
HOUSE BILL 1861

State of Washington

69th Legislature

2025 Regular Session

By Representative Dufault

1 AN ACT Relating to notification of smoke impacts from department
2 of natural resources-initiated or silvicultural burns; amending RCW
3 70A.15.5140; and creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature finds that information
6 currently provided by the department of natural resources about smoke
7 impacts on communities in our state from government-initiated and
8 silvicultural fires is incomplete and inadequately updated. To better
9 protect children and families, it is necessary to allow them to make
10 informed decisions about outdoor activities. This is especially
11 important for those residing in low-income census tracts that
12 experience disproportionately high impacts due to a higher
13 concentration of young residents and fewer resources at their
14 disposal to mitigate the harmful effects of exposure to damaging
15 PM2.5, fine particulate matter, which poses significant health risks.

16 **Sec. 2.** RCW 70A.15.5140 and 2024 c 280 s 5 are each amended to
17 read as follows:

18 (1) The department of natural resources, in granting burning
19 permits for fires for the purposes set forth in RCW 70A.15.5120,
20 shall condition the issuance and use of such permits to comply to the

1 extent feasible with air quality standards established by the
2 department of ecology. Such burning shall not cause the state air
3 quality standards to be exceeded in the ambient air up to ((two
4 thousand)) 2,000 feet above ground level over critical areas
5 designated by the department of ecology, otherwise subject to air
6 pollution from other sources. Air quality standards shall be
7 established and published by the department of ecology which shall
8 also establish a procedure for advising the department of natural
9 resources when and where air contaminant levels exceed or threaten to
10 exceed the ambient air standards over such critical areas. The air
11 quality shall be quantitatively measured by the department of ecology
12 or the appropriate local air pollution control authority at
13 established monitoring stations over such designated areas. Further,
14 such permitted burning shall not cause damage to public health or the
15 environment. All permits issued under this section shall be subject
16 to all applicable fees, permitting, penalty, and enforcement
17 provisions of this chapter. The department of natural resources shall
18 set forth smoke dispersal objectives designed consistent with this
19 section to minimize any air pollution from such burning and the
20 procedures necessary to meet those objectives.

21 (2)(a) The department of natural resources shall encourage more
22 intense utilization in logging and alternative silviculture practices
23 to reduce the need for burning. The department of natural resources
24 shall, whenever practical, encourage landowners to develop and use
25 alternative acceptable disposal methods subject to the following
26 priorities:

- 27 (i) Slash production minimization;
- 28 (ii) Slash utilization;
- 29 (iii) Nonburning disposal;
- 30 (iv) Silvicultural burning; and
- 31 (v) Use of portable flame cap kilns.

32 (b) Such alternative methods shall be evaluated as to the
33 relative impact on air, water, and land pollution, public health, and
34 their financial feasibility.

35 (3) The department of natural resources shall not issue burning
36 permits and shall revoke previously issued permits at any time in any
37 area where the department of ecology or local board has declared a
38 stage of impaired air quality as defined in RCW 70A.15.3580.

39 (4) For any burning permit issued by the department of natural
40 resources under RCW 76.04.205 or the silvicultural burning provisions

1 of this chapter, the department of natural resources must prominently
2 post the following information on its website:

3 (a) Notification of the start of the burn;

4 (b) The expected smoke impacts from the burn on any neighboring
5 towns and cities, updated at least every 12 hours during the burn or
6 any time smoke conditions change;

7 (c) If smoke from the burn is expected to impact census tracts
8 listed as:

9 (i) High poverty or possible high poverty areas by the United
10 States census bureau; or

11 (ii) Disadvantaged by the federal council on environmental
12 quality; and

13 (d) When the burn has been concluded and smoke from the burn has
14 been fully extinguished.

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