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## **Environment Department Announces Major Changes to Open Burning Regulation, Trash Burning Ban**

(Santa Fe, NM) -- The New Mexico Environment Department (NMED) is announcing that changes to the state's open burning regulation have taken effect. These changes are intended to better protect health by controlling air pollution from outdoor burning and lessen regulatory hassles for New Mexicans. Except for tribal lands and in Bernalillo County, the regulation applies statewide. Changes to the regulation were approved November 19, 2003, by the Environmental Improvement Board and took effect on New Year's Day 2004.

Changes to the open burning regulations include eliminate the need for citizens to get NMED permits for vegetation burning. This aids stepped-up efforts to lessen fire risks and reduce hazardous accumulations of vegetation from the wildland-urban interface in New Mexico communities.

"This change will help make citizens safer, reduce regulatory hassles and, at the same time, make state government more efficient by eliminating the cost of issuing thousands of permits each year," said Ron Curry, NMED Secretary.

The change also bans the household burning of trash, effective June 1, 2004. Backyard burning of trash is a major source of dioxin and other highly toxic air pollutants. The new regulations also require a 300 foot setback from neighboring houses and businesses for vegetation burning, limiting the public's exposure to smoke.

New Mexico's open burning rule had been unchanged since 1971. "This regulation needed to be brought up to date," said NMED Air Quality Bureau Chief Sandra Ely. "Recent studies show that just a few burn barrels produce more dioxin than a modern waste incinerator serving thousands of households."

Dioxins and other toxins produced by burn barrels persist and disperse in the environment for years, accumulating in the food chain and in the human body over a lifetime, where they can cause cancer and interfere with sex hormone function. Studies show that burn barrels are a bigger source of dioxins than all the major industrial sources in New Mexico combined.

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## Open Burn Changes

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The new regulation makes significant changes in the rules for many kinds of burning. Changes include:

1. Removal of the requirement to receive a permit from NMED before you burn. Burners will need to know and follow the requirements for the kind of burning they plan to do.
2. Burning of household refuse, except for vegetation such as yard waste and weeds, is prohibited after June 1, 2004.
3. Before June 1, 2004, new restrictions apply to household refuse burning. This burning is not allowed where there is publicly provided curbside collection service, or where a publicly provided drop-off facility for trash is within ten miles. Also, this burning would not be allowed within 300 feet of neighboring houses on other property.
4. The new rule has requirements for all burning of vegetative material, such as yard waste, weeds, slash, orchard trimmings, crop stubble, and rangeland. The Open Burning regulation applies to small burns, less than 10 acres or 1,000 cubic feet of piled material per day. Larger burns are covered under a new Smoke Management regulation (20.2.65 NMAC).
5. The time-of-day window for vegetation burning has been expanded to allow burning from one hour after sunrise until one hour before sunset.
6. Vegetation burning is prohibited within 300 feet of neighboring houses and businesses.
7. Before burning vegetation, the burner must notify the local fire authority. The burner must comply with requirements of the Open Burning regulation as well as any requirement of the local fire authority, including any requirement to obtain a permit from them.

Under state law, violations of the Open Burning regulation are a petty misdemeanor. Also, the Environment Department may assess civil penalties for violations. In the early phase of transition to this new rule, the Environment Department intends to rely heavily on warnings and education to achieve compliance.

The new regulation and background information are posted on the Department's website at [www.nmenv.state.nm.us/aqb](http://www.nmenv.state.nm.us/aqb) under "Open Burning Regulation." Copies of the new rule may also be obtained from local Environment Department field offices, or from Brad Musick, Environmental Analyst, Air Quality Bureau, New Mexico Environment Department, 2044 Galisteo St., Santa Fe, New Mexico, 87505, or by calling (800) 224-7009. Requests may also be sent by E-mail to [brad\\_musick@nmenv.state.nm.us](mailto:brad_musick@nmenv.state.nm.us).

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