



## **Idaho Farm Bureau Federation**

500 West Washington Street  
Boise, Idaho 83702  
(208) 342-2688 Fax (208) 342-8585

July 22, 2016

Ms. Paula Wilson  
Idaho Department of Environmental Quality  
Attention: Air Quality, Crop Residue Burning  
1410 N. Hilton Street, Boise, Idaho 83706

RE: ADDITIONAL COMMENTS – Docket No. 58-0101-1601 – Rule for Air Quality

Dear Ms. Wilson:

On behalf of the more than 74,000 member families of the Idaho Farm Bureau Federation, I submit these additional comments regarding the rule change to the burning approval criteria for crop residue burning (CRB). For more than 75 years, the Idaho Farm Bureau has been recognized as the leading advocate for private property rights and prosperity which comes through the wise use of and responsible stewardship of our natural resources. We thank the Department of Environmental Quality (DEQ) and its air quality/smoke management staff for providing this opportunity.

Since 2008, when the CRB negotiated agreement was first implemented, there have been no documented hospitalizations or deaths caused by CRB events within the state of Idaho.<sup>1</sup> This fact speaks to the effectiveness of the CRB program to both ensure the protection of the state's sensitive populations while enabling farmers to continue using this essential agricultural tool.

A recent change made by the Environmental Protection Agency (EPA) to the Ozone National Ambient Air Quality Standards (NAAQS) from 75 ppb to 70 ppb would severely limit the number of allowed burn-days during the typical burn season. In fact, under the current CRB regime, the new lower ozone standard used to determine burn days would be very close to natural ozone background levels leaving a very small window within which to authorize the program. Now, eight years later, with a better scientific understanding of ozone, and data to demonstrate that CRB events have little to no lasting effect on ozone levels, DEQ has proposed change to the ozone burning criteria trigger to 90% of Ozone NAAQS instead of the previous 75% threshold.

The proposed change would allow the program to successfully continue in the future with ongoing robust safeguards for human health, while slightly adjusting the ozone criteria standard based on data and our further understanding of the pollutant. As an example, there have been repeated occurrences over the last eight years when CRB was denied due to the current ozone standard on days when it would have been an ideal time to burn (adequate smoke lift, proper mixing, appropriate air movement, and direction, etc.). This proposed change would allow farmers to spread necessary burning out over a few more good days, thus further diluting the smoke rather than

concentrating it on the few days that meet the current criteria. Idaho Farm Bureau supports this proposed change.

Thus far, this negotiated rulemaking has only considered one portion of the DEQ's burn decision criteria. The second tier of the existing burn decision rule states that DEQ must also determine that "ambient air quality levels have not reached, and are not forecasted to reach and persist at, eighty percent (80%) of the one (1) hour action criteria for particulate matter under Section 556 of these rules."<sup>iii</sup> This portion of the rule sets a PM<sub>2.5</sub> 1-hour average concentration limit of 64 µg/m<sup>3</sup> that is required to be met when DEQ makes a burn decision. This portion of the existing rule provides an added layer of protection for public health and the State's most sensitive populations.

In the 2015 Annual Report of the CRB Program, it cites several dates and locations where CRB events were approved and conducted near institutions with sensitive populations.<sup>iii</sup> These events document PM<sub>2.5</sub> 1-hour average concentrations nowhere near 80% of the 1-hour action criteria for particulate matter. The Idaho Farm Bureau views this second tier of the burn decision rule, together with the first tier criteria for PM<sub>2.5</sub> 24-hour average, as substantial and robust protection to public health as demonstrated over the past eight years.

The proposed lowering of the PM<sub>2.5</sub> criteria for the burn decision to 60% of the PM<sub>2.5</sub> NAAQS by some advocates is unnecessarily extreme and punitive. The state of Idaho has been operating with a 25% margin of safety for PM<sub>2.5</sub> burn approval criteria for CRB for the last eight years with no documented health concerns. This proposal would needlessly increase that margin of safety to 40% below that which EPA cites as being protective of the most vulnerable or "sensitive" populations.<sup>iv</sup>

CRB is a tool that may be used throughout the entire year; however, the majority of CRB events take place during the late summer to fall months of the burning season. A loss of any number of approved burn days for CRB due to over-burdensome and unnecessary regulations during this time of year would be extremely costly and detrimental to farming operations. Our members do care and are considerate of public health and clean air concerns; however, they are also troubled by the economic impact of such drastic proposals.

Furthermore, DEQ has stated within the Open Burning of Crop Residue State Implementation Plan (SIP) Revision, page 59: "The exhaustive analysis performed by DEQ technical staff concluded that the emissions from the open burning of crop residue have not caused or significantly contributed to a violation of the NAAQS for PM<sub>2.5</sub> because the maximum 24-hour impact is only 28% of the 24-hour NAAQS and occurs in a season when other primary sources do not contribute."

As was discussed in previous meetings and formally stated by DEQ in this process, there is no scientific evidence to justify a further lowering of the PM<sub>2.5</sub> trigger. Such an action would be arduous and economically disastrous to many agriculture operations that use CRB as a legitimate management tool. The Idaho Farm Bureau strongly opposes any lowering of PM<sub>2.5</sub> without scientific justification.

The CRB Advisory Committee only made the decision to recommend that DEQ enters into negotiated rulemaking once EPA released their new Ozone NAAQS.<sup>v</sup> This process would allow DEQ to establish a burn approval criteria for CRB knowing exactly what EPA's numerical ozone level would be, and what level of ozone concentration criteria would be most appropriate for Idaho's CRB program. We urge DEQ to use the same common sense process and wait to make any

July 22, 2016

adjustments to the PM<sub>2.5</sub> burn criteria until a change has actually been made by the EPA to the PM<sub>2.5</sub> NAAQS.

Though this was not discussed in the meeting held on July 20, we want to restate our position on the implementation of this proposed rule. Making reference to the three implementation options proposed at the June 22 meeting,<sup>vi</sup> the Idaho Farm Bureau supports Option 2. This option would allow producers to continue with the CRB program during the 2017 burn season as it has been operated over the last eight years, using the 2008 Ozone NAAQS. This option would be the least disruptive to farmers throughout the state, while also maintaining the same strong public health standards that have served our citizens for so well over the past eight years.

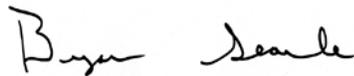
Finally, the members of the Idaho Farm Bureau want to reiterate our strong, continuing support for the originally negotiated CRB agreement. It has proven over eight years now that the carefully crafted agreement has served its purpose well to protect the health of the most sensitive citizens in our state while providing the opportunity for farmers to continue to use a legitimate and important agricultural practice.

We do not support any changes to this Agreement which are not necessitated by a change in the NAAQS, which is the basis of the agreement. We would however, support moving away from using a percentage of NAAQS as a burning criteria trigger and instead placing hard numbers within the CRB rules. We could start with the ozone criteria and use a hard number in the new rule. Then, when EPA reconsiders the PM<sub>2.5</sub> standard in the near future, we can determine the correct hard number, rather than a percentage for PM<sub>2.5</sub> as well.

In conclusion, we remind all stakeholders, ourselves included, that these decisions and regulations do impact real lives: those of the sensitive population, the general public, as well as those farmers whose livelihood depends on the use of this important management tool. Sound, scientific justification, rather than emotional appeals to events that happened prior to implementation of the current agreement should be used to determine these regulations that carry with them very real consequences.

On behalf of our entire membership at the Idaho Farm Bureau, I thank you for your careful consideration of these comments. Please contact Braden Jensen at 342-2688 if you have any questions regarding this topic.

Sincerely,



Bryan Searle, President  
Idaho Farm Bureau Federation

---

<sup>i</sup> <http://www.deq.idaho.gov/media/60165788/crb-advisory-committee-meeting-minutes-021715.pdf> (page 2)

<sup>ii</sup> <https://adminrules.idaho.gov/rules/current/58/0101.pdf> (page 171)

<sup>iii</sup> <http://www.deq.idaho.gov/media/60178051/crb-annual-report-2015.pdf> (page 6-7)

<sup>iv</sup> <https://www.epa.gov/criteria-air-pollutants/naaqs-table>

<sup>v</sup> <http://www.deq.idaho.gov/media/60178371/crb-advisory-committee-meeting-minutes-030916.pdf> (page 2)

<sup>vi</sup> <http://www.deq.idaho.gov/media/60178656/58-0101-1601-draft3-0616.pdf> (page3)