



NYS Burn Ban Goes Into Effect on March 16th Through May 14th, 2018.

DEC Reminds New Yorkers That Residential Brush Burning is Prohibited March 16th Through May 14th.

Burn Ban Reduces Wildfire Risks, Protects Lives and Property

The Department of Environmental Conservation (DEC) reminds New Yorkers that residential brush burning in towns with less than 20,000 residents is prohibited from March 16th through May 14th. Once the snow cover is diminished and warm temperatures begin, experts believe conditions for wild fires will be heightened in the coming weeks.

DEC posts a [fire danger rating forecast map](#) on a daily basis on DEC's website. Currently, fire conditions in the northern part of the state are low risk, however the Hudson Valley and Long Island regions are experiencing moderate risk conditions.

Open burning of debris is the largest single cause of spring wildfires in the state. When temperatures are warmer and the past fall's debris and leaves dry out, wildfires can start and spread easily and be further fueled by winds and a lack of green vegetation.

New York enacted strict restrictions on open burning in 2009 to help prevent wildfires and reduce emissions. The regulations allow residential brush fires in towns during most of the year, but prohibit such burning in spring when most wildfires occur. In the five-year period since the ban was enacted, the average number of spring fires per year decreased by 33.4 percent, from 3,297 in 2009 to 1,649 in 2015.

The DEC also urges citizens to employ alternatives to burning brush, like chipping wood and downed branches for use as mulch and composting yard waste, leaves and plant clippings for use in gardens.

Campfires using charcoal or untreated wood are allowed, but people should never leave fires unattended and must completely extinguish them before leaving the area. Burning garbage or leaves is prohibited year-round.

Some towns, primarily in and around the Adirondack Park and Catskill Park, are designated "fire towns," and open burning is prohibited year-round in these municipalities unless an individual or group has a written permit from DEC. To find out whether a municipality is designated a "fire town" or to obtain a permit, contact the appropriate DEC regional office. A list of [regional offices](#) is available online on DEC's website.

Violators of the open burning state regulation are subject to both criminal and civil enforcement actions, with a minimum fine of \$500 for a first offense. To report environmental law violations call 1-800-TIPP DEC (1-800-847-7332), or [report online](#) on DEC's website.

Questions and Answers Regarding Open Burning

1. Do the regulations on open burning make burning household trash in burn barrels or piles illegal?

Yes. Burning trash is prohibited statewide in all cases. Our existing incinerator rule already prohibits burning household trash in wood stoves, fireplaces, and outdoor wood boilers. DEC recommends that you [recycle](#) all appropriate materials (such as newspaper, paper, glass and plastic) and [compost](#) your organic kitchen and garden waste.

Watch a PSA on [open burning](#) and check out other clips on DEC's [YouTube Channel](#).

2. What are the regulations on open burning in New York State?

All open burning is prohibited in New York with several exceptions including the following:

- Campfires less than 3 feet in height and 4 feet in length, width or diameter are allowed.
- Small cooking fires are allowed.
- Fires cannot be left unattended and must be fully extinguished.
- Only charcoal or clean, untreated or unpainted wood can be burned.
- Ceremonial or celebratory bonfires are allowed.

In towns with a total population less than 20,000, you may burn tree limbs with attached leaves. The limbs must be less than 6 inches in diameter and 8 feet in length (also referred to as brush). However, this is not allowed from March 16th through May 14th due to the increased risk of wildfires.

See [Section 215.3](#) (link leaves DEC's website) for a full list of exceptions.

3. Why has DEC changed the regulations allowing open burning in New York State?

[Open burning](#) of household trash releases [dangerous compounds](#) including arsenic, carbon monoxide, benzene, styrene, formaldehyde, lead, hydrogen cyanide and dioxin, among others. Open burning is also the single greatest cause of [wildfires](#) in New York.

4. Can I burn leaves if I live in a rural area?

No, burning leaves is banned in New York State. We encourage you to [compost leaves](#).

5. Your rule says firewood must be untreated, some firewood is heat-treated, is that allowed?

Some firewood is heat treated (kiln dried) to control invasive insect species if it is to be transported over 50 miles. Heat treated firewood is not intended to be prohibited. However, the burning of chemically treated wood such as pressure-treated lumber and plywood is prohibited.

6. Are open fires allowed to control invasive plant and insect species?

Yes. Case-by-case DEC approval is not required.

7. Can agricultural wastes be burned?

Yes, organic agricultural wastes may be burned on-site where they are grown or generated including brush and wood produced by clearing fields and other activities. The fire must be located on contiguous agricultural land larger than 5 acres, and the materials capable of being fully burned within 24 hours.

The burning of pesticides, plastics or other non-organic material is prohibited.

8. Can I burn liquid petroleum fueled smudge pots to prevent frost damage to crops?

Yes. However, burning tires and other wastes for smudge is not allowed.

9. Can prescribed burns be performed?

Yes. Prescribed burns, the burning of forest land to achieve a vegetative or wildlife management goal, can be performed but only in accordance with DEC regulations. Check with your regional DEC office.

10. Are fire training burning activities allowed?

Yes, with some restrictions on the use of acquired structures and in accordance with guidance from NYS Dept. of State's Office of Fire Prevention and Control. The Fire Services Bureau may be reached at 518-474-6746.

11. Are individual open fires to control plant and animal disease outbreaks allowed?

Yes, as approved case-by-case by DEC, upon the request by the Commissioner of Agriculture and Markets.

12. Can I dispose of a flag or religious item in an open fire?

Yes, in a small-sized fire if it is not otherwise prohibited by law or regulation.

13. Can a town prohibit open burning that the state allows?

Yes, towns, villages, cities and counties can pass ordinances that are stricter than, and not inconsistent with, the open fires regulations. You should check with local authorities to find out if local law requires a permit or prohibits open fires.

14. Can explosives, or other dangerous contraband, be burned?

Yes, on an emergency basis by police or other public safety organizations only.

15. Can brush piles be burned at transfer sites?

No, the practice of burning large piles of brush collected from local residents at town or county transfer sites is prohibited. The individual landowners in small towns may burn their brush on site as discussed under question 2 above. Downed limbs and branches generated at a transfer site are also allowed to be burned on site with the same restrictions.

16. Where should I call to report an illegal open fire?

Report all poachers and polluters by calling the DEC hotline at 1-844-DEC-ECOs (1-844-332-3267).

The Department has received many questions regarding DEC's implementation of [Part 215](#), regarding open fires. This document is intended to inform the general public about open fire regulation in New York and assist the regulated community in understanding the requirements of [Part 215](#).