From: Public Comments@BOF
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Subject: FW: FART Comment on Regulation
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From: Rudolph Giuliani [redacted]
Sent: Monday, September 14, 2026 11:58 AM
To: Public Comments@BOF <PublicComments@bof.ca.gov>
Subject: FART Comment on Regulation

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To the so-called "Board" of Forestry and Fire Protection

Re: Exam Fee Amendments, 2026 — Proposed Amendments to 14 CCR §§ 1621.1 and 1621.2

I, chairperson of the esteemed organization Forestry and Aboriculture Relationship Team (FART), submit this comment in opposition to the proposed addition of "Arboriculture on Forested Landscapes for public safety" as qualifying forestry work experience under proposed 14 CCR § 1621.1(b)(7). The proposal is inconsistent with the statutory framework governing professional forestry, creates an unexplained distinction between otherwise nonqualifying arboriculture and utility-related arboriculture, and produces a significant internal inconsistency concerning when work is sufficiently related to professional forestry to qualify an applicant for licensure.

The proposed rule would allow up to two years of "Arboriculture on Forested Landscapes for public safety" to count toward the experience required for registration as a professional forester. At the same time, proposed § 1621.1(b)(7) expressly provides that this work would **not** qualify as "having charge of forestry work" or as forestry work performed under the supervision of an RPF for purposes of the three-year supervised-experience requirement in Public Resources Code § 769. Correspondingly, proposed § 1621.2 would continue to characterize arboriculture as nonqualifying unless performed on forested landscapes "for the purposes of public safety."

That distinction is not supported by the Professional Foresters Law.

The statutory definition of forestry does not turn ordinary arboriculture into forestry merely because it is characterized as serving "public safety."

Public Resources Code § 752 defines a professional forester by reference to services involving forestry activities that require the application of **forestry principles and techniques**. Public Resources Code § 753, in turn, defines forestry as the science and practice of managing

forested landscapes and treating forest cover, including the application of scientific knowledge and forestry principles in such fields as fuels management, forest protection, timber growing and utilization, inventories, economics, valuation, and the evaluation and mitigation of impacts from forestry activities.

The existing implementing regulation follows the same framework. Section 1602 explains that professional forestry involves services on forested landscapes applicable to forestry as defined by PRC § 753 and requiring specific knowledge of forestry principles for management, investigation, evaluation, planning, operations, or treatment.

Neither statute nor regulation creates "public safety" as an independent branch of forestry. The relevant inquiry is therefore not whether vegetation work has some asserted public-safety purpose. It is whether the work itself constitutes the application of forestry principles and techniques to the management of forested landscapes or forest resources.

The proposed rule effectively reverses that inquiry. Arboriculture, which the regulations have historically treated as forestry-related but nonqualifying work, becomes "forestry work" solely when two additional facts are present: it occurs on a forested landscape and it is characterized as being conducted for public safety. The rule does not require that the activity actually involve forest management, silviculture, forest protection, watershed management, fuels management, or any other identifiable discipline within the statutory definition of forestry. Location plus asserted purpose becomes a substitute for the substantive nature of the work.

That is not a distinction apparent in PRC §§ 752, 753, or 769.

The ISOR confirms that the provision is principally intended to accommodate utility vegetation-management work, not a newly identified discipline of forestry.

The Initial Statement of Reasons makes the intended application unusually clear. It explains that the State's wildfire strategy includes "Utility Related Wildfire Mitigation," refers to management of "danger trees" along utility corridors, and states that arborists are increasingly engaged in assessing tree health and determining which trees should be removed. It identifies the regulatory problem as the current exclusion of applicants who evaluate whether trees adjacent to **power lines** may fall or potentially ignite a wildfire.

This matters because the label "public safety" obscures the actual activity being brought within the definition of qualifying forestry experience. The work described by the Board is utility vegetation management: identification and removal of trees that pose a hazard to privately owned utility infrastructure or utility operations.

Such activities can unquestionably have safety consequences. A tree striking an electrical conductor can produce an outage, electrical hazard, or wildfire ignition. But the existence of a potential public-safety consequence does not establish that the underlying occupation is professional forestry. Countless occupations involve the mitigation of risks to public safety without thereby becoming forestry.

The relevant distinction under the Professional Foresters Law is the **professional discipline being practiced**, not the ultimate reason that the employer wants the work performed.

A utility arborist evaluating whether a particular tree may strike an energized conductor is principally evaluating the interaction between an individual tree and utility infrastructure. The management objective is clearance, reliability, hazard avoidance, and protection of the utility system. That may involve knowledge of tree physiology, defects, failure potential, climbing, pruning, directional felling, or hazard-tree assessment. Those are legitimate areas of arboricultural expertise. But they do not become forestry merely because the tree happens to stand within a forested landscape.

The ISOR itself illustrates the problem. It states that evaluation of "tree health and potential fall direction is a fundamental forestry skill," and from that premise concludes that work requiring those skills should qualify as forestry work. That reasoning is overly broad. Forestry uses many skills that are also employed independently by other professions and trades. Tree identification, tree-health assessment, directional felling, surveying, soil evaluation, wildlife identification, GIS analysis, road design, and hydrologic assessment can all be components of professional forestry. The fact that a forester may use a skill does not make every occupation using that skill the practice of forestry.

The statutory question is whether those skills are being applied **as part of the science and practice of managing forested landscapes and forest resources**, not whether the skill also happens to appear in forestry.

The proposed distinction between qualifying and nonqualifying arboriculture is particularly arbitrary.

Proposed § 1621.2 would continue to exclude arboriculture unless it occurs both on a forested landscape and "for the purposes of public safety." The ISOR gives trail-maintenance tree work in a park as an example of arboriculture that would remain nonqualifying.

That example exposes the weakness of the proposed classification.

Consider two arborists examining essentially identical trees using essentially identical arboricultural methods. One evaluates trees adjacent to a utility conductor; the other evaluates trees adjacent to a heavily used public trail. The first may receive professional-forestry experience because the utility work is characterized as public safety, while the second does not. The distinction is not the use of forestry principles. It is the identity of the infrastructure or asset being protected.

Indeed, tree-hazard work alongside a public trail, campground, road, school, residence, or other occupied area can have an equally direct — and sometimes more immediate — relationship to human safety. The Board provides no forestry-based explanation for why assessing a hazard tree threatening a transmission line constitutes qualifying forestry experience while assessing the same tree threatening a trail or recreational facility does not.

That distinction strongly suggests that the amendment is designed around a particular employment pathway rather than around a defensible definition of professional forestry.

The proposal also creates a fundamental licensing inconsistency.

There is an additional problem that the proposed text does not resolve.

PRC § 769 requires seven years of experience in **forestry work**, subject to specified educational substitutions, and requires at least three years to involve having charge of forestry work or forestry work under qualifying supervision. The proposed regulation would declare utility-oriented arboriculture to be sufficiently within "forestry work" to satisfy as much as two years of that statutory experience requirement, while simultaneously stating that this same work does not qualify toward the three years of responsible or supervised forestry work.

More importantly, if the Board concludes that this activity genuinely constitutes forestry work because it applies forestry principles and techniques on forested landscapes, that conclusion has implications well beyond examination eligibility.

PRC § 766 makes it unlawful for a person to act in the capacity of a professional forester without registration unless an exemption applies. Section 1602 similarly defines acting in the capacity of a professional forester by reference to performing services on forested landscapes applicable to forestry and requiring forestry knowledge and judgment.

The Board therefore cannot easily maintain both propositions:

1. utility arboriculture is professional enough, and sufficiently within the statutory concept of "forestry work," to count toward the experience required to become an RPF; but
2. the same activity may continue to be routinely planned, directed, and performed outside the professional-forester licensing framework because it is merely arboriculture.

If hazard-tree evaluation on forested landscapes involves the application of forestry principles to a degree sufficient to constitute qualifying **forestry work**, the Board should explain why persons independently making those professional forestry determinations are not thereby acting in the capacity of a professional forester under PRC § 766 and 14 CCR § 1602.

Conversely, if that work may properly be performed independently by arborists because it is arboriculture rather than professional forestry, then its use as experience satisfying the statutory requirement for "forestry work" under PRC § 769 is difficult to reconcile with the same statutory framework.

The proposed amendment attempts to occupy both positions simultaneously.

The Board's own rationale undercuts the claimed "public safety" distinction.

The ISOR states that catastrophic wildfire threatens life, health, infrastructure, private property, and natural resources, and relies in part upon California's Wildfire and Forest Resilience Action Plan. But the rule does not define "public safety," does not limit qualifying experience to work designed or demonstrated to reduce wildfire hazard at the landscape level, and does not require that qualifying arboricultural decisions be made according to fuels-management or forest-management objectives.

Instead, the operative example is evaluation of trees adjacent to power lines.

That work may reduce the probability that vegetation will damage utility infrastructure or cause a utility-related ignition. But protection of an electrical facility should not be conflated

with management of the forest resource itself. The Professional Foresters Law was enacted to regulate persons whose forestry activities affect the ecology of forested landscapes and the quality of the forest environment. PRC § 751 identifies such purposes as protection of watersheds, control of erosion and pollution, preservation of scenic values, and production and increased yield of natural resources. The Board itself quotes those purposes in the ISOR.

Utility asset protection is not among them.

Certainly, utility vegetation management may intersect with forestry. A utility corridor could be incorporated into a broader fuels treatment, forest-restoration project, or landscape-scale management prescription developed using professional forestry principles. In that circumstance, the forestry component of the work could be evaluated under the existing qualifying categories in § 1621.1. What is objectionable is creating a categorical rule that converts arboriculture into forestry based merely on its location and an expansive characterization of its purpose as "public safety."

The rule is also insufficiently precise.

Neither the proposed text nor the ISOR provides meaningful standards for determining what constitutes "Arboriculture on Forested Landscapes for public safety." The proposal does not define:

- "arboriculture" for purposes of the provision;
- what nexus to public safety is required;
- whether protection of utility reliability alone constitutes public safety;
- whether assessment rather than actual removal is sufficient;
- whether routine line-clearance vegetation management qualifies;
- whether the work must involve wildfire risk;
- whether the applicant must exercise professional judgment regarding forest resources rather than individual-tree failure;
- what proportion of an employee's duties must satisfy those criteria; or
- how PFEC is to distinguish qualifying utility arboriculture from the nonqualifying arboriculture retained in § 1621.2.

The amendment therefore gives "public safety" substantial legal significance while supplying no objective standard governing the term.

That deficiency is especially consequential because the regulation determines eligibility for a professional license.

Requested action

I request that the Board delete proposed § 1621.1(b)(7) and retain arboriculture as nonqualifying forestry-related experience under § 1621.2.

If the Board believes that particular utility vegetation-management activities sometimes constitute professional forestry, it should not create a categorical exception for "arboriculture on Forested Landscapes for public safety." Instead, those activities should qualify only to the extent an applicant demonstrates that the actual work independently satisfies an existing forestry category under § 1621.1 and involved the application of forestry principles and

techniques consistent with PRC §§ 752 and 753.

At minimum, before adopting the proposed provision, the Board should explain:

- the statutory basis for treating “public safety” as a criterion that converts otherwise nonqualifying arboriculture into “forestry work” under PRC § 769;
- why utility hazard-tree assessment constitutes forestry when materially similar arboricultural hazard assessment for other purposes does not;
- why protection of privately held utility infrastructure is properly characterized as management or protection of forest resources rather than utility asset protection;
- how the proposed activity differs substantively from arboriculture already excluded under § 1621.2; and
- how the Board reconciles its determination that the work constitutes qualifying “forestry work” with PRC § 766 and 14 CCR § 1602 governing the unlicensed practice of professional forestry.

The Board's legitimate interest in expanding pathways into the profession does not authorize it to redefine the profession itself. PRC § 769 requires experience in **forestry work**. The regulatory definition of qualifying experience must therefore remain tethered to the Legislature's definition of forestry and professional forestry. A workforce-development objective cannot substitute for that statutory requirement.

For these reasons, the proposed inclusion of “Arboriculture on Forested Landscapes for public safety” in § 1621.1 should be withdrawn.

Also, the comma after "timber appraisals" in Section 1621.1(b)(6) should also be shown as struck.

Respectfully,

Rudolph the red nosed Giulian