AMERICAN PUBLIC POWER ASSOCIATION
Powering Strong Communities

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Wildfire Mitigation and Response

- The American Public Power Association (APPA) recognizes the growing threat of wildfires nationwide as a multifaceted issue that affects public power utilities and supports federal programs for wildfire mitigation, suppression, and research.
- APPA supports increased vegetation management around power line rights-of-way (ROW) on public lands and codifying National Environmental Policy Act (NEPA) categorical exclusions for vegetation management projects.
- APPA supports action by Congress to reasonably limit electric utility liability for wildfires on federal lands by directing the U.S. Forest Service and the Bureau of Land Management (BLM) to reduce their respective permit and grantee liability caps.
- APPA recognizes that utilities face significant issues finding and affording suitable wildfire insurance coverage and supports creating a voluntary federal wildfire backstop fund to assist utilities recovering from catastrophic wildfire damage.

Background

According to a 2023 Joint Economic Committee analysis, wildfires cost the United States between $394 billion and $893 billion yearly, and costs are expected to continue to rise. In addition to the risks that wildfires pose to communities, public health and safety, and the economy, they also pose a substantial risk to electric grid reliability and electric utilities' financial stability. Public power utilities across the country, particularly in the West, have been impacted by the devastation caused by wildfires. APPA expects more parts of the United States will be affected as the rate of wildfires increases in historically deemed low-risk areas by the Federal Emergency Management Agency.

Electric utilities encounter delays in federal permitting and processes for wildfire mitigation, grid hardening, and recovery actions that protect their infrastructure and the communities they serve. Federal permitting delays for vegetation management and hazard tree removal around power line ROW on federal lands hamper public power utilities' ability to respond quickly to wildfire emergencies. Utilities also experience delays in accessing roads to bring in equipment for vegetation management and general maintenance, as well as issues hardening the grid through actions, such as replacing wooden poles with metal poles or undergrounding electric lines. It takes months, and sometimes even years, to obtain approval to remove a single hazard tree before fire season, let alone to implement a comprehensive vegetation management plan that includes continued power line maintenance on federal land.

In addition to issues with federal policy implementation, wildfires and their associated liabilities can cause utilities financial distress and bankruptcy. Utilities are often sued for wildfire damages even if the utility equipment does not cause a fire. Smaller public power utilities struggle to afford the claims and damages leveraged against them in civil proceedings, regardless of the cause of the wildfire. Due to liability concerns, many insurers do not cover wildfire damage for utilities in some fire-prone regions of the country.

Administrative Action

In June 2025, President Donald Trump signed Executive Order (EO) 14308, "Empowering Commonsense Wildfire Prevention and Response." Citing the devastating wildfires in Los Angeles County in January 2025 as an impetus for change, the EO directs the consolidation of federal wildfire mitigation and response programs across agencies under the authority of the Department of the

Interior (DOI) and Department of Agriculture (USDA), as well as revises or rescinds federal rules on wildfire mitigation through forest management, and modernizes wildfire forecasting and response technology. In January, DOI announced the creation of the U.S. Wildland Fire Service (USWFS), though more substantial consolidation will require Congress to act.

One area the administration has not addressed thus far are strict liability caps for U.S. Forest Service special use permit holders and Bureau of Land Management grant holders. Federal land management agencies raised the strict liability caps due to the increasing prevalence of wildfires and rising recovery costs. Utilities may be held liable for damages on federal lands even if utility infrastructure does not cause a wildfire and many utilities are sued seeking recourse for the damage. For many public power utilities, being found strictly liable for a fire their electrical infrastructure did not cause could financially devastate them. This problem is compounded by the fact that public power utilities face increasing insurance costs and sometimes cannot find an insurance provider to assume the utility's wildfire liability. APPA would like the administration and Congress to reasonably limit electric utility liability for wildfires on federal lands by reducing increases to strict liability caps. The association also supports creating a voluntary federal wildfire insurance backstop fund to assist utilities that experience catastrophic wildfires in their service territory and are unable to assume the full cost of post-fire recovery.

Congressional Action

Since the beginning of the 118th Congress, there have been efforts in the House and Senate to revise federal wildfire policies to promote better forest management practices and mitigate the potential for wildfires along electrical corridors on public lands. In November 2024, the House passed the Fix Our Forests Act (FOFA), which would have extended the authorized area for hazard tree removal and vegetation management around power line ROW from 10 feet to 150 feet and codified categorical exclusions (CEs) for vegetation management plan implementation, including for utility ROW. The bill also included resources for wildfire mitigation, guidance for federal agency coordination, and support for research and development of technology to improve wildfire preparation and response.

The 119th Congress swiftly approved FOFA (H.R. 471), as reintroduced by Representative Bruce Westerman (R-AR) in January 2025. The House-passed FOFA includes the text of the Fire Safe Electrical Corridors Act (H.R. 2492). This provision would allow the Forest Service and BLM to permit the removal of hazard trees and vegetation growing near electric power line ROW on federal lands without holding a timber sale. It would also establish a standardized pay scale for federal wildland firefighters, an interagency Wildfire Intelligence Center for improved coordination on research and development, and a public-private partnership program for demonstrating advanced technology, such as drones, sensors, satellites, and artificial intelligence. The bill focuses on community resilience by establishing the Community Wildfire Risk Reduction Program and the Community Wildfire Defense Research Program to provide technical and financial assistance to at-risk communities to retrofit or rebuild infrastructure. APPA supports these provisions to ensure federal firefighters are properly compensated, have access to the best available technology to mitigate wildfire threats, and communities have support to build infrastructure that mitigates wildfire risk.

In May 2025, the House passed the Fire Safe Electrical Corridors Act as a stand-alone measure to expedite vegetation management during fire season. Senator Alex Padilla (D-CA) introduced the Senate companion bill (S. 349), which could help the bill move through the Senate more quickly. APPA strongly supports the Fire Safe Electrical Corridors Act.

In April 2025, Senator John Curtis (R-UT) introduced a Senate FOFA companion bill (S. 1462). It is similar to the House-passed version but differs in a critical area important to public power utilities. The Senate bill would direct the Secretary of Agriculture to promulgate a rule through the Forest Service to define NEPA CEs rather than codifying them through legislative text, as is done in the House-passed bill. The Senate bill does not include the instruction to issue a CE specifically for utility ROW, as the DOI Secretary already has the authority to promulgate this CE. The House recognizes that DOI has not acted on a CE for ROW and included the codifying language to ensure action.

In November 2025, the Senate Agriculture, Nutrition, and Forestry Committee held a markup of S. 1462 and passed the bill out of committee by a vote of 18-5. Despite not including a specific CE for power line ROW, APPA supports the Senate FOFA bill because it addresses federal wildfire capacity and enables a streamlined federal response that promotes interagency cooperation, stakeholder engagement, and reduces red tape related to forest management practices. As of June 2026, the Senate FOFA bill has not received a vote in the chamber due to disputes regarding environmental, funding, and land management concerns.

In early 2026, several APPA members testified before the House Natural Resources Committee on panels with other utility industry stakeholders to discuss the need for the Senate to pass FOFA so that electric utilities can perform the vegetation management necessary to prevent wildfires. The report accompanying the House's version of the Fiscal Year 2027 Interior, Environment, and Related Agencies Appropriations Act includes language broadly directing all relevant federal agencies to cooperate on wildfire preparedness and response standards, while the House Natural Resources Committee continues to hold oversight hearings on current wildfire concerns to persuade the Senate to pass its version of FOFA.

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> The American Public Power Association is the voice of not-for-profit, community-owned utilities that power 2,000 towns and cities nationwide. We represent public power before the federal government and protect the interests of the more than 55 million people that public power utilities serve and the 100,000 people they employ.