
**Public Safety & Emergency
Preparedness Committee**

HB 2790

Brief Description: Establishing the statewide CBRNE response program.

Sponsors: Representative O'Brien.

Brief Summary of Bill

- Creates a statewide chemical, biological, radioactive, nuclear, or explosive (CBRNE) Incident Response Program.
- Divides the state into CBRNE response regions and establishes a network of regional teams to respond to CBRNE incidents.

Hearing Date: 1/28/08

Staff: Yvonne Walker (786-7841).

Background:

Various state and local governmental entities in Washington are involved in emergency management and preparedness.

The Emergency Management Division.

The Emergency Management Division of the Washington Military Department administers emergency management and disaster relief programs. The Director of the Military Department (Director) is appointed by the Governor and is required to develop a comprehensive emergency management plan including an analysis of the natural, technological, or human-caused hazards that could affect the state. Local jurisdictions are directed to establish comprehensive local emergency management plans, and submit their plans to the Director for recommendations. Local jurisdictions may also establish and operate joint local emergency management organizations.

The Emergency Management Council.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The Emergency Management Council (Council) is a 17-member Council appointed by the Governor to advise the Governor and the Director on state and local emergency management matters. The Council includes representatives from various state and local agencies as well as emergency medical personnel and private industry. Among other duties, the Council must ensure the Governor receives an annual assessment of statewide emergency preparedness.

In the event of a disaster beyond local control, the Governor, through the Director, may assume operational control over all or any part of emergency management functions in the state. In addition to using state and local agencies and employees for emergency response, the Governor and the chief executives or emergency management directors of counties, cities, and towns have authority to press citizens into emergency management service if the Governor proclaims a disaster.

The Washington State Emergency Response Commission.

The Washington State Emergency Response Commission (SERC) was created in accordance with a federal law that establishes requirements for federal, state and local governments, and private industry regarding emergency response planning. The membership of the SERC includes representatives from private industry, and state and local agencies. Among other purposes, the SERC designates and oversees local emergency planning districts or committees and facilitates preparation and implementation of emergency planning and preparedness.

The Washington State Patrol Fire Protection Bureau.

The Washington State Patrol Fire Protection Bureau provides training to first responders on hazardous material incidents and is the Incident Command Agency if an incident occurs along any state route or interstate freeway. The Terrorism Unit offers training and information regarding terrorism response and extremist groups. The training is meant for all first responders, but the Terrorism Unit also provides information to agencies and people on these topics.

Summary of Bill:

The Director of Fire Protection (DFP) in the Washington State Patrol shall establish and maintain a statewide chemical, biological, radioactive, nuclear, or explosive (CBRNE) incident response program.

The DFP must:

- divide the state into CBRNE response regions;
- establish a network of regional teams to respond to CBRNE incidents within their regions and to operate outside their regions in cooperation with other regional teams;
- standardize training, equipment, and procedures for regional teams and others;
- establish procedures for reimbursing regional teams for costs incurred in approved responses; and
- establish procedures for recovering response costs from parties responsible for causing a CBRNE incident.

A CBRNE agent is defined as a chemical, biological, radioactive, nuclear, or explosive agent. A CBRNE incident is defined as an incident creating a danger to persons, property, or the environment as a result of spillage, seepage, fire, explosion, or release of a CBRNE agent.

When dividing the state into CBRNE response regions, the DFP should consider:

- the history of any CBRNE or hazardous materials incident locations throughout the state;

- the current geographical distribution of CBRNE or hazardous materials responders;
- any existing regional divisions in the state; and
- working with the existing CBRNE response program operated by the Military Department.

The primary duty of a regional response team is to stabilize a CBRNE incident. Regional response teams are limited to emergency responses and the evaluation and documentation functions arising from CBRNE incidents that threaten life, property, or the environment. A regional response team must respond to the best of its ability, subject to the limitations of available equipment and personnel and they must work with known local hazard industries, first response agencies, and local emergency planning agencies to ensure an appropriate integration of plans and operational response.

A regional response team may sample, test, analyze, treat, remove, recover, package, monitor, or track the involvement of a CBRNE agent only if it is incidentally necessary to identify a CBRNE agent, prevent the release or threat of a release of a CBRNE agent, or stabilize a CBRNE incident. The duties of regional response teams are not meant to be, except as may be incidentally necessary, transport, storage, disposal, or remedial cleanup of CBRNE agents.

Appropriation: None.

Fiscal Note: Requested on January 22, 2008.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.