

QUESTIONS and ANSWERS REGARDING

OPEN BURN REGULATIONS

1. Do the new regulations on open burning make burning household trash in burn barrels or piles illegal?

Yes. Burning trash is now prohibited statewide in all cases. Our existing incinerator rule already prohibits burning household trash in wood stoves, fireplaces, and outdoor wood boilers. DEC recommends that you recycle all appropriate materials (such as newspaper, paper, glass and plastic) and compost your organic kitchen and garden waste.

2. What are the new regulations on open burning in New York State?

Effective on October 14, 2009, all open burning is prohibited in New York with several exceptions including the following:

- Campfire less than 3 feet in height and 4 feet in length, width or diameter are allowed.
- Small cooking fires are allowed.
- Fires cannot be left unattended and must be fully extinguished.
- Only charcoal or clean, dry untreated or unpainted wood can be burned.
- Ceremonial or celebratory bonfires are allowed.

3. Why has the DEC changed the regulations allowing open burning in New York State?

Open burning of household trash releases dangerous compounds including arsenic, carbon monoxide, benzene, styrene, formaldehyde, lead, hydrogen cyanide and dioxin, among others. Open burning is also the single greatest cause of wildfires in New York.

4. Can I burn leaves if I live in a rural area?

No, burning leaves is banned in New York State. We encourage you to compost leaves.

5. Your rule says firewood must be untreated, some firewood is heat-treated, is that Allowed?

Some firewood is heat treated (kiln dried) to control invasive insect species if it is to be transported over 50 miles. Heat treated firewood is not intended to be prohibited. However, the burning of chemically treated wood such as pressure-treated lumber and plywood is prohibited.

6. Can I dispose of a flag or religious item in an open fire?

Yes, in a small-sized fire if it is not otherwise prohibited by law or regulation.

7. Can a town prohibit open burning that the state allows?

Yes, towns, villages, cities and counties can pass ordinances that are stricter than, and not inconsistent with, the open fires regulations. You should check with local authorities to find out if local law requires a permit or prohibits open fires.

8. Can brush piles be burned at transfer sites?

No, the practice of burning large piles of brush collected from local residents at town or county transfer sites is prohibited. The individual landowners in small towns may burn their brush on site as discussed under question 2 above. Downed limbs and branches generated at a transfer site are also allowed to be burned on site with the same restrictions.