

NY Farm Bureau email alert sent on 3/22/10

DEC Open Burning Regulations

Dear Members,

With pruning season upon us, we wanted to remind you of the Department of Environmental Conservation's open burning regulations that changed in the fall. While this change allows the burning of many agricultural waste components for disposal, it would still prohibit the burning of plastic in the state.

Under the new regulations, you are allowed to burn the following items on your property;

- On-site burning of agricultural wastes as part of a valid agricultural operation on contiguous agricultural lands larger than five acres actively devoted to agricultural or horticultural use, provided such waste is actually grown or generated on those lands and such waste is capable of being fully burned within a 24-hour period. This includes the use of liquid petroleum fueled smudge pots to prevent frost damage to crops. **Agricultural wastes can be burned year-round.** Only general homeowners that burn non-agricultural materials are restricted from burning from March 15th to May 15th.
- DEC defines "Agricultural Land" as the land and on-farm buildings, equipment, manure processing and handling facilities, and practices that contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise, including a 'commercial horse boarding operation' and 'timber processing'. Such farm operation may consist of one or more parcels of owned or rented land, which parcels may be contiguous or noncontiguous to each other.
- DEC defines "Agricultural Waste" as any waste from naturally grown products such as vines, trees and branches from orchards, leaves and stubble. In addition, any fully organic waste either grown or generated on the premises, including but not limited to paper feed bags, wood shavings used for livestock bedding, baling twine, and other non-plastic materials. Agricultural waste does not include pesticide containers, fertilizer bags, large plastic storage bags (including bags commonly known as "Ag bags"), offal, tires, plastic feed bags, and other plastic or synthetic materials.
- Individual open fires as approved by the Director of the Division of Air Resources as may be required in response to an outbreak of a plant or animal disease upon request by the Commissioner of the Department of Agriculture and Markets, or for the destruction of invasive plant and insect species.
- Downed limbs and branches (including branches with attached leaves or needles) less than six inches in diameter and eight feet in length between May 15th and the following March 15th (Meaning no burning of these items between March 15 and May 15).
- Barbecue grills, maple sugar arches and similar outdoor cooking devices can be used only for cooking or processing food.
- Small fires used for cooking and campfires provided that only charcoal or untreated wood is used as fuel and the fire is not left unattended until extinguished.
- Ceremonial or celebratory bonfires provided that only untreated wood or other agricultural products are used as fuel and the fire is not left unattended until extinguished.
- Small fires that are used to dispose of a flag or religious item, and small fires or other smoke producing process where not otherwise prohibited by law that are used in connection with a religious ceremony.
- Fire training, including firefighting, fire rescue, and fire/arson investigation training, performed under applicable rules and guidelines of the New York State Department of State's Office of Fire Prevention and Control. For fire training performed on acquired structures, the structures must be emptied and stripped of any material that is toxic, hazardous or likely to emit toxic smoke (such as asbestos, asphalt shingles and vinyl siding or other vinyl products) prior to burning and must be at least 300 feet from other occupied structures. No more than one structure per lot or within a 300 foot radius (whichever is bigger) may be burned in a training exercise.

If you have questions regarding this new regulation, please contact NYFB at (518) 546-8495.

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