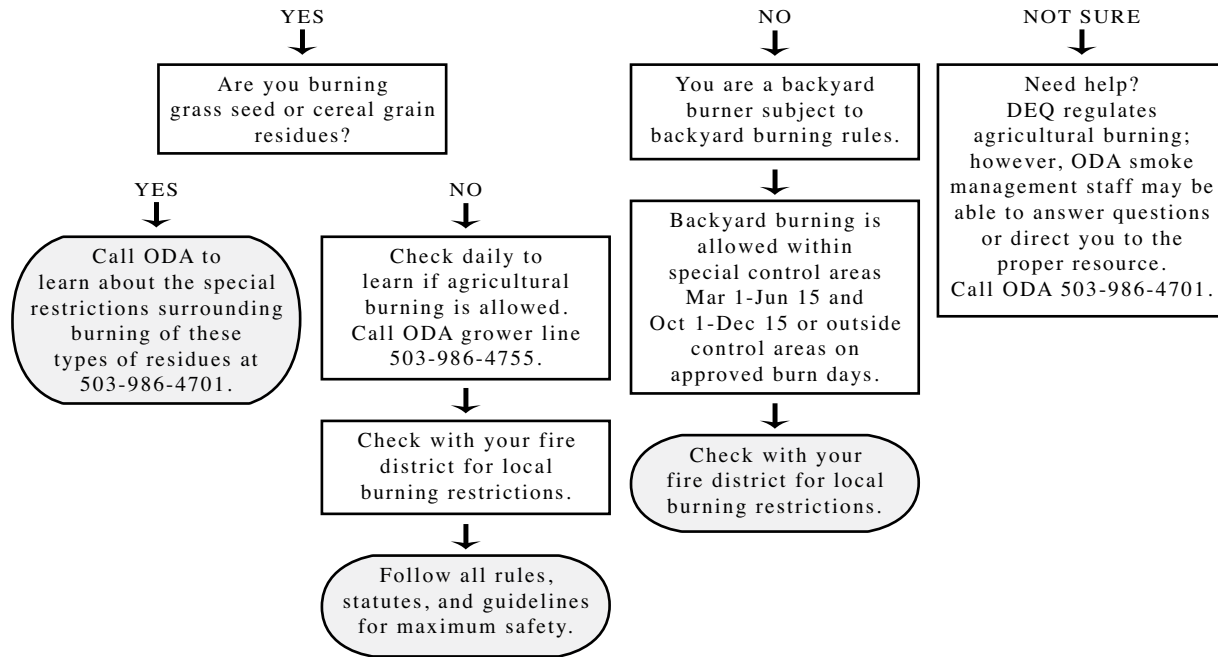


## Are you considered an agricultural operator under Oregon's burn laws?

Do you use, or intend to use, the land on which the burning will occur primarily for the purpose of obtaining a profit by raising, harvesting, and selling crops, or raising and selling animals or the products of animal husbandry?



### Some examples of agricultural operations and agricultural waste:

#### Horses and livestock

An equine breeding ranch that sells foals on a regular basis with the primary intention to make a profit is an agricultural operation. However, the ranch is not an agricultural operation if horses are sold occasionally to offset costs.

#### Agricultural waste

The brush cleared off of land that will be immediately planted in a crop or used to raise livestock for profit is considered agricultural waste. If an agricultural activity will not be performed on the land cleared, the brushed removed is not agricultural waste.

#### Orchards

An orchard operation may be an agricultural operation if enough producing trees exist in order to obtain a profit (not a hobby orchard). If a dead tree is removed from a large producing orchard and replaced with a new tree, the dead tree would be agricultural waste. Trees removed for building construction are not agricultural waste.

**Dial 911 for fire emergencies.**

## Burning Questions?

*A guide to burning regulations in the Willamette Valley*

Agricultural burning

Backyard burning

Field burning

Slash burning

Stack burning



## Backyard burning

### *What is backyard burning?*

The burning of debris in an outdoor fireplace, burn barrel, backyard incinerator, or piles of yard debris that is not in support of an agricultural operation.

### *When is backyard burning allowed?*

#### **Inside a special control area (definition below)**

- Between March 1 through June 15 and October 1 through December 15 (Local fire district ordinances may be more restrictive).
- A written burn permit from the Oregon Department of Forestry (ODF) is required during fire season for those within an ODF forest protection district. (Contact ODF for more information.)

#### **Outside a special control area**

- Burning may occur on any day approved by the local fire district.

### *What is a special control area?*

- Any area within three miles of the boundary of a city with a population more than 1,000 but less than 45,000 people.
- Any area within six miles of the boundary of a city with a population more than 45,000 people.

### *What can I burn?*

#### **Inside a special control area**

- Yard debris: wood, needles, or leaves from plants grown and burned on the property of origin.

#### **Outside a special control area**

- Construction waste: lumber, crates, etc.
- Demolition waste: includes land-clearing debris
- Domestic waste: includes yard debris.

### *What can't I burn?*

The Department of Environmental Quality (DEQ) prohibits the burning of these materials:

- Tires (including tires to start a fire)
- Plastics
- Decomposable garbage (e.g., organic material, paper)
- Petroleum and petroleum-treated materials
- Asphalt and asphalt materials
- Chemicals (pesticides, cleaners, detergents, etc.)
- Any material that produces black or dense smoke.

## Agricultural burning

### *What is agricultural burning?*

The burning of agricultural waste generated by an operation that uses, or intends to use, land primarily for the purpose of obtaining a profit by raising, harvesting, and selling crops, or raising and selling animals (including poultry), or the products of animal husbandry. Prohibited materials, such as tires, can't be burned even in an agricultural setting. Demolition waste is also not considered agricultural waste even if it is from a farm structure.

### *Is land clearing agricultural burning?*

Agricultural burning may include brush cleared from land if an agricultural commodity will be planted or livestock raised for profit, but does not include burning debris for the construction of buildings.

### *Can I use a burn barrel?*

Burn barrels are inefficient and polluting because they produce low temperature fires and toxic smoke. This toxic smoke stays at ground level where it is easily inhaled. It is better to burn in a loosely stacked pile for better airflow and combustion.

## Slash burning

### *What is slash burning?*

Slash burning is the burning of debris from logging and is limited to burning on forestlands. The Oregon Department of Forestry (ODF) regulates slash burning. Contact ODF for information and slash burning permits at 503-859-2151.

**Dial 911  
for fire emergencies.**

## Special burning rules in the Willamette Valley

### *Grass seed and cereal grain producers*

Burning of residues associated with grass seed and cereal grain production in the Willamette Valley is a special type of agricultural burning under Oregon law. The open burning of a field of residue from these types of crops is called **FIELD BURNING**. The burning of a consolidated stack of these types of crop residues is called **STACK BURNING**. Field burning occurs between June and October of each year.

In all cases, the burning of residues associated with grass seed and cereal grain production in the Willamette Valley requires a permit from the Oregon Department of Agriculture (ODA). For information and permits call the ODA Smoke Management Program at 503-986-4701.

*Published March 2009*

#### **Oregon Department of Agriculture**

Natural Resources Division

503-986-4701

635 Capitol St. NE

Salem OR 97301-2532

[oregon.gov/ODA/NRD](http://oregon.gov/ODA/NRD)

*In cooperation with*

**Oregon Department of Environmental Quality**

**Oregon Department of forestry**

**Oregon State Fire Marshal**



**Oregon**  
Department  
of Agriculture



## Regulatory agencies

#### **Oregon State Fire Marshal (OSFM)**

503-378-3473

4760 Portland Road NE • Salem, OR 97305

[oregon.gov/OSP/SFM/contact\\_us.shtml](http://oregon.gov/OSP/SFM/contact_us.shtml)

- Principal fire authority
- May refuse, revoke, or postpone any burning activity as needed to protect life, property, or the natural resources of the state
- Works in cooperation with other state, county, and local regulatory agencies, including fire districts, to enforce burning regulations and restrictions.

#### **Oregon Department of Environmental Quality**

503-378-8240

750 Front St., Suite. 120 • Salem, OR 97301-1039

[deq.state.or.us/aq/burning/openburning/openburn.asp](http://deq.state.or.us/aq/burning/openburning/openburn.asp)

- Demolition burning: Structures or land clearing
- Construction burning: Lumber, crates, and packaging materials
- Commercial burning: Waste from offices, warehouses, and wholesale/retail yards
- Industrial burning: Processed waste from manufacturing or industrial processes
- Residential burning: Yard debris and paper products.

#### **Oregon Department of Agriculture**

Natural Resources Division/Smoke Management Program

503-986-4701

635 Capitol St. NE • Salem, OR 97301-2534

[oregon.gov/ODA/NRD/smokefrontpage.shtml](http://oregon.gov/ODA/NRD/smokefrontpage.shtml)

- Field burning: Grass seed and cereal grain
- Stack burning: Grass seed and cereal grain straw.

#### **Oregon Department of Forestry**

503-945-7200

2600 State St. • Salem, OR 97310

[oregon.gov/ODF](http://oregon.gov/ODF)

- Slash burning: Debris from logging.

#### **Local fire districts**

Call OSFM to find your fire district.

- Emergency response: Fire safety and fire suppression
- Backyard burning: Yard debris
- Agriculture burning: Inside special control areas.