

## Prescribed Fire in California

*How community action and policy changes have empowered beneficial fire*

### Background

In California and beyond, prescribed fire is increasingly recognized as one of the most cost-effective and ecologically appropriate tools for restoring and maintaining resilient landscapes, habitats, and communities. Likewise, cultural fire is vital to the stewardship, lifeways, and traditions of Indigenous Californians. However, until recent years, private landowners, contractors, cultural practitioners, and non-governmental organizations faced a host of significant barriers to both prescribed fire and cultural burning. These barriers were clearly articulated in the [2021 Good Fire Report](#), published by the Karuk Tribe, and in the state's [2022 Strategic Plan for Expanding the Use of Beneficial Fire](#).

#### JUST A FEW YEARS AGO...

- The legal context and permitting requirements for prescribed fire were very unclear
- There were fewer than 5 qualified private burn bosses available to plan and lead burns on private lands in the entire state of California
- Landowners, tribes, and non-governmental organizations had very little access to prescribed fire training, and almost no options for implementation outside of agency programs
- Concerns over liability were often paralyzing for landowners, burn bosses, and cultural practitioners who wanted to use fire
- Liability insurance was increasingly unavailable for prescribed fire and cultural burning projects. Most private insurers wouldn't cover fire-related projects, and even if they would, quotes were as high as \$14,000 per burn day.

### Breaking down Barriers

#### Community-based fire

In 2017, UCCE advisors imported the Prescribed Burn Association (PBA) model from the Great Plains, where landowners and community groups successfully burn hundreds of thousands of acres every year. PBAs—community cooperatives for prescribed fire—help community members pool resources and funding, organize training, and assist in burn planning and implementation. The first California PBA was founded in Humboldt County in 2017; there are now 24 PBAs throughout California, engaging thousands of volunteers who train, learn, and burn together.



#### 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 toward certification.

## 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

### 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, SB332 (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, SB332 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.

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*These recent policy changes tell private and cultural burners that if they’re doing work that provides public and/or cultural benefit, and they’re taking care in their work, the state has their back.*

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## For more information:

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