



**Issue Brief:**  
**Wildfire Smoke and Air Quality:**  
**EPA Exceptional Events Rule**  
March 27, 2006

**Summary:**

The Environmental Protection Agency is currently reviewing proposed rule changes to their National Ambient Air Quality Standards. As a part of the review, they are currently developing new standards for natural and “exceptional” events such as wildfire. Both prescribed fire and wildland fire use produce smoke that is often in violation of state air quality standards; classifying these incidents as natural or exceptional events would allow states more flexibility in applying air permitting and fire management practices.

**Background:**

The Environmental Protection Agency is required by the Clean Air Act to review health and welfare based standards every 5 years. Section 109 of the Act covers National Ambient Air Quality Standards, and sets national-level standards for particulate matter. One of the most prominent sources of particulate matter (70%) is smoke from wild and prescribed fire. In the December 20, 2005 Federal Register, the EPA formally proposed a change in the particulate matter standards. The proposed revisions included a nearly 50% strengthening of existing standards, designed to reduce the health effects on the public from short-term exposure to high levels of fine particulate matter. A 90-day comment period on the newly proposed regulations recently closed, and the agency anticipates releasing the final rule at the end of September, 2006.

Along with the aforementioned general rule on particulate matter, the EPA is now in the process of developing a proposal regarding the treatment of so-called “natural and exceptional events” through rulemaking. When such qualifying exceptional events occur, states can separate such data so as not to contribute to non-compliance with air quality standards. Smoke from prescribed fire and wildland fire use is of particular interest in this rulemaking and could have far reaching implications for fire management.

**Current Issues:**

Definitions for both prescribed fire and wildland fire use are currently being debated, as these will drive the rulemaking. Operational considerations include the size of the fire, the training of fire managers on site, initial management response decision-making, and the role of Fire Management Plans. The federal land management agencies have recommended that Wildland Fire Use be categorized as a “natural event” when it meets a series of specifications, and that prescribed fire be considered an “exceptional event” when its smoke contributes to the non-attainment of air quality standards. The Fire Air Issues Coordination Group, an inter-agency group convened by the Wildland Fire Leadership Council, is assisting the EPA as it develops the rule.

**Recommendations:**

There are several avenues for WFLC members to engage this issue.

- The deadline for comments on the proposed Exceptional Events rule is May 6<sup>th</sup>. Staff will look for opportunities to coordinate comments as the rulemaking moves forward.
- The EPA expects Congress to hold at least two public hearings on the issue, although nothing has yet been scheduled. These hearings will be ideal opportunities for State and Regional Foresters to offer their insights on smoke management.

**For More Information:** [www.epa.gov/air/particles/actions.html](http://www.epa.gov/air/particles/actions.html)