

**SENATE JUDICIARY COMMITTEE**  
**Senator Thomas Umberg, Chair**  
**2021-2022 Regular Session**

SB 332 (Dodd)  
Version: February 8, 2021  
Hearing Date: May 4, 2021  
Fiscal: No  
Urgency: No  
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**SUBJECT**

Civil liability: prescribed burning operations: gross negligence

**DIGEST**

This bill provides that a burn boss and a private landowner upon whose property a burn boss carries out a prescribed burn are immune from liability for damages or injuries to persons or property as the result of a prescribed burn, unless the burn was conducted in a grossly negligent manner.

**EXECUTIVE SUMMARY**

According to the United States Forest Service, prescribed fires, or prescribed burns or controlled burns, “refer to the controlled application of fire by a team of fire experts under specified weather conditions to restore health to ecosystems that depend on fire.”<sup>1</sup> However, for many years, the predominant fire management policy in California was to suppress all fire. As pointed out by the author, California at one time “absolutely prohibited the use of prescribed fire.” The crucial role of prescribed fires, while predating the colonization of California, has gained renewed attention in recent times after an era of focusing primarily on fire exclusion. The practice creates habitat and assists in the regeneration of certain species of plants and trees. Methodical prescribed burning also reduces surface fuel, decreasing the intensity of future wildfires. The folly of the state’s historical approach to fire prevention is now apparent and prescribed fires are accepted as a necessary part of California’s current strategy.

To encourage increased prescribed burning, the state has provided for clear certification standards of “burn bosses” and presumptions of due diligence in such burns when properly permitted. Additional resources have also been committed through the Governor’s budget. However, this bill addresses the issue by immunizing burn bosses, and private landowners, from liability when they carry out prescribed burns that fail to

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<sup>1</sup> *Prescribed Fire*, United States Forest Service, <https://www.fs.usda.gov/managing-land/prescribed-fire>.

meet the proper standard of care. The bill removes the right to remedy for those who have been injured or killed, or had their property damaged, as the result of negligent prescribed burning. It raises the standard for establishing liability to gross negligence.

This bill is author-sponsored. It is supported by a coalition of groups, including utility workers, the California Forestry Association, and the California Cattlemen's Association. It is opposed by insurance company associations and the Consumer Attorneys of California.

### **PROPOSED CHANGES TO THE LAW**

Existing law:

- 1) Requires the State Fire Marshal to develop a curriculum for a certification program for burn bosses, who possess authority to engage in a prescribed burning operation and to enter into the necessary contracts related to a prescribed burning operation. The curriculum shall provide for the initial certification as well as the continuing education of burn bosses. (Pub. Resources Code § 4477(a).)
- 2) Requires the California Department of Forestry and Fire Protection (CAL-FIRE) to develop a training program for prescribed fire users to certify professionals in any agency or organization as burn bosses. CAL-FIRE shall certify these individuals to a common standard. It states the intent of the Legislature that the department use its discretion to ensure that burn bosses are thoroughly qualified to engage in prescribed burning operations prior to issuing certifications. (Pub. Resources Code § 4477(b).)
- 3) Provides for the creation of prescribed burn agreements and the provisions to be included in such agreements. The law also provides for the contractual apportionment of liability and the purchase of liability insurance. (Pub. Resources Code § 4475 et seq.)
- 4) Authorizes a person, firm, or corporation, or a group or combination of persons, firms, corporations, or groups, that owns or controls brush-covered land, forest lands, woodland, grassland, shrubland, or any combination thereof within a state responsibility area to apply to CAL-FIRE for permission to utilize prescribed burning for specified public purposes. (Pub. Resources Code § 4492.)
- 5) Requires CAL-FIRE, upon receipt of an application, to inspect the land in company with a permit applicant to determine whether a permit shall be granted, to prescribe the manner in which the site for the prescribed burning shall be prepared, and to require any precautions to be taken by the applicant as may be considered reasonable to prevent damage to the property of others by

reason of the burning. The precautions shall, if deemed necessary, include the advance preparation of firebreaks and the firefighting equipment and personnel desirable to conduct the prescribed burning. (Pub. Resources Code § 4493.)

- 6) Permits CAL-FIRE to issue to an applicant a burning permit that shall specify the site preparation requirements and required precautions to be exercised prior to and during the burning. The issuance of a permit by the department does not relieve the permit holder from the duty of exercising due diligence to avoid damage to property of others in conducting the burning of vegetation as authorized by the permit. However, compliance with a permit issued pursuant to this article shall constitute prima facie evidence of due diligence. (Pub. Resources Code § 4494.)
- 7) Provides that any person who personally or through another willfully, negligently, or in violation of law, sets fire to, allows fire to be set to, or allows a fire kindled or attended by him to escape to, the property of another, whether privately or publicly owned, is liable to the owner of such property for any damages to the property caused by the fire. (Health & Saf. Code § 13007.)
- 8) Provides that any person who allows any fire burning upon his property to escape to the property of another, whether privately or publicly owned, without exercising due diligence to control such fire, is liable to the owner of such property for the damages to the property caused by the fire. (Health & Saf. Code § 13008.)
- 9) Provides that any person who negligently, or in violation of the law, sets a fire, allows a fire to be set, or allows a fire kindled or attended by that person to escape onto any public or private property, is liable for the cost of investigating and making any reports with respect to the fire and other administrative costs. (Health & Saf. Code § 13009.1.)
- 10) Provides that every person is responsible, not only for the result of their willful acts, but also for an injury occasioned to another by the person's want of ordinary care or skill in the management of their property or person, except so far as the latter has, willfully or by want of ordinary care, brought the injury upon themselves. (Civ. Code § 1714(a).)

This bill provides that, notwithstanding specified laws, a person certified as a burn boss or a private landowner upon whose property a person certified as a burn boss performs, supervises, or oversees a prescribed burn are not liable for any damage or injury to property or persons that is caused by a prescribed burn that is authorized, as provided, unless the prescribed burn was conducted in a grossly negligent manner.

## COMMENTS

### 1. Stated intent of the bill

According to the author:

Prescribed burning is the controlled application of fire to the land to reduce wildfire hazards, clear downed trees, control plant diseases, improve rangeland and wildlife habitats, and restore natural ecosystems. Sometimes called a controlled burn or prescribed fire, prescribed burning is one of the most important and cost-effective tools used to manage fire today. As catastrophic wildfires continue to be a growing concern in California, the use of prescribed burning to reduce hazardous fuels should increase.

Resistance to the use of prescribed fire is strong among many private land managers despite the advantages it offers for maintaining fire-prone ecosystems. Often, managers who are aware of the benefits of using prescribed fire as a management tool avoid using it because of fear of liability for damages that may result from an escaped fire or smoke even though prescribed burns rarely escape their containment and almost never cause losses.

Liability insurance has become one of the major barriers to prescribed fire. If private companies, contractors, land trusts, and non-profits cannot obtain sufficient insurance, they are unable to implement prescribed burning. Land managers who are aware of the benefits of using prescribed fire as a management tool avoid using it, citing potential liability and lack of available insurance as a major reason for their aversion. Recognizing the importance of prescribed fire for wildfire risk reduction, ecosystem management and the constraints current statutory schemes impose on its use, several states in the United States have undertaken prescribed burn statutory reform.

Five states have adopted gross negligence standards, in whole or in part: Florida, Georgia, Michigan, Nevada, and South Carolina. Perhaps unsurprisingly, states with gross negligence standards see significantly more private burning. Research shows that prescribed fire is applied more often and to more land in states with gross negligence standards than in neighboring states with simple negligence standards.

## 2. Prescribed burning

The Public Resources Code defines “prescribed burning” as the planned application and confinement of fire to wild land fuels on lands selected in advance of that application to achieve any of the following objectives:

- prevention of high-intensity wild land fires through reduction of the volume and continuity of wild land fuels;
- watershed management;
- range improvement;
- vegetation management;
- forest improvement;
- wildlife habitat improvement; and
- air quality maintenance. (Pub. Resources Code § 4464.)

These burns are low-intensity fires that are either intentionally lit or allowed to burn in specified weather conditions according to a preapproved plan, known as a burn plan. The ultimate goal is to reduce the occurrence and intensity of future wildfires. It is widely accepted that prescribed burns are a crucial and underutilized component to addressing the dramatic increase in massive wildfires in California. The Legislature has made clear that prescribed burning and wildland resources management planning serve an important public purpose and “benefit all the [people] of the state.” (Pub. Resources Code § 4462.) This belief was reinforced with the unveiling of the Governor’s budget earlier this year:

The proposal includes \$512 million for landscape-scale vegetation projects, including prescribed burning. Newsom is asking that Cal Fire and other state departments draw up a burning plan this spring. Prescribed fires help clear wildlands so they don’t burn as intensely when a natural or accidental fire erupts. However, because they put out irritating smoke and have a small chance of getting out of control, they can be tough to coordinate.

Boosting the number of prescribed burns is pivotal to meeting the state’s goal of improving fire resiliency across 500,000 acres every year, beginning this year. The U.S. Forest Service has pledged to treat a similar amount of acreage.<sup>2</sup>

California provides the guidelines for lawful prescribed burns. It also outlines contractual partnerships CAL-FIRE can enter into to carry them out and provides for

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<sup>2</sup> Kurtis Alexander, *Newsom's budget calls for investment in prescribed fire to combat catastrophic blazes* (January 8, 2021) San Francisco Chronicle, <https://www.sfchronicle.com/california-wildfires/article/Gov-Newsom-s-budget-calls-for-investment-in-15856612.php>.

the permitting, by CAL-FIRE, of certain prescribed burns. SB 1260 (Jackson, Ch. 624, Stats. 2018) sought to increase the use of prescribed burns, in part by encouraging partnerships with “cooperators”:

[H]istorically, the department conducted prescribed burns only utilizing its own personnel and therefore was liable for any damages resulting from the burn. However, to reach the statewide prescribed burn goals identified in the “California Forest Carbon Plan: Managing our Forest Landscapes in a Changing Climate,” to limit the threat of catastrophic wildfire, and to improve forest health, the department may have a smaller role on individual prescribed burns with a cooperator taking more control as authorized . . . . This cooperator control may range from creating the burn plan to being the burn boss and conducting the burn. (Pub. Resources Code § 4475.)

SB 1260 also required the State Fire Marshal to establish a certification program for burn bosses who “possess authority to engage in a prescribed burning operation and to enter into the necessary contracts related to a prescribed burning operation.” The established curriculum must provide for not only the initial certification, but the continuing education of burn bosses. SB 1260 also requires CAL-FIRE to develop a training program for prescribed fire users to certify professionals in any agency or organization as burn bosses. CAL-FIRE is required to certify these individuals to a common standard and to use “its discretion to ensure that burn bosses are thoroughly qualified to engage in prescribed burning operations prior to issuing certifications.”

Various barriers have been cited that limit the utilization of prescribed burning, either privately or through cooperative burns with CAL-FIRE, including a lack of experienced practitioners, the ability to get permits, limited periods during which appropriate conditions exist, air quality concerns, and liability concerns.

This bill attempts to deal with the historic underutilization of this fire prevention method by addressing only one of these issues, liability concerns. The bill provides immunity to certified burn bosses and the private landowners upon whose land these burns take place, unless the burn is conducted in a grossly negligent manner. Ultimately, the cost of removing this barrier to increased prescribed burns is borne by those who are injured or killed, or whose property is damaged, as the result of negligent burns.

3. The costs of immunizing burn bosses and private landowners

a. *Civil liability and immunity*

As a general rule, California law provides that persons are responsible, not only for the result of their willful acts, but also for an injury occasioned to another by their want of

ordinary care or skill in the management of their property or person, except so far as the latter has, willfully or by want of ordinary care, brought the injury upon themselves. (Civ. Code § 1714(a).) Liability has the primary effect of ensuring that some measure of recourse exists for those persons injured by the negligent or willful acts of others; the risk of that liability has the primary effect of ensuring parties act reasonably to avoid harm to those to whom they owe a duty.

Conversely, immunity from liability disincentivizes careful planning and acting on the part of individuals and entities. When one enjoys immunity from civil liability, it is relieved of the responsibility to act with due regard and an appropriate level of care in the conduct of its activities. Immunity provisions are also disfavored because they, by their nature, preclude parties from recovering when they are injured, and force injured parties to absorb losses for which they are not responsible. Liability acts not only to allow a victim to be made whole, but to encourage appropriate compliance with legal requirements.

Although immunity provisions are rarely preferable, the Legislature has in limited scenarios approved measured immunity from liability (as opposed to blanket immunities) to promote other policy goals that could benefit the public. Immunities are generally afforded when needed to ensure the willingness of individuals to continue taking on certain roles that may involve some risk and to incentivize certain conduct, such as the provision of life-saving or other critical services. Examples include protections for use of CPR (Civ. Code § 1714.2); use of an automated external defibrillator (Civ. Code § 1714.21); use of opiate overdose treatment (Civ. Code § 1714.22); providing emergency care at the scene of an emergency (Health & Saf. Code §§ 1799.102, 1799.106); and performing emergency rescue services (Health & Saf. Code § 1799.107). However, as indicated above, rarely is immunity absolute, and these immunities generally do not cover grossly negligent conduct or intentional misconduct.

*b. Application of immunity to prescribed burning*

As stated, this bill provides that, notwithstanding existing law, a burn boss is immunized from liability for any damage or injury caused by a prescribed burn unless the burn was conducted in a grossly negligent manner. This immunity also covers a private landowner upon whose property the burn occurs.

This is a dramatic change in the standard the state applies to such dangerous activity. The California Supreme Court has defined “ordinary negligence” to “[consist] of a failure to exercise the degree of care in a given situation that a reasonable person under similar circumstances would employ to protect others from harm.”<sup>3</sup> This standard incentivizes proper due diligence. On the other hand, “gross negligence” “has been

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<sup>3</sup> *City of Santa Barbara v. Superior Court* (2007) 41 Cal.4th 747, 753-754.

defined in California and other jurisdictions as either a want of even scant care or an *extreme* departure from the ordinary standard of conduct.”<sup>4</sup>

As discussed in the above section, this qualified immunity reduces the incentive to exercise reasonable care in carrying out these burns. Given the inherent danger in purposefully starting these fires, reducing the pressure to exercise due diligence in carrying out prescribed burn operations is arguably a problematic policy direction. More concerning is that this eliminates any recourse for injured parties. Although reportedly rare, when a prescribed burn is carried out in a negligent manner, and causes fire damage to an individual’s home or worse, injures or kills them or their family, this bill restricts the remedies that would otherwise exist for these victims.

The author and supporters point out that insurance coverage is difficult to secure. The Committee may wish to consider whether an insurance problem is better served with an insurance, or other pooled risk funding, solution, rather than laying the burden on those harmed by negligent burns. The author notes that “prescribed burns rarely escape their containment and almost never cause losses.” The Committee may wish to consider other options to support victims that would be left without a remedy. The law already provides for partnerships with the state for carrying out prescribed burns and even contemplates the purchasing of third-party liability insurance and the apportionment of any potential liability. If the risk of damages is as low as described by proponents and the certification and permitting systems are so rigorous and effective, then the Committee may wish to consider whether it would better suit the problem to socialize the costs borne by the rare outbreak of fire across the state or specific jurisdictions, rather than leave unfortunate residents and homeowners in the path of a negligently started or maintained fire to bear the brunt without remedy.

A handful of states apply a gross negligence standard in this context, however, several other states apply strict liability for damages caused by these burns. The vast majority treat liability for prescribed burns the same as they would for most other conduct, holding individuals to a reasonableness standard.

In California, the most well-known example of reducing the standard of care for specific conduct is through the Good Samaritan statute. The Good Samaritan statute specifically applies during medical emergencies. (Health & Saf. Code § 1799.102.) It incentivizes individuals to act to save lives when there is no time for careful planning or an ability to get them to an emergency medical facility. These conditions specifically do not exist in the case of prescribed burns, where careful planning must take place and conditions can be methodically assessed. Burn bosses are trained professionals that have the latitude to carefully plan out their burns, their locations, their timing, and to remove hazards that make damages or injuries more likely. While certainly addressing the underutilization of this method is an “emergency” in the sense that the state needs to take action, it is not

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<sup>4</sup> *Ibid.* (emphasis added).



the type of immediate, in the moment action that justifies the qualified immunity provided for in other statutes.

Even in the Good Samaritan statute, the language makes clear that it only applies at the “scene of an emergency” and specifically excludes “emergency departments and other places where medical care is usually offered,” because there is a different standard of care expected when the issue to be addressed is not unexpected and is handled by trained professionals.

It could be argued that prescribed burns are less comparable to the provision of emergency aid than to activities that are inherently dangerous and for which the law places strict liability – a heightened standard, rather than a lowered one. For instance, the doctrine of ultrahazardous activity provides that one who undertakes an ultrahazardous activity is liable to every person who is injured as a result of that activity, regardless of the amount of care used.<sup>5</sup> The doctrine applies to activity intentionally engaged in by a defendant, usually for profit, which by its very nature is abnormally dangerous.

It should be noted that the exposure to liability of burn bosses is already partially limited by provisions from SB 1260 that provide that compliance with a CAL-FIRE permit constitutes prima facie evidence of due diligence. (Pub. Resources Code § 4494(b).) This is a strong presumption that already raises the bar for an individual to seek redress when they have suffered damages or injury as the result of a prescribed fire.

#### 4. Stakeholder positions

The California Cattlemen’s Association writes in support:

To protect their ranch properties from wildfires, cattlemen often seek out prescribed fire practitioners who can perform controlled burns ahead of the fire season, creating protective fuel breaks. Unfortunately, California’s existing negligence regime for prescribed burns poses a significant liability threat to prescribed burners, disincentivizing controlled burns that are crucial to achieving the state’s wildfire resilience goals. SB 332 will reform the liability standard for prescribed fire practitioners who become state-certified burn bosses, removing this significant disincentive to applying ‘good fire’ to the landscape.

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<sup>5</sup> See e.g., *Pierce v. Pac. Gas & Elec. Co.* (1985) 166 Cal.App.3d 68, 85.

The Association of California Water Agencies also writes in support:

While many land managers are aware of the benefits of prescribed fire, including serving as an important tool for preventing catastrophic wildfire, the potential liability and lack of available insurance are often the primary barriers to the use of prescribed fire in California. The permitting process for prescribed burning is extensive with numerous state and local agencies having a role depending on the type of burn and location; burn bosses, who are responsible for prescribed fires are also highly trained and experienced individuals. Despite this, in California, the current liability standard is “simple negligence” for prescribed fire, and the burn boss is held personally liable for any damages. In addition to the liability burn bosses face, property owners can also be held liable for third-party damage caused by fire escaping from their property if they fail to exercise due diligence to control the fire. Beyond property damages, burn bosses and property owners can be held liable for other harms, such as bodily injury, death, or smoke related harms.

In an effort to increase the use of prescribed burns, SB 332 would establish a “gross negligence” liability standard for certified burn bosses and property owners who contract with certified burn bosses who conduct prescribed burns on their property. Reducing the barriers to the use of prescribed burning will increase forest health and reduce the severity of future wildfire seasons.

The California State Association of Counties expresses some concerns with the bill:

Our concern with SB 332 is the issue of the legal accountability standard of gross negligence and immunity for the certified prescribed burners. The standards for legal immunity are of critical importance to the success of a general prescribed burn program, and we believe that this must be developed in coordination with state and local partners, and with the backing of the state as a partner in developing a liability program.

The Consumer Attorneys of California, the Personal Insurance Federation of California, and the National Association of Mutual Insurance Companies write in opposition to the bill. They indicate support for increased prescribed burns, and actions that would actually result in more prescribed burns; however, they assert the bill “does not accomplish that goal; instead, its unintended affect will be catastrophic for California’s property and people.” They argue:

We believe it is poor policy to lessen the legal accountability standard of professionals doing one of the most dangerous things one can do in

California—start a wildfire. If SB 332 were to pass, the burden would fall on yet again the homeowners and community, with homes and lives as payment. We understand that this bill aims to address a lack of insurance for prescribed burners; therefore, instead, California should resolve the matter by addressing the insurance problem with an insurance solution such as the AB 1054 insurance risk pool concept, rather than burden families and communities with wildfire devastation through no fault of their own. Further, the economics of large wildfire losses do not support the notion that adding the word “gross” alleviates the underwriters concerns because wildfire liabilities regularly far exceed indemnification policy limits—this results in exposure of all available insurance under a policy while leaving wildfire victims left with a more difficult and less efficient cost recovery process.

#### 5. Amendment

In response to some of the concerns raised, the author has proposed the below amendments, which would replace the current version of the bill. The language limits the extension of immunity for damages caused by negligent prescribed burns only to fire suppression, rescue or emergency medical services, fire investigation, and other related costs that would otherwise be recoverable pursuant to Sections 13009 and 13009.1 of the Health and Safety Code. This narrows the financial burden of this change in law to fall squarely on entities that incur these costs such as CAL-FIRE and local jurisdictions’ fire-fighting and emergency medical crews. CAL-FIRE already spends billions of dollars each year in wildfire suppression costs, but would no longer be able to recoup costs pursuant to these statutes in connection with negligent prescribed burns.<sup>6</sup> The amendment language does not limit the immunity only to burn bosses and landowners upon whose property the burn occurs, but rather any person that might otherwise be liable in connection with such burns. It also extends immunity to some burns that are not conducted in compliance with a written prescription that is both approved by a certified burn boss and includes adequate risk mitigation measures, when it is a cultural burn conducted by a cultural fire practitioner. The language does not define “cultural burn” or “cultural fire practitioner.” The amendment does require the specific consent of the landowners whose land is affected by the prescribed burn.

#### Amendment

Section 3333.8 is added to the Civil Code, to read:

(a) In order to meet fuel management goals, the state must rely on private entities to engage in prescribed burning for public benefit. In recognition

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<sup>6</sup> Brian Brown, *State Wildfire Response Costs Estimated to Be Higher Than Budgeted* (October 19, 2020) Legislative Analyst’s Office, <https://lao.ca.gov/Publications/Report/4285>.

of this need, and notwithstanding Sections 13009 and 13009.1 of the Health and Safety Code, no person shall be liable for any fire suppression or other costs otherwise recoverable pursuant to Section 13009 or 13009.1 resulting from a prescribed burn if all of the following conditions are met:

- (1) The purpose of the burn is for wildland fire hazard reduction, ecological maintenance and restoration, cultural burning, silviculture, or agriculture.
  - (2) A person certified as a burn boss pursuant to Section 4477 of the Public Resources Code reviewed and approved a written prescription for the burn that includes adequate risk mitigation measures.
  - (3) The burn is conducted in compliance with the written prescription.
  - (4) The burn is authorized pursuant to Chapter 6 (commencing with Section 4411) or Chapter 7 (commencing with Section 4461) of Part 2 of Division 4 of the Public Resources Code.
  - (5) The landowner has provided specific consent for the burn.
  - (6) The burn is conducted in compliance with any air quality permit required by Health and Safety Code Section 41850 et seq.
  - (7) Cultural burns conducted by a cultural fire practitioner are exempt from subsections (2) and (3).
- (b) This section shall not be construed to grant immunity from fire suppression or other costs otherwise recoverable pursuant to Section 13009 or 13009.1 of the Health and Safety Code to any person whose conduct constitutes gross negligence.

### SUPPORT

Association of California Water Agencies  
Arcata Fire District  
Audubon Canyon Ranch  
Butte County Fire Safe Council  
Cache Creek Conservancy  
California Association of Resource Conservation Districts  
California Cattlemen's Association  
California Climate & Agriculture Network  
California Forestry Association  
California Rangeland Trust  
California State Association of Electrical Workers  
California Wilderness Coalition  
Center for Natural Lands Management  
Citizens for Sensible Forest Management  
Coalition of California Utility Employees  
Defenders of Wildlife

Ember Fire Consulting  
Fire Restoration Group  
Humboldt County Prescribed Burn Association  
Lake County Prescribed Burn Association  
Land Trust of Santa Cruz County  
Lems Ridge Timber Company  
Madera County Cattlemen's Association  
Madera County Farm Bureau  
Mendocino and Humboldt Redwood Companies  
Mendocino County Prescribed Burn Association  
Mid Klamath Watershed Council  
Napa County Farm Bureau  
Navajo Ranch  
Northcoast Regional Land Trust  
Palmer Creek Association  
Post Wildfire OHV Recovery Alliance  
Potter Valley Tribe  
Resource Conservation District of Butte County  
Resource Conservation District of Monterey County  
Round Valley Indian Tribes  
San Benito County Farm Bureau  
San Joaquin Forest Products  
San Luis Obispo County Cattlemen's Association  
Sanctuary Forest Inc.  
Santa Lucia Conservancy  
Save the Redwoods League  
Shasta County Air Quality Management District  
Sierra Business Council  
Sierra Forest Legacy  
Siskiyou County Cattlemen's Association  
Sonoma County Regional Parks  
Sonoma Land Trust  
Southern Humboldt Fire Safe Council  
Stackhouse Guide Service  
Tehama Conservation Fund  
Tehama County Cattlemen's Association  
Trinity County Resource Conservation District  
University of California  
The Watershed Research and Training Center  
The WildLands Conservancy  
W. M. Beaty & Associates, Inc.  
11 individuals

**OPPOSITION**

Consumer Attorneys of California  
National Association of Mutual Insurance Companies  
Personal Insurance Federation of California

**RELATED LEGISLATION**

Pending Legislation: AB 575 (Fong, 2021) provides that a private entity engaging in a prescribed burning activity that is supervised by a person certified as a burn boss shall be liable for damages to a third party only if the prescribed burning activity was carried out in a grossly negligent manner. This bill is currently in the Assembly Judiciary Committee.

Prior Legislation:

SB 1260 (Jackson, Ch. 624, Stats. 2018) *See* Comment 2.

SB 2585 (Patterson, 2018) would have provided that a property owner and their agent conducting a prescribed burn shall not be liable for damage or injury caused by fire or smoke, unless negligence is proven, when the prescribed burn meets specified conditions. This bill died in the Assembly Natural Resources Committee.

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