

SEPTEMBER 2026

The Stealth Frontline: Why Early Tracking of Local Wood Stove Restrictions Matters

By Noel Putaansuu

The Changing Battleground

Major statewide legislative battles used to be where the hearth industry focused its primary defensive energy. Today, however, the real fight has shifted to a much quieter, micro-level front. Local municipal codes, subtle zoning adjustments, and private HOA Covenants, Conditions & Restrictions (CC&Rs) are steadily chipping away at solid-fuel heating options.

This happens largely out of sight, lacking the public debate that accompanies state bills. For retailers, distributors, and installers, this dynamic creates a frustrating roadblock. A customer walks into a showroom ready to purchase a stove, completely unaware that a developer or neighborhood board

eliminated hearth options for the entire subdivision months earlier. The sale is lost before the conversation even begins.

What RCW 70A.15.3570 Says

Washington State law ([RCW 70A.15.3570](#)) establishes the following:

- **Statewide Standard:** The law sets a 20% opacity limit for enforcement on a complaint basis (and 10% for public education).
- **No Stricter Opacity Allowed:** As the statute puts it, *"Notwithstanding any other provision of this chapter which may allow an authority to adopt a more stringent opacity level, no authority shall adopt or enforce an opacity level for solid fuel*

burning devices other than established in this section."

- **State Preemption:** The law preempts other state agencies and local governments regarding air pollution control from solid fuel devices.

Why "De Facto" Bans Still Happen

While local governments cannot create a "5% opacity rule" or pass a local air pollution ordinance overriding state opacity laws, local boards bypass this preemption through non-pollution regulatory avenues:

- **Zoning and Land Use:** Municipalities restrict where wood heating appliances can be placed via zoning regulations or subdivision conditions, claiming land-use authority rather than air-quality control.
- **Building and Mechanical Codes:** Cities restrict structural elements like chimney heights, roof

penetrations, or specific hearth footprints.

- **Private HOA CC&Rs:** Private property covenants are contract-based rather than municipal ordinances. State preemption under RCW 70A.15 applies to governmental bodies, meaning private HOA boards can still ban appliances outright within their development.

These closed-door decisions are rarely driven by *malice*; rather, they stem from outdated assumptions about smoke, air quality, and fire risks. Local boards frequently draft policy unaware of modern EPA-certified clean-burn technology or stringent state emission standards. Without technical facts on the table, misguided assumptions quickly solidify into binding policy.

This reminds me of Hanlon's Razor: "Never attribute to malice that which is adequately explained by stupidity."

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The Power of Early Intervention

Trying to repeal or roll back an approved city code or established HOA covenant is a steep uphill battle. Influencing a preliminary draft, on the other hand, is entirely doable.

Timing Is Everything

When industry groups receive early notice, technical teams can step in to educate local boards with hard emission data, safety standards, and performance facts. Engaging decision-makers early replaces reactionary arguments with calm, factual guidance, preserving consumer fuel choice and safeguarding local hearth businesses before regulations take root.

Floor vs. Ceiling

- **State Air Quality Law (The Floor):** Under Washington law (RCW 70A.15 and [WAC 173-433](#)), state regulations dictate baseline performance. They ban uncertified stoves, cap particulate emissions (e.g., 2.0 g/hr for wood stoves), and mandate 20% opacity limits on smoke. An HOA cannot exempt a homeowner from these state requirements. Smokeless Chimney Octorings can measure emissions in opacity and grams per hour.
- **HOA Covenants (The Ceiling):** Private deed restrictions can be more restrictive than state law. If state law says, "You may burn wood if your stove meets 2.0 g/hr," an HOA can legally state, "No solid-fuel appliances are allowed in this development." Courts view this as a voluntary

private contract agreed upon when buying the home.

When State Law Does Supersede HOAs

State preemption occurs only when a state legislature passes a law explicitly forbidding local bodies or HOAs from restricting something (e.g., solar panels, rain barrels, or electric vehicle chargers). Because Washington State air quality statutes focus on controlling pollution rather than guaranteeing a statutory right to burn wood, state law does not preempt HOAs from banning solid fuel.

Building the Early Warning Network

Trade associations can't sit in every local planning meeting or review every developer proposal across the region. Protecting the market requires a distributed, eyes-and-ears network on the ground:

- **Monitor Local Touchpoints:** Pay attention to municipal planning commission agendas, prelimi-

nary developer proposals, and neighborhood association discussions. Read the minutes, and watch the YouTube replays.

- **Report Early Chatter:** If you pick up on local rumors, hearsay, or language regarding new burning limitations, pass it to the HPBA advocacy team immediately.

Why Early Signals Matter

With early warning, you do not need complete documentation, official minutes, or airtight proof to flag a potential issue. Even informal word-of-mouth provides the crucial lead time required for industry representatives to investigate, contact decision-makers, and ensure modern hearth technology retains its place in the community.

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