

# Executive Department

State of California

## EXECUTIVE ORDER B-42-17

**WHEREAS** on October 30, 2015, I proclaimed a State of Emergency to exist within the State of California due to the unprecedented tree mortality resulting from severe drought and bark beetle infestations across several regions of the State; and

**WHEREAS** the scope of the tree die-off has increased since my initial Proclamation, with the United States Forest Service most recently estimating that 102 million trees have died; and

**WHEREAS** this die-off is of such scale that it worsens wildfire risk across large regions of the State, presents risks from falling trees to Californians living in impacted rural, forested communities, and worsens the threat of erosion across watersheds; and

**WHEREAS** such wildfires will release thousands of tons of greenhouse gas emissions and other harmful air pollutants; and

**WHEREAS** the circumstances of the tree die-off, by reason of its magnitude, proved to be beyond the control of the services, personnel, equipment and facilities of any single county, city and county, or city and required the combined forces of a mutual aid region or regions to combat; and

**WHEREAS** the tree mortality crisis has increased the need for licensed professionals to remove dead trees that threaten life, property, and the environment; and

**WHEREAS** the licensure requirements of the Z'berg-Nejedly Forest Practice Act and the California Contractors License Law together have limited the available pool of licensed professionals to remove dead trees; and

**WHEREAS** the scope of the tree mortality crisis necessitates that the State mobilize all available resources to mitigate the impacts of the crisis.

**NOW, THEREFORE, I, EDMUND G. BROWN JR.**, Governor of the State of California, in accordance with the authority vested in me by the Constitution and statutes of the State of California, in particular California Government Code sections 8567 and 8571, do hereby issue this Executive Order, effective immediately.

### IT IS HEREBY ORDERED THAT:

The orders and provisions contained in my October 30, 2015 Emergency Proclamation remain in full force and in effect except as modified herein.

**I FURTHER ORDER THAT:**

1. Any individual who holds a timber operator license is hereby authorized to perform tree removal that would otherwise require a tree service contractor's license with the C-61/D-49 classification, where such removal is performed on dead or dying trees in high hazard zones. The provisions of the Business and Professions Code and the California Code of Regulations requiring licensure for this tree removal are hereby suspended as to individuals who hold a valid timber operator license.
2. Any individual who holds a tree service contractor's license with the C-61/D-49 classification is hereby authorized to perform timber operations that would otherwise require a timber operator license, where such operations are performed on dead or dying trees in high hazard zones. In order to perform such services, a tree service contractor must maintain the insurance coverage in the form and amount specified in Public Resources Code section 4572(c) prior to the conduct of timber operations, shall maintain the insurance coverage throughout the conduct of timber operations, and shall comply with all operational provisions of the Forest Practice Act and Rules applicable to the timber operations. The provisions of the Forest Practice Act and the applicable Rules requiring licensure for these timber operations are hereby suspended as to individuals who hold a valid tree service contractor's license.

This Executive Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

**I FURTHER DIRECT** that as soon as hereafter possible, this order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this order.

**IN WITNESS WHEREOF** I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 31st day of August, 2017.



  
EDMUND G. BROWN JR.  
Governor of California

**ATTEST:**

  
ALEX PADILLA  
Secretary of State