

2023 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 97

BY REPRESENTATIVE AMEDEE

AGRICULTURE: Creates the Louisiana Agricultural Field Burning Task Force to study alternatives to field burning and the adequacy of existing regulations

1 A CONCURRENT RESOLUTION

2 To create the Louisiana Agricultural Field Burning Task Force to study alternatives to field
3 burning, including a review of current research being conducted related to such
4 alternatives, emerging technologies, the adequacy of existing regulations, and to
5 recommend any action or legislation that the task force deems necessary to enhance
6 public safety.

7 WHEREAS, it is of the highest priority for the state to ensure the safety of its
8 citizens; and

9 WHEREAS, prescribed burning is a common practice in Louisiana and used as a tool
10 for harvest management, ecosystem restoration, and vegetation enhancement; and

11 WHEREAS, agricultural producers may burn crop residues to aid in timely crop
12 planting and growing and to manage pests, including insects, as well as soil moisture,
13 diseases, and weeds; and

14 WHEREAS, in the sugarcane sector, growers utilize controlled burning to reduce the
15 amount of extraneous leafy material delivered with the cane to the mills for processing, thus
16 improving overall efficiency and sugar recovery; and

17 WHEREAS, according to LSU AgCenter Research and Extension, the removal of
18 such leafy material also reduces yield losses in subsequent sugarcane crops; and

19 WHEREAS, agricultural producers strive to be good neighbors and recognize that
20 there are environmental and public concerns associated with this practice; and

1 WHEREAS, agricultural producers rely on the latest science and technology to
2 improve their production methods to ultimately produce higher yields while ensuring cost-
3 efficiency; and

4 WHEREAS, ensuring cost-efficient agricultural production is critical to producers
5 staying in business, especially in current economic conditions with high inflationary
6 pressures; and

7 WHEREAS, according to two research articles by Paul M. Lemieux et al., and
8 Bamidele Sunday Fakinle et al., agricultural field burning generates harmful air pollutants
9 including fine particulate matter (PM2.5) and other air toxins including carbon monoxide,
10 methane, and polycyclic aromatic hydrocarbons (PAHs); and

11 WHEREAS, the United States Environmental Protection Agency (EPA) has
12 determined exposure to PM2.5 causes premature mortality, cardiovascular and respiratory
13 deaths, and onset and exacerbations of asthma, heart disease, stroke, lung cancer, and
14 respiratory infections; and

15 WHEREAS, the EPA National Emissions Inventory from 1990 to 2022 indicates that
16 agricultural and prescribed burns are the largest source category of PM2.5 emissions in
17 Louisiana; and

18 WHEREAS, according to a Tulane Law peer-reviewed study in Environmental
19 Research Letters, exposure to air toxins is responsible for approximately eighty-five new
20 cancer cases per year in Louisiana; and

21 WHEREAS, sugar cane burning in southeast Louisiana has been associated with an
22 increase in asthma attacks and a fifty percent increase in respiratory hospitalizations; and

23 WHEREAS, in November 2008, impaired visibility due to heavy smoke from an
24 agricultural burn caused a seven-car crash in Napoleonville, Louisiana that claimed the life
25 of John "Johnny" Achee, Sr. and hospitalized the other drivers involved; and

26 WHEREAS, in October 2022, impaired visibility due to heavy smoke from a single
27 agricultural burn reportedly caused three separate motor vehicle crashes outside of Kaplan,
28 Louisiana, including one that took the life of an off-duty Abbeville police officer Matthew
29 LaPoint; and

1 WHEREAS, a December 2022 staff editorial from the Times-Picayune concluded
2 that lawmakers should review health and safety impacts of agricultural burns and consider
3 more effective government burn policies; and

4 WHEREAS, there are less harmful, cost-saving alternatives to traditional sugarcane
5 burning, such as green harvest used in Brazil, which has significantly reduced burn-related
6 respiratory hospitalization and prevented 8.5 million tons of CO2 greenhouse gas emissions;
7 and

8 WHEREAS, there is a need for assessments of the adequacy of existing regulations
9 and recommendations for action to improve the health and safety of Louisiana citizens; and

10 WHEREAS, according to an article by Kaitlyn Bourg in the Louisiana State
11 University Journal of Energy Law and Resources, the dangers of burns are highlighted and
12 legislative reforms are proposed to protect public health, such as making the current
13 voluntary Smoke Management Guidelines mandatory or holding farmers liable for damages.

14 THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby
15 create the Louisiana Agricultural Field Burning Task Force to study alternatives to field
16 burning, including a review of current research being conducted related to such alternatives,
17 emerging technologies, the adequacy of existing regulations, and recommend any action or
18 legislation that the task force deems necessary to enhance public safety.

19 BE IT FURTHER RESOLVED that the Legislature of Louisiana finds that reform
20 of agricultural field burning policies may be needed to ensure that health and safety of all
21 Louisiana citizens are preserved.

22 BE IT FURTHER RESOLVED that the composition of the task force shall be as
23 follows:

24 (1) The Louisiana State Fire Marshal, or his designee.

25 (2) The director of the Governor's Office of Homeland Security and Emergency
26 Preparedness, or his designee.

27 (3) The director of Tulane Center for Environmental Law, or his designee.

28 (4) A nongovernmental public interest advocate, appointed by Citizens Against
29 Agricultural Field Burning.

1 (5) The commissioner of the Department of Agriculture and Forestry, or his
2 designee.

3 (6) The president of the Louisiana Farm Bureau Federation, or his designee.

4 (7) The general manager of the American Sugar Cane League, or his designee.

5 (8) The Louisiana State University vice president for Agriculture and dean of the
6 College of Agriculture.

7 (9) The chancellor of the Southern University Agricultural Research and Extension
8 Center and dean of the College of Agricultural, Family and Consumer Sciences.

9 (10) A representative of a renewable fuels industry or other possible alternative end-
10 use industry, appointed by the secretary of the Louisiana Department of Natural Resources.

11 (11) One medical specialist in the field of pulmonology appointed by the Louisiana
12 State Medical Society.

13 (12) The president of the Louisiana Rice Growers Association, or his designee.

14 (13) The chairman of the House Committee on Agriculture, Forestry, Aquaculture
15 and Rural Development.

16 (14) The chairman of the Senate Committee on Agriculture, Forestry, Aquaculture,
17 and Rural Development.

18 (15) One member from the public at large appointed by the state representative for
19 District 51.

20 (16) The secretary of the Department of Environmental Quality, or his designee.

21 BE IT FURTHER RESOLVED that the Louisiana Agricultural Field Burning Task
22 Force is charged with the following duties:

23 (1) To convene a task force of citizens, stakeholders, and experts to identify public
24 health and safety problems associated with agricultural burning.

25 (2) To investigate agricultural burning and issue legislative, regulatory, and policy
26 reform recommendations.

27 (3) To take testimony and submissions from citizens, stakeholders, and experts on
28 the subject.

29 (4) To issue a report with findings and legislative, regulatory, and policy
30 recommendations.

1 (5) To make the report public with full transparency.

2 BE IT FURTHER RESOLVED that the task force shall review current profitable
3 uses of cellulosic materials for renewable fuels and other end-uses.

4 BE IT FURTHER RESOLVED that the task force may conduct meetings as it may
5 deem necessary or convenient to enable it to exercise fully and effectively its powers,
6 perform its duties, and accomplish the objectives and purposes of this Resolution.

7 BE IT FURTHER RESOLVED that the task force shall convene no later than
8 November 1, 2023, and shall elect a chairperson from among its members at its first meeting.

9 BE IT FURTHER RESOLVED that a simple majority of members of the task force
10 shall constitute a quorum sufficient to conduct meetings and business of the task force and
11 its members shall serve without compensation, except for per diem or expense
12 reimbursement to which they may be individually entitled as members of their constituent
13 organizations.

14 BE IT FURTHER RESOLVED that the task force shall report its initial findings and
15 recommendations, with suggestions for proposed legislation, regulation, and policy, if any,
16 to the legislature no later than sixty days prior to the convening of the 2024 Regular Session
17 of the Legislature.

18 BE IT FURTHER RESOLVED that legislative authority for the task force shall
19 terminate on July 1, 2024.

20 BE IT FURTHER RESOLVED that the Department of Agriculture and Forestry shall
21 provide staffing support for the task force.

22 BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the
23 following persons or entities: the Louisiana State Fire Marshal; the director of the
24 Governor's Office of Homeland Security and Emergency Preparedness; the director of
25 Tulane Center for Environmental Law; the nongovernmental public interest advocate
26 appointed by Citizens Against Agricultural Field Burning; the commissioner of the
27 Department of Agriculture and Forestry; the president of the Louisiana Farm Bureau
28 Federation; the general manager of the American Sugar Cane League; the Louisiana State
29 University vice president for Agriculture and dean of the College of Agriculture; the
30 chancellor of the Southern University Agricultural Research and Extension Center and dean

1 of the College of Agricultural, Family and Consumer Sciences; the representative of a
2 renewable fuels industry or other alternative end-use industry appointed by the secretary of
3 the Louisiana Department of Natural Resources; the medical specialist in the field of
4 pulmonology appointed by the Louisiana State Medical Society; the president of the
5 Louisiana Rice Growers Association, and the secretary of the Department of Environmental
6 Quality.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HCR 97 Original

2023 Regular Session

Amedee

Creates the La. Agricultural Burning Task Force to study alternative to field burning and the adequacy of existing regulations and recommend any action or legislation deemed appropriate to enhance public safety. Provides for the membership of the task force. Requires a report of initial finding with recommendations and suggestions to be submitted to the legislature no later than 60 days prior to the convening of the 2024 R.S. Specifies that legislative authority for the task force shall terminate on July 1, 2024.