

# PROPOSED RULES

Proposed rules include new rules, amendments to existing rules, and repeals of existing rules. A state agency shall give at least 30 days' notice of its intention to adopt a rule before it adopts the rule. A state agency shall give all interested persons a reasonable opportunity to submit data, views, or arguments, orally or in writing (Government Code, Chapter 2001).

**Symbols in proposed rule text.** Proposed new language is indicated by underlined text. [~~Square brackets and strikethrough~~] indicate existing rule text that is proposed for deletion. "(No change)" indicates that existing rule text at this level will not be amended.

## TITLE 4. AGRICULTURE

### PART 13. PRESCRIBED BURNING BOARD

#### CHAPTER 226. REQUIREMENTS FOR CERTIFICATION BY THE BOARD

##### 4 TAC §226.3

The Board of Directors (Board) of the Prescribed Burning Board (PBB), a board established within the Texas Department of Agriculture (TDA), proposes the amendment of §226.3 of Title 4 of the Texas Administrative Code, concerning experience of certified and insured prescribed burn managers.

The amendment to §226.3 is proposed in order to clarify that certified and insured prescribed burn managers are required to have three years of experience on a burn team and a minimum of 30 days of prescribed burns, with at least five days as an individual responsible for all aspects of a prescribed burn. The rule currently provides that to become certified, an applicant must meet only one of the requirements of §226.3, which was not the intent of the PBB.

Stuart Strnad, Coordinator for Agriculture Commodity Boards and Producer Relations, has determined that for the first five years the proposed amended section is in effect, there will be no fiscal implications for state or local government as a result of enforcing or administering the section, as amended.

Mr. Strnad has also determined that for each year of the first five years the proposed rule is in effect the public benefit anticipated as a result of the proposed amended section will be clarification regarding training requirements and certification criteria. There will be no economic cost for micro-businesses, small businesses or individuals who are required to comply with the amended section, as proposed.

Written comments on the proposal may be submitted to Stuart Strnad, Agriculture and Consumer Protection, Texas Department of Agriculture, P.O. Box 12847, Austin, Texas 78711 or by

email to [Stuart.Strnad@TexasAgriculture.gov](mailto:Stuart.Strnad@TexasAgriculture.gov). Comments must be received no later than 30 days from the date of publication of the proposal in the *Texas Register*.

The amendment is proposed under Natural Resources Code §153.046, which provides that the Board shall establish standards for prescribed burning, certification, recertification, and training for certified and insured prescribed burn managers, and establish minimum education, professional and insurance requirements for certified and insured prescribed burn managers and instructors.

Natural Resources Code, Chapter 153, is affected by the proposal.

##### §226.3. *Experience.*

(a) To be certified as a certified and insured prescribed burn manager, an applicant must demonstrate the following minimum level of experience:

(1) three years of prescribed burning as a member of a burn team; and [or]

(2) (No change.)

(b) - (d) (No change.)

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on January 11, 2016.

TRD-201600105

Jessica Escobar

Assistant General Counsel

Prescribed Burning Board

Earliest possible date of adoption: February 21, 2016

For further information, please call: (512) 463-4075

