



ASSISTANT ADMINISTRATOR FOR AIR AND RADIATION

WASHINGTON, D.C. 20460

October 16, 2025

SUBJECT: EPA Policy on Provisions to Allow Wildland Prescribed Fire in Clean Air Act State Implementation Plans

FROM: Aaron Szabo, Assistant Administrator
Office of Air and Radiation (6101A)

TO: Regional Administrators and Deputy Regional Administrators, Regions 1-10

I. Introduction

It is the policy of the U.S. Environmental Protection Agency (EPA) that any regulatory provisions that would limit strategic deployment of prescribed fire should not be included in Clean Air Act (CAA) State Implementation Plans (SIPs) as part of the control strategies for attainment or maintenance of the National Ambient Air Quality Standards (NAAQS), or to satisfy regional haze program requirements.

Strategic wildland fire management, including the use of prescribed fire as a mitigation tool, has become increasingly important for protecting communities and natural resources. Through enhanced Federal coordination and partnerships at all levels of government, EPA is working with our counterparts to implement effective fire management strategies that balance ecological needs with air quality and human health considerations.

This memorandum¹ addresses the objectives outlined in Executive Order 14308 (EO 14308), “Empowering Commonsense Wildfire Prevention and Response,” specifically Section 4,

¹ This memorandum constitutes guidance and does not bind any entity. The EPA evaluates and acts on SIP submissions on a case-by-case basis. The EPA reviews each submission against the applicable CAA and regulatory requirements. This memorandum does not constitute or prejudice the EPA’s action on any SIP submission. The EPA’s evaluation of any SIP submission will be conducted through notice-and-comment proceedings in which the Agency will determine, on a case-by-case basis, whether a given SIP submission is consistent with the requirements of the CAA and applicable regulations.

“Strengthening Wildfire Mitigation.”² Consistent with Section 4(a) of EO 14308, the EPA discourages states from including regulatory provisions that could serve to limit the strategic deployment of wildland prescribed fire conducted for the purposes of land management or wildfire mitigation within SIPs as part of the control strategy for attainment and maintenance of the NAAQS, or the regional haze program.³ While this policy is focused on provisions to be submitted to the EPA for inclusion in SIPs, air agencies should engage with the EPA Regional Offices to discuss current SIP-approved provisions.⁴

1. Background

A SIP is a collection of regulations and documents used by a state, Tribe, territory, or local air district to implement, maintain, and enforce the NAAQS and to fulfill other requirements of the CAA.⁵ States have discretion, consistent with CAA sections 101(a)(3) and 110(a)(1), regarding programs to develop and incorporate into a SIP as part of their obligations to implement, attain, and maintain the various NAAQS.⁶ The existing EPA-approved SIP requirements for each state are found in 40 CFR part 52.

Various states and areas within states have rules incorporated into their SIPs that include statewide or areawide provisions related to prescribed fire, burning in general, and/or permitting for smoke-generating events. Such provisions may be broad and apply to various types of burning, not just prescribed fire. These provisions include, but are not limited to:

- Smoke Management Programs (SMPs);
- Basic Smoke Management Practices (BSMPs); and
- Tying prescribed fire permitting to air quality levels with the goal of attaining or maintaining the NAAQS during a fire.

These provisions were approved into some SIPs as part of their NAAQS attainment plans. In other instances, provisions were incorporated into SIPs for purposes of achieving reasonable progress toward the national visibility goal (*i.e.*, for regional haze purposes).

² Executive Order 14308. (June 2025). Empowering Commonsense Wildfire Prevention and Response: <https://www.govinfo.gov/app/details/DCPD-202500685>.

³ For purposes of this memorandum, the term “prescribed fire” has the same definition as in the Exceptional Events Rule at 40 CFR 50.1(m): “any fire intentionally ignited by management actions in accordance with applicable laws, policies, and regulations to meet specific land or resource management objectives.”

⁴ For purposes of this memorandum, the terms “air districts,” “air agencies,” and “states” are used interchangeably to denote any entity required to submit a SIP revision and/or subject to a specifically described duty under the CAA where a specific term is used in the CAA.

⁵ See, e.g., 42 U.S.C. § 7410.

⁶ For more information, see U.S. Environmental Protection Agency. (Last updated 2023). Basic Information About Air Quality SIPs: <https://www.epa.gov/air-quality-implementation-plans/basic-information-about-air-quality-sips>.

CAA section 319(b) and the EPA's Exceptional Events Rule⁷ establish procedures and criteria that allow for the exclusion of data influenced by an exceptional event from certain regulatory decisions regarding attainment and maintenance of the NAAQS, including initial area designations.⁸ Prescribed fires on wildland are eligible for treatment as exceptional events and air quality monitoring data influenced by such events can therefore be excluded from certain regulatory decisions regarding the NAAQS if the CAA and Exceptional Events Rule criteria are met.⁹

2. Air Quality Considerations and Tools

The Comparative Assessment of the Impacts of Prescribed Fire Versus Wildfire (CAIF): A Case Study in the Western U.S. provides that "[t]here are decades of evidence that prescribed fires can reduce surface fuels and fire severity while maintaining or improving forest health."¹⁰ The EPA further states in the CAIF that the planned nature of prescribed fire provides additional opportunities for communities to plan, inform, and engage the public of smoke-related health effects and actions they can take to protect themselves.¹¹ These concepts are also discussed in the National Wildfire Coordinating Group (NWCG) publication titled "NWCG Smoke Management Guide for Prescribed Fire," which contains information on prescribed fire, smoke management techniques, air quality regulations, smoke monitoring, and other relevant information.¹²

The EPA's Smoke-Ready Toolbox provides useful tools for reducing smoke exposure during a fire event, including smoke-ready research findings, fact sheets, and best practices for improving indoor air quality and clean rooms.¹³ Further, timely air quality data is available through AirNow and the AirNow Fire and Smoke Map.¹⁴ The AirNow Fire and Smoke Map, a

⁷ "Treatment of Data Influenced by Exceptional Events." 81 FR 68216 (Oct. 3, 2016).

⁸ 42 U.S.C. § 7619(b); 40 CFR 50.14.

⁹ See, e.g., 40 CFR 50.14(b)(3); 81 FR 68216, 68250-68252. Note, on Mar. 12, 2025, EPA Administrator Zeldin announced the PA's intention to revisit the Exceptional Events Rule to prioritize the allowance of prescribed fire. For more information, see U.S. Environmental Protection Agency. (Last updated 2025). Administrator Zeldin Takes Action to Decrease Risk of Future Catastrophic Wildfires ("Exceptional Events"):
<https://www.epa.gov/newsreleases/administrator-zeldin-takes-action-decrease-risk-future-catastrophic-wildfires>.

¹⁰ U.S. Environmental Protection Agency. (2021). Comparative Assessment of the Impacts of Prescribed Fire Versus Wildfire (CAIF): A Case Study in the Western U.S. at 2-10:
<https://cfpub.epa.gov/ncea/risk/recordisplay.cfm?deid=352824>. This document was prepared in collaboration with the U.S. Forest Service (USFS), the U.S. Department of Interior (DOI), and the National Institute of Standards and Technology (NIST).

¹¹ *Id.* at 2-20.

¹² National Wildfire Coordinating Group. (Nov. 2020). National Wildfire Coordinating Group Smoke Management Guide for Prescribed Fire: <https://fs-prod-nwcg.s3.us-gov-west-1.amazonaws.com/s3fs-public/publication/pms420-3.pdf?VersionId=ASrtgkjznnD7Kz86usVcojvbgj7KTP2b>.

¹³ U.S. Environmental Protection Agency. (Last updated 2025). Smoke-Ready Toolbox for Wildfires:
<https://www.epa.gov/air-research/smoke-ready-toolbox-wildfires>.

¹⁴ U.S. Environmental Protection Agency. (Last updated 2025). AirNow: <https://www.airnow.gov/>.

collaborative project with the USFS, uses a variety of products including low-cost sensors to provide detailed, real-time local information that can be critical during smoke events. Accurate information during smoke events is useful to states and the EPA in addressing wildland fire smoke emissions and in potential application of the Exceptional Events Rule for prescribed fire on wildland.

II. Prescribed Fires and Air Quality Management

As stated in the first paragraph of this memorandum, it is the policy of the EPA that any regulatory provisions that would limit strategic deployment of prescribed fire should not be included in SIPs as part of the control strategies for attainment or maintenance of the NAAQS, or to satisfy regional haze program requirements.

When states propose provisions related to smoke management in SIP submissions, the EPA Regional Offices are expected to engage with the state to discuss approaches consistent with the CAA that will not limit the use of wildland prescribed fires.

With regard to the impact of prescribed fire on criteria pollutants, including ozone and particulate matter,¹⁵ the EPA previously discouraged the inclusion of, or reliance on, fire-related control measures for attainment plans in SIPs.¹⁶ After further review, the EPA does not believe it is appropriate to include or rely on fire-related control measures for attainment plans in SIPs. The EPA Regional Offices should closely review provisions submitted for inclusion into certain types of SIPs that are under the EPA's review that could serve to limit the strategic application of wildland prescribed fire, and take actions consistent with CAA authorities to ensure that SIPs do not include such provisions.

Air agencies should engage with the EPA Regional Offices to evaluate provisions already incorporated into SIPs, as well as those proposed for inclusion into SIPs, to ensure they are consistent with the CAA and the policies outlined in this memorandum. The CAA identifies actions the EPA may take if the Agency finds that a SIP for any area is substantially inadequate

¹⁵ Particulate matter (PM, also called particle pollution) is the term used for a mixture of solid particles and liquid droplets found in the air. Some particles, such as dust, dirt, soot, or smoke, are large enough to be seen with the naked eye. Others can only be detected using an electron microscope. PM typically includes both particles with diameters that are generally 10 micrometers and smaller (PM₁₀) and particles that are generally 2.5 micrometers and smaller (PM_{2.5}). For more information, see: <https://www.epa.gov/pm-pollution>.

¹⁶ See, e.g., "Fine Particulate Matter National Ambient Air Quality Standards: State Implementation Plan Requirements." 81 FR 58010, 58038-58041 (Aug. 24, 2016) (Explaining the complexities associated with establishing control measures as part of nonattainment area plans in SIPs for wildland and prescribed fires.) See also "Implementation of the 2015 National Ambient Air Quality Standards for Ozone: Nonattainment Area State Implementation Plan Requirements." 83 FR 62998, 63023-63024 (Dec. 6, 2018) (Explaining that "the EPA does not believe it would be effective policy or technically appropriate to recommend that control measures for wildland fire be adopted into SIPs as enforceable measures and credited for emissions reductions (of ozone and precursors) that would help the area attain the standard.").

to comply with any applicable requirement.¹⁷ As the EPA engages with stakeholders on the important topic of deployment of prescribed fire and air quality, stakeholders should engage with the EPA Regional Offices and the Office of Air and Radiation to identify SIP provisions in attainment plans that relate to NAAQS control measures that may present challenges to the strategic deployment of prescribed fire.

Further, the EPA Regional Offices should encourage air agencies to collaborate with wildland prescribed fire burners, including state, Tribal, and Federal agencies, to ensure NAAQS attainment and maintenance strategies recognize the need for wildland prescribed fire in the relevant area. A general expectation is that fire practitioners implement smoke management strategies and BSMPs to minimize public health impacts during prescribed fires. Collaboration between local, state, Tribal, and Federal agencies to promote recordkeeping of prescribed fire activities can enable more effective coordination and collaboration on smoke and air quality management. The EPA Regional Offices should collaborate with local, state, Tribal, and Federal partners to promote recordkeeping of prescribed fire activities (*e.g.*, date, location, acreage, and fuel types of a prescribed fire). This may be accomplished as part of state and local smoke management plan development and implementation. More information on BSMPs and SMPs are available in the EPA's Exceptional Events Rule¹⁸ and the NWCG's Smoke Management Guide for Prescribed Fire.¹⁹ While SMPs and BSMPs are not required within SIPs, this policy is not intended to discourage air and land management agencies from developing and implementing SMPs and BSMPs.

III. Air Quality Before and During Wildland Prescribed Burns

The EPA recognizes the importance of air agencies engaging in air quality forecasting for the public, air regulators, and the regulated community. The EPA acknowledges that there are different approaches to air quality forecasting associated with wildland prescribed fire across the U.S. that can present challenges for the entities responsible for managing prescribed fire across multiple jurisdictions. The EPA Regional Offices should maintain open communication with air and land management agencies regarding air quality forecasts during a prescribed fire, particularly if such air quality forecasts could result in the issuance of a burn ban or revocation of an issued burn permit for a planned or ongoing wildland prescribed fire. The EPA Regional Offices should assist air agencies in identifying paths forward to ensure that wildland prescribed fires are consistent with SIP-approved provisions while continuing to provide effective air quality forecast messaging for the public.

¹⁷ CAA section 110(k)(5).

¹⁸ 40 CFR § 50.14.

¹⁹ National Wildfire Coordinating Group (Nov. 2020). National Wildfire Coordinating Group Smoke Management Guide for Prescribed Fire: <https://fs-prod-nwcg.s3.us-gov-west-1.amazonaws.com/s3fs-public/publication/pms420-3.pdf?VersionId=ASrtgkjznnD7Kz86usVcojvbgj7Ktp2b>.

In addition to traditional air quality forecasts, air agencies may consider other available air quality information and tools to help inform air quality decisions concerning prescribed fire. For example, in addition to using data from permanent air monitors, air agencies could use data from temporary air monitors, air sensors, or satellites to assist in making non-regulatory air quality projections and assessments.

The EPA provides supplemental air quality data for air agencies to use through the AirNow Fire and Smoke Map, which incorporates data from air sensors and temporary monitors.²⁰ The EPA will work in partnership with air agencies to identify which tools might best assist in decision-making related to public health during prescribed fires.

IV. Ongoing Collaboration

EO 14308 directs Federal agencies to collaborate on topics related to wildland fire. The EPA is committed to continuing to collaborate with local, state, Tribal, and Federal partners to support the use of wildland prescribed fire in a manner consistent with the CAA and EO 14308. The EPA Regional Offices are a key participant in this collaboration, especially at the local, state, and Tribal levels.

In November 2023, the EPA, the USFS, the DOI, and the U.S. Centers for Disease Control and Prevention entered into a Memorandum of Understanding (MOU) to further wildland fire and air quality coordination. As a part of the workplan associated with the MOU, the EPA is committed to working with its Federal partners to improve data collection and sharing, improve smoke forecasting and reporting, and review the Agency's policies and regulations to ensure that land management and air quality are prioritized together.²¹ The EPA Offices across the U.S. are committed to working with stakeholders to support these important partnerships and enable commonsense approaches to strengthen wildfire mitigation and response.

²⁰ Data from air quality sensors and temporary monitors may not be used for Federal regulatory purposes unless the sensors and monitors meet the applicable requirements in 40 CFR parts 50, 53, and 58.

²¹ U.S. Department of Agriculture Forest Service, U.S. Department of the Interior, U.S. Environmental Protection Agency, and U.S. Centers for Disease Control and Prevention. (November 2023). Memorandum of Understanding: Wildland Fire and Air Quality Coordination at 10-12: <https://www.usda.gov/sites/default/files/documents/usda-epa-doi-cdc-mou.pdf>.