

Permissible Open Burning Fact Sheet

Open burning is defined as “the burning of combustible materials in such a manner that the products of combustion are emitted directly to the outside atmosphere.” OAC 252:100-1-3 Open burning is prohibited in most situations because it can create nuisances cause air pollution that is harmful to human health and the environment, and endanger property. The DEQ receives many questions regarding open burning. Probably the most common question asked is, “Is open burning permissible, and if so under what circumstances?”

The following is a list of ten (10) situations where open burning may be allowable. A more complete description of these exceptions is located in the OAC:100-13-7 Air Pollution Control.

1. Fires purposely set for the instruction and training of fire-fighting personnel.
2. Fires set for the elimination of a fire hazard.
3. Fires set for the removal of dangerous or hazardous materials.
4. Campfires and other fires used solely for recreational purposes, for ceremonial occasions, or for outdoor non-commercial food preparation.
5. Fires purposely set to forest and range land for the management of forests or game.
6. ** Burning of vegetation in clearing land, right-of-way maintenance, and agricultural crops.
7. ** Burning of domestic household waste, when no collection and disposal service is available.
8. ** The burning of hydrocarbons which are spilled or lost as a result of an accident or which are generated as waste as a result of oil field activities.
9. The burning of any combustible material in an open-pit incinerator which has been properly designed and which is properly operated for the control of smoke and particulate matter.
10. The burning of hydrocarbons, which must be wasted, through the use of smokeless atmospheric flares if after investigation a condition of air pollution exists.



There are some common questions pertaining to open burning. Many of these questions are related to burning inside the limits of a city or town. A check sheet has been developed and can be found on page 2 of this Fact Sheet to help answer questions about permissible open burning. This check sheet should be given to cities, towns and individuals to help determine if open burning is permissible when situations arise where open burning is being considered. It should be noted that open burning may be conducted as specified in OAC 252:100-13-7 “if no public nuisance is or will be created and if the burning is not prohibited by, and is conducted in compliance with other applicable laws and the ordinances, rules, and orders of governmental entities having jurisdiction . . . The authority to conduct open burning under the provisions of this Section does not exempt or excuse a person from the consequences, damages, or injuries which may result from such conduct . . . even though the open burning is conducted in compliance with this Section.”

**These exceptions have additional criteria which must be met before a burn may be allowed. See OAC:100-13-7.

Permissible Open Burning Check Sheet

Open burning may be allowed only when in compliance with exceptions in OAC 252:100-13-7.

If the question is not applicable to the situation check NA. (i.e. Yes No NA)

1. If the open burn is in the corporate limits of town or city, have the proper officials been notified and necessary permits been obtained?
 Yes No N/A
2. Will this open burn be conducted in a way that will not create a public nuisance and will be in compliance with all applicable laws, rules and orders of government entities having jurisdiction?
 Yes No N/A
3. Is this burn being conducted for training of fire-fighting personnel with fire personnel on the scene throughout the burn?
 Yes No N/A
4. If this burn is to be conducted to eliminate a fire hazard, is this the only way to eliminate that fire hazard?
 Yes No N/A
5. If a building is going to be burned, have the proper authorities certified that the building is asbestos free?
 Yes No N/A
6. Is this a controlled burn? If yes, will the local Fire Department be notified and at the scene during the controlled burn?
 Yes No N/A
7. If this burn is to remove a dangerous or hazardous material, has it been determined that there is no other practical or lawful method of disposal?
 Yes No N/A

If yes, has the Air Quality Division Director been notified? Yes No N/A

If any of the above statements are answered NO, the burn should not take place. Please contact your local DEQ representative for further assistance.

It should be noted that open burning may be conducted as specified in OAC 252:100-13-7 as long as: (1) no public nuisance is or will be created; and (2) if the burning is not prohibited by and is conducted in compliance with other applicable laws and the ordinances, rules and orders of governmental entities having jurisdiction. Also, the authority to conduct open burning under the provisions of OAC 252:100:13-7 does not exempt or excuse a person from the consequences, damages or injuries which may result from such conduct. It is always a good practice to contact your local fire department before burning.



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