



# Focus

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## Open Burning Rule Revised

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### Introduction

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On March 10, 2000, the Department of Ecology revised its “Open Burning” rule in Chapter 173-425 Washington Administrative Code (WAC). This rule establishes a statewide program for implementing all of the outdoor burning provisions of the state Clean Air Act (Chapter 70.94 Revised Code of Washington), except those pertaining to agricultural and silvicultural (forest management) burning, which are addressed in other rules. Many provisions of the revised rule, now entitled “Outdoor Burning,” became necessary because the Legislature has changed the Act several times since Ecology last revised the rule in 1992. The legislative changes:

- exempted residential and tumbleweed burning from permit requirements in certain (mostly rural) areas;
- extended the deadline for prohibiting residential and land clearing burning in the urban growth areas of most small cities from December 31, 2000 to December 31, 2006;
- allowed storm and flood debris burning (by permit in certain areas);
- made enforcing the air quality requirements of the RCW optional for fire districts;
- allowed the burning of prohibited materials in certain fires when necessary to protect public health and safety; and
- established a lower threshold for declaring impaired air quality caused by particulate matter.

Copies of the new rule may be obtained by contacting the Department of Ecology Records Management office at (360) 407-6038, or a copy may be downloaded from Ecology’s Internet website for this rule-making effort at: [http://www.wa.gov/ecology/air/Outdoor\\_Burning.htm](http://www.wa.gov/ecology/air/Outdoor_Burning.htm) .

### What is “outdoor burning,” and why is it a concern?

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According to the state Clean Air Act, “‘outdoor burning’ means the combustion of material of any type in an open fire or in an outdoor container without providing for the control of combustion or the control of emissions from the combustion.” Outdoor burning is a concern because it emits various air pollutants that can affect public health, including particulate matter, carbon monoxide, sulfur dioxide, nitrogen oxides, and various volatile organic compounds and toxic substances. For example, the health effects of particulate matter include premature death and increased hospital admissions and emergency room visits; aggravation of respiratory and cardiovascular illness; decreased lung function; and alterations in lung tissue and structure and in respiratory tract defense mechanisms. Other effects of outdoor burning include property damage (from escaped fires and ash fallout) and impaired visibility, especially in scenic areas.

### What do the rule revisions do?

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In order to effectively implement the outdoor burning provisions of the state Clean Air Act, the new rule revisions:

- clarify that only residential and land clearing must be prohibited by the statutory deadlines for prohibiting outdoor burning;

- establish responsibility, deadlines, and criteria for identifying areas where certain types of burning must be prohibited because a reasonable alternative to burning exists;
- prohibit land clearing burning in areas with a general population density of 1,000 or more persons per square mile;
- prohibit the burning of any material hauled from an area where the burning of such material is prohibited;
- prohibit outdoor burning when a fire danger burn ban has been declared, unless the appropriate fire protection authority grants an exception;
- require a permit for recreational fires over three feet in diameter and two feet in height, except in certain rural areas; and
- prohibit burning in outdoor containers (such as burn barrels) that do not meet certain construction standards consistent with those in the Uniform Fire Code.

## **Ecology “Thank you”**

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Ecology would like to thank everyone who contributed in the process of developing these rule revisions. This process and the rule revisions themselves are described in greater detail in various documents at Ecology’s Internet website for this rule-development effort at: [http://www.wa.gov/ecology/air/Outdoor\\_Burning.htm](http://www.wa.gov/ecology/air/Outdoor_Burning.htm). A special “thank you” is also extended to Ecology’s Outdoor Burning Advisory Committee (see the list of members on our website), all of the state’s air pollution control officers, and everyone who attended our advisory committee meetings, interest group presentations, public workshops, and public hearings, and/or who commented on the rule in any way. This participation helped Ecology propose, revise, revise again, and then adopt outdoor burning rule revisions that should truly serve the public interest.

## **Next steps**

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The new rule becomes effective April 13, 2000. To implement it, Ecology plans to:

1. Prepare various outreach materials for the public and potential implementing agencies to help them understand the rule and any responsibilities they may have, and disseminate those materials intended for the public.
2. Work with those cities, counties, local air authorities, and fire protection authorities with jurisdiction over cities, urban growth areas, and high density areas where residential and land clearing burning must be prohibited by December 31, 2000, to ensure that such burning is prohibited by the deadline.
3. Work with local air authorities and those counties without a local air authority to identify the areas where a reasonable alternative to various types of burning may exist, in an effort to ensure that such burning is prohibited by December 31, 2000.
4. Negotiate agreements with potential implementing agencies and designate agencies with responsibility for permitting and enforcement.
5. Develop and implement permitting and/or enforcement programs in any areas where another agency does not agree to handle permitting and/or enforcement.

Ecology will keep the public informed of the results of each of these actions.

## **For more information**

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For more information about the rule and Ecology’s plans for implementation, please call Bruce Smith at Ecology’s Air Quality Program, at (360) 407-6889.

*If you require this document in alternative format, please call Judy Beitel, Air Quality Program, at (360) 407-6878 (voice) or (360) 407-6006 (TDD only).*