

# DEC expands open-burning ban

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By Julie Sherwood, staff writer **Daily Messenger** *Posted Oct 06, 2009 @ 08:30 AM*

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Canandaigua, N.Y. — Effective Oct. 14, opening burning of residential waste will be prohibited in all communities statewide, regardless of population, the Department of Environmental Conservation announced.

Exceptions include burning tree limbs and branches at limited times and other certain circumstances. Previously, the ban applied only in towns with populations of 20,000 or more.

Once considered harmless, recent studies show open burning releases substantial amounts of dangerous chemicals into the air, according to the DEC. A study by the U.S. Environmental Protection Agency, in conjunction with DEC and the state Department of Health, found emissions of dioxins and furans from backyard burning alone were greater than those from all other sources combined for the years 2002 through 2004. 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 other toxins.

Exceptions to the open-burning ban include:

- On-site burning of limbs and branches between May 15 and the following March 15 in any town with a total population less than 20,000, which covers all towns in Ontario County.
- Use of barbecue grills, maple sugar arches and similar outdoor cooking devices.
- Small 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; and disposal of a flag or religious item.
- Burning on an emergency basis of explosive or other dangerous or contraband by law enforcement.
- Fire training with certain restrictions
- Open fires necessary to control invasive plant and insect species.

A complete outline of common questions and answers on the new regulation is available at [www.dec.ny.gov/chemical/58519.html](http://www.dec.ny.gov/chemical/58519.html)

## **Questions and Answers Regarding New Open Burning Regulations Effective October 14, 2009**

### **1. Do the new regulations on open burning make burning household trash in burn barrels or piles illegal?**

Yes. Burning trash is now prohibited statewide in all cases. DEC recommends that you recycle all appropriate materials (such as newspaper, paper, glass and plastic) and compost your organic kitchen and garden waste.

### **2. What are the new regulations on open burning in New York State?**

Effective on October 14, 2009, all open burning is prohibited in New York with several exceptions including the following:

- Campfires less than 3 feet in height and 4 feet in length, width or diameter are allowed.
- Small cooking fires are allowed.
- Fires cannot be left unattended and must be fully extinguished.
- Only charcoal or clean, dry, untreated or unpainted wood can be burned.
- Ceremonial or celebratory bonfires are allowed.

In towns with a total population less than 20,000, you may burn tree limbs with attached leaves. The limbs must be less than 6 inches in diameter and 8 feet in length. However, this is not allowed from March 16 through May 14 due to the increased risk of wildfires. See Section 215.3 for a full list of exceptions.

### **3. Why has the DEC changed the regulations allowing open burning in New York State?**

Open burning of household trash releases dangerous compounds including arsenic, carbon monoxide, benzene, styrene, formaldehyde, lead, hydrogen cyanide and dioxin, among others. Open burning is also the single greatest cause of wildfires in New York.

### **4. Can I burn leaves if I live in a rural area?**

No, burning leaves is banned in New York State. We encourage you to compost leaves.

### **5. Your rule says firewood must be untreated, some firewood is heat-treated, is that allowed?**

Some firewood is heat treated (kiln dried) to control invasive insect species if it is to be transported over 50 miles. Heat treated firewood is not intended to be prohibited. However, the burning of chemically treated wood such as pressure-treated lumber and plywood is prohibited.

### **6. Are open fires allowed to control invasive plant and insect species?**

Yes. Case-by-case DEC approval is not required.

### **7. Can agricultural wastes be burned?**

Yes, organic agricultural wastes may be burned on-site where they are grown or generated including brush and wood produced by clearing fields and other activities. The fire must be located on contiguous agricultural land larger than 5 acres, and the materials capable of being fully burned within 24 hours.

The burning of pesticides, plastics or other non-organic material is prohibited.

**8. Can I burn liquid petroleum fueled smudge pots to prevent frost damage to crops?**

Yes. However, burning tires and other wastes for smudge is not allowed.

**9. Can prescribed burns be performed?**

Yes. Prescribed burns, the burning of forest land to achieve a vegetative or wildlife management goal, can be performed but only in accordance with DEC regulations. Check with your regional DEC office.

**10. Are fire training burning activities allowed?**

Yes, with some restrictions on the use of acquired structures and in accordance with guidance from NYS Dept. of State's Office of Fire Prevention and Control. The Fire Services Bureau may be reached at 518-474-6746.

**11. Are individual open fires to control plant and animal disease outbreaks allowed?**

Yes, as approved case-by-case by DEC, upon the request by the Commissioner of Agriculture and Markets.

**12. Can I dispose of a flag or religious item in an open fire?**

Yes, in a small-sized fire if it is not otherwise prohibited by law or regulation.

**13. Can a town prohibit open burning that the state allows?**

Yes, towns, villages, cities and counties can pass ordinances that are stricter than, and not inconsistent with, the open fires regulations. You should check with local authorities to find out if local law requires a permit or prohibits open fires.

**14. Can explosives, or other dangerous contraband, be burned?**

Yes, on an emergency basis by police or other public safety organizations only.

**15. Can brush piles be burned at transfer sites?**

No, the practice of burning large piles of brush collected from local residents at town or county transfer sites is prohibited. The individual landowners in small towns may burn their brush on site as discussed under question 2 above. Downed limbs and branches generated at a transfer site are also allowed to be burned on site with the same restrictions.

**16. Where should I call to report an illegal open fire?**

To report environmental law violations call 1-800-TIPP DEC (1-800-847-7332).

The Department has received many questions regarding DEC's implementation of Part 215, regarding open fires. This document is intended to inform the general public about open fire regulation in New York and assist the regulated community in understanding the requirements of Part 215.