
SENATE COMMITTEE ON APPROPRIATIONS

Senator Sabrina Cervantes, Chair
2025 - 2026 Regular Session

AB 1699 (Rogers) - Good Fire Act: Prescribed Fire Liability Pilot Program: burn bosses: California Environmental Quality Act

Version: June 25, 2026

Urgency: Yes

Hearing Date: August 3, 2026

Policy Vote: N.R. & W. 7 - 0, E.M. 8 - 0

Mandate: No

Consultant: Ashley Ames

Bill Summary: This bill would create a pathway to allow individuals certified as prescribed fire managers under other certification programs, as specified, to be designated as a state-certified burn boss and would make changes to the Prescribed Fire Liability Pilot Program to advance the implementation of prescribed fire throughout the state.

Fiscal Impact:

- By removing the sunset on the Prescribed Fire Claims Fund and significantly expanding the universe of eligible entities, this bill would create ongoing General Fund cost pressures of an unknown amount, possibly in the low to tens of millions of dollars annually.
- By prohibiting a state entity that awards grant funds for beneficial fire projects from restricting those funds for use as payment for overtime or double rates of pay, this bill potentially creates cost pressures on various grant funds.
- The Department of Forestry and Fire Protection (CalFire) does not anticipate a fiscal impact from this bill.

Background:

Prescribed burning. 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. Prescribed fires are typically conducted in compliance with a written prescribed fire plan that outlines the conditions necessary for the burn to be “within prescription.” Prescribed burns are safe: the US Forest Service reported in 2022 that 99.84% of prescribed burns operate as planned without incident. According to California’s “Strategic Plan for Expanding the Use of Beneficial Fire” released in March 2022, between 10 and 30 million acres in the state would benefit from some form of fuel reduction treatment.

Burn bosses. The SFM’s state-certified prescribed fire burn boss is a certified position to plan and manage prescribed fire on state or private lands. A state-certified burn boss may possess authority to engage in a prescribed burning operation and enter into necessary contracts with CalFire. As noted by the SFM, certified burn bosses prepare burn plans, secure permits, implement prescribed fire projects, monitor fire effects, maintain compliance with prescription criteria, and conduct post-burn reviews. This certification includes required training and continuing education and is tied to state liability protections and burn authority.

At the federal level, the NWCG defines two key prescribed fire burn boss certifications:

Prescribed Fire Burn Boss Type 1 and Type 2. Certifications from both the SFM and the NWCG require demonstrated knowledge of fire behavior, smoke management, risk assessment, burn plan development, and compliance with regulations.

The STEAC. The STEAC serves as an advisory committee to the SFM on matters pertaining to training and education in the California fire service. The STEAC reviews and recommends action regarding standards and curriculum, instructor requirements, and training site requirements.

Claims Fund. SB 926 (Dodd), Chapter 606, Statutes of 2022, established the \$20 million Claims Fund to support and expand private prescribed fires throughout the state. Although property damage and escapes are rare (less than 1%) from a prescribed fire, a fund to cover the cost of potential losses incurred from a permitted prescribed fire partially limits the financial risk of private burners and incentivizes more permitted private prescribed burns. According to CalFire, the Claims Fund is meant to demonstrate that carefully planned, resourced, and implemented beneficial fire is a low-risk land management tool to mitigate high-severity wildfires and promote healthy and resilient landscapes.

Proposed Law: This bill would:

1. Make various findings and declarations for purposes of this bill, including that it is critical that the state take more action to further expedite and expand beneficial fire projects, where appropriate, to enable practitioners to more effectively implement safe and effective beneficial fire projects.
2. Establish that the SFM would require recertification no sooner than every three years as part of the continuing education of burn bosses.
3. Require CalFire to consider methods to increase the pool of available instructors for the certification program, including the use of nondepartmental instructors.
4. Direct CalFire, in consultation with the STEAC, to develop a mechanism to allow individuals certified as prescribed fire managers under other certification programs, as specified, to be designated as a state-certified burn boss, and to allow that person to use the SFM recertification process to maintain current standing.
5. Provide that changes made to the certification process by this bill would not alter, expand, or limit the applicable standard of care related to prescribed fires and cultural burning under California law.
6. Authorize CalFire to waive the inspection of land proposed to be burned by a private person for a burn application submitted by certain qualified prescribed fire managers.
7. Allow CalFire to modify standard precautions, as specified, for a burn application submitted by certain qualified prescribed fire managers.

8. Specify that changes made pursuant to 6) and 7) above would not alter, expand, or limit the applicable standard of care related to prescribed fires and cultural burning under California law.
9. Authorize overtime or double time pay under grant funding where the pay would be necessary for the implementation of the burn, as specified.
10. Revise the definition of "burn boss" to also mean a person who possesses current qualification for the federal NWCG designation of "Prescribed Fire Burn Boss Type 1" or "Prescribed Fire Burn Boss Type 2."
11. Make the Prescribed Fire Liability Program under the Claims Fund permanent and would impose various requirements related to the Claims Fund.
12. Exempt actions taken by CalFire to assist in the implementation of prescribed fire or cultural burning projects from environmental review, as specified.
13. Make other minor clarifying changes.
14. Contain an urgency clause.

Related Legislation:

SB 1260 (Jackson), Chapter 624, Statutes of 2018, requires CalFire to develop a professional burn boss curriculum and certification program to create a consistent standard for the education and skills needed for people to conduct prescribed fires.

Staff Comments: In 2025, Governor Newsom issued Executive Order (EO) N-35-25 to expand, streamline, and expedite the state's use of beneficial fire. This bill is largely an effort to codify the Governor's EO, and CalFire notes that the bill's provisions are aligned with several activities the department has initiated in response to the EO.

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