



For Release: Monday, October 5, 2009

## **New Regulation on Open Burning Takes Effect Oct. 14**

### **Initiative Will Reduce Pollutants, Risks of Wildfires**

Taking a step to reduce harmful air pollutants and help prevent wildfires, the New York State Department of Environmental Conservation (DEC) has extended restrictions on the open burning of residential waste effective Oct. 14. The open burning of residential waste will be prohibited in all communities statewide, regardless of population, with exceptions for burning tree limbs and branches at limited times and other certain circumstances (detailed below). Previously, the ban applied only in towns with populations of 20,000 or more. The New York State Environmental Board approved this state regulation on Sept. 1.

Chairman of the Environmental Board and Environmental Conservation Commissioner Pete Grannis said: "Burning household trash is dangerous on several levels. It can release potentially dangerous compounds - dioxins and other potential carcinogens - from materials burned in backyard fires. And it is the largest single cause of wildfires in the state."

Once considered harmless, recent studies demonstrate that open burning releases substantial amounts of dangerous chemicals into the air. A study by the U.S. Environmental Protection Agency, in conjunction with DEC and the New York State Department of Health, found that emissions of dioxins and furans from backyard burning

alone were greater than those from all other sources combined for the years 2002-04. Trash containing plastics, polystyrene, pressure-treated and painted wood and bleached or colored papers produce harmful chemicals when burned. The study found that burning trash emits arsenic, carbon monoxide, benzene, styrene, formaldehyde, lead, and hydrogen cyanide, among others.

"While bygone generations burned their garbage, that practice now must end. Decades ago, garbage didn't contain plastics, foils, batteries, paper bleached with chlorine and other materials used today," Commissioner Grannis said.

In addition to releasing pollutants, open burning is the largest single cause of wildfires in New York State. Data from DEC's Forest Protection Division show that debris burning accounted for about 40 percent of wildfires between 1986 and 2006 - more than twice the next most-cited source. In 2006 alone, debris burning triggered 98 wildfires in the state.

"The extension of the ban on open burning to all municipalities in New York will afford people living in all communities the chance to breathe air that is free from the contaminants that are byproducts of open fires," said Michael Seilback, Vice President of Public Policy and Communications at the American Lung Association in New York. "We thank and commend Commissioner Grannis and the DEC for adopting these regulations that will undoubtedly improve the quality of the air we all breathe and improve the lives of people suffering from asthma and lung disease."

"We have known for many years that open burning of garbage releases toxic fumes and poses a serious fire hazard," said Laura Haight, NYPIRG's senior environmental associate. "Burn barrels are considered the major uncontrolled source of dioxin, a potent cancer-causing chemical that is created when plastic and other materials are burned together. We applaud Commissioner Grannis and his department for taking this critically important action to protect our health."

Jackson Morris, Air & Energy Program Director for Environmental Advocates of New York said, "We commend DEC for finalizing the state's new open burning regulations. This rule will result in immediate, on-the-ground improvements in air quality, as the open burning of household waste spews volumes of toxics into our air. Millions of New Yorkers will breathe easier with this rule on the books."

Open burning of residential wastes in any city or village or in any town with a population of 20,000 or more has been prohibited since 1972. DEC moved to expand the prohibition to all communities after holding meetings to receive input from stakeholders and state agencies. A proposal was released in May 2008 and was followed up with public hearings and an extended public comment period. Approximately 1,800 comments were reviewed by DEC.

As a result of public comments, modifications were made to the original proposal to include an exemption for burning of tree limbs and branches in smaller municipalities during certain times of the year.

The regulation bans all open burning except for the following:

- On-site burning of limbs and branches between May 15th and the following March 15th in any town with a total population less than 20,000.
- Barbecue grills, maple sugar arches and similar outdoor cooking devices.
- Small cooking and camp fires.
- On-site burning of organic agricultural wastes, but not pesticides, plastics or other non-organic material.
- Liquid petroleum fueled smudge pots to prevent frost damage to crops.
- Ceremonial or celebratory bonfires.
- Disposal of a flag or religious item.
- Burning on an emergency basis of explosive or other dangerous or contraband by police, etc.
- Prescribed burns performed according to state regulations.
- Fire training with some restrictions on the use of acquired structures.
- Individual open fires to control plant and animal disease outbreaks as approved by DEC upon the request by the Commissioner of Agriculture and Markets.
- Open fires as necessary to control invasive plant and insect species.

Towns totally or partially within the boundaries of the Adirondack and Catskill Parks are designated fire towns under Environmental Conservation Law. The law prohibits open burning without a written permit from the DEC. On-site open burning of limbs and branches allowed under the new regulation still requires a permit if it occurs in a fire town. To find out if your town is a Fire Town and/or to obtain a permit, contact your local DEC Forest Ranger. [A list of rangers and their phone numbers](#) may be obtained or by calling 518-897-1300.

In addition to the open burning regulation, the Environmental Board also approved two additional rule proposals - a regulation that requires automobiles to include environmental performance label standards and a regulation that sets new limits on emissions of smog-causing Volatile Organic Compounds (VOCs) from 11 new categories of consumer products.

[A complete outline of common questions and answers on the new regulation](#) is available on the DEC website.