

# HOUSE BILL REPORT

## ESSB 6646

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**As Reported by House Committee On:**  
Natural Resources, Ecology & Parks

**Title:** An act relating to outdoor burning in areas of small towns and cities.

**Brief Description:** Regarding outdoor burning in areas of small towns and cities.

**Sponsors:** Senate Committee on Water, Energy & Environment (originally sponsored by Senators Doumit, Parlette, Sheldon, Swecker and Rasmussen).

**Brief History:**

**Committee Activity:**

Natural Resources, Ecology & Parks: 2/17/06, 2/21/06 [DP].

**Brief Summary of Engrossed Substitute Bill**

- Allows limited outdoor burning in urban growth areas until December 31, 2008.

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### HOUSE COMMITTEE ON NATURAL RESOURCES, ECOLOGY & PARKS

**Majority Report:** Do pass. Signed by 7 members: Representatives B. Sullivan, Chair; Uptegrove, Vice Chair; Buck, Ranking Minority Member; Kretz, Assistant Ranking Minority Member; Blake, Chandler and Orcutt.

**Minority Report:** Do not pass. Signed by 3 members: Representatives Dickerson, Hunt and Kagi.

**Staff:** Amy Van Horn (786-7168).

**Background:**

The Clean Air Act is a federal law enacted in 1970 to create a nationwide framework for controlling air pollution. In 1990, Congress added significant amendments to the Clean Air Act aimed at improving air quality in metropolitan areas that violate health-based standards. The 1990 amendments set acceptable standard levels for various air pollutants, called National Ambient Air Quality Standards. Pollutants with established national standards include ozone, carbon monoxide, and toxins. If the presence of a pollutant exceeds the acceptable level in a metropolitan area, the United States Environmental Protection Agency designates that area a "nonattainment area." Nonattainment areas are subject to federal, state, and local regulations aimed at reducing the amount of the pollutant in the air.

In 1991, legislation was enacted in Washington to immediately disallow outdoor burning in any federally designated nonattainment or maintenance area for the chemicals released by burning, which include carbon monoxide, sulfur dioxide, nitrogen oxides, particulate matter, and various toxic substances. "Outdoor burning" is defined as "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."

Currently, outdoor burning is not allowed in: (1) any area of the state where federal or state ambient air quality standards are exceeded for pollutants emitted by outdoor burning, or (2) urban growth areas, as defined by the Growth Management Act. An exception is provided, until December 31, 2006, for the urban growth areas of cities having a population of less than 5,000 people, as long as the city is not inside or abutting any land designated under the Federal Clean Air Act as a nonattainment or maintenance area.

Outdoor burning is allowed outside urban growth areas, and it is allowed if it fits a statutory exception, such as burning storm debris. Agricultural and silvicultural burning are also permitted.

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**Summary of Bill:**

The exception allowing outdoor burning in the urban growth areas of cities with less than 5,000 people is extended from December 31, 2006, to December 31, 2008.

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**Appropriation:** None.

**Fiscal Note:** Available.

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

**Testimony For:** Small cities need options, such as outdoor burning when the air is good.

**Testimony Against:** Emissions from outdoor burning include fine particulate matter, which causes heart and lung disease. This is not an issue of convenience, but one of public health. Twenty-five percent of our children have some type of asthma. Outdoor burning disturbs neighbors and causes avoidable fires which burden local fire departments. Local governments have had 15 years to get ready for this ban, which was last extended in 1998. The ban does not apply to useful, necessary burning such as agricultural and silvicultural burning. The Department of Ecology (DOE) has grant programs to assist local governments to find alternative ways to dispose of waste, and will continue to work with local governments. If people in Washington are permitted to continue outdoor burning, the DOE will have to force some other emitter, such as the automotive industry or power producers, to reduce their emissions in order to meet federal clean air standards. There are sanctions for failing to meet federal clean air standards.

**Persons Testifying:** (In support) Senator Parlette, prime sponsor.

(Opposed) Marshall Taylor, Department of Ecology; Mike Ryherd, Puget Sound Clean Air Agency; and Richard Stedman, Olympic Region Clean Air Agency.

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