



Senate Environmental Resources and Energy Committee

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Summary House Bill 262, P.N. 282

Prime Sponsor: Representative Haluska

Overview

Entitled the “Prescribed Burning Practices Act”. Seeks to encourage the continued use of prescribed burning for fuel reduction, ecological, forest, wildlife and grassland management purposes.

Standards

- Requires the State Forester to promulgate standards within 6 months for the planning and conduct of prescribed burning.
- Standards shall be subjected to 60-day public comment period and at a minimum include:
 - Minimum qualifications and training requirements for prescribed burn managers
 - Required content for prescribed burn plans.
 - Standards shall be consistent with comparable requirements established by the National Wildlife Coordinating Group.

Departmental Regulations

- If deemed necessary by the State Forester, DCNR shall establish by regulation:
 - A certification and revocation process for prescribed burn managers
 - Requirements for the review and approval of prescribed burn plans
 - A training program for prescribed burn managers and other persons participating in prescribed burns
 - Fees from persons participating in training or certification programs

Prescribed Burn Plan

- A prescribed burn manager shall notify DEP in writing of the intent to conduct a prescribed burn at least 25 days prior to the earliest possible date of the burn.
- DEP shall review and provide comments, if necessary, on the prescribed burn plan.
- Prescribed burns executed under this act shall not constitute a public or private nuisance or be in violating of DEP regulations regarding open burning.
- Plan must be approved by a prescribed burn manager and available on site.

- At least one manager must be on site during the prescribed burn
- A burn may only be conducted with the written consent of the property owner

Immunities

- No property owner or prescribed burn manager or worker who contracts with or authorizes a prescribed burn pursuant to the requirements of this act shall be subject to civil or criminal penalty for damage or injury caused by the fire or resulting smoke, unless negligence is proven.

Effective Date

The act takes effect immediately.