



Assessment of Agricultural Burning in the United States as a Result of the Agricultural Burn Policy and the Language in EPA's Proposed Exceptional Events Rule

Emerging Issues Committee Report
Presented to the USDA Agricultural Air Quality Task
Force, August 30-31, 2006



CHARGE TO THE EMERGING ISSUES COMMITTEE

- Examine the Ag Burning Policy developed by the USDA AAQTF in 1999 and submitted by the USDA Secretary to the EPA Administrator in 2000
- Examine EPA's Proposed Exceptional Events Rule (EER)
- Identify potential impacts to agriculture in the development of the EER
- Make Recommendations to the AAQTF for Recommendations to the USDA Secretary



Agricultural Burning Policy (ABP) Developed by the USDA AAQTF

- AAQTF completed the ABP as a recommendation in 1999.
- In February 2000, USDA Secretary Glickman forwarded these recommendations (as written by the AAQTF) to EPA Administrator Browner for consideration in the development of future policies impacting agricultural burning.
- EPA Noticed the ABP along with the voluntary (incentive based) control measures policy in the Federal Register on September 18, 2000



Status of Agricultural Burning Policy

- EPA Noticed three (3) Public Hearings on the ABP in the Federal Register on September 21, 2000.
- Public Hearings were conducted September 27, 2000, October 12, 2000, and October 18, 2000.
- No other action taken by EPA as of August 2006, almost six (6) years after the public hearings.



Actual Agricultural Burning Policy

- The original ABP submitted by the Secretary of USDA to the Administrator of EPA recommended specific management practices designed to control emissions from agricultural burns.
- The ABP also recommended that States/Tribes implement smoke management programs (SMPs) to reduce the public health and welfare impacts of agricultural burning.



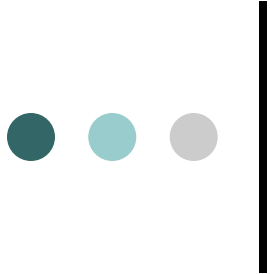
Impacts of the 109TH CONGRESS *1ST SESSION* (2005)

- Public Law No. 109-59 was enacted as a part of the Federal-aid to highways, highway safety programs, and transit programs, and for other purposes requiring EPA to promulgate a rule on Air Quality Monitoring Data influenced by exceptional events.
- PL 109-59 defined the term exceptional event.



EPA Proposes the EER Rule in the Federal Register on March 10, 2006

- In the EER, EPA cites The Interim Air Quality Policy on Wildland and Prescribed Fires which provides environmental regulatory agencies the means to discount or flag monitored air quality data on days of prescribed forest burns or wildland burns.
- Following the promulgation of this rule, EPA states it will revise the "Interim Air Quality Policy on Wildland and Prescribed Fires" to be consistent with current policies related to wildland and prescribed fires as well as the final rulemaking on exceptional events.



Reasons for the AAQTF to Make a Recommendation to the USDA Secretary

- Definition of an Exceptional Event is problematic for agriculture and forestry, “is an event caused by human activity that is unlikely to recur at a particular location or a natural event;”
 - Agricultural burning must recur at the same location
 - Forestry burning will have to recur at the same location over time
- If these activities contribute to an area’s nonattainment status, environmental regulatory agencies may impose additional environmental controls which may include a ban on agricultural or forestry burns.



The Number One Reason for the AAQTF to Make a Recommendation to the USDA Secretary

- o Without clear instructions in the EER, 50 state environmental regulatory agencies (and hundreds of local environmental regulatory agencies) will make up their own conclusions regarding agricultural and forestry burning in their state or local area.**



Recommendation Number 1

- Recommend that the USDA Secretary request the EPA Administrator give immediate “Interim” status to the Agricultural Burning Policy that has been at EPA since 2000, was noticed and comments submitted and 3 public hearings held.



Recommendation Number 2

- Recommend that USDA Secretary request the EPA Administrator add the following language to the final Exceptional Events Rule:
It should be noted that this rule does not cover agricultural burning. EPA will address agricultural burning by rulemaking within 12 months of the final promulgation of the Exceptional Events Rule. EPA will use the “Interim” Air Quality Policy on Agricultural Burning to address issues related to the existing and/or revised PM_{2.5} NAAQS pending EPA’s final rulemaking on agricultural burning.



Recommendation Number 3

- Recommend that USDA Secretary request the EPA Administrator to begin work on Agricultural Component of the Exceptional Events Rule immediately following the AAQTF August meeting utilizing experts and interested parties of the existing AAQTF working with EPA staff, experts and interested parties. Plan to convene meeting in Washington, DC prior to September 30, 2006 to begin language development.



Recommendation Number 4

- Recommend that USDA Secretary and EPA Administrator work together to appoint a Blue Ribbon Panel to complete the work on language development that would ultimately supplement the Exceptional Events Rule regarding Agricultural Burning. Completion date would be September 2007.

Clarifications? Questions?
Call for the Question?

