



Idaho Farm Bureau Federation

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October 11, 2016

Ms. Paula Wilson
Idaho Department of Environmental Quality
1410 N. Hilton Street, Boise, Idaho 83706

RE: COMMENTS – Docket No. 58-0101-1601 & Docket No. 58-0101-1604

Dear Ms. Wilson:

On behalf of the more than 76,000 member families of the Idaho Farm Bureau Federation, I offer these comments for the two docket items regarding the proposed rule change to the burning approval criteria for crop residue burning (CRB), and rule implementation plan. 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) for this opportunity.

During the negotiated rule making process, the success and effectiveness of the CRB program was acknowledged and discussed. In fact, since the inception of the CRB negotiated agreement, there have been no documented hospitalizations or deaths caused by CRB events within the state.ⁱ

Recent changes made by the Environmental Protection Agency (EPA) to the Ozone National Ambient Air Quality Standards (NAAQS) from 75 ppb to 70 ppb would severely alter the value of the CRB program, which enables farmers to use this essential agriculture tool, while being protective of the state's most sensitive populations. 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. Based on historic data, it is estimated that the number of no burn days for CRB events could more than double.ⁱⁱ

The proposed rule as outlined in Docket No. 58-0101-1601, would adjust the state's burning approval criteria for CRB events from 75% of the 2008 Ozone NAAQS (the equivalent 56 ppb) to 90% of the 2015 Ozone NAAQS (the equivalent of 63 ppb). This adjustment would allow the program to successfully continue in the future with ongoing robust safeguards for human health, and an improved use of the management tool for farmers.

As an example of how this rule change will improve the efficiency of the CRB program, 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.). The 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 current criteria. Idaho Farm Bureau supports this proposed change.

Much consideration was given to the PM_{2.5} criteria of the burn decision during the negotiated rule making process. DEQ determined that it could not scientifically justify adjusting the criteria to an even more stringent and overly burdensome standard.ⁱⁱⁱ Idaho has successfully operated under a 25% margin of safety with the current PM_{2.5} standard of the CRB program, and any further increase of the margin would be highly unnecessary and economically detrimental. Idaho Farm Bureau is opposed to any tightening of the PM_{2.5} criteria for the CRB program.

It is important for all to remember that this proposed rule change 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."^{iv} This portion of the rule sets a PM_{2.5} 1-hour average concentration limit of 64 µg/m³ 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.^v These events document PM_{2.5} 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_{2.5} 24-hour average, as substantial and robust protection to public health as demonstrated over the past eight years.

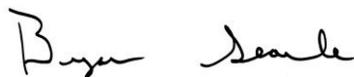
The proposed implantation plan, as outlined in Docket No. 58-0101-1604, would allow DEQ to operate the CRB program using the 2008 Ozone NAAQS through the 2017 burn season. This would allow the CRB program to function as it currently operates, using the same NAAQS as the past eight years through the specified time frame.

After approval from the state legislature and other governing agencies, the CRB program would then operate under the new rules as proposed in Docket No. 58-0101-1601, with the adjusted ozone criteria. The implementation strategy will offer fewer complications and interferences to farmers that use CRB as a management tool, while continuing to provide the public with the necessary air quality standards. Idaho Farm Bureau is supportive of the proposed implementation strategy.

In conclusion, we would like to thank DEQ for their work during the negotiated rule making process. With many hours of discussion, analysis and careful deliberation, DEQ's efforts have resulted in a proposed rule that we can support.

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

Sincerely,



Bryan Searle, President
Idaho Farm Bureau Federation

ⁱ <http://www.deq.idaho.gov/media/60165788/crb-advisory-committee-meeting-minutes-021715.pdf> (page2)

ⁱⁱ <http://www.deq.idaho.gov/media/60178476/58-0101-1601-rulemaking-presentation-051816.pdf> (page 7-8)

ⁱⁱⁱ <http://www.deq.idaho.gov/media/60178630/58-0101-1601-draft-2-0616.pdf>

^{iv} <https://adminrules.idaho.gov/rules/current/58/0101.pdf> (page 171)

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