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AB-852 Air pollution: oxides of nitrogen: furnaces and water heaters. (2025-2026)

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CALIFORNIA LEGISLATURE— 2025–2026 REGULAR SESSION

ASSEMBLY BILL

NO. 852

Introduced by Assembly Member Wallis

February 19, 2025

An act to add Section 41709 to the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 852, as introduced, Wallis. Air pollution: oxides of nitrogen: furnaces and water heaters.

Existing law regulates the emission of air contaminants, including the oxides of nitrogen, into the atmosphere. Existing law generally vests regulatory jurisdiction over stationary sources of air pollution to the air pollution control districts and air quality management districts and regulatory jurisdiction over mobile sources of air pollution to the State Air Resources Board.

This bill would specify that regulations adopted by districts or the state board prohibiting or restricting the sale or use of a gas-fired appliance, as defined, based on the emission limitations for oxides of nitrogen does not apply to the sale or use of that appliance if the appliance is to be installed with a propane conversion kit for propane firing only.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares all of the following:

- (a) The Bay Area Air Quality Management District adopted Rules 9-4 and 9-6 to reduce emissions of oxides of nitrogen from gas space and water heaters used in buildings within the San Francisco Bay Area.
- (b) Subsequently, the South Coast Air Quality Management District adopted Rule 1111 to reduce emissions of oxides of nitrogen from natural gas furnaces, but allow for propane conversion kits to be installed for propane firing only.
- (c) Both of those districts exempted propane as an acceptable fuel source for heaters when adopting these rules.
- (d) The actions by those districts serve as a precedence for action by other air pollution control districts, air quality management districts, and the State Air Resources Board.

SEC. 2. Section 41709 is added to the Health and Safety Code, to read:

41709. (a) For purposes of this section, "appliance" means a furnace, or a water boiler or heater.

(b) A regulation adopted by the state board or a district prohibiting or restricting the sale or use of a gas-fired appliance based on the emission limitation for oxides of nitrogen shall not apply to the sale or use of that appliance if the appliance is to be installed with a propane conversion kit for propane firing only.