

CERTIFIED BURN MANAGER PROGRAM

DRAFT 1.0 February 16, 2022

Purpose

629-042-1000

The purpose of OAR 629-042-1005 to 629-042-1055 is to set forth the standards, requirements, and procedures by which the Certified Burn Manager program will be operated, pursuant to ORS 526.360(3).

Intent

629-042-1010

- (1) The Certified Burn Manager program is intended to provide training concerning the safe and effective use of prescribed burning and to promote the use of prescribed burning for the purposes outlined in ORS 526.360(1).
- (2) Participation in the Certified Burn Manager program is voluntary. The Forester may not require or condition the approval of a plan, or the issuance of a burning permit on the presence of a certified burn manager, for any prescribed burning.

Certified Burn Manager certification requirements. Application procedures.

629-042-1020

Individuals applying for a Certified Burn Manager certificate shall provide to the State Forester's Representative:

- (1) A properly completed certification record showing that the applicant has satisfactorily completed all training required by OAR 629-042-1025 and all tests required by OAR 629-042-1030.
- (2) All fees required by OAR 629-042-1055(6).

Certified Burn Manager certificate revocation procedures

629-042-1035

- (1) The State Forester's representative may revoke a certificate if:
 - (a) Sufficient evidence indicates that false information was submitted by a person making application to become a Certified Burn Manager such as, but not limited to, the entry of false information into a certification book submitted to the State Forester's representative.
 - (b) A Certified Burn Manager has received a citation for a violation of ORS 477.515, 477.625, 477.720, 477.740, or OAR 629-043-0026(4).
 - (c) A Certified Burn Manager fails to comply with the required actions and activities set forth in OAR 629-042-1040.
 - (d) A Certified Burn Manager terminated their responsibility for supervision of a prescribed burn in violation of OAR 629-042-1045(2).
 - (e) An investigation conducted pursuant to OAR 629-042-1055(2) reveals actions or activities which the State Forester's representative believes warrants revocation of a certificate.
- (2) The State Forester's representative shall revoke a certificate above only after providing thirty days prior written notice to the Certified Burn Manager.
- (3) Certificate revocation review and appeals procedures.
 - (a) Not more than 30 days following receipt of the written notice required by (2) above, a Certified Burn Manager may request a review of the revocation by the Certified Burn Manager Review Board.
 - (b) The Certified Burn Manager Review Board shall conduct the requested review at the next schedule meeting after the receipt of a request made pursuant to (3)(a) above.
 - (c) Following completion of the review requested pursuant to (3)(b) above, the Certified Burn Manger Review Board shall either affirm or cancel the revocation.
 - (d) The State Forester's representative or the Certified Burn Manager who's certificate has been revoked may appeal the decision of the Certified Burn Manger Review Board to the Board of Forestry, in the same manner as appeals under ORS 477.260(2).
4. An individual who has had their certification revoked is ineligible for recertification for a period of 3 years.

Certified Burn Manager required actions and activities

629-042-1040

A Certified Burn Manager shall:

1. Prepare a prescribed burn plan prior to ignition of a prescribed burn they will supervise. The plan shall be prepared in a format approved by the State Forester's representative.
2. Confirm that the notification required by OAR 629-042-1055(4), to contiguous owners of forestland, has been made, prior to ignition of a prescribed burn they will supervise.
3. Be on site and maintain active supervision of the resources used on any prescribed burn the Certified Burn Manager is supervising:
 - a. During the ignition phase; and
 - b. Between the ignition phase and the initial stages of the mop-up phase when the prescribed burn exhibits or is expected to exhibit active burning.
4. When not required to be on site pursuant to (3), be readily available to return to a prescribed burn they are responsible for until:
 - a. The prescribed burn has achieved the conditions documented for transfer of liability within the prescribed burn plan; or
 - b. The termination of responsibility notification required in (5)(b) has been made.
5. Give notification to the ODF District of:
 - a. Their assumption of responsibility for a prescribed burn; and
 - b. Their termination of responsibility for a prescribed burn.
 - c. The notifications required in (5)(a) and (b) shall be:
 - i. In a manner approved by the State Forester's representative; and
 - ii. Made within time limits established by the State Forester's representative.
6. Not permit any dangerous or adverse situation on any prescribed burn for which they have responsibility.
7. Cooperate fully with an investigation undertaken by the State Forester's representative pursuant to OAR 629-042-1055(2).

Certified Burn Manager prohibited actions and activities

629-042-1045

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1. A Certified Burn Manager may not use a certificate as the authority to supervise prescribed burning unless the burning conducted pursuant to ORS 526.360(1).
 2. A Certified Burn Manager may not terminate their responsibility for a prescribed burn unless:
 - a. They are immediately to be replaced by another Certified Burn Manager and documented on a form provided by the State Forester's representative; or
 - b. The responsibility for the prescribed burn has been transferred to the landowner, in accordance with the criteria established in the prescribed burn plan, and documented on a form provided by the State Forester's representative; and
 - c. The district has been notified pursuant to OAR 629-042-1040(5)(b).
 3. The following persons may not use the title "Certified Burn Manager" and may not purport to be a Certified Burn Manager;
 - a. An individual whose certificate has expired;
 - b. An individual whose certificate has been revoked;
 - c. An individual whose certificate is pending revocation, pursuant to the written notice set forth in OAR 629-042-1035(2); or
 - d. An individual who has surrendered their certificate to the State Forester's representative.
 4. Shall not falsify records

Limitations on the use of Certified Burn Managers

629-042-1050

A Certified Burn Manager shall only supervise:

1. Prescribed burning activities as identified within an approved prescribed burn plan;
2. Prescribed burning for which they have a current endorsement; and
3. Prescribed burning on forestland which is classified in accordance with ORS 526.328 or ORS 526.340.

Certified Burn Manager Review Board

629-042-1055

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- (1) There is established in the Department of Forestry a Certified Burn Manager Advisory Board consisting of eight members.
- (2) The Certified Burn Manager Advisory Board shall provide recommendations to the State Forester's representative in administering the Certified Burn Manager Program as described in ORS 526.360(3).
- (3) The Certified Burn Manager Review Board shall:
- a. Meet at least twice each calendar year;
 - b. Advise the State Forester's representative on the administration of the Certified Burn Manager program; and
 - c. Conduct reviews of proposed certificate revocation, when requested pursuant to OAR 629-042-1035(4).
- (4) The Department of Forestry coordinates the activities of the Certified Burn Manager Advisory Board and all committees therein.
- (X) "Board" means the Certified Burn Manager Advisory Board.
- (X) "Interest Form" means an application for consideration submitted by a person expressing interest in serving on the Certified Burn Manager Advisory Board or subcommittee.
- (X) "Certified Burn Manager Advisory Board" means a board consisting of appointed members who make recommendations on Certified Burn Manager issues to the State Forester's representative and provides advice and guidance on issues and emerging topics that affect the use of prescribed fire within the State of Oregon.
- (5) The Certified Burn Manager Advisory Board shall consist of members broadly representative of the industries, associations, and professions involved in the planning and conduction of prescribed fire and land management activities, including:
- a. Two representatives of forestland owners;
 - b. A representative of environmental interests;
 - c. A representative of agricultural interests;
 - d. A representative of the forest resiliency interests;
 - e. Two representatives of business or industry; and
 - f. A public member at large.
- (6) In addition to the members designated in subsection (1) of this rule, representatives of the following federal agencies shall be invited to serve as members of the advisory committee:

- a. A representative of the United States Forest Service.
- b. A representative of the United States Bureau of Land Management.

(7) The State Forester's Representative shall serve as secretary for the committee.

(8) Applying for an appointment to the Certified Burn Manager Advisory Board.

- a. Board members from stakeholder groups may serve two consecutive 3-year terms; however, initial terms may be adjusted to ensure board stability.
- b. Priority in selection shall be given to applicants holding a Certified Burn Manager Certificate, then to prescribed fire practitioners.
- c. An interest form must be submitted to the Department of Forestry in order to be considered for an appointment to the board.
- d. Any interested person may submit a completed interest form to the Department of Forestry to apply for an appointment to the Certified Burn Manager Advisory Board.
- e. Interest forms are available on the Department of Forestry's website or by email upon request.
- f. Completed interest forms will be kept on file for a period of two years for future consideration. Interest forms will be destroyed after two years have elapsed from the date the form was received by the Department of Forestry.
- g. The Department of Forestry will acknowledge receipt of each completed interest form.

(9) Vacancies

- a. A vacancy exists when a board member subject to this rule completes the term for that position: resigns; becomes incapacitated or is otherwise incapable of performing the duties of a member; has been removed from the appointment for just cause; is not reappointed; is no longer employed in the position that the appointment represents; or is no longer affiliated with the association or organization that the appointment represents.
- b. Any vacancy subject to this rule will be filled in the same manner as an initial appointment.
- c. The Department of Forestry will work in consultation with the employer, association or organization that the vacancy represents to identify a replacement member. The employer's, association's, or organization's recommendation will be forwarded to the State Forester's representative for consideration and recommendation to the full board.

(10) The board's decisions regarding an appointment to a Certified Burn Manager Advisory Board subcommittee are final and are not subject to appeal.

(11) The chairperson or State Forester's Representative may remove an appointed member for just cause.

Standards, requirements, and procedures necessary for the safe and effective administration of the Certified Burn Manager program

629-042-1060

(1) The State Forester's representative may investigate any reported or observed dangerous or adverse situations for which a Certified Burn Manager has been alleged to be responsible.

(a) Upon the receipt of an allegation under this rule, the State Forester's representative shall either:

(A) Investigate and prepare a written report; or

(B) Direct that a certified wildfire investigator to investigate, prepare a written report and forward it to the State Forester's representative for review and approval.

(b) Following preparation of the written report required in (2)(a) above, the State Forester's representative shall determine as to whether the Certified Burn Manager was responsible for the reported dangerous or adverse situation.

(c) If the State Forester's representative determines that the Certified Burn Manager was responsible for a dangerous or adverse situation, the State Forester's representative shall determine as to whether the actions of the Certified Burn Manager were such to revoke the certification of the Certified Burn Manager.

(2) Training provider accreditation.

(a) A training provider shall obtain accreditation from the State Forester's representative prior to conducting or documenting training required by OAR 629-042-1025.

(b) To request accreditation, prospective training providers shall make application to the State Forester's representative and sign an accreditation agreement.

(c) Training providers will not be considered to be accredited until the State Forester's representative reviews and approves their application.

(d) Applications shall include, but will not be limited to:

(A) A list of the specific initial and/or renewal training to be provided or documented.

(B) Evidence the person has had at least two years total experience either teaching adults or working in the area of expertise covered by the specific training to be provided or documented.

(e) Accreditation agreements shall include, but will not be limited to:

(A) A requirement to provide training using only curriculums or course manuals approved by the State Forester's representative;

(B) A requirement to send all training completion records to the State Forester's representative within a specified period of time;

(C) A requirement to maintain training completion records for a minimum of six years; and

(D) A requirement to document successful completion of a training requirement of OAR 629-042-1025 or a test required by OAR 629-042-1030 only for which they are accredited and for which they have personal knowledge that the person has properly completed the task being documented.

(E) A requirement that no entry of false information be made into a certification book to be submitted to the State Forester's representative.

(f) Suspension of documentation authority.

(A) The State Forester's representative may immediately suspend the documentation authority of a training provider at any time the State Forester's representative determines the training provider has failed to comply with all requirements of the accreditation agreement.

(B) Within 30 days of suspending the documentation authority of a training provider, the State Forester's representative must either initiate action to revoke the accreditation of the training provider or restore the documentation authority of the training provider.

(g) The State Forester's representative may revoke the accreditation of a training provider at any time the training provider fails to comply with all requirements of the accreditation agreement.

(A) The State Forester's representative shall revoke an accreditation only after providing thirty days prior written notice to the training provider.

(B) Accreditation revocation review and appeals procedures:

(i) Not more than 30 days following receipt of the written notice required by (2)(f)(A) above, a training provider may request a review of the proposed revocation by the Certified Burn Manager Review Board.

(ii) The Certified Burn Manager Review Board shall conduct the requested review within 30 days of the receipt of a request made pursuant to (2)(f)(B)(i) above.

(iii) Following completion of the review required pursuant to (2)(f)(B)(ii) above, the Certified Burn Manager Review Board shall either affirm or cancel the proposed accreditation revocation action.

(iv) The State Forester's representative or the training provider who's accreditation has been proposed for revocation may appeal the decision of the Certified Burn Manger Review Board to the Board of Forestry, in the same manner as appeals under ORS 477.260(2).

(h) The State Forester's representative may revoke the training provider accreditation of employees of the Oregon Department of Forestry and to employees of a forest protection association without the need to comply with the requirements of this rule.

(3) A landowner which uses a Certified Burn Manager to supervise a prescribed burn shall:

(a) Make a bona fide attempt to notify all contiguous owners of forestland, about the prescribed burn.

Such notification shall:

(A) Be made not more than 60 days prior to ignition of the prescribed burn; and

(b) Provide, prior to ignition of the prescribed burn, a copy of the prescribed burning plan to any landowner notified pursuant to (3)(a) above, who requests a copy.

(4) A landowner which uses a Certified Burn Manager to supervise a prescribed burn, once ignited, may not terminate the Certified Burn Manager's responsibility for a prescribed burn unless:

(a) The prescribed burn has met the transfer conditions outlined in the approved burn plan; or

(b) The Certified Burn Manager is immediately replaced by another Certified Burn Manager; or

(c) The landowner has assumed responsibility for the prescribed burn and for execution of the prescribed burning plan prepared pursuant to OAR 629-042-1040(1); and

(d) The district has been notified pursuant to OAR 629-042-1040(5)(b).

(5) Fees.

(6) Authorized entries.

(a) A Certified Burn Manager, the State Forester's representative, or a training provider may not document successful completion of a training requirement of OAR 629-042-1025 or a test required by OAR 629-042-1030 unless they have personal knowledge that the person has properly completed the task being documented.

(b) Notwithstanding (a) above, the State Forester's Agency may document successful completion of a training requirement of OAR 629-042-1025 or a test required by OAR 629-042-1030 if the requirements of OAR 629-042-1025(1)(e). have been met.

(7) Nothing in OAR 629-042-1010 to 629-042-1060 is intended to reduce the ability of a district to exercise their responsibility to ensure that burning in their jurisdiction is conducted in a safe and lawful manner.