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6/28/16

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Submitted via email: paula.wilson@deq.idaho.gov

**RE: Idaho Conservation League comments on Docket No. 58-0101-1601:
Preliminary Draft No. 2 of DEQ's Crop Residue Burning Rule**

Dear Ms. Wilson,

Thank you for the opportunity to comment on the second preliminary draft of DEQ's Crop Residue Burning (CRB) Rule. Since 1973, the Idaho Conservation League has been Idaho's leading voice for clean air, clean water, and wilderness—values that are the foundation for Idaho's extraordinary quality of life. The Idaho Conservation League works to protect these values through public education, outreach, advocacy and policy development. As Idaho's largest state-based conservation organization, we represent over 25,000 supporters, many of whom have a deep personal interest in protecting and restoring air quality throughout Idaho.

Clean air is a vital component for communities to flourish and is critical for the health and welfare of Idaho's citizens and the tourist industry. The primary function of this CRB Rule is to facilitate Idaho's agricultural community while protecting the health of residents impacted by burns. Since its inception, the CRB rules have been predicated on striking a balance between Idaho's agricultural economy and public health concerns. With regards to public health, these rules must be designed to protect residents from risks associated with both short-term exposure, such as asphyxiation and accidents associated with poor visibility, and risks resulting from chronic exposure, such as decreased lung efficiency and potentially cancer.

In the second draft of the CRB rules, DEQ is proposing to allow burning on days where ambient air quality does not exceed 90% of the national ambient air quality standard (NAAQS) for ozone and 75% of the NAAQS of PM_{2.5}. This is in contrast to the previous draft, which limited burning to days where ambient air quality did not exceed 90% of the NAAQS for ozone and 65% of the NAAQS of PM_{2.5}. We have serious concerns over DEQ's backsliding on the PM_{2.5}, and feel that the proposed limits are not protective of public health, particularly when considered in tandem with the proposed less-stringent ozone standard.

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When considering a relaxation of ozone standards, one must not disregard the potential health effects of ozone exposure, including: irritating the respiratory system, reducing lung function, inflaming and damaging cells that line your lungs, increasing your lungs susceptibility to infection, aggravating asthma and other chronic lung diseases such as emphysema and COPD, and most seriously, causing permanent lung damage. Repeated short-term ozone damage to children's developing lungs may lead to reduced lung function in adulthood.

Relative to ozone, PM_{2.5} represents a much greater concern based on its impacts to human health and the fact that crop residue burning is a direct emitter of this pollutant. Dr. Craig Dietrich, with the Idaho Department of Health and Welfare's (IDHW) Environmental Health Education and Assessment Program (EHEAP), presented results from a study performed at the request of DEQ analyzing the negative health effects associated with ozone and PM_{2.5}¹. Dr. Dietrich's presentation included the most recent science available that analyzed data over variable geographic regions and time periods (both annually and seasonally). The science unanimously concluded that PM_{2.5} is attributable to over twice as many premature deaths relative to ozone. Stated simply, the lower the PM_{2.5} concentration the better.

If burns occur on days with high levels of ambient ozone then certain populations will already be experiencing or be susceptible to respiratory issues, regardless of any ozone inputs from crop burning. These health risks are only compounded when PM_{2.5} is emitted during burn events. That is why it is essential that increases (less-stringent) in ozone triggers be accompanied by a fair and equal decrease (more stringent) in PM_{2.5} triggers. Without this balance, DEQ will be exposing the public to greater health risks relative to the current CRB rules.

As stated previously, balance of these rules is achievable when an increase of the ozone trigger corresponds to an equal decrease of the PM_{2.5} trigger. The current draft is written with an ozone trigger of 90% of the NAAQS. Therefore, PM_{2.5} should receive an equal 15% decrease, bringing the trigger point to 60% of the NAAQS for PM_{2.5}.

At the negotiated rulemaking for this draft DEQ presented an analysis detailing the effect a change to 60% of the NAAQS for PM_{2.5} would have on the number of burn days available for growers in five areas throughout Idaho. Moscow and Bonner County were the most sensitive areas showing on average a loss of 2-3 burning days available to growers associated with this change. However, Twin Falls, Soda Springs, and Idaho Falls all would gain 28, 33, and 29 burn days, respectively, utilizing equal offset triggers of 90% for ozone and 60% for PM_{2.5}. While certain areas do experience a negative impact, this loss is relatively minor, particularly when compared to the significant gains experienced throughout other areas in the State. We remind DEQ that these rules are designed to be implemented throughout the State, and should therefore not be tailored for one specific area.

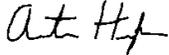
¹ <http://www.deq.idaho.gov/media/60178475/58-0101-1601-health-welfare-presentation-051816.pdf>

In meetings preceding this negotiated rulemaking, the Crop Residue Burning Advisory Committee – a committee made up of growers, health professionals, and environmental groups – recommended the use of 60% of the NAAQS for PM_{2.5}. That being said, we recognize that during the negotiated rulemaking on June 23rd there was concern over the use of 60% threshold for PM_{2.5} and upcoming changes to the PM_{2.5} NAAQS. We strongly believe that consensus and compromise is the path to success for the CRB program. With that interest in mind, we believe it is fair to consider options that equally balance changes made to trigger points (i.e. - if a trigger of 65% for PM_{2.5} is ideal, than the ozone trigger should only be increased to 85%).

With regards to the three implementation options presented at the rulemaking session, we believe Option 1 is the most prudent measure. Option 1 provides the U.S. Environmental Protection Agency ample time to complete a rigorous review for the approval of the State Implementation Plan. Additionally, Option 1 does not put growers in undue risk of financial losses due to discrepancies between state and federal standards.

Please do not hesitate to contact me at 208-345-6933 ext. 23 or ahopkins@idahoconservation.org if you have any questions regarding our comments or if we can provide you with any additional information on this matter.

Sincerely,



Austin Hopkins
Conservation Assistant