



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

APR 25 2014

OFFICE OF  
ENFORCEMENT AND  
COMPLIANCE ASSURANCE

Lisa Rector  
NESCAUM  
89 South Street, Suite 602  
Boston, MA 02111

RE: Status of Freedom of Information Act Request dated, April 2, 2014  
Request Number EPA-HQ-2014-005235

Dear Ms. Rector:

This letter is in reference to your Freedom of Information Act (FOIA) request in which you requested records relating to emissions data for wood heaters certified by the Environmental Protection Agency (EPA) since December 31, 2009. Specifically, you asked for the following data:

- Average weighted emission rate for each device;
- Device type (e.g., pellet stove, catalytic stove, non-catalytic stove);
- Test method used, 5G or 5H; and
- Emission results for individual burn categories for all burn rates – Categories 1,2,3,4.

Since December 31, 2009, the EPA has certified approximately 100 wood heater models sold by 35 manufacturers. The requested data is not readily available in a condensed format, but is contained in individual test reports for each EPA certified wood heater. Each test report also contains a claim that the information embedded in the reports should be protected as confidential business information (CBI) pursuant to FOIA Exemption 4, 5 U.S.C. § 552(b)(4).

The EPA has determined that the requested data is considered emissions data, and is therefore not treated as CBI. Some of the wood heater manufacturers may object to the release of this information. Therefore, the EPA is bound by our CBI regulations (40 CFR 2.204(d)(2) and 2.205(f)) to notify manufacturers of our intent to publicly release the data and provide each manufacturer with ten (10) working days to comment or challenge the Agency's decision. That notification process is underway.

It is our intent to make the requested emissions data available to the public in a redacted format, meaning that the Agency will remove any references to the manufacture, make/model, or exact date of certification. The EPA will not release the redacted data until each manufacturer has been notified of the Agency's intent and their right to challenge our decision. If no challenges are received after 10 working days, the data will be made available to NESCAUM directly and also be included in the public air docket (EPA-HQ-OAR-2009-0734) for the Woodstoves NSPS rule (Standards of Performance for New Residential Wood Heaters, New Residential Hydronic Heaters and Forced-Air Furnaces, and New Residential Masonry Heaters, SAN 5396).

As noted above, the EPA has determined that the requested information is emission data for which the manufacturers have made a CBI claim (under Exemption 4). Therefore, you do not need to appeal the withholding of this information. Once the notification process is completed, the EPA will notify you whether any of the submitters have challenged the Agency's release of the information. However, if you wish to appeal this response you may do so by contacting the National Freedom of Information Officer; U.S. EPA; Records, FOIA and Privacy Branch; 200 Pennsylvania Ave, NW (2822T); Washington, DC 20460.

Please note that the EPA has completed tabulating emission result data for the minimum and maximum burn rate categories (i.e., Category 1 and Category 4). Again, it is our intent to make this data publically available; however, we may not be able to make the data for the additional Categories 2 and 3 available within the timeframe allotted to respond to your FOIA request. Let me know if you would like for us to proceed with the currently available data or if NESCAUM would like to proceed with the requested full range of test data. If you would like to proceed with the request for the full range of data, please notify the Agency of a limit on financial expenditure and a commitment to pay up to that identified limit.

Sincerely,



Julius Banks,  
Chief Air Branch  
Monitoring Assistance and Media Programs  
Division  
Office of Compliance