

1. Burning begins July 20, 2005, after assurances from Sherm Takatori that burning at the earliest would start in Latah Co the LAST week of July and no sooner than the first week in August for the reservation. ISDA did nothing to notify SAFE of this change in decision.

2. SMOKE INTRUSIONS OVER PUBLIC HIGHWAYS REMAIN A SERIOUS THREAT TO PUBLIC SAFETY.

Smoke photos captured by SAFE smoke observers show significant smoke intrusions on roads. EPA representative Doug Cole said that in grower training, they have been emphasizing to the growers that it is their responsibility to have flaggers or warnings for roads, and that the smoke managers are to remind growers of this. The photos we took show no flaggers the entire burn season.

3. LACK OF PUBLIC INFORMATION AND INPUT

A. Concerning burn days: Despite some increased efforts at increasing the amount of burn information given to the public by announcing burn calls on radio and TV ads, as well as the daily website, the ISDA website has even less information this year.

There is no list of acreage per county burned, and again, no locations of acreage to be burned, even though the EPA sent a letter requesting this to be posted.

Contradictory information given on website and Hotline: Often the website is inaccurate and confusing, as is the hotline. Some examples of this happened on the following days:

Aug 3, 2005: The ISDA website this morning lists no burn for Benewah, Kootenai, and Latah, however does give acreages to be burned; this is confusing and the public cannot make out what is happening and on Saturday Aug 6, 2005 the ISDA homepage was calling for burning (Saturday) in CDA Benewah 12-5, CDA Kootenai 12-5, Nez Perce 1-4, and Latah 1-4pm; Rathdrum is no burn. Under the law, burns are prohibited on weekends.

Calling the smoke complaint hotline on Sat. Aug 6 by 10 am, the recorded information did not match the information on the web, so SAFE pushed the 0 button to speak to an operator to get information. It took several minutes to get a response. The operator took my information and said she would fax something and someone would give me a call. I never received a call back until Aug. 8.

An email from the tribe Aug 10, 2005 says no burning allowed in Kootenai County as of 10 am, and 1,000 acres authorized in Benewah Co. However, at noon, SAFE smoke observers call in that they are observing a burn in Kootenai County right at the state line.

B. Public Input into Smoke Management Policies: Furthermore, EPA's request that ISDA have public meetings to get input from the public has been ignored; ISDA responds

that the smoke complaint hotline is the way they gather information from the public, and no meetings are necessary.

The ISDA held a secret meeting in December of 2005 to evaluate the burn season. While the public is locked out of the sessions, grass growers and seed company representatives are welcomed into the meeting for their input. Furthermore, public record requests show the various members attending the meeting making fun of their role to protect public health in a series of emails in which they discuss sharing recipes for flaming drinks and wearing flame-proof clothing.

4. “GRASS SECRECY POLICY”

Betsy Russell of the Spokesman does a story on July 27, 2005 on how the ISDA is using a piece of legislation under the “trade secret” law to hide where burning will occur. Location of fields in 1992 had to do with forms farmers required when sending samples to state seed labs; afraid they would have their seed material stolen if these were available for public notice. It just says the location of fields is secrets; it didn’t identify a specific record but a fact which it is being applied to.

Along with HB 391, which gives field burners immunity when they harm the public health as long as they have registered their acres and conducted burns legally under the smoke management act, this policy is dangerous for the public.

In fact, one family in Latah County, the Marenin-Cottam family, was nearly burned out of their home by this policy on July 29, 2005. The grass grower did not notify them he was burning, and they went away to camp. They returned home to find their entire yard on fire and were able to stop the flames just 55 ft. from their home.

Over July 30 weekend, there are 3 editorials in the Spokesman Review, Idaho Statesman and the Magic Valley Times condemning the secrecy practices of ISDA.

Others must stay indoors or run for their lives, not knowing where other burns may be active and flooding the roads with smoke. It makes it impossible for persons with lung or heart disease to plan for personal safety.

Although a bill was introduced into the House Agricultural Affairs Committee (HB 568) to stop the secrecy policy, farmers asserted (with no proof whatsoever) that telling the public where burns were to take place would financially harm them. In spite of the testimony of the Latah County Sheriff who had demonstrated the waste of taxpayer dollars in both man-hours and gas needed to investigate planned agricultural burns, the bill failed to pass out of committee and growers promised to voluntarily call in planned burns to local fire districts.

This places an onerous burden on both persons affected by smoke and the local fire departments. It means that those with heart or lung conditions must call every fire district each day to determine whether or not there will be burns, and it means more time from the fire districts to take calls from the public.

5. BURN CALLS MADE ON “MARGINAL” OR “CONDITIONAL” BURN DAYS 75% OF THE TIME, LEADING TO GROUND LEVEL SMOKE AND HARM.

Public record requests made by SAFE show that burn calls were made with a significant bias toward burning rather than protecting public health. By the ISDA's own definition, burns should not take place under these circumstances.

As an example, July 27, 2005, Washington Department of Ecology issues a no burn call for all counties, and red flag warnings for most, indicating extreme fire danger. The CDA tribe issues an early burn call for a total of 500 acres within the boundaries of the Reservation, but calls off all burning by about 2pm.

There is no reason to believe that the Reservation would be able to burn when everywhere else there are red flag conditions. This demonstrates a disregard for public health and safety, and a bias toward making unsafe burn calls by holding out to the last minute. It prevents people from getting accurate and reliable burn calls for safety planning.

6. AGRICULTURAL FIRES GETTING OUT OF CONTROL

SAFE observers saw numerous agricultural fires jump the line and burn other land. One example is on August 9, 2005 at approximately 1:20 pm, a fire got out of control north of Plummer on the east side of the Highway, causing smoke over the highway. SAFE observers tallied 9 burns out of control that got into other areas in 2005.

7. AUTHORIZATION OF UP TO 800,000 NEW ACRES TO BE BURNED WITHOUT ANALYSIS ON IMPACT TO PUBLIC HEALTH

The Idaho Legislature authorized the burning of up to 800,000 acres of Conservation Reserve Program (CRP) lands to be burned in the state for 2006. This bill, HB 593 would require registration of these acres only in the northern 10 counties. This means that public health will be further compromised.

8. EXPERIMENTS AT UNIVERSITY OF IDAHO HAVE NOT GONE THROUGH PROPER HUMAN SUBJECTS REVIEW COMMITTEE SCREENING.

Public record requests show the University of Idaho has not filed for approval of the human impacts of their experiments as required by the Human subjects review committee. This is important so that persons exposed to smoke from U of I experiments are allowed to have informed consent about the potential harm they face.

9. TOXICS IN BLUEGRASS BURNING

On the next page, calculations made from public record requests show the staggering amount of toxics released upon the public from grass field burns in North Idaho. The total toxics of 2,685,166 lbs is over 2.5 times the amount of toxics listed on the EPA's website emitted by Idaho's largest polluter on the 2002 Toxic release inventory, which is the Potlatch Corporation, emitted just over a million pounds of combined toxics. Overall pollutants total enough to make ordinary people choke: **29,186,436 lbs of pollutants**. However, because these pollutants don't come out of a smokestack, they are not considered a source that EPA should regulate under the Clean Air Act.

Many callers to SAFE complain of trouble breathing, allergic reactions so severe that they must flee the area, and some people report having their lips turn blue from lack of oxygen, with no nearby hospital for safety. Others who are elderly report hiding in their homes with windows and doors closed on days of withering heat to try to stay out of the toxins.

Emission factors taken from Idaho State Emission Inventory, 1999 by public record request

		CDA reservation	Rathdrum	Boundary Co	Latah Co
Acres Bluegrass Burned		18,331.50	1,800.00	566.00	9240
Total tons of residue burned					
(3.5T/acre)		64,160.25	6,300.00	1,981.00	32340
Pollutant	Emission factor				
Primary PM	16	1,026,564.00	100,800.00	31,696.00	517440
Carbon Monoxide	101	6,480,185.25	636,300.00	200,081.00	3266340
Methane	4.5	288,721.13	28,350.00	8,914.50	145530
NMOC	15	962,403.75	94,500.00	29,715.00	485100
Total		8,757,874.13	859,950.00	270,406.50	4,414,410.00
TOXICS					
1,3 Butadiene	0.22	14,115.26	1,386.00	435.82	7114.8
Acetaldehyde	0.42	26,947.31	2,646.00	832.02	13582.8
Acrolein	0.43	27,588.91	2,709.00	851.83	13906.2
Benzene	0.6	38,496.15	3,780.00	1,188.60	19404
Formaldehyde	1.35	86,616.34	8,505.00	2,674.35	43659
Methyl Chloride	10.1	648,018.53	63,630.00	20,008.10	326634
Toluene	0.59	37,854.55	3,717.00	1,168.79	19080.6
Xylenes	0.25	16,040.06	1,575.00	495.25	8085
n-hexane	0.02	1,283.21	126.00	39.62	646.8
Total Toxic component		896,960.30	88,074.00	27,694.38	452,113.20
Total pollutants in pounds		9,654,834.42	948,024.00	298,100.88	4,866,523.20

Acres of bluegrass burned taken from the 2005 Public Records Request and End of Year Meeting, ISDA
Residue loading taken from "Quantifying Emissions in Kentucky Bluegrass Burning"

Emission factors taken from Idaho State Emission Inventory, 1999 by public record request

		Camas-state	Camas-tribe	Total Toxics
Acres Bluegrass Burned		17,770	37,701.00	
Total tons of residue burned (3.5T/acre)		62,195.00	131,953.50	
Pollutant	Emission factor			
Primary PM	16	995120	2,111,256.00	
Carbon Monoxide	101	6281695	13,327,303.50	
Methane	4.5	279877.5	593,790.75	
NMOC	15	932925	1,979,302.50	
Total		8,489,617.50	18,011,652.75	26,501,270.25
TOXICS				
1,3 Butadiene	0.22	13682.9	29,029.77	
Acetaldehyde	0.42	26121.9	55,420.47	
Acrolein	0.43	26743.85	56,740.01	
Benzene	0.6	37317	79,172.10	
Formaldehyde	1.35	83963.25	178,137.23	
Methyl Chloride	10.1	628169.5	1,332,730.35	
Toluene	0.59	36695.05	77,852.57	
Xylenes	0.25	15548.75	32,988.38	
n-hexane	0.02	1243.9	2,639.07	
Total Toxic component		869,486.10	1,815,680.16	2,685,166.26
Total pollutants in pounds		9,359,103.60	19,827,332.91	29,186,436.51

Acres of bluegrass burned taken from the 2005 Public Records Request and End of Year Meeting, ISDA

In response to these continuing, and even more serious threats to public health, SAFE has filed new lawsuits aimed at curtailing the burning.

First, SAFE has challenged the EPA's approval of Idaho's State Implementation Plan revision (SIP) due to the fact that the required analysis of the impact of adding agricultural burning as a category to the SIP means dirtier air. EPA, under such circumstances, would normally be required to conduct an analysis of the impacts of allowing this burning, both to public health and to the visibility and regional haze issues for wilderness areas. These areas are protected under the Clean Air Act and require reductions, not increases, in regional haze. No such analysis was conducted.

Secondly, SAFE has challenged the ISDA under the open public meetings act. In Idaho, when state decision-makers gather to make policies, as they did on December 6-7, 2005 in Moscow, the public is entitled to be a part of those meetings. However, because ISDA closed the meeting while making important policy decisions, such as the usage of a state smoke manager for the Coeur d'Alene tribe, and to increase the number of acres burned for 2006 after the burn call is made, we think the public should have input into these decisions as required under Idaho code.

Finally, to protect the health of thousands of residents, SAFE has filed an Americans With Disability Act (ADA) suit on behalf of all who suffer from smoke. This suit is a class action suit, asking that if the state will not regulate burning in a meaningful manner, then they must provide accommodations for the people who are hurt and prevented from using public roads, schools and other public areas during burn season.

SAFE also undertook a meeting with Tribal leaders from the Coeur d'Alene Tribe to see if the Tribe will live up to its 1997 promise to phase out burning within 10 years. We await the Tribe's response on this matter.

Photos of the 2005 burn season and the hazards posed are on the next few pages.



Picture 8

7/25/2005, 11:33-11:45am

Headed West, 1 mile East of Potlatch, Smoke blowing North . Metzer T41N R4W

Hatter Creek Ranch on the left



Picture 10

7/25/2005, 11:33-11:45am

City Limits going East out of Potlatch (sign reads Princeton 2). Metzger T41N R4W. Fire coming from Hatter Creek Ranch



Picture 9

7/25/2005, 11:33-11:45am

City limits East going into Potlatch. Plume hovering over East End of Potlatch residential

September 15, 2005 on Highway 95: A 4-Wheeler and Truck pass each other.

