

OPEN BURNING REGULATIONS IN MICHIGAN

Notice to those who choose to burn: You are responsible for fire, smoke, or odors created from open burning ... and for damage that results from your fire.

What is Open Burning?

“Open burning” is the burning of unwanted materials such as paper, trees, brush, leaves, grass, and other debris where smoke and other emissions are released directly into the air. During open burning, air pollutants do not pass through a chimney or stack and/or combustion of solid waste is not adequately controlled.

Open burning pollutes the air and poses a forest fire hazard. The air pollution created by open burning can irritate eyes and lungs, obscure visibility, soil nearby surfaces, create annoying odors or pose other nuisance or health threats.

Because of the problems created by this activity, state and local laws prohibit open burning of many materials. Many people are either unaware of the regulations or unsure about which regulations apply to them. The following information will help identify the problems, regulations, sources of information, and alternatives to open burning.



Statewide Open Burning Laws

In Michigan, open burning is regulated by the Natural Resources and Environmental Protection Act (Act 451 of 1994) and associated rules. The act includes: Air Pollution Control - Part 55, Solid Waste Management - Part 115, and Forest Fire Prevention - Part 515.

In addition, local units of government, such as city, county, or township boards, often regulate open burning through local laws. Local open burning laws take precedence over state regulations only if they are more restrictive. The most common burning issues are defined below, along with the related regulations.

General Open Burning

Michigan air quality and solid waste regulations prohibit open burning that creates smoke or odor nuisances.

Burn permits may be obtained using the Burn Permits Management System interactive county map at: Michigan.gov/BurnPermit.

A burn permit does not allow burning prohibited by other regulations. Burn permits are available from the DNR for the Upper Peninsula and Northern Michigan counties. In the southern Lower Peninsula, permits may be obtained from the local fire department or local governing body. These permits allow for tree limbs, brush, stumps, evergreen needles, leaves, and grass to be burned safely.

The local DNR Fire Manager must issue a permit for ongoing burns for construction or land clearing, for roadway maintenance, and for performing prescribed burns without a written plan.

Do you have burn permit questions? Contact DNR Forest Resources Division, PO Box 30452, Lansing, MI 48909, or visit Michigan.gov/BurnPermit. Many communities prohibit open burning of any kind. Check with your local governing body before conducting open burning.

BURNING OF HOUSEHOLD TRASH

Section 11539 (3) of Act 451 prohibits trash burning of household waste from a family dwelling except for untreated paper. Trash that contains plastic, rubber, foam, chemically treated wood, textiles, electronics, chemicals, or hazardous materials must not be burned because the emissions release chemicals that pose a danger to human health and the environment.

Homeowners that choose to burn trash that is not prohibited may do so in an approved container on their property if it does not violate any other local or state ordinances or regulations. An approved container is constructed of metal or masonry with a metal covering device with openings no larger than 3/4 inch. Local police and fire officers are authorized to enforce this provision as a state civil infraction of Section 11539 of Act 451 of 1994. Visit Michigan.gov/OpenBurning for Information regarding household trash. Many communities prohibit the burning of all household waste, so check first with your local governing body.

BURNING OF COMMERCIAL AND INDUSTRIAL WASTE

Unless a company has obtained a permit from EGLE's Air Quality Division, this type of burning is prohibited, except for land clearing authorized by law.

BURNING OF YARD WASTE AND LEAVES

Since 1995, solid waste regulations have prohibited the open burning of yard waste and leaves in Michigan municipalities with a population of 7,500 or more. Local governing bodies may enact an ordinance authorizing such open burning provided other regulations are not violated. A copy of the ordinance must be sent to: EGLE - Materials Management Division, P.O. Box 30241, Lansing, MI 48909.

BURNING OF BRUSH AND TREES

Air quality regulations state that open burning of trees, logs, brush and stumps must be conducted further than 1400 feet from the boundary of an incorporated city or village and may not violate other air pollution rules. Local laws or other state laws may prohibit open burning of this material; check with your local governing body before conducting open burning.

DISEASE AND PEST CONTROL: BURNING OF BEEKEEPING EQUIPMENT AND WOOD CRATES

Air quality regulations allow the burning of beekeeping equipment and products for disease control. Open burning of untreated wooden fruit or vegetable crates for the purpose of disease control is allowed, unless prohibited by local laws. Prescribed burns are used to manage agricultural and

PRESCRIBED BURNS

natural lands. They are allowed in compliance with Part 515 of the Natural Resources and Environmental Protection Act of 1994 and must also comply with local ordinances.

BURNING OF BUILDING MATERIALS

Air quality and solid waste regulations prohibit open burning of construction and demolition waste. Chemically treated lumber, as well as synthetic and painted building materials, contain high concentrations of hazardous compounds that produce toxic emissions when burned.

BURNING OF BUILDINGS

Structures that are to be demolished by intentional burning are subject to State and Federal regulations. Michigan air regulations only allow buildings to be intentionally burned for fire department fire suppression training.

Federal law requires the removal of asbestos from any building (residential & non-residential) prior to authorized burning.

The NESHAP Asbestos Coordinator must be notified 10 working days prior to the burn. Fire officials can find a notification form and more information under [Asbestos NESHAP](#) at [Michigan.gov/air](#).

Guidance information for fire suppression training is at: [Michigan.gov/OpenBurning](#).

CAMPFIRES

Air quality regulations allow the burning of logs, brush, charcoal, and other similar materials for the purpose of food preparation or recreation, unless prohibited by local laws.

FLAGS

An unserviceable US flag may be burned by a congressionally chartered patriotic organization.

OPEN BURNING ALTERNATIVES

Composting yard waste and using leaves and grass clippings for mulch are alternatives to open burning of yard waste.

Composting produces valuable soil fertilizer through the natural process of decomposition. Compost piles are simple to begin and maintain and take up relatively little space. For more information on composting at home, go to [Michigan.gov/EGLECompost](#) or contact your county Michigan State University Extension Office.

Contact local programs about recycling of paper, plastics, cardboard, metals, etc. in your area. See the Materials Management facility map at [Michigan.gov/EGLEM3](#) or the [Michigan.gov/RecyclingDirectory](#) for options. Consider donating reusable items to charitable organizations, families, or friends. Dispose of unwanted items in a licensed landfill or incinerator instead of open burning.

Visit [Michigan.gov/OpenBurning](#) for more information regarding open burning in Michigan.

For Pollution Emergencies call: 800-292-4706

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