Ohio Open Burning Laws

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It is that time of year when we clean up the area and start to prepare for winter. Farmers and those living in the country are doing the same thing.

Those in town often think that when you live in the country you can pretty well do what you want since you have privacy, space and independence of city ordinances. This perception often includes the thought of burning vegetation or discarded stuff.

However, Ohio law limits farmers on what they can burn, where they burn, and when they can burn. They also include requirements that a farmer must do in certain types of open burnings.

Rural burning activities also fall under the jurisdictions of various agencies depending on the type of burning. If the burning activity may affect air quality, it will follow under Ohio Environmental Protection Agency rules. If it may affect wildlife activities, it will fall under Ohio Department of Natural Resources regulations.

Ohio law allows the burning of agricultural waste in unrestricted areas. Agricultural waste generally includes material generated from routine production practices.

This material would include crop and landscape debris, debris from stream flooding, and various containers of products used by the crop and livestock industry. Pesticide containers and seed bags may be burned as long as the label or seed tag states that the manufacturer has identified opening burning as a safe disposal method.

Items that would not fall under the definition of agricultural waste and could not be added to a burn pile include: standing or fallen buildings, building materials, food waste, dead animals, materials made from petroleum or containing plastic, rubber, grease, asphalt, motor vehicles or auto parts.

Ohio law limits the location of burning agricultural waste. Agricultural waste may only be burned on the property where the waste is generated; the waste may not be taken to a different property for burning and a farmer cannot receive and burn waste from another property.

Burnings are also restricted within certain distances from villages and buildings inhabited by people (the regulation distance depending on the local population). The fire must also be at a location that it does not obscure visibility for roads, railroads or air fields.

Rural burning restrictions also apply depending on the time of year. Ohio’s wildfire laws do not allow open burnings from 6:00 a.m. to 6:00 p.m. from March through May and October and November.
Weather and environmental conditions during this time of year may allow fires to easily get out of control. Also volunteer fire departments are not well staffed during this time of day.

Farmers are exempt from some of these restrictions if the open burning occurs in a plowed field or garden that is at least 200 feet from any woodland, brush area, or field containing dry grass or other flammable material.

Where open burn causes harm to people or property, civil liability may arise. An open burn that reduces roadway visibility and results in an auto accident, escapes the property and harms neighbors or neighboring property or significantly interferes with other owners’ property use could result in a negligence or nuisance lawsuit.

Open fires always carry risk and one cannot be too cautious. October 6 - 12 is Fire Prevention Week. Now would be a good time to think about ways to prevent fires in the town and country.

Additional information may be found about open burning regulations at Ohio EPA Division of Air Pollution Control (http://epa.ohio.gov/dapc/general/openburning.aspx) and ODNR Division of Forestry (http://www.ohiodnr.com/tabid/5146/Default.aspx) and at Ohio State University Extension’s Ohio Agricultural Law Blog, (http://ohioaglaw.wordpress.com/2013/04/23/burning-crop-debris-is-legal-isnt-it/).

On a different subject, farmers got a good start on soybean harvest and wheat planting last week. However, after the heavy rains this past weekend, it will take some time before fields become dry enough to continue the harvest.