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# SENATE COMMITTEE ON NATURAL RESOURCES AND WATER

Senator Josh Becker, Chair

2025 - 2026 Regular

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<b>Bill No:</b>	AB 2075	<b>Hearing Date:</b>	June 23, 2026
<b>Author:</b>	Bennett		
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<b>Urgency:</b>	No	<b>Fiscal:</b>	Yes
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**Subject:** Forestry: safety requirements: fire equipment: internal combustion engines

## SUMMARY

This bill would amend the requirements regarding the availability of fire suppression tools near a person using devices which may spark a wildfire on specified lands during a time of year when burning permits are required.

## BACKGROUND AND EXISTING LAW

**State Board of Forestry and Fire Protection (Board).** In 1885, the Governor of California approved an act that authorized the appointment of a three-man State Board of Forestry, the first such body in the nation. That original Board was abolished in 1893. In 1905, an "Act of March 18, 1905," became law, creating a new Board of Forestry and the first State Forester.

The Board consists of nine members appointed by the Governor and approved by the Senate. There are five public members, three members from the forest products industry, and one member from the range livestock industry. The Governor designates the Chair of the Board, who continues to serve in that capacity at the pleasure of the Governor, and the Vice Chair is elected by the members. The members serve four-year terms.

The Board is responsible for developing the general forest policy of the state, determining the guidance policies of the Department of Forestry and Fire Protection (Department), and representing the state's interest in federal forestland in California. Together, the Board and the Department work to carry out their mandate to protect and enhance the state's unique forest and wildland resources.

**State Responsibility Area (SRA).** The SRA is the area of the state where the state has the financial responsibility for preventing and suppressing wildfires (Public Resources Code (PRC) §4102). The Board is required to classify all lands within the state to determine the SRA (PRC §4125).

**Mountain Fire.** In October of 2024 in Ventura County, a tractor driver was clearing dry vegetation to prepare for cattle grazing when an accidental fire caused by an engine failure erupted. The tractor driver, who was contracted by an agricultural company, immediately drove the tractor to a cleared area and called for help. The mandated fire extinguishing equipment was down a hill in the tractor driver's truck. As a result, the tractor driver could not immediately extinguish the fire. The tractor became engulfed in flame, and the blaze grew to 1.8 acres before it was extinguished by first responders.

One week later, heated tire debris at the fire site became dislodged and dispersed during very high winds, acting as the catalyst to the Mountain Fire. This fire would go on to burn nearly 20,000 acres, damage 126 structures, and destroy another 243. According to the author's office, this fire may not have occurred if the required fire extinguishing equipment was attached to the tractor or within 25 feet of the initial fire, which may have enabled the fire to be extinguished before the tractor was engulfed.

In the Ventura County District Attorney's investigation into criminal liability of the Mountain Fire, it was revealed that existing standard "ready for use" under PRC §4427 allows too much room for judgment error, and that uncertainty existed whether the company who contracted the tractor driver could be held criminally liable for fire safety non-compliance.

Existing law is arguably vague concerning the required location of mandatory fire extinguishing equipment when individuals work open land at a time when burning permits are required. The uncertainty allows the required equipment to potentially be kept too far from worksites, thus increasing the risk of fire.

#### **Existing Law:**

- 1) Prohibits, during any time of the year when burning permits are required in a designated area, a person from using or operating motor, engine, boiler, stationary equipment, welding equipment, cutting torches, tarpots, or grinding devices from which a spark, fire, or flame may originate, which is located on or near any forest-covered land, brush-covered land, or grass-covered land, without doing both of the following (PRC §4427):
  - a) First clearing away all flammable material, including snags, from the area around such operation for a distance of 10 feet.
  - b) Maintaining one serviceable round point shovel with an overall length of not less than 46 inches and one backpack pump water-type fire extinguisher fully equipped and ready for use at the immediate area during the operation.
- 2) Prohibits a person, except any member of an emergency crew or the driver or owner of any service vehicle owned or operated by or for, or operated under contract with, a publicly or privately owned utility, which is used in the construction, operation, removal, or repair of the property or facilities of such utility when engaged in emergency operations, from using or operating any vehicle, machine, tool or equipment powered by an internal combustion engine operated on hydrocarbon fuels, in any industrial operation located on or near any forest, brush, or grass-covered land between April 1 and December 1 of any year, or at any other time when ground litter and vegetation will sustain combustion permitting the spread of fire, without providing and maintaining, for firefighting purposes only, suitable and serviceable tools in the amounts, manner and prescribed location. (PRC §4428)
- 3) Prohibits, during any time of the year when burning permits are required in an a designated area, a person, copartnership, firm, corporation or company, from using or operating in such area any steam-operated engine, machine equipment, mill or industrial plant, located on or near forest-covered land or brush-covered land,

without providing one adequate force pump or water under pressure equivalent to a pump, and not less than 200 feet of hose not less than one inch in diameter for each steam-operated engine or equipment. The pump or water pressure required in this section shall be capable of applying a minimum of 40 pounds pressure at the nozzle on 200 feet of hose, such nozzle to be one-fourth inch or larger in diameter. If two steam-operated engines or steam equipment are customarily operated within 100 feet of each other, only one engine or piece of equipment need be equipped with pump and hose. (PRC §4430)

- 4) Prohibits, during any time of the year when burning permits are required in a designated area, a person from using or operating or causing to be operated in the area any portable saw, auger, drill, tamper, or other portable tool powered by a gasoline-fueled internal combustion engine on or near any forest-covered land, brush-covered land, or grass-covered land, within 25 feet of any flammable material, without providing and maintaining at the immediate locations of use or operation of the saw or tool, for firefighting purposes one serviceable round point shovel, with an overall length of not less than 46 inches, or one serviceable fire extinguisher. Requires the Director of the Department to, by administrative regulation, specify the type and size of fire extinguisher necessary to provide at least minimum assurance of controlling fire caused by use of portable power tools under various climatic and fuel conditions. (PRC §4431)
- 5) Prohibits a person from using, operating, or allowing to be used or operated, any internal combustion engine which uses hydrocarbon fuels on any forest-covered land, brush-covered land, or grass-covered land unless the engine is equipped with a spark arrester, in effective working order or the engine is constructed, equipped, and maintained for the prevention of fire. (PRC §4442)
- 6) Prohibits a person from selling, offering for sale, leasing, or renting to any person any internal combustion engine subject to PRC §4442 or 4443, and not subject to Health and Safety Code (HSC) §13005, unless the person provides a written notice to the purchaser or bailee, at the time of sale or at the time of entering into the lease or rental contract, stating that it is a violation of PRC §4442 or 4443 to use or operate the engine on any forest-covered, brush-covered, or grass-covered land unless the engine is equipped with a spark arrester, as defined in PRC §4442, maintained in effective working order or the engine is constructed, equipped, and maintained for the prevention of fire pursuant to PRC §4443. (PRC §4442.5)
- 7) Prohibits a person from selling, offering for sale, leasing, or renting to a person any equipment that is powered by an internal combustion engine subject to PRC §4442 or 4443, and not subject to HSC §13005, unless that equipment has a permanent warning label attached that is in plain view to the operator that states, "WARNING—Operation of This Equipment May Create Sparks That Can Start Fires Around Dry Vegetation. A Spark Arrestor May be Required. The Operator Should Contact Local Fire Agencies For Laws or Regulations Relating to Fire Prevention Requirements." (PRC 4442.6)
- 8) Prohibits a person from using, operating, or causing to be operated on any forest-covered land, brush-covered land, or grass-covered land any handheld portable, multiposition, internal-combustion engine manufactured after June 30, 1978, which

is operated on hydrocarbon fuels, unless it is constructed and equipped and maintained for the prevention of fire. Requires the Board, by regulation, to specify standards for construction, equipment, and maintenance of such engines for the prevention of fire and to specify a uniform method of testing to be used by engine and equipment manufacturers, governmental agencies, and equipment users. The regulations shall include specification of exhaust system standards for carbon particle retention or destruction, exposed surface temperature, gas temperature, flammable debris accumulation, durability, and serviceability. (PRC §4443)

## PROPOSED LAW

This bill would:

- 1) Require that, during any time of year when burning permits are required in the SRA, a person using equipment that may ignite a spark, fire, or flame shall maintain:
  - a) at least one backpack pump-type fire extinguisher fully equipped and ready for use and
  - b) a sufficient number of serviceable round point shovels with an overall length of not less than 46 inches so that each person at the operation can be equipped to fight fire.
- 2) Require that the extinguisher and the shovels must be kept within the operating area at a point accessible in the event of a fire.
- 3) Prohibit the required fire tools from at any time be farther from the point of operation of the powersaw or tool than 25 feet with unrestricted access for the operator from the point of operation.
- 4) Require a person operating a motorized vehicle to work on, clear, or grade any land in or near land during any time of the year when burning permits are required in the SRA to have in or affixed to the vehicle and ready for immediate use one serviceable round point shovel with an overall length of not less than 46 inches and one fully equipped fire extinguisher.
  - a) Apply this requirement to any person working away from the motorized vehicle, whether or not they were a passenger of the motor vehicle.
- 5) Require the Board to define the term “operating area” and “point accessible in the event of a fire” for timber operations on timberland conducted by a timber operator.
- 6) Require the Board to adopt those definitions as emergency regulations under the Administrative Procedures Act.
- 7) Require a timber operator conducting timber operations on timberland to have these tools available before the Board finalizes emergency regulations.
- 8) Define the terms “person,” “timberland,” “timber operations,” and “timber operator.”

## ARGUMENTS IN SUPPORT

According to the author, “With climate change increasing the frequency and intensity of wildfires, California needs clarity regarding who to hold accountable when an accidental fire breaks out during an outdoor operation. AB 2075 clarifies fire safety standards during operations on or near any forest, brush, or grass-covered land and ensures companies performing such activities clearly know what they can be held liable for in the event a fire occurs. This bill is a commonsense measure to protect workers and guarantee justice for fire victims.”

## ARGUMENTS IN OPPOSITION

None received.

## COMMENTS

***Existing law requires people using internal combustion powered equipment in fire prone areas to take safety precautions.*** According to the Assembly Judiciary Committee analysis, by their nature, tools powered by hydrocarbons can pose fire ignition risks. This is especially true when those tools are used in fire prone areas. Unfortunately, hydrocarbon fueled tools are especially useful for conducting activities like brush clearance, tree trimming, and other landscape management work in fire prone areas. The history of this state is replete with examples of otherwise innocent tools, including lawn mowers, chainsaws, and even vehicles, triggering wildfires. To combat this risk, existing law requires those using these gas-powered tools to carry with them fire response equipment, including hoses, shovels, axes, and saws.

***Part of a continuing conversation on this issue.*** Last year, the Assembly Natural Resources Committee heard AB 1395 (Harabedian, 2025) that would have required a dedicated set of tools, including a sufficient number of fire extinguishers, to be located within the operating area on or near any forest, brush, or grass-covered land and accessible in the event of a fire, so that, when added to any other tools on the industrial operation, each employee at the operation can be equipped to fight fire.

At that time, the Associated California Loggers (ACL) expressed concern that AB 1395 was premature because meetings were “underway between the Association and the Department to work out administrative direction to inspectors and other personnel on enforcement of regulations derived from PRC §4228 that AB 1395 would amend. The meetings are specifically to address ambiguities in [current law].” AB 1395 was ultimately paused in hopes that those meetings could inform legislation to change the current statute.

The Department and ACL last met on this topic in late February. The Department and ACL both identified that the location of the required fire tools within an active operation is subjective due to neither the Forest Practice Rules nor the PRC defining the “operating area” or “point of operation.” The Department and ACL have been discussing various distances to ensure compliance.

Later this year, the Department and ACL plan to continue to discuss and evaluate proposed distances during field operations to test for different operating constraints. Additionally, the working group has been discussing how to best define terms such as “operating area.” Once discussions and evaluations are complete, the reports from the evaluations will be reviewed and a recommendation will be made to the Board on how best to revise the Forest Practice Rules.

***Additional amendments for clarity and consistency.*** The committee may wish to amend this bill to provide additional clarity to regulators and the regulated public regarding which tools are required to be carried, where the fire extinguishing tools are required to be located, and exceptions to those requirements. **[SEE Amendments #1 and 2].**

***Further engagement with stakeholders.*** The California Farm Bureau and California Cattleman's Association have written a letter of concern addressing, among other concerns, the expansion of liability to employers, perceived changes to the tools required to be carried, and the authorization for emergency rulemaking processes by the Board. The author may wish to further consider their concerns as the bill moves through the legislative process.

## SUGGESTED AMENDMENTS

### AMENDMENT 1

Amend section 4427 of the Public Resources Code as follows:

**4427.** (a) (1) During any time of the year when burning permits are required in an area pursuant to this article, a person shall not use or operate any motor, engine, boiler, stationary equipment, welding equipment, cutting torches, tarpots, or grinding devices from which a spark, fire, or flame may originate, which is located on or near any forest-covered land, brush-covered land, or grass-covered land, without doing both of the following:

(A) First, clearing away all flammable material, including snags, from the area around that operation for a distance of 10 feet.

(B) Maintaining at least one backpack pump-type fire extinguisher fully equipped and ready for use, and a sufficient number of serviceable round point shovels with an overall length of not less than 46 inches so that each person at the operation can be equipped to fight fire, within the operating area, at a point accessible in the event of fire. The required fire tools shall not at any time be farther than 25 feet from the motor, engine, boiler, stationary equipment, welding equipment, cutting torches, tarpots, or grinding devices, ~~point of operation of the powersaw or tool~~ than 25 feet with unrestricted access for the operator ~~from the point of operation.~~

[...]

(c) (1) This section does not apply to ~~For~~ timber operations on timberland conducted by a timber operator. For such operations, the board shall define the terms "operating area" and "point accessible in the event of a fire" in the forest practice rules, and develop requirements for the creation of any areas to be cleared around the operation and the provision of suitable firefighting tools, ~~consistent with paragraph (2),~~ based on the size and complexity of the timber operation, topography, and proximity to the nearest residential dwellings and communities.

[...]

## AMENDMENT 2

Amend section 4428 of Public Resources Code as follows:

**4428.** (a) ~~(1) A person, except a member of an emergency crew or except the driver or owner of a service vehicle owned or operated by or for, or operated under contract with, a publicly or privately owned utility, that is used in the construction, operation, removal, or repair of the property or facilities of the utility when engaged in emergency operations, shall not use or operate a vehicle, machine, tool, or equipment powered by an internal combustion engine operated on hydrocarbon fuels in an industrial operation located on or near a forest, brush, or grass-covered land between April 1 and December 1 of any year, or at any other time when ground litter and vegetation will sustain combustion permitting the spread of fire, without providing and maintaining, for firefighting purposes only, suitable and serviceable tools in the amounts, manner, and location prescribed in this section.~~

(2) On any operation described in paragraph (1), a sealed box of tools shall be located within the operating area, at a point accessible in the event of fire.

(A) Except as provided in subparagraph (B), the fire toolbox shall contain one backpack pump-type fire extinguisher filled with water, two axes, two McLeod fire tools, and a sufficient number of shovels so that each natural person at the operation can be equipped to fight fire.

(B) In addition, one or more serviceable chainsaws of three and one-half or more horsepower with a cutting bar 20 inches in length or longer shall be immediately available within the operating area, or, in the alternative, a full set of timber-felling tools shall be located in the fire toolbox described in subdivision (b), including one crosscut falling saw six feet in length, one double-bit ax with a 36-inch handle, one sledge hammer or maul with a head weight of six or more pounds and handle length of 32 inches or more and not less than two falling wedges.

(3) Each rail speeder and passenger vehicle used on the operation shall be equipped with one shovel and one ax, and any other vehicle used on the operation shall be equipped with one shovel. Each tractor used on the operation shall be equipped with one shovel.

(b) Subdivision (a) does not apply to a member of an emergency crew or the driver or owner of a service vehicle owned or operated by or for, or operated under contract with, a publicly or privately owned utility, that is used in the construction, operation, removal, or repair of the property or facilities of the utility when engaged in emergency operations.

(c)(1) Subdivision (a) does not apply to timber operations on timberland conducted by a timber operator. For such operations, the board shall, pursuant to the process described in paragraph (2), define the necessary number and types of tools needed in the fire toolbox based on the application and availability of tools that can be used to extinguish ignitions in an area of operation. As applied to timber operations on timberland conducted by a timber operator, the terms

“operating area” and “point accessible in the event of a fire” shall have the same meanings as those terms are defined pursuant to the regulatory process described in subdivision (c) of Section 4427.

~~(b) (1) On any operation described in subdivision (a), a sealed box of tools shall be located within the operating area, at a point accessible in the event of fire.~~

~~(2) (A) Except as provided in subparagraph (B), the fire toolbox shall contain one backpack pump type fire extinguisher filled with water, two axes, two McLeod fire tools, and a sufficient number of shovels so that each natural person at the operation can be equipped to fight fire.~~

~~(B) (i) As applied to timber operations on timberland conducted by a timber operator, the fire toolbox shall contain the necessary number and types of tools required pursuant to the regulatory process described in subdivision (e).~~

~~(ii) In the period before the finalization of emergency regulations described in subdivision (e), a timber operator conducting timber operations on timberland shall comply with the requirements of paragraph (1) and subparagraph (A) of this paragraph.~~

(2) The board shall adopt the regulations described in subdivision (c)(1) as emergency regulations that the board considers necessary to implement and to obtain compliance with this section. The emergency regulations shall be adopted in accordance with the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code). The adoption of emergency regulations shall be deemed to be an emergency and necessary for the immediate preservation of the public peace, health, and safety, or general welfare.

(3) In the period before the finalization of emergency regulations described in paragraph (1), a timber operator conducting timber operations on timberland shall comply with the requirements of this section.

~~(c) (1) One or more serviceable chainsaws of three and one-half or more horsepower with a cutting bar 20 inches in length or longer shall be immediately available within the operating area, or, in the alternative, a full set of timber felling tools shall be located in the fire toolbox described in subdivision (b), including one crosscut falling saw six feet in length, one double-bit ax with a 36-inch handle, one sledge hammer or maul with a head weight of six or more pounds and handle length of 32 inches or more and not less than two falling wedges.~~

~~(2) In the period before the finalization of emergency regulations described in subdivision (e), a timber operator conducting timber operations on timberland shall comply with the requirements of paragraph (1).~~

(3) Upon the finalization of the emergency regulations described in subdivision (e), as applied to a timber operator conducting timber operations on timberland, one or more serviceable chainsaws of three and one-half or more horsepower with a cutting bar 20 inches in length or longer shall be immediately available

~~within the operating area, or, in the alternative, the tools required pursuant to the regulations described in subdivision (e) shall be located in the fire toolbox.~~

~~(d) Each rail speeder and passenger vehicle used on the operation shall be equipped with one shovel and one ax, and any other vehicle used on the operation shall be equipped with one shovel. Each tractor used on the operation shall be equipped with one shovel.~~

~~(e) (1) The board shall, pursuant to the process described in paragraph (2), define the necessary number and types of tools needed in the fire toolbox based on the application and availability of tools that can be used to extinguish ignitions in an area of operation.~~

~~(2) The board shall adopt regulations described in paragraph (1) as emergency regulations that the board considers necessary to implement and to obtain compliance with this section. The emergency regulations shall be adopted in accordance with the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code). The adoption of emergency regulations shall be deemed to be an emergency and necessary for the immediate preservation of the public peace, health, and safety, or general welfare.~~

~~(f) (1) As applied to timber operations on timberland conducted by a timber operator, the terms "operating area" and "point accessible in the event of a fire" shall have the same meanings as those terms are defined pursuant to the regulatory process described in subdivision (c) of Section 4427.~~

~~(2) In the period before the finalization of emergency regulations described in subdivision (c) of Section 4427, a timber operator conducting timber operations on timberland shall comply with the requirements of this section.~~

**SUPPORT**

Ventura County District Attorney's Office (sponsor)

**OPPOSITION**

None received

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