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Weekly



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Blowing Smoke

Will Kulongoski put out the field fires?

By Camilla Mortensen

Where there's smoke, there's fire, but in Lane County's case, the fires that cause inconvenient smoky days for some and life-threatening choked airways for others are usually burning in the grass fields of counties to the north.

Many Oregonians are hoping for a ban on the burn and attorneys for the Western Environmental Law Center (WELC) say Gov. Ted Kulongoski has the power to do just that. So why hasn't the governor put out the fires? And if he doesn't, who will?

The smoke that blew up from wildfires in California during the Olympic Trials was a grim reminder for many residents of Eugene and nearby cities that, despite the temporary ban on grass field burning during the Trials, there's smoke on the way. The ban was lifted the Tuesday after the Trials, but so far no fields have burned this year due to a late harvest, says Sally Markos of Lane Regional Air Protection Agency.

The burning has been supposedly "phased down" for years, yet the smoke keeps on blowing. Oregon's grass seed industry brings millions of dollars into Oregon's economy, but opponents to field burning say that the money isn't worth the health risks. Grass seed growers say the smoke's not all that bad. Opponents want to end the smoke immediately, but so far all they are seeing is an offer for another phase-down.

Smoky History

Kulongoski recently announced that he is directing the Department of Environmental Quality (DEQ) to work on a phase-down plan for field burning to be introduced to the Legislature in 2009 with a phase-out by 2016. This isn't the first time an Oregon governor or legislator has called for a phase-down and so far none of them have ended the flames. Field burning opponents wonder if this plan isn't just another proposal that ultimately lets the



Airplane view of a field burn

burning continue.

Field burning in Oregon actually all started with an accident — an unplanned burn in a field in the 1940s eliminated a fungus called “blind-seed” disease that kept seeds from germinating. After that, agronomist at OSU recommended the practice as a way of controlling pests and weeds and to reduce straw.

The first time the practice was banned was in 1969 when then-Gov. Tom McCall placed a 10-day ban in response to what was called “Black Tuesday.” On “Black Tuesday,” McCall came down to Eugene/Springfield and witnessed the smoke rolling in and turning the skies black. Add to that the 5,000 complaints that poured in that year and the result was a 1971 bill banning the burn by 1975. Grass seed growers cried out that their industry was doomed.

That ban didn’t last long. By 1971 it had turned into the first “phase-down” that was to reduce the more than 200,000 acres being burned to 50,000 in 1978. That phase-down didn’t help runner Steve Prefontaine the day he raced at Hayward Field during a burn and wound up coughing blood. In 1977 the phase-down was revised and more than 100,000 acres were still being burned, and within a couple years that was upped to 200,000 acres.

In 1988 grass seed farmers burned 168,000 acres in Oregon. That was the year drifting field burning smoke caused a vehicle pileup on I-5 that killed seven people and injured 38. The accident led to yet another phase-down bill in the Legislature that was to drop the number of acres to below 50,000. The number of acres burned has stayed around 50,000 ever since, but the fight continues.

The Business of Burning

According to the Oregon Seed Council, the grass seed industry has an economic impact of about \$1.35 billion. Profits fund a powerful lobby in the Oregon Legislature. The Willamette Valley produces most of Oregon’s grass seed — 460,000 acres. Oregon’s cool, moist winters and hot, dry summers are ideal for grass seed growing, according to the Seed Council, which claims that “A high percentage of soils in the Willamette Valley are well suited to growing grass and of limited value for producing other crops.”

The grasses grown are mainly cool season grasses and they include annual and perennial ryegrass, tall fescue, fine fescue, orchardgrass, bluegrass and bentgrass. The grasses are used for everything from hay for livestock forage to designer turf for golf courses.

Former legislator Roger Beyer (R-Mollalla) resigned his seat in the Oregon Senate in January to become the executive secretary of the Seed Council.

Beyer calls field burning, “an accepted agricultural practice” and says that it “clears the fields by killing weeds and insects.” Though mice are often cited as a reason for field burning, Beyer says rodents live in burrows and are less affected by fires.

According to Beyer, field burning is a necessity for some of the 1,400 grass seed farmers and that the fields they farm the grass on are useless for other crops. “Annual ryegrass is grown in the poorest soils in the south Willamette Valley,” says Beyer. The fields are water-saturated near the surface for six to seven months of the year, and the rest of the year “most people don’t have water rights to irrigate.”

He also points out that grass seed farmers have borne the brunt of finding alternatives to burning: “We

fund research to the tune of about a half million dollars a year,” he says.

Alternatives include baling the straw left behind for export and sale, and chopping the straw and leaving on the field to improve the soil. Beyer says the Seed Council is also looking into the grass seed byproduct as a source for biofuels — cellulosic ethanol for cars or methane gas production. Some consider propane flaming in which weeds are burned individually an alternative as well.

Field burning opponents point out that Washington State has banned grass seed burning legislatively, an Idaho has banned it via the court system. But Beyer argues that farmers can still burn wheat and alfalfa in Washington, and he says that “bluegrass farming shifted to Indian reservations,” which are not regulated by the government.

The Battle of the Burn

“Reduced or lack of burning causes the farmers to use more pesticides to counter the problems,” says Beyer.

Lisa Arkin of the Eugene-based Oregon Toxics Alliance disagrees. “Grass seed farmers are going to use that argument to split the environmental community,” she says. “Many alternatives to burning also serve to reduce weeds.”

According to Arkin, “OSU research shows that when you put mulch back on the fields, you suppress weeds. It’s the same process the organic farmers use.”

“They already use pesticides on a lot of the fields,” she says. “By stopping burning we are not creating a new problem with pesticides; we already have the problem.”

She wonders if grass seed for elegant, weed-free turf is really the highest and best use of Oregon’s farmland. “We like the Disneyland look,” Arkin says. “While the governor has championed the grass seed industry as a major Oregon exporter, I think that as fuel costs rise and food becomes more scarce we should grow more food and less designer grass.”

Arkin is also concerned with the effects of the field burning smoke on Oregonians. But Beyer argues that “Field burning rarely, if ever, puts smoke into the Eugene area.”

One of those times smoke did get into Eugene was last July when a 55-acre burn near Harrisburg blew south, instead of out over the Coast Range as planned. LRAPA air monitors showed a spike of more than 10 parts per million in fine particulate matter at the downtown air quality monitoring station.

The fine particles from field burning smoke, also called PM 2.5, are the issue for those who suffer from health problems. Thousands of the smallest of these particles can fit on the period at the end of this sentence, according to the Environmental Protection Agency. These particles can penetrate to the deepest parts of the lungs and the EPA says they are linked to “numerous health problems including asthma, bronchitis, acute and chronic respiratory symptoms such as shortness of breath and painful breathing, and premature deaths.”

Dan Galpern and Charlie Tebbutt, attorneys at the Western Environmental Law Center, say that, “Willamette Valley residents heavily subsidize field burning with their health,” and they want Kulongos

to put an immediate end to the burn. They point to the case of a 37-year old Idaho woman with asthma who died after inhaling field burning smoke while camping in her backyard with her young children.

Bills, Bills, Bills

Last year, Rep. Paul Holvey (D-Eugene) introduced a bill to end field burning. The bill was strongly opposed by the grass seed lobby and was blocked by the House Agriculture and Natural Resources Committee, never coming to a vote.

Holvey intends to introduce another bill in 2009, he says. The new bill will be “relatively similar” to last year’s bill, and he hopes to have it finalized by November. This bill, if passed, would put out the fires. “Field burning must come to an end,” he says, “My constituents have told me clearly that it’s time to demand clean air.”

“The impact to the public health is really the driving force,” for the bill, according to Holvey, “State agencies have turned a blind eye to the studies that show the health impacts Oregonians face.”

Kulongoski also has plans to introduce a bill. His plan, which is currently a “legislative concept” developed by the Oregon Department of Agriculture and the Oregon Department of Environmental Quality, calls for another phase-down of field burning. The plan will also be ready in November, according to his Deputy Communications Director Jillian Schoene.

While Kulongoski himself did not speak to *EW*, Schoene says the plan is a “phase-out” rather than an outright ban because, “A phase-out proposal was successful in the past and we believe that it is the best approach for another successful compromise to both address the health concerns and provide predictabil for the seed industry in Oregon.”

When asked if the governor’s plan will be similar to Holvey’s previous bill, Schoene responded, “The p is similar to the successful legislation passed in 1991 in that it calls for a phase-down.” Many sufferers from field burning smoke don’t consider that plan successful since the continued burning has caused incidents like last year’s field burn in Harrisburg gone awry.

Holvey says, “It’s my hope that the governor and the agencies will look” at his previous bill. A phase-down, he says, “doesn’t go far enough in terms of protecting Oregonians.”

Putting Out the Flames

Dan Galpern of WELC says the governor can instruct the Environmental Quality Commission (EQC) “under existing statutory authority” to end the burning and protect “vulnerable sectors that are downwin such as children, the elderly and those with pre-existing illnesses.”

“Any discussion of a phase-down does not redress the health crisis these people face annually,” he says.

WELC and the governor’s office have been firing off letters back and forth about the demand to end the burn. The first letter, sent in June, backed up a letter sent unanimously by the Lane County commissione last year, asking the EQC to enact an emergency burning ban.

After a lengthy EQC hearing on the issue in Portland last August, many field burning opponents expect the EQC to enact an emergency ban. The hearing included heartfelt testimony from people like Eugene nurse Carla Hervert who said her patients in the cardiac and pulmonary rehab program are left struggling for air and even resorting to 24-hour oxygen after field burns.

“I don’t know if you have ever not been able to breathe, but it is the scariest thing there is,” she said at the time.

Instead the EQC asked for a \$90,000 study to get more information on the health affects of field burning. That study has not happened, though Galpern says hundreds of other studies already existed.

Members of the EQC are not elected, but are appointed by the governor.

WELC’s most recent letter to the governor addresses Natural Resources Director Michael Carrier’s assertions in his letter, dated July 10, that the governor does not have the authority to stop the burning.

The attorneys from WELC note “several errors that may have led him to decline their request that he urge the Environmental Quality Commission to determine that field burning presents an extreme threat to public health.”

Galpern says the phase-down plan is not enough, “If people need clean air by 2016 or 2020, then they need it in 2008.”

“We are hopeful that the governor will have the courage of his convictions and act on this problem,” say Galpern.

The field burning ball of fire is now back in Kulongoski’s court.

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