

## **Frequently Asked Questions (FAQ) – Fuel Reduction Work Under Public Resources Code Division 47 Commencing with Section 80200 (A.B. 338)**

This FAQ addresses A.B. 338 (Stats. 2023). A.B. 338 added Division 47 to the Public Resources Code, which generally requires that work done to reduce fuel for wildfires, when that work is publicly funded, must meet several labor standards. These requirements begin on July 1, 2026.

The information in this FAQ is current as of February 19, 2026. This FAQ does not provide legal advice, and it is intended only as a summary of [Public Resource Code sections 80200-80204](#), which contain the provisions of [A.B. 338, as enacted](#).

### **1. What does the term "fuel reduction work" mean in this context?**

A.B. 338 defines "fuel reduction work" to be any fuel reduction work, such as residential chipping, rural road fuel breaks, and firebreaks, done under contract and paid for in whole or in part out of public funds. Please view [FAQ #3](#) and the bill's text, linked above, for more information.

### **2. Do A.B. 338's requirements apply to contracts entered into, or advertised for bid, before July 1, 2026?**

A.B. 338 becomes operative on July 1, 2026, and it does not apply to any contract, subcontract, or grant agreement that is fully executed prior to July 1, 2026, unless the contract, subcontract, or grant agreement is renewed after July 1, 2026. If a contract is advertised for bid prior to July 1, it will only be covered if it is entered into on or after July 1, 2026.

### **3. Is all fuel reduction work in the state of California subject to A.B. 338's requirements?**

A.B. 338 applies to fuel reduction work done under contract and paid for in whole or in part out of public funds, but it does not apply to the following:

- A. fuel reduction work that is awarded by a federal entity using solely federal funds;
- B. work carried out by a public agency with its own forces;
- C. contracts for five hundred thousand dollars (\$500,000) or less;
- D. work performed on Indian lands, as defined in Section 2703 of Title 25 of the United States Code;
- E. work performed under contract with a federally recognized Native American tribe;
- F. prescribed fire or grazing work;
- G. all work performed on private land—even where that work would otherwise meet the definition of maintenance under 8 CCR §16000;
- H. any workers who are currently exempt from public works requirements pursuant to Section 1720.4 of the Labor Code;
- I. fuel reduction work performed by an inmate; and
- J. any contract, subcontract, or grant agreement between a nonprofit organization and the state or a political subdivision that is fully executed before July 1, 2027, unless the contract, subcontract, or grant agreement is renewed after July 1, 2027.

#### **4. What are A.B. 338's requirements for contractors?**

Contractors on A.B. 338 projects (referred to as "A.B. 338 contractors") must comply with the following labor standards:

- A. Pay at least the general prevailing rate of per diem wages for the type of work and geographic area, as determined by the Director of Industrial Relations pursuant to Sections 1773 and 1773.9 of the Labor Code to all workers employed in the execution of the contract to perform work that falls within an apprenticeable occupation in the building and construction trades for which an apprenticeship program has been approved by the Chief of the Division of Apprenticeship Standards pursuant to Section 3075 of the Labor Code, except for apprentices registered in programs approved by the Chief of the Division of Apprenticeship Standards who may be paid the applicable apprentice prevailing rate.
- B. Maintain payroll records pursuant to Section 1776 of the Labor Code and make those records available for inspection and copying as provided in that section.
- C. Register pursuant to Section 1725.6 of the Labor Code to be qualified to bid on, be awarded contracts for, or engage in the performance of, any work subject to the requirements of this section. For the purposes of this registration requirement, "contractor" includes a subcontractor as defined by Section 1722.1 of the Labor Code.

#### **5. What is the prevailing wage rate for a worker on an A.B. 338 project?**

Contractors must pay at a minimum the prevailing wage rate to workers on these projects. The prevailing wage rate includes the basic hourly rate (wage) and benefits which together comprise the total hourly rate. Contractors must also pay the prevailing rate for holiday and overtime work, as well as travel time and subsistence pay when applicable.

The prevailing wage rate depends on the craft, classification, or type of work or worker needed to complete the project. For a list of crafts covered by A.B. 338, please see the [Important Notice dated February 19, 2026](#). To locate the applicable wage rate, please consult the [Director's Prevailing Wage Determinations](#) or contact [the Office of the Director, Research Unit](#) for more information. You may also review the [Prevailing Wage FAQ page](#) for additional information on prevailing wage.

#### **6. Does A.B. 338's \$500,000 threshold requirement apply to total project costs or just my portion of the work?**

The threshold applies to the total project cost. The law does not permit jobs to be split or separated into smaller work orders or projects in order to avoid the \$500,000 threshold—it applies to the total cost of the contract, not just a portion.

#### **7. A.B. 338 states that "work that falls within an apprenticeable occupation in the building and construction trades for which an apprenticeship program has been approved by the Chief of the Division of Apprenticeship Standards" requires the payment of prevailing wages. Where can I find a list of apprenticeable occupations in the building and construction trades?**

An apprenticeable occupation is a craft or trade that has a formal apprenticeship program approved by the Division of Apprenticeship Standards (DAS) and is recognized as an

occupation where workers typically learn by doing structured training on the job and through related classroom instruction. In the [Director's General Prevailing Wage Determinations](#), if there is a single “#” symbol next to a journeyman craft’s title in the determination, then that means that the craft is apprenticeable. You can find current apprentice wage rates associated with those occupations at the [Public Works Apprentice Wage Sheets page](#).

For a list of apprenticeable prevailing wage crafts identified as performing work covered by A.B. 338, please see the [Important Notice dated February 19, 2026](#).

**8. Are contractors required to hire apprentices on A.B. 338 projects?**

No, contractors are not required to hire apprentices on A.B. 338 projects. However, “apprentices registered in programs approved by the Chief of the Division of Apprenticeship Standards” may work on an A.B. 338 project, as long as they are “paid at least the applicable apprentice prevailing rate,” which is less than the rate for a journey-level employee. You can find apprentice wage rates at the [Public Works Apprentice Wage Sheets page](#).

**9. Are A.B. 338 contractors required to register with DIR?**

Yes. Contractors “shall be registered pursuant to Section 1725.6 of the Labor Code to be qualified to bid on, be awarded contracts for, or engage in the performance of, any work subject to” A.B. 338’s requirements. Please see [Contractor Registration](#) for more information on contractor registration.

**10. Are A.B. 338 contractors required to maintain certified payroll records?**

Yes. A.B. 338 specifically requires contractors to maintain certified payroll records pursuant to Section 1776 of the Labor Code. Note that, per Section 1722.1 of the Labor Code, a subcontractor is also considered a “contractor.” For information regarding the maintenance of certified payroll records, please see [Public Works Manual Section 3.1 Contractors’ Obligations To Maintain and Furnish Records](#). You may also download a copy of the [Payroll Reporting Form and Certification](#).

**11. Does A.B. 338 apply to fuel reduction projects performed by a public awarding body?**

No. A.B. 338 applies only to “work performed under contract” and does not apply to work performed “by a public agency with its own forces.”

**12. Does A.B. 338 apply to workers who use tools such as chainsaws, pole saws, and other hand tools, as well as workers using heavy equipment?**

Yes. A.B. 338 applies to any fuel reduction work, including, but not limited to, residential chipping, rural road fuel breaks, and firebreaks, done under contract and paid for in whole or in part out of public funds, regardless of what tools are used in the work.