

**WOODSTOVE / WOOD-BURNING FIREPLACE INSERT ADDENDUM**

1 Buyer(s) \_\_\_\_\_  
 2 Seller(s) \_\_\_\_\_  
 3 Property Address or Tax ID # \_\_\_\_\_  
 4 \_\_\_\_\_ (the "Property")

5 **1. SELLER REPRESENTATION AND AGREEMENT.** Seller represents that the woodstove or wood-burning fireplace insert on the Property  
 6  is  is not certified by the Oregon Department of Environmental Quality ("DEQ") or U.S. Environmental Protection Agency ("EPA"). If one or  
 7 more Uncertified Devices (defined below) is/are on the Property, then unless Buyer has initialed to accept responsibility at Section 5 below, Seller  
 8 will remove and destroy all Uncertified Devices and will deliver to DEQ a Certificate of Destruction for each Uncertified Device prior to Closing.

9 **2. REMOVE AND DESTROY BEFORE CLOSING:** Oregon law requires the removal and destruction of uncertified solid fuel burning devices,  
 10 such as woodstoves or wood-burning fireplace inserts (collectively "Uncertified Devices") prior to the Closing of a sale of a "residential structure." A  
 11 "residential structure" includes: (a) any structure containing one or more dwelling units and is four stories or less above grade; (b) a condominium,  
 12 rental residential unit, or other residential dwelling unit that is part of a larger structure, if the property interest in the unit is separate from the  
 13 property interest in the larger structure; (c) a modular home constructed off-site; (d) A manufactured dwelling; (e) a floating home; and (f) an  
 14 appurtenance to one of the above. "Residential structure" does not include a structure that contains both residential and nonresidential units.

15 **3. CERTIFICATION LABEL:** A certified device is one bearing a certification label located on the back and issued by the DEQ or EPA, which  
 16 means it has met certain particulate emission standards. If the device does not bear such a label, it is an "Uncertified Device" and must be removed  
 17 from the Property and destroyed. Sellers who cannot access the back of their device may call the manufacturer or check the EPA's certified  
 18 woodstove list at [www.epa.gov/burnwise](http://www.epa.gov/burnwise).

19 **4. EXEMPTIONS:** The primary exemptions from this law are pellet stoves, central wood-fired furnaces, antique (pre-1940) stoves, cookstoves,  
 20 masonry or factory-built fireplaces, masonry heaters, and saunas.

21 **5. REMOVAL AND DESTRUCTION; DEQ NOTIFICATION:** An Uncertified Device must be entirely removed from the Property, including  
 22 garages, outbuildings, and shops. Woodstove retailers, chimney sweeps, or others may perform the removal and destruction. Sellers or Buyers  
 23 removing an Uncertified Device themselves may take it directly to a metal scrap recycler or DEQ-approved landfill. Sellers or Buyers must obtain a  
 24 receipt from the contractor or business verifying that the Uncertified Device has been destroyed and then notify DEQ either at their website  
 25 [www.deq.state.or.us/heatsmart/SubmitHome1](http://www.deq.state.or.us/heatsmart/SubmitHome1) or by going to a DEQ office or calling DEQ at 503-229-5868 (there is no paper form). Failure to  
 26 remove or destroy an Uncertified Device at the time of Closing does not invalidate the sale; however, that failure may constitute a Class A  
 27 misdemeanor and result in a civil fine.

28 **6. RESPONSIBILITY:** Seller is responsible for removal and destruction of an Uncertified Device located on the Property before Closing unless  
 29 Buyer accepts written responsibility for removal and destruction. If Buyer initials below, that responsibility will shift from the Seller to the Buyer.

30 \_\_\_\_\_ / \_\_\_\_\_ By initialing here, Buyer expressly accepts responsibility and acknowledges the Uncertified Device must be both removed and  
 31 destroyed by Buyer within 30 calendar days following the Closing Date. Before initialing, Buyer will ask Buyer's lender whether Buyer can accept  
 32 this responsibility.

33 For more information, contact DEQ – Heat Smart Program, 811 SW Sixth Ave, Portland, OR 97204, review ORS 468A.460 - 468A.515, 468A.990,  
 34 review OAR 340-262, or go to: [www.oregon.gov/deq](http://www.oregon.gov/deq) or [www.deq.state.or.us](http://www.deq.state.or.us).

35 Buyer \_\_\_\_\_ Date \_\_\_\_\_ a.m. \_\_\_\_\_ p.m. ←

36 Buyer \_\_\_\_\_ Date \_\_\_\_\_ a.m. \_\_\_\_\_ p.m. ←

37 Seller \_\_\_\_\_ Date \_\_\_\_\_ a.m. \_\_\_\_\_ p.m. ←

38 Seller \_\_\_\_\_ Date \_\_\_\_\_ a.m. \_\_\_\_\_ p.m. ←

39 Buyer's Agent \_\_\_\_\_ Seller's Agent \_\_\_\_\_