:12
63:1,9 109:12 129:3
keeping 124:19
key 70:4
Klamath 69:8 86:6
Knee 91:7,12 101:11,17
117:13,17 122:10,14
122:16 128:3,8
knew 58:9
knowing 25:15 52:2
knowledge 27:17
119:18
known 3:11 78:6
knows 59:6

L

L-A-U- 16:15
lab 58:13
laboratories 88:6
laboratory 51:16
labs 28:7
lack 26:16 86:22 87:2
95:8
Lake 69:4
Lakes 13:13
Lamppa 2:11 13:18
29:20 39:6,9 43:5,7
46:10,15 53:6 56:12
56:18,22 57:7,8
108:17
land 85:14
large 12:7 17:18 26:11
68:17 69:3 92:19
109:13
larger 50:20 114:11
largest 111:15 126:22
last-minute 7:15 82:15
lasting 73:19
late 33:22 35:13 57:14
latest 62:22 71:22
Laura 2:3 16:11,12,15
16:20
law 107:12 108:11
114:20
lawful 113:13
laws 107:9
lax 108:8
lead 36:13 85:7
leader 1:16 3:5 62:16
65:9 77:22 85:12
130:17
leading 26:6 35:6 72:11
leave 47:13,16 61:19

74:10,18 75:16 76:3
77:4 104:2
left 29:6 45:11 52:16
93:6 102:22 129:8
legal 25:5 113:19 116:1
lenient 72:17
let's 39:11 43:22 46:22
80:4 98:8,12 117:18
124:17
letter 85:5 114:7
level 90:3
levels 20:6 24:15,18
69:19 89:21
Libby 69:5
life 71:1 88:14
lifetime 42:3 115:9
likelihood 98:22
limit 6:14,16 13:2 15:2
45:14 55:18,19 66:13
81:15,17 105:2
limited 10:9
limits 18:7 21:15,16
40:8 72:14
line 6:2,21 7:3,12 9:17
22:15 30:2,4,5,10
32:8,10 43:6 46:12,14
47:5,13,16 53:7,16
57:9 61:13,19 63:1,10
64:9,11 66:17,20
67:22 68:4 74:10,18
75:16 76:3 77:4 81:1
81:22 82:4,12 85:1
94:3 110:19 118:4,10
120:12,14 123:19
124:9,13,19 128:12
129:3,4,7,10
lines 12:3 21:11 27:22
73:6 95:9
links 20:5
Lisa 2:13 23:9,10,12,19
24:2 29:14
list 117:12 118:2 122:6
123:4,17 128:2,10,21
129:7
listen 6:17 53:22 66:14
81:18
listener 7:12 82:12
listeners 43:13,18
117:3 123:19 130:22
listening 8:7 83:6
129:10
little 15:2 52:16 95:5
live 20:9
lives 17:1 112:12
local 14:21 49:18 50:15
70:14,17 112:17
115:15 126:21
located 69:16 92:2

118:18
lock 113:4
locked 104:6
logistics 64:15
long 20:7,18 21:15 42:3
108:19
long-term 19:5,8
longer 40:13 87:13
88:15
longer-term 114:16
look 33:3 38:18 77:7
89:9 94:20 96:18,18
97:4,9,22 98:12 131:8
looking 38:9 58:2 99:3
looks 43:20 118:2
loophole 25:17
losing 41:18
loss 35:20 37:22 38:11
40:20,22 50:22 103:1
103:22
losses 4:17 31:17 79:14
lost 4:22 5:5 15:4 25:14
40:22 79:19 80:3
104:15,15 121:10
lot 58:20 97:15 100:10
low 19:11 25:21 37:20
105:6,6
low- 27:10
low-enforcement 87:15
126:14
low-income 90:4
Lowe's 26:12
lower 28:13 36:22
89:21
lower-emitting 112:19
lowest 87:6
lunch 47:20 75:20,21
75:22 76:7,16 77:2,5
77:10
lung 2:3 16:22 17:2,2,3
17:13,14,17 18:13
19:7,15 20:3,17 22:22
49:11
lung.org/COVID-19
18:1
lungs 20:11

M

M-A-R-I-A 39:17
M-I-L-L-S 7:19,21 43:17
46:2,4 56:9 63:7 64:2
67:16 124:3
Magazine 72:8
mail 8:17 83:17
main 58:5 60:21
maintain 70:11 71:12
87:19
maintaining 85:13

major 24:9 52:8,9,10
86:20
majority 24:6 92:7
120:14
making 99:6 108:19
manage 89:5
management 57:12
manager 3:19 44:19
55:5 62:12 65:19
78:13 125:10
mandate 59:6,9,10
mandates 31:3 60:11
manufacturer 11:10
12:10 30:21
manufacturers 10:11
11:3,5,7,18,20 12:13
12:19 21:10 24:21
25:2 27:20 29:4 33:10
35:1 36:15 40:9 72:22
73:5,12 88:5,16 89:2
108:2,10,17 109:1
115:22 120:13
manufacturers' 22:2
manufacturing 2:11
13:18 29:21 36:11,18
39:10 43:5,7 46:10
53:6 56:18,22 57:1,2
108:18
March 22:6,8,12 25:14
26:9 31:4 33:22 35:13
37:7 41:14 72:11
103:8 113:22 119:3
121:3
Maria 2:15 39:12,13,16
mark 124:21
market 10:11 11:19
36:14,20 93:1 97:4
98:13
marketplace 14:13
97:10
markets 50:20 111:15
Mary 2:18 43:11 53:13
53:18,19 67:20,21
68:3,5 74:7
Maryland 10:3
materialize 71:4
matter 18:19 19:3,14
24:15 42:12 44:7 54:6
61:21 63:13 64:19
74:20 76:8 77:13 85:8
86:16 97:21 106:17
109:21 112:9 116:5
124:22 130:9 131:20
matters 106:15
max 112:20 113:10
maximum 22:12
mean 17:8 22:17 99:1
meaningful 95:13 99:1

means 38:9 105:3
 107:13
meant 21:18 35:19
median 90:5,8
medium-sized 90:14
meet 21:5,11 25:8
 72:13 97:18
meeting 44:2 60:11
 65:7 119:22 124:16
member 6:18 24:7
 66:15 81:19 114:8
 119:2
members 5:15 6:12 8:2
 16:4 23:4 29:15 31:19
 38:2 42:22 45:10
 52:21 53:21 55:15,18
 61:5 66:11,18 74:4
 81:12 83:2 98:18
 105:12 110:9 116:10
 127:13
membership 68:9
mention 59:12
mentioned 84:5 124:11
merit 99:15
messages 107:22
messaging 87:14
met 1:15 21:4 89:10
 109:1
methods 15:10
metropolitan 92:6
Mexico 68:10
Michael 2:4 111:1,5,9
Michelle 1:19 3:20
 44:22 55:7,7 62:13
 65:22,22
middle 95:1
Midwest 13:12
miles 57:4
million 97:7 106:22
 111:19
millions 10:22 96:22
mills 7:18,18,21 43:15
 43:15,16,19 46:1,1,4
 46:7,22 47:8 56:6,7,9
 61:16 63:4,4,7,22
 67:14,15 74:14 82:19
 117:5,9 123:21 124:2
 124:7 129:13,20
Mills' 129:13
Mills's 64:1
mills.kathy 64:2
mills.kathy@epa.gov
 67:17,18 74:16 82:22
 117:7 129:17
mind 50:17
Minneapolis 92:2
Minnesota 2:12 52:6
 57:4 92:2 106:7,11,19

106:22 107:8,13,15
 108:1,5,9,11,12,17,18
 109:1,5
Minnesota's 106:18
minor 27:17
minute 6:13 14:6 22:9
 28:18 37:16 45:11,12
 52:13,16 55:16,18
 60:6 61:12 66:11 73:7
 76:17 81:13 90:1
 110:4 115:10 126:7
minutes 6:11 9:5 10:20
 15:12,13 45:8 47:14
 47:17 53:16 54:4
 55:10,14 61:18 63:2
 64:8,12 66:10 74:10
 75:16,19 76:4 81:11
 84:9 100:13,21 124:9
 124:14 129:4,6,22
misinformation 119:18
mission 17:1 85:11
mitigation 50:7
mix 120:10
model 27:22 73:6
models 72:19 89:10
modern 22:20
Moeller 1:19 78:15 91:2
 93:15 98:20 105:15
 110:11 116:12 122:4
 125:10 127:15
moment 17:19
MONDAY 1:13
money 59:13
monitor 108:6
monoxide 18:19
Montana 49:14 69:5
month 27:13 41:19
 72:10
monthly 26:3
months 15:4,6 17:7
 25:21 27:6 29:5,6
 31:2 34:14 35:6 41:17
 50:5 60:20 87:4,6,7
 87:14 106:20
months' 22:13
morning 3:3 9:3 16:19
 32:19 75:7,13 76:13
 77:16 84:6 121:13
mountain 86:1,7
move 15:15 30:6 32:4
 39:11 91:16 95:6 98:9
 99:18 100:22 101:9
 101:10,19 102:5
 105:19 110:21 116:15
 117:2 118:1 120:4
 122:18 123:3
moving 11:19 93:20
MPCA 106:12

multi-trillion-dollar
 95:2
multiple 20:10
mute 94:5
muters 23:15

N

name 3:4 6:4,5 9:13
 10:6 16:12,19 23:10
 23:18,19 24:2 29:22
 30:9,10,13 32:8,15,15
 32:20,20 39:14,16
 44:11 45:5,7 46:17
 48:19 54:11,22 55:12
 56:13,16 63:17 65:1,8
 66:6,6,6 67:15,22
 68:5 76:12,14 77:21
 81:4,5,5 84:19 85:5,6
 91:8,20 93:22 94:10
 101:19 102:3,12
 105:21 110:16 111:3
 111:8,9 116:19
 117:17,21 118:7,7,11
 122:12,22 123:7
 125:4,17,18 128:6,6
 128:12,14,14,20
 129:21 130:16
names 123:16 129:1
Nate 3:16 44:17 55:2,4
 62:9 65:16,18 78:10
 78:12 125:9
NATHAN 1:20
nation 35:15 111:16
 121:6
nation's 17:13
national 16:20 33:9
 87:20 112:14
nationwide 4:3 78:21
 102:18 108:9
near 20:10
necessarily 12:10
necessary 71:3 108:4
need 6:3 12:13 14:11
 14:12 20:21 29:2
 37:13 50:11 66:8
 70:15 91:10 93:9
 94:20 95:4 99:22
 104:4 122:15
needed 9:8 21:5 35:18
 58:7 84:13
needs 15:21 29:12
negative 42:10 87:18
neglected 20:19
neighborhood 96:2
 97:7
neighborhoods 10:16
neighbors 88:20
nervous 19:9

NESCAUM 2:13 24:3,4
 24:7 27:18 28:5
NESCAUM's 27:21
nestled 86:7
net 51:8
new 1:8,8 3:9,10,12
 15:18 17:5 18:6,8,11
 20:21 21:3 22:5,18
 30:22 33:4 45:4 52:6
 54:10,13 62:20 63:19
 64:13 65:2,7 68:10
 70:6,16 71:2 76:5,12
 78:4,5,7 85:18 95:16
 97:14,15,18 107:5
 119:11 120:1,7,15
 121:1,11 131:2,3
newer 70:21
Niels 93:21 94:3,6
 101:20,21 117:18
 122:19,20 128:10,17
nine 76:4
nine-hour 60:3
nitrogen 18:20
Njeri 1:19 78:14 125:10
non- 19:20 27:19
non-attainment 68:18
 68:22 69:6 70:8 86:5
 86:19 89:14,15 112:9
 112:14
non-compliant 41:22
 72:3 108:22 109:22
 120:20
non-partisan 10:2
non-Step-2 108:12
nonprofit 10:2
nonprofits 37:10
noon 47:21 75:15
normal 5:5 80:2
Normally 21:3
North 118:19
northeastern 24:5
northern 57:3
note 8:16 17:21 20:16
 36:9 83:16 126:15
 131:11
noted 22:4 95:10 116:3
notes 86:22
notice 4:15 7:7 8:15,21
 8:22 36:12 45:19
 47:12 54:19 56:1,3
 61:10 66:22 67:4
 82:10 83:15,22 84:2
 91:6 101:7 131:9
notification 5:19 80:18
notify 108:2,10
November 4:13 26:1
 34:7,19 36:12 41:16
 79:11 87:8 114:2

119:6
NPRM 87:10
NSPS 3:13,19 4:3 20:16
 33:18 34:3,8,17 44:14
 44:20 54:21 55:5
 58:16 62:4 63:20
 65:13,19 68:15 70:5
 71:8,21 72:21 73:3
 74:2 75:4 76:21 77:19
 78:8,13,21 88:3
 106:14 107:8,12
 109:9 125:6 126:16
 127:1,9
number 7:19 36:20
 43:15 46:2 47:9 51:11
 51:18 56:8 63:6 64:1
 67:16 73:17 74:14
 82:20 95:18 96:9
 104:11 107:4 117:6
 117:10 119:14 123:18
 123:22 129:13
numbers 97:6
numerous 26:5

O

O-R 23:20
Oak 69:5 86:6
OAQPS 1:16 62:17
obstacle 120:7
obtainment 113:11
obvious 49:22
obviously 34:9
occasionally 6:18
 66:15 81:18
occur 4:11
occurred 25:18 104:12
October 25:22 41:13
 73:5 87:8 89:11
OECA 29:10 50:14
OECA's 28:9,15 37:4
offer 49:20
offered 130:22
offering 100:7
offerings 103:17
Office 1:4,5 3:5,17,21
 44:18,22 55:3,8 62:10
 62:14 65:9,17 66:1
 77:22 78:11,15
 125:11 130:17
offload 15:10
oft-stated 38:6
Ohio 52:6
old 72:16 95:15
old-style 96:5,6
older 73:15 96:4,14
once 6:4 7:2 20:11 25:4
 45:4 55:17 66:19 81:4
 82:3

one-time 88:15
ones 42:10 70:21
ongoing 115:7
online 9:15 23:12 26:13
 39:6,7 43:8 46:11,19
 109:13 117:14,20
 122:21 124:5 128:4
 128:17
open 26:13 47:5,13,16
 53:16 61:13,19 63:1
 63:10 74:10,18 75:16
 76:4 77:4 114:12
 124:19 129:4,5

operate 35:13
operating 104:7
operation 119:12
operations 5:5 36:7
 80:3
operator 6:2 7:3 8:1
 81:1 82:3 83:1
opportunities 35:17
opportunity 33:6 35:12
 35:21 60:10 68:12
 73:21 85:15 94:19
 100:7 105:10 110:7
 111:13 118:18 121:22
 126:6

opposes 17:3 86:8
 90:13
opposition 111:14
options 26:13
oral 8:12 55:21 67:6
 82:5 83:12 101:3
order 6:1 40:11 80:22
 104:14 115:4
ordered 25:1
orders 27:1 35:3
Oregon 2:19 49:13 52:5
 69:6,9 85:11 86:6,8
 86:14,18 87:12,22
 89:15 90:6,9,17
 110:15,19 118:2
 123:4,9,11

Oregon's 85:8,14,20
Oregonians 86:12
organic 18:20
organization 10:3 12:7
 17:14 128:12
organized 49:7
organizing 49:17
original 22:3 71:7 72:21
 88:12
originally 72:13 75:14
outdated 73:18
outdoor 13:16 103:7
outlet 15:19
outlets 26:10,12
outreach 85:10 107:6

outright 34:14
overall 24:8 95:18 98:6
overly 27:5
overproduced 73:15
oversight 29:10
overwhelmingly 112:5
owned 57:6
owner 30:18 31:11 92:1
 118:22 119:11 121:1
owner's 51:8
oxide 18:20

P

P-R-O-C-E-E-D-I-N-G-S

3:1
p.m 48:2 75:22 76:1
 77:2,6,10,15 124:20
 124:20 125:1,2
 130:10,11 131:21
Pacific 68:10
packages 95:3
painful 59:19 120:11
pandemic 4:16 5:6
 17:10,15 18:2 20:2,9
 22:7 24:14 25:18
 31:10 34:4 35:5 38:11
 41:20 42:2 71:18
 79:13 80:3 102:18
 103:11 104:8 109:11
 110:2 121:4,21
panel 1:18,18 3:16,20
 6:12,18 7:1 8:1 16:4
 23:4 29:15 31:18
 38:22 42:22 44:12,16
 44:21 45:10 52:21
 55:2,6,15,18 61:5
 62:7,9,13 65:16,21
 66:10,15,18 74:4
 78:10,14,17,18,18
 81:12,19 82:2 83:1
 90:22 93:13 98:18
 105:12 110:9 116:9
 125:9 127:12 129:5

Panelist 1:19,19,20
panelists 130:21
panels 122:3
partial 10:9
partially 112:13
participant 119:2
participants 5:18 80:17
participation 131:18
particle 19:7,22 20:6
particularly 49:19
 50:19 106:15
particulate 18:19 19:3
 19:14 24:15 42:12
 49:12 69:20 85:8
 86:16 106:17 109:21

112:4,7,8
particulates 95:15 96:7
 97:2,11
parting 100:15
partly 11:2
partner 12:4
partnered 49:10
parts 112:12
pass 31:7
passed 28:8 60:7
patchwork 107:19
patently 13:17
patio 2:6 32:22 33:8,12
 49:1 114:7
peak 15:6 22:5 41:17,19
Pei 2:19 84:18 85:5
pellet 33:15 51:11
 97:21
pellet-burning 30:19
 51:4
penalize 14:2
penalizes 115:22
people 7:12 20:9 42:9
 54:10,17 64:13 65:6,7
 66:4 67:8,12 71:13
 74:12 77:17 78:17
 80:12 89:17 95:19
 106:19 124:15,18
 130:13
percent 24:13 50:20
 89:20 96:5 103:9,17
 106:16 107:2 111:20
 112:11
percentage 51:8
perfect 85:3
performance 1:7 3:9,12
 17:5 18:6 21:3 33:5
 40:3 54:13 63:20 65:3
 73:11 78:4,7 85:18
 131:2
period 15:2 21:15,22
 25:22 33:20 34:18,20
 34:22 35:10 38:4,7,13
 41:16 66:22 73:9 86:9
 103:7,9 108:8,21
 113:5,22 119:17
 126:9,10,13 127:5
 131:11
permanently 50:9
permissible 113:22
permit 42:18
perpetually 114:16
person 78:17 118:1
 123:4
perspective 73:22
 85:16 122:1
perspectives 68:13
pervasive 86:17

Peter 2:16 91:17,18,22
Phase 58:18,19 59:1,2
 59:7,9,10 60:8
phase-in 21:15
phone 6:3 7:19 39:8,13
 43:15 46:2,13 47:8
 53:9 56:7 63:6 64:1
 66:8 67:16 74:14 81:2
 82:20 91:14 101:15
 110:19 117:6,10,16
 118:6 122:16 123:21
 128:6,16,19 129:13
phonetic 10:19
physical 3:21 36:6 55:7
 62:14 65:22
picture 98:12
pin 99:13
place 18:7 25:20 27:18
 69:9 96:15 121:2
 123:13
placed 6:9 28:22 81:10
plain 25:6 51:22
plan 21:18 29:7 47:19
planned 29:8
Planner 85:7
planning 1:5 3:6,17
 44:18 55:3 62:10
 65:10,17 77:22 78:11
 78:16 85:8 111:10
 130:18
plans 112:16
plateaus 86:4
please 5:11 6:4,20 7:17
 8:16 9:13 11:16 16:12
 16:13 23:7,10,11
 29:18,21 30:9 32:9,15
 39:7,13,14,19 43:3,9
 43:14,19 45:22 46:7
 46:12,14 47:8,10
 48:18 53:3 55:12 56:3
 56:6,13,20 61:8,15
 63:3 66:9,16 67:21
 74:13 80:9 81:4 82:18
 83:16 84:19 91:8
 93:22 101:6 106:2
 110:20 111:4 116:18
 116:21 117:5,9 118:4
 123:6,21 128:5,13,18
 128:20 129:12 131:11
 131:13,14
PM 19:4,9,20 24:18
 69:6 86:5,16,20 87:20
 89:14 90:3 112:14,20
 115:19
point 34:10 130:8
policies 12:9 66:2
policy 3:22 24:3 44:22
 55:8 62:15 114:20

pollutants 18:21 98:1
pollute 72:4
polluting 13:4,15 14:12
 17:8 20:10,14 21:22
 73:18
pollution 2:12 18:5,8
 19:7,17 20:1,6 22:20
 28:17 42:12 57:21
 70:19 71:9,14 106:8
 115:19
poor 90:15
population 112:12
populations 19:21,22
portion 119:7
Portola 69:7
ports 85:22
possible 21:1,8 80:12
 120:3
possibly 22:13
postponed 59:7
potential 13:3,9 41:21
 74:1 114:22
power 92:12
practicable 113:1
pre-registered 9:5
 84:10
preamble 27:9
precise 114:17
precisely 37:22
predicament 11:2
 114:15
prefer 53:20
preferences 114:16
premature 19:5 112:2
premier 17:13
prepare 29:5 40:10
 109:17
prepared 48:9 73:13
 119:10 120:18
preparing 109:5
present 25:5 45:8 73:22
President 10:1 16:21
 32:21 49:4
presiding 1:16
press 23:13 43:9 46:14
 53:8 66:9 91:13 94:2
 101:18 122:15 128:6
 128:15
pressured 12:20
pretty 54:2 98:5
prevent 23:1 104:15
 112:22
prevented 104:6
preventing 17:2
previous 40:15 41:10
 72:10
previously 41:1
primarily 92:5

primary 92:8 107:2
 111:21
principal 33:9
principally 51:1
prior 34:14 103:14
 104:1,11 113:19
 116:4 126:12
priority 17:16 27:11
 28:14 87:15 126:14
private 127:4
probably 57:20 124:15
problem 15:22 23:16
 54:3 70:2 71:9
problems 19:6 42:13
process 8:3 38:20
 49:16 59:19 83:3 88:9
 120:1
produce 21:8,10 22:19
 36:15 58:8,9,10 72:1
 115:8
producing 11:21
product 21:11 72:10
 88:3 120:2,12
production 21:9
productive 85:22
products 2:14 11:22
 12:12,15 30:18 36:21
 57:2 92:17 104:1
profits 98:6
program 24:3 28:3
 37:11 73:11 109:8
programs 49:8 70:18
 85:10 106:10
prohibition 34:14
prohibits 25:7 113:8
project 3:18 4:11 44:19
 44:20 55:4 62:11
 65:18 78:12 79:7
 125:10
projected 120:8
promoted 120:19
promoting 37:7
promotional 35:16
promulgate 38:15
promulgation 79:6
pronounced 101:22
pronouncing 93:21
proposal 4:7 9:10 23:1
 24:19 25:16 29:9
 33:19 34:12 36:11
 40:21 52:7 71:22 79:3
 87:1 88:8 89:1 90:13
 106:13 107:17,21
 108:14 109:15,18
 110:3 111:14 112:21
 113:7,20 114:7,22
 115:5 116:4 131:6
proposed 1:7 3:8 4:2,8

4:14 5:3 10:13 11:9
 11:13 17:4 18:15 22:6
 22:14 24:20 26:4,8,19
 27:4 29:1 34:7,12,20
 36:12 38:13,16 40:17
 44:13 54:13,15,21
 62:4,17 63:19 65:3,13
 75:4 76:20 77:20 78:3
 78:20 79:4,12,22
 84:15 86:8 87:4 88:12
 88:13 90:10 104:5,13
 104:21 107:4,15
 108:7 113:14 116:5
 121:18 125:6 131:1
proposing 4:4 15:5
 18:4 41:15 78:22
 126:9
protect 99:2
protected 86:2
protecting 17:17 28:15
PROTECTION 1:2
protections 18:17
protective 18:7,15 27:1
provide 7:17 8:2 11:13
 20:22 25:17 28:21
 29:3 33:20 38:2 40:14
 55:11 66:10 82:18
 83:2 109:22 110:3,7
 113:18 117:22 123:1
 123:20 128:7,15
 129:21 130:14
provided 8:14 41:3
 45:18 83:15 87:9
 109:2 129:12
provides 27:5 40:21
 84:2 127:21
providing 108:16
provision 103:5
prudent 41:7
public 1:7,15 2:1 3:7
 5:15 8:19 17:18 18:4
 24:10 28:16 29:12
 42:17 48:22 54:11,20
 62:4 63:18 65:11
 69:19,22 75:3 76:3
 77:19 78:2 83:20 87:3
 88:6 109:19 112:6
publication 4:10 79:10
publicly 14:21 28:4
 50:12 70:19
published 4:1 34:8
 44:15 45:19 54:16
 56:3 61:10 62:5 65:4
 65:14 67:5 75:4 78:19
 101:7 125:7 131:9
pulled 12:8
punished 60:10,14
punishes 29:8

punishing 73:12
purchase 112:18
purchases 25:20
Purchasing 120:6
pursuant 107:10
pursue 59:1,2
push 39:8 68:4 91:19
 94:5 101:15 106:2
 110:20 116:19 117:2
 117:16 118:5 123:2,8
pushing 32:10 102:2,9
 111:2 125:17 128:18
put 12:3 17:16 95:13
 96:15 98:4 103:2
putting 96:12 98:14

Q

qualifying 37:9
qualitative 41:9
qualitatively 114:21
quality 1:5 2:20 3:5,17
 13:6 24:5,10 44:18
 55:3 62:10 65:9,17
 68:8 70:11 71:6,12
 77:22 78:11,16 85:7
 85:12,13 87:20 90:16
 92:15 95:18 96:12,18
 97:13 98:14 111:10
 111:18,22 112:15,17
 115:16 130:17
quantify 37:22 114:21
Quarantine 104:9
question 49:22 66:16
questionable 25:1
 27:15
questions 6:19,22 16:5
 23:4 28:15 29:15
 31:19 38:22 42:22
 52:22 61:6 66:18 74:4
 81:19 82:2 91:1 93:13
 93:14 98:17,19
 105:12,13 110:9
 116:10 122:2,3
 127:13
quick 45:3
quote 12:13 89:2 113:9
 113:10 116:5
quoting 114:8

R

R-A 16:16
R-E-C-T 23:19
R-O-D-N-E-Y 102:13
R-O-G-E-R 94:14
R-U-S-S-O 30:14
R-Y-A-N 32:20
R&D 58:20 59:11,20
RADIATION 1:4

raise 28:14
raising 27:19 28:1
ran 100:21
range 42:13 69:2
ranges 86:1 90:6
rates 20:7 24:16
rationale 27:7
rationalize 42:17
reached 6:14 15:11
 45:14 55:17,19 81:15
 100:12
read 54:17 84:1
reading 25:6
ready 9:11 16:10 23:8
 23:22 30:16 44:3
 91:16 101:8,14
 116:15 118:16 123:1
real 17:8 23:1
realized 58:19
reason 8:19 83:19
 109:21
reasoned 40:14
reasons 86:15 90:9
 92:14 113:6 114:14
rebate 103:16
receive 99:10
received 5:19 7:8 8:10
 73:2 80:17 82:10
 83:10 99:12
recertified 51:15 120:1
recognize 14:21 26:20
 71:15 109:3
Recognizing 108:15
recommend 84:1 131:8
reconvene 44:5 76:1
 77:10
record 6:8 16:2 27:14
 28:9,12 44:8 54:7
 61:22 63:14 64:20
 74:21 76:9 77:14 81:9
 97:6 125:1 130:10
 131:21
recording 45:7 56:14
recoup 13:20 34:13
recover 103:3
Rector 2:13 23:9,14,18
 23:19 24:1,2 28:19
reduce 20:18 106:10
reduced 50:6 104:10
Reducing 69:12
reduction 20:22 40:5
 40:14,18 113:17
reductions 29:12 71:3
reference 34:18 40:20
reflect 18:11 40:4,13,17
 88:8
regain 5:4 71:6 80:2
regard 38:14

regarding 6:19 44:13
 54:21 76:20 125:6
 131:1
regards 65:12
region 68:17 69:5
 118:21
regional 24:4 119:3
register 4:2,14 7:7,14
 8:15,21,22 45:19 46:6
 47:12 54:16,19 56:1,3
 61:10 62:6 64:5 65:4
 65:15 66:22 67:4 75:5
 78:20 82:9,14 83:15
 83:21 84:2 91:5 101:7
 124:7,18 127:21
 130:14 131:9
registered 5:18 7:16
 8:4 45:4,21 46:6,21
 46:22 56:5 61:15 63:3
 63:21 64:4 67:13 74:9
 74:13 75:7,19 76:5
 80:16 82:17 83:4
 91:17 117:5,12 122:7
 123:17 125:13
registering 8:3
registers 124:10,14
 130:1
registrations 62:20
regroup 77:5
regular 96:1
regularly 34:17
regulating 106:10
regulations 12:6
 104:17 107:20
regulations.gov 8:20
 83:20
regulatory 26:15 70:1
 70:17 73:14 85:10
 88:11
reinterpretations
 113:19
reject 23:1
rejoining 113:21
rejoining 65:6
related 49:13 103:21
relative 95:4,18 98:5
release 24:17
relevant 89:22
relief 28:21 50:11
rely 112:18
relying 5:16 80:13
remain 6:20 64:9 66:17
 81:22 119:7 126:18
 129:5
remained 26:13 114:12
 120:5
remaining 5:1 6:13 25:3
 31:9 35:18 45:12

55:16 66:12 79:20
 81:13 115:2 131:14
remains 107:14 126:16
remarks 52:17 110:7
 130:3,7,7,15
remedy 29:3
remember 9:16 12:15
 30:1 53:7 131:5
remind 17:20 66:4
 67:12 117:3
reminder 45:3,3 63:18
Remodeling 2:2
remute 7:3 66:20 82:4
repeat 7:20 46:3 82:21
 124:1 129:15
replace 15:6 70:20 89:6
replacements 37:14
report 120:22
reports 27:22 28:5
represent 50:22 51:7
representatives 33:11
represented 120:12
representing 33:10
 56:18
represents 24:6
reproductive 19:10
reputation 13:10
request 21:14 81:22
requesting 104:21
requests 106:13 115:3
require 70:13
required 71:6
requirement 41:8 97:17
requirements 40:12
 119:22
requires 40:3 113:2
research 19:8
residential 1:8,8 3:9,10
 4:6 11:15 17:6 24:9
 33:5 68:14,19 69:2,10
 69:12,21 70:12,22
 71:8 73:6 74:1 78:4,5
 79:2 85:17 86:11,21
 88:2 111:19 112:4,7
 131:2,3
residents 115:12
resources 2:4 68:7
 72:19 111:11 126:4
respiratory 19:6 42:14
 42:15 89:21 110:2
respond 122:8
response 26:7 28:20
 116:3
responsibility 20:20
responsible 24:13
 106:9
responsibly 109:6
rest 131:18

restoring 85:13
restrictions 4:19 71:5
 79:16 104:9,10
result 4:21 10:10 41:21
 71:18 79:18 95:20
resulted 4:16 79:13
resulting 42:4 102:18
resume 43:22 77:2
resumed 44:8 54:7
 61:22 63:14 64:20
 74:21 76:9 77:14
 125:1 130:10
retail 4:17,21 10:11
 26:11 30:22 40:20
 79:14,18 119:7 121:5
 121:8,9
retailer 11:10 22:7 49:6
 119:1,9
retailer's 122:1
retailers 4:5,8,12 5:4
 11:1,11,14,17 12:6,11
 12:12,18 15:4,9 21:18
 24:22 25:1,16 26:14
 26:22 29:4 31:6 33:11
 33:20 35:1 40:10
 41:18 42:6 49:18
 50:10 52:4 72:9,22
 73:12 79:1,4 80:2
 87:14 88:5,16 89:4
 108:2,11 109:5,13
 111:16 114:8,9,11,14
 115:22 121:14,19
retailers' 11:6 22:2
 40:22 87:10
retirement 59:15
returning 121:7
revenue 12:13 37:22
 40:22 41:1
review 26:18 27:21
reviewing 28:4,9
revision 107:15
reward 14:3
rewards 29:6 73:14
Richard 2:10,14 30:8,8
 30:13,17
Ridge 69:6 86:6
ridiculous 99:4
risk 19:14,17,19 20:12
 50:8
risks 19:22 24:14
road 21:2 119:14
Rodney 2:17 102:6,8,13
Roger 2:2 94:8,13
Roger's 94:9
roles 10:17
rolls 97:10
room 95:6 98:8
rose 73:4

rule 4:10 21:13 22:4
 24:18,20 26:5,8,19
 29:1,6 34:8,20 36:12
 51:17 79:6,11 84:16
 86:9 107:4
rulemaking 6:9,10 55:5
 62:17 65:19 81:10
 114:20
rules 5:9 14:1,4,17
 60:17 66:4 80:6 104:8
run 5:9 80:7
run-up 37:2
runs 41:13
rural 49:19 51:1 52:10
 112:1
Russo 2:14,14 30:8,13
 30:13,17,17,18 32:5
Ryan 2:6 32:7,7,11,11
 32:12,19 49:4

S

S-M-I-L-D-E 39:17
Sacramento 69:4
safe 58:6
safety-related 36:7
sale 34:15 71:20 98:3
 115:7 120:20 126:17
 127:5
sales 4:17 14:19 17:8
 22:8,12 25:3,14,22
 26:3,8,10,13 34:14,21
 35:9,16 36:5 37:4,18
 37:22 40:20 41:11,12
 41:17,17,19 72:10
 79:14 87:5,6,7 88:18
 103:6,17,21,22
 104:15 108:4,11
 109:13 113:22 114:3
 114:4,17 115:4 120:3
 126:12,16 127:6
Salt 69:4
save 17:1
saving 59:16
savings 59:15
saw 72:9 109:7
saying 10:8 99:13
schedule 4:12
scheduled 43:12 48:2
 62:21 64:7 75:8,9,14
science 19:2,20 111:11
scientist 3:21 55:8
 62:14 66:1
scraped 59:19
season 12:16 14:14
 15:7 22:5 26:6,8
 37:18 41:12,18,20
 60:21 88:18 107:2
 114:3 120:6,6,20

season-ending 35:16
second 12:22 76:2
 77:18 97:14 108:14
 125:8
secondary 107:3
section 25:6 40:2 106:9
 113:8,13 127:3
sector 25:12 27:10,15
 28:10,22
seen 50:6
sell 4:9,13,22 11:8,14
 25:17 31:2,12,16
 34:19 35:22 38:8 42:7
 79:5,9,19 93:9 102:22
 103:14 104:3,18
 109:22
sell- 14:15 15:1 25:5
 33:3 34:11 60:18
sell-through 10:9,14
 11:9,17 12:1 13:1,6
 14:22 15:8,20 21:21
 26:5,19 27:5,7 33:3
 33:20 34:1,7,20 36:10
 38:4,13,15 40:1 41:16
 72:7 86:9,13 87:1,5
 88:12 90:10 103:4
 104:4,14,21 108:8,21
 113:4,12,14 114:19
 115:21 116:4,6 126:9
 126:13,19 127:6
selling 4:5 11:21 12:16
 15:7 22:5 26:6 35:12
 35:17,19 79:1 97:6
 108:19 119:15 121:10
 121:20
sells 12:2 30:22 96:13
send 7:21 16:9 43:16
 101:2 129:16
senior 126:4
September 4:11 79:7
serious 28:1,14
seriously 17:15 109:10
serve 17:17
service 36:7
session 9:3,4,4 48:13
 75:8,13 76:2,13,15,19
 77:8,9,18 84:7,8,9,13
 84:18 125:8 131:15
sessions 9:3 84:6
set 40:3,7 72:18
settings 69:17
severe 14:9 86:17
severely 50:9
severity 113:9
share 9:9 68:12 84:15
 85:15 122:1
shared 19:14 76:18
sharp 76:1

shifts 87:5
ship 11:8
shipping 24:21
short 9:7 19:1,5 84:12
 118:19 130:7
shortcomings 24:20
shortly 124:16 130:2
show 29:3 36:2 40:12
 124:15
showed 88:12
shown 6:1 9:2 42:13
 80:22 124:11
shows 19:8 21:7
shutdown 52:12 93:7
 109:3
shutdowns 36:5 102:19
sign 76:17 130:15
significant 4:17 24:11
 24:20 28:1 35:20 42:5
 50:22 51:7 71:9,11
 79:14 86:17 111:22
significantly 50:6
Silver 69:7
Similar 37:11
Similarly 90:2
simple 50:4
simply 38:9
Simultaneous 48:3
 73:8
single 28:5
sir 32:13 48:16
sit 47:4 63:9
sitting 95:1 96:4,21
 97:1
six 17:7 22:13 64:8
 87:14 106:20 119:13
six- 27:12
six-month 126:9
slated 62:19
slot 74:9 123:12
slow 15:4 114:17
small 10:22 26:21 31:11
 35:8 38:14 49:19 50:2
 50:22 51:1 52:4,10
 57:3 59:13,17 68:18
 86:6 90:14 96:9
 108:15 109:4,7,13,16
 114:9,10 118:22
smaller 13:19 69:5
smarter 10:14 13:1 15:1
Smilde 2:15 39:16,16
 39:20
smoke 10:16 13:10
 14:10 18:5,17 49:13
 57:21 58:2,4,11 68:22
 69:18 70:19 86:21
 89:19 90:6 106:10
smoothly 5:10 80:7

social 17:21 34:5
Solac 2:16 91:22,22
sold 12:20 20:13 41:22
 42:1 104:1,11 119:6
solid 33:14
solutions 69:20
somebody 122:18
son 57:11
soon 21:1 92:17
sorely 29:12
sorry 23:14 36:13
sought 34:21 40:19
source 3:12 17:5 18:6
 21:3 24:9,12,13 28:16
 33:4 54:13 63:20 65:2
 69:22 78:7 85:18
 86:20 92:8 111:21
sources 20:10 106:18
span 71:1
spans 68:9
speak 5:21 6:2 8:8 33:7
 43:14,19 44:3 45:21
 45:22 46:6 47:7 48:9
 48:11 50:16 53:12
 56:6 61:14 63:3,22
 64:3 66:5 67:9,13
 74:13 80:20 81:1 83:7
 105:10 118:18 121:15
 121:22 122:11 123:20
 124:6 126:6 128:5,18
 129:8,11,18 130:14
speaker 5:21,22 6:10
 7:2,4 9:5,12 10:5,7
 16:11,11 23:9,9 29:20
 30:7,8 32:4,7 39:5,12
 39:14 43:8,10 46:11
 46:15 47:2 48:18 53:6
 55:10,11,13 56:12
 62:21 64:7 66:5,9,21
 67:20 80:19,21 81:11
 82:5 84:10,17 91:7,12
 91:17 93:20 94:4,7,9
 101:9 102:6 105:20
 110:15,21 116:16,16
 125:12,14,15
speakers 7:15 8:5,6 9:6
 43:21 44:3 45:4 46:21
 47:4,15,17 48:1 53:12
 55:20 62:18 67:9 74:9
 75:7,10,13,15 76:5,13
 77:8 82:16 83:4,5
 84:11 117:12 122:7
 126:8 127:18 128:1
 128:21 129:2,9 130:6
speaking 6:20 48:3
 66:16 73:8 81:21
 122:18
specialty 26:21

specific 95:5,20
specifically 114:5
spell 6:5 9:13 16:13
 23:10 29:22 30:11
 32:9,16 39:15 45:6
 46:17 48:19 55:12
 56:14 66:6 67:22 81:5
 84:19 91:8,20 93:22
 94:10 101:18 102:3
 102:12 105:22 110:16
 111:3 116:19 117:17
 117:21 118:7,11
 122:12,22 123:7
 125:18 128:6,14,19
spelled 23:19 39:21
 56:17
spending 35:5
spewing 97:1
splitting 96:8 99:3
spoken 61:15 117:8
 124:6 128:2 129:11
 129:19
spot 12:4
spread 4:3 78:21
spring 109:11 114:3,17
stakeholder 88:4
standard 40:11 65:3
 72:17 86:20 113:11
 120:15
standards 1:5,7 3:6,9
 3:13,18 17:5,11 18:7
 18:9,11,14 20:20 21:4
 21:6,12 22:17 25:8
 33:5 40:3,7 44:18
 54:13 55:4 62:11
 63:20 65:10,18 70:16
 71:8 72:20 73:2 78:1
 78:4,7,12,16 85:9,19
 87:18,21 88:1 89:10
 95:15,16 97:18 109:2
 112:15 113:1 115:16
 130:18 131:2
standpoint 24:8,11
standstill 93:9
stark 36:5
start 10:8 44:2 60:16
 75:21 76:2 100:18
 102:16 116:20 118:7
 118:16 125:13,19
started 9:12 46:9 58:1,1
 58:11 66:3 80:5 84:16
 92:15
starting 14:16 57:12
 75:8 76:17 84:7
state 6:4 9:13 16:12
 23:10 24:5 28:13
 29:21 30:9,10 31:3
 32:8,15 39:14 46:16

48:19 50:15 55:12
 67:22 68:8 70:13,17
 81:4 85:20 89:22 90:7
 90:15 91:8,20 93:22
 94:10 104:7 105:21
 107:9,12,22 112:12
 112:16 115:15 122:12
 122:22 128:14
state-of-the-art 22:20
statement 7:13,17
 27:10,12 61:2 82:13
 82:18 105:2 117:4
 123:20
statements 26:6
states 1:1 13:13 14:21
 24:7 26:22 49:12 52:7
 68:6 70:1,15 88:5
 95:10 107:7 118:20
 126:20 127:3
states' 73:22
statewide 111:20
stating 27:6
stats 96:4
status 112:9
stay 124:8,13
stay-at-home 4:18 27:1
 35:3 79:15
stem 15:22
step 4:5,9 5:1 10:10
 11:1,4,8,14,19,21
 12:12,14,16,19,21
 13:3,4,13,20,21 14:11
 14:13,18 15:10 17:4
 24:21 25:2,3,8,17
 27:8 29:5 31:2,4,8,12
 31:16 33:21 34:2,15
 34:19,21 35:7,18
 36:14,15,20,21 37:2,9
 37:19 38:8 41:11 42:8
 50:19,21 51:2,18,20
 52:1,1 70:9 71:20
 72:12,17,20 79:1,5,10
 79:20 86:10 87:15,18
 89:3,5,6,10 93:4,10
 97:3 102:22 104:18
 108:19 112:19 115:2
 115:7 116:1 119:18
 121:12,15 126:12,16
 126:17 127:5
stick 11:16
stimulating 98:13
stock 36:6 42:7 50:13
 115:2
stockpile 36:14
stop 12:18 71:13
stopped 31:10
store 51:7,8 93:8
 119:12,17

stores 4:18,21 79:15,18
 109:3,12 121:5,8,11
stove 49:8,18 70:20
 85:9 88:14 89:10 98:4
 111:16 114:9 115:4
 119:6 121:2 126:12
 126:16
stoves 2:16 12:3 13:2,4
 13:8 14:13 15:18 18:8
 20:12 22:5,19 33:15
 33:16 37:9 40:8 41:11
 41:22 42:4,8 50:19
 51:4,10,11,12,13,14
 51:20,21 52:2 70:9,20
 72:12 91:18 92:1,20
 95:19 96:20,21 98:9
 106:20 108:17,19
 109:8 113:3 115:2,7
 119:19 120:7,10
 121:15 127:5
stoves-to-homes 37:7
stranded 33:21 72:2
strategies 3:22 45:1
 55:9 62:15 66:2 70:2
 70:4,9,10
stricter 40:7
strictly 6:15
stringent 70:16 72:19
 73:1 88:1
strong 18:13,17 26:22
 70:5
stronger 114:3
strongly 86:8
structure 100:16
studies 24:14
study 106:21
styles 92:22
subject 69:17 90:14
submit 7:5,9 8:8,19 9:1
 16:1 23:7 29:18 32:1
 43:3 45:15,18 47:10
 53:3 54:18 55:20 56:2
 61:8 67:2,3,8,10
 68:15 82:7 83:7,20
 84:3,3 93:18 100:7
 101:6 105:17 127:19
 127:22 131:6,10,14
submitted 90:19
submitting 8:13 83:13
 90:17
subsequently 72:14
subsided 20:12
substantial 103:12
substantially 51:20
substantive 27:19
success 73:11
suffering 103:1 111:17
suffers 24:19

sufficient 27:7
suggest 50:16
suggested 51:19
suits 127:4
summer 27:3 114:1
summers 86:5
supply 95:9
supplying 92:4
support 10:8 18:13
 22:1 60:18 87:1
 106:12 108:1 119:5
supporting 29:2
supposed 58:17
Survey 89:13
suspended 36:6
suspension 8:17 83:16
sympathize 10:22
symptom 42:16
system 5:16 19:10 21:7
 40:4,13,18 80:13
 113:16
systems 20:22

T

T-H-Y 64:3
T-O-L-L-E-F-S-O-N
 102:14
Tacoma 69:3
taken 27:18 121:20
takes 17:15
talk 10:20 99:19
talking 60:16 95:16
tangible 15:21
targeted 10:14 13:1
 15:1
tax 58:14
technical 5:12 80:10
technology 18:12 21:5
 72:16 73:16
teleconference 1:16
tell 92:9
telling 95:22
temperature 69:18
temporary 4:18 8:16
 79:15 83:16
ten 47:14,17 53:16 54:4
 61:18 63:2 74:10
 75:16,19
ten- 61:11
ten-minute 63:10 74:18
Tennessee 52:5 118:20
term 20:7
terms 17:9 98:10
test 27:21 28:4,6 60:8
testified 9:6 84:11
testify 117:4
testimony 7:6,10,17
 9:14 16:9,14 23:7,12

24:6 29:18 30:1,12,16
 32:2,3,17 39:5,19
 43:3 45:9,16 46:18
 48:14,20 53:4 55:11
 55:21,22 56:21 61:8
 66:10 67:6,11 68:2
 74:8 76:22 82:6,8,18
 84:22 91:4,9,20,21
 93:13,17 94:1,12
 101:15 102:16 105:17
 106:1 110:14 111:4
 116:15,20 117:22
 118:8,16 122:13
 123:1,8,13 125:19
 127:18,19 128:7,15
 129:12,20 130:22
testing 12:14 52:1
 58:15,21 59:3,4,11,14
 59:21,22
tests 59:8
thanks 9:21 10:4 24:1
 32:2 43:1 53:4 74:6
 76:22 93:16 100:22
 126:2 131:17
they'd 110:9 127:13
things 50:17 99:22
third 14:22 51:10 57:7
 57:10
thorough 120:16
thought 14:4 15:14
 119:19
thoughts 49:20 101:5
thousands 13:13
threats 20:10
three 10:20 59:18 78:17
 98:14 122:7
threshold 19:13
throwing 96:7
tie 98:3
tight 47:4 63:9 64:17
tightens 100:16
timberlands 86:2
time-consuming
 107:18
timeframe 20:18 28:7
 62:19
timeline 22:3
timelines 14:2
timely 113:11
times 28:20 60:1 88:13
timetable 107:9
today 3:15 6:18 9:3,12
 15:17 21:6 33:7 34:13
 38:18 44:16 67:7,9
 76:15 78:9 80:14
 81:18 82:6 84:6,15
 99:17 125:5,8 126:7
 130:15,19,22

today's 3:7 5:9,17,19
 44:12,13 54:20 55:1
 65:11 76:19 78:2 80:7
 80:18 126:8
Tollefson 2:17 102:6,10
 102:13,17
tomorrow 15:17
too-long 29:11
Topham 1:20 3:16 14:6
 15:11 16:6 22:9 28:18
 29:16 31:20 37:16
 44:17 52:13 55:3 60:6
 62:9 65:17 73:7 74:5
 78:11 90:1 100:12
 105:14 110:4,12
 115:10 116:13 125:9
 127:16
total 51:5
Tower 108:18
towns 14:8 51:1 69:5
 85:21 86:7 90:14
track 27:14 28:9
trade 36:2
traditional 35:16
traffic 50:6 93:8 95:8
 109:12
transcribed 6:7 81:8
 100:1,2
transcript 6:6 81:7
 100:4
transition 73:1
transitioned 119:11
 120:14
transparency 10:18
trapped 14:10
trapping 69:18
treat 67:5 126:12
tried 12:18
truth 51:22
try 7:14 32:10 82:15
 95:3 110:20
trying 99:12
turn 11:6 95:3
Twin 92:6
two 9:3 10:20 15:4 27:6
 29:6 31:2 34:1,13
 35:6 41:11,17 60:20
 73:1 84:6 86:5 87:4,7
 96:8,20 98:13 120:16
 128:1
two-month 35:12 93:7
 126:10
two-year 34:7,11,20
types 18:10 33:12
typically 41:13

U

U-H-L 68:5

U.S 35:9 49:8,10 104:5
Uhl 2:18 53:18,20 68:5
 68:5 73:9
ultimately 18:16
unable 31:1 123:12
uncertain 114:1
unclear 114:6
uncommonly 20:18
unconscionable 110:5
undercut 13:22
undermines 73:10
underscores 20:3
undersold 73:15
understand 26:17 54:1
understatement 17:16
undertake 25:13 108:9
unfair 13:17
unfairly 108:22
unforeseen 107:18
unfortunately 20:4 27:4
unhealthiest 69:9
unhealthy 69:19 90:16
 115:14
unit 13:20 28:7 105:5
United 1:1 95:10
units 5:1 10:10 11:8,19
 12:21 21:8 22:21
 35:19 37:14 51:2,18
 52:1 79:20 96:9
 102:22 104:2,11,18
 119:13,21 120:16,20
 121:12
unknown 73:17
unlawful 113:7 126:18
 126:18
unmute 6:2,3 9:17 30:2
 30:4,10 32:8,10 39:7
 39:8,13 43:9 46:12,14
 46:16 53:8,8,10 66:8
 67:21 68:3 81:1,2
 84:22 91:10,13,18
 94:2,11 101:14,16,18
 102:1,8 105:21 106:2
 110:18,20 111:2
 116:18 117:1,15,21
 118:5,6,11 122:11,15
 122:21 123:3,6,9
 125:16 128:5,13,16
 128:18
unnecessary 116:6
unprecedented 28:20
 38:10
unquote 12:17 89:8
unreasonable 107:5,6
unspoken 49:22
unused 37:8
unusually 21:14
up-to-date 17:22

upcoming 120:6
update 18:9 20:20
 72:13 73:3 88:2
updates 19:1
updating 18:14
upgrade 98:5
upper 13:12
urban 112:1
urbanized 69:3
urge 14:16 29:9 38:15
 52:7 116:7
urged 20:17
urging 12:11
use 11:11,18 15:9 18:12
 21:6,9 24:8 42:16
 92:7,9 112:18
useful 70:22
Utah 49:15

V

valley 14:8 69:7,16
 85:22
valleys 86:7
value 51:5,5 92:10 93:4
 108:15
valued 31:9 93:6
Vapor 57:8 58:12
variance 95:17
variety 92:19 127:10
vast 92:7
vendors 4:8,21 79:4,18
verge 68:21
viable 121:11
Vice 16:21 32:21 49:3
view 24:6
vineyards 86:1
violate 113:15
violation 113:10
violations 87:16
Virginia 118:20
virtual 5:10 54:12 62:3
 65:1 75:3 80:8
virtually 49:11
virus 4:4 31:15 78:22
 93:8 110:2
voice 121:17
volatile 18:20
voluntary 70:2,17

W

W-U 85:6
wait 53:21 129:6
walking 99:5
wanted 46:9 52:18 58:4
 58:5 95:11
wants 61:14 63:3 129:8
warm 114:15
warm-air 13:16

warning 45:11
warranted 71:19
Washington 49:14 69:3
wasn't 101:13
water 85:14
way 10:13,14,15 12:22
 13:7 15:1 38:14 49:5
 51:17 52:1 71:11
weather 14:9
web-based 5:16 80:13
website 11:12
weeks 15:3,3
weight 19:11 101:4
welcome 3:4,14 23:18
 44:10 45:2 47:9 54:9
 54:10 62:2 63:16
 64:22 65:7,8 67:2
 75:1 76:11 78:8 83:9
 91:4 99:8,18 101:2
 110:14 129:19 131:10

went 44:8 54:7 61:22
 63:14 64:20 74:21
 76:9 77:14 125:1
 130:10 131:21
west 14:7 54:2 64:14
 68:9 69:2,7,14 71:10
 73:20 77:17 85:20
WESTAR 2:18 43:11
 53:13 67:20 68:17
Western 68:6,8 69:22
 73:22 118:19
white 19:21
wholesale 51:5,5
wide 42:13
widely 18:12
widespread 34:5
wife 59:16
wilderness 86:2
Willamette 85:22
winter 14:9 37:4 86:20
 114:15
winter-time 69:17 90:16
winters 86:4
Wisconsin 52:5 58:14
 60:2
withdraw 29:9 116:7
withdrawn 106:13
 110:6
Wittus 93:21 94:3,4
 101:21,21 102:1
 117:18,18 122:19,20
 122:20 128:10,11,17
wood 1:8 3:9,12 4:2,6,9
 10:16,19 11:15 14:9
 17:6,8 18:5,17 20:12
 21:9,22 22:5 24:8
 30:19 33:5,15 40:8
 41:12 44:14,19 49:7

49:13,18 51:12 54:12
 54:15,21 57:9,15,21
 62:4 63:19 65:2,13,19
 68:14,19,22 69:2,10
 69:13,16,18,21 70:12
 70:18,22 71:8,13 73:6
 74:1 75:3 76:20 77:19
 78:4,7,13,20 79:2,5
 85:9,17 86:11,21 88:3
 89:3,5,7,9,19 90:6
 92:7,9,11,17,20 97:16
 97:20 100:18 106:10
 106:14,16,20,21
 108:16 111:19 112:5
 112:8 119:6,15 125:6
 131:2

wood-burning 18:8
 22:18 57:2 92:5 93:10
 96:15 108:12 118:21
wood-fired 103:6
Woodland 2:16 91:17
 92:1
word 11:16 39:21
work 5:11,18 38:1 80:9
 80:15 92:6 109:16
worked 37:1 49:7,9
working 58:16 62:17
world 4:20 34:10 79:17
worsens 115:19
worst 13:10 111:17
writing 8:9 83:8 90:18
 93:18 101:2
written 7:6,9 8:12,13
 16:9 29:18 32:1 38:3
 45:16,17 47:10 51:17
 53:3 54:18 55:21,22
 61:8 67:2,5,10 68:16
 82:7 83:9,12,13 91:4
 93:18 99:18,21 100:8
 101:3 110:14 131:10
Wu 2:19 84:18 85:2,4,5
 85:6 90:2 123:11

X

Y

year 21:17,20 31:6 34:1
 35:17 37:8 38:5 51:9
 72:10 87:6,8 88:14
 119:4
year's 21:21
years 11:5 18:10 20:14
 20:21 21:1 27:16 34:1
 40:9 41:12 49:6 57:2
 71:1,7 72:4,16 73:1,2
 88:15,21 89:14 113:4
 119:1,3
years' 88:3

Z

0

0.093 60:8

1

1-4:5
1-certified 4:9 11:14
 79:2,5 104:18
1.45 106:22
1:00 75:9,22 76:1 77:2,6
 77:10
1:03 77:15
1:58 124:20 125:1
10 88:13
10:00 44:1,5,9
10:12 54:7
10:22 54:8
10:31 61:22
10:41 61:18 62:1
10:43 63:14
10:53 63:11,15
10:54 64:20
100 58:12
1000 112:2
105 73:6
11:00 43:12 47:3 53:21
 62:21 64:7,16,17,21
11:10 74:21
11:20 74:19,22
11:22 76:9
11:31 75:20,21 76:7,10
11:32 77:14
111 40:2
111(b) 113:14
111(e) 25:6
12 92:3
12:00 48:2
14 90:19
148,180 93:4
15 5:2 9:4 25:9 34:2,15
 35:6 37:3 40:1 51:3
 60:15 68:7 79:21 84:9
 93:5,5 97:7 103:8,8
 103:14 104:19 107:13
 120:18 124:9,14
 126:15 129:4,6,22
15-minute 43:22 44:4
 124:17,21
15,000 51:6 90:7
15th 14:5 21:19 22:8
 25:15,15 31:8 60:20
 104:2,12 109:10
 113:22 114:1
16 22:12
16th 126:18
17 20:21
176(c) 113:8

19 20:8 119:6
1970s 58:11
1974 30:21
1977 92:4
1980s 70:3
1988 71:8 72:21
1990 72:13
1st 25:22 31:4 121:3

2

2 11:4,21 12:14,16
 13:20,21 14:11 17:5
 25:3,8 27:8 29:5 34:2
 35:7 51:14,16,20 52:1
 58:19 59:2,10 60:8
 70:9 72:20 86:10
 87:15,18 89:1,3,6,10
 108:19 112:19 116:1
2.5 69:6 86:5,16,20
 87:20 89:14 112:14
 112:20 115:19
2:13 124:20 125:2
2:20 130:4,10
2:35 130:5,11
2:36 131:21
20 50:20 71:1 72:4
 88:14,20 113:4 119:2
20,000 90:7
200 58:12 89:9
2010 58:14 59:3
2014 20:19
2015 1:7 18:6 19:2
 22:17 33:4,18 34:3,9
 34:17 40:6 51:15
 58:17 59:7 71:21
 72:12 73:2 87:18 88:2
 89:2,4 107:8,12
2016 59:8
2017 59:7
2017-2018 107:1
2018 26:4,18 34:8,19
 36:12 60:8 73:5 87:11
 88:22 89:11 119:16
2019 11:22 12:11 19:19
 90:20 93:2 103:10
2020 1:13 4:1,13 5:2 7:8
 8:10 25:9 34:16 35:6
 37:3 40:1,8 45:20
 60:15 62:6 65:14
 72:11,15 78:19 79:8
 79:11,21 82:11 89:1,8
 93:5 103:8,8,15
 104:19 107:9,13
 108:3,20 120:18
 125:7 126:15 131:7
 131:10,12,15
2020's 34:2
22 4:1 45:19 62:6 65:14

78:19 125:7 131:10
22nd 8:15 44:15 47:11
 54:17 56:4 61:11 65:5
 67:5 75:5 83:15 101:7
24 118:22
25 89:20
27 18:10
2nd 90:12 114:18

3

3.5 51:13 96:21
3:00 75:9
30 4:13 57:4 71:1,7 72:4
 72:16 79:11 88:15
 111:20
30-year 28:7
30,000 51:6
304 127:3
30th 26:1 114:2
32 49:6
35 50:20 126:21
37 73:5
38 103:17

4

40 88:13
44 96:7 97:1,10 98:15
 100:19
45 31:8
46 103:9

5

5 51:3
50 24:13 88:15,21
501(c)(3) 10:2
52 93:2
541-1599 43:16
55 106:16
59,392 93:6

6

6 6:3 7:8 8:10 9:16 30:1
 30:4 32:10 39:8 43:9
 46:14 53:8 66:9 68:4
 81:2 82:11 91:10,13
 91:19 94:2,5 101:15
 101:18 102:2,9 106:2
 110:18,20 111:3
 116:19 117:2,16
 118:5 122:15 123:2,9
 125:17 128:6,15,19
 131:6,12,15
60 4:22 25:2 27:2 29:4
 79:19 96:7 121:9,20
60-day 25:22
61,843 31:9
65 107:2
67 31:4

6th 67:1 83:10

7

70s 57:16 58:2
74 89:20
75 96:4

8

8 1:13
80 88:21 112:11
80s 57:14
85 57:2
85-year-old 57:1

9

9:00 1:16
9:03 3:2
9:44 44:8
90 121:6
919- 43:15
919-541-1599 7:19,20
 46:2,3 47:9 56:8 63:6
 64:1 67:16 74:15
 82:20,21 117:6,11
 123:22 124:1 129:14
 129:15

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