



Fact Sheet

General Rule for Open Burning (40 Code of Federal Regulations Part 49 Section 131)

Federal Air Rules for Indian Reservations in Idaho, Oregon, and Washington

What is the FARR? The Federal Air Rules for Indian Reservations in Idaho, Oregon, and Washington, also called the FARR, is a set of air quality regulations established under the Clean Air Act. The FARR creates rules to manage activities that cause air pollution.

The FARR applies to all residents (both tribal members and non-tribal members) and businesses located within the exterior boundaries of reservations in Idaho, Oregon, and Washington. The ownership status of land on the reservation does not affect how the rules apply.

What will the FARR do? The FARR will protect human health and the environment for 200,000 people on reservations in the Pacific Northwest. The FARR will also:

- Establish federal air quality rules where EPA-approved state or tribal air quality programs do not exist
- Make air quality standards on reservations consistent with standards off of reservations
- Build capacity for tribes to develop tribal air programs.

Fact Sheet Series

The FARR includes 16 rules that address various air quality issues:

- 49.122 Partial Delegation of Administrative Authority to a Tribe
- 49.124 Visible Emissions
- 49.125 Particulate Matter
- 49.126 Fugitive Particulate Matter
- 49.127 Woodwaste Burners
- 49.128 Particulate Matter Emissions from Wood Products Industry Sources
- 49.129 Sulfur Dioxide
- 49.130 Sulfur Content of Fuels
- 49.131 Open Burning
- 49.132 General Open Burning Permits
- 49.133 Agricultural Burning Permits
- 49.134 Forestry and Silvicultural Burning Permits
- 49.135 Emissions Detrimental to Public Health or Welfare
- 49.136 [Reserved]
- 49.137 Air Pollution Episodes
- 49.138 Registration of Air Pollution Sources and Report of Emissions
- 49.139 Rule for Non-Title V Operating Permits

What is the purpose of this rule?

The General Rule for Open Burning protects reservation residents against the health impacts of open burning. Open burning is the burning of materials where the smoke, gasses, chemicals, and other products from the burning enters the air directly, without first going through a chimney, flue, vent, or other similar path. For example, a burn barrel or outside fire pit. The rule limits the kinds of materials that can be burned. Burning these kinds of materials causes air pollution that is harmful to human health. Cultural and traditional open burning is not affected by this rule.

Why is this rule important?

Open burning releases many toxic chemicals into the air, including dioxins. Dioxins can cause many health problems, such as cancer. Smoke from open burning also contains pollutants such as particulate matter, sulfur dioxide, lead, and mercury. These pollutants can increase cases of asthma, emphysema, and other respiratory diseases. The EPA's goal is to reduce this kind of air pollution by eliminating opening burning where other disposal methods are available and practical. If other disposal methods are not available, the EPA encourages using burning methods that have the least impact on human health and the environment.

To whom does this rule apply?

This rule is for each of the 39 Indian reservations in Idaho, Oregon, and Washington specified in the FARR. The rule applies to anyone who conducts open burning within one of these reservations. The rule also applies to the owner of the property where open burning takes place. The rule applies to all open burning activities except the ones listed below.

The rule does **not** apply to the following activities:

- Outdoor fires set for cultural or traditional purposes
- Fires set inside structures such as sweat houses or lodges for cultural or traditional purposes
- Campfires or other fires set for recreational purposes as long as no banned materials are burned, and no burn ban has been issued.
- Open outdoor fires used to train firefighters (requires permission from the EPA), as long as no burn ban has been issued.
- Outdoor fires (one each year) for fireworks disposal (requires permission from the EPA), as long as no burn ban has been issued.
- Open burning that is ordered by a public health official to dispose diseased animals or other material, as long as no burn ban has been issued.

What are the requirements of this rule?

These materials **can** be open-burned:

- Paper, paper products, or cardboard used to start a fire
- Paper, paper products, or cardboard that is produced at a single-family residence or at a building with four or fewer apartments or housing units
- Yard clippings, brush, and other vegetation.

These materials **cannot** be open-burned:

- Garbage, dead animals, or parts of dead animals
- Junk motor vehicles or salvage operation parts and materials
- Tires or rubber materials and products
- Plastics, plastic products, and Styrofoam
- Asphalt or roofing (shingles) or any other material or product that contains asphalt
- Tar, tarpaper, petroleum products (including oil, gas, and grease), and paint
- Paper, paper products, or cardboard not used to start a fire; not produced at a single family residence; or not produced at a building with four or fewer apartments or housing units
- Treated lumber and timbers
- Construction waste or demolition waste
- Chemical insect and pest killers, weed and plant killers, fertilizers, or other chemicals
- Insulated or coated wire, batteries, and light bulbs
- Materials that have mercury, such as thermometers
- Asbestos or material that contains asbestos
- Waste that can cause disease
- Hazardous waste
- Any material that makes dense smoke or strong fumes when burned.

Under this rule, EPA can declare a burn ban whenever air quality concentrations approach, or are predicted to approach, the health standards for particulate matter. EPA can also declare a burn ban under the “Air Pollution Episodes” rule when air quality degrades to levels that are unhealthful.

During a burn ban, open burning is not allowed. When a burn ban is declared, the open burn must be put out immediately or allowed to burn down. However, fires set for traditional or cultural purposes are allowed during a burn ban.

Material that is burned during open burning must be kept as dry as possible. Materials that will not burn must be separated from the material to be burned as much as possible.

During open burning, a natural or artificial draft (moving air) must be present. The material being burned must be kept off the grass or peat layer when possible. The fire must not be allowed to smolder (burn slowly with no flame).

When does this rule take effect?

This rule is effective June 7, 2005. The final rule was published in the *Federal Register* on April 8, 2005 (67 FR 18074).

Where can the public get more information about this rule?

The final rule is available at the EPA Region 10 FARR website www.epa.gov/r10earth/FARR.htm. The FARR website provides additional background information on the rule and implementation of the FARR. The FARR Hotline is available at 1-800-424-4EPA to provide information and respond to questions.