



South Carolina Prescribed Fire Law Improves Forest Health & Reduces Liability

The National Cohesive Wildland Fire Management Strategy is a national collaborative effort to bring a broad cross-section of stakeholders together to address wildland fire management challenges. The Strategy directs wildland fire planning activities and has three primary goals: restore and maintain landscapes, develop Fire-Adapted Communities, and improve wildfire response.

Activity	Impact
# partners involved in rewriting law	26
% increase in certified prescribed burners from 2007-2014	216%

The South Carolina Prescribed Fire Act, passed in 1994, clarified the right of landowners to utilize prescribed fire as a land management tool, and provided minimal liability protection to certified burners if they complied with Smoke Management Guidelines and all other applicable laws; however, the law did little to increase prescribed fire use in South Carolina. Under this law, the certified burner was liable for simple negligence through either smoke or property damage, putting certified burners at legal risk.

Several organizations and stake-holders recognized the importance of prescribed fire use in both forest health and management and sought to address liability concerns limiting its use in SC. In response, the South Carolina Forestry Commission and the South Carolina Prescribed Fire Council, accompanied by 25 partner organizations, worked with state legislators and the Governor's office to rewrite the 1994 Prescribed Fire Act, resulting in the passage of an updated law in April 2012. The re-written law still requires certified burners to follow specific guidelines: (1) advanced preparation of a fire plan-

based on objectives of the burn, not on weather patterns; and (2) presence of a certified burn manager at the burn, (3) compliance with *Smoke Management Guidelines for Vegetative Debris Burning Operations in the State of South Carolina* and all other applicable laws. Under the revised law, certified burners are still liable for simple negligence in the event of property damage related to an escaped prescribed fire. The most significant change in the 2012 revision of the law is that, provided that certified burners comply with the provisions in the Prescribed Fire Act, the victim of damage related to smoke from a prescribed fire must prove gross negligence (or recklessness) on the part of the certified burner before they are liable.

The Prescribed Fire Act only protects certified burners and to obtain liability insurance, insurance providers usually require a burner to be certified. For this reason, the Act can lead to increased certification and fire safety. In 2007, only 19% of the acres burned in SC were by certified burners. This number increased to 60% in 2014. Also in 2014, the average prescribed burn conducted

Success stories highlight regional wildland fire accomplishments that support implementation of the national cohesive wildland fire management strategy in the Southeast. The stories demonstrate how the Southeast is improving its "fire resiliency" through technology, education and outreach, forest management, collaboration, and more. Success stories also serve as a model for other communities to follow.

by non-certified burners was 19 acres and for certified burners the average was 92 acres. SC is currently burning a half a million acres a year and would like to increase this number to 1 million acres a year. The legal protection within the Act encourages more burners to be certified, which can increase the number of acres burned in SC. Increased prescribed fire use by certified burners reduces wildfire damage and protects forestry investments in SC. This, in turn, will benefit the forests, wildlife, and outdoor recreationists in the state.

The Nature Conservancy (TNC) has worked tirelessly with public and private partners across 10 southeastern states to restore the imperiled longleaf pine ecosystem. The Prescribed Fire Act supports TNC longleaf pine restoration efforts by enabling more prescribed fire use in SC. TNC program manager, Eric Krueger said, "Safe application of controlled burning is an essential part of the effort."

South Carolina State Forester, Gene Kodama, said, "Passage of the Prescribed Fire Act comes after several years of hard work by many partners who understand the high value of controlled burning for forest and habitat management and the reduction of wildfire fuel loading. We owe appreciation to the many partners that supported the Bill as well as our legislators and the Governor's office that assisted in refining the Bill and ultimately making it law."

Additional Information:

Prescribed Fire Act:

<http://www.state.sc.us/forest/reflaws.htm#act>

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Partners: South Carolina Prescribed Council, SC Forestry Association, SC Forestry Commission, The Nature Conservancy, Association of Consulting Foresters, Camo Coalition, Coastal Conservation League, International Paper, Kapstone Charleston Kraft, LLC, MeadWestvaco, National Wild Turkey Federation, Palmetto Agribusiness Council, Palmetto Center for Policy Alternatives, Palmetto Conservation Foundation, Quality Deer Management Association (QDMA), Resource Management Services, LLC, Society of American Foresters—SC Chapter, SC Department of Natural Resources, SC Farm Bureau, SC Foresters Council, SC Prescribed Fire Council Association, SC State Chapter of the Quality Deer Management Association, SC Timber Producers, SC Tree Farm Committee, SC Wildlife Federation, US Forest Service



Southern Regional
Extension Forestry

