

SENATE BILL REPORT

ESSB 5279

As Passed Senate, March 12, 2019

Title: An act relating to regulating outdoor burning for the protection of life or property and for public health, safety, and welfare.

Brief Description: Regulating outdoor burning for the protection of life or property and for public health, safety, and welfare.

Sponsors: Senate Committee on Agriculture, Water, Natural Resources & Parks (originally sponsored by Senators Van De Wege, Warnick and Short).

Brief History:

Committee Activity: Agriculture, Water, Natural Resources & Parks: 1/31/19, 2/21/19 [DPS-WM].

Ways & Means: 2/27/19, 2/28/19 [DPS (AWNPN)].

Floor Activity:

Passed Senate: 3/12/19, 49-0.

Brief Summary of Engrossed First Substitute Bill

- Allows outdoor burning that reduces the risk of wildfire or that is consistent with silvicultural burning within the urban growth area subject to approval by the Department of Natural Resources.

SENATE COMMITTEE ON AGRICULTURE, WATER, NATURAL RESOURCES & PARKS

Majority Report: That Substitute Senate Bill No. 5279 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Warnick, Ranking Member; Honeyford, McCoy, Rolfes and Short.

Staff: Jeff Olsen (786-7428)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: Do pass.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Bailey, Becker, Billig, Carlyle, Conway, Darneille, Hasegawa, Hunt, Keiser, Liias, Palumbo, Pedersen, Rivers, Schoesler, Van De Wege, Wagoner, Warnick and Wilson, L..

Staff: Jed Herman (786-7346)

Background: The Department of Natural Resources (DNR), the Department of Ecology (DOE), 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 DOE or a local air authority.

DNR is responsible for issuing and regulating permits for certain burning activities on lands under the DNR's fire protection authority (1) to abate and prevent fire hazards, (2) facilitate forest firefighting instruction; and enable burning operations to improve fire-dependent ecosystems and otherwise improve the forestlands of the state. In addition, outdoor burning may be allowed for managing storm or flood related debris.

DNR maintains and implements the Smoke Management Plan to regulate burning on DNR-protected lands, and to meet requirements of the state Clean Air Act. Prescribed burning is the controlled application of fire to wildland fuels under specific environmental conditions, which allow the fire to be confined to a predetermined area, and at the same time to produce the fire line intensity and rate of spread required to attain planned management objectives.

Summary of Engrossed First Substitute Bill: DNR must consider forest health and resiliency, decreasing forest insect or disease susceptibility, maintaining or restoring native vegetation, or otherwise enhancing resiliency to fire when issuing burning permits for silvicultural operations. DNR may issue permits for outdoor burning that reduces the risk of wildfire or that is consistent with silvicultural burning within the urban growth area. If the outdoor burn exceeds 100 tons of material, the DNR must consult with the DOE and condition the issuance of the permit to comply with air quality standards established by the DOE. The DNR may enter into cooperative agreements with local fire protection agencies to issue permits for reducing wildfire risk in urban growth areas.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill (Agriculture, Water, Natural Resources & Parks): *The committee recommended a different version of the bill than what*

was heard. PRO: Wildfires are a top concern, and we need every tool in the toolbox to address the risk. There will be some smoke in the offseason to reduce smoke during fire season. The intent of the bill is consistent with the DNR wildfire strategic plan to address fires. We need to protect and prepare communities for fire season. The DNR, Ecology, and other partners need to develop a coordinated approach to reduce hazardous fuels. Prescribed fire can be a safe and effective tool and is essential for forest health. There needs to be more flexibility, especially in the urban growth areas, to use controlled burning to reduce fuel loads and improve forest health.

OTHER: The use of controlled burning can be an effective tool, but it must be carefully managed. There needs to be coordination and effective communication with the public. The northwest is experiencing smoke from a variety of areas, and it could be almost anytime of the year.

Persons Testifying (Agriculture, Water, Natural Resources & Parks): PRO: Senator Kevin Van De Wege, Prime Sponsor; Wes McCart, Stevens County Commissioner; Loren Torgerson, Strategic Advisor, DNR; Chris Martin, City of Roslyn Fire Department; Joanna Grist, Methow Valley Citizens Council.

OTHER: Craig Kenworthy, Director, Puget Sound Clean Air Agency; Denise Clifford, DOE; Kara Karboski, Washington Prescribed Fire Council.

Persons Signed In To Testify But Not Testifying (Agriculture, Water, Natural Resources & Parks): No one.

Staff Summary of Public Testimony on First Substitute (Ways & Means): None.

Persons Testifying (Ways & Means): No one.

Persons Signed In To Testify But Not Testifying (Ways & Means): No one.