



March 23, 2021

The Honorable Mark Stone
Chair, Assembly Judiciary Committee
1020 N Street, Room 104
Sacramento, CA 95814

The Honorable Luz M. Rivas
Chair, Assembly Natural Resources Committee
1020 N Street, Room 164
Sacramento, California 95814

Dear Assembly Member Stone and Assembly Member Rivas:

We urge your support of AB 575 (Fong). Catastrophic wildfires have become a perennial nightmare for Californians. With nearly 10,000 fires and 4.2 million acres destroyed, the 2020 wildfire season was the most devastating season recorded in California's history.

As fire seasons continue to extend and wreak havoc on California communities, prescribed burns have become one of the most important tools used to mitigate catastrophic wildfires. The Governor's [Wildfire and Forest Resilience Action Plan](#) promotes prescribed burns to assist in reaching the ambitious goal of treating 500,000 acres annually by 2025 to bolster preventative, effective forest management efforts.

CAL FIRE has increased its use of prescribed burns for wildfire mitigation, reaching nearly 125,000 acres per year. However, experts believe that California should burn upwards of one million acres per year for the next two decades to avert additional catastrophic fire seasons and to restore its forests.

Under current law, prescribed fire practitioners are subject to a 'simple negligence' standard for escaped fires—that is, they may be found liable for property damage or personal injury if they fail to exercise the care of a 'reasonably prudent person.' While less than 1% of prescribed fires escape their intended burn area, and property damage

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and personal injuries are exceedingly rare, concerns over *potential* liability nevertheless severely disincentivize the application of prescribed fire. As a result, practitioners engage in fewer burns and/or smaller, less-complicated burns, providing less wildfire resilience than would a robust prescribed fire regime. Additionally, the simple negligence liability standard impacts the availability of liability insurance for practitioners.

AB 575 would apply a 'gross negligence' liability standard to certified burn bosses, holding them liable only for damages resulting from reckless or willful misconduct. There is little reason to believe that this change in law would significantly increase damages from prescribed fire, particularly because the gross negligence standard would only apply to highly qualified, well trained prescribed fire professionals certified as burn bosses under a curriculum developed by the State Fire Marshal. The benefits of the gross negligence standard would be significant, improving access to liability insurance, increasing the state's wildfire resilience through preventative application of 'good fire,' and expanding the suite of ecological benefits that prescribed fires provide.

We urge you to support AB 575 (Fong), which would decrease the liability for fire bosses conducting prescribed burns from negligence to gross negligence. By reducing the cost barriers associated with conducting prescribed burns, AB 575 would increase the use of prescribed burns, safely remove forest fuel, reduce the harmful emissions that stem from destructive wildfires, and help restore forest health.

The Legislature, the Newsom Administration, the California Air Resources Board, the California Natural Resources Agency, and CAL FIRE agree, prescribed burns work. As we head into yet another wildfire season, California needs to take a proactive role in wildfire prevention and forest management. **On behalf of the California Society of American Foresters, we respectfully urge you to support AB 575.**

Sincerely,



John R. Todd
Past-Chair
California Society of American Foresters

cc: Assemblyman Vince Fong, Author
Members, Assembly Natural Resources Committee
Members, Assembly Judiciary Committee