

Regulations and other Acts

Gouvernement du Québec

O.C. 508-2009, 29 April 2009

Environment Quality Act
(R.S.Q., c. Q-2)

Wood-burning appliances

Regulation respecting wood-burning appliances

WHEREAS subparagraphs *a*, *c* to *e*, *h* and *i* of the first paragraph of section 31, section 109.1, section 124.0.1 and section 124.1 of the Environment Quality Act (R.S.Q., c. Q-2) empower the Government to make regulations on the matters set forth therein;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) and section 124 of the Environment Quality Act, a draft of the Regulation respecting wood-burning appliances was published in Part 2 of the *Gazette officielle du Québec* of 23 April 2008 with a notice that it could be made by the Government on the expiry of 60 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments, considering the comments received following the publication in the *Gazette officielle du Québec*;

IT IS ORDERED, therefore, on the recommendation of the Minister of Sustainable Development, Environment and Parks:

THAT the Regulation respecting wood-burning appliances, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation respecting wood-burning appliances

Environment Quality Act
(R.S.Q., c. Q-2, s. 31, 1st par., subpars. *a*, *c*, *d*, *e*, *h* and *i*, ss. 109.1, 124.0.1 and 124.1)

CHAPTER I SCOPE

1. This Regulation applies to any stove, furnace, boiler, fireplace insert and factory-built fireplace designed to burn only wood in any of its forms.

It does not apply to

- (1) fireplaces intended for outdoor use only;
- (2) a boiler or furnace with a nominal heat output exceeding 2 MW;
- (3) a maple syrup evaporator; or
- (4) a wood-burning appliance intended exclusively for export from Québec.

2. This Regulation applies in a reserved area and an agricultural zone established under the Act respecting the preservation of agricultural land and agricultural activities (R.S.Q., c. P-41.1).

CHAPTER II CONFORMITY OF WOOD-BURNING APPLIANCES

3. Every wood-burning appliance manufactured, sold, offered for sale or distributed in Québec as of 1 September 2009 must comply with the requirements set in this chapter.

4. Every wood-burning appliance whose air-fuel ratio in the fire chamber is less than 35:1 and every fireplace insert or factory-built fireplace whose average minimum burn rate is equal to or less than 5 kg of fuel per hour must comply with at least one of the following standards as regards particles emitted into the atmosphere:

(1) CAN/CSA Standard CAN/CSA-B415.1, Performance Testing of Solid-Fuel-Burning Heating Appliances, published by the Canadian Standards Association;

(2) 40 CFR 60, subpart AAA, Standards of Performance for New Residential Wood Heaters, published by the United States Environmental Protection Agency.

5. A wood-burning appliance is deemed to comply with a standard referred to in section 4 if

(1) the manufacturer or importer of the appliance has been issued for that model a certificate of compliance or approval by the United States Environmental Protection Agency or by an organization, enterprise or laboratory accredited by the United States Environmental Protection Agency or the Standards Council of Canada to verify compliance with the standard; and

(2) the appliance bears the mark of conformity with a standard referred to in section 4.

6. Every wood-burning appliance whose air-fuel ratio in the fire chamber is equal to or greater than 35:1 and every fireplace insert or factory-built fireplace whose average minimum burn rate is greater than 5 kg of fuel per hour must comply with the following conditions:

(1) the manufacturer or importer of the appliance has been issued for that model a certificate of compliance or approval by the United States Environmental Protection Agency or by an organization, enterprise or laboratory accredited by the United States Environmental Protection Agency or the Standards Council of Canada that specifies that the appliance is not one of those referred to in section 4; and

(2) the appliance bears the mark confirming that the appliance is not an appliance referred to in section 4 and specifying the name of the accrediting organization, enterprise or laboratory that carried out the testing.

7. Every manufacturer or importer of wood-burning appliances must, for each model of wood-burning appliance marketed in Québec, keep for at least 5 years the reports on the certification or approval tests performed on the appliances by an accredited organization, enterprise or laboratory referred to in section 5 or 6 and, where applicable, the certificate of compliance issued by the organization, enterprise or laboratory.

CHAPTER III OFFENCES

8. Every person who manufactures, sells, offers for sale or distributes in Québec a wood-burning appliance in contravention of section 4 or 6 and every person who contravenes section 7 is liable,

(1) in the case of a natural person, to a fine of \$2,000 to \$25,000;

(2) in the case of a legal person, to a fine of \$5,000 to \$250,000.

9. The fines prescribed by section 8 are doubled for a second or subsequent offence.

10. This Regulation comes into force on 1 September 2009.

This Regulation applies to furnaces and boilers as of 1 April 2010 and to cook stoves as of 1 September 2014. “Cook stove” means an appliance used mainly for cooking rather than heating and equipped with an oven having a volume greater than 0.0283 m³.

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