



February 2, 2016

Beth W. Palma  
Office of Air Quality and Standards  
Environmental Protection Agency (C539-04)  
Research Triangle Park, NC 27711

SUBMITTED online to [regulations.gov](http://regulations.gov)

**Docket ID No. EPA-HQ-QAR-2013-0572 Re: Comments – *Treatment of Data Influenced by Exceptional Events, Proposed Rule, Federal Register of November 20, 2015, (80 FR 72840)(FRL-9935-73-OAR), pp. 72839-72897***

Dear Ms. Palma,

The National Association of State Foresters (NASF) submits this letter of comment regarding the Environmental Protection Agency's (EPA) proposed rule revisions to 40 CFR part 50, Treatment of Data Influenced by Exceptional Events, published in the Federal Register of November 20, 2015, (80 FR 72840).

The National Association of State Foresters is comprised of the directors of state and territorial forestry agencies and the District of Columbia (State Foresters). NASF seeks to advance sustainable forestry, conservation, and protection of forestlands and their associated resources.

State Foresters have regulatory and/or advisory responsibilities for 424 million acres or 57% of the forestland in the United States that is privately owned. State foresters also directly control and manage millions of acres of publicly owned state forests. NASF has a strong interest in this proposed rule because state forestry agencies have principle responsibilities for wildland fire prevention, preparedness, and suppression as well as forest management activities that include prescribed burning.

Thank you for the opportunity to submit the attached comments.

Sincerely

Paul DeLong, President & Wisconsin State Forester

**Comments by the National Association of State Foresters on  
the EPA's Proposed Revisions to the 2007 Exceptional Events Rule  
Identified by Docket ID No. EPA-HQ-QAR-2013-0572  
February 2, 2016**

**Positives of the Proposed Revisions**

- Recognition of fire as part of U.S. ecosystems and the importance of managing fire through use of wildfire where appropriate, with fuels treatments, and with prescribed fire to reduce the risk of catastrophic wildfire.
- Regulatory definitions of wildfire and prescribed fire as defined will help in dialogue with air regulators and EPA regions and reduce confusion with the public.
- Recognition of one type of wildfire is important and consistent with 2009 Federal Guidance and approaches taken in the Cohesive Strategy.
- Recognition of the role of land managers and scientific literature, including management plans, in defining prescribed fire use cycles. Overall use of this tool is critical as it allows subject matter experts to execute their appropriate role. The follow-up public review process in an EER Demonstration would allow any discrepancy to be noted for a subsequent review by the respective EPA Regional Office.
- We appreciate that the EPA clearly states there are no plans to revise the 1998 Interim Air Quality Policy on Wildland and Prescribed Fires. We further appreciate that this policy is supported by the land management and fire communities, since expectations have delayed further progress towards progressive smoke management approaches.

**Ideas for Improvement or Program Focus**

- More prescribed fire and fuels treatments are needed on the landscape to aid in ecosystem restoration and resilience. It is important that the EER implementation and guidance to the regional and state regulatory agencies includes the needed increases in this activity and not just to maintain current catastrophic conditions.
- As air quality standards tighten, the likelihood of prescribed fire exceeding standards increases, even in areas where fire has been utilized effectively, such as in the Southeast. This potential is in areas facing a hazardous backlog of fire use and fuels treatments, such as in the west. Guidance is needed for state regulatory agencies and the EPA regions in assessing smoke management approaches, barriers to the use of the EER, or those creating significant obstacles to the use of prescribed fire. This is especially important if the goals of the Cohesive Strategy for managing wildlife are to be accomplished.

- Please direct state regulators and EPA regional personnel to engage with us as a community to be prepared to address these fuels for the benefit of the nation's public safety and health, to use the EER as a tool as needed, and include even stronger language on the urgency for fuel reduction for the benefit of the nation's public safety and health.
- With the update of NAAQ's for daily ozone and PM2.5 annual standards, there will be potential for significant increases in non-attainment areas which may include millions of acres where fire plays a key role. In addition, the trends for long duration and larger wildfires may result in elevated ozone concentrations, which could potentially increase exceedances or derail attainment schedules. The emissions from these large fires can cross state boundaries and EPA regions. It is absolutely critical that these contributions be removed from any attainment determination for the use of this rule, or through oversight provided by the EPA. Although the EPA has provided guidance for this purpose, the process for ozone protection seems onerous and costly when the impacts move out of the local level. A process should be clarified for the states downwind which ties to the initial state demonstrations rather than creating multiple demonstrations. A publicly accessible clearinghouse for demonstrations underway with lead state and EPA regions should be developed that provides basic information to the land management community for added efficiency. The material developed in support of large wildfires by the incident management teams and Air Resource Advisor (if assigned) should be a significant portion of the demonstration.
- The clarification of the role of smoke management programs and Basic Smoke Management Practices is supported by the land management and fire communities. We also support the use of BSMP's as guided by the NRCS-FS Tech Note as cited in the proposed rule. As smoke management approaches evolve over time, including the approaches in the Preamble language, it will allow for site-specific approaches to be optimized that are responsive to local needs and objectives.
- The step of conducting a pre-submittal meeting with the agency proposing the demonstration with the EPA region is a valuable addition to the rule. Additionally, the EPA should propose that when the EER is finalized, there is a coordinated effort to address how the EER can be used in that jurisdiction. The coordination effort should be among state regulatory agencies, state forestry agencies (frequently the agency administering the smoke management program), and federal land managers who may submit a demonstration in advance of possible use of the new EER.

NASF is grateful for the opportunity to submit feedback.