

Committee on Resources

Subcommittee on Forests & Forest Health

Witness Testimony

Testimony on
Oversight hearing on
Regional Haze
GREG WALCHER
President
Club 20
Before the
House of Representatives
Subcommittee on Forests and Forest Health
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Introduction:

Chairman Chenoweth, we are grateful to you for scheduling this hearing on a matter we believe is of great importance to the Rocky Mountain West in general, and to Western Colorado in particular. I also want to emphasize how much we appreciate the hours of work you and your staff, and the other Committee members, have put in on related issues over the past few months. As you know so well, the decisions made by the managers of our public lands have a tremendous impact on the communities in our states, and on the quality of life in our region. Prescribed fire is a vitally important management tool, and will see increased use in the coming years. That makes it even more important that we give careful thought to its affect on air pollution and regional haze.

About CLUB 20:

CLUB 20 is an organization of counties, communities, businesses, individuals and associations in Western Colorado. The group is organized for the purpose of speaking with a single unified voice on issues of mutual concern. Its activities include marketing and advertising, public education, promotion, meetings and events, and political action.

Founded in 1953 by Western Slope business leaders, CLUB 20 was originally organized to get rural roads paved. The State of Colorado had been spending only 10 percent of its highway funds west of the Continental Divide, where more than half the roads were. It finally became clear that only by agreeing on a single priority list could all our communities be heard. It worked. Within a few years, the State was spending 37 percent of its highway funds west of the Divide, and by the end of the 1950s most of the major highways on the West Slope had been paved.

The organization continued to firtiction, incorporating in 1955, and began working on other issues of concern to all Western Slope communities. Its activities today include water, agriculture and natural resources, energy, economic development, public lands, highways, air service, tourism, trails, recreation, and telecommunications.

CLUB 20 policy is made by a Board of Directors, which includes voting membership for each county on the Western Slope. All counties have an equal voice, their delegations elected by the members in each county. Management decisions are made by an Executive Committee composed of elected officers. A vote of the full Board is required for CLUB 20 to take a position on any issue.

The engines that drive CLUB 20 are the standing committees. Most Western Slope policy originates with these committees, all with broad geographic representation. These panels include Natural Resources and Public Lands, Transportation, Economic Development, and Tourism in addition to subcommittees on water and agriculture. Membership is open to all CLUB 20 members, and the groups recommend policy to the fall Board of Directors.

For over four decades, this organization of all the communities of Colorado West has been providing a forum for the discussion of complex and controversial issues, and representing the interests of the Western Slope at all levels of government. The group's membership is broader and more diverse than at any time in history, and still growing each year. The CLUB 20 leadership is convinced that, by working together to achieve a stronger voice, the Western Slope can help shape the destiny of Colorado and the West.

The proposed regulations unfairly impact the Rocky Mountain West (which already boasts the nation's cleanest air) by requiring it to achieve unattainable levels of reductions. We cannot solve haze problems not created in Colorado at the state level. That's why a regional approach can be the only answer. But the EPA proposes reductions in every state, and denies us any means of achieving them. Such regulations would severely restrict economic activity and retard future growth in areas with already-clean air, while producing very little effect on polluting areas which are the source of much of the region's haze, as demonstrated by the Grand Canyon Study.

The Grand Canyon Study identified the major causes of regional haze on the Colorado Plateau, and the results were not vague. The major contributors of year-round haze were Southern California air pollution and unregulated Mexican stationary sources. The major contributor of episodic haze was clearly identified as prescribed fires on federal lands. Yet the EPA regulations have no effect on Mexico at all, nor do they provide any means for Colorado to address pollution generated in California. And most importantly, they specifically exclude federal land managers from any responsibility for the pollution generated by prescribed fires.

Without sound science to determine a baseline of naturally occurring sources of haze in each region, it is impractical to set uniform standards of haze reduction that may be technologically and economically unfeasible. To require the same total amount of reduction in each state, rather than the same percentage, is patently unfair to the West, and will have essentially no impact on the states east of the Appalachians. If Congress is serious about cleaning up the nation's haze and solving the visibility problems, it should start this process in Los Angeles or Pittsburgh, not in Western Colorado.

CLUB 20 strongly objects to the proposed EPA visibility regulations as unfair to the West, scientifically and economically indefensible, and without clear authority. We believe it is especially important for this Committee to recognize that the legal authority for these regulations is questionable. Congress authorized and funded the Grand Canyon Visibility Transport Commission, with a clear intention that it would result in regional solutions to a Colorado Plateau regional problem. It was never the intent of Congress to authorize new national regulations of this kind, nor was it the intent that the scientific study (\$8.5 million) would be completely ignored by an EPA with a political agenda.

Federal Land Management and Prescribed Fires:

One of the most dangerous aspects of the proposed rules is that they continue to essentially exempt federal land managers from responsibility for the pollution generated by prescribed fires. And yet, while excluding fires on federal lands, the rules still require a total across-the-board reduction in the statewide level of smoke. This would have the effect of causing drastic regulation of existing sources of haze, in order to offset the major source, the smoke created by federal land managers.

You will remember that EPA Administrator Carol Browner, in testimony before a similar hearing last year, denied that federal land managers are exempt from the regulations. Rather, she said, the data from those fires is excluded. It is a distinction without a difference to a state government required to reduce its haze by one "deciview", regardless of the source. Until the EPA has defined the baseline of naturally occurring sources, and included in that baseline an amount of smoke generated by prescribed fires -- which amount the EPA cannot possibly predict -- her assurances ring hollow. The fact is that the exemption of federal fires, or the exclusion of their data, has the effect of creating a conflict between federal land managers and other sources of haze.

CLUB 20 believes fire can be an important part of management of public lands, and we cannot afford the unnecessary conflict between proper land management techniques - including fires - and important economic interests. The us-against-them mindset that will inevitably result is counterproductive, and will endanger the proper management of federal lands. There are numerous areas in Western Colorado where the fuel overload has reached critical conditions. There is no doubt that much of this material must be removed or it will bum in a more devastating wildfire in the near future.

Proper federal land management means the larger materials, which bum longer and smoke more, should be removed mechanically before fires are set. By coincidence this is the same material for which there is a viable economic market. Yet the Forest Service continues to manage the forests in a manner that precludes sale or any removal of those materials, and the fuel loads continue to increase yearly. This Committee heard testimony recently from Interior Secretary Babbitt that as much as half of all the forests in America are unsuitable for burning until some mechanical clearing has taken place. Yet the Administration has effectively closed down access for that purpose by Executive Order, and the Forest Service budgets continue to reduce such clearing every year. CLUB 20 believes a combination of mechanical removal and prescribed fires are essential to the restoration of healthy forests in Colorado. The EPA regulations may serve to prevent that strategy because of its conflict with other economic interests that contribute to the haze. Trees do not vote, nor do they make campaign contributions. So if the EPA forces a showdown between proper public land management and continued industrial activity, the forests will be the losers. The only solution is to apply the same rules to all haze contributors, and to solve these problems at the state and regional level, as Congress intended.

CLUB 20 supported legislation at the State level for the past two years that would have placed the State Health Department in the decision loop on such prescribed fires. Almost unique among federal statutes, the Clean Air Act requires federal land managers to obey State laws on emissions. This legislation would have allowed the State to examine federal decision records to determine whether less-smoke alternatives had been fully considered before prescribed fires are set. It passed the Colorado Legislature overwhelmingly two years in a row, only to be vetoed by Governor Roy Romer both times. The veto was irresponsible and inexcusable, but the writing is on the wall. Federal land managers are going to be held accountable for their emissions.

In short, CLUB 20 supports prescribed fire as a proper management tool for regenerating the natural

environment, but more consideration should be given to smoke management as prescribed fires are planned, and methods for reducing emissions by clearing appropriate materials in advance should be used. A simple amendment to the Clean Air Act should be adopted by Congress to require land managers to reduce emissions to the extent practicable. That would end the federal-state argument over responsibility for such fires, and allow the continuation of important fire management. At the same time, by reducing the haze caused by such fires, it would end the conflicts between other economic activity and proper forest management. When EPA Administrator Browner says this "does not have to be a fight between clean air and good forest management," she is right. It does not have to be. But her proposal from EPA, combined with the executive order limiting forest access, and the constantly shrinking forest timber budgets, make it exactly that kind of fight.

The Agriculture Problem:

In the agricultural areas of the Westem Slope, the EPA regulations pose a very serious threat to the farming and ranching industry. Most of these communities have no major local sources of haze -- none at all. The episodic haze created by fire is the only significant source of local visibility impairment in many of our counties. Thus, when federal land managers set prescribed fires the haze can be serious, and is very noticeable. So if the EPA rules force a reduction in those communities, but continue to exclude the data from prescribed fires, agricultural burning may be the only remaining source to regulate. And regulation of agricultural burning is a major threat to the existence of the industry in those areas.

It is not possible to grow crops and weeds in the same field at the same time. Weeds must be controlled if farming is to succeed. They must either be bumed, or killed with chemicals. It is ironic, to say the least, that the same zealots who are pushing the regional haze rules would also ban such chemicals, leaving farmers with no chance of successful farming. There is no public policy reason to create such conflicts. The EPA's proposed regulations would divide the economic interests of this nation in an unproductive and harmful way, while accomplishing no real solution to the problem.

The Local Government Problem:

The same kinds of conflicts are now becoming a major problem for local governments throughout the West, including many of those CLUB 20 represents. Several Western Colorado counties are at this moment struggling with local regulations aimed at smoke and haze management. My own home county (Mesa County) is in the process of implementing rules affecting wood-burning stoves, as many other counties have already done. Those who think pollution advisories and voluntary no-drive days are for the big cities should know that many mountain communities live with the same temperature inversion problems. Commonly the inversions create the same kind of haze problem in the Vail Valley, for example, as is common in Denver.

Local governments are taking serious actions to solve these problems, based on sound science and on the real sources of the haze in those areas. No national cookie cutter approach can be successful because the sources are not always the same. The EPA regulations add an especially difficult factor to the mix, because counties will feel increased pressure to adopt local rules to make up for federal actions they cannot control. Such regulations have an unquestionable impact on local economies, and in many areas may produce no result in visibility improvement. Yet counties and cities throughout the region are feeling enormous pressure to implement stringent air quality standards.

In addition, Colorado still labors with state law requiring county sheriffs to "control and extinguish" all fires on public lands. There is no discretion to let such fires bum, even when federal land managers have reached

such a conclusion. Local experts often can reach a consensus on letting some fires burn in certain areas, but such a decision leaves county sheriffs hopelessly in the middle of a legal dilemma. While our State works on legislation to update the outmoded law, better cooperation between the federal and state government would be extremely helpful.

Conclusion:

The point of this discussion ought to be cleaning up dirty air and reducing the haze problem. Since the EPA rules will not accomplish this, and will create the problems outlined above, they should be sidelined. Congress ought to act swiftly and decisively to stop the implementation of these regulations, and to insist that the process authorized and funded by Congress should be followed, including a direction to consider the scientific evidence of the Grand Canyon study. At the same time, Congress should act quickly to require under the Clean Air Act that federal managers, in proposing prescribed fires, should reduce the resulting emissions to the extent possible. If there is a large cost associated with better land management, as the Grand Canyon Study hinted, then Congress should be prepared to pay that cost before it authorizes the Forest Service to torch the Western landscape and darken our skies.

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