

**RESOLUTION 08-03-2008**

**DIGEST**

California Solar Initiative: Energy Saving Requirements for New Fireplace Construction  
Amends Public Resources Code section 25786 to require that construction of fireplaces in all new structures use natural gas, unless unavailable.

**RESOLUTIONS COMMITTEE RECOMMENDATION  
DISAPPROVE**

History:  
Similar to 02-02-04 and 01-01-07 which were approved.

Reasons:  
This resolution amends Public Resources Code section 25786 to require that construction of fireplaces in all new structures use natural gas, unless unavailable. This resolution should be disapproved because there are alternatives to natural gas that may be more environmentally conscious for new fireplace construction.

Similar to resolutions 08-02-08 and 08-04-08, this resolution aims to provide an immediate solution for assuring that new structures are as environmentally conscious as possible. However, proponents offer no points or authorities as to why natural gas (as opposed to ethanol, propane, pot belly stoves, improved combustibility of fireplaces, or other non-fossil fuel energy alternatives) would be more environmentally conscious than others. In light of a failure by proponents to address the viability of why other fuel alternatives should not be considered in new fireplace construction, this resolution should be disapproved.

**TEXT OF RESOLUTION**

RESOLVED, that the Conference of Delegates of California Bar Associations recommends that legislation be sponsored to add Public Resources Code section 25786 to read as follows:

- 1 § 25786
- 2 Beginning as of the effective date of this law, fireplaces in all new structures in this
- 3 state, both public and private, shall be designed to use natural gas, unless natural gas is not
- 4 available.

(Proposed new language underlined; language to be deleted stricken.)

**PROPONENT:** San Diego County Bar Association

**STATEMENT OF REASONS:**

Existing Law: Does not prohibit wood-burning fireplaces.

This Resolution: Would require all new fireplaces use natural gas, which burns cleaner than wood, effective immediately.

The Problem: The UN Intergovernmental Panel on Climate Change (IPCC), consisting of thousands of scientists from 140 countries, has issued increasingly alarming and urgent calls for action due to mounting evidence that global warming is occurring faster than expected.

By AB 32 (California Global Warming Solutions Act of 2006, Health & Safety Code sections 38500, *et seq.*) and other laws, California has taken the lead on an ambitious path to more efficient and cleaner energy use. Through AB 32, greenhouse gas (GHG) must be reduced about 25% to the 1990 levels by 2020, and 80% below 1990 levels by 2050.

While the California Air Resources Board and Public Utilities Commission work feverishly to decide how to cut bigger producers of GHG and implement interim measures, most local governments are dragging their feet and allowing development that will exacerbate the problem. New structures will last 30, 50, 70, maybe 100 years, and add new long-term fossil fuel demands.

Attaining AB 32's goal is further compounded by our state's swelling population, roughly 37 million residents today, with 60 million predicted by 2050. State law should plug a senseless leak and require all new construction that includes fireplaces to use natural gas unless infeasible.

**IMPACT STATEMENT:**

This resolution does not affect any other law, statute or rule.

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