August 10, 2026

The Honorable Shelley Moore Capito
Chairman
Senate Environment & Public Works Committee

The Honorable Sheldon Whitehouse
Ranking Member
Senate Environment & Public Works Committee

Dear Chairman Capito, Ranking Member Whitehouse, and Members of the Committee:

On behalf of our nineteen organizations, we write to express our strong support for the Wildfire Emissions Prevention Act of 2026, which would amend the Clean Air Act to reduce unnecessary barriers to the expanded use of beneficial fire. We applaud the bipartisan leadership in finding a pragmatic and impactful solution and urge support in an upcoming committee markup.

Beneficial fire, which includes prescribed fire and cultural burning, is a critical tool for improving biodiversity, restoring forest resilience, reducing the frequency and severity of catastrophic wildfires, and limiting the public health impacts of wildfire smoke. Federal, State, Tribal, and private land managers have identified expanded use of beneficial fire as an essential strategy for achieving their various goals, yet significant barriers continue to limit its use, including narrow burn windows, workforce constraints, and increasing uncertainty under the Clean Air Act.

Under the current system, prescribed fire emissions may in some cases be excluded from regulatory significance under the Clean Air Act if a state can demonstrate the fire qualifies as an "exceptional event" under Section 319(b), a designation built around emissions that are "not reasonably foreseeable," "not reasonably controllable" and "unlikely to recur." Because beneficial fire is a deliberate, planned, and recurring land management practice, fitting it within this framework requires an unwieldy volume of technical and legal justification. Since EPA established this pathway in 2016, very few exceptional event demonstrations for prescribed fire have been submitted, and state and local air quality agencies consistently cite the time, cost, and uncertainty of the process as a deterrent. As a result, most state and local air quality agencies simply regulate prescribed fire use to avoid Clean Air Act implications altogether, an outcome that unnecessarily limits prescribed fire use and undermines wildfire resilience and public health goals alike.

The Wildfire Emissions Prevention Act addresses this problem directly and responsibly. Rather than continuing to force prescribed fire into the misaligned "exceptional event" category, the bill establishes prescribed fire in CAA § 319(b) as a stand-alone activity, streamlining the demonstration process while preserving EPA's oversight role. The bill also directs EPA to develop clearer methodologies to prove the required causal relationship between the prescribed fire and the monitored exceedance and sets deadlines for agency action on state petitions. Importantly, the bill ensures these changes apply only to prescribed fire and do not weaken the Clean Air Act's protections for stationary source emissions. The bill's Smoke Ready Communities grant program further supports public health by helping communities prepare for and mitigate smoke exposure.

This bill offers a narrowly tailored, pragmatic fix that will make it easier for states, Tribes, and land managers to use beneficial fire safely and effectively, while maintaining comprehensive air quality protections for communities across the country.

Thank you for your consideration. We look forward to working with you to advance this important legislation.

Sincerely,

Alliance for Wildfire Resilience

American Conservation Coalition Action

American Property Casualty Insurance Association

Breakthrough Institute

Climate & Wildfire Institute

Federation of American Scientists

ForEverGreen Forestry

Megafire Action

National Association of Forest Service Retirees

National Association of State Foresters

National Wildlife Federation

Property and Environment Research Center (PERC)

Pheasants Forever

Quail Forever

Silvix Resources

Tall Timbers

The Stewardship Project

Trout Unlimited

University of California, Berkeley