



## Agricultural Open Burning

During the 2003 legislative session, amendments were made to the Open Burning Statute. The changes were made under House Enrolled Act 1657 that amended Indiana Code (IC) 13-17-9-1. These changes become effective on July 1, 2003. This fact sheet outlines the changes made to the statute and provides guidance for implementation of the new statute.

### What changes did the legislature make to the open burning statutes that affect open burning in Indiana?

House Enrolled Act 1657 added that a person may open burn vegetation from agricultural land for maintenance purposes if the open burning occurs in an unincorporated area.

### What can be burned based on the change to the statute?

Only vegetation may be burned. Materials, such as refuse, household trash and outdoor waste, plastics, tires, building materials or other debris, treated wood, asbestos or any other non-vegetation material can not be burned.

The burning must occur in an unincorporated area where there is no local open burning ban and must be conducted on the site where the vegetation was generated. If the land is used for industrial, institutional, or commercial purposes, open burning is not allowed under this change.

Residents of a housing development are subject to residential burning requirements including burning clean wood waste in a noncombustible container.

The burning of vegetation must be for maintenance purposes only and not for clearing land involving a land use change.

### What conditions must be met for agricultural open burning?

- A person who open burns shall extinguish the fire if the fire creates a nuisance or fire hazard.
- Burning may not be conducted during unfavorable meteorological conditions such as high winds, temperature inversions, or air stagnation.
- All fires must be attended at all times during burning until completely extinguished.

### Where can I get copies of the open burning statutes and rules?

House Enrolled Act 1657 is available at <http://www.IN.gov/idem/busleg/2003/HEA1657.pdf>.

Indiana Code 13-17-9-1 is available at <http://www.IN.gov/legislative/ic/code>.

Indiana Administrative Code 326 IAC 4 is available at <http://www.IN.gov/legislative/iac/title326.html>

All persons conducting agricultural open burning should contact their local air pollution control agencies, local fire department, or health department to check for local laws or ordinances that may apply to open burning. Local law or ordinances more strict than the state's open burning law exist in many counties and communities. If this is the case, the more restrictive requirements apply.

- For additional information contact: Indiana Department of Environmental Management  
Office of Air Quality  
800-451-6027, and ask for extension 2-8440