

Frequently Asked Questions  
2012 Amendments to  
Hawaii Administrative Rules (HAR) 11- 60.1  
Subchapter 3, Open Burning

Open Burning

Section 11-60.1-51, HAR, defines open burning as *“the burning of any matter in such a manner that the products of combustion resulting from the burning are emitted directly into the ambient air without passing through an adequate stack or flare.”*

Why is there a ban on backyard burning?

There are several good reasons to stop the backyard burning of green waste and household trash. The smoke from such fires constitutes an unnecessary nuisance and possible health hazard. Wood smoke can affect everyone, but children under 18, older adults, people with diabetes, heart disease, asthma or other lung diseases are especially vulnerable.

In addition, the careless burning of certain materials, (e.g., plastics, paints, resins, used oils, herbicides, insecticides, poisonous plants, and contaminated paper) and the difficulty in effectively policing and enforcing the restrictions on the type of burn materials, is of concern. The practice can be a significant fire hazard as well and is prohibited during the drought periods that are prevalent in most of the counties. Finally, there is no longer any valid justification for continuing this practice and adding to the air pollution, health hazards, and fire risks in Hawai'i. The rationale for allowing backyard burning has been that some rural neighbor island areas had limited means of yard waste and household trash disposal. Generally, this is no longer the case and counties are moving toward improved trash pick-up and disposal with improved paper and green waste recycling or utilization programs.

Why is there a ban on making fires to heat water for bathing?

The repeal only stops people from *heating water using open burning* (see definition above). The Department of Health (DOH) wants to encourage those who use fires to heat water for their baths to switch to cleaner burning fuels such as synthetic natural gas, propane, or butane. Electricity is also an option.

Anyone who relies on wood to heat bath water may continue to do it using a wood furnace or an immersed or external wood burning heater. These can be used as long as smoke is allowed to vent into the ambient air through an adequate stack.

Is it illegal to make fires for a barbeque or for cooking of foods outside?

Open burning fires for the cooking of food is allowed (HAR 11-60.1-52(b)). The new rules require that the fire be attended. Cooking includes grilling, making swill for pigs, and using an imu or smokehouse.

### Are bonfires illegal?

Bonfires are only allowed with approval from the Director of Health or the director's designee. To request approval, send or email a letter to the Director of Health with the following information: what event the bonfire is for; date and time of event; where event will be held; responsible contact person and phone number.

Please note that campfires and bonfires are illegal on all public beaches and parks, unless there is approval from the Department of Land and Natural Resources or the respective county having jurisdiction.

### Why is agricultural burning allowed and not banned too?

Agricultural burning continues to be allowed and regulated by permit. The Agricultural Burning Permit (AGP) allows legitimate agricultural businesses to burn green waste from their agricultural operations. The permit includes conditions that limit what materials can be burned, when burning may occur, and the method of burning. These conditions help to minimize smoke from affecting the public.

The practice of agricultural burning is still widely used in Hawaii as well as other states such as California and Louisiana. The benefits of agricultural burning are: to improve crop yields; dispose of crop residue; and control weeds, pests, and disease while reducing the need for herbicide and pesticide treatments.

### What are the consequences of open burning?

Any open burning is the responsibility of the person owning, operating, or managing the property, business or industry where the open burning is occurring. Persons violating the open burning rules are subject to fines up to \$10,000 per violation, per day.

### What about the smoke from fireplaces?

Fireplaces in homes are not considered open burning since the products of combustion (smoke) pass through an adequate stack or flare (the chimney) before being emitted into the ambient air. The DOH does not regulate the smoke emissions emitted from home fireplace chimneys.