



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

NOV 23 2011

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

Mr. Glen Stein
Director
USFS Fire and Aviation Management
1602 Ontario Street
Sandpoint, ID 83864

Dear Mr. Stein:

Pursuant to our responsibilities under National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act, the Environmental Protection Agency (EPA) has reviewed the US Forest Service's (USFS) Final Environmental Impact Statement (FEIS) for Aerial Application of Fire Retardant which proposes to continue the nationwide use of aerially delivered fire retardant.

We agree that selecting Alternative 3 as the preferred alternative will increase the protections to water quality, aquatic habitat, and resources. Specifically, the preferred alternative:

- Proposes to continue to use the proposed 2011 Guidelines that would only allow for the aerial application of fire retardant within 300 feet of a stream when necessary to protect human life or safety;
- Includes the development of map coverages (avoidance layers) to further protect water resources including water bodies, designated critical habitat for threatened and endangered species, and habitat occupied by locally identified candidate and sensitive species that require additional protection; and
- Requires monitoring of 5 percent of aerial applications of fire retardant on fires of 300 acres or less on each National Forest each year, and reporting any misapplications and/or impacts.

The FEIS has adequately addressed our major concerns related to impacts to water quality, aquatic resources, air quality, and critical habitat. We appreciate the inclusion of the following information and analysis in response to our comments:

- A discussion of relevant Clean Water Act Water Quality Standards (WQS) and an evaluation of the potential for aerial application of fire retardants to contribute to exceedances of WQS, including water quality criteria to protect designated beneficial uses of surface waters (e.g., aquatic life uses, drinking water, irrigation, and primary contact recreation) in the "Wildland Fire Chemical Program and Process" (Appendix L);

- Additional discussion on minimizing the impacts of nitrogen and phosphorous to aquatic life;
- The inclusion of the USFS specification which prohibits formulations containing polybrominated diphenyl ethers (PBDEs), and other chemicals of concern; and
- Response to our comments regarding statements about retardant residence time in the air being no longer than a minute; USFS will be conducting additional research with regard to minimizing drift.

While USFS was unable to provide analyses in the FEIS that would allow for comparisons between the emissions from catastrophic and retardant controlled fire events, we appreciate that USFS is committed to improving monitoring that would measure air quality impacts from fire events, and to increase the mapping of sensitive areas.

The FEIS states that the average land area treated annually ranges from 2,358 to 4,715 acres or approximately 0.002 percent of all lands that burn annually. While the overall area is relatively small compared to the total acreage that burns each year, we continue to recommend that additional information be collected to verify the predications and conclusions related to impacts to air and water on retardant treated areas.

EPA recognizes that only a fraction of chemicals in commerce have sufficient data available to allow a thorough evaluation of risk. EPA's Office of Pollution Prevention and Toxics (OPPT) has developed computer-based methods that provide information on physical and chemical properties, environmental fate, potential carcinogenicity, toxicity to aquatic organisms, worker and general population exposures, among other data. OPPT routinely uses these methods to highlight chemicals of concern, to identify safer substitutes, and to reduce or eliminate risks. If the USFS would like to use these methods in the assessment of Fire Retardant products, the EPA would be pleased to provide the USFS with information and assistance in their use. For more information check <http://www.epa.gov/oppt/sf> or contact: Bill Waugh 202-564-7657 waugh.bill@epa.gov.

EPA appreciates the opportunity to submit comments on the FEIS and commends the USFS for early interagency cooperation including briefings at various milestones. We welcome the opportunity to continue working with the USFS as it seeks a balance to protect human health and safety and the environment from catastrophic fire, especially in the Western US. Please feel free to contact me at (202) 564-5400, or have your staff contact Elaine Suriano at (202) 564-7162 if you have any questions or would like to discuss our comments.

Sincerely,



Susan E. Bromm
Director
Office of Federal Activities