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**Agriculture & Natural Resources  
Committee**

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**HB 2928**

**Brief Description:** Ensuring that restrictions on outdoor burning for air quality reasons do not impede measures necessary to ensure forest resiliency to catastrophic fires.

**Sponsors:** Representatives Kretz, Blake, Schmick, Dunshee, Short, Haler, Stanford and Chandler.

**Brief Summary of Bill**

- Creates "forest resiliency burning" as a permitted burning activity carried out by professionals to maintain ecosystems, mitigate wildfire potential, decrease forest insect or disease susceptibility, or otherwise enhance resiliency to fire.
- Requires the Department of Natural Resources (DNR) to issue multiple-day burn permits for forest resiliency burning and specifies conditions under which the DNR may revoke, refuse, or postpone a forest resiliency burn permit application.
- Specifies that forest resiliency burning permits may be issued when other outdoor burning is restricted because of a called or forecasted air pollution episode, or because an area is not in attainment with state or federal air quality standards.

**Hearing Date:** 2/3/16

**Staff:** Rebecca Lewis (786-7339).

**Background:**

Air Quality Standards.

The Department of Ecology (Ecology) and seven local air pollution control authorities (local air authorities) have each received approval from the United States Environmental Protection Agency (EPA) to administer aspects of the federal Clean Air Act in Washington. Local clean air agencies have the primary responsibility for administering the state and federal Clean Air acts in counties which have elected to activate a local air authority or to form a multicounty air

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authority. In other areas of the state, Ecology is responsible for administering state and federal Clean Air Act programs. Under the federal Clean Air Act, each state maintains a State Implementation Plan that describes how the state implements clean air programs to achieve the federal ambient air quality standards for air pollutants.

Under the federal Clean Air Act, the EPA sets National Ambient Air Quality Standards (NAAQS) for several pollutants including carbon monoxide and particulate matter. There are two types of NAAQS:

- Primary standards set limits to protect public health of sensitive populations such as children, the elderly, and those with conditions such as asthma.
- Secondary standards set limits to protect public welfare and address decreased visibility and damage to animals, crops, vegetation, and buildings.

Under the state Clean Air Act, Ecology sets Washington Ambient Air Quality Standards (WAAQS). Local air authorities may also adopt standards that apply within their jurisdiction which must be at least as protective as federal standards. Local standards and WAAQS are primary standards only.

#### Burning Permits.

The Department of Natural Resources (DNR), Ecology, and certain political subdivisions, such as counties, conservation districts, fire protection authorities, and local air authorities may issue permits for a variety of outdoor burning activities in their respective jurisdictions allowed under the state Clean Air Act. Outdoor burning includes agricultural burning, the burning of organic yard or gardening waste, and silvicultural burning. Outdoor burn permits may not be issued during a period of impaired air quality declared by Ecology or a local air authority.

The DNR has direct charge and responsibility over all matters relating to forest fire services in the state. The DNR is also responsible for issuing and regulating permits for certain burning activities on lands under the DNR's fire protection authority for the following purposes:

- to abate and prevent fire hazards;
- forest firefighting instruction; and
- burning operations to improve fire-dependent ecosystems and otherwise improve the forestlands of the state.

#### **Summary of Bill:**

Forest resiliency burning is created as a type of permitted burning activity that is differentiated from other types of outdoor burning. Forest resiliency burning is burning carried out by professionals in order to maintain ecosystems, mitigate wildfire potential, decrease forest insect or disease susceptibility, or otherwise enhance resiliency to fire.

The DNR must issue multiple-day forest resiliency burn permits, and may issue permits when there is an air pollution episode called or forecasted. Forest resiliency burn permits may also be issued in areas that are not in attainment with state or federal air quality standards.

Forest resiliency burn permits may be issued if the burning is unlikely to significantly contribute to an air quality violation, and may only be refused, revoked, or postponed for safety purposes, or if burning poses an unreasonable risk of air pollution, taking into account the likelihood of

subsequent air pollution resulting from an unplanned fire if the burn permit is not issued. Once underway, multiday forest resiliency burn permits may only be revoked or postponed if the DNR or Ecology determines that the burn has significantly contributed to an air quality violation.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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