

CERTIFIED BURN MANAGER PROGRAM

DRAFT 1.4 May 20, 2022

Purpose

629-042-1000

The purpose of OAR 629-042-1005 to 629-042-1070 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).

Definitions

629-042-1005

- (1) The definitions set forth in ORS 477.001, ORS 526.005, and OAR 629-041-0005 shall apply to OAR Chapter 629, Division 042.
- (2) The following words and phrases, when used in OAR Chapter 629, Division 042, shall mean the following:
 - (a) "Accreditation" means approval from the State Forester's representative to conduct and document training required by OAR 629-042-1065.
 - (b) "Actively burning" means the time from ignition through mop-up during which there is potential for a prescribed burn to escape confinement and be declared a wildfire.
 - (c) "Authorized entry" means the signature of a Certified Burn Manager, of the State Forester's Agent, or of a training provider in a certification book.
 - (d) "Bona fide attempt" means a good faith attempt to contact a landowner in a timely manner, considering the landowner's availability, location, and other applicable considerations.
 - (e) "Certificate" means a Certified Burn Manager certificate issued by the Oregon Department of Forestry pursuant to ORS 526.360(3) and OAR 629-042-1015.
 - (f) "Certificate period" means a period of five years, beginning on the date a certificate is issued.
 - (g) "Certification book" means a publication provided by the State Forester's representative in which successful training required by OAR 629-042-1025(2) is documented.
 - (h) "Certified Burn Manager" means an individual who has a current and valid certificate.
 - (i) "Certified Burn Manager Advisory Committee" means a committee established in accordance with OAR 629-042-1060, 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.
 - (j) "Committee" means the Certified Burn Manager Advisory Committee.

- (k) "Conduct" means active participation in the execution of a prescribed burn while it is actively burning.
- (l) "Contained" means the intended condition of a prescribed burn, as set forth in the prescribed burning plan prepared pursuant to OAR 629-042-1040(1).
- (m) "Dangerous or adverse situation" means any significant deviation from an approved burning plan resulting in or having the potential to result in negative consequences which is not supported by the professional judgement of the State Forester's representative or a Certified Burn Manager and causes adverse negative impacts.
- (n) "Document" and "documented" means an authorized entry into a certification book that a training requirement of OAR 629-042-1025 or a test required by OAR 629-042-1030 has been successfully completed.
- (o) "Forestland" means land classified in accordance with ORS 526.005(6)(a).
- (p) "Initial education requirements" means any requirements that must be successfully completed by an individual before a certificate is issued to that person for the first time.
- (q) "Interest Form" means an application for consideration submitted by a person expressing interest in serving on the Certified Burn Manager Advisory Committee or subcommittee.
- (r) "Planning" means the preparation of the prescribed burn plan.
- (s) "Prescribed burn" and "prescribed burning" mean the controlled application of fire, in accordance with the plan required by OAR 629-042-1040(1) and the conditions of a permit issued pursuant to ORS 477.625, to vegetative fuels, under specified environmental conditions, and following appropriate precautionary measures, which is intended to cause the burning to be confined to a predetermined area and accomplish specific land management objectives.
- (t) "Prescribed burn plan" is a plan prepared to conduct a prescribed burn, in accordance with OAR 629-042-1040(1).
- (u) "Renewal education requirements" means requirements that must be completed by an individual before a certificate is issued to a person renewing a certificate as required by OAR 629-042-1025(4).
- (v) "State Forester's representative" means the person or persons designated by the State Forester to administer the Certified Burn Manager program.
- (w) "Successfully completed" and "successful performance" means satisfactory completion of a training requirement of OAR 629-042-1025, or a test required by OAR 629-042-1030, and which has been properly documented.
- (x) "Training provider" means a certified instructor who is accredited to conduct and/or document training required by OAR 629-042-1065.

Intent

629-042-1010

- (1) The Certified Burn Manager program is intended to provide oversight of training and certification 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.
- (3) Nothing in OAR 629-042-1000 to 629-042-1070 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.

Certified Burn Manager certification requirements. Certificates generally.

629-042-1015

- (1) A certificate shall be issued only to an individual. Entities other than an individual, including but not limited to partnerships, corporations, and limited liability companies, may not be issued a certificate.
- (2) A Certified Burn Manager certificate will authorize the individual to conduct prescribed fires as commensurate with the certificate.
- (3) The State Forester's representative will not issue a certificate prior to the receipt of all documents and fees required by OAR 629-042-1020.
- (4) The State Forester's representative shall assign a unique identification number to each certificate issued.
- (5) A certificate shall be valid for a period of five years unless it is sooner revoked or surrendered.
- (6) A certificate may be renewed only after having been valid for a period of at least four years
- (7) A certificate may not be renewed if:
 - (a) it was revoked pursuant to OAR 629-042-1035(2); or
 - (b) it has been more than six years since it was issued.
- (8) Certificates shall be non-transferable.
- (9) 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 representative 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(3). have been met.

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 book showing that the applicant has satisfactorily completed all training required by OAR 629-042-1025 and all tests required by OAR 629-042-1030; and
- (2) all fees required by OAR 629-042-1070.

Certified Burn Manager certification requirements. Training.

629-042-1025

- (1) A certification book must be completed prior to an individual applying for their initial certificate, or if they had been issued a certificate which may not be renewed pursuant to OAR 629-042-1015(7):
 - (a) Prior to receiving a certification book, an individual shall submit documentation of successful completion of:
 - (i) an approved training course conducted by a training provider; or
 - (ii) a Certified Burn Manager correspondence course conducted by a training provider or by the State Forester's representative; and
 - (iii) a test in accordance with OAR 629-042-1030 with a passing score.
 - (b) The State Forester's representative will not accept documentation of initial educational training which was completed more than two years prior to the applicant's request for a certification book. This two-year limitation may be waived by the State Forester's representative if the individual is applying for historical recognition.
- (2) After verification of documentation required under 629-042-1025(1), the State Forester's representation shall issue the applicant a certification book.
 - (a) The certification book shall consist of:
 - (i) general proficiencies to demonstrate;
 - (ii) pile burning proficiencies to demonstrate; and
 - (iii) broadcast burning proficiencies to demonstrate.
 - (b) To apply for a certificate to conduct pile burns, the 2(a)(i) and 2(a)(ii) must be completed.
 - (c) To apply for a certificate to conduct pile burns and broadcast burns, the certification book must be completed in its entirety.
 - (d) The certification book will be valid for a period of three years after initiation.
 - (e) The State Forester's representative will not accept documentation of field training which was completed more than three years prior to the applicant's date of application for a certificate. This

three-year limitation may be waived by the State Forester's representative if the individual is applying for historical recognition.

- (3) Historical recognition of educational and field training requirements completed prior to January 1, 2023 may be considered by the State Forester's representative. In lieu of the initial training requirements of (1) and (2) above, an individual may:
 - (a) submit to the State Forester's representative a copy of a Prescribed Fire Burn Boss Type 2 Task Book which is complete. The Task Book shall indicate successful performance in the planning and conduct of prescribed fire; or
 - (b) submit to the State Forester's representative documentation that the individual holds a valid Certified Burn Manager certification in a state with comparable requirements to the State of Oregon; or
 - (c) submit to the State Forester's representative such evidence of experience as the State Forester's representative determines is equivalent to the initial training requirements of (1) and (2) above. The testing requirements of OAR 629-042-1030 shall still be required.
- (4) An individual shall complete the following actions, prior to applying for a renewal of their certificate:
 - (a) An individual shall successfully complete sixteen hours of continuing education within the certification period related to prescribed burning which has been approved in advance by the State Forester's representative.
 - (i) The State Forester's representative may approve training, which is presented in a classroom format, a conference format, a correspondence course format, or in another format the State Forester's representative determines is acceptable.
 - (ii) The State Forester's representative will not accept educational training which was completed more than five years prior to the applicant's date of application for renewal of a certificate.
 - (b) An individual shall supervise one prescribed burn and participate in two additional prescribed burns commensurate with their certification being renewed. The State Forester's representative will not accept documentation for prescribed burns which are completed more than five years prior to the applicant's date of application for renewal of a certificate.
- (5) The State Forester's representative shall establish uniform standards for what constitutes "successful performance" under this rule.

Certified Burn Manager certification requirements. Tests.

629-042-1030

- (1) The State Forester's representative:
 - (a) shall provide for the development and administration of all tests required by this rule;
 - (b) shall establish a passing score for all tests required by this rule;
 - (c) may not administer the same test to an individual more frequently than once every 30 days; and
 - (d) may not prohibit the use of written reference material by individuals taking tests.

- (2) Individuals taking tests required by this rule:
 - (a) shall display an approved government issued picture identification to the State Forester's representative or authorized Training Provider, prior to taking a test; and
 - (b) shall comply with all test taking requirements established by the State Forester's representative or authorized Training Provider.
- (3) Individuals shall successfully complete a test prior to requesting a certification book from the State Forester's representative.

Certified Burn Manager certificate investigation and revocation procedures

629-042-1035

- (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 may:
 - (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 (5)(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) 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 pursuant to OAR 629-042-1020;
 - (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); or
 - (e) an investigation conducted pursuant to OAR 629-042-1035(1) reveals actions or activities which the State Forester's representative believes warrants revocation of a certificate.
- (3) The State Forester's representative shall revoke a certificate above only after providing thirty days prior written notice to the Certified Burn Manager.

- (4) Certificate revocation review and appeals procedures.
 - (a) Not more than 30 days following receipt of the written notice required by (3) above, a Certified Burn Manager may request a review of the revocation by the Certified Burn Manager Advisory Committee.
 - (b) The Certified Burn Manager Advisory Committee shall conduct the requested review at the next scheduled 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 Manager Advisory Committee shall either affirm or cancel the revocation by majority vote.
 - (d) The State Forester's representative or the Certified Burn Manager whose certificate has been revoked may appeal the decision of the Certified Burn Manager Advisory Committee to the Board of Forestry, in the same manner as appeals under ORS 477.260(2).
- (5) An individual who has had their certification revoked is ineligible to apply for another certification for a period of 3 years.

Certified Burn Manager required actions and activities

629-042-1040

- (1) A Certified Burn Manager shall:
 - (a) prepare or review 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; and
 - (b) confirm that the notification required by OAR 629-042-1055(1), to adjacent landowners, has been made, prior to ignition of a prescribed burn they will supervise; and
 - (c) be on site and maintain active supervision of the resources used on any prescribed burn the Certified Burn Manager is supervising:
 - (i) during the ignition phase; and
 - (ii) 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.
- (2) When not required to be on site pursuant to (1), 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 (3)(b) has been made.
- (3) A Certified Burn Manager shall 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 (3)(a) and (b) shall be:

- (i) made in a manner approved by the State Forester's representative; and
 - (ii) made within time limits established by the State Forester's representative.
- (4) A Certified Burn Manager shall not permit any dangerous or adverse situation on any prescribed burn for which they have responsibility.
- (5) A Certified Burn Manager shall cooperate fully with an investigation undertaken by the State Forester's representative pursuant to OAR 629-042-1035(1).

Certified Burn Manager prohibited actions and activities

629-042-1045

- (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(3)(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(3); or
 - (d) An individual who has surrendered their certificate to the State Forester's representative.
- (4) A Certified Burn Manager 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; or
- (2) prescribed burning for which they are certified to conduct; and
- (3) prescribed burning on forestland which is classified in accordance with ORS 526.328 or ORS 526.340.

Landowner required and prohibited actions

629-042-1055

- (1) A landowner who uses a Certified Burn Manager to supervise a prescribed burn shall:
 - (a) make a bona fide attempt to notify all adjacent landowners about the prescribed burn. Such notification shall be made not more than 90 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 (1)(a) above, who requests a copy.
- (2) A landowner who 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 629-042-1045(2)(b); and
 - (d) the district has been notified pursuant to OAR 629-042-1040(3)(b).

Certified Burn Manager Advisory Committee

629-042-1060

- (1) There is established in the Department of Forestry a Certified Burn Manager Advisory Committee consisting of seven members.
- (2) The Certified Burn Manager Advisory Committee 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 Advisory Committee 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 Committee and all sub-committees therein.
- (5) The Certified Burn Manager Advisory Committee 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.

- (6) In addition to the members designated in section (5) of this rule, representatives of the following federal agencies shall be invited to serve as ex-officio 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.
 - (c) A representative of the United States Bureau of Indian Affairs.
- (7) The State Forester's Representative shall serve as secretary for the committee.
- (8) Applying for an appointment to the Certified Burn Manager Advisory Committee.
 - (a) Priority in selection shall be given to applicants holding a Certified Burn Manager Certificate, then to prescribed fire practitioners.
 - (b) 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 Committee.
 - (c) An interest form must be submitted to the Department of Forestry to be considered for an appointment to the Committee. Interest forms are available on the Department of Forestry's website or by email upon request.
 - (d) 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.
 - (e) The Department of Forestry will acknowledge receipt of each completed interest form.
 - (f) Certified Burn Manager Advisory Committee members will be appointed by the State Forester.
 - (g) Committee members may serve two consecutive 3-year terms; however, initial terms may be adjusted to ensure Committee stability.
- (9) Vacancies
 - (a) A vacancy exists when a Committee 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.
- (10) The Committee's decisions regarding an appointment to a Certified Burn Manager Advisory Committee 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.

Training Provider accreditation, Suspension, and Revocation

629-042-1065

- (1) A training provider shall obtain accreditation from the State Forester's representative prior to conducting or documenting training required by OAR 629-042-1025.
- (2) To request accreditation, prospective training providers shall make application to the State Forester's representative and sign an accreditation agreement.
- (3) Training providers will not be considered accredited until the State Forester's representative reviews and approves their application.
- (4) 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; and
 - (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.
- (5) Accreditation agreements shall include, but will not be limited to:
 - (a) a requirement to provide training using only curricula 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;
 - (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; and
 - (e) a requirement that no entry of false information be made into a certification book to be submitted to the State Forester's representative.
- (6) 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.
- (7) 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 Advisory Committee.
 - (ii) The Certified Burn Manager Advisory Committee shall conduct the requested review at its next scheduled meeting after 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 Advisory Committee shall either affirm or cancel the proposed accreditation revocation action.
 - (iv) The State Forester's representative or the training provider whose accreditation has been proposed for revocation may appeal the decision of the Certified Burn Manager Advisory Committee to the Board of Forestry, in the same manner as appeals under ORS 477.260(2).
- (8) 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.

Fees

629-042-1070

- (1) To cover the cost of materials and testing for the Certified Burn Manager program, the application fee for an initial certificate shall be \$50.00.
- (2) Training providers may charge reasonable fees for the training they provide or document.