

Changing policy to support beneficial fire

State-Certified Burn Boss Program (CARX)

In 2018, SB1260 (Jackson) mandated that the state of California develop a burn boss program to certify qualified individuals. After two years of curriculum development by a diverse, interagency working group, the first CARX certification course was hosted by UCCE in Humboldt County in 2021. To date (Nov. 2023), there are more than 25 state-certified burn bosses in California, and almost 75 more who have taken the class and are working towards certification.

Changing California's Liability Laws

Liability concerns tend to be one of the most important barriers to prescribed fire, especially for private landowners, private contractors, and other organizations who do not enjoy the same protections as state and federal fire management agencies. Liability concerns break down into two primary categories: liability for damages to another's property, and liability for suppression costs in the rare case that a fire escapes control.

In 2021, SB322 (Dodd) changed California's liability standard for fire suppression costs from a simple negligence standard to a gross negligence standard, greatly increasing protections for fire practitioners (with approved burn plans). In essence, SB322 tells private and cultural burners that if they're doing a project that has public benefit, and they're taking care in their work, the state will have their back.

Filling the Insurance Gap

In recent years, there has been a dramatic increase in capacity and support for prescribed fire and cultural burning. PBAs and other community-based prescribed fire groups are now scattered throughout the state, burn bosses are being certified and making themselves available to plan and lead burns, and liability concerns around suppression costs have been alleviated. However, insurance for third-party damages remained a significant gap, with very few insurers providing coverage, and no one providing coverage that was affordable.

In 2022, SB926 (Dodd) created a \$20-million state-backed Prescribed Fire Claims Fund, which provides up to \$2 million in coverage for qualifying projects led by burn bosses and cultural practitioners. The fund became available in June 2023. This first-of-its-kind fund fills the insurance gap for this important work, opening up new opportunities for PBAs, landowners, NGOs, tribes, and others. In some ways, the Claims Fund was the missing puzzle piece in all the good work that has taken place in recent years.

Key prescribed fire and cultural burning bills in California

- **SB1260 (Jackson 2018)** mandated development of a state-certified burn boss program in California.
- **SB332 (Dodd 2021)** changed the liability standard for fire suppression costs in California, defined "cultural burning" and "cultural practitioner," and provided equal protections for cultural burners and qualified burn bosses.
- **SB642 (Friedman 2021)** also defined cultural fire terms, and mandated that the state develop a proposal for a Prescribed Fire Training Center in California. The proposal has been developed, but funding is needed to support the proposal.
- **SB926 (Dodd 2022)** created a \$20 million state-backed pilot Prescribed Fire Claims Fund, providing up to \$2 million in liability coverage for beneficial fire projects, and filling the insurance gap for this work

Authored by **Lenya Quinn-Davidson**, UC ANR Fire Network Director, lquinndavidson@ucanr.edu
UC ANR Fire Network: <https://ucanr.edu/program/uc-anr-fire-network>
California PBAs: www.calpba.org

Updated 11/2023