

United States Senate

WASHINGTON, DC 20510

December 13, 2023

The Honorable Michael Regan
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

The Honorable Deb Haaland
Secretary
Department of the Interior
1849 C Street, N.W.
Washington, DC 20240

The Honorable Thomas Vilsack
Secretary
U.S. Department of Agriculture
Jamie L. Whitten Building
1400 Independence Avenue, SW
Washington DC, 20250

The Honorable Mandy Cohen
Director
Centers for Disease Control and Prevention
1600 Clifton Road
Atlanta, GA 30333

Dear Administrator Regan, Secretary Haaland, Secretary Vilsack, and Director Cohen,

We write regarding the recent Memorandum of Understanding (MOU) between the Environmental Protection Agency (EPA), the Department of the Interior, Department of Agriculture, and the Centers for Disease Control and Prevention to enhance collaboration between your agencies to protect communities from the negative impacts of wildfire smoke and increase active management to mitigate the risk of catastrophic fire. While we welcome this as a positive step forward, we urge you to ensure any efforts incorporate robust input from affected stakeholders and provide a workable pathway for communities to continue use of prescribed fire.

For decades, western states have faced smoke filled summers that harm vulnerable populations, degrade the enjoyment of the outdoors, and weaken the economic vitality of communities that support outdoor recreation industries. Prescribed fire is a proven method to reduce risk of catastrophic wildfire and the associated smoke from the mega-fires confronting our communities today. Given the significant harms that wildfire smoke alone causes, the MOU gives your agencies the opportunity to allow for prescribed fire, which is a vital tool to mitigating wildfire risk, while protecting public health. Prescribed fires cause a small amount of smoke at a predictable time and in a more controlled manner, which is far preferable to the large and unpredictable smoke of catastrophic wildfires.

You stated that by this MOU, the agencies “commit to urgent action to reduce the risk of severe wildfires and dangerous smoke” and much of the document focuses on the benefits of prescribed fire.¹ We ask that the EPA work to provide a clear path to allow states to use prescribed fires without a corresponding hit to the state’s ambient PM_{2.5} National Ambient Air Quality Standards (NAAQS) compliance. While the Exceptional Events Rule in theory provides a mechanism for this, it has not realistically provided states a pathway to engage in prescribed burns. In fact, according to a March 2023 Government Accountability Office report on wildfire smoke, “land

¹ [Biden-Harris Administration Agencies Sign Interagency Agreement to Address Wildfire Risk and Protect Communities from Smoke | US EPA](#)

management agency officials and one stakeholder said that state and local agencies may not use the provision because exceptional event demonstrations are technically complicated and resource intensive.”² We believe the agencies need to set a pathway in order for states to continue these activities to protect communities from catastrophic wildfire.

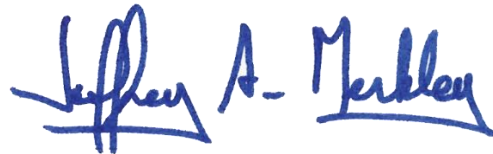
If the Administration is serious about protecting communities from wildfire smoke, it is imperative you incorporate input from state, Tribal, and local air quality regulators that is not technically complicated or resource intensive and that does not penalize states, tribes, and local agencies for the use of prescribed fire. We urge you to treat the wildfire threat to our communities as the crisis that it is and change policies at the EPA to make it easier for land managers to use prescribed fire.

Thank you for your attention to this important issue.

Sincerely,



Steve Daines
United States Senator



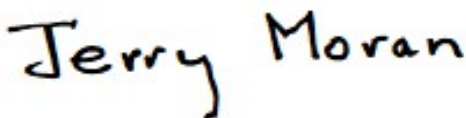
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United States Senator



John Barrasso, M.D.
United States Senator



Jerry Moran
United States Senator



Cynthia M. Lummis
United States Senator



Jon Tester
United States Senator

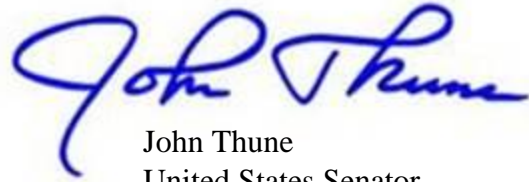


Ron Wyden
United States Senator

² [GAO-23-104723, WILDFIRE SMOKE: Opportunities to Strengthen Federal Efforts to Manage Growing Risks](#)



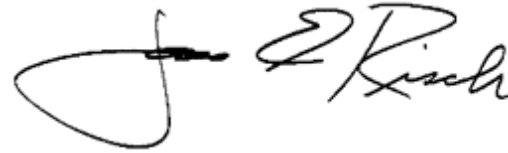
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United States Senator



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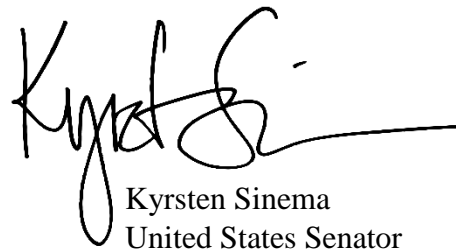
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Patty Murray
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