

Date of Hearing: April 13, 2026

ASSEMBLY COMMITTEE ON EMERGENCY MANAGEMENT

Rhodesia Ransom, Chair

AB 1699 (Rogers) – As Introduced February 3, 2026

SUBJECT: Good Fire Act: Prescribed Fire Liability Pilot Program: burn bosses: California Environmental Quality Act

SUMMARY: This bill establishes the Good Fire Act to indefinitely extend the Prescribed Fire Liability Pilot Program (Program) and facilitate greater beneficial burning to meet the state's forest treatment goals. This bill also creates a pathway for burn boss certifications for those who are certified as prescribed fire managers or similar positions, as specified, to be designated as a state-certified burn boss. Specifically, **this bill:**

- 1) Finds and declares 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) Requires, as part of the continuing education of burn bosses, the SFM to require recertification no sooner than every three years. Requires CAL FIRE to consider methods to increase the pool of available instructors for the certification program, including the use of nondepartmental instructors.
- 3) Requires, in addition to the curriculum and certification program developed, CAL FIRE to, in consultation with the Statewide Training and Education Advisory Committee, develop a mechanism to allow individuals certified by CAL FIRE as a prescribed fire incident commander or equivalent, individuals qualified for the National Wildfire Coordinating Group position title of "Prescribed Fire Burn Boss Type 1" or "Prescribed Fire Burn Boss Type 2" or equivalent, or individuals certified as prescribed fire managers or similar positions by other states pursuant to a certification program that is substantially similar to the program to be designated as a state-certified burn boss. Once certified, an individual may use the recertification process to maintain currency.
- 4) Authorizes CAL FIRE to waive the inspection requirement or modify the standard precautions for an application submitted by any of the following individuals:
 - a) A person certified pursuant to Section 4477 to conduct prescribed burning operations and to enter into contracts related to prescribed burning operations;
 - b) A person qualified for the National Wildfire Coordinating Group position title of "Prescribed Fire Burn Boss Type 1" or "Prescribed Fire Burn Boss Type 2;"
 - c) A cultural fire practitioner; and,
 - d) Other parties as determined by the director.
- 5) Prohibits a state agency, department, board, or commission that has awarded grant funds or other sources of funds to an awardee, who is paying individuals engaged in the preparation for or implementation of beneficial fire projects from those funds, from, in the disbursement

of the award, restrict payment covering the cost of providing overtime or double rates of pay unless that restriction is required by the applicable statute establishing the funding. The restriction shall apply to, but not be limited to, the CAL FIRE's Forest Health Program.

- 6) Clarifies moneys in the Claims Fund are to support coverage for losses from prescribed fires and cultural burning by led by individuals and entities other than CAL FIRE or the federal government.
- 7) Requires a claim for money in the Claims Fund to meet additional conditions.
- 8) Provides that CAL FIRE approval is not required for a plan reviewed and approved by a burn boss as a condition for payment of claims from the Fund.
- 9) Requires the guidelines for the Program and administration of the Claims Fund to include methods for prioritizing broadcast burns and burns by nonpublic individuals or entities or California Native American tribes in the event the Fund is oversubscribed.
- 10) Deletes the January 1, 2028, sunset date on the Program.
- 11) Exempts from CEQA actions taken by CAL FIRE to assist in the implementation of prescribed fire or cultural burning projects that do not otherwise require compliance with CEQA.

EXISTING LAW:

- 1) Pursuant to Public Resources Code (PRC) Section 4477:
 - a) Requires the State Fire Marshal (SFM), with the involvement of the Statewide Training and Education Advisory Committee, to develop a curriculum for, or amend into an existing curriculum, 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.
 - b) Requires the 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. Requires CAL FIRE to certify these individuals to a common standard. It is 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.
 - c) Requires the SFM to post and update on its internet website the number of burn bosses with an active burn boss certification.
- 2) Declares cooperation by CAL FIRE with a person desiring to use prescribed burning as a means of converting brush-covered lands into forage lands or to help meet wildland management goals, which has as its objective the prevention of high intensity wildland fires, watershed management, range improvement, vegetation management, forest improvement, wildlife habitat improvement, restoring ecological integrity and resilience, community

wildfire protection, carbon resilience, enhancement of culturally important resources a public purpose. (Public Resources Code Section 4491)

- 3) 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 (SRA) to apply to CAL FIRE for permission to utilize prescribed burning for those public purposes in PRC 4491. (Public Resources Code Section 4492)
- 4) Requires, upon receipt of an application, CAL FIRE to inspect the land in company with the 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. (Public Resources Code Section 4493)
- 5) Authorizes the director of CAL FIRE to enter into an agreement with the owner or any other person who has legal control of any property, any public agency with regulatory or natural resource management authority over any property that is included within any wildland, or any nonprofit organization to conduct joint prescribed burning operations that serve the public interest and are beneficial to the state. Requires the agreement to establish guidelines for the cooperative management of joint prescribed burning operations and requires the completion of a project agreement for each prescribed burn. (Public Resources Code Section 4497)
- 6) Defines “burn boss” as a person certified pursuant to PRC 4477 to conduct prescribed burning operations and to enter into contracts related to prescribed burning operations; or, a person qualified for the National Wildfire Coordinating Group position title of “Prescribed Fire Burn Boss Type 1” or “Prescribed Fire Burn Boss Type 2.” (Public Resources Code Section 4500 (a))
- 7) Establishes the Program to increase the pace and scale of the use of prescribed fire and cultural burning and to reduce barriers for conducting prescribed fires and cultural burning. (Public Resources Code Section 4500 (b))
- 8) Establishes the Prescribed Fire Claims Fund (Claims Fund) to support coverage for losses from prescribed fires and cultural burning by nonpublic entities, such as cultural fire practitioners, private landowners, and nongovernmental entities. Requires moneys in the fund to be under the control of CAL FIRE, and CAL FIRE, or the third-party administrator with whom CAL FIRE contracts, is authorized to direct payments for claims from the Fund. (Public Resources Code Section 4500 (c)(1))
- 9) Establishes the California Environmental Quality Act (CEQA) to provide a process to identify the significant effects on the environment of a project, to identify alternatives to the project, and to indicate the manner in which those significant effects can be mitigated or avoided, and provides specified exemptions for wildfire risk reduction projects. (Public Resources Code Section 21000 *et seq.*)

FISCAL EFFECT: Unknown. A fiscal committee has not analyzed this bill.

COMMENTS:

Author Statement: “For generations, California Tribes have stewarded the landscape with fire. This community wide effort created a safer and healthier ecosystem for all. Tragically, one of the first laws ever passed by this Legislature outlawed this practice. We restricted cultural burning practices and ignored that wisdom. We eventually set up a fire response system that extinguished all flames, even when they were desperately needed to clear overly dense vegetation and support fire dependent plants. AB 1699 is about righting that historic wrong. The use of beneficial fire, a prescribed fire, or a controlled burn are all examples of “Good Fire”. We know all too well about the opposite, catastrophic wildfires that burn out of control. We need much more Good Fire to address that very real threat that far too many of us have learned to live with. We need to follow the leadership of our Tribes and build up the systems to use more Good Fire.”

Equity Statement: “The bill is strongly supported by Tribes and indigenous Californians because it takes tangible steps to restore the ability to practice cultural fire; a core social, cultural, and ecologically important activity that was extinguished with the arrival of European colonists and the creation of the state of California. Laws aiming at the disruption of cultural burning began in 1850 when California’s Act for the Government and Protection of Indians purported to criminalize Indigenous burning, while also leading to forced labor, displacement and disenfranchisement, and fragmentation of native families. The legacy of these first acts as a State are one of California’s great shames – the law remained on the books until 1937 and it was not until 2019 that the state formally apologized for these sins. Federal fire suppression policy from 1911 onward more significantly disrupted cultural fire and limited the scale of lightning -ignited burns, leading to extirpation and decline of key cultural and ecological species that depend on regular low-intensity fire (Knight et al. 2022; Greenler et al. 2024). Though the Forest Service purportedly claimed to have addressed the “incendiary fire problem” in 1932, cultural and ceremonial burning still continue to this day, albeit at reduced scale. Restoring greater use of beneficial fire is not simply an ecological necessity or a public safety strategy – it is an important step to restore a cultural practice that was a way of life in California for thousands of years before statehood. The Good Fire Act is a tangible step to right a historic wrong.”

CAL FIRE: The California Department of Forestry and Fire Protection (CAL FIRE) is California’s primary state agency responsible for fire protection on millions of acres of wildland, wildfire suppression, and natural resource management. Beyond suppression, CAL FIRE’s mission includes reducing wildfire risk through fuels management, community outreach, and landscape restoration tools such as prescribed fire. California’s Strategic Plan for Expanding the Use of Beneficial Fire, developed by the Wildfire and Forest Resilience Task Force, sets a state-wide framework to increase prescribed burning and cultural fire practices across partnerships with federal, tribal, and local entities.¹ It includes targets for expanded beneficial fire acreage, streamlined permitting, and workforce capacity building, all aimed at increasing forest resilience and reducing catastrophic wildfire risk. This strategy recognizes prescribed fire as a critical component of wildfire mitigation and resilience, helping shift from reactive wildfire suppression toward proactive fuels reduction and ecosystem stewardship.

¹ California’s Strategic Plan For Expanding The Use of Beneficial Fire, <https://wildfiretaskforce.org/wp-content/uploads/2022/05/californias-strategic-plan-for-expanding-the-use-of-beneficial-fire.pdf>

CEQA exemptions and CAL Fire's Involvement: According to the Assembly Natural Resources Committee:

The bill exempts actions that assist in the implementation of prescribed burning or cultural burning to the extent they do not otherwise require compliance with CEQA.

Pacific Forest Trust argues that this bill avoids unnecessary paperwork by clarifying CEQA does not trigger new CEQA obligations solely due CAL FIRE involvement. This bill allows CAL FIRE to actively help with projects rather than only being present in case something goes wrong, increasing capacity for prescribed burns during critical weather windows. While the October 29 Executive Order temporarily addressed this issue, AB 1699 offers a permanent fix.

Beneficial and Destructive Fires: Wildfires are a severe and growing threat to lives, property, and infrastructure in California. The confluence of a changing climate, urbanization, and constraints on forest management increases the urgency to address this threat. According to data from CAL FIRE, 18 of California's 20 most destructive fires have occurred in the past decade.² These destructive wildfires are unplanned, high-intensity fires that spread rapidly, often driven by extreme weather and accumulated fuels, causing major property loss, ecosystem damage, and threats to life and safety.¹

Beneficial fire is used to collectively refer to prescribed fire, cultural burning, and fire managed for resource benefit.¹ Prescribed burning, also known as controlled burning, is the intentional, planned application of fire under specific weather and fuel conditions to achieve land management goals such as reducing excess vegetation and wildfire fuels. Beneficial fires help restore ecological balance, support fire-adapted ecosystems, and reduce the risk of large, uncontrolled wildfires by lowering the amount of combustible material on the landscape.³ Beneficial fires are carefully monitored and controlled to meet resource objectives while minimizing escape risk, whereas destructive wildfires exceed management control and can produce severe impacts on air quality, communities, and infrastructure.

In October 2025, Governor Newsom issued Executive Order (EO) N-35-25, directing state agencies to accelerate and streamline processes for prescribed and cultural burning. This EO was built on the proclamation of a state emergency due to catastrophic wildfire risks. The EO recognizes that past policies suppressing fire have contributed to fuel buildup and that increasing safe beneficial fire treatment is critical for public safety, ecological health, and wildfire risk reduction across California. It also calls for the removal of regulatory barriers and coordination among state agencies so that prescribed fire projects can be implemented more effectively during the critical fall weather window.⁴

Burn Bosses: The CAL FIRE-Office of the State Fire Marshal (OSFM) State-Certified Prescribed-Fire Burn Boss is a certified position to plan and manage prescribed fire on State or private lands. A State-Certified Prescribed-Fire Burn Boss may possess authority to engage in a prescribed burning operation and to enter into the necessary contracts with CAL FIRE. Certified

² Statistics, CAL FIRE <https://www.fire.ca.gov/our-impact/statistics>

³ Prescribed Fire, <https://www.fire.ca.gov/what-we-do/natural-resource-management/prescribed-fire>

⁴ Executive Order Beneficial Fire, <https://www.gov.ca.gov/wp-content/uploads/2025/10/Executive-Order-Beneficial-Fire.pdf>

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. The qualifications are documented in the State Certified Prescribed-Fire Burn Boss Certification Training Standards (CTS).⁵

Currently, the Statewide Training and Education Advisory Committee (STEAC) serves as the advisory committee to the OSFM on matters pertaining to training and education in the California fire service. STEAC currently develops, reviews, and recommends actions regarding standards and curriculum, instructor requirements, and training site requirements.⁶

At the federal and interagency level, the National Wildfire Coordinating Group (NWCG) defines two key Prescribed Fire Burn Boss qualifications: Prescribed Fire Burn Boss Type 1 (RXB1) and Prescribed Fire Burn Boss Type 2 (RXB2). RXB1s are responsible for implementing complex prescribed fire plans and supervising operations where high complexity and risk require advanced planning, leadership, and oversight.⁷ RXB2s are responsible for implementing prescribed fire plans for lower-complexity burns.⁸ Both California state certification and NWCG RXB roles focus on how to safely plan and implement prescribed fire operations under defined conditions and objectives. Both certifications require demonstrated knowledge of fire behavior, smoke management, risk assessment, burn plan development, and compliance with regulation. However, differences between the certifications are as follows:

- The California state certification is specific to activities within California (especially on state/private lands) and tied to state permitting and liability frameworks. In contrast, NWCG RXB qualifications are standardized positions used across federal, state, tribal, and interagency wildland fire operations and recognized nationally.
- NWCG separates Burn Boss responsibilities into Type 1 (higher complexity) and Type 2 (moderate complexity) classifications, each with distinct training, task book requirements, and experience prerequisites.
- NWCG positions follow federally standardized courses (e.g., RX-410, S-390 for RXB2; S-490 for RXB1) and task books, while California's state certification follows OSFM training standards and continuing education requirements tailored for compliance with state statutes and administered by the CAL FIRE/OSFM system.

Prescribed Fire Liability Claims Fund: The Prescribed Fire Liability Pilot Program in California was established by state law (SB 926, 2022) and is administered by CAL FIRE to reduce barriers to conducting prescribed and cultural burns by offering liability coverage for them.⁹ Under this pilot, the Prescribed Fire Claims Fund provides financial protection of up to \$2 million for losses in the rare case that a planned prescribed or cultural burn escapes control, provided the burn was

⁵State Certified Prescribed-Fire Burn Boss, <https://osfm.fire.ca.gov/what-we-do/state-fire-training/professional-certifications/state-certified-prescribed-fire-burn-boss>

⁶ Statewide Training and Education Committee (STEAC), <https://osfm.fire.ca.gov/committees/statewide-training-and-education-advisory-committee-steac>

⁷ Prescribed Fire Burn Boss Type 1, <https://www.nwcg.gov/positions/prescribed-fire-burn-boss-type-1>

⁸ Prescribed Fire Burn Boss Type 2, <https://www.nwcg.gov/positions/prescribed-fire-burn-boss-type-2>

⁹ Prescribed Fire Liability Claims Fund Pilot, <https://wildfiretaskforce.org/prescribed-fire-liability-claims-fund-pilot>

led by a qualified Burn Boss or cultural fire practitioner and followed an approved burn plan. The Fund aims to encourage greater use of prescribed fire by mitigating the financial risk that has historically deterred private landowners and practitioners from engaging in controlled burns, thereby helping expand beneficial fire use to reduce catastrophic wildfire risk.⁹

Arguments in Support: According to Pacific Forest Trust, AB 1699 is “legislation that will ease implementation barriers and expand California's use of beneficial fire—a proven tool for reducing catastrophic wildfire risk, protecting communities, and restoring healthy landscapes. A century of fire suppression has created dangerously overgrown and vulnerable landscapes, and California is now experiencing unprecedented wildfires that threaten communities and ecosystems. Beneficial fire—which includes prescribed fire as well as cultural burning, practiced by tribal communities for thousands of years—is essential to reversing these conditions. While California has made progress in recent years, significantly more beneficial fire is needed to meet state goals, protect our communities, and restore resilience to California’s forests and landscapes.

The Good Fire Act removes key barriers to expanding prescribed fire:

- 1) **Making Certification Easier:** The bill allows experienced federal and CAL FIRE practitioners to transfer their credentials rather than starting over, and reduces recertification from annual to every three years. It also expands the instructor pool to train more burn bosses. These changes will grow California's certified prescribed fire workforce.
- 2) **Strengthening Liability Protection:** The bill makes California's Prescribed Fire Liability Claims Fund permanent and clarifies that groups like resource conservation districts, volunteer fire departments, tribal governments and others are eligible for coverage. Since launching in 2023, the fund has enrolled hundreds of projects covering tens of thousands of acres. It has also made insurance more available and affordable, allowing more beneficial fire projects to move forward. Now we must remove the uncertainty that the fund will sunset in the midst of a multi-year burning project.
- 3) **Reducing Red Tape:** The bill allows CAL FIRE to actively assist with community burns without triggering unnecessary environmental review, makes pre-burn site inspections at CAL FIRE’s discretion, and clarifies that overtime pay for prescribed burns is an acceptable use of state grant funds.

Conclusion: Expanding prescribed fire protects Californians from catastrophic wildfire while restoring our landscapes. The Good Fire Act provides practical solutions to credential bottlenecks, liability concerns, and operational restrictions that currently limit this essential work. We urge your support for AB 1699.”

Related Legislation:

SB 926 (Dodd), Chapter 606, Statutes of 2022. This bill set the parameters to operationalize the \$20 million budget appropriation by establishing the Prescribed Fire Liability Claims Fund to support coverage for losses from permitted prescribed fires by individuals and specified entities.

SB 332 (Dodd), Chapter 600, Statutes of 2021. This bill updated the state’s liability standards so that no person would be liable for any fire suppression or other costs otherwise recoverable for a prescribed burn if specified conditions are met, as described in the bill.

SB 170, Budget Act of 2021, included \$20 million to CAL FIRE to establish the Program, in consultation with the Department of Insurance and the California Natural Resources Agency that creates a prescribed fire claims fund to support coverage for losses from permitted prescribed fires by non-public entities, such as Native American tribes, private landowners, and nongovernmental entities.

SB 1260 (Jackson), Chapter 624, Statutes of 2018. This bill requires CAL FIRE to develop a professional “burn boss” curriculum and certification program that would create a consistent standard for the education and skills needed for people to conduct prescribed fires.

REGISTERED SUPPORT / OPPOSITION:

Support

3 Suns Farm
All Hands Ecology
American Rivers
Audobon California
Biswell Forestry
Briceland Volunteer Fire Department
Burnbot INC.
Cal Poly Humboldt Fire Resilience Institute
California Association of Local Conservation Corps
California Cattlemen's Association
California Indian Environmental Alliance
California Licensed Foresters Association
California Tahoe Alliance
California Tribal Business Alliance
CalWild
Campfire Restoration Project
Central Coast Prescribed Burn Association
Central Coast State Parks Association
Colusa County Resource Conservation District
Confluence West
Contra Costa Resource Conservation District
Cross Contour LLC
Cultural Fire Management Council
Danoxa Fish and Wildlife, Robinson Rancheria Pomo Indians of California
Defenders of Wildlife
Ecoflight
Elevate California
Environmental Defense Fund
Environmental Protection Information Center
Fave Trainings
Firegeneration Collaborative
Firewerx
Forestry and Fire Recruitment Program
Forevergreen Forestry
Friends of Plumas Wilderness

Friends of the Lost Coast
Habematolel Pomo of Upper Lake
Hayfork Prescribed Burn Association
Humboldt County Prescribed Burn Association
Hyampom Prescribed Burn Association
Indigenous Stewardship Network
Keep Tahoe Blue
Lake County Land Trust
Los Angeles Prescribed Burn Association
Marin Resource Conservation District
Mattole Restoration Council
Mid Klamath Watershed Council
Mother Lode Land Trust
Mount Hermon Northwest
National Audubon Society
Nourishing Futures, 501 (c) (3)
Orleans Volunteer Fire Department
Pacific Forest Trust
Peninsula Open Space Trust
Plumas Corporation
Plumas County Fire Safe Council
Plumas Underburn Cooperative
Prometheus Fire Consulting LLC
Rain
Resource Renewal Institute
Rural Voices for Conservation Coalition
San Luis Obispo Prescribed Burn Association
Santa Clara County Firesafe Council and South Bay Prescribed Burn Association
Santa Rosa Junior College Shone Farm
Save Mount Diablo
Save the Redwoods League
Scott River Watershed Council
Sempervirens Fund
Sequoia Riverlands Trust
Sierra Business Council
Sierra Nevada Alliance
Solano Resource Conservation District
Sonoma Land Trust
Spye Conservation INC.
Sugar Pine Foundation
Terra Fuego Resource Foundation
The Climate Center
The Fire Restoration Group
The Lookout
Treepeople
Trees Foundation
Tribal Ecorestoration Alliance
Trinity County Resource Conservation District
Trout Unlimited

Trust for Public Land
Tuolumne Prescribed Burn Association
Western Propane Gas Association
Western Watersheds Project
Wild and Scenic Rivers
Yolo County Fire Safe Council
Yolo County Resource Conservation District
Yolo PBA
Yosemite Gateway Prescribed Burn Cooperative
Yosemite Rivers Alliance

Opposition

None on file.

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