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AB-1226 Air quality: wildland vegetation management burning: permits: exemption. (2025-2026)

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AMENDED IN ASSEMBLY APRIL 11, 2025

CALIFORNIA LEGISLATURE— 2025–2026 REGULAR SESSION

ASSEMBLY BILL

NO. 1226

Introduced by Assembly Member ~~Essayli~~ **Ellis**
(Coauthors: Assembly Members Alanis, Castillo, Davies, DeMaio, Flora, Gallagher, Sanchez, and Wallis)

February 21, 2025

An act to amend Section 41853 of the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 1226, as amended, ~~Essayli~~ **Ellis**. Air quality: wildland vegetation management burning: permits: exemption.

Existing law authorizes the State Air Resources Board to designate public fire protection agencies or other equivalent agencies to issue permits, subject to the rules and regulations of the state board, for agricultural burning, which includes wildland vegetation management burning, as specified.

This bill would revise those provisions to also require the state board to designate those agencies to oversee agricultural burning activities and to adopt rules and regulations to ensure those activities are conducted safely and effectively. The bill would exempt wildland vegetation management burning from the above-described permit requirement if that activity is conducted by, or under the supervision of, the applicable agency designated by the state board. The bill would require the state board to develop guidelines and best practices for wildland vegetation management burning to ensure public safety and environmental protection.

By expanding the duties of local agencies, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 41853 of the Health and Safety Code is amended to read:

41853. (a) The state board shall designate public fire protection agencies or other equivalent agencies to oversee agricultural burning activities and to issue permits pursuant to Section 41852. The state board shall adopt rules and regulations to ensure those activities are conducted safely and effectively and to provide a procedure for the issuance of the permits. Each agency designated by the state board pursuant to this section shall issue permits subject to the rules and regulations of the state board.

(b) Notwithstanding Section 41852, wildland vegetation management burning, as defined in subdivision (c) of Section 39011, shall be exempt from the permitting requirements of Section 41852 and from Section 41701 if that activity is conducted by, or under the supervision of, the applicable public fire protection agency or other equivalent agency designated by the state board pursuant to subdivision (a).

(c) The state board shall develop ~~guidelines and best practices~~ *best practices and guidelines* for wildland vegetation management burning to ensure public safety and environmental protection.

SEC. 2. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.