



Since 1894

To: House Agriculture & Natural Resources Committee  
Representative Larry Powell, Chairman

From: Mike Beam, Kansas Livestock Association

Re: Statement regarding Flint Hills Smoke Management Plan

Date: January 20, 2011

*The Kansas Livestock Association (KLA), formed in 1894, is a trade association representing over 5,000 members on legislative and regulatory issues. KLA members are involved in many aspects of the livestock industry, including seed stock, cow-calf and stocker production, cattle feeding, dairy production, grazing land management and diversified farming operations.*

Prescribed burning of grasslands is an essential management practice for ecological and economic reasons. While fire is occasionally used on grasslands in central and western Kansas, burning is an annual occurrence each spring on the tallgrass prairie...better known as the Kansas Flint Hills. In the absence of fire, the grasslands in eastern Kansas would convert from prairie to forest...which one can witness in many areas near population centers where fire has been suppressed for safety concerns.

Since 2003, we've had conversations with officials from the Kansas Department of Health and Environment and federal Environmental Protection Agency about the air quality impact that can result from the burning of the Flint Hills on certain days. It became obvious to our members that we must engage in the process of developing a smoke management plan so that our states ranchers and landowners could continue to burn without a future imposition of state and/or federal regulations.

I've attached an article that appeared in the January 2011 edition of our association's magazine. This article provides readers background on the issue and more detail about the plan. In addition, we'll be cooperating with others in outreach efforts in the next couple of months.

I'd be happy to respond to any questions the committee may have regarding the plan and how it was developed.



by **Mike Beam**  
Senior Vice President

# Flint Hills subject to New Smoke Plan

The Kansas Department of Health and Environment (KDHE) soon will implement a smoke management plan for the Flint Hills of Kansas. It is intended to reduce the incidences of smoke from prescribed burns that affect air quality in high population areas.

KDHE officials first alerted KLA of problems after an April 12-13, 2003, smoke event. The agency claimed during this period significant burning in the Flint Hills contributed to increased and abnormal ozone conditions in the greater Kansas City area and states as far away as Tennessee.

In April 2009, officials from KDHE again reported complaints from Kansas City and Wichita about the spike in ozone levels a few days after large acreages of the Flint Hills were burned. Why were these folks concerned about a few extra days of smoke from the Flint Hills?

A Kansas legislative committee, led by state Sen. Carolyn McGinn (R-Sedgwick), held several hearings during the 2010 Kansas legislative session regarding the Environmental Protection Agency's (EPA) air quality regulations. It became clear that urban areas in Kansas struggle to maintain compliance with existing federal air quality standards, especially for ozone levels. For example, Wichita is considered to be in attainment, but occasional spikes of ozone levels are causing this area to bump up against the maximum EPA standards. In April 2010, smoke emissions from the Flint Hills were responsible for the highest ozone reading of the year at one of Wichita's monitoring stations. If one or two days of smoke from the spring burns in the Flint Hills raises ozone levels above the threshold in Kansas City or

Wichita, the higher-than-normal readings count against these cities for regulatory compliance purposes. To compound the situation, EPA is expected to impose lower thresholds for ozone levels in 2011. These more restrictive standards will increase concerns about the impact of smoke drifting from the Flint Hills.

Since the 2003 incident, stakeholders defending the practice of unregulated prescribed burning have urged EPA to adopt a policy that allows urban areas to disregard high ozone monitoring data if it's caused by a few days of burning in the Flint Hills. EPA's response, repeated several times since 2003, is that the agency can't disregard the higher monitor readings unless the state adopts a smoke management plan designed to reduce the incidence of air quality problems.

In April of this year, KDHE formed an advisory committee charged with the task of drafting such a plan. KLA was one of several participants on this committee and was represented on the subcommittee that met at least six times to craft a plan, which eventually became a 35-page document.

To build the case, the plan contains an introductory chapter referencing how this native grass ecosystem was shaped by frequent fires and grazing. There also is documentation on the economic consequences of limiting annual burning in the Flint Hills, as well as examples of the costly practices urban areas incur when forced to lower emissions.

As expected, the plan includes a chapter on "Reducing Downwind Impacts of Flint Hills Burning." This chapter outlines a more robust information system land managers

can use to assess the impact of burning on a particular day. One tool will be a web-based computer model using forecasted weather conditions to predict the direction smoke may travel for a specified burn location. The theory is that with considerable outreach, education and decision-making tools, Flint Hills land managers will reconsider burning on days likely to create air quality problems for high population areas.

The lone regulatory proposal in the plan is a restriction on nonagricultural burning during April. With this proposed regulation, residents of the Flint Hills and Sedgwick, Wyandotte and Johnson counties would be prohibited from burning yard waste, land-clearing debris, crop residue, construction waste and other materials.

It's important to note the plan has contingency measures if there are continued air quality problems in urban areas resulting from Flint Hills burning. Some of the suggested measures include expansion of the non-essential burning restriction, mandatory smoke plans before burning Flint Hills grasslands, burn approvals from the state and burn ban days designated by the state. The plan suggests these contingency measures must be evaluated by stakeholders before being implemented by KDHE.

KDHE intends to implement the new plan prior to the 2011 spring burning season. KLA has pledged to spread the word about the plan and encourage voluntary participation among land managers. If we can avoid burning on days that are likely to create problems for our neighbors in metropolitan areas, we should be able to hold off any future cumbersome, regulatory proposals.