

**STATE OF NEW MEXICO
ENVIRONMENTAL IMPROVEMENT BOARD**

NMED Exhibit 2

**PETITION FOR HEARING, PROPOSED REPEAL
AND REPLACEMENT OF 20.2.60 NMAC - OPEN BURNING,**

EIB 03-08E

DIRECT TESTIMONY OF JIM NORTON

My name is Jim Norton and I am the Director of the Environmental Protection Division. The Division includes four bureaus: Air Quality, Petroleum Storage Tanks, Solid Waste and Occupational Health and Safety. Thank you for this opportunity to present testimony on Open Burning for the Air Quality Bureau.

Open burning is burning that is not conducted in an enclosed device. With no control of the combustion air supply or the combustion products, and given the wide range of material that might be burned, open burning can be a significant source of air pollution. In 1970, at the very beginning of New Mexico's efforts to clean up our air and protect the health of our citizens, open burning was one of the first sources of air pollution to be limited by regulation.

The current rule dates from 1971, and is greatly in need of updating to take into account new conditions and new information. In addition, continuing problems in implementation of the rule need to be resolved, for more efficient operation of state government and for the benefit of citizens, including both those whose activities are regulated by the rule and those who are impacted by the pollution produced.

Eliminating the permit system for open burning will reduce unnecessary burdens on the Department and the public, and is essential to improving the Department's implementation of the rule. We recognize that this will require extensive outreach efforts to inform and educate tens of thousands of individual citizens who have operated under the current permit system for the last thirty years. We are committed to making the transition to the new system as easy as possible for individual citizens. In addition, we will cooperate with and provide assistance to local governments, who can be valuable partners in making the new system work.

The Department strongly supports phasing out the open burning of household refuse. We are deeply concerned about the health effects of this burning, in view of new information showing that this type of burning is a significant source of highly toxic pollutants that persist in the environment and accumulate up the food chain and in peoples' bodies over their lifetime. New Mexicans have clearly shown their support for clean, non-polluting methods of waste disposal, as shown by new laws, regulations, and grant programs which have established new systems of waste disposal throughout the state over the last thirty years. New Mexicans have also supported strict regulation of municipal waste incineration, as evidenced by a special provision in the state Air Quality Control Act which allows for regulation of these facilities to be more stringent than federal requirements. Since only a few households burning their refuse can

account for more toxic pollution than a modern incineration facility serving thousands of households, it seems incongruous to continue to allow backyard burning of refuse by tens of thousands of households.

As will be described in the hearing on the proposed new Smoke Management regulation, we are proposing major changes in the way that vegetation burning is regulated. Vegetation burning which is below the thresholds for Smoke Management will be regulated by the proposed Open Burning rule. In the two rules, the requirements for vegetation burning have been designed to create an equitable system whereby requirements increase with the potential impacts of the burning. We have also tried to keep the requirements for small-scale burning in the Open Burning regulation as simple as possible, so that the rule will be easy to understand for the many individual citizens whose burning activities will be regulated.

This concludes my remarks and I will be happy to answer any questions before turning the program over to Air Quality Bureau staff, who will explain in greater detail the need for the new rule, the issues we considered, and the specifics of our proposal.