

ENVIRONMENTAL SYNOPSIS

The Chairman's Corner

Rep. Scott E. Hutchinson, Chairman



In August 2008, I wrote about legislation that had been introduced in the House to regulate prescribed burning practices in the Commonwealth of Pennsylvania. While the 2008 legislative session ended before that legislation could be approved, new legislation reintroduced in the 2009-2010 session (House Bill 262) has already passed the House unanimously. The legislation is titled the Prescribed Burning Practices Act and was introduced once again by State Representative Gary Haluska (D-Cambria), who is a long-time member of the Joint Legislative Air and Water Pollution Control and Conservation Committee's (Committee) Forestry Task Force. I am cosponsoring the legislation, as are 14 other bipartisan cosponsors. The issue is one which has long been of interest to the Committee, and Committee staff helped to draft the legislation. At the time of publication, the bill is now in the Senate Environmental Resources and Energy Committee awaiting action.

Before speaking more about HB 262, however, you may be asking what prescribed burning is. Prescribed burning is the skilled application of fire to existing vegetative fuels under planned and controlled conditions, and is a land management tool which has been used successfully in other states and on a limited basis in Pennsylvania. Prescribed fire is used to reduce hazardous vegetative fuel buildups, maintain and provide wildlife habitats, control forest diseases and pests, preserve endangered plant and animal species, manage range and grasslands, prepare sites for planting, and maintain and restore fire dependent ecosystems.

As an example, the Pennsylvania Game Commission, which also provided input into the legislation, recently announced that it would be conducting – in conjunction with The Nature Conservancy – a prescribed burn (also known as a “controlled burn”) on the Scotia Barrens, a unique scrub oak/pitch pine barrens ecosystem on state game lands in Centre County. This controlled burn is scheduled to occur before May 8, weather and atmospheric conditions permitting. The ecosystem depends on fire to regenerate itself and to support a number of wildlife and plant species, and it will reduce the possibility of a catastrophic wildfire.

The Prescribed Burning Practices Act is the product of collaborative research, discussion and hands-on experience involving a number of well-respected and knowledgeable parties, and represents a consensus of diverse opinions. Much of the research into the use of prescribed burning can be traced to the study done by the Committee's Forestry Task Force pursuant to Senate Resolution 137 of 2005, and its December 2007 report which recommended development of legislation like the Prescribed Burning Practices Act.

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NOTES FROM THE DIRECTOR

CRAIG D. BROOKS, EXECUTIVE DIRECTOR

Regulation of coal combustion waste (CCW) is coming – few deny that – but in the aftermath of a billion gallon spill from a waste retention pond in Tennessee, environmental groups and the CCW industry are sparring on how to develop rules that will protect the environment without crippling the energy industry. Environmental groups have suggested that the best solution is to classify the waste as a hazardous waste under Subtitle C of the Resource Conservation and Recovery Act (RCRA), which would mean its handling would be overseen by the federal government. CCW is currently regulated by individual states as a non-hazardous waste under Subtitle D of the RCRA. But stepping in with new regulations and classifications for the waste could lead to higher energy processing costs and ultimately stop the progress being made toward the beneficial use of the waste.

After nine years of study, the Environmental Protection Agency (EPA) opted to develop national standards for CCW under RCRA Subtitle D and the agency has listed coal combustion rulemaking in its long-term action plans. It published a notice of data availability on the subject in August 2007 which included new information gathered since 2000. The information included new studies of states' management of CCW, an assessment of the risks the wastes pose on human health and the environment, and a draft risk assessment on the management of CCW in landfills and surface impoundments.

The national standards were still working their way through the rulemaking process on December 22, 2008 when a portion of what was a retaining pond at the Tennessee Valley Authority's Kingston Fossil Plant in Hariman, Tennessee gave way. The incident brought new attention to the methods used to store and dispose of fossil fuel wastes.

EPA has three general options to deal with CCW now. First, EPA can decline to issue further regulations, which would leave states in charge

of developing regulations and management tools. Second, the agency can affirm that states are the primary regulators of the wastes but that EPA has oversight and can step in when it deems necessary. And, third, EPA can declare the waste as hazardous. Coal industry representatives are urging the second option, while environmental organizations urge hazardous classification and its increased restrictions on disposal.

Under a 1980 amendment to RCRA, CCW belongs to a group of wastes called Bevill wastes (named after the amendment's sponsor, the late Rep. Tom Bevill (D-Ala.). The Bevill amendment excludes "solid waste from the extraction, beneficiation and processing of ores and minerals" from regulation as hazardous waste under Subtitle C of RCRA.

Representatives of the utility industry argue that reclassifying CCW as a hazardous waste would un-

necessarily reverse more than 30 years of policy. In the long run, reclassification could remove the economic incentive for companies to develop methods for beneficial reuse of CCW. Today, about 43 percent of the fly ash is "repurposed" for use in concrete and other construction products. If that waste has to be handled as a hazardous waste and companies face the attendant costs associated with its disposal, companies will no longer have a reason to reuse it.

The Utility Solid Waste Activities Group at the Edison Electric Institute has suggested that national standards and a hazardous waste designation are not necessary nor necessarily useful. Like Pennsylvania, the group says that states should be permitted to deal with the proper use and disposal of CCW on their own.

The power industry is not opposed to regulation, but says that states are in the best position to know what is needed.

More information on EPA's rulemaking process for CCW is available at: <http://www.regulations.gov>, Docket No. EPA-HQ-RCRA-2006-0796.

EPA is facing three options in dealing with CCW, with differing opinions from environmentalists and industry

RESEARCH BRIEFS

Each month, the committee's staff researches and prepares a number of "briefs" on several topics relevant to the Joint Conservation Committee's mission.

Very often, these briefs include references to reports and further research on the topics so that readers may pursue issues on their own.

Water: Why Less Could be More for California Farmers

-- Tony M. Guerrieri, Research Analyst

California's multi-billion dollar agricultural industry is an important part of the state's economy. However, agriculture in California is subject to mounting pressure from uncontrolled urbanization, global market pressures, and threats to the reliability and availability of fresh water. Actions are needed to both ensure a sustainable agricultural sector and to reduce the water required for it. A report by the Pacific Institute suggests that California not only can reduce its water withdrawals from the Sacramento-San Joaquin Delta, but it can also increase their reliability and quality.

The report, *"More with Less: Agricultural Water Conservation and Efficiency in California – A Focus on the Delta"*, offers a comprehensive analysis of how to maintain a strong agricultural economy while improving the efficiency of water use and reducing groundwater overdraft and water withdrawals.

The Delta is a region where two of California's largest rivers meet. Freshwater from the rivers mingles with saltwater from the Pacific Ocean, creating the West Coast's largest estuary. Currently, the Delta is the hub of the state's water distribution system, providing two-thirds of the state's water. The region provides habitat for 700 native plant and animal species and is now in a serious long-term crisis, with declining populations of threatened and endangered fish, increasing risk of levee failure, rising seas and changes in flood/drought patterns due to climate change, and worsening water quality.

California's agricultural sector uses the vast majority of the state's developed water supply. Current withdrawals for agriculture comprise 80 percent of Delta water consumption. The Pacific Institute's report finds that agricultural water-use efficiency can be improved through careful planning, and adoption of existing, cost-effective technologies, management practices and policy changes.

Instead of focusing on capital intensive infrastructure projects, the report recommends a four-fold approach for improving water-use efficiency. Each is a straightforward extension of trends and efforts

already under way by innovative growers around the state, and each shows the potential to increase production with less water. The approaches include: addressing what crops are grown (Modest Crop Shifting); and how they are grown (Advanced Irrigation Management, Smart Irrigation Scheduling, and Efficient Irrigation Technology).

All four approaches show substantial potential water savings ranging from 0.6 to 3.4 million acre-feet of water annually. One acre-foot is roughly 326,000 gallons and represents the amount of water needed to cover one acre of land to a depth of one foot, or the amount of water used annually by an average family of four.

The Pacific Institute recommends a four-fold approach emphasizing water conservation and efficiency rather than capital intensive infrastructure projects

Water savings achieved through conservation and efficiency improvements are just as effective as new, centralized water storage and are often far less expensive, according to the report. For example, the savings in these scenarios can be compared using "dam equivalents." Assuming that a dam yields 174,000 acre-feet of "new" water, the efficiency scenarios save as much water as up to 20 new reservoirs.

The report provides recommendations to overcome some of the financial, legal, and institutional barriers that can hinder farmers from implementing such adaptations and investments. Two examples are boosting outreach programs to help teach farmers about new techniques, and giving farmers tax breaks for water-saving irrigation systems. Farmers should use drip or sprinkler irrigation systems instead of flooding grain fields, and crops should only be watered when they need it, a practice requiring more intensive soil and plant monitoring.

The report also recommends broader changes to state and federal policies such as reducing or realigning federal subsidies that encourage growing low-value, water-intensive crops such as rice, cotton, wheat and alfalfa, in favor of crops that can be more selectively irrigated such as fruit and nut trees and row

crops like tomatoes, lettuce, cucumbers and melons. The report predicts that growing more high-value fruit and vegetable crops that consume less water could boost growers' productivity and profits.

In addition, it suggests the state could avoid planting 10 percent of its fields as one drought response. And it says California should consider retiring 1.5 million acres of poorly drained land in the San Joaquin Valley.

Finally, the report recommends that the state develop a more rational water rights system aimed at cutting waste. Under current law, users with the earliest water claims have the highest priority for receiving water. But with the dire situation in the Delta, a record-breaking dry spell and some communities under mandatory restrictions, the report claims it may be time to re-evaluate water allocation.

Based in Oakland, California, the Pacific Institute is a nonpartisan research institute. The 69-page report, "*More with Less: Agricultural Water Conservation and Efficiency in California*", can be found at: http://www.pacinst.org/reports/more_with_less_delta/more_with_less.pdf.

Diesel Vehicles Score Better on Emissions But Trail Hybrids

-- Craig D. Brooks, Executive Director

While diesel-fueled cars and light trucks outperform conventional gasoline-powered vehicles for both mileage and greenhouse gas emissions, emerging technologies such as hybrids and plug-in electric vehicles do even better, according to an Energy Information Administration (EIA) report. The report, "*Light-Duty Vehicles: Efficiency and Emissions Attributes and Market Issues*", was conducted by the EIA's Office of Integrated Analysis and Forecasting. EIA was asked to compare the environmental and fuel efficiency performance of diesel engines with the performance of hybrid and plug-in electric vehicles after a Popular Mechanics article suggested a diesel powered 2007 Volkswagen Polo Blue Motion would travel farther on a gallon of fuel than a 2007 Toyota Prius hybrid while emitting five percent fewer greenhouse gases.

The EIA review found that current hybrid vehicles using conventional gasoline averaged 34.8 miles per gallon, 6.6 mpg more than a comparable standard diesel-powered vehicle, while contributing 20 percent fewer total greenhouse gas emissions, which includes emissions from fuel production and refining as well as from the vehicle's operation.

According to the report, the most environmentally friendly vehicles, taking into account mileage and emissions, are hybrids that can also burn diesel fuel. Non-plug-in hybrids running on B20 diesel fuel fared

better on emissions than hybrids using conventional gasoline when compared to standard diesel-powered vehicles. B20 is a blended fuel containing 20 percent biodiesel and 80 percent diesel fuel.

Non-plug-ins achieved 34.8 mpg and emitted 43 percent fewer greenhouse gases than a standard diesel engine. A plug-in electric hybrid that can burn diesel is capable of 44.4 mpg with 19 percent to 31 percent fewer total greenhouse gas emissions than a standard diesel engine, according to the report.

According to the report, the most environmentally friendly vehicles are hybrids that can also burn diesel fuel

The greatest total greenhouse gas emissions reductions come from hybrids that can process E85 fuels – a blended fuel containing between 70 percent and 85 percent ethanol – although they often sacrifice fuel efficiency because of ethanol's lower Btu potential. An E85-comparable hybrid using cellulosic fuel contributes 71 percent fewer total greenhouse gas emissions than a standard light-duty diesel vehicle, according to the report.

The report also notes that light-duty diesel sales peaked at 6.1 percent of car sales in 1981, and have remained below 1 percent since 1988. Current misconceptions and legacy perceptions of diesel vehicle quality, carried over from the 1980's, have limited their current market acceptance in light-duty vehicle offerings.

Diesel vehicles account for a much larger share of vehicle sales in Europe, where higher fuel prices, government tax incentives, and less-restrictive pollution standards have made them more attractive. In Belgium, France and Spain, diesel vehicles account for more than 70 percent of all light-duty sales, according to the report.

The EIA report is available at: [http://www.eia.doe.gov/oiaf/servicerpt/lightduty/pdf/sroiaf\(2009\)02.pdf](http://www.eia.doe.gov/oiaf/servicerpt/lightduty/pdf/sroiaf(2009)02.pdf).

Philadelphia and Pittsburgh Rank Among Nation's Least-Wasteful Cities

-- Tony M. Guerrieri, Research Analyst

Playing a part in improving a neighborhood's or city's environment doesn't have to be complicated. Turning off that faucet while brushing your teeth. Reusing cloth grocery bags. Turning off the lights when you leave the room. Re-thinking the urge to wash your car with fresh water,

and instead opting to collect rain water in a barrel for that chore. All are examples of simple ways for each of us to be part of a broader environmental improvement effort.

According to a study that ranks U.S. cities based on the wasteful behavior of their residents, Philadelphia and Pittsburgh are among the least wasteful cities in the nation. The study commissioned by Nalgene, maker of the popular reusable water bottles, offers an interesting look at self-reported environmental behavior. It ranked 23 waste-focused habits of urban Americans, and questioned 3,750 individuals living in the top 25 largest U.S. cities, examining how well residents adhere to waste oriented behaviors, from recycling to taking public transportation to collecting rainwater to visiting the library.

The results were weighted to give more credit to behaviors that had immediate and significant impact on the planet (i.e., reduced driving, recycling or reducing trash).

Philadelphia finished 10th in the rankings, while Pittsburgh ranked 14th. Eighty percent of each city's residents pledged to be more environmentally conscious next year.

When the results were tallied, San Francisco topped the study's rankings as the least wasteful city in the country, with an overall score of 1,025.45 points. Eighty-six percent of San Franciscans reported that they live an "extremely" or "somewhat" eco-friendly lifestyle. San Franciscans were best overall in four categories: recycling, reusing wrapping paper, turning off the water to brush teeth and not using cars for short trips from home. The city ranked second in seven other behavior categories, and fell short in just one category: limiting showers to less than five minutes, coming in 12th.

New York City captured second place with 1,004.01 points, and Portland, Oregon, was the only other city to break the 1,000-point barrier, with 1,001.66 points. Rounding out the top five were Seattle, Washington (985.03) in fourth and Los Angeles (960.46) in fifth.

The most wasteful city in the country is apparently Atlanta, with 857.51 points. The city's residents came in fifth in composting and eighth in using rain barrels, but Atlanta residents were the worst at recycling, using recyclable containers, participating in sustainability programs, using energy-efficient light bulbs, and borrowing books from the library.

The U.S. West scored higher on average with five cities ranked at or near the top: San Francisco,

Portland, Seattle, Los Angeles and Denver. The South and Midwest scored the lowest: Atlanta, Dallas, Indianapolis, Houston and St. Louis make up the bottom five cities.

Philadelphia and Pittsburgh were ranked 10th and 14th respectively. According to the survey, Philadelphia's overall score was a 932.59. Philadelphians came in third when it comes to recycling (despite a reputation for an ineffective city recycling program) and in avoiding using a car for trips less than two miles from home, and are sixth-best in the country at participating in their city's sustainability/environmental programs.

Philadelphia ranked 24th out of 25 in three categories: reusing wrapping paper, buying second-hand (including clothing and electronics), and borrowing books from the library. Philadelphia ranked last in turning off the water while brushing teeth. The study found overall that 69 percent of Philadelphia residents consider themselves to be eco-conscious, 80 percent plan on being more environmentally conscious in the next year and 31 percent think their city is on the right track to becoming more environmentally responsible.

Pittsburgh's overall score was a 909.42. City residents scored fourth in using reusable containers, and sixth in two categories - using reusable grocery bags and shopping at local markets that carry locally grown products. The Steel City scored poorly in two categories: 23rd in reusing plastic bags and tin foil and 25th in avoiding driving for trips of less than two miles from home. Sixty-four percent of Pittsburgh residents consider themselves to be eco-conscious, with 80 percent planning on being more environmentally conscious in the next year. Over 30 percent of Pittsburgh residents think their city is on the right track to becoming more environmentally responsible.

The study also had several recommendations on reducing waste including the following:

☞ Making small changes such as using reusable containers and water bottles or walking instead of driving.

☞ Composting yard trimmings and food leftovers instead of landfilling them. The U.S. Environmental Protection Agency estimates that 24 percent of the U.S. waste stream is made up of yard trimmings and food leftovers.

☞ Using rain barrels. They save money and reduce fresh water use.

☞ Do more biking and use public transportation. Get some exercise and improve air quality by reducing use of the car.

For the complete 25 city-by-city rankings and other information about the survey, visit: www.least-wastefulcities.com.

Large Scale Ethanol Production Possible But Auto Technology Must Evolve

-- Craig D. Brooks, Executive Director

A study carried out by Sandia National Laboratories and General Motors has found that there are no intrinsic barriers to manufacturing 90 billion gallons of cellulosic ethanol a year in the United States. Ninety billion gallons of ethanol is the equivalent of 60 billion gallons of gasoline, the study says.

The study looked at requirements for large-scale production of ethanol derived from plant matter, including forest residue, agricultural residue, short rotation woody crops, and plants with leaves and stems. It found that the goal set by the federal renewable fuel standard, 36 billion gallons of gasoline equivalent from ethanol by 2022, could be reached without displacing any of the current crops being grown.

In order to produce 90 billion gallons of ethanol annually, the study says that “enduring government commitment and necessary technological progress” are essential

Although there are substantial challenges to the transportation and distribution of ethanol, they are not insurmountable, according to the study. The study suggests that the source for up to 45 billion gallons of ethanol could be grown in areas that require little or no irrigation, and large scale production – 90 billion gallons – could be reached using as much or less water than is currently used for producing and refining petroleum fuels.

The study estimates that large-scale ethanol production would reduce greenhouse gas emissions by 260 million tons of carbon dioxide equivalent per year.

Producing the 90 billion gallons of ethanol a year, however would require “enduring government commitment and necessary technological progress,” the

study suggests.

The study worked from an assumption that the technology needed for large-scale ethanol production would mature by 2020. With the right technology to help reduce the cost of both feedstock and production, ethanol could be cost-competitive with gasoline within five years of reaching the production goal of 90 billion gallons. Without the investment of technology, ethanol would not be cost competitive within 15 years of reaching the production goal, the study said.

The study suggests that the government could assist ethanol production with economic incentives, favorable emissions pricing through a system such as greenhouse gas emissions cap-and-trade, and funding for research and development. Even without incentives, the study says, large scale ethanol production would still be feasible although not as financially attractive.

The study points out that if large scale ethanol production is accomplished, the ethanol would not be usable unless car technology evolves. At the current ethanol-gasoline blend rate of 10 percent for cars not specially equipped to handle higher percentages, the United States could use only about 14 billion gallons a year, according to the ethanol industry calculations.

To date, automobiles are available that can run on 85 percent ethanol. According to General Motors, the company has committed to half of the automobile production to be E-85 ready by 2012. General Motors added that while there are 3.5 million cars on the road today that can use the 85 percent mix, the mix is not readily available at the pump. General Motors is working with 10 states to increase the availability of fuel with higher ethanol content.

Information on the study is available at: http://www.sandia.gov/news/resources/releases/2009/bio-fuels_study.html.



News to Use in the Environmental Synopsis... share it with a friend

The *Environmental Synopsis* is issued monthly.

The newsletter examines timely issues concerning environmental protection and natural resources.

If someone you know would like to receive a copy of the *Synopsis* each month, please contact the Committee office at 717-787-7570.



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ON THE HORIZON ...

A LOOK AT UPCOMING EVENTS

- ✓ **Monday, May 4, 12 noon, Room G-50, K. Leroy Irvis Building, Capitol Complex, Harrisburg, PA – Environmental Issues Forum** – The forum will examine Pennsylvania’s Heritage Areas and discuss their past, present and future.
- ✓ **Monday, June 8, 12 noon, Room G-50, K. Leroy Irvis Building, Capitol Complex, Harrisburg, PA – Environmental Issues Forum** – American Geo Energy Solutions, LLC will present a forum on potential alternative energy sources for Pennsylvania, including mine water sources, surface and groundwater, co-generation and heating and cooling districts.

Please call the Committee office at 717-787-7570 if you plan to attend the forums.

Also, check the Committee website at <http://jcc.legis.state.pa.us> for events that may be added to the schedule.

COMMITTEE CHRONICLES ...

REVIEW OF SOME MEMORABLE COMMITTEE EVENTS

An interested crowd (see photo at right) attended the Committee’s latest Environmental Issues Forum. The topic was “Wood Fuel Pellets – Opportunities for Pennsylvania.”



The guest speaker was John E. Burrows, Jr., the president/CEO of Energenx Corporation, located in Mifflintown, PA, shown addressing the forum in the photo at left. Energenx is involved in the production of wood fuel pellets for use as an alternative heating source with wood pellet heating systems.

In the photo at bottom right, Committee Chairman Rep. Scott Hutchinson (right) is shown discussing more about the potential of wood pellet fuel with Burrows.

A copy of the presentation is available from the Committee office. Call 717-787-7570 if you would like a copy.



In March 2007, a group called the Pennsylvania Prescribed Fire Council Steering Committee met to pursue formation of a formal prescribed fire council. That council met initially at a statewide conference in February 2008 in State College, PA, calling itself the Pennsylvania Prescribed Fire Council (PPFC).

It put forth a mission statement, reading in part "...to promote the exchange of information, techniques and experiences of the Pennsylvania prescribed fire community, and to promote public understanding of the importance and benefits of prescribed fire."

The conference featured a historical perspective on the use of fire to improve ecosystems, viewed other states' experiences, included a discussion of fire training standards, and examined the national perspective.

That national perspective is an interesting one. It is estimated that 39 million acres of Forest Service land across the nation carry potentially dangerous fuel loads. That does not even include national parks or state, private or other federal lands. In Arizona, for example, the number of trees per acre has increased eightfold since 1883, largely because of fire suppression. Wildfire suppression has created a logjam of fuels just waiting to burn, and when it burns without controls, it usually takes everything.

Fire costs can vary by habitat type, but it is clear that prescribed burning can be a cost saver. The cost of prescribed fire is estimated at \$12 to \$344 per acre. Mechanical thinning costs as much as \$1,200 per acre. And, fighting an uncontrolled wildfire can cost \$2,100 an acre.

"The General Assembly declares that prescribed burning is a land management tool that benefits the safety of the public, the environment and the economy of this Commonwealth."

Legislative declaration and findings – House Bill 262

Under the guidance of the Committee, the PPFC has helped to formulate, draft, review and alter prescribed fire legislation. The legislation seeks to accomplish a number of goals. It would encourage the continued use of prescribed burning for fuel reduction, and for ecological, forest, wildlife and grassland management purposes. It would establish standards for the safe use of prescribed burning and the training of prescribed burn managers and those under his/her supervision, provide for the content of written prescribed burn plans, and establish a training program.

Further, the legislation addresses a shortcoming in Pennsylvania law by providing for limited liability exposure for those individuals contracting for a prescribed burn, and for the prescribed burn manager and those under the manager's supervision, provided such individuals meet several rigorous standards. The standards are established in the legislation, by regulation and under the training, equipment and operational requirements established by the National Wildfire Coordinating Group.

Fire has always played an active role in Pennsylvania's natural environment, but often that fire was unplanned, uncontrolled and unwanted. Prior to the establishment of the PPFC, the Bureau of Forestry recognized the value of prescribed burning in its wildland fire management plan and as part of its State Forest Resource Management Plan (SFRMP). The SFRMP states, "In the hands of trained, skilled and experienced people, fire may be used as an effective tool to meet many ecosystem management objectives and ultimately enhance and protect resource values."

The lack of a state statute to govern the use of prescribed burning and concerns about liability have inhibited prescribed burning's continued use as a conservation and safety tool in Pennsylvania. HB 262 would place clear rights, responsibilities and protections in statute, in accord with existing federal standards, so that beneficial prescribed burns could be more safely used in Pennsylvania. Used properly, prescribed burning would be an effective and economical protection against wildfires, and would benefit public safety, the environment and the economy.

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