

**RULES  
OF THE  
TENNESSEE DEPARTMENT OF AGRICULTURE**

**CHAPTER 0080-07-06  
RULES GOVERNING PRESCRIBED BURNING**

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**0080-07-06-.01 PURPOSE.**

These rules are promulgated to effectuate the purposes of the “Tennessee Prescribed Burning Act” T.C.A. §§ 11-4-1001 et seq.

**Authority:** T.C.A. §§ 4-3-201 et seq. and 11-4-1003(d). **Administrative History:** Original rule filed May 3, 2013; effective October 29, 2013.

**0080-07-06-.02 DEFINITIONS.**

- (1) “Commissioner” means the Commissioner of the Department of Agriculture.
- (2) “Department” means the Department of Agriculture.
- (3) “Division” means the Division of Forestry within the Department.
- (4) “Prescribed Burning” means the controlled application of fire to vegetative fuels under environmental conditions specified in the Prescribed Burn Prescription Plan and following appropriate precautions which cause the fire to be confined to a predetermined area and accomplishes the objectives enumerated in the Prescribed Burn Prescription Plan.
- (5) “Prescribed Burn Certification Program” means a training course approved by the Division of Forestry to develop competence in prescribed burning.
- (6) “Certified Prescribed Burn Manager” means an individual who possesses valid Prescribed Burn Manager certification under this chapter.
- (7) “Prescribed Burn Prescription Plan” means a written plan, approved by a Certified Prescribed Burn Manager, for starting and controlling a prescribed burn to accomplish specified objectives.

**Authority:** T.C.A. §§ 4-3-201 et seq. and 11-4-1003(d). **Administrative History:** Original rule filed May 3, 2013; effective October 29, 2013.

**0080-07-06-.03 PRESCRIBED BURN MANAGER CERTIFICATION PROGRAM.**

- (1) Training will be no less than twenty (20) hours and will include knowledge and skill evaluations; pertinent laws and regulations; and, all aspects of planning and safely implementing a prescribed burn plan.

(Rule 0080-07-06-.03, continued)

- (2) Electronic or computer based training is permitted but shall not constitute the entire curriculum.
- (3) Written tests must be passed with a grade of 70% or higher.
- (4) Skills tests must be approved as "passed" by the evaluator.

**Authority:** T.C.A. §§ 4-3-201 et seq. and 11-4-1003(d). **Administrative History:** Original rule filed May 3, 2013; effective October 29, 2013.

#### **0080-07-06-.04 CERTIFICATION.**

- (1) The Division shall issue Prescribed Burn Manager certification to an applicant who has successfully completed Division approved training.
- (2) Division certification shall include a unique certification number.
- (3) Certification is valid for thirty-six (36) months from the date of issuance, renewal or reinstatement.

**Authority:** T.C.A. §§ 4-3-201 et seq. and 11-4-1003(d). **Administrative History:** Original rule filed May 3, 2013; effective October 29, 2013.

#### **0080-07-06-.05 CONDITIONAL CERTIFICATION.**

Instructors or graduates of the Division's Prescribed Fire Training courses offered from 2006 to 2011 shall be issued Prescribed Burn Manager certification upon written request to the Division.

**Authority:** T.C.A. §§ 4-3-201 et seq. and 11-4-1003(d). **Administrative History:** Original rule filed May 3, 2013; effective October 29, 2013.

#### **0080-07-06-.06 CONTINUING EDUCATION.**

- (1) A Certified Prescribed Burn Manager shall maintain certification by receiving three (3) hours of continuing education provided or approved by the Division prior to the expiration of certification.
- (2) Continuing education completed within six (6) months of expiration will act to reinstate expired certification.

**Authority:** T.C.A. §§ 4-3-201 et seq. and 11-4-1003(d). **Administrative History:** Original rule filed May 3, 2013; effective October 29, 2013.

#### **0080-07-06-.07 PRESCRIBED BURN PRESCRIPTION PLAN.**

- (1) The Prescribed Burn Prescription Plan shall be submitted on forms provided or approved by the Commissioner and shall include, at a minimum, the information required by the Commissioner and must be signed by the Certified Prescribed Burn Manager.
  - (a) The Prescribed Burn Prescription Plan shall be kept on file for three (3) years following the date of the burn by the Certified Prescribed Burn Manager.
  - (b) The Certified Prescribed Burn Manager shall assure that burn operations are conducted according to the Plan.

(Rule 0080-07-06-.07, continued)

**Authority:** T.C.A. §§ 4-3-201 et seq. and 11-4-1003(d). **Administrative History:** Original rule filed May 3, 2013; effective October 29, 2013.

**0080-07-06-.08 CONDUCTING THE PRESCRIBED BURN.**

- (1) The Certified Prescribed Burn Manager is responsible for assuring applicable local, state and federal regulations are met.
- (2) The Certified Prescribed Burn Manager supervising the burn shall personally direct, observe and coordinate the lighting of the initial fire to begin the burn operation.
- (3) At least one Certified Prescribed Burn Manager shall be present and supervising the burn operation at all times.
- (4) The Certified Prescribed Burn Manager shall have a copy of the Certified Prescribed Burn Prescription Plan with him or her on site at all times during burn operations.
- (5) The Certified Prescribed Burn Manager shall assure that burn operations are conducted according to the Plan.

**Authority:** T.C.A. §§ 4-3-201 et seq. and 11-4-1003(d). **Administrative History:** Original rule filed May 3, 2013; effective October 29, 2013.

**0080-07-06-.09 PUBLISHING AND MAINTAINING THE CERTIFIED PRESCRIBED BURN MANAGER LIST.**

- (1) The Division will maintain the current Certified Prescribed Burn Manager list on the Department's website, with paper or electronic copies available upon request.

**Authority:** T.C.A. §§ 4-3-201 et seq. and 11-4-1003(d). **Administrative History:** Original rule filed May 3, 2013; effective October 29, 2013.

**0080-07-06-.10 RECIPROCITY.**

- (1) Prescribed burn manager certification from other states shall not be recognized.
- (2) Other prescribed burn certification may not be substituted for the Tennessee Prescribed Burn Manager certification.

**Authority:** T.C.A. §§ 4-3-201 et seq. and 11-4-1003(d). **Administrative History:** Original rule filed May 3, 2013; effective October 29, 2013.