

How does the Act protect me from liability?

When prescribed burns are conducted in accordance with the Act, burners/landowners are subject to a gross negligence standard for civil liability, which requires the individual to fail to exercise even a slight degree of care. Examples of actions that could counter a claim of gross negligence include, but are not limited to:

1. Preparing firebreaks.
2. Drafting a burn plan.
3. Patrolling the burned area and extinguishing smoldering fuels, etc.

Under the Act, if the burner/landowner is not grossly negligent in starting, controlling, or completing the burn, then the burner/landowner would likely not be found liable for damages.

If the burn is not conducted in accordance with the Act, then the burner/landowner is subject to a less-protective “ordinary negligence” standard. Ordinary negligence is the absence of the degree of care which is exercised by ordinarily prudent persons under the same or similar circumstances, even accidentally. Inspecting firebreaks but failing to notice pine litter scattered across them could be considered ordinary negligence.



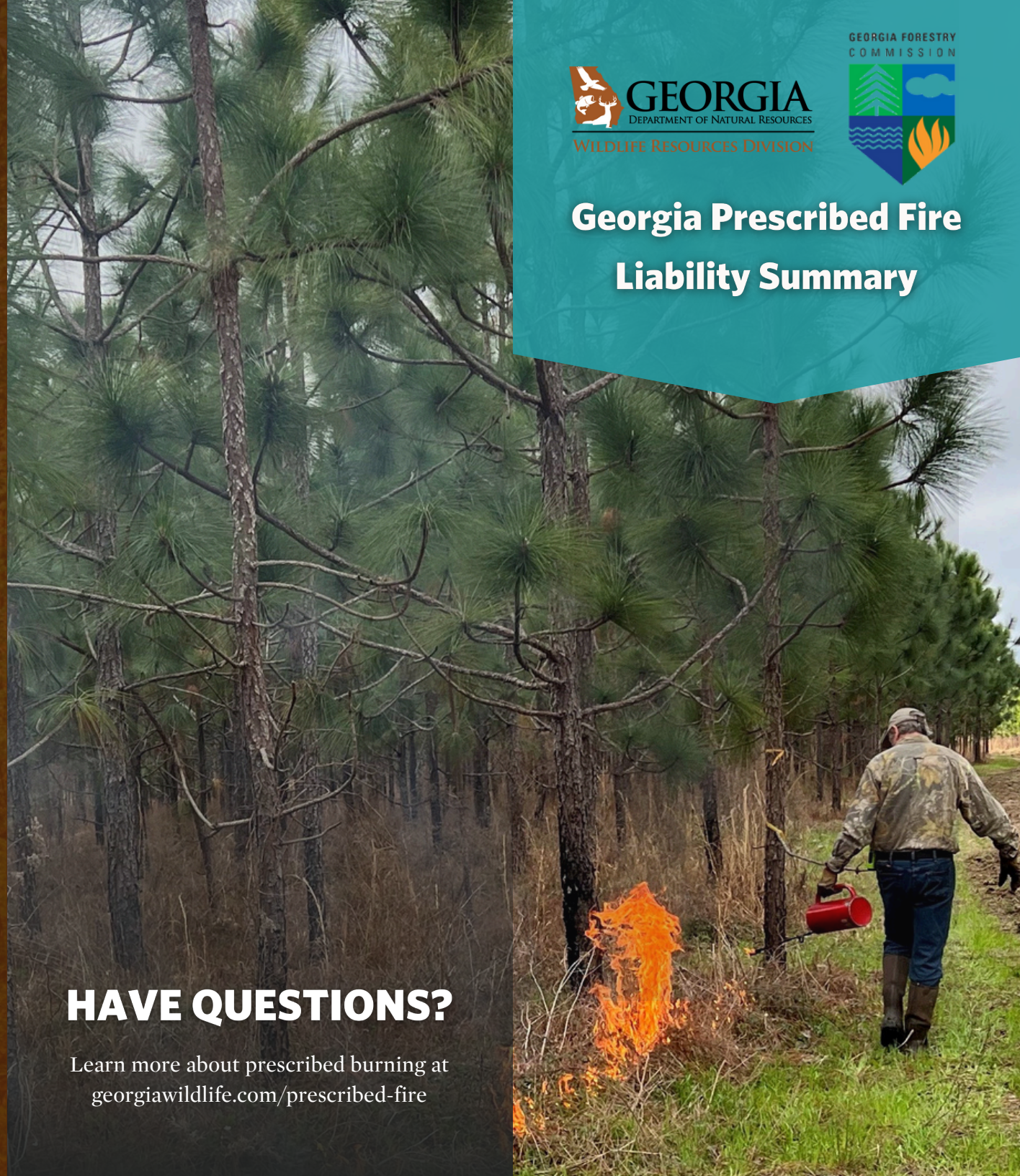
GEORGIA FORESTRY
COMMISSION



Georgia Prescribed Fire Liability Summary

HAVE QUESTIONS?

Learn more about prescribed burning at
georgiawildlife.com/prescribed-fire



What is the Georgia Prescribed Burning Act?

The Georgia Prescribed Burning Act (the Act) helps protect the burner from liability when burns are conducted in accordance with the Act. While the Act does not prevent individuals from being sued; it does raise the standards of proof required to find an individual liable. There are two basic requirements for burning in accordance with the Act:

The burn must be conducted under the supervision of an experienced burner who is present on site until the fire is out.

Although prior verified prescribed fire experience, whether in Georgia or in other states, may suffice to be considered an “experienced burner,” individuals are encouraged to become a certified burner. The State of Ga. recognizes an individual as a certified burner after they have completed a signed affidavit attesting they have: 1) completed a two-day certification course, 2) led five prescribed burns, and 3) have at least two years of experience implementing prescribed fire. Burners with certification from AL, AR, FL, KY, LA, MS, NC, OK, SC, TN, TX, or VA may apply for GFC certification through a reciprocal agreement. For more information, go to the “Certified Burner Reciprocal Agreement” webpage URL found on this brochure. GFC offers the certification course several times a year. For more info, visit the “Prescribed Burn Certification” webpage URL found on this brochure.

The burn must be conducted only after receiving a burn permit from GFC.

Individuals that have completed the GFC certification process may obtain early burn permits (up to 48 hours prior to the burn), and anyone may obtain a burn permit on the day of the burn by contacting the county GFC office where the burn will be conducted. Permits are issued based on appropriate weather conditions.



Do I need insurance to conduct a prescribed burn?

Although there is no legal requirement for landowners, businesses, or contractors to obtain prescribed burn insurance, choosing to forgo such insurance results in the burner assuming greater financial risk associated with liability. For landowners conducting burns on their own property, some regular farm or property insurance policies may cover liability or legal fees associated with prescribed burning, but many do not. Check with your provider to be sure. Dedicated insurance policies for landowners seeking to burn their own land are available from various providers, as are policies specifically for prescribed fire contractors.

Resources

Visit the webpage URL or scan the QR code with your mobile device to access additional resources.



GFC Certified Burner
Reciprocal Agreement
gatrees.org/fire-prevention-suppression/certified-burner-reciprocal-agreement/



GFC Prescribed Burn
Certification Page
gatrees.org/fire-prevention-suppression/prescribed-burn-certification/



Prescribed Fire Liability Report for
the Southern United States
serppas.org/media/kckh3lww/prescribed-fire-liability-report-for-the-southern-united-states_a-summary-of-statutes-and-cases.pdf