

APA-1
07/04

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control No. _____ Department or Agency Forestry Commission
Rule No. 390-X-6-.03
Rule Title: Certification Process
New Amend _____ Repeal _____ Adopt by Reference _____

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? NO

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? YES

Is there another, less restrictive method of regulation available that could adequately protect the public? NO

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? NO

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? N/A

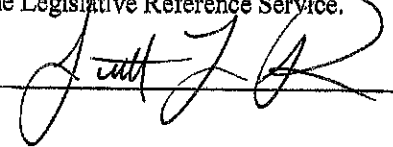
Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? YES

Does the proposed rule have an economic impact? NO

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer 
Date 2/18/2015

(DATE FILED)
(STAMP)

APA-2
07/04

**ALABAMA FORESTRY COMMISSION
FOREST PROTECTION DIVISION**

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Forestry Commission

RULE NO. & TITLE: 390-X-6-.03 Certification Process

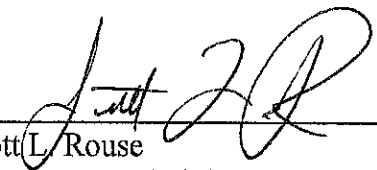
INTENDED ACTION: To amend the rule.

SUBSTANCE OF PROPOSED ACTION: This amendment is needed to update the language of the rule, to specify that certifications are for a 5-year term, to define the period of that 5-year term, and to require that certified prescribed burn managers receive six hours of continuing education within that 5-year term to be eligible for recertification. This amendment also removes language related to the recertification process itself, which would be addressed in a separate rule.

TIME, PLACE, MANNER OF PRESENTING VIEWS: Views may be presented orally or in writing on or before April 6, 2015. Such input should be addressed to John Goff, Forest Protection Division Chief, Alabama Forestry Commission, 513 Madison Avenue, Montgomery, Alabama 36104.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: April 6, 2015

CONTACT PERSON AT AGENCY: John Goff, Forest Protection Division Chief, Alabama Forestry Commission, 513 Madison Avenue, Montgomery, Alabama 36104, (334) 240-9335.



Scott L. Rouse
Secretary of Administrative Procedure

ALABAMA FORESTRY COMMISSION
FOREST PROTECTION DIVISION

CHAPTER 390-X-6
PRESCRIBED BURNING CERTIFICATION AND PRESCRIPTION

390-X-6-.03 Certification Process.

(a) **Application.** Submit an Application for Prescribed Burning Manager Certification (FC-18A) along with proof of training completed within the past two years and a non-refundable processing fee to:

Alabama Forestry Commission
Attn: Prescribe Burn Certification Program
P.O. Box 302550
Montgomery, AL 36130-2550

(ab) **Certification Term.** Prescribed Burning Manager Certifications will have a five (5) year term, requiring renewal every 5 years prior to the expiration of that term. Each certified prescribed burner manager (CPBM) must, over that five year period, earn six (6) hours of continuing education credit directly related to prescribed burning. A CPBM's five (5) year term will be defined from the date that he/she becomes certified until September 30 of the fifth year from that date. (Example: John Doe becomes certified on July 15, 2014. He will be required to earn six (6) continuing education credits prior to October 1, 2019.) Burners managers who do not meet this standard and apply for recertification pursuant to § 390-X-6-.04 will have their certifications expire. ~~This requirement will be phased in as follows:~~

~~Year of Certification Requirement Deadline
Prior to 1997 October 1, 2005
1997 through 2001 October 1, 2006
2002 and later 5 years after certification date.~~

~~(b) **Recertification Process.** To renew certification, the burner will submit an application for Prescribed Burning Certification Renewal, along with proof of continuing education accomplishment and a non refundable processing fee to:~~

~~Alabama Forestry Commission
Attn: Prescribed Burn Certification Program
P.O. Box 302550
Montgomery, AL 36130-2550~~

Author: John Goff

Statutory Authority: Code of Ala. 1975, §§ 9-3-9, 9-13-273(c)

History: May 20, 1996; **Amended:** November 19, 2003; **Amendment proposed:** February 27, 2015.