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is a non-profit, tax-exempt
organization whose mission is to
foster exemplary land stewardship
through research, conservation
and education.
Established in 1958*

March 28, 2023
Submitted via Regulations.gov

U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Re: EPA-HQ-OAR-2015-0072; Reconsideration of the National
Ambient Air Quality Standards for Particulate Matter (PM 2.5)

Dear Mr. Joseph Goffman,

We urge you to recognize that simply reducing the burden for an Exceptional Events Rule filing is a poor solution for the proposed rule's impact on prescribed fire use and its many public benefits. While the Exceptional Events process may be helpful in some western states dominated by public lands, the current reality is that private landowners lead prescribed fire in the US. Estimates indicate that 65% of all prescribed fire is ignited on private lands, making Exceptional Events Rule filings a burden for these individual private landowners. Asking landowners to conduct sophisticated modeling, source identification, and make detailed filings is not a viable solution and will impact the use of prescribed fire in the areas that have provided leadership for the expanded use of beneficial fire nationwide. **To be clear, we strongly oppose any regulation that places such burdens on private conservationists.**

Tall Timbers, as a non-governmental organization with over 60 years of experience utilizing fire science to solve conservation and land management issues, opposes the U.S. Environmental Protection Agency's (EPA) proposed rule to modify the National Ambient Air Quality Standards (NAAQS) for fine particle pollution (PM2.5). As a conservation organization, we support clean air and reducing human-induced pollutants for human health benefits. However, the proposed rule regarding PM 2.5 is an overly simplistic approach to a complex situation that will result in unintended negative consequences for human health, safety, the environment, and the economy.

We submit these recommendations focusing on prescribed fire use on private lands, a topic we have engaged in extensively. First, shortcomings of the proposed rule are provided, followed by recommendations for moving forward.

Across federal land management agencies and the broad scientific community, the consensus is that the **US needs more prescribed fire**. For example, the Wildland Fire Leadership Committee's National Wildland Fire Cohesive Strategy Addendum Update (March 2023), led by Agriculture and Interior Undersecretaries –with NIH and EPA representation– strongly advocates for more prescribed fire implementation to abate wildfire hazards, reduce human health issues caused by wildfire smoke, restore plant and animal biodiversity, promote ecosystem resilience, and to sustain local economies.

USDA Forest Service Chief Moore has repeatedly emphasized the critical importance of prescribed fire and its primary role in mitigating the Nation's wildfire crisis. In addition, Federal R&D in the Forest Service, US Geological Survey, and National Science Foundation have all supported recent science syntheses that reveal the solid scientific consensus that more prescribed fire will be needed to restore ecological integrity and resilience, protect human health, and reduce real threats from wildfires.

We ask that EPA consider the following shortcomings of this proposed rule.

1. The rule will fail to reduce wildland fire-caused emissions. Prescribed fire and wildfire burn approximately 10 million acres annually in the US. Wildfires cause vastly disproportionate emissions and dramatically affect human population centers. Reducing the use of prescribed fire will undoubtedly result in continued increases in wildfires that are more difficult to suppress and more damaging to our air, water, and broader environmental quality. Tall Timbers' analysis of one area in southwestern Georgia suggests that proposed restrictions will curtail prescribed fire days by 20% during peak prescribed fire season. We can expect similar or even more dire reductions in prescribed fire opportunities in California and other western states. The proposed rule reduces access to the best tool available—prescribed fire—to abate wildfire hazards and their resulting emissions.

2. The rule will stymie federal, state, tribal, and private initiatives to restore fire-prone ecosystems and cultural connections. Across all sectors, prescribed fire is prioritized as a powerful solution with deep roots in how humans live safely in fire-prone environments. Reigniting cultural burning across tribal lands has been a significant conservation and environmental justice accomplishment over the last decade. Further PM 2.5 restrictions will drastically reduce these efforts in California and other areas of the West. The “priority landscapes” Forest Service Chief Moore selected for more prescribed fire overlap with large areas where the proposed rule would reduce access to prescribed fire. These conflicts are unnecessary and cause infighting among organizations all focused on the same noble outcome of a healthy environment.

3. The proposed rule will harm rural economies. Economic effects occur in two primary ways: loss of the benefits of prescribed fire and further losses from the impacts of more damaging wildfires. For example, quail hunting in the Southeast is a tremendous economic engine for rural communities. In two small communities of southwest Georgia and north Florida, our research shows wild quail hunting-related activities resulted in a combined economic impact of nearly \$340 million annually. Reducing prescribed fire in these areas will inevitably affect these properties, the wild quail populations that depend on them, and the local economy that benefits from these activities. From a wildfire perspective, further restrictions on prescribed fire will result in wildfires that continue to grow in intensity and difficulty to control. This will keep the US on a path of growing economic losses from wildfires that impact homes, structures, recreation opportunities, and human health costs from persistent wildfire smoke.

4. The proposed rule will harm rare and endangered plants and animals. In the Southeast, most rare plants and animals depend on fire-prone ecosystems, where fire reduction results in declines in habitat and population numbers. The federally listed red-cockaded woodpecker, among others, is closely tied to frequent prescribed fire for several aspects of its life history. Gopher tortoises, rare terrestrial turtles, are similarly impacted by reduced prescribed fire. Rare plants, many that have fire-cued life history stages, will also be further imperiled. These species, managed for decades by the US Fish and Wildlife Service and state wildlife conservation agencies, will be impacted by the reduced prescribed fire the proposed rule will cause.

Our Recommendations

We provide several recommendations below for the EPA to consider. Tall Timbers and the fire research community (Federal R&D, Universities, and NGOs) stand ready to assist.

1. Develop Best Management Practices and technology for prescribed fire and air quality.

Prescribed fire is patchy across the US. Each “hotspot” of prescribed fire has unique challenges and characteristics. For each of these areas, funding and supporting communities of practice should be provided to develop and implement Best Management Practices, as we do for Clean Water Act implementation. These regional Best Management Practices would mesh well with State Implementation Plans for air quality. Investing in the practices and technology to aid the prescribed fire community and the state agencies that regulate them in evaluating, predicting, and avoiding air quality exceedances will have real air quality benefits.

2. Fund Prescribed Fire Air Quality Research. Research on prescribed fire lags behind wildfire-focused research at a ratio of 1:3. Prescribed fire science has unique needs with implications for how well we understand smoke generation, emissions, and the decision support tools needed by managers and regulators. EPA and the broader Federal R&D enterprise should vastly increase research efforts to better understand prescribed fire smoke and air quality in our communities. This increased investment in prescribed fire research will support the prescribed fire air quality Best Management Practices concepts described above.

3. Exempt tribal and private lands conservation prescribed fire from the proposed rule. Given the number of objections raised here and the clear consensus that more, not less, prescribed fire is needed for public benefit and that non-public entities lack the additional resources to file Exceptional Events Rule filings, we recommend that these parties be exempt. Tribal and private lands prescribed fire use can be addressed through the investments in Best Management Practices and technology advances described above.

Thank you for considering these recommendations, and we welcome the opportunity for further dialogue on this critical topic. Please contact Dr. Morgan Varner, Tall Timbers Director of Research, to discuss this (mvarner@talltimbers.org).

Sincerely,



William Palmer, Ph.D.
President/CEO