



**MEMORANDUM OF UNDERSTANDING BETWEEN THE
UNITED STATES DEPARTMENT OF AGRICULTURE FOREST SERVICE
AND THE
UNITED STATES DEPARTMENT OF THE INTERIOR
AND THE
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
AND THE
UNITED STATES CENTERS FOR DISEASE CONTROL AND
PREVENTION**

Wildland Fire and Air Quality Coordination

I. BACKGROUND

Wildfires have been growing in size, duration, and destructivity, with millions of people at risk from wildfire and wildfire smoke. This risk is expected to grow due to a combination of accumulating fuels, a warming climate, and expanding development in fire-prone landscapes. This wildfire crisis is a public health crisis, including significant impacts on air quality. The U.S. Department of Agriculture (USDA), Forest Service (FS), Natural Resources and Environment (NRE), under the program area, Fire and Aviation Management (FAM); the U.S. Department of the Interior (DOI); the U.S. Environmental Protection Agency (EPA); and the U.S. Centers for Disease Control and Prevention (CDC) (subsequently referred to as the Agencies) enter into this Memorandum of Understanding (MOU) in order to foster the development of a collaborative framework to address issues pertaining to wildland fire and air quality and to promote active wildland vegetation management. The Agencies will also seek to coordinate their policies that have the potential to mitigate wildfire risk, encourage healthy forests and other ecosystems, and expand domestic markets for biomass at risk from wildland fire.

A wildland fire is any fire that occurs in an area where human activity and development, if any, is substantially non-existent, which can include forests, shrublands, grasslands, or

wetlands. There are two types of wildland fires:¹ wildfires and prescribed fires. A *wildfire* is any fire started by an unplanned ignition, which can include naturally occurring activity such as lightning, volcanoes, or other acts of nature, or accidental or unauthorized human-caused actions, or a prescribed fire that has developed into a wildfire.² A prescribed fire is any fire intentionally ignited by management actions in accordance with applicable laws, policies, and regulations to meet specific land or resource management objectives.³

II. STATEMENT OF MUTUAL BENEFIT AND INTERESTS

The Agencies recognize that wildland fire plays an important natural ecological role across the globe, benefitting humans and plant and animal species that depend on fire for habitat restoration, reducing understory vegetation or encroachment, and so on. At the same time, fire can be catastrophic. Wildfires can place communities and homes at risk of destruction, threaten public and firefighter health and safety, and ultimately endanger America's forests, watersheds, and other wildlands themselves. Wildfire smoke can result in significant air quality impacts to public health, particularly for at-risk groups, as well as impacts to safety and transportation through diminished visibility on roads and aviation corridors. The increasing prevalence of wildfires near more densely populated communities highlights the need for an improved strategy to treat these dangerous conditions.

As communities are built closer to wildlands, the threat of severe harm, loss of life, and destruction of property and infrastructure from catastrophic wildfires rises. When wildfires occur in more densely populated areas, the materials subject to being burned shift from being primarily, if not exclusively, natural vegetation to include structures and associated materials, such as plastics and other synthetic materials. Smoke exposure is a well-documented human health hazard. Wildfires, particularly those in areas with heavy fuels accumulation due to years of fire suppression or fire exclusion combined with drought and void of active vegetation management, negatively impact air quality, both near and far from the fire, for extended periods.

Managing vegetation, fuel types, arrangement, and loading, including through the use of prescribed fire, helps to mitigate these wildfire risks. While prescribed fires also produce smoke, the opportunity to plan for and time such fires allows for some measure of control over both the amount and duration of smoke and its path, and the opportunity to prepare communities (e.g., Smoke-Ready Communities) through the use of Basic Smoke Management Practices, thereby potentially reducing the overall impacts of wildland fires on public health and welfare. Tribal, state, and local air quality or forestry agencies also play a key role when it comes to the use of prescribed fires, in some cases through programs for authorizing particular prescribed fires and/or by promoting the use of basic smoke management practices.

¹ *Wildland* means an area in which human activity and development are essentially non-existent, except for roads, railroads, power lines, and similar transportation facilities. Structures, if any, are widely scattered. 40 CFR 50.1(o).

² 40 CFR 50.1(n).

³ 40 CFR 50.1(m).

The Agencies jointly recognize the importance of significantly increasing the application of prescribed fire in a strategic and coordinated manner to mitigate the risk of high severity fire and its associated smoke impacts. Through this MOU, the Agencies commit to working together under existing laws to clarify and align regulations, policy, and practice to promote the mutual objectives of protecting public health from the impacts of smoke and enabling land management practices that reduce the risk of future large, high severity fire events and restoring the local natural fire return interval. To support this goal, the parties intend to examine how existing regulatory authorities such as the Clean Air Act (CAA) can accommodate greater use of prescribed fire. As Tribal, state, and local air quality and forestry agencies also play a key role when it comes to the permitting of prescribed fires. All parties intend to promote the use of basic smoke management practices through their individual efforts and coordination with the Tribal, state, and local agencies.

Despite a history of interagency coordination amongst the signatory Agencies, there is opportunity for improvement. As highlighted in the March 2023 GAO Report, *Wildfire Smoke: Opportunities to Strengthen Federal Efforts to Manage Growing Risks* (GAO-23-104723), USDA, DOI, and EPA can implement a more coordinated approach to support both land management and public health objectives. By working together to better align air quality and land management goals for wildfire risk mitigation and establish joint strategies for achieving those goals, the Agencies can create a whole systems approach that may more effectively reduce wildfire disaster risks to air quality and public health over the long term.

The Agencies seek to strengthen their coordination and implementation of policies, communications, and programs that relate to the use of prescribed fire to benefit restoration of forests and other wildlands, while protecting communities from wildfire and smoke impacts and promoting public health and welfare. With respect to air quality impacts specifically, the Agencies seek to reduce the impact of emissions from wildland fires on concentrations of particulate matter, ozone, and other pollutants of concern. Each Agency recognizes that its respective policies, programs, plans, and activities may significantly affect efforts by the other Agencies to protect public health and welfare. Therefore, the Agencies commit to work together to achieve the mutually important objectives of protecting public health from the impacts of smoke and enabling land management practices that reduce the future risk of large, high severity fire events.

By the Agencies acting together where practicable, the Agencies demonstrate the importance of Federal leadership in their respective programs to protect public health and welfare through improved air quality and to restore forests and other wildlands where fire plays a critical role. The Agencies have opportunities to work collaboratively with other Federal, Tribal, territorial, state, and local governments, non-governmental partners, private property owners, and public stakeholders to manage wildland fire and protect air quality. This collaboration, including technical assistance efforts, can improve public services, accelerate implementation of appropriate prescribed fire programs to improve resource management and protection, and provide better understanding of each Agency's goals, objectives, and programs.

Where appropriate, the Agencies intend to work with other Federal agencies and Tribal, state, and local governments to coordinate and communicate the shared objectives of air quality, public health, and land management. This MOU expects that efforts to collaborate regarding wildland fire and air quality are consistent with and contribute to both the goals of the statutes implemented by the Agencies and their rules and policies, including the CAA and the National Cohesive Wildland Fire Management Strategy ("Cohesive Strategy"). Specifically, this interagency partnership helps to align advancing public health preparedness, the use of basic smoke management practices, and minimizing smoke impacts on the public, with working to develop and utilize appropriate and efficient regulatory pathways under the CAA for increased prescribed fire to reduce the risk of catastrophic events.

A primary purpose of the CAA is to protect and enhance the quality of the nation's air to promote public health and welfare. The primary goals of the Cohesive Strategy are to restore and maintain fire resilience across landscapes, which foster healthy ecosystems and provide benefits to society across all jurisdictions; prepare resilient communities so they can live with and withstand wildfire without loss of life and property; and safely, effectively, and efficiently respond to wildfires when they occur.

III. AGENCY MISSIONS

- A. The NRE mission area leads USDA's efforts to ensure our national forests, shrublands and grasslands and state and private lands are conserved, restored, and made more resilient, while enhancing our water resources. NRE provides oversight for the Forest Service. The Forest Service's mission is to sustain the health, diversity, and productivity of the nation's forests and grasslands to meet the needs of present and future generations. The Forest Service has led research efforts to develop models and methods for wildland fire behavior and effects, including smoke from wildfire and prescribed fire, and providing critical information on smoke from wildlands to the public and its fire personnel.
- B. The EPA oversees implementation of many environmental statutes, including the CAA and its implementing regulations. The EPA develops rules and guidance, and provides grants, technical assistance, and training to support Tribes, states, and local agencies for purposes of attaining and maintaining the national ambient air quality standards and in protecting visibility in mandatory Class I Federal areas. Certain EPA rules and guidance documents, including the Exceptional Events Rule (40 CFR 50.14), the Regional Haze Rule (40 CFR 51.308-309), and associated EPA guidance documents, address smoke-related issues. The EPA also conducts and supports leading-edge research to better understand the public health impacts of wildland fire smoke, effectively educate and communicate those risks, offer actions that can be taken to reduce smoke exposure, and inform the Agency's decisions.
- C. The DOI's mission is to conserve and manage the nation's natural resources and cultural heritage for the benefit and enjoyment of the American people, provide scientific and

other information about natural resources and natural hazards to address societal challenges and create opportunities for the American people, and honor the nation's trust responsibilities or special commitments to American Indians, Alaska Natives, and affiliated island communities to help them prosper. In support of this mission, the guiding principles and priorities of the DOI Wildland Fire Management program are to provide safe and effective response to wildfires, promote fire-adapted communities, and create fire-resilient landscapes through direct programs, active management activities, and strong Federal, Tribal, state, and local collaboration. These goals are implemented by DOI's Bureau of Indian Affairs, Bureau of Land Management, U.S. Fish and Wildlife Service, and National Park Service in the preparedness, fuels management, suppression, and burned area rehabilitation programs. DOI's wildland fire management programs, policy, and budget are coordinated by the Office of Wildland Fire. In addition, the coordination and integration of wildland fire management and programs with bureau land and resource management activities may include the cultural use of fire by Indigenous peoples to restore fire to ecosystems and DOI works to more clearly define and implement that role.

- D. CDC works 24/7 to protect America from health, safety, and security threats, both foreign and in the U.S. Whether diseases start at home or abroad, are chronic or acute, curable or preventable, human error or deliberate attack, CDC fights disease and supports communities and citizens to do the same. CDC increases the health security of our nation. As the nation's health protection agency, CDC saves lives and protects people from health threats. To accomplish our mission, CDC conducts critical science research and provides health information that protects our Nation against expensive and dangerous health threats and responds when these arise. CDC's role in wildland fire relates to the communities and workers involved in the prevention of wildfire through proactive use of fire; as well as the preparation, response, and recovery from wildfires. In addition, CDC works to help communities, both near and far from wildland fires, to prepare for and address wildland fire smoke to protect public health.

IV. AUTHORITIES

The EPA enters into this MOU pursuant to Sections 102(b) and 103(a) of the Clean Air Act, 42 U.S.C. §7402(b).

The USDA-FS enters into this MOU pursuant to the Organic Act, 16 USC 471 et seq.

The DOI enters into this MOU pursuant to 43 U.S. Code § 1737(a), and 16 U.S.C. §1011 and Department of the Interior Manual 112 DM 7, Office of Wildland Fire, and 301 DM 5, Partnership Policy.

CDC enters into this MOU pursuant to Section 301 of the Public Health Service Act, 42 U.S.C. §241.

V. GOALS

USDA-FS, DOI, EPA, and CDC jointly endeavor to:

- A. Engage in measures to protect the public from the adverse health impacts of wildland fire smoke, with an eye toward advancing health equity and targeting vulnerable populations;
- B. Work together under existing laws to clarify and align regulations, policy, and practice to promote the mutual objectives of protecting public health from the impacts of smoke and enabling land management practices, including prescribed fire, that may reduce the risk of future large, high severity fire events;
- C. Collaborate on smoke forecasting and monitoring capabilities, and new technologies that will enable Federal agencies and other land management and public health partners to better inform and prepare communities for smoke events, as well as identify gaps in knowledge where research endeavors could further inform some of these activities;
- D. Identify opportunities to share available tools and resources to assist stakeholders in protecting public health by providing the public information on fire risks and the effects of smoke from fires, including information on measures to reduce exposure and protect public health from wildfire smoke including support the Fire and Smoke Map and similar efforts;
- E. Continue support of the Interagency Wildland Fire Air Quality Response Program which can provide critical services to communities impacted by wildfire smoke and aid in providing information useful to the exceptional events demonstration process; and
- F. Collaborate with Tribes, states, and local agencies and other partners on the goals of this MOU, including to clarify intent and support implementation of these objectives, including through exceptional events demonstrations as outlined in EPA's Exceptional Events Rule.

In keeping with these goals, USDA-FS, DOI, EPA and CDC intend to designate agency representatives for implementation of this MOU. These representatives anticipate meeting as needed, but no less than biannually, to develop and implement the MOU's intentions, track and report progress, and periodically update a workplan. The workplan for Fiscal Years 2024-2025 is attached to this document.

VI. LIMITATIONS

- A. This is a voluntary MOU that expresses the good-faith intentions of the Agencies and is not enforceable by any party. This MOU is not intended to be legally binding nor is it capable of generating any contractual obligations. This MOU does not create any right, benefit, or trust responsibility, substantive or procedural, enforceable by law or equity, by any persons who are not party to this MOU, against USDA-FS, DOI, EPA, or CDC,

their agencies, their officers or employees, or any other person. Each party intends to carry out its separate activities in a coordinated and mutually beneficial manner.

- B. Each Agency will bear its own costs and retain full responsibility and authority to execute and accomplish its programs consistent with applicable statutory and regulatory requirements. Any intentions expressed by the Agencies in this MOU are subject to the Agencies' legal authority, the availability of appropriated funds, and budget priorities. Nothing in this MOU, in and of itself, obligates either USDA-FS, DOI, EPA, or CDC to expend or transfer any appropriations or funds or otherwise incur any financial obligations. Nothing in this document shall be construed as authorizing any of the Agencies to provide any goods or services to the other Agencies or requiring that any of the Agencies enter into any contract, financial assistance agreement, or interagency agreement or otherwise incur a financial obligation. Any transaction involving transfers of funds between the parties to this MOU will be handled in accordance with applicable laws, regulations, and procedures under separate written agreements.
- C. This MOU is not legally binding and does not create any contractual obligations. Specific work projects or activities that involve the transfer of funds, services, or property among the various agencies and offices of USDA-FS, DOI, EPA, and CDC will require execution of separate agreements and be contingent upon the availability of appropriated funds. Such activities must be independently authorized by and handled in accordance with appropriate statutory authority. Negotiation, execution, and administration of each such agreement must comply with all applicable statutes and regulations.

VII. PARTICIPATION IN SIMILAR ACTIVITIES.

This MOU in no way restricts the Agencies from participating in similar activities with other public or private agencies, organizations, and individuals.

IX. TERMINATION

Any of these parties, in writing, may terminate this MOU in whole, or in part, at any time before the expiration date by providing written notice to the other parties at least 30 days in advance of the desired termination date.

X. MODIFICATIONS

Modifications within the scope of this MOU must be made by mutual consent of the parties, by the issuance of a written modification signed and dated by all properly authorized, signatory officials, prior to any changes being performed. Requests for modification should be

made in writing to the other parties at least 30 days prior to implementation of the requested change.

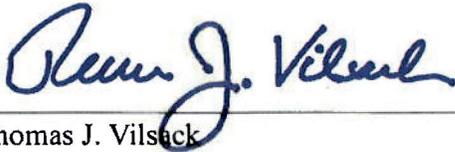
XI. COMMENCEMENT/EXPIRATION DATE

This MOU is effective as of the date of the last signature and is effective for five years at which time it will expire.⁴ Additionally, a party may terminate its participation in this MOU at any time by providing written notice to the other parties, at least 30 days in advance of the desired termination date.

⁴ Upon signature of this MOU by authorized representatives of all parties, the "Partnership Agreement Between the United States Department of Agriculture, the United States Department of the Interior and the United States Environmental Protection Agency Regarding Wildland Fire and Air Quality", signed January 21, 2021, is hereby rescinded and terminated.

XII. AUTHORIZED REPRESENTATIVE.

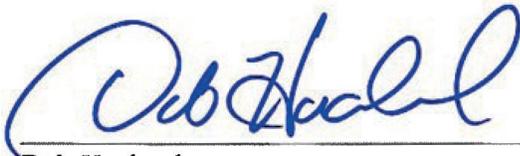
The undersigned approve this Memorandum of Understanding.



Thomas J. Vilsack
Secretary
United States Department of Agriculture

11/8/2023

Date



Deb Haaland
Secretary
United States Department of Interior

11/8/2023

Date



Mandy K. Cohen
Director
U.S. Centers for Disease Control and Prevention

11/8/2023

Date



Michael Regan
Administrator
United States Environmental Protection Agency

11/8/2023

Date

Attachment A

USDA-FS/DOI/EPA/CDC Cooperative Workplan for Fiscal Years 2024-2025

I. Purpose and intent of workplan.

Addressing smoke impacts of wildland fire is a priority across all agencies and a cross-cutting issue that informs how the agencies are working together to manage risk. This workplan is intended to define the intended areas of focus for the U.S. Department of Agriculture (USDA), Forest Service (FS), the U.S. Department of the Interior (DOI), the U.S. Environmental Protection Agency (EPA), and the Centers for Disease Control and Prevention (CDC) (subsequently referred to as the Agencies) partnership during Fiscal Years 2024 and 2025. The Agencies' designated representatives will convene groups of agency managers and staff to plan specific mechanisms for communications and collaboration in these subject areas. The purpose and intent of the workplan is to also address, to the extent possible, the core recommendations of the 2023 Government Accountability Office (GAO) Report *Wildfire Smoke: Opportunities to Strengthen Federal Efforts to Manage Growing Risks*.

II. Areas of Interagency Collaboration

Overall vision

- The Agencies jointly recognize the importance of significantly increasing the application of prescribed fire in a strategic and coordinated manner to mitigate the risk of high severity fire and its associated smoke impacts.
- The Agencies commit to work together under existing laws to clarify and align regulations, policy, and practice to promote the mutual objectives of protecting public health from the impacts of smoke and enabling land management practices, including prescribed fire, that may reduce the risk of future large, high severity fire events.
- The Agencies jointly commit to invest in measures to protect the public from the adverse health impacts of wildland fire smoke, with an eye toward advancing health equity and targeting vulnerable populations.
- Through joint projects, the Agencies will develop and document a shared understanding of how smoke from wildfire and prescribed fire is treated in Federal air quality management programs.
- The Agencies will identify, improve, and implement opportunities to disseminate information and tools that facilitate public health communications, smoke mitigation, and community engagement.
- The Agencies will improve activity tracking, smoke forecasting, and monitoring capabilities, and new technologies that will enable Federal agencies and other land management and public health partners to understand impacts, better inform and prepare communities for smoke events, and identify gaps in knowledge where research endeavors could further inform some of these activities.

The Agencies will achieve this vision through the following:

A. Community Preparedness

1. Work collaboratively before and during smoke events to improve the collection of fire activity and air quality data and communicate that data to the public, including continuing efforts to improve public awareness, understanding, and use of the Air Quality Index, and development and distribution of consistent public messages on the interpretation of air quality data in areas affected by smoke.
2. Work collaboratively on materials and platforms to help prepare communities for wildfire and/or prescribed fire smoke events so they can take steps to protect public health. Make strategic investments to minimize smoke impacts to the public, including investments in Smoke-Ready Communities programs, the Interagency Wildland Fire Air Quality Response Program and improvements to the EPA-Forest Service Fire and Smoke Map.
 - This includes working to ensure that materials, platforms, investments, and other Smoke-Ready Community efforts address the specific needs of populations who are more vulnerable to the impacts of wildland fire smoke.
3. Map and develop opportunities to improve Federal programs that can support Smoke-Ready Community efforts, including but not limited to:
 - Communications regarding public health and air quality impacts associated with smoke from wildfires and prescribed fires on wildland and steps that can be taken to reduce smoke exposures.
 - Community Wildfire Defense Grants and other funding and technical assistance opportunities.
 - EPA Indoor Air Quality Programs and Climate Justice Funds.

B. Develop Pathways to Align Public Health and Land Management

1. Engage in discussions about current and forthcoming Clean Air Act (CAA) rules, guidance documents, and/or tools and outreach materials, including how, as appropriate, they relate to the intersection between plans to substantially increase prescribed fire on the landscape, and implementation of the national ambient air quality standards for particulate matter and ozone.
 - Work together to ensure that EPA's Exceptional Events Rule, and other relevant rules, and accompanying guidance provide an efficient pathway for exclusion of air monitoring data influenced by wildfire and prescribed fire emissions from certain regulatory decisions.
 - Support the appropriate application of best practices for land management and air quality protection (such as Basic Smoke Management Practices) in prescribed fire planning and implementation across jurisdictions.
2. Coordinate on the implementation of rules, guidance, and programs related to prescribed fire, including facilitating connections between land managers and air quality managers that implement or utilize CAA rules.

3. Identify and evaluate barriers to prescribed burning, including where additional clarity regarding existing programs and provisions may be needed.
 - This includes clear communication from Federal agencies to Tribal, state, and local governments to clarify Federal guidance, approval authority, and interpretation of the CAA related to: smoke management program provisions; pathways to modify Smoke Management Plans; use of Basic Smoke Management Practices and pathways for modifying CAA state implementation plans.
 - Program evaluation will be primarily carried out through the already established “tabletop” groups in three geographic areas (California, Oregon, and Georgia).
4. Explore intersections between Tribal cultural burning and the air quality management system and identify barriers and opportunities.
5. If any barriers to achieving the vision of this MOU are specifically identified, the undersigned Agencies will work together to mitigate the barriers to the extent they have authority and control relevant to those matters while maintaining appropriate public health protections.

C. Data Collection and Sharing

1. Continue to collaborate and share data to improve the wildland fire portion of the National Emissions Inventory.
2. Coordinate on data needs associated with future prescribed fire exceptional events demonstrations, with a focus on implementation of the Forest Service’s Wildfire Crisis Strategy and DOI’s Infrastructure Investment and Jobs Act, Wildfire Risk Five-Year Monitoring, Maintenance, and Treatment Plan.
3. Pursue technical investments and collaborations to improve data collection and availability on key aspects of wildland fire, including:
 - Data on prescribed fires, such as location, size, emissions, and timing/frequency;
 - Improved smoke forecasting and monitoring capabilities and new technologies that will enable Federal agencies and other land management partners to better inform and prepare communities for smoke events; and
 - Research into the health effects of wildland fire smoke, including comparative studies of smoke from prescribed fires, wildfires, and fires that involve the built environment.
4. Continue regional “tabletop” engagement efforts between the Agencies and Tribal, state, and/or local representatives, as appropriate, in specific geographic areas across the United States where USDA and/or DOI are planning prescribed fires. These engagements convene relevant parties before, during, and after the prescribed fire with the intent to better understand data collection and regulatory needs to support prescribed fire and public health protection.

D. Interagency Communication and Messaging

1. Develop shared communications regarding policy and intent around wildland fire, forest and land management, smoke, and public health.
2. Continued communication regarding uncertainties or limitations in the current wildland fire smoke science where additional research activities and potential collaborations could further enhance or supplement information supporting activities detailed in this MOU and associated workplan.
3. Identification of and participation in (as appropriate) national fire and smoke discussion forums with a coordinated purpose of communicating Federal interests in increasing prescribed fire on the landscape and protecting public health.
4. Develop joint messaging, as needed, for major announcements of mutual interest.
5. Continued support for successful collaborative tools and programs, including:
 - Fire and Smoke Map
 - Interagency Wildland Fire Air Quality Response Program - Air Resource Advisors
 - Wildfire Guide for Public Health Officials
 - Smoke training provided by National Wildfire Coordinating Group
6. Explore additional Federal agency partnerships for potential inclusion in later versions of the MOU and Work Plan.