
THIRD READING

Bill No: AB 2075
Author: Bennett (D)
Amended: 6/29/26 in Senate
Vote: 21

SENATE NATURAL RES. & WATER COMMITTEE: 6-0, 6/23/26

AYES: Becker, Seyarto, Allen, Cabaldon, Laird, Stern

NO VOTE RECORDED: Grove

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

ASSEMBLY FLOOR: 73-0, 5/21/26 - See last page for vote

SUBJECT: Forestry: safety requirements: fire equipment: internal combustion engines

SOURCE: Author

DIGEST: This bill amends 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.

ANALYSIS:

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 (Public Resources Code [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 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)

This bill:

- 1) Requires that, during any time of year when burning permits are required in the State Responsibility Area (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) Requires that the extinguisher and the shovels must be kept within the operating area at a point accessible in the event of a fire.
- 3) Prohibits 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.

- 4) Requires 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) Applies this requirement to any person working away from the motorized vehicle, whether or not they were a passenger of the motor vehicle.
- 5) Requires the Board of Forestry and Fire Protection (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) Requires the Board to adopt those definitions as emergency regulations under the Administrative Procedures Act.
- 7) Requires a timber operator conducting timber operations on timberland to have these tools available before the Board finalizes emergency regulations.
- 8) Defines the terms “person,” “timberland,” “timber operations,” and “timber operator.”
- 9) Specifies that these requirements apply to partnerships, firms, associations, corporations, limited liability companies, or other legal entities.

Background

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 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.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes

SUPPORT: (Verified 8/3/26)

Ventura County District Attorney's Office

OPPOSITION: (Verified 8/3/26)

None received

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."

ASSEMBLY FLOOR: 73-0, 5/21/26

AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Castillo, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Flora, Fong, Gabriel, Gallagher, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Irwin, Jackson, Johnson, Kalra, Krell, Lee, Lowenthal, Macedo, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ransom, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas
NO VOTE RECORDED: Arambula, Chen, Garcia, Hoover, Lackey, Ramos, Celeste Rodriguez

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