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(Original Signature of Member)

119TH CONGRESS
1ST SESSION

H. R. _____

To amend the Clean Air Act to require revisions to regulations governing the review and handling of air quality monitoring data influenced by exceptional events or actions to mitigate wildfire risk.

IN THE HOUSE OF REPRESENTATIVES

M____. _____ introduced the following bill; which was referred to the
Committee on _____

A BILL

To amend the Clean Air Act to require revisions to regulations governing the review and handling of air quality monitoring data influenced by exceptional events or actions to mitigate wildfire risk.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Fire Improvement and
5 Reforming Exceptional Events Act” or the “FIRE Act”.

1 **SEC. 2. AIR QUALITY MONITORING DATA INFLUENCED BY**
2 **EXCEPTIONAL EVENTS OR ACTIONS TO MITI-**
3 **GATE WILDFIRE RISK.**

4 Section 319(b) of the Clean Air Act (42 U.S.C.
5 7619(b)) is amended—

6 (1) in the subsection heading, by inserting “OR
7 ACTIONS TO MITIGATE WILDFIRE RISK” after
8 “EVENTS”;

9 (2) in paragraph (1)—

10 (A) in the paragraph heading, by striking
11 “DEFINITION OF EXCEPTIONAL EVENT” and in-
12 serting “DEFINITIONS”;

13 (B) in subparagraph (A), by redesignating
14 clauses (i) through (iv), as subclauses (I)
15 through (IV), respectively;

16 (C) by striking “(A)” and all that follows
17 through “an event that—” and inserting the
18 following:

19 “(A) EXCEPTIONAL EVENT.—

20 “(i) IN GENERAL.—The term ‘excep-
21 tional event’ means an event that—”;

22 (D) by amending subclause (III) of sub-
23 paragraph (A)(i), as redesignated, to read as
24 follows:

25 “(III) is an event that is—

26 “(aa) a natural event;

1 “(bb) caused by a human
2 activity that is intended to mirror
3 the occurrence or reoccurrence of
4 a natural event; or

5 “(cc) caused by a human ac-
6 tivity that is unlikely to recur;
7 and”;

8 (E) by striking subparagraph (B) and in-
9 serting the following:

10 “(ii) EXCLUSIONS.—In this sub-
11 section, the term ‘exceptional event’ does
12 not include—

13 “(I) ordinarily occurring stagna-
14 tion of air masses;

15 “(II) meteorological inversions;
16 or

17 “(III) air pollution relating to
18 source noncompliance.”; and

19 (F) by adding at the end the following:

20 “(B) ACTION TO MITIGATE WILDFIRE
21 RISK.—The term ‘action to mitigate wildfire
22 risk’ means a prescribed fire or similar meas-
23 ure, undertaken in accordance with State ap-
24 proved practices, to reduce the risk and severity
25 of wildfires.”;

1 (3) in paragraph (2)—

2 (A) in subparagraph (A)—

3 (i) by striking “March 1, 2006” and
4 inserting “18 months after the date of en-
5 actment of the FIRE Act”;

6 (ii) by inserting “revisions to” before
7 “regulations”; and

8 (iii) by adding “or actions to mitigate
9 wildfire risk” before the period at the end;
10 (B) in subparagraph (B)—

11 (i) by inserting “including proposed
12 revisions to regulations,” after “subpara-
13 graph (A),”;

14 (ii) by inserting “or action to mitigate
15 wildfire risk” after “an exceptional event”;
16 and

17 (iii) by striking “paragraph (3)” and
18 inserting “this section”; and

19 (C) by adding at the end the following:

20 “(C) REGIONAL ANALYSIS.—When more
21 than one State notifies the Administrator of its
22 intent to submit a petition pursuant to this sec-
23 tion for an exceptional event or an action to
24 mitigate wildfire risk for the same air quality
25 event, or, if the Administrator determines such

1 a multistate air quality event has occurred, the
2 Administrator shall conduct regional modeling
3 and analysis sufficient to satisfy the demonstra-
4 tion required for an exceptional event or an ac-
5 tion to mitigate wildfire risk petition for such
6 air quality event.

7 “(D) TRANSPARENCY.—Not later than 12
8 months after the date of enactment of the
9 FIRE Act, the Administrator shall establish,
10 and thereafter update monthly, a public website
11 describing the status of all petitions submitted
12 pursuant to this section for exceptional events
13 and actions to mitigate wildfire risk.”;

14 (4) in paragraph (3)(A)—

15 (A) by redesignating clauses (ii) through
16 (v) as clauses (iii) through (vi), respectively;
17 and

18 (B) by inserting after clause (i) the fol-
19 lowing:

20 “(ii) the principle that actions to miti-
21 gate wildfire risk can play an important
22 role in reducing the magnitude and fre-
23 quency of wildfires;”;

24 (5) in paragraph (3)(B)—

1 (A) in clause (i), by inserting “or action to
2 mitigate wildfire risk” before “must be”;

3 (B) by amending clause (ii) to read as fol-
4 lows:

5 “(ii) a clear causal relationship must
6 exist, or be reasonably expected to exist,
7 between the measured exceedances of a na-
8 tional ambient air quality standard and the
9 exceptional event or action to mitigate
10 wildfire risk to demonstrate that the excep-
11 tional event or action to mitigate wildfire
12 risk caused a specific air pollution con-
13 centration at a particular air quality moni-
14 toring location;” and

15 (C) by amending clause (iv) to read as fol-
16 lows:

17 “(iv) there are criteria and procedures
18 for the Governor of a State to petition the
19 Administrator to exclude air quality moni-
20 toring data that is directly due to excep-
21 tional events or actions to mitigate wildfire
22 risk from use in determinations by the Ad-
23 ministrator with respect to—

1 “(I) area or source exceedances
2 or violations of the national ambient
3 air quality standards;

4 “(II) the designation, redesigna-
5 tion, classification, or reclassification
6 of an area;

7 “(III) the demonstration by a
8 State of attainment of a national am-
9 bient air quality standard;

10 “(IV) attainment determinations;

11 “(V) attainment date extensions;

12 “(VI) finding a State implemen-
13 tation plan to be inadequate; or

14 “(VII) preconstruction dem-
15 onstrations under section 165(a)(3).”;

16 and

17 (6) by striking paragraph (4).