

1-30-09 Outdoor Burning

It's almost outdoor burning time! All year long we add stuff to our burning spot out in the yard. Is your pile ready? It is supposed to be for brush only but I bet there's a good chance it has some old furniture along with the dried up Christmas tree to really get the fire started with a flash. The rest of the year, people keep the package of marshmallows or hotdogs handy so that they can claim the fire is for cooking purposes. That way, they can burn whenever they want and without a permit. Sound familiar?

Reality meets mandates. If there's a loophole, people will find it. If illegal free solutions are available, they are tempting compared to the costly legal options. That's why we see tires on the side of the road and in the winter a lot of rubbish is burned along with the brush. Maybe we can create a new word to describe this activity. We could call it rubbrush burning.

Outdoors, we also see an increase in fires for mood elevation as well as meal preparation and rubbrush disposal. Legally, it is only allowed for cooking food, without a permit from the Fire Department. Falling between the legal cracks are the barrels, pits and chimineas used for burning twigs and brush, while warming the hands and encouraging people to sit and relax. The last five years or so have seen an increase in this fun outdoor activity. It is not so fun for the neighbors, though, if the smoke blows over to their house and into their windows. Some people even burn green wood and rubbish all year long in these outdoor containers, thus sparing them from having to buy those costly town bags.

The next trend in burning and public health hot topic will be the Outdoor Wood Hydronic Heaters (OWHH). These OWHH sit outdoors in little shed-like structures, where they burn wood to heat water that is piped underground to homes, barns and offices. These burners have short metal stacks for the release of the smoke. The smoke tends to be cool because the metal stack does not insulate the smoke as a brick chimney does. The relatively cool smoke from OWHH tends to be heavy and low, floating close to and parallel to the ground for long distances. While the health of the owners of OWHH tends to improve, especially if they formerly used wood burning stoves in their house, the health of their neighbors declines as their homes and yards are filled with smoke.

All smoke is dangerous to breathe. Wood smoke contains chemicals and particles similar to cigarette smoke. Just because something is legal, does not mean it is safe. Locally, there is a task force gathering information on a proposed energy plant. The task force wants to know what safety measures will protect people who live down-wind of the plant from breathing in particulate matter. Are there any task forces learning about wood-burning smoke from our neighbors? Well, maybe there aren't any in the news and maybe they don't have a name but there are small groups of people who are angry and worried about the health risks suffered as a result of their neighbor's actions. Not very neighborly on the part of the burners, is it? The angry ones sometimes attend the local board of health meetings asking for help. A board of health can document the smoke and assist the involved parties in mediation.

Can a board of health issue a "cease and desist"? The board has the authority under state law M.G.L. Ch. 111, Sect. 31, which states that "Boards of health may make reasonable health regulations." The local board of health is also referred to in the fire

department regulations as one of the “AHJ”s. An AHJ is an Authority Having Jurisdiction. The AHJ “could be the local fire chief or the health department”. Authority to regulate does not result in magical powers, though. If smoking cigarettes is legal, we can’t make it illegal. We can only limit the places where it is allowed. If owning an OWHH is legal, we can only try to inform and guide people and, if thought necessary, regulations could be promulgated that would specify the where, when and how-s of using an outdoor wood burner.

Promulgating regulations is usually a very time consuming process, especially if the regulation is a brand new topic. Without precedent to use as a model, the wording, the concepts, the phraseology, the enforcement and the definitions all have to be crafted. Once the document is considered ready for public feedback, the promulgation process can begin. That process involves very specific steps to keep the public informed and to gather knowledge and feedback from the public. If the board of health has not taken those steps, then it is premature to regulate the activity that is the topic of concern.

As usual, the duties of a board of health are very similar to parenting. It is wise for the parent to think before speaking and the parent had better be prepared to carry out the proclamations. Yes should mean yes and no should mean no and both responses proclaimed for good reasons.

Please visit EPS’s website for more information on cleaner and more efficient OWHH at epa.gov/woodheaters. Please note the “er” on cleaner and the “more” in connection with efficient. The site does not promise a clean or efficient heater; only more so. With that information in hand, we can try to be the best neighbor, considering others as we would wish to be considered.

Cathleen Drinan is the health agent for the Town of Halifax. Please bring your burning issues to her attention at 781 293 6768 or cdrinan@town.halifax.ma.us