

What Retailers Need to Know about Hangtags, Labels, and Owner's Manuals per the New NSPS

The following reflects HPBA's interpretation of certain provisions of EPA's final NSPS. There is considerable ambiguity throughout the rule, and we believe the following positions are legally defensible. Always defer to your manufacturer's legal counsel if there are questions about these interpretations.

Step 1 Requirements for Room Heaters (Wood and Pellet Stoves) - May 15, 2015 to May 14, 2020:

1. Hangtags

Are hangtags still required for appliances manufactured after May 15, 2015?

No, hangtags are **NOT** required to be affixed to appliances.

The EPA is allowing a temporary, **voluntary**, hangtag for each adjustable burn rate heater, single-burn rate heater, pellet heater/stove, hydronic heater and forced-air furnace sold at retail that meets the Step 2 emission limits before the Step 2 compliance date. This temporary label option will end upon the Step 2 compliance date (May 15, 2020).

What about appliances manufactured before May 15, 2015, do they still need hangtags?

No, hangtags are **NOT** required for appliances manufactured before May 15, 2015. Appliances that are deemed certified are considered Step 1 compliant under the new NSPS regime, which does not require hangtags.

Appliances that are not deemed certified and that must be sold by December 31, 2015 do not need hangtags, even though they needed hangtags under the old NSPS. The old NSPS no longer has legal effect. Under the **current law**, hangtags are **not** required; thus, there is nothing in the current law for EPA to enforce.

2. Permanent Labels

For appliances manufactured after May 15, 2015, what are the permanent label visibility requirements?

Appliances manufactured on or after May 15, 2015 must have permanent labels (**not** hangtags) affixed in a readily visible or accessible location that can be viewed before **and after** installation, i.e., not the bottom of a free-standing heater. However, an easily removable façade may be used for aesthetic purposes.

Do permanent labels on appliances manufactured before May 15, 2015 need to be readily visible even after installation?

No, the original NSPS did not require appliances to have readily visible or accessible labels after installation.

Do "deemed certified" stoves in my store need their labels replaced to reflect the new permanent label requirements?

No, do not remove labels and replace them with something that did not arrive on the appliance. This would be illegal.

3. Owner's Manuals:

Do owner's manuals for appliances manufactured before May 15, 2015 need to be replaced with updated owner's manuals from the manufacturer?

No, appliances manufactured before the effective date do not need updated owner's manuals. These appliances are already in the value chain and you will be deemed to comply with new rule's requirements, so long as you sell the appliance without altering the owner's manual and warranty that you received from the manufacturer.

Models that are EPA-certified at 4.5 g/hr or less before May 15, 2015 (deemed certified) may continue to be manufactured and sold until Step 2 is effective in 2020, but which of these deemed certified appliances need updated manuals?

Only appliances manufactured after May 15, 2015 require updated manuals. If a product wasn't in your store before May 15, 2015, it should have an updated owner's manual from the manufacturer.

Do owner's manuals need to be displayed next to appliances in stores?

EPA's rule does not specify whether or how owner's manuals need to be displayed, only that they need to be provided to each purchaser of an appliance. However, it may be best to avoid separating the owner's manual from the stove given the rule's requirement that "Each affected wood heater offered for sale by a commercial owner must be accompanied by an owner's manual."

What is in the actual final NSPS?

third-party certification activities according to the requirements of this subpart;

(ii) Agree to periodically conduct audits as described in § 60.533(m) and the manufacturer's quality assurance program;

(iii) Agree to comply with reporting and recordkeeping requirements that affect approved wood heater testing laboratories and third-party certifiers;

(iv) Have no conflict of interest and receive no financial benefit from the outcome of certification testing conducted pursuant to § 60.533;

(v) Agree to make available to the Administrator supporting documentation for each wood heater certification and audit; and

(vi) Agree to not perform initial certification reviews on any models manufactured by a manufacturer for which the third-party certifier has conducted research and development design services within the last 5 years.

(3) If approved, the Administrator will provide the third-party certifier with a certificate of approval. The approval will expire 5 years after being issued unless renewed by the third-party certifier. If the EPA denies the approval, the Administrator will give written notice to the third-party certifier for the basis for the determination.

(e) *Revocation of third-party certifier approval.* (1) The Administrator will revoke a third-party certifier's EPA approval if it is determined that the certifier;

(i) Is no longer accredited by the accreditation body;

(ii) Does not follow required procedures or practices; or

(iii) Has falsified certification data or otherwise misrepresented emission data.

(2) Revocation of approval under this paragraph (e) will not take effect until the certifier concerned is given written notice by the Administrator setting forth the basis for the proposed determination and an opportunity for a hearing under § 60.539. However, if revocation is upheld, all certifications by the certifier after written notice was given will, at the discretion of the Administrator, be declared invalid.

§ 60.536 What requirements must I meet for permanent labels, temporary labels (hangtags) and owner's manuals?

(a) *General permanent label requirements.* (1) Each affected wood heater manufactured on or after the date the applicable standards come into effect as specified in § 60.532, must have a permanent label affixed to it that meets the requirements of this section.

(2) Except for wood heaters subject to § 60.530(b)(1) through (5), the

permanent label must contain the following information:

(i) Month and year of manufacture of the individual unit;

(ii) Model name or number;

(iii) Certification test emission value, test method and standard met (e.g., 2015, 2020 crib wood, or 2020 cord wood); and

(iv) Serial number.

(3) The permanent label must:

(i) Be affixed in a readily visible or readily accessible location in such a manner that it can be easily viewed before and after the appliance is installed (an easily-removable facade may be used for aesthetic purposes, however the bottom of a free-standing heater is not considered to be readily visible or readily accessible);

(ii) Be at least 8.9 cm long and 5.1 cm wide (3½ inches long and 2 inches wide);

(iii) Be made of a material expected to last the lifetime of the wood heater;

(iv) Present the required information in a manner so that it is likely to remain legible for the lifetime of the wood heater; and

(v) Be affixed in such a manner that it cannot be removed from the appliance without damage to the label.

(4) The permanent label may be combined with any other label, as long as the required information is displayed, the integrity of the permanent label is not compromised, and the permanent label meets the requirements in § 60.536(a)(3).

(5) Any label statement under paragraph (b) or (c) of this section constitutes a representation by the manufacturer as to any wood heater that bears it:

(i) That a certification of compliance was in effect at the time the wood heater left the possession of the manufacturer;

(ii) That the manufacturer was, at the time the label was affixed, conducting a quality assurance program in conformity with § 60.533(m); and

(iii) That all wood heaters individually tested for emissions by the manufacturer under its quality assurance program pursuant to § 60.533(m) met the applicable emissions limits.

(b) *Permanent label requirements for adjustable burn rate wood heaters and pellet stoves.* If an adjustable burn rate wood heater or pellet stove belongs to a model line certified under § 60.533, and no wood heater in the model line has been found to exceed the applicable emission limits or tolerances through quality assurance testing, one of the following statements, as appropriate, must appear on the permanent label:

"U.S. ENVIRONMENTAL PROTECTION AGENCY Certified to comply with 2015 particulate emission standards. Not approved for sale after May 15, 2020." or

"U.S. ENVIRONMENTAL PROTECTION AGENCY Certified to comply with 2020 particulate emission standards using crib wood." or

"U.S. ENVIRONMENTAL PROTECTION AGENCY Certified to comply with 2020 particulate emission standards using cord wood."

(c) *Permanent label requirements for single burn rate wood heaters.* If the single burn rate wood heater belongs to a model line certified under § 60.533, and no heater in the model line has been found to exceed the applicable emission limits or tolerances through quality assurance testing, one of the following statements, as appropriate, must appear on the permanent label:

"U.S. ENVIRONMENTAL PROTECTION AGENCY Certified to comply with 2015 particulate emission standards for single burn rate heaters. Not approved for sale after May 15, 2020. This single burn rate wood heater is not approved for use with a flue damper." or

"U.S. ENVIRONMENTAL PROTECTION AGENCY Certified to comply with 2020 particulate emission standards for single burn rate heaters. This single burn rate wood heater is not approved for use with a flue damper."

(d) *Additional permanent label content.* The permanent label for all certified wood heaters must also contain the following statement:

"This wood heater needs periodic inspection and repair for proper operation. Consult the owner's manual for further information. It is against federal regulations to operate this wood heater in a manner inconsistent with the operating instructions in the owner's manual."

(e) *Permanent label requirements for affected wood heaters with exemptions under § 60.530(b).* (1) If an affected wood heater is manufactured in the United States for export as provided in § 60.530(b)(1), the following statement must appear on the permanent label:

"U.S. ENVIRONMENTAL PROTECTION AGENCY Export stove. May not be sold or operated within the United States."

(2) If an affected wood heater is manufactured for use for research and development purposes as provided in § 60.530(b)(2), the following statement must appear on the permanent label:

"U.S. ENVIRONMENTAL PROTECTION AGENCY Not certified. Research

Stove. Not approved for sale or for operation other than for research.”

(3) If a wood heater is exclusively a non-wood-burning heater as provided § 60.530(b)(3), the following statement must appear on the permanent label:

“U.S. ENVIRONMENTAL PROTECTION AGENCY This heater is not certified for wood burning. Use of any wood fuel is a violation of federal regulations.”

(4) If an affected wood heater is a cook stove that meets the definition in § 60.531, the following statement must appear on the permanent label:

“U.S. ENVIRONMENTAL PROTECTION AGENCY This unit is not a certified residential wood heater. The primary use for this unit is for cooking or baking.”

(5) If an affected wood heater is a camp stove that meets the definition in § 60.531, the following statement must appear on the permanent label:

“U.S. ENVIRONMENTAL PROTECTION AGENCY This unit is not a certified residential wood heater. For portable and temporary use only.”

(f) *Temporary label (hangtag) voluntary option.* (1) Each model certified to meet the 2020 particulate matter emission standards of § 60.532(b) prior May 15, 2020 may display the temporary labels (hangtags) specified in section 3 of Appendix I of this part. The electronic template will be provided by the Administrator upon approval of the certification.

(2) The hangtags in paragraph (f)(1) of this section end on May 15, 2020.

(3) Each model certified to meet the 2020 Cord Wood Alternative Compliance Option of § 60.532(c) may display the cord wood temporary label specified in section 3 of Appendix I of this part. The electronic template will be provided by the Administrator upon approval of the certification.

(g) *Owner's manual requirements.* (1) Each affected wood heater offered for sale by a commercial owner must be accompanied by an owner's manual that must contain the information listed in paragraph (g)(2) of this section (pertaining to installation) and paragraph (g)(3) of this section (pertaining to operation and maintenance). Such information must be adequate to enable consumers to achieve optimal emissions performance. Such information must be consistent with the operating instructions provided by the manufacturer to the approved test laboratory for operating the wood heater during certification testing, except for details of the certification test that would not be relevant to the user. The

commercial owner must also make current and historical owner's manuals available on the company Web site and upon request to the EPA.

(2) Guidance on proper installation, include stack height, location and achieving proper draft.

(3) Proper operation and maintenance information, including minimizing visible emissions:

(i) Fuel loading and re-loading procedures; recommendations on fuel selection and warnings on what fuels not to use, such as unseasoned wood, treated wood, colored paper, cardboard, solvents, trash and garbage;

(ii) Fire starting procedures;

(iii) Proper use of air controls, including how to establish good combustion and how to ensure good combustion at the lowest burn rate for which the heater is warranted;

(iv) Ash removal procedures;

(v) Instructions for replacement of gaskets, air tubes and other parts that are critical to the emissions performance of the unit, and other maintenance and repair instructions;

(vi) For catalytic or hybrid models, information on the following pertaining to the catalytic combustor: Procedures for achieving and maintaining catalyst activity, maintenance procedures, procedures for determining deterioration or failure, procedures for replacement and information on how to exercise warranty rights;

(vii) For catalytic or hybrid models, the following statement—

“This wood heater contains a catalytic combustor, which needs periodic inspection and replacement for proper operation. It is against federal regulations to operate this wood heater in a manner inconsistent with operating instructions in this manual, or if the catalytic element is deactivated or removed.”

(viii) For noncatalytic models, the following statement—

“This wood heater needs periodic inspection and repair for proper operation. It is against federal regulations to operate this wood heater in a manner inconsistent with operating instructions in this manual.”

(4) Any manufacturer using the EPA-recommended language contained in Appendix I of this part to satisfy any requirement of this paragraph (g) will be considered to be in compliance with that requirement, provided that the particular language is printed in full, with only such changes as are necessary to ensure accuracy for the particular wood heater model line.

(h) Wood heaters that are affected by this subpart, but that have been owned

and operated by a noncommercial owner, are not subject to paragraphs (f) and (g) of this section when offered for resale.

§ 60.537 What records must I keep and what reports must I submit?

(a)(1) Each manufacturer who holds a certificate of compliance pursuant to § 60.533(c), (e) or (f) for a model line must maintain records containing the information required by paragraph (a)(2) through (4) of this section with respect to that model line for at least 5 years.

(2) All documentation pertaining to the certification test used to obtain certification, including the full test report and raw data sheets, laboratory technician notes, calculations, the test results for all test runs, and discussions of the appropriateness and validity of all test runs, including runs attempted but not completed. The retained certification test documentation must include, as applicable, detailed discussion of all anomalies, whether all burn rate categories were properly achieved, any data not used in the calculations and, for any test runs not completed, the data that were collected and the reason that the test run was not completed. The retained certification test also must include documentation that the burn rate for the low burn rate category was no greater than the rate that an operator can achieve in home use and no greater than is advertised by the manufacturer or retailer.

(3) Results of the quality assurance program inspections pursuant to § 60.533(m).

(4) For emissions tests conducted pursuant to the quality assurance program required by § 60.533(m), all test reports, data sheets, laboratory technician notes, calculations, and test results for all test runs, the corrective actions taken, if any, and any follow-up actions such as additional testing.

(b) Each approved test laboratory and third-party certifier must maintain records consisting of all documentation pertaining to each certification test, quality assurance program inspection and audit test, including the full test report and raw data sheets, technician notes, calculations, and the test results for all test runs. Each approved test laboratory must submit accreditation credentials and all proficiency test results to the Administrator. Each third-party certifier must submit each certification test, quality assurance program inspection report and ISO IEC accreditation credentials to the Administrator.

(c) Each manufacturer must retain each wood heater upon which certification tests were performed based