



The British Columbia Fruit Growers' Association

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BC Ministry of Environment
PO Box 28159 Westshore RPO
Victoria B.C. V9B 6K8
also delivered by email: OBSCR@gov.bc.ca

Dear Sirs/Madams:

OBSCR - Response to Policy Intentions April 2016

We appreciate the ability to provide input into the proposed Open Burning Smoke Control Regulation (OBSCR). The BCFGAs recognizes the concern with regard to visible smoke and impact on human health - especially for people with compromised lung function.

With regard to the general need to regulation through the OBSCR, we are concerned that the relative importance of other sources that are not “open burning” is not being taken into account:

- other industrial sources of air contamination that are not “open burning”.
- vehicle sources of air contamination.
- non-industrial sources of air contamination, such as yard waste burning.
- transportation sources of air contamination, such as transport ship emissions and coal dust and other airborne contaminants from train transportation.
- non-industrial sources of smoke, such as fires in municipal land fill sites and wildfires.
- emissions from industrial sites processing pavement and other materials.

We note that some of this information could be provided through webinars, but webinars have not been set up. Therefore, our comments are provided without the benefit of gaining further understanding of the proposed policy through a webinar.

1. In the policy intention, it is noted that only 5% of the province has the most severe OBSCR restrictions. However, almost 100% of tree fruit farms will fall within the area of most severe OBSCR restrictions.
2. The setback of 500 meters from the nearest residence/business at first appears to be too restrictive for agriculture. However, this set-back is reduced to 100 meters if material is dry and venting index is good.

With a set-back of 100 meters, if a parcel has residences on its borders, then a parcel size of 200 meters x 200 meters is required to burn at a site in the centre of the parcel and comply with the set-backs. The parcel size will therefore be 40,000 sq. meters, or 4 hectares or 9.9 acres. This will have a very significant impact in the tree fruit sector.

Reducing the set-back to 75 meters has a significant impact on the parcel size, for a parcel surrounded by residences. The minimum parcel size that could burn would be 150

meters x 150 meters, or 22,500 sq. meters, or 2.25 hectares or 5.6 acres.

We understand the concept of set-backs reducing impact on neighbours, but do not have evidence of the amount of required set-back. As noted, a difference of 25% in setback has an impact of 50% on minimum parcel size that could be prohibited from open burning. The tree fruit sector requires further information before endorsing a particular setback.

3. Burning of diseased plant material has a 50 m setback and "fair" venting. This flexibility is important in making it possible to react quickly to destroy infested plant material and prevent the spread of disease or pests. The tree fruit sector appreciates this flexibility in managing diseased plant material.
4. We are not clear whether the setback is required of the growers and farm workers residences.
5. We are not clear how compliance with the regulations will be enforced - e.g. will compliance activities be complaint based?
6. The 1,000 / 500 meters setback from schools does not match the scale of reduction (500/100) that is used for residences and businesses. Further, many new schools have been built on ALR lands, in agricultural areas, since the ALR was established. Schools are a permitted use in the ALR. It is unfair for the province to intrude into ALR land with a non-farm use, then impose a restriction on nearby farms. It is more reasonable to have the same setback as residences and businesses. Schools built on ALR lands have saved funds through cheaper land acquisition costs. Rather than downloading further costs on neighbouring farms, the schools could take some of their land acquisition savings and install air filtration for schools that have been built on ALR lands. For outdoor school activities, local farms could notify when burning days are planned. To reiterate, it is unfair to impose extra regulatory burden on growers due to the exception provided to allow schools on ALR lands. The BCFGGA does not support the differential treatment of schools and residences in the proposed regulation. We would support a regulation requiring schools on ALR lands to install air filtration systems.
7. Reporting could be onerous - why is the work of obtaining a burning permit from the local government (usually fire department) being duplicated?

Overall, we are not convinced that the setbacks are based on research. What are the components of the smoke from burning different types of plant material? How do these compare to other emitters? How is the smoke diluted according to venting index and setbacks and the components of smoke (type and moisture level of plant material being burned)? We are not satisfied that this information is available, and this impacts our confidence in the proposed regulatory approach.

The tree fruit sector is interested in having further background information so that we can be confident that the imposition of regulations is likely to have a positive impact on health. At this stage and with the information provided, we cannot assure tree fruit producers that this regulation is needed and will achieve the results it desires.

In summary, the tree fruit sector recognizes the need to minimize health impacts due to air contamination. We would like the Ministry of Environment to ensure that the proposed regulations are also effective (based on research) and fairly treat all emitters, rather than targeting the most visible industries. Finally, the proposed set-back approach could work, with the exception of the increased setbacks required for schools in the ALR.

We appreciate the opportunity for input into the Policy Intentions for Open Burning Smoke Control Regulations

Sincerely,

A handwritten signature in black ink, appearing to read "Glen Lucas". The signature is written in a cursive style with a large, sweeping initial "G".

Glen Lucas
General Manager

cc: Coralee Oaks, Minister of Small Business and Red Tape Reduction
BC Agricultural Council