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Governor's proposal to curb field burning aired at meeting of commissioners

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South Willamette Valley residents may yet see the long-sought end to smoky summer skies through a bill proposed by Gov. Ted Kulongoski and unveiled in Eugene on Wednesday.

The bill — to be taken up by the Legislature next year — would cut the acreage that grass seed farmers can torch in the Willamette Valley by half to 32,500 acres in summer 2010 and then to zero in 2011.

“The governor is really concerned about health effects from exposure to smoke — and he’s felt that way for a long time,” said Andy Ginsburg, a state official who introduced the draft bill during a meeting of the Lane County Board of Commissioners.

The state has “a lot more” information this year about damage to health that’s associated with short-term exposure to heavy smoke, Ginsburg said.

Now, there’s “plenty of evidence” that shows sensitive people, including people with asthma or heart disease and children and the elderly, face a health hazard when they’re exposed to thick field smoke, he said.

About one-third of the general population is considered sensitive to smoke, according to the state Department of Environmental Quality.

Eugene and Lane County have opposed field burning for more than 30 years in the courts and Legislature. In summers, the prevailing valley winds are from the north so field smoke is prone to filling the south Willamette Valley skies.

In past years, the local governments have won court cases and legislative victories that were later turned back by legal and legislative actions of grass seed farmers.

It’s a big win for the anti-burning forces to get Kulongoski on their side, but whether that’s enough to sway the Legislature, which meets early next year, is unclear.

Although fewer than 150 Oregon grass seed growers now burn each year, the industry as a whole remains adamantly opposed to a ban on the practice.

"I would anticipate they'd oppose a field burning ban, yes," said Roger Beyer, a former state senator who is a lobbyist for the Oregon Seed Council.

So far this year, farmers have burned 27,800 acres. The 25,000-acre balance of the legally allowed amount is likely to be burned on a handful of days between now and when the rains start, usually in late September, a state official said.

Stopping the burning by summer 2011 isn't soon enough for Charlie Tebbutt, co-director of the Eugene-based Campaign to End Field burning.

"People are still suffering," he said. "The medical evidence is overwhelming. The alternatives are available. It's time for field burning to stop — and stop now."

State Rep. Paul Holvey and state Sen. Floyd Prozanski are drafting legislation for the 2009 session that would end field burning immediately. It will be a repeat for Holvey, who tried to move a bill in 2007 that was approved by the House Health Care Committee but killed by the House Agriculture Committee.

Holvey said Wednesday that the governor's new bill was far better than an earlier draft, which included a much longer phase-down that stopped field burning in 2016.

But Holvey said he opposes allowing two more years of smoke exposure.

"That isn't solved by a phase-down that's 10 years or three years," he said. "Those burns still pose a risk to the people who happen to be in the path of a burn that goes sideways and doesn't go up into the atmosphere. Every year we have examples where that happens."

If a phase-down is warranted in three years, it's warranted now, he said: "If it's good tomorrow, why not today?"

Ginsburg said the governor sees his own proposal as a rapid phase-down.

"A three-year phase-down to zero is fairly rapid in terms of shifts that are going to have to occur in the (grass seed) industry," he said. "If you had someone from the industry here, they'd say three years is extremely rapid."

The governor's bill allows for an exception to the ban in cases of "extreme hardship due to disease outbreak, insect infestation or irreparable damage to land (that) outweighs the dangers to public health or safety."

The Environmental Quality Commission, a body appointed by the governor to oversee the state's environmental policy, would make the call on whether a disease outbreak met the standard of an extreme hardship.

The seed council's position is that no alternatives to field burning exist that don't also increase fuel consumption, erosion, dust and pesticides.

For 25 years, the Legislature has required research into alternatives to field burning

and millions of dollars have been pumped into the pursuit. Many farmers have found ways to use waste straw, such as shipping it overseas to land-poor countries as cattle feed. But others insist they still need to burn.

Tebbutt said the situation is similar to when chlorofluorocarbons were banned from use in refrigerators in 1996. Opponents argued that people in less-developed countries would be hurt because they couldn't find a substitute, but that didn't come to pass, he said.

"All of a sudden there was a ban, and three months later there was a solution. And that's exactly what will happen in this case," he said.

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