

Agricultural Burning

Massachusetts Department of Environmental Protection

Massachusetts Farm Bureau Federation

This is to serve as guidance for all parties involved in the open burning of material generated by agricultural operations. The fire chiefs, the Department of Environmental Protection (MassDEP) and the agricultural community all have significant interest in this issue. Confusion has existed in the past relative to the authority of various groups and what constitutes agricultural burning and what time of the day this burning should take place.

MassDEP has stated that agriculture, for the purpose of 310 CMR 7.07, means those practices involved with the cultivation of soil for purposes of crop production and/or the raising of livestock when such crops are produced for commercial food stocks and such livestock is raised for commercial food stuff or for work purposes. Agricultural operations are those that raise commercial food stuff or livestock and consist of an area larger than one acre of land.

Regulation 310 CMR 7.07 (3)(b) specifies that open burning is allowed for activities associated with the normal pursuit of agriculture which have been determined by the Department as necessary. This includes, but is not limited to, the open burning of blueberry patches for pruning, dead raspberry stocks, fruit tree pruning and affected beehives for disease control. Regulation 310 CMR 7.07 (3)(c) allows open burning of brush and trees resulting from agricultural land clearing operations. These two regulations are the pertinent ones for agricultural considerations.

The local fire chiefs are authorized to determine whether or not a particular individual qualifies within the agricultural burning regulation. When a fire chief raises a specific question related to these regulations, MassDEP will make itself available to the chief to resolve the question.

A second issue, which has arisen, is relative to the time of day when open burning is allowed for the destruction of agriculturally generated material. Regulation 310 CMR 7.07 (3)(e) allows the open burning of brush, cane, and driftwood and forestry debris from January 15 to May 1 and, among other requirements, specifies that the burning must take place between 10:00 a.m. and 4:00 p.m. This specific time and date regulation applies ONLY to 310 CMR 7.07 (3)(e). Sections b and c – the agricultural burning sections – have no time or date limitations associated with them. However, MassDEP does not allow the burning of material during the evening hours when air stagnation conditions exist. Nocturnal inversions create some very severe air quality problems. These nocturnal inversions do not end until the earth has begun to warm from the sun after sunrise. MassDEP has determined that open burning permits, for the destruction of agriculturally generated material, be effective two hours after sunrise with the requirement that all fires be extinguished by 4:00 p.m. that same afternoon. In this way the fires will occur only during the morning and early afternoon hours when ventilation is best.