



GPE publication 2016-1

## Do liability and regulatory standards influence the amount of prescribed burning in the South?

Written by Southern Fire Exchange

### INTRODUCTION

This is an interesting question given the diversity of standards in legislation and regulations related to certified prescribed burn managers (CPBM) across the region. Several states (Florida and Georgia) use “gross negligence” as the liability standard for loss of control of prescribed fires. “Simple negligence” is the standard in the other southern states. In most states, statutory requirements for liability protection under either standard include a burn permit but are more variable with respect to the presence of a CPBM at the burn, written prescriptions, adequate personnel and fire-breaks, and burn ban exemptions. A fascinating new study reported in *Ecological Applications* (Wonkka, Rogers, and Kreuter, 2015) asked the question at the top of this article, using Florida, Alabama, Georgia, South Carolina and North Carolina records for prescribed burns on private lands from 2008 to 2013. By pairing 66 adjacent counties across state lines they were able to evaluate the effects of different liability and regulatory standards on two variables: 1) percentage of privately owned forest, range and pasture land burned each year and 2) the annual number of prescribed fires on those lands.

### CONCLUSIONS

In the two states with gross negligence liability, the annual percentage of private acres burned was significantly higher than in adjacent counties with simple negligence standards. These results suggest that the extra liability protection under the gross negligence standard provides an extra incentive for landowners to utilize prescribed burning for land management

and resource protection. On average, the additional 3.5% of acres burned in those states is approximately 7100 acres/county. The number of prescribed burns was also higher in “gross negligence” counties than in “simple negligence” standard counties across state lines. Interestingly, the authors did not find that other requirements (such as having a CPBM on site or written burn prescriptions) in addition to burn permits had any effect on the two main variables. Rather than discouraging landowners from burning, the additional requirements may serve to encourage them through the training and safety awareness that come with those requirements. This study provides new information that could be helpful as states and counties evaluate policies relevant to prescribed burning.

### REFERENCE:

[Wonkka, CL, WE Rogers and UP Kreuter. 2015. Legal barriers to effective ecosystem management: exploring linkages between liability, regulations, and prescribed fire. \*Ecological Applications\* 25\(8\):2382-2393.](#)

### GETTING HELP

This section will guide readers to additional resources. Add relevant handy information as appropriate. The Great Plains Fire Science Exchange has resources on fire, fire effects, monitoring, and more at <http://GPFireScience.org>. We can also locate experts to address your fuels questions.