

THE TASK FORCE ON AGRICULTURAL AIR QUALITY

Technical Subcommittee

Report

Louisiana Commissioner of Agriculture and Forestry

Bob Odom, Chairman

**Washington Plaza Hotel,
10 Thomas Circle NW
Washington D.C.**

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Testimony of Louisiana Commissioner of Agriculture & Forestry

Bob Odom

Mr. Chairman, members of the Committee, thank you for inviting me to present agriculture's concerns and recommendations regarding the Environmental Protection Agency's (EPA) revisions to the National Ambient Air Quality Standards (NAAQS) for ground level ozone and particulate matter (PM). This presentation will focus on the need for continuing the use of fire on cropland, forestland, rangeland, pastureland and wildlands nationwide. Even though the focus of this paper is prescribed burning, we are equally concerned about the potential adverse impacts of EPA's proposed visibility standard on traditional land management activities.

The recommendations I will present today are based on several technical reports that were prepared by agricultural, forestry and natural resource experts from throughout the southeast, south central and western United States. Copies of these technical reports can be made available to any committee member requesting a copy.

A summary of the key recommendations and/or concerns include:

1. There are no data currently available that clearly and unequivocally demonstrates a need for EPA to alter or modify air quality standards covering croplands, forestlands, rangelands, and wildlands prescribed burning operations.
2. Without adequate data, there is considerable risk that unnecessary restrictive policies will be placed on the use of fire as a management tool resulting in adverse economic, ecological, and human safety impacts.
3. EPA's decision to implement the new NAAQS and visibility standards will inhibit forestry/agriculture/wildland burning. We must pursue a sound science-based, common-sense approach to future air quality policy in the U.S.
4. Until sufficient data is available, States should not be required to develop State Implementation Plans (SIPs) that may negatively affect all prescribed burning. The current Particulate Matter standard (PM 10) can be met; however, there is no clear evidence regarding attainment of the proposed PM 2.5 standard.
5. We urge the Task Force on Agricultural Air Quality to thoroughly review the proposed new EPA standards prior to final policy approval. We must pursue a sound, sincere, realistic approach to policy development regarding air quality.

6. Monitoring programs should be structured to assess the trade-offs for the use of fire in resource management. An evaluation of the wide range of long-term social, economic and environmental benefits from fire use versus its potential short-term seasonal adverse impacts on air quality must be considered. Examples of beneficial impacts that should be evaluated include (but are not limited to): (a) human safety; (b) economic benefits to watersheds, individuals and society; (c) protection and management of important public and private natural resources (i.e., forestland, water quality, crops, soil, plants, rangeland and wildlife); (d) enhanced wildlife habitat, (e) increased plant and animal species diversity within specific ecological systems; and (f) pest management.
7. Most threatened and endangered species in the U.S. are dependent on fire-adapted communities. Fire-restrictive policies, therefore, may adversely impact these species, a result that may be in direct conflict with the Endangered Species Act.
8. We must insure that adequate quality assurance (QA) / quality control (QC) measurers are in place before air quality monitoring program implementation. Monitoring training will be required prior to collection of critical decision-making data.
9. The research community is not in agreement on the accuracy of the instrumentation being provided by EPA to the States for air quality measurement. The Task Force on Agricultural Air Quality should play a lead role in the development and evaluation of monitoring instrumentation, modeling data, and analytical methods. Many are concerned that the models being used to determine or predict the impacts of the proposed new standards have not been verified and tested in all parts of the U.S.
10. Ms. Browner's statement that agriculture need not worry about the proposed PM 2.5 rule may be misleading. There are documented cases showing EPA / State air quality policies adversely impacting agriculture and forestry production. As an example, seven counties in Florida (Dade, Brevard, Palm Beach, Hillsborough, Pinella, Orange and Duval) were considered to be ozone non-attainment areas before 1996. The ability to conduct prescribed burns in these counties was severely limited. If prescribed burning on agriculture and forest lands contributes minimally to ambient air quality concerns, why don't we simply exempt these uses of fire from the rule. If agriculture, forestry and wildland burning activities are not exempt, however, it is fair to assume that EPA will impose restrictions on the traditional use of fire in all areas exceeding the PM 2.5 standard. It is, therefore, extremely critical that we obtain more scientific data to assess the true impact of

the new rule on all prescribed burning activities.

11. Consideration must be given to private property rights with regard to the new standards. Many of the landowners and land managers throughout the U.S. have practiced the use of prescribed fire for many generations (mimicking natural occurrences). Historically, there have been other regulatory approaches that have seriously threatened the continued use of prescribed fire. During these historic episodes, many of these landowners continued this practice outside the law, either by simply setting wildfires, or by ignoring the law altogether. This creates a confrontational situation that is much less desirable, and does not lead to mutually beneficial policy. In the Southeast alone, 5.1 million acres were burned for silvicultural and rangeland improvement in 1996. Many of these landowners would find it very difficult, if not impossible, to support their business if the use of fire was restricted. Economic losses could potentially result in required private property owner compensation under both federal and state "takings" laws.

In closing, I would like to again thank the Task Force for providing this forum for the presentation of issues of concern related to the newly proposed air quality standards. As articulated above, national policy on the use of fire in resource management must allow for flexibility and the continuation of traditional prescribed burning options. The issues we have addressed are critical to the ability of this nation to continue providing food and fiber to all citizens. Our national security could be at stake. Agricultural products are also extremely important export items that help offset our extremely large trade deficit. Additionally, wildfires can be costly, and past experiences clearly tell us that controlled fire saves lives and protects property.

Even though Administrator Browner promises that the proposed rule is not targeting agriculture, we all know that prescribed fire has been attacked in the past and there is no guarantee that burning restrictions will not result. If agriculture, forestry, rangelands, and wildlands are not being targeted, wouldn't be reasonable to exempt these uses of fire from the rule? We believe that it would!

We respectively request that the Task Force on Agricultural Air Quality be elevated to an official advisory panel regarding the use of fire in agriculture, forestry, rangeland, and wildlands.

We also strongly encourage the Task Force to accept this report and forward our concerns and recommendations to USDA Secretary Dan Glickman for his consideration.

Thank you.