

# Fire protection



Fire Protection through Management of Negligence Yonder et al (218) s that prescribed burning is being continuously viewed as a useful but risky tool for land management and conversation. Consequently, they explain that common law aiming at fire management is predicated on negligence rules. According to the European Forest Institute (21), the knowledge about when, where and the reason why fires start is crucial in ensuring appropriate fire management and policy. The Institute argues that capability to comprehend and predict patterns of fire ignition is necessary in helping decision makers enhance fire prevention, detection and optimize the allocation of fire fighting resources.

Presently about 95% percent of the fires in Europe are caused directly or indirectly by human activities and behavior. Negligence in private, industrial and public sector contributes significantly to incidence of fire. European Forest Institute (22) observes that among all fires with known causes; 51 percent are started intentionally, 44 percent results from negligence or accident while only 5 percent had been caused by natural causes such as lightning. However, the European Forest Institute (22) notes that there are variations across countries with negligence and accidental causes accounting for between 10 to 98 percent of all fires. These figures statistics clearly demonstrates the contribution that negligence in causing fires and therefore effective fire protection in safety management must include strategies for dealing with negligence.

Negligence is described in common law as failure to exercise reasonable care that a cautious would exercise in a given situation. Yonder et al (221) explains that strict liability demands that a burner must compensate the victim for any damages incurred regardless of the amount precaution

exercised when starting or managing the fire. They note that four states have imposed strict liability rule for fires including Connecticut, New Hampshire, North Dakota and Oklahoma. Moreover, they observe that twenty two states have implemented negligence rule in their statutory codes. Five of this states place the burden of proof on the burners by holding that fire escaped due to negligence. In contrast, sixteen states expect the plaintiff to prove negligence of the burner. In addition, eleven states view uncontrolled fires as nuisance and the land owners have the responsibility of paying public agencies the cost of fire suppression as noted by (Yonder et al 227).

To ensure fire protection in industrial facilities that may arise from negligence, zoning laws are implemented where facilities dealing with flammable products should never be sited near residential areas as explained European Forest Institute (122). Moreover, industrial facilities must have fire fighting equipments and exits in case of fire outbreaks. These facilities must also have trained fire personnel to ensure that they implement the best practices to limit chance of fire outbreaks as noted by European Forest Institute (123).

To ensure fire protection that may due to negligence even in prescribed fires, Florida developed some conditions that have to be fulfilled. European Forest Institute (137) describes that the law requires that all fires must be authorized by the local department of fire (DOF) before ignition. The permit outlines whether if the area that is to be burned is within a severe drought emergency which facilitates in planning for response in case of uncontrolled fire. FS 590. 125 as noted by Yonder et al (225) requires that there must be adequate fire breaks around the area intended to be burned and adequate

personnel and fire fighting equipments must be available in the site just in case the fire becomes uncontrollable. Furthermore, the law requires that someone must remain at the burn site until the fire is fully extinguished. To further ensure fire protection through controlling negligence, several states require the presence of certified burn managers at the site of prescribed burning. This group helps to implement all precautionary measures to limit chances of the fire escaping to the neighboring property as explained by (Yonder et al 229). Moreover, to ensure that fires do not escape, some states calls for landowners to reduce excessive fuel loads which in turn reduces the possibility of wildfires.

In conclusion, negligence rules developed in cases involving fire are aimed at ensuring that all people either in the private, public and industrial sector exercise reasonable care otherwise they will meet all the costs caused by their negligence. Moreover, different states have come up with conditions that have to be fulfilled before starting a fire. Burn managers have been certified in numerous states to enhance fire protection by limiting negligence. Before starting a fire, one is required to ensure that they have adequate fire fighting equipments and personnel to assist in case the fire becomes uncontrollable. Industrial facilities are expected to have personnel trained in fire fighting and there is zoning to ensure that facilities that are prone to fire outbreak are located away from residential areas.

Work cited

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