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CONTACT:

[Brent Scott](#)

202-224-0146

Chairman Capito Leads Legislative Hearing to Discuss Wildfire, Biofuel Legislation

Below is the [opening statement](#) of Chairman Shelley Moore Capito (R-W.Va.) as delivered.

“I want to thank everybody for being here as we will discuss two pieces of legislation, a discussion draft titled the ‘Wildfire Emissions Prevention Act’ or WEPA; and S. 881, the Renewable Fuel for Ocean-Going Vessels Act, which is sponsored by Senators Ricketts and Klobuchar. I thank the witnesses for traveling and coming.

“The WEPA discussion draft amends the exceptional events process to make it easier for states to manage their forests, to reduce wildfire risk, we see them all over the place, and to protect human health and the environment through prescribed burns. The Clean Air Act has been a success story. Since the Clean Air Act was signed into law in 1970, the U.S. has reduced criteria air pollutant emissions by 78 percent. That reduction is largely attributed to significant decreases in emissions from the energy and transportation sectors.

“Today, a large share of emissions that remain come from hard to abate sources, such as wildfires. Wildfires are growing in size and severity, and the National Academies found that wildfires pose an increasing threat to air quality and public

health. In a 2024 fact sheet, the EPA estimated that wildland fires accounted for 44 percent of the nation's primary emissions of fine particulate matter. Passing WEPA will help us to reduce those emissions.

"In 2023, many Americans experienced what western states have been dealing with for decades when smoke from Canadian wildfires blanketed the East Coast. There is little we can do to regulate wildfires and their emissions. We cannot install traditional air pollution control technology on a wildfire. However, we do have tools that can reduce their impact, like the use of prescribed burns.

"Studies consistently find that prescribed burns are a proven method to reduce the risk of catastrophic wildfires and their associated emissions. For example, Stanford University scientists recently found that prescribed burns can reduce the net emissions of subsequent wildfires by 14 percent. In 2021, the EPA determined that targeted prescribed burns could have reduced particulate matter emissions from the 2015 Rough Fire by 20 percent, and caused a 40 percent reduction in respiratory-related emergency room visits and premature deaths. However, prescribed burns are severely underutilized as a tool to mitigate wildfires.

"According to the GAO, the EPA's air quality requirements limit the use of prescribed burns that reduce smoke from wildfires. This is because emissions from prescribed burns and wildfire smoke impact a state's ability to comply with the EPA's air quality requirements.

"The EPA's 'Exceptional Events Rule' provides a mechanism to account for air pollution from wildfire smoke. However, this process is complex and resource intensive, and smoke from prescribed burns is treated less favorably than wildfire smoke. While the Exceptional Events Rule allows for prescribed burns in theory, the cumbersome process has limited states from using them in practice.

"The GAO stated that 'state and local agencies may not use the provision because exceptional event demonstrations are technically complicated and resource intensive.' Instead of going through this challenging process, state and local agencies often limit the number of eligible burn days to ensure they don't have to use this process, which limits the use of prescribed burns.

“WEPA would ensure that states won’t be penalized for using prescribed burns and facilitate state leadership on actions that would mitigate wildfire risk. I look forward to hearing from our witnesses about the environmental and public health benefits that would come from having WEPA signed into law.

“This morning, we will also discuss S. 881, the Renewable Fuel for Ocean-Going Vessels Act. Ocean-going vessels include the large cargo and container vessels used to transport more than 80 percent of our international goods. Currently, using biofuels to power ocean-going vessels is not a qualified use under the Renewable Fuel Standard, or RFS, potentially limiting broader adoption of biofuels.

“S.881 amends the RFS to allow U.S. companies to use biofuels for ocean-going vessels to comply with the RFS. In addition to biofuels, U.S. shipping companies and fuel producers are exploring various other alternative fuel options for maritime use. As these companies explore alternative fuels, they must consider various measures of viability, including compatibility with conventional fuels and existing infrastructure, as well as cost, emissions, and availability.

“I thank Senator Ricketts for his role in championing biofuels and look forward to learning more about the use of alternative fuels in shipping today.

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