

**EPA Interim Policy Revision Conference Call
Prescribed Fire Council Input
October 29, 2007, 2 pm to 3:30 pm**

EPA Introductions:

Region 6: Joe Kordzi

Region 4: Rick Gillam

Region 9: Larry Biland

Washington DC: Elaine Suriano

OAQS/RTP: Tom Link (EER), Robin Dunkins, Rhea Jones (RHR), Larry Elmore,
Charlene Spells, Phil Lorang

For specific EPA contacts in your region check the map at www.epa.gov or contact your state air quality agencies

State Introductions and State Prescribed Fire Statistics (see attached spreadsheet):

- 26 States were on the lines with a combined annual acreage burned of over 11 million acres
- Four states (Colorado, Montana/British Columbia, New Hampshire, and Nebraska were unable to make the call)
- Each state had assigned one council representative:

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Alabama	Kent Hamby	Mississippi	Russ Walsh
Arkansas	Larry Nance	New Jersey	Bert Plante
Delaware	Mike Valenti	New York	David Brooks
Florida	Jim Brenner	North Carolina	Chris Moorman
Georgia	Mark Melvin	Ohio	Mike Bowden
Illinois	Tom Wilson	Oklahoma	Chris O'Meilia
Iowa	Inger Lamb	Pennsylvania	Tara Claghorn
Kansas	Jeff Davidson	South Carolina	Paul Watts
Kentucky	John Morgan	Tennessee	John Kirksey
Louisiana	Latimore Smith	Texas	Butch Taylor
Massachussetts	Dave Celino	Virginia	Fred Turke
Michigan	Steve Cross	Washington	Dale Swedberg
Minnesota	Doug Miedtke	Wisconsin	Mike Engle

National Coalition of Prescribed Fire Councils Summary by Mark Melvin:

- Mission Statement: “Provide a forum to support prescribed fire councils across the U.S.”
- Johnny Stowe, Rhett Johnson, Lindsay Boring, Mark Melvin, Lane Green and others began the process
- November 2006 Longleaf Alliance Conference: assembled a group of practitioners to form a national council that would extend out to all regions
- Goals include to address public safety, liability, air quality regulation, public education, communication issues facing prescribed fire
- Representation of regional and national prescribed fire practitioners is growing
- Increased communication in the prescribed fire community is the greatest achievement so far

Interim Air Quality Policy on Wildland and Prescribed Fire Overview by Charlene Spells:

Interim Policy summary:

- Current policy addresses wildfires and fires managed for resource benefits, not agricultural burning
- “We are here to discuss the revisions”
- Revisions based on Regional Haze Program, tightening of NAAQS standards (PM2.5, O3), Exceptional Events Rule, wildland fire use, and agricultural burning
- EPA committed to USDA to include agricultural burning in policy and to finalize the policy

Timing for process:

- January: writing and revising based on stakeholder input (stakeholder conference calls held with state air quality agencies, state forestry agencies, Prescribed Fire Councils; future calls will be with federal land managers and USDA group)
- Late February: issue draft in Federal Register for public input
- **July 31, 2008: Final Policy**

Discussion/Question Session

EPA (Charlene Spells):

What are your concerns? Have you had experiences working with your air quality/forestry agencies?

Question 1:

Minnesota (Doug Miedtke):

- established state SMP in 2003; has worked well for them, no exceedances; have worked closely within their state and with others
- **including agricultural burning will put extra work load on states; another 100,000 acres or more; political issue of agriculture...will you be able to deal with politics of agricultural stakeholders**

EPA Answer (Charlene Spells):

- We are gathering info on reality of the issues
- we can't factor in politics ahead of time
- trying to determine where does ag burning fit by meeting with USDA/NRCS; can we factor ag into airshed management through current USDA/NRCS standards/policies?
- Want ag community to follow best Smoke Management practices...needs to be equitable to other "burners"
- **How do we define ag burning...**important question and is first on our conference call agenda with USDA; we all need to be on the same page with our definition; our view is that ag fires are prescribed fires—both are set intentionally to resource management

Question 2:

Alabama (Lou Hyman):

- Ag burning already included in Alabama's system
- **How will agricultural burning be included in the EER—how do we track that? Stakeholder conference calls—what groups are left to talk to through conference calls similar to this?**

EPA Answer (Charlene Spells):

- Already held calls with state air quality/forestry agencies, tribal groups, and individual call with NC TNC; still to come are calls with the FLMs and the Ag community
- (Rhea Jones) Want to be clear...9 times out of 10, prescribed fires will not qualify as exceptional events and that includes ag burns not EER; (Charlene Spells) if people are making a conscious choice to use fire as a tool, we are striving for equitable treatment of guidelines to manage your smoke for human health and public safety....equitable treatment

Question 3:

Florida (Jim Brenner):

- **Please describe “including agriculture”**
- **Will ag burners have to follow burn plans etc?**
- **Will Ag be handled the same way as silviculture or other types of burns?**

EPA Answer (Charlene Spells):

- See previous answer
- Framework for SMP will be consistent
- Strive for similar and equitable treatment of ag burning compared to federal and state burns
- The USDA stakeholder conference call will allow insight to smoke guidelines they currently use for prescribed fire; we will build from the current USDA/NRCS standards...again, we are striving for equitable treatment

Agricultural Burning Comments:

Iowa (Inger Lamb)

- CRP lands must be handled like other burns

South Carolina (Paul Watts):

- Ag burning is included in our system, but they don't have to do plans
- They DO have to estimate tonnage and have to comply with SM guidelines, but do not have to have a written plan

Alabama:

- In Alabama, people are not required to be a certified burn manager to burn agriculture fields (MI, SC is the same)

South Carolina:

- no one HAS to be certified but they do have to comply with our Smoke Management guidelines

Texas:

- private burner has the right to burn on his/her own property; beyond that , they must be certified

Florida:

- Florida has been template for most fire legislation; no one is REQUIRED to be a certified burner

Virginia:

- Same, it is a voluntary program, most natural resource agencies have certified people; does not know if Smoke Management is implemented on ag burns

Iowa:

- rangeland vs. CRP lands...when money/funds are linked to rules, CRP follows more Smoke Management rules

Arkansas:

- Certification training in place since 1998 and the state SMP/smoke management guidelines are out--agriculture is not required to have certification

Alabama:

- Also has certification program and are targeting landowners for training; liability protection is based on certification; incentive for farmers

Michigan:

- Agrees and has same issues; certification program, but not required for ag burning

Kansas:

- Is CRP ag land? **Define agriculture burning**

Iowa/Virginia:

- Depends on what the land is used for, can you make money on it? (CRP vs. crop land vs. range land)

Kansas:

- We do not require burn plans for ag burners or for CRP land burns

Texas:

- We have twelve certified burners in the state and very successful burn associations; at this time, burn plans are not required for agricultural burning

EPA Comment (Charlene Spells):

- Certification programs are unique to each state and are not an SMP requirement; however, they do allow states to keep better track and control of who is burning and how they are burning

Question 4:

Illinois (Tom Wilson):

- We met with EPA and state air quality agencies and are revising our Prescribed Fire policy to include more smoke management; **do you expect any changes for people developing SMPs?**

EPA Answer (Charlene Spells):

- We are not expecting any major changes; will continue to allow state's flexibility while providing guidance on the key elements of an SMP
- A State SMP will continue to be the cornerstone of policy

Question 5:

Georgia (Mark Melvin):

- Will there be any change in the policy's philosophy about fire? **Any discussion about making this a rule vs. a policy?**

EPA Answer (Charlene Spells):

- This has been a major point of discussion; we are in the discussion phase—learning what issues exist, how we can address those issues
- We are gathering info to see what our options are; as mentioned, we are first investigating how we can use current USDA prescribed fire standards to bring ag burning under the SMP “umbrella”
- A rule is much more constraining and would cause us to lose the flexibility states currently have; a policy is not legally binding

Question 6:

Georgia (Mark Melvin):

- **Who in the Ag community are you reaching out to?**

EPA Answer (Robin Dunkins):

- We are reaching out to USDA and the Agriculture Air Quality Task Force to investigate current USDA/NRCS guidelines
- Do they fit into an SMP to show equity in requirements and process?

Question 7:

Georgia (Dale Wade):

- **In reference to DOD property, do they have to comply with the Policy?**

EPA Answer (Charlene Spells):

- Yes (see follow up/clarification section below)

Question 8:

Florida (Jim Brenner):

- **Could you explain RHR finalization (Dec 12, 2007), changes with SIPS, and issues concerning O3 and CO2 on the horizon?**

EPA Answer (Charlene Spells & Rhea Jones):

- Regional Haze Rule: states that have fires that contribute smoke as major visibility impairments are 309 states (Utah, Arizona, New Mexico, Wyoming)
- These states will have enhanced SMPs that will be a requirement of the state SIPs
- The Policy was based on PM standards and may be adjusted in the future to meet new NAAQS changes

Question 9:

Pennsylvania (Tara Claghorn):

- **Now that wildland fire activity is part of the national emissions inventory as a pollution source, how will we be treated equitably with other sources? How are we going to compete?**

EPA Answer (Charlene Spells):

- Work within your state
- Create a dialogue and a relationship with your air quality people; how are they establishing their inventory? How can you work together to figure out accurate numbers?

Question 10:

North Carolina (Gary Curcio):

- National Data Base is needed for accurate inventory recording; **is EPA willing to assist in funding a national emission inventory data base?**

EPA Answer (Charlene Spells):

- No; EPA supports the idea and agrees there is a need, but cannot take responsibility financially for coordinating all 50 states...a fire activity database
- Individual states should coordinate with their air quality agencies
- EPA has a “wishlist” of what info they would require for emissions inventory; forestry/prescribed burners need to develop their “wishlist” for info they would like included
- EPA would be willing to give input, just not take on database responsibility

EPA Answer (Robin Dunkins):

- Each state is required to establish an accurate emissions inventory
- The state responsibility starts with activity data under the **title one program** (the non-attainment program) for air quality management
- States are required to do periodic reporting under emissions and give comprehensive inventory for all sources in state

Comments on National Emissions Inventory/Fire Database:

North Carolina:

- There is a major gap in information between state air quality and natural resource agencies
- 50 states “doing their own thing” won’t be cost effective
- someone needs to lead the group

Georgia (Kevin Hiers):

- You agree that a customizable data inventory system is needed, could a state, like Georgia, take the lead in developing that type of system...

EPA (Charlene Spells):

- EPA can't fund it but yes, we recognize a centralized system that would record accurate emission data as a major need;

Iowa:

Difficult to collect the data; how do we separate prescribed fire emissions from other sources....

EPA (Robin Dunkins):

- The State emission inventories that we use to compile the NEI (national emission inventory) have emissions data for various point and non-point sources. Fire is included as non-point source. Background on the NEI can be found at <http://www.epa.gov/air/data/neidb.html>.

Question 11:

Washington:

- Referring to the EER...No fire is not an option; prescribed fire under prescription is better than a wildfire...
- **Is prescribed fire applied through SMP included in the EER?**
- **Is there an opportunity to broaden the discussion about the EER?**

EPA Answer (Rhea Jones & Tom Link):

- No opportunity to broaden discussion; it is already a rule
- The EER is very specific and states that not all (hardly any) prescribed fire will be flagged as an exceptional event
- EER includes prescribed fire only if correct documentation can be applied, and those requirements are very specific

Question 12:

Georgia (Dale Wade):

- **EPA only has to CONSIDER prescribed fire as an exceptional event, correct?**

EPA Answer (Tom Link):

- Correct, and Prescribed Fire is “regular” and regular events are not “exceptional”

Question 13:

Georgia (Kevin Hiers):

- **Has EPA had much experience with flagging data under EER?**

EPA Answer (Tom Link):

- No
- (Prescribed Fire Councils and EPA vaguely referred to Kansas City, MO exceedance that occurred in last several years)

Question 14:

Georgia (Mark Melvin):

- **How will EPA regulate or record interstate smoke and interstate transport?**

EPA Answer (Charlene Spells):

- No proposed solution at this time, but policy will have language on how to handle interstate smoke
- Regional coordination will be key

Question 15:

Georgia (Dale Wade):

- **The statistics on consumption and emission factors are not accurate; is there a mechanism to update numbers? So states can use them?**

EPA Answer (Charlene Spells):

- Yes, there are two “groups” in place dealing with these specific issues
- We will note that as a concern
- There are emission factors “on the books” and a mechanism to update the numbers; EPA is willing to listen to suggestions or alternative factors if backed by scientific research

Question 16:

Washington (Tom Robison):

- **Will EPA be evaluating/updating the Air Quality index according to changes in NAAQS standards?**

EPA Answer (Charlene Spells):

- Yes, will be addressed in the policy
- Specific EPA group in place to update Air Quality Index (see follow up/clarification section below)

Question 17:

Georgia (Mark Melvin):

- **How can Prescribed Fire Councils be included in the front end of policy input in the future?**

EPA Answer (Charlene Spells):

- By continuing this collaboration process

Additional Questions/Comments Prior to Closing Remarks:

Louisiana:

- When can we meet again?

North Carolina:

- Remove “de minimis fires” from Policy language

Closing Comments:

- Thanks to all involved for taking time out and sharing input
- **Please submit comments to Mark Melvin by email, which will be compiled and submitted to Charlene Spells in writing**

Follow Up Clarification Comments Post-Call:

- Please send your comments to Mark; EPA will consider our comments in the revision process, but will not be responding to them individually
- The Air Quality Index is what we see on the news, especially in the summer; it is a quick way to inform the public about air quality index; easily digestible way for people to adjust their daily actions to current air quality issues
- The General Conformity requirements of the Clean Air Act are intended to prevent the air quality impacts of Federal actions from causing or contributing to a violation of the NAAQS or interfering with the purpose of a State, Tribal or Federal implementation plan; Federal agencies are required to demonstrate actions they support (i.e., permitting or funding) conform to these implementation plans

Action Items:

Coalition:

- Schedule a council to council conference call to come together with our major issues and possible solutions as the Policy revision process continues
- Maintain communication about key, overarching issues nationally and regionally
- Maintain our independent ability to voice our needs for ALL groups
- Continue to learn how we can AFFECT the process, not let the process AFFECT us; educate ourselves how the processes work and how we fit into the big picture
- Determine who is collecting state emissions inventory data and how they are collecting it
- Establish a well known, consistent “decision tree” for go/no-go requirements when coordinating interstate burns
- Make sure each State SMP addresses our needs....does it achieve the objectives for your area? In other words, does it ACTUALLY work not just meet EPA SMP requirements?

EPA:

- Answer the question, Can wildland fire use be used on private/state lands?
- Define Best Smoke Management Practices
- Report on consumption and emission factors/updated mechanism available for states