



Agricultural Burning 2021

Thank you for reaching out to NCSL with your question about state regulation of agricultural burning. I've included state examples below, including state efforts to regulate agricultural burning through notification and permitting requirements. I've also included some examples of state efforts to encourage alternatives to agricultural burning. Please let me know if you have any further questions.

Additional resource: ["Non-Burning Management Alternatives on Agricultural Lands in the Western United States"](#)

State examples:

California

- Agricultural burning is allowed only on Permissive Burn Days, which are issued based on the forecast of air quality and meteorological conditions that can affect smoke dispersion. All burn permit holders must comply with fire protection agency requirements. ([California Air Resources Board](#))
- [AB 148](#) (Enacted, 2021)- Authorizes the State Air Resources Board to administer a program to support incentives for alternatives to agricultural burning in the San Joaquin Valley.

Delaware

- Farmers [must submit an application](#) to the Department of Natural Resources and Environmental Control to request to burn on land that has been zoned for agricultural use. Before conducting an agricultural burn, those with written approvals must notify their local county fire board and submit their approval number.

Florida

- Agricultural burning [requires a burn authorization](#) from the Florida Forest Service. Depending on the location, a forest service representative may come out to do a site inspection for first-time burn applicants.

Hawaii

- The [Department of Health Clean Air Branch](#) "regulates the open burning activities in the State and has the authority to administer the Agricultural Burning Permit (AGP) program...The AGP includes permit conditions such as: notification requirements; where burning is allowed; when the burning may occur; what materials can be burned; and other limitations if applicable to minimize visible smoke impacts to schools, highways, airports, and other sensitive areas. Agricultural burning may be further restricted by government agencies in times of drought, fire hazards or "No-Burn" periods. The main requirements for agricultural burning, permits and fees appear in HAR Section 11-60.1-51 to -57, and Section 11-60.1-121."

Maine

- When not prohibited by local ordinances, burning for agricultural purposes is [permissible if a permit has been obtained](#) from the Town Forest Fire warden, forest ranger, or local fire prevention official with jurisdiction over the location where the fire is to be set. The burning has to be conducted according to the terms and conditions set forth in the permit.



- [S 590](#) (Enacted, 2017)- Allows municipalities to purchase software sold by private parties to issue online permits for open burns, including burning for agricultural purposes.

Michigan

- For agricultural burning, a [permit is needed](#) if someone is burning a road shoulder, clearing land that has not been cropped in the previous year, clearing a garden plot that is not considered part of the farm cropping operation, or burning vegetative debris that is not part of the active cropping operation. The state has a [Burn Permits Management System](#) with a map that indicates where burning is authorized.

Nevada

- The Nevada Division of Environmental Protection “[Handbook for Agricultural Open Burning](#)” provides suggested best practices for agricultural burning, including notifying local fire officials before a burn takes place.

New Jersey

- New Jersey Administrative Code 7:27 subchapter 2 “Control and Prohibition of Open Burning” [requires](#) that the Forest Fire Service administer and issue permits for agricultural land clearing. Permits for agricultural open burning can’t be issued when another effective method of disposal is available, or in any municipality which prohibits open burning.

Oklahoma

- [HB 1218](#) (Enacted, 2019)- Specifies that agricultural producers burning cropland shall be exempt from any resolution passed by a board of county commissioners that declares a period of extreme fire danger so long as the agricultural producers have complied with certain procedures, including submitting a written prescribed burn plan to the local fire department.

South Carolina

- State law [requires notification](#) to the Forestry Commission prior to burning for forestry, wildlife management, or agricultural purposes. The law also requires that precautions be taken to prevent the fire from escaping, including having an adequate firebreak around the area to be burned and enough personnel and equipment on hand to keep the fire under control. All burning for forestry, wildlife, and agriculture purposes must comply with South Carolina’s [Smoke Management Guidelines](#), which covers areas like timing, proximity to sensitive areas, and acreage limits for crop stubble and grass fields.

Tennessee

- Permits for agricultural burning [must be requested](#) from a Division of Forestry representative.

Utah

- Agricultural burning [is permitted](#) with notification made to the nearest fire department. If the burn is going to take place during closed fire season, a permit is required for agricultural burning that is not for a fence line or ditch/canal.



Washington

- The Washington Department of Ecology [issues permits](#) for commercial agricultural burning and makes daily burn decisions to help reduce the health effects of smoke.
- Washington has an [Agricultural Burning and Research Task Force](#) that develops best practices for reducing air pollution from agricultural burning and determines the appropriate level for permit fees.
- “Conservation districts and the Washington State University agricultural extension program in conjunction with the department shall develop public education material for the agricultural community identifying the health and environmental effects of agricultural outdoor burning and providing technical assistance in alternatives to agricultural outdoor burning.” (WA ST 70A.15.5090)