

HOUSE BILL REPORT

ESSB 5198

As Passed House:
April 12, 2017

Title: An act relating to fire suppression methodologies.

Brief Description: Concerning fire suppression methodologies.

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senators Becker, Warnick, Fain, Bailey and Brown).

Brief History:

Committee Activity:

Agriculture & Natural Resources: 3/23/17, 3/29/17 [DP];

Appropriations: 4/1/17, 4/4/17 [DP].

Floor Activity:

Passed House: 4/12/17, 55-43.

Brief Summary of Engrossed Substitute Bill

- Requires the Department of Natural Resources to report to the Legislature by December 31, 2017, on types, efficacy, and recommendations for the use of fire retardants.

HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

Majority Report: Do pass. Signed by 11 members: Representatives Blake, Chair; Chapman, Vice Chair; Buys, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Chandler, Fitzgibbon, Lytton, Pettigrew, Robinson, Springer and Stanford.

Minority Report: Do not pass. Signed by 2 members: Representatives Orcutt and Schmick.

Minority Report: Without recommendation. Signed by 1 member: Representative J. Walsh.

Staff: Rebecca Lewis (786-7339).

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.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: Do pass. Signed by 20 members: Representatives Ormsby, Chair; Robinson, Vice Chair; Chandler, Ranking Minority Member; Bergquist, Cody, Fitzgibbon, Hansen, Hudgins, Jinkins, Kagi, Lytton, Pettigrew, Pollet, Sawyer, Senn, Springer, Stanford, Sullivan, Tharinger and Wilcox.

Minority Report: Do not pass. Signed by 9 members: Representatives MacEwen, Assistant Ranking Minority Member; Buys, Condotta, Haler, Nealey, Schmick, Taylor, Vick and Volz.

Minority Report: Without recommendation. Signed by 3 members: Representatives Stokesbary, Assistant Ranking Minority Member; Harris and Manweller.

Staff: Dan Jones (786-7118).

Background:

The Department of Natural Resources.

The Department of Natural Resources (DNR) has direct charge and responsibility over all matters relating to forest fire services in the state and acts as the state's manager for forest fire prevention and suppression activities.

Fire Retardants.

Aerial and ground-applied fire retardants reduce wildfire intensity and rate of spread. Fire retardants include water, chemical sprays, water-enhancing gels, and foams. Long-term fire retardants reduce or inhibit combustion, can remain effective for several days, and typically do not rely on the presence of water. Foams and gels are typically used with water.

- Foams expand water, increase insulation, penetrate into the fuel layer, and remain on a fuel surface for several minutes.
- Gels increase the amount of water that reaches fuel, and can last for several hours.

Certain fire retardants can pose a risk to human health, wildlife, and habitats. Generally, the public is excluded from wildfire areas.

Summary of Bill:

The DNR must report to the Legislature on several aspects related to the use of long-term fire retardants, foams, and gels for structure protection during wildfire. The report must include:

- a complete list of the types of fire retardants used by the DNR;
- an overview of criteria the DNR uses to determine when, where, and how to apply fire retardants, and a list of each instance in which the DNR has used such tools for fire suppression activities in the last three years;
- a description of public outreach and education the DNR has conducted relating to the use of foams or gels, if any;

- an analysis of national fire suppression best practices relating to the use of fire retardants and an examination of how to update DNR policies on the use of fire retardants to match national best practices; and
- an analysis of relevant material safety data sheets and impacts to human health and natural resources from long-term fire retardants, foams and gels.

The DNR must also provide recommendations for legislative action necessary to improve the protection of structures from wildfire. The report is subject to appropriation and due December 31, 2017.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony (Agriculture & Natural Resources):

(In support) This is critical bill for saving structures during wildfires. In New Mexico, the public has information about what chemicals they can use on their buildings to save their structures from fire. The bill requires an analysis of impacts on the environment. Chemical data sheets, like those used in hospitals, may be used to analyze impacts to human health as well. This is a well-rounded bill.

(Opposed) None.

Staff Summary of Public Testimony (Appropriations):

(In support) None.

(Opposed) None.

Persons Testifying (Agriculture & Natural Resources): Senator Becker, prime sponsor.

Persons Testifying (Appropriations): None.

Persons Signed In To Testify But Not Testifying (Agriculture & Natural Resources): None.

Persons Signed In To Testify But Not Testifying (Appropriations): None.