

**REVENUE:** No revenue impact

**FISCAL:** Fiscal statement issued

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<b>Action:</b>	Do Pass as Amended and Be Printed Engrossed and Be Referred to the Committee on Ways and Means
<b>Vote:</b>	3 - 2 - 0
<b>Yeas:</b>	Hass, Prozanski, Dingfelder
<b>Nays:</b>	Atkinson, Boquist
<b>Exc.:</b>	0
<b>Prepared By:</b>	Beth Herzog, Administrator
<b>Meeting Dates:</b>	3/12, 4/23, 4/28

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**WHAT THE MEASURE DOES:** Specifies that Act applies to open field burning, propane flaming and stack pile burning of grass seed crop residues or cereal grain crop residues in Multnomah, Washington, Clackamas, Marion, Polk, Yamhill, Linn, Benton, and Lane Counties. Authorizes Environmental Quality Commission (EQC) to adopt rules to prohibit field burning in other counties if necessary to implement the federal Clean Air Act and protect public health. Stipulates that acreage limitations in statute do not apply to counties added by rule unless EQC adopts acreage limitations. Establishes that maximum total acreage allowed to be open burned in 2009 is 20,000 acres, and thereafter none. Establishes that maximum total acreage allowed to be stack or pile burned from 2009 - 2012 is 1,000 acres, and thereafter none. Establishes that maximum total acreage allowed to be propane flamed from 2009 - 2012 is 500 acres, and thereafter none. Requires that steep terrain and species identified by the Director of Department of Agriculture (ODA) not be included in the total maximum of permitted acreage. Establishes that additional acreage allowed to be burned on steep terrain or identified species is 10,000 acres in 2009, 5,000 acres in 2010, 2,500 in 2011, and thereafter none. Prohibits steep terrain and identified species from open burning in Linn, Benton, and Lane Counties. Authorizes EQC by order to issue permits for emergency open burning, propane flaming, or stack or pile burning of up to 1,000 acres of steep terrain each year if there is extreme hardship due to irreparable damage and 2,000 acres each year if there is extreme hardship due to disease outbreak or insect infestation that outweighs dangers to public health. Establishes that EQC may assess fees for acreage allowed to be emergency burned and requires that fee be deposited in ODA Service Fund. Increases fees. Declares an emergency, effective on passage.

**ISSUES DISCUSSED:**

- Health impacts related to smoke
- Not burning requires increased use of pesticides and herbicides
- Economic impact of prohibiting field burning
- Effect of legislation in other states

**EFFECT OF COMMITTEE AMENDMENT:** Replaces the measure.

**BACKGROUND:** Field burning disposes of leftover straw and stubble on fields after grass seed harvesting. It is used to control weeds, insects and plant diseases, and helps maintain grass seed purity. The practice began more than 50 years ago, with as much as 250,000 acres being burned in the mid 1980s. In 1991, passage of HB 3343 began a phase-down of field burning, with the acreage limit reduced from 180,000 to 40,000 acres. The current limit of 65,000 is based on 40,000 acres plus a 25,000 acre limitation for certain fire-dependent grass species and grasses grown on highly erodible soils on steep slopes.