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Liability and Prescribed Fire: Perception and Reality

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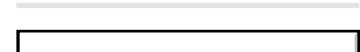
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perceived and acceptable risk decisions about engagement in prescribed burning and other activities differ, and it

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presents unanticipated outcomes in two cases of prescribed fire insurance aimed at promoting the use of prescribed fire. We demonstrate that the empirical risk of liability from escaped fires is minimal (< 1%) and that other underlying factors may be leading to landowners' exaggerated concerns of risk of liability when applying prescribed fire. We conclude that providing liability insurance may not be the most effective approach for increasing the use of prescribed fire by private landowners. Clearly differentiating the risks of applying prescribed fire from those of catastrophic wildfire damages, changing state statutes to reduce legal liability for escaped fire, and expanding landowner membership in prescribed burn associations may be more effective

alternatives for attaining this goal. Fear of liability is a major deterrent to the use of prescribed fire; however, an evaluation of the risks from escaped fire does not support perceptions that using prescribed fire as a land management tool is risky. Prescribed burning associations and agencies that support land management improvement have an important role to play in spreading this message.

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Key Words

legal statutes; liability insurance; negligence; prescribed burn association; risk assessment

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