Wyoming
Department of Agriculture

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February 7, 2005

Chairman
Environmental Quality Council
Herschler Building, 1 West
Cheyenne, WY 82002

Dear Environmental Quality Council Chairman:

Following are the comments from the Wyoming Department of Agriculture (WDA) on the Wyoming Department of Environmental Quality's (DEQ) amended Chapter 10, Smoke Management of Wyoming Air Quality Standards and Regulations (WAQSR), Section 2, Open Burning restrictions and Section, 4, Smoke management requirements.

Our comments are specific to our mission within state government which is to be dedicated to the promotion and enhancement of Wyoming's agriculture, natural resources, and quality of life. As this proposal will have major impacts upon our agriculture industry, our natural resources and the welfare of our citizens, we believe it's important that we be kept informed of proposed actions and decisions and that we continue to be provided the opportunity to express pertinent issues and concerns.

Agriculture Exemption
Agricultural burning in Wyoming is very limited in the number of acres burned and is localized primarily to the Big Horn Basin and Southeastern Wyoming. The irrigation districts and the Wyoming Farm Bureau Federation are seeking an exemption for agricultural burning. We strongly support their proposed amendments to Chapter 10, Smoke Management WAQSR, Section 2, and Section 4.

Darla Potter, Environmental Analyst, mentioned at the Environmental Quality Council meeting held on March 17, 2004 "In two other states that are submitting or have submitted 309 Regional Haze Implementation Plans to EPA, the states of Utah and Oregon have made a demonstration within their Regional Haze SIP that agricultural burning is in fact such a minor source that it does not need to be addressed within the concept of the Regional Haze Rule requirements, specifically the smoke management programs."

Utah and especially Oregon have many more acres of agricultural land designated to row crops. Wyoming is known for cattle and sheep ranches, but not largely for row crops.

The proposed agricultural exemption does not include pasture or rangelands. We find this to be erroneous. The number of ranchers who burn their pastures or rangelands is very minimal. It is understood that the burning of each crop has a certain amount of emissions and should be monitored. Pastures are made of predominantly native grasses, and their burning should produce fewer emissions than the burning of some row crops which are proposed to be exempt. Therefore, we ask for you to include pasture and rangeland in with the agricultural exemption.

The exemption of agriculture would also signify the need for a revision of the Wyoming Smoke Management Program Guidance Document. There are a number of examples in the document which use agricultural crops to better understand the principal. There are also a number of forms that have agricultural crops listed. It is crucial to remove these listed crops from all forms. In fact, we believe these forms should have AGRICULTURAL EXEMPTION written on them. The guidance document should also be specific as to what agricultural burning is exempt, including, irrigation ditches, row crops, fence burning, pasture, and rangelands.

Survey

We find another statement Darla Potter made at the March 2004 meeting ironic. She said "Generally, the State of Wyoming does believe that agriculture burning in Wyoming is relatively minor compared to the other sources that we are addressing under the Regional Haze Rule. However, we do not have the evidence currently to demonstrate that agricultural burning is in fact a minor source and should be excluded from regulation. So we have no choice but to include agricultural burning in what we are moving forward due to the requirements of the Regional Haze Rule."

She also mentioned that "The decision was not made until the end of July; there was not time to conduct a survey in which we felt we would obtain adequate evidence to be able to incorporate that into the Regional Haze SIP."

If DEQ believed in the exemption of Wyoming's agricultural burning, a survey should have been conducted. There were six months until the deadline for final approval, which was adequately enough time to create a survey and have the results compiled. Obviously there was enough time, because a survey was done in cooperation with the Wyoming Farm Bureau Federation and the Wyoming Statistical Office of the National Agricultural Statistics Service (NASS), United States Department of Agriculture. The survey was sent out to a random sample of 770 agricultural producers scattered throughout Wyoming. Results from the 81% of producers who participated in the survey indicated 18,770 acres of cropland, ditches and fence lines were burned in 2003 and 17,465 acres in 2002.

The survey was sent out in August and results were compiled and presented in September 2004, which left the DEQ office four months to decide to give agricultural burning an exemption. DEQ has yet to include the results. The data comes from a credible source and yet has been dismissed. This decision has been a costly mistake for all involved, both financially and personally.

In the future, we recommend DEQ work with the NASS to submit a yearly survey to agricultural operators. The survey would be optional, but DEQ could use the data to observe the diminutive contribution agricultural burning is having on the environment.

Thresholds and Liability
It is obvious to us the 0.5 mile distance threshold the DEQ has on burning for SMP-I is completely impossible to meet for irrigation ditch burners. Two major irrigation canals, one in Powell, and one in Worland, go directly through town. According to your threshold, these canals would not be allowed to be burned. These two canals are prime examples of why your "play book" draft is simply that; a draft. There are many other examples where the population is going to fall within the threshold, leaving the burner with few or no options.

The DEQ is asking burners to fill out an immense amount of paperwork, but in reality the burner gets nothing in return. If agricultural burning is not given exemption, and all the forms remain in place, DEQ should then be liable for any fire or health complaints. There are no incentives for burners to fill out the paperwork. Currently, the Big Horn Basin burners notify about upcoming burns through all the local media and fire department. The forms DEQ has proposed are simply one more hoop for burners to jump through.

Education
The Smoke Management Plan was selectively designed around examples of other states, excluding the agricultural exemption examples from Utah and Oregon. The document has been finalized and is currently being implemented. We have not heard from any agricultural producers of any educational programs being implemented across the state. Even if an educational component has been given, it is too premature to give considering the current petition. DEQ is wasting more time and energy creating an agricultural component to their presentation, when agricultural burners should be exempt.

DEQ should be spending their energy working in cooperation with the University of Wyoming Cooperative Extension, Conservation Districts, and the Natural Resource Conservation Service (NRCS) to research burning alternatives. DEQ should also work to alleviate any tension between the public and agriculture burning. The general public may not understand the significant benefits and economic aspects of burning. An educational program could still be implemented in areas where agricultural burning occurs. Topics may include fire safety, health concerns, and alternatives. It is crucial to create a reason for burners to attend voluntarily. The topic of burning is often controversial and tempers can flare; therefore, it would be beneficial to everyone for DEQ to take on the role of educator and not bureaucratic implementer.

Conclusion
We support DEQ in their quest to improve air quality. We also support the agricultural exemption proposed for Chapter 10. There are many unturned possibilities to improve air quality and we must open our minds to these possibilities well before the implementation of the massive amounts of forms the DEQ has currently proposed. The exemption for agriculture burners would only relieve DEQ of additional enforcement. The current enforcement of fire safety and health concerns is lacking manpower. Instead of trying to police burners on what they are doing wrong,

educate them on the correct procedures and allow for self directiveness. There is no point in creating the rule, but then not enforcing the rule. We suggest creating a consistent statewide method for notifying the public of upcoming burns. This should include newspaper articles indicating the times, educating the public of burning and why it occurs, plus methods to reduce exposure. We believe these suggestions will be a positive alternative to inflict more policy on people who are already struggling to keep their head above mountains of paperwork.

Thank you for the opportunity to comment.

Sincerely,

John Etchepare
Director

JE/jw

Cc: Governor's Planning Office
Wyoming Stock Growers Association
Wyoming Wool Growers Association
Rocky Mountain Farmers Union
Wyoming Association of Conservation Districts
Wyoming Farm Bureau Federation
Wyoming State Grazing Board