



Written by [Joe Wolverton, II, J.D.](#) on November 9, 2015

## Wood-burning Stoves Banned in New Homes in San Francisco Area

The Environmental Protection Agency's new emission limits on wood-burning stoves may not be an outright ban, but the regulations are restricting their use and making them more expensive. And in the San Francisco Bay Area, not only will the regulations be enforced, but the Bay Area Air Quality Management District (BAAQMD) has decided to go even further, banning all wood-burning heaters in new homes including even those certified by the EPA to be "low emission."



Why wood-burning stoves? A Bay Area bureaucrat explained the reason for the ban. "We are serious about reducing the health risks associated with our residents' exposure to wood smoke," said Kristine Roselius, of the BAAQMD.

A blog called OfftheGridNews reports:

All 22 members of the district's board of directors voted to amend regulations to bar the installation of wood-burning heaters in new homes starting November 1, 2016. The district consists of the nine counties that surround San Francisco Bay and includes: San Francisco County, Alameda County (Oakland), Contra Costa County, Napa County, Santa Clara County (San Jose), San Mateo County, Southwestern Solano County and Southern Sonoma County.

Not surprisingly, traditional fireplaces are already illegal in this area.

Homeowners whose wish to sell houses where the devices were installed prior to the ban must provide potential buyers with statements detailing the significant "health risks" associated with wood smoke.

Apparently, the statement need not contain any revelation on the danger of tyranny, however.

Although it may sound incredible, the board passed an ordinance that would immediately void all previously approved exemptions to the existing wood-burning prohibition. This new nullification includes the exemptions granted to residents living in areas where natural gas is not available. Anyone living in these areas will need to re-apply for an exemption that will be applicable only on "high pollution" days.

Remarkably, there is a smaller, more radical bloc of board members pushing for a regulation that would force owners of homes with pre-ban fireplaces and wood-burning stoves to remove them or be forbidden from selling the homes. This expanded ordinance was ultimately rejected.

This sort of environmental extremism is being promulgated from coast to coast. The EPA purports that "research" shows that particulate matter blown into the air by the burning of wood to heat homes is causing asthma, bronchitis, strokes, and any number of other maladies.

In recent years, the EPA has enacted over 300 regulations restricting or prohibiting the use of wood-burning stoves in the United States.



Written by [Joe Wolverton, II, J.D.](#) on November 9, 2015

Perhaps it is time for those who defend the EPA's usurpations and attempts to forbid Americans from heating their homes in the way they can afford would change their minds had they realized just how tyrannical the green gestapo has grown. For example, consider this July 8, 2014 [Washington Times](#):

The Environmental Protection Agency has quietly floated a rule claiming authority to bypass the courts and unilaterally garnish paychecks of those accused of violating its rules, a power currently used by agencies such as the Internal Revenue Service.

The EPA has been flexing its regulatory muscle under President Obama, collecting more fines each year and hitting individuals with costly penalties for violating environmental rules, including recently slapping a \$75,000 fine on Wyoming homeowner Andy Johnson for building a pond on his rural property.

Commenting on this story, [The New American](#) noted:

Given recent judicial setbacks suffered by the EPA, it is no wonder they have created a scheme whereby they can collect fines without having to let a judge rule on the legitimacy of the levy.

The *Washington Times* story reports that the agency "announced the plan ... in a notice in the Federal Register, saying federal law allows it 'to garnish non-Federal wages to collect delinquent non-tax debts owed the United States without first obtaining a court order.' "

Of course, even with the recent legal losses, the EPA continues "eat[ing] out the substance" of Americans accused of harming the environment.

Annual reports filed by the EPA indicated that the coffers are constantly being filled with fines, many of which are enforced not only in violation of the due process requirements protected by the Constitution, but also in violation of the separation of powers set out in that document, wherein the legislative branch is granted exclusive lawmaking authority.

Just how voracious is the EPA's appetite? The *Washington Times* reports, "The amount of fines raked in by the agency has jumped from \$96 million in 2009 to \$252 million in 2012, a more than 160 percent increase."

This galling power grab is being challenged on several different fronts.

First, when he learned of the EPA's autocratic order, Senator John Barrasso (R-Wyo.) told the *Washington Times*, "The EPA has a history of overreaching its authority. It seems like once again the EPA is trying to take power it doesn't have away from American citizens."

In a letter criticizing the agency's policies, Barrasso wrote, "The EPA's latest regulatory overreach is another one-two punch to responsible Americans who are trying to provide for their families. First, this out of control agency can fine you hundreds of thousands of dollars for simply building a pond on your own land. Now, the EPA is trying to bypass the courts and force your employers to garnish your wages to cover their expensive fines."

It's been 239 years since the signing of the Declaration of Independence. In that fateful document, Thomas Jefferson listed a "long train of abuses" committed by king and parliament. The tenth of those was that the king had "erected a multitude of new offices, and sent hither swarms of officers to harass our people, and eat out their substance."

Could any sentence more succinctly sum up the actions of the EPA and the climate change chicken littles that would rather burn liberty than lumber?



Written by [Joe Wolverton, II, J.D.](#) on November 9, 2015

---

Americans in San Francisco and elsewhere interested in protecting their property and their very lives from being seized by the Environmental Protection Agency or any other branch of the federal government need not rely alone on Washington D.C. to fix itself. The more reliable remedy is nullification.

The failure of the people to force the states to flex the muscle of nullification has led to atrophy, leaving them too weak to put up a good fight against the federal assault on the sovereignty of the states and the liberty of the people.

As a result, Washington considers the states nothing more than administrative subordinates whose continued existence is tolerated only so long as they faithfully facilitate the execution of the millions of mandates of the multitude of federal programs.

States, counties, and cities retain the right to act as arbiters of the constitutionality of federal acts because they formed the union, and as creators of the compact, they hold ultimate authority as to the limits of the power of the central government to enact laws that are applicable to the states and the citizens thereof.

Despite criticism by those who advocate for a more powerful federal government and who would see every aspect of life overseen by an agent of the central authority, nullification would not lead to anarchy, as it is only unconstitutional federal acts that will be subject to state invalidation.

The checks and balances of the Constitution and the separation of powers provided therein are meant to be the first layers of defense against tyranny, not the last or the only as the statist would have you believe.

The people acting through their state governments are the final levee protecting the people as individuals from drowning under the flood of unconstitutional federal laws, regulations, and mandates.

North Carolina state senator Chad Barefoot said it best when he told a local news station, "No longer is the state going to be on autopilot for what the EPA is cramming down upon us."

It is time we force the swarms of officers back into the hive.



## Subscribe to the New American

Get exclusive digital access to the most informative,  
non-partisan truthful news source for patriotic Americans!

Discover a refreshing blend of time-honored values, principles and insightful perspectives within the pages of "The New American" magazine. Delve into a world where tradition is the foundation, and exploration knows no bounds.

From politics and finance to foreign affairs, environment, culture, and technology, we bring you an unparalleled array of topics that matter most.



**Subscribe**

### What's Included?

- 24 Issues Per Year
- Optional Print Edition
- Digital Edition Access
- Exclusive Subscriber Content
- Audio provided for all articles
- Unlimited access to past issues
- Coming Soon! Ad FREE
- 60-Day money back guarantee!
- Cancel anytime.