

**WOOD STOVE AND 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 wood stove or wood burning fireplace insert on the Property (*select*  
6 *one*)  is  is not certified by the Oregon Department of Environmental Quality ("DEQ") or U.S. Environmental Protection Agency ("EPA"). If one  
7 or more Uncertified Devices, defined below, is/are on the Property, then unless Buyer has initialed to accept responsibility in Section 6, Seller will  
8 remove and destroy all Uncertified Devices and will deliver to DEQ a Certificate of Destruction for each Uncertified Device before Closing.

9 **2. REMOVE AND DESTROY BEFORE CLOSING:** Oregon law requires the removal and destruction of uncertified solid fuel burning devices, such  
10 as wood stoves or wood burning fireplace inserts (collectively "Uncertified Devices") before 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 property  
13 interest in the larger structure; (c) a modular home constructed off-site; (d) a manufactured dwelling; (e) a floating home; and (f) an appurtenance to  
14 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 means  
16 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 from the  
17 Property and destroyed. Sellers who cannot access the back of their device may call the manufacturer or check the EPA's certified wood stove list at  
18 [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, DESTRUCTION, AND DEQ NOTIFICATION:** An Uncertified Device must be entirely removed from the Property, including garages,  
22 outbuildings, and shops. Wood stove retailers, chimney sweeps, or others may perform the removal and destruction. Sellers or Buyers removing an  
23 Uncertified Device themselves may take it directly to a metal scrap recycler or DEQ-approved landfill. Sellers or Buyers must obtain a receipt from  
24 the contractor or business verifying that the Uncertified Device has been destroyed and then notify DEQ either at their website  
25 <https://deqapps.oregon.gov/common/heatsmart/SubmitHome1> or by going to a DEQ office or calling DEQ at (503) 229-5868 (there is no paper form).  
26 Failure to 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 Buyer  
29 accepts written responsibility for removal and destruction. If Buyer initials below, that responsibility will shift from the Seller to the Buyer.

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

33 For more information: (a) contact DEQ – Heat Smart Program, 811 SW Sixth Ave, Portland, OR 97204; (b) review [ORS 468A.460 - 468A.515](#) and  
34 [ORS 468A.990](#); (c) review [OAR 340-262](#); or (d) 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 \_\_\_\_\_ Print \_\_\_\_\_ Date \_\_\_\_\_  a.m.  p.m. ←

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

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

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

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

**LINES WITH THIS SYMBOL ← REQUIRE A SIGNATURE AND DATE**

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