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Prescribed burning is an established land management practice crucial to reducing wildfire risk and enhancing ecosystem resilience, yet it remains significantly underutilized due to legal uncertainties, liability risks, and prohibitive insurance costs. Current approaches—combining tort liability standards, regulatory mandates, and commercial insurance requirements—have produced fragmented and inadequate incentives that neither sufficiently encourage safer burning practices nor reliably compensate injured parties. This Article critically evaluates these existing legal frameworks and proposes an innovative, legally grounded solution: the creation of Risk Retention Groups (RRGs) under the federal Liability Risk Retention Act. By offering specialized, member-owned liability coverage that operates outside of restrictive state-by-state regulations, RRGs provide robust incentives for data-driven risk management, clear standards of accountability, and adaptive best practices. Adopting a RRG-centered legal framework thus promises to clarify and stabilize prescribed burn liability, enhance regulatory effectiveness, and significantly reduce barriers to the beneficial use of fire in land management.

In standard cost-benefit analysis (CBA), regulatory agencies use a figure known as the "value of a statistical life" (VSL) to monetize the life-saving benefit of regulations that are expected to prevent premature deaths. Regulators use this approach in many contexts, including in regulating environmental mortality risks. This Article focuses on an underexplored dimension of such risks—their tendency to fall on people who do not benefit from the underlying risky activity. The person whose life is imperiled by breathing in pollutants emitted by a nearby factory may not benefit in any meaningful way from the factory's operations or from the general