

# HOUSE BILL REPORT

## HB 2244

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**As Passed House:**

February 11, 2004

**Title:** An act relating to limited outdoor burning during periods in which a fire safety burn ban has been declared.

**Brief Description:** Limiting outdoor burning when a fire safety burn ban is declared.

**Sponsors:** By Representative Delvin.

**Brief History:**

**Committee Activity:**

Fisheries, Ecology & Parks: 1/13/04 [DP].

**Floor Activity:**

Passed House: 2/11/04, 95-0.

**Brief Summary of Bill**

- Prohibits incidental agricultural burning if the burning occurs during a period in which a fire safety burn ban has been declared.

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### HOUSE COMMITTEE ON FISHERIES, ECOLOGY & PARKS

**Majority Report:** Do pass. Signed by 8 members: Representatives Cooper, Chair; Sump, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Buck, Hatfield, O'Brien, Pearson and Upthegrove.

**Staff:** Jason Callahan (786-7117).

**Background:**

Local air pollution agencies, fire districts, and the state departments of Ecology, Natural Resources, and Agriculture all share the responsibility to establish a program to allow limited residential and land clearing burning in areas of the state where outdoor burning is not prohibited. This program may not allow burning in areas of the state where suitable alternatives to burning are available and reasonably economical, except that agricultural burning must always be allowed without having to apply for a permit or pay a fee. Agricultural burning must be limited to:

1. Burning that is incidental to commercial agriculture;
2. Burning that does not occur during a period of impaired air quality;
3. Burning that is limited to orchard prunings, organic debris along fence lines or ditches, or organic debris that is blown by the wind; and
4. Burning that only occurs after notification has been provided to the local fire department.

Most outdoor burning is prohibited in any area where the federal or state ambient air quality limits are exceeded for the pollutants associated with burning, or within the urban growth boundary of any city with a population of greater than 5,000 residents or that is located within or contiguous to any area that has been identified as having a history of poor air quality. One exception to this rule is for agricultural burning that is normal, necessary, and customary to ongoing agricultural activities.

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**Summary of Bill:**

Incidental agricultural burning is prohibited if the burning occurs during a period in which a fire safety burn ban has been declared. This prohibition does not apply to agricultural burning that occurs in areas of the state where outdoor burning is generally prohibited, but some agricultural burning may be allowed.

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**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.

**Testimony For:** Some fire departments do not believe that they have the authority to ban burning on agricultural lands when a general fire safety burn ban is declared. This bill clears up any uncertainty they may feel. It also reduces the possibility of forest fires that can be caused by the escapement of controlled burns. However, the bill should be expanded to allow private campfires to be used during the burn ban periods.

**Testimony Against:** None.

**Persons Testifying:** (In Support) Representative Delvin, prime sponsor; Loren M. Freeman; Mark Kahley, Washington State Department of Natural Resources; and Mike Ryherd, Puget Sound Clean Air Agency.

**Persons Signed In To Testify But Not Testifying:** None.