

**8/20/1969**

**OREGON  
ENVIRONMENTAL QUALITY  
COMMISSION MEETING  
MATERIALS**



State of Oregon  
**Department of  
Environmental  
Quality**

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MINUTES OF SPECIAL MEETING

of the

Oregon Environmental Quality Commission

August 20, 1969

A third special meeting of the Oregon Environmental Quality Commission regarding the problem of field burning in the Willamette Valley was called to order by the Chairman at 10:08 a.m. August 20, 1969, in the Second Floor Auditorium, Public Service Building, 920 S.W. 6th Avenue, Portland, Oregon. Members present were B.A. McPhillips, Chairman, George A. McMath, H.P. Meierjurgan and Storrs S. Waterman. Mr. Edward C. Harms, Jr. attended the afternoon session of the meeting.

Participating staff members were: Kenneth H. Spies, Director; Arnold B. Silver, Legal Counsel; R. Bruce Snyder, Meteorologist, and F. Glen Odell, Associate Engineer. Mr. Tom O'Dell was present as representative of the Attorney General.

Also present was a large number of grass seed and grain growers as well as representatives of the Eugene metropolitan area and the news media.

The Chairman introduced the Commission members and announced that the purpose of the meeting was to give final consideration to the revised field burning schedule which had been discussed at the previous special meeting of the Commission on Monday, August 18, 1969.

The Director said that the staff had made one change in the quota system for the number of acres that can be burned each day in the various fire districts. He said that an error in calculations had been made and that the figure for the McMinnville Fire District of Yamhill County should be 125 instead of 50. The Chairman said such a change would be made.

Mr. John Horton, Attorney from Albany, then presented an opening statement for the Oregon Seed Council and introduced several members of that organization who also presented statements.

He said he recognizes the difficult task that confronts the Commission. He pointed out that there are some 3,000 individual farmers involved in the problem, that they are not well organized, that the Seed Growers League is separate from the Council, that he speaks only for the Council and not any individual farmer, that he has urged the farmers not to violate any schedule that may be adopted, and that he thinks the proposed schedule should be revised so as to be more flexible.

He said he thought the proposed mixing level was arbitrary and should have some leeway, that the wind direction should be taken into consideration and that higher quotas should be allowed for southwest and west winds, that there should be more flexibility for the hours of burning, and that the ban on Saturday and Sunday burning was also arbitrary.

He presented the following estimates of the number of acres remaining to be burned in the valley:

<u>County</u>	<u>Perennial Grass</u>	<u>Annual Grass</u>	<u>Cereal Grain</u>	<u>Schedule Quota</u>
Lane	2,000	2,400	--	375
Linn	17,000	24,000	15,000	1,700
Yamhill	1,400	1,300	4,200	525
Polk	2,000	9,000	19,000	375
Clackamas	1,360	--	--	250
Washington	--	--	7,000	--
Marion	24,750	1,000	46,000	2,025
Benton	8,000	8,500	3,000	450

Mr. Horton said he questions some of the figures contained in Table I of the Commission's staff report dated August 18, 1969. He claimed they do not correspond with information published by others. He thought the figure of 23.1 for field burning was too high and the figures of 6.6 for slash burning and 3.8 for wigwam burners were too low.

He pointed out that no burning of the highland bent grass fields had yet been accomplished because it is a late crop and all harvesting is not yet complete, and that this fact may require adjustment of some of the quotas.

Mr. Robert Humphrey of Route 1, Sublimity, and Chairman of the Oregon Highland Bent Grass Commission, was the first grower introduced by Mr. Horton. He said that about 80% of the highland bent grass is grown in Marion County, in the Waldo-Silverton hills areas at an elevation of 700' to 1,500', that most of the fields are small (20 to 30 acres), that the harvest is always late, that consequently their burning season is short due to the fall rains, and that there is no alternative to burning. He objected to the ban on Saturday burning and to the proposed total ban by 1972. He requested that the schedule be made more flexible.

The Chairman pointed out that normally weather conditions in October permit some burning so there should be enough time this year even with the schedule as proposed. He also pointed out the last paragraph on page 1 of the schedule which provides considerable flexibility for adjusting burning limitations.

Mr. Irwin Riddle, Polk County Bargaining Agent for the National Farmers Organization (NFO), was the second person introduced by Mr. Horton. He asked that the schedule be made more flexible. He said the farmers are angry.

Mr. Robert D. Stevenson of Route 3, Dallas, and representative of the Oregon Wheat Growers League of 1600 members said that one-third of the wheat grown in Oregon is in the Willamette Valley. He claimed that in the valley if the straw is returned to the soil it promotes root rot. He also pointed out the problem of slugs. He said that many wheat fields in Polk, Yamhill, Marion and Washington Counties are frequently converted to crimson clover or vetch and that in order to get a good cover crop it is most essential that the wheat straw and stubble be burned before the clover or vetch is planted. He admitted that otherwise it is not necessary to burn the grain fields every year. In reply to a question by Mr. McMath he said the eastern Oregon wheat fields are not burned because of the difference in soil, less rain, less straw and less insect problem.

Mr. Neal Reiling, 450 Smith Drive, Woodburn, was the next seed grower to appear. He said it was necessary to burn the fields in order to control nematodes, silver top, mildew, rust and weeds, and to produce a high quality product. He claimed that 95% of weeds are killed by heat and only 5% by chemicals and that the chemicals must be applied to the soil, not to the straw.

Mr. Paul Pugh of Route 1, Box 48, Shedd, complained that the proposed quotas would not permit completion of the burning this year. He estimated that if 46,000 acres could not be burned this fall it would cost the growers from one and one-half to one and three fourth million dollars next year in reduced yields.

Mr. Cliff Cully of Chemco Inc. testified that presently there is no satisfactory substitute for burning because herbicides will do only part of the job.

Mr. John W. Hayworth of Route H, Box 177, Harrisburg, said he raises 3,000 acres of grass seed and has 1,900 acres left to burn. His fields are located in the Coburg, Harrisburg and Junction City fire districts. He had to lay off 8 employees recently because of the 7-day ban on burning.

Mr. Gilan Mulkey of the Polk County NFO said he has several hundred acres south of Corvallis to be burned and therefore he requested that the proposed schedule be relaxed. He claimed he lost \$24 per acre on fields not burned last year because of the August rains. He understood that under HB 1228 they could burn for the next two years. He said they should get a tax credit if alternate methods are required.

Mr. Ed Hollingshead of Albany and representative of the Oregon Seed Trade Association and Oregon Seed Council said that reason must prevail in this matter. He said he realizes that field burning must be controlled, but he asked that a more workable schedule be considered although he did not make any specific suggestions. He pointed out that a high quality product must be maintained if export of seed to foreign countries is to continue.

Mr. Jack Stein, Fire Chief of the Southwest Polk County Fire District, complained that he did not know how he was going to be able to allot the permits to stay within the acreage quota for his district. He thought the Commission should provide detailed guidelines to the districts for that purpose.

Mr. Earl Shrock of Benton County who has 5,100 acres south of Corvallis and also raises beef cattle and cereal grain, claimed that his perennial grass seed production was down 30 to 40% (some fields as high as 50 to 60%) this year because the fields could not be burned last year due to the rain.

Mr. Robert Nixon said that a ban on burning would cause a real economic hardship to the farmers because if they cannot raise grass seed crops, he did not know what use could be made of the land. He stated that if they lost their markets now it would be difficult to get them back later if and when alternatives were found. He claimed the farmers pay a lot of taxes that would have to be made up by someone else.

Mr. Phil Brandt, Manager of the Willamette Products Credit Association, Salem, said that he appreciates the dilemma faced by the Commission, that he knows the financial condition of many of the farms, that time is the essential element, that the Salem Chamber of Commerce Board of Directors had voted recently to try to assist in finding a solution to this problem, and that he is hopeful that a satisfactory solution can be developed in about one year.

Mr. James W. Jenks, Jr., of the Jenks-White Seed Co., Salem, said the industry has been searching for an alternative solution to the grass seed problem. He said his ancestors came to the Willamette Valley 103 years ago and intimated that because they burned their fields years ago, the practice should be permitted to continue.

Mr. Robert Lorence of Monmouth reported that he has a 1500 acre farm and raises grass seed which he sells under a contract to the Japanese. He claimed he cannot continue to contract if he is not permitted to burn his fields.

The meeting was adjourned at 12:00 noon and reconvened at 1:35 p.m.

The Chairman announced that a telegram had just been received from Senator Edward Fadeley of Eugene urging the Commission to hold a public hearing in Eugene so that the public including the grass seed growers could testify before the new schedule is finally adopted and urging further that in the meantime the ban on all open burning be continued.

Mr. David Jensen was present and represented Senator Fadeley but said he had nothing to add to the telegram.

Mr. Laverne Cary, Corvallis Fire Marshal, said there should be some guidelines developed for allocating the quotas because there will be too much pressure on the fire chiefs. He wanted to know how the schedule would be enforced and who would do the enforcing.

At the request of the Chairman Mr. Tom O'Dell explained that HB 1228 places the responsibility for issuance of permits on the fire district chiefs and that the penalty for violation of such a permit is a misdemeanor under the state fire district law.

The Chairman pointed out that it will require a cooperative effort on the part of everyone involved.

Mr. William K. Webb, Fire Chief for the Southeast Rural District in Zone 3 said he has 118 square miles in his district to police. He requested that the schedule be made more flexible.

Mr. Orville Bernards of McMinnville said that he needs to burn cereal grain fields this year in preparation for raising crimson clover next year, that he must plant early so the growth will start soon enough to be able to compete with the slugs, and that he thinks everyone should have the chance to burn their fields.

Mr. Wally Johnson of Yamhill and representing the Oregon Farm Bureau Federation urged the adoption of a reasonable program and the allowance of more time to find alternative solutions.

Mr. Charles Ross, Forest Grove Fire Marshal, stated that when humidity is less than 35%, temperature more than 90°F. and wind more than 20 mph they issue no permits because of the fire hazard. He recommended that field burning be permitted in the mornings when the humidity would be higher.

Mr. W.H. Harland of Route 1, Box 651, Dallas, expressed concern about burning along the highway. He said he formerly farmed without burning, but now will have to quit farming if he cannot burn.

Mr. R. Curtis Ritchey, Forest Grove, mentioned the strict controls levied in the past by the forestry department for fire protection. He suggested that the field burning be done earlier in the day.

Mr. Vernon Burda of Wasteco, Inc., 17825 Pacific Highway, Sherwood, said it is possible but not economical to burn the fields without producing smoke. He predicted that within 2 years there should be a machine available that will make it possible to burn economically without causing air pollution. He said a prototype should be available in one year.

Mr. Hugh McKinley, Eugene City Manager, said he represented the 78,000 residents of that city and thanked the Commission for the concern it has shown and the extra efforts it has made to solve the problem of air pollution caused by field burning. He referred to the testimony given by Mayor Lester Anderson and others in Eugene on August 13. He admitted that more time is needed to find alternatives but expressed regret that

more has not been accomplished during the past four years. He said the pollution has gotten worse instead of better in spite of the efforts that have been made to cope with the problem.

He said the official position of the Eugene City Council is to ultimately eliminate all open burning in the Willamette Valley and to immediately reduce the intolerable conditions that have been caused recently by field burning. He pointed out the best season of the year is being destroyed by this pollution and claimed that the city has received thousands of telephone calls complaining about it. He said we should not seek accommodation but should seek elimination of pollution. He supported flexibility in the proposed schedule and concluded by saying that if the new schedule is not effective they will be back to seek more relief.

Mr. Jerry Smith, McMinnville Fire Chief, said his district can develop its own priorities for allocating the acreage quotas. He said they could survive on the perennial grass but would need an increased quota to accommodate cereal grain burning ahead of planting crimson clover or vetch.

In response to an invitation by the Chairman no one else offered to make a statement.

The meeting was then recessed at 2:45 p.m. and reconvened at 3:10 p.m.

Mr. Silver then presented the opinion of the Commission regarding adoption of the field burning schedule, a copy of which has been made a part of the Commission's permanent files in this matter.

It was then MOVED by Mr. Waterman, seconded by Mr. McMath and carried that the second paragraph in the section entitled "Further Provisions" on page 1 of the field burning schedule be changed to read "No permits shall be issued and no cereal grain field may be burned during 1969 except where special circumstances warrant and upon specific permission of the Department of Environmental Quality; such permission shall be granted only in accordance with the provisions of this schedule."

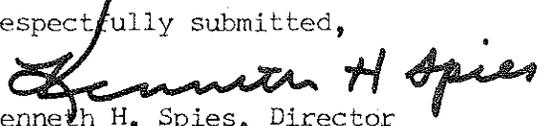
It was MOVED by Mr. Waterman, seconded by Mr. McMath and carried that the amended field burning schedule be adopted. A copy of said schedule is attached to and made a part of these minutes.

It was MOVED by Mr. McMath, seconded by Mr. Waterman and carried that the staff report be adopted.

The Chairman then stated to those in attendance that the Commission and Department staff are doing what they believe is the best that can be done, that all possible latitude will be used, and that the success of the new schedule will require the greatest possible cooperation between the Department's staff, the seed growers and the fire district chiefs.

There being no further business, the meeting adjourned at 3:30 p.m.

Respectfully submitted,

  
Kenneth H. Spies, Director

FIELD BURNING SCHEDULE

This schedule adopted August 20, 1969 supercedes all prior schedules.

This schedule has been developed pursuant to 1969 Legislation for application in the Willamette Valley counties of Multnomah, Clackamas, Washington, Linn, Yamhill, Marion, Polk, Benton and Lane during the summer agriculture burning season, July through October. Other schedules will be developed for this and other areas as necessary.

As the Statute directs, certain types of atmospheric conditions have been classified "marginal" conditions. The specified type and extent of burning allowed has been established.

SCHEDULE OF METEOROLOGICAL CONDITIONS

<u>Class</u>	<u>Meteorological Conditions</u>
Marginal:	Forecast Maximum Mixing Depth greater than 3500 feet.
Prohibited:	Forecast Maximum Mixing Depth 3500 feet or less.

Note: ALL SATURDAYS AND SUNDAYS ARE PROHIBITED, and under "prohibited" class all burning is prohibited except when a fuel such as propane is used so that combustion is nearly complete.

SCHEDULE OF EXTENT AND TYPESBeginning Time for Burning:

Burning shall begin in Zone 1 and the beginning hour for burning, unless otherwise specified in the daily advisory, shall be 11:00 a.m. (the average time the mixing depth is forecast to reach 3000 feet). Zone 2 burning shall begin one hour after Zone 1, and Zone 3 shall begin burning 2 hours after Zone 1. Therefore, unless otherwise specified in the daily advisory, burning will begin as follows: Zone 1 - 11:00 a.m., PDT, Zone 2 - 12 noon PDT, Zone 3 - 1:00 p.m., PDT.

The period for starting fires shall be limited to one hour after the stated beginning time.

Burning Duration:

The burning shall be completed within two hours after the fire is set.

Further Provisions:

Permits shall be issued on a day-to-day basis and each permittee shall have a current valid written permit for that day issued in accordance with the schedules of this order.

No permits shall be issued and no cereal grain field may be burned during 1969 except where special circumstances warrant and upon specific permission of the Department of Environmental Quality; such permission shall be granted only in accordance with the provisions of this schedule.

Whenever visibility at Salem or Eugene airport, as observed by the U. S. Weather Bureau at the NW quadrant is reduced to 6 miles or less by smoke or haze for two consecutive hours, or to 3 miles or less at any time under prevailing relative humidities of 70% or less on any day, the following 2 days shall be prohibited.

The staff of the Department of Environmental Quality may authorize burning in excess of that permitted by the schedule where conditions in their judgment warrant it, or, by express written permit, burning on an experimental basis, and may also, on a fire district by fire district basis, issue limitations more restrictive than those contained in the schedule, when in their judgment it is necessary to attain air quality.

The extent of acreage that may be burned in any one day in accordance with this schedule shall be limited as summarized below for each fire permit issuing agency. Fire permits shall be issued only for perennial grass until the maximum acreage allowed by the schedule is issued. Permits shall be issued for annual grass only when permits for perennial grass do not fill the acreage quota for each fire permit issuing agency in accordance with the schedule.

In no instance shall the total acreage of permits issued by each permit issuing agency exceed that of the schedule for the marginal day, except as provided for 50-acre quotas as follows. When the established daily acreage quota is 50 acres or less, a permit may be issued to include all the acreage in one field providing that field does not exceed 100 acres and provided further that no other permit is issued for that day. Permits for more than 50 acres shall not be issued on 2 consecutive days.

SCHEDULE OF ZONES AND ALLOWED DAILY BURNING QUOTAS

ZONE 1

<u>Lane County</u>	<u>Fire District</u>	<u>Quota</u>
	Junction City	125
	Creswell	75
	Irving	50
	Coburg	50
	Alvadore	75
<u>Linn County</u>	Harrisburg	325
	Brownsville	200
<u>Benton County</u>	Monroe	100

ZONE 2

<u>Benton County</u>	<u>Fire District</u>	<u>Quota</u>
	Benton County	150
	Jurisdictions	
	Palestine	50
	N. Albany	50
	Corvallis	50
	Philomath	50
<u>Linn County</u>	<u>Fire District</u>	<u>Quota</u>
	Halsey-Shedd	350
	Lebanon	250
	Sweet Home	50
	Tangent	250
	Albany	150
	Scio	100

ZONE 3

<u>Clackamas County</u>	<u>Fire District</u>	<u>Quota</u>
	Canby	75
	Monitor	100
	Molalla	50
	Scotts Mills	50

<u>Marion County</u>	<u>Fire District</u>	<u>Quota</u>
	Jefferson	50
	Turner	75
	Aumsville	175
	Stayton	150
	Sublimity	350
	Silverton	350
	Four Corners	100
	Liberty	50
	S. Canyon Hills	
	Keizer	50
	Brooks	50
	Mt. Angel	50
	Woodburn	125
	St. Paul	125
	Aurora	50
	Hubbard	50
	Scotts Mills	100
	Clackamas-Marion FPA	125

<u>Polk County</u>	<u>Fire District</u>	<u>Quota</u>
	Southeast	100
	Southwest	75
	Wallace-Sheridan- Orchard Heights	50
	North Polk	50
	Sheridan	50
	Valley Junction	50

<u>Washington County</u>	<u>Fire District</u>	<u>Quota</u>
	Forest Grove	50
	Gaston	50
	Hillsboro	50
	Tri-City	50
	Beaverton	50

<u>Yamhill County</u>	<u>Fire District</u>	<u>Quota</u>
	McMinnville	125
	Dayton	50
	Sheridan	50
	Carlton	50
	Yamhill-Polk	50
	Yamhill	50

Other Fire Districts in the Willamette Valley

All fire districts not specifically named in the schedule shall follow the 50-acre daily limitation.

State of Oregon  
DEPARTMENT OF ENVIRONMENTAL QUALITY

RECEIVED

AUG 25 1969

MEMORANDUM  
AIR QUALITY CONTROL

August 25, 1969

TO: Tom O'Dell, Department of Justice

FROM: Arnold B. Silver, Department of Environmental Quality

SUBJECT: Field Burning

Enclosed please find a copy of the executive order of the Environmental Quality Commission, together with a copy of the field burning schedule attached thereto.

Also enclosed is a copy of the opinion of the Environmental Quality Commission for your records and also your notes taken at the various hearings.

Please let me know if additional information is needed at this time.

ABS:EB  
Enclosures

bcc: Mr. Spies  
Mr. Patterson ✓

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EXECUTIVE ORDER  
OF THE  
ENVIRONMENTAL QUALITY COMMISSION ADOPTING  
SCHEDULE PERTAINING TO FIELD BURNING

This matter having come on regularly for consideration before the Environmental Quality Commission, hereinafter called the Commission, of the Department of Environmental Quality, on the 20<sup>th</sup> day of August, 1969, for the adoption of a field burning schedule, pursuant to Enrolled House Bill 1228, Chapter \_\_\_\_\_, Oregon Laws 1969, the Commission does make the following

FINDINGS OF FACT

1. That on the 13th day of August, 1969, in the City Council Chambers, Eugene, Oregon, an order was entered by the Commission prohibiting the issuance of permits for the burning of fields for a period of seven (7) days; and that said order was furnished to all public agencies responsible for providing information and the issuance of permits under ORS 476.380 and 478.960, and to all other interested persons; that said order also contained other reasonable limitations on the burning of fields.
2. That the aforesaid order will expire on the 20th day of August, 1969, and it is necessary to adopt a new schedule for field burning upon its expiration.
3. That the Environmental Quality Commission held a public meeting on the 18th day of August, 1969, in Room 72, State Office Building, Portland, Oregon, to circulate notice of its intended action in the adoption of a new schedule and afford interested persons opportunity to submit data or views orally or in writing, and to answer relative inquiries; that the Environmental Quality Commission having considered the data, reports and views presented to it, does make the following

CONCLUSIONS

1. Enrolled House Bill 1228, Chapter \_\_\_\_\_, Oregon Laws 1969, provides that the Sanitary Authority of the State of Oregon may prohibit the issuance of permits in any area of the state whenever smoke dispersion will be significantly restricted; and said Act also provides

that the Sanitary Authority shall classify different types of combinations of atmospheric conditions as marginal conditions and shall specify the extent and types of burning that may be allowed under different combinations of atmospheric conditions.

2. That the attached schedule and terms of this order were adopted pursuant to the aforesaid Enrolled House Bill 1228 and after notice of the intended action as far as practicable was given to interested persons to submit views and data orally or in writing.
3. That no substantial data or views were submitted to this Commission in opposition to the proposed schedule and order.

Based upon the foregoing findings and conclusions, IT IS HEREBY ORDERED:

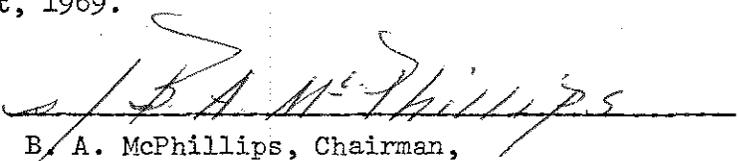
1. The effective date of the attached schedule and the following terms of this order shall take effect immediately on the date of August 20, 1969, because
  - (a) An early date is required in view of the fact that the former order banning field burning will expire August 20, 1969.
  - (b) The intolerable effects of smoke resulting from field burning has caused in the outdoor atmosphere air contaminants in quantities, of characteristics and of a duration that are injurious to human and animal life, or to property, and which unreasonably interfere with enjoyment of air and property.
  - (c) That any postponement would result in serious prejudice to the public interest and a danger to public health and safety.
2. That the schedule marked Exhibit "A", attached hereto and by reference incorporated herein, is hereby adopted as additional field burning restrictions of the Environmental Quality Commission pursuant to Enrolled House Bill 1228.
3. That all straw, stubble and residue shall be removed from a field prior to its being burned by the use of propane or liquid petroleum gas methods and a permit shall be obtained from the responsible

permit-issuing agency prior to the utilization thereof which shall insure nearly complete combustion.

4. That in all cases where a permit for propane or liquid petroleum gas burning is requested, the office of the State Fire Marshal, as a condition precedent to the issuance of such permit shall inspect and approve all burning equipment and fuel prior to its utilization and shall prohibit their use in the event combustion will not be nearly complete.
5. That all permits issued subsequent to this order shall be in writing and during the burning operations shall be maintained at the burning site by the person granted said permit for inspection by appropriate authorities.
6. No permit-issuing agency or other person authorized to grant permits shall give oral permission to burn fields and future permits shall only be issued in writing, upon a day-to-day basis and shall be issued only upon the schedule for burning adopted by the Department of Environmental Quality. At all times proper and accurate records of the transaction and copies of permits granted shall be maintained for inspection by the proper authority.

This order being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist and this order shall take effect immediately.

Dated this 20 day of August, 1969.

  
B. A. McPhillips, Chairman,  
Environmental Quality Commission

OPINION OF THE ENVIRONMENTAL QUALITY COMMISSION  
REGARDING ADOPTION OF FIELD BURNING SCHEDULE

THE PRACTICE OF FIELD BURNING

The practice of burning of fields by seed and cereal grain growers in Oregon is one of long standing. The purpose of burning fields, as advocated by the growers, is to destroy various diseases and bacteria which attack the growing crops and to increase seed yield and quality. It is also contended by the seed growers that without utilizing burning practices a large segment of Oregon's economy would be severely damaged. However, it must be stressed that the testimony of one of the leading experts in agriculture and field burning, Dr. Chilcote of Oregon State University, before this Commission, pointed out that while there may be justification for the burning of perennial crop fields, there is less necessity to burn annual crop fields, and almost no need for the burning of cereal grain fields.

HISTORY OF THE PROBLEM

While the avowed purpose of the seed growers in the practice of field burning is to destroy disease which attacks crops and to increase seed yield and quality the most serious undesired result is the creation of vast amounts of smoke and particulate matter. The data submitted to the Commission by both the staff of the Department of Environmental Quality and the seed growers agree that the center of the seed industry in Oregon is located in the counties of Linn, Benton, Marion, Lane and Polk. It is noted by this Commission that the majority of these counties lie in a direction northerly from the heart of the upper Willamette Valley in which the twin cities of Springfield and Eugene are located. The metropolitan population of these two communities is well over 100,000 citizens.

The meteorological data submitted to this Commission by its staff meteorologist, R. Bruce Snyder, indicate that the prevailing wind is from the north during the burning season. Unfortunately, but undisputed by all concerned, the burning season coincides with the summer months of the year. It is again noted by this Commission that the summer months are those months most utilized by both the citizens of the state and tourists for recreational purposes and general outdoor activity. Generally the climate during Oregon's summer in the upper Willamette

Valley is warm and temperate and one that is sought by vast number of visitors.

The Department of Environmental Quality's study and evidence presented to this Commission clearly show that the prevailing winds from the north carry the smoke and particulates from burning fields north of Eugene-Springfield in almost a "channel" directly toward the communities. Since these twin cities are located in a somewhat sheltered area at the tip of the upper Willamette Valley, the smoke does not freely disperse and tends to remain in the area.

#### PAST PROGRAM OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY

The 1969 Oregon Legislature passed into law House Bill 1228, which for the first time, placed agricultural field burning under a system of regulation. On June 28, 1969, pursuant to said bill, the Environmental Quality Commission adopted a schedule based upon marginal days and atmospheric conditions attempting to control field burning. The schedule used a combination of forecast mixing depth and crop type restrictions to limit burning. Also, as part of the schedule, guidelines were issued to key fire permit agencies, responsible for issuing permits for field burning. Subsequently, between the periods of July 28 and August 5, it was substantially demonstrated to the public and this Commission that this schedule was inadequate without strict acreage control and also because the use of marginal days which allowed burning, as advocated by the seed industry, had little relationship to the use of mixing depths. Another schedule was put into effect, again following suggestions of the seed industry, which simply reduced the hours available for burning and instituting a checkerboard pattern of burning. This schedule also proved ineffective, largely because the seed growers failed to exercise reasonable restraint and self-regulatory practices in the burning of fields. Large acreages were burnt at one time in a rather central location. As a result of this failure to exercise reasonable restraint, the Environmental Quality Commission, pursuant to House Bill 1228, banned the issuance of permits for burning in Linn, Benton, Lane, Marion and Polk counties on August 13, 1969 for a period of seven (7) days. For the first time in almost 30 days, according to Mayor Anderson of Eugene, the citizens of Eugene and Springfield saw a blue sky.

#### ECONOMIC OUTLOOK

Certainly, it is not disputed that the seed industry is an important part of Oregon's economy. While testimony before this Commission by seed growers is

vague as to the extent of its contribution to the economy, it is conceded the industry is important to the state's agricultural interests. However, this Commission in considering the economic consequences of allowing or restricting field burning must always be guided by the overriding concern for the protection of this state's environment. Oregon's environment of clear blue skies, mountains and clear streams is an asset of vast worth. It is no mere change in form that this Commission's name was changed from the Sanitary Authority to the Environmental Quality Commission; a name change of substance and more in keeping with its duties and mission.

The protection of environmental quality includes the guarding of the scenic beauty of Oregon, the health and recreational enjoyment of the people of this state and certainly the promotion of tourism. Tourism and its allied fields of recreation, health and industrial promotion are also vital aspects of Oregon's economy. As Mayor Anderson of Eugene so aptly testified, conventions meeting in this state must warn visiting members that "smoke" is part of the Eugene scene in August. All evidence presented clearly shows that smoke from field burning not only damages environmental quality but also contributes heavily to a reduction in the tourist trade and causes economic stagnation.

It is therefore this Commission's opinion that the protection of the environmental quality of this state, the health and enjoyment of its citizens and the tourist trade, outweighs the economic consequences of past liberal burning schedules.

#### FINDINGS - THE EFFECT OF SMOKE AND BURNING

The evidence and data submitted to this Commission by the citizens of this state, the seed growers themselves, the staff of the Department of Environmental Quality, and police officials clearly show an intolerable air pollution condition existing in the upper Willamette Valley and particularly in the Eugene-Springfield area. The smoke from field burning has caused in the outdoor atmosphere air contaminants in sufficient quantities, duration and characteristics to unreasonably interfere with enjoyment of air and property and, in some cases, to be injurious to human life. Medical reports and statements of inhabitants of Eugene-Springfield show hundreds of cases of "weepy" red eyes, "drippy" noses, extreme coughing fits,

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hacking and shortness of breath. Evidence submitted testifying to the limited use of recreational land and private residence property. Outdoor patio use and home cookouts have come to a standstill. Children have been prevented from using outdoor swimming pools because of smoke and particulates contaminating the pool waters. The visibility in Eugene was so reduced that distances were measured in terms of blocks and not miles. Large quantities of soot and particulate matter were deposited upon clothing, automobiles and residences, sometimes on fresh paint. At one point during extreme smoke conditions, the office of the Eugene Register-Guard reported smoke literally pouring into their building through air conditioner systems.

The smoke was not only responsible for unreasonable interference with the use of property. Dr. Edward Press, State Health Officer, confirms the reports and testimony before this Commission, along with physicians in the affected area, that smoke can be a real danger to individuals inhaling quantities of smoke at one time, and particularly to those persons already suffering from respiratory and pulmonary conditions. A leading physician and allergist in the Eugene area, Dr. Service, testified before this Commission there was no cure for people who visited his office suffering from smoke inhalation. The only available prescription was to leave the affected area and obtain temporary relief.

Captain John Williams of the Oregon State Police testified before this Commission that smoke has caused poor visibility on Interstate 5, which is noted to be a major north-south freeway in the state. The hazards of smoke have created extremely poor driving conditions and have been at least indirectly responsible for one driving fatality.

#### CONCLUSION

This Commission has attempted to control field burning by two previous schedules, adopted pursuant to House Bill 1228, based upon marginal days and atmospheric conditions. Many suggestions of the seed industry were incorporated in said schedules. From testimony and evidence submitted it is amply clear the schedules proved inadequate. This of course was a moving factor in the complete ban in the issuance of permits for field burning entered by this Commission on

August 13, 1969.

This body cannot overlook that the seed industry has partially attempted to justify their practice of field burning on the basis that this Commission has "singled" them out alone for control but has not attempted to regulate other sources of pollution, such as wigwam waste burners. The truth of the matter is that other sources of pollution are subject to full regulation by the Department of Environmental Quality and have literally expended millions of pollution control facilities, while the seed industry only came under the limited jurisdiction of this agency on July 1, 1969, and have spent little in the way of pollution control. It should also be stressed that this Commission has ordered the phase-out of wigwam burners which is now taking place.

The new schedule and order proposed by this Commission will go into effect August 20, 1969. Notice of this intended action has been circulated as far as practicable to all interested persons to afford them an opportunity to comment and submit data. The new schedule limits the extent of total acreage to be burned because it has been learned sadly to our dismay that the only effectual method left untried to control air pollution is to attempt to limit total acres to be burned at one time in one location. This original proposal by the Commission was loudly shouted down by the seed growers.

The Commission is hopeful that this schedule and restrictions will control and alleviate the intolerable air pollution existing in the upper Willamette Valley. However, in the event stronger controls become necessary, this Commission will fulfill its duties under law.

Based upon the evidence, testimony, data and information submitted to it by health officials, police officers, seed growers, city officers, the Department of Environmental Quality staff and citizens of this state, the Commission has weighed such evidence against the consequences of liberal unrestricted burning and is of the opinion that burning should be strictly controlled and that certain crops should not be burned in the future in order to protect the air resources of the state and the public health and welfare of the people of this state.

For the Environmental Quality Commission.

Dated this \_\_\_\_\_ day of August, 1969.

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B. A. McPhillips, Chairman,  
Environmental Quality Commission.