

SENATE BILL REPORT

SB 5505

As Reported By Senate Committee On:
Government Operations & Elections, February 26, 2007

Title: An act relating to establishing the statewide CBRNE response program.

Brief Description: Establishing the statewide CBRNE response program.

Sponsors: Senators Fairley, Kilmer, Prentice, McCaslin, Rockefeller and Kohl-Welles.

Brief History:

Committee Activity: Government Operations & Elections: 2/22/07, 2/26/07 [DP-WM].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Majority Report: Do pass and be referred to Committee on Ways & Means.

Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach, Ranking Minority Member; Benton, Kline, Pridemore and Swecker.

Staff: Sharon Swanson (786-7447)

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: 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

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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, 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 must 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 cost incurred in approved responses; and
- establish procedures for recovering response costs from parties responsible for causing a CBRNE incident.

A CBRNE agent is a chemical, biological, radioactive, nuclear, or explosive agent. A CBRNE incident is 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; and
- any existing regional divisions in the state.

For each region, the DFP determines the number of response teams, the number of technicians, and the level of training required for the response teams in each region. The Technical Advisory Committee (Committee) is created to assist the DFP in the:

- implementation and management of the program;
- formation of administrative rules; and
- advice on training, equipment, planning and operational protocols, and policy issues.

The role of the Committee is strictly advisory and consists of ex officio members and appointed members. In addition to appointed representatives of the response regions, the ex officio members include the executive or administrative heads, or their designees, of:

- the State Emergency Response Commission;
- the Department of Health;
- the Department of Ecology; and
- the Office of the Attorney General.

The primary duty of a regional response team is to stabilize a CRBNE 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. If a specific person is responsible for a CBRNE incident, the DFP may notify that person by appropriate order. If the responsible person does not pay within 30 days of receiving the order, the Office of the Attorney General will bring an action in superior court to collect the amount. The DFP will actively seek public and private grants to fund the CBRNE Program.

Appropriation: The sum of \$23 million from the General Fund to the DFP.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: Many negotiations precede this quality piece of legislation. It is very important because local agencies are increasingly experiencing difficulty in responding to hazardous materials scenes. Responders' exposure to hazardous materials cause great long-term costs for local agencies. Better training and equipment is needed and both of these are high fiscal items. It would be much better to have regional teams to respond. Hazardous material (HazMat) incidents occur often in Washington and local agencies are not equipped to deal with them. There is also a credible threat of terrorist attacks. Large portions of the state have no HazMat teams. There is no coordination in procedures, training, and equipment between the existing teams. Funding is precarious for HazMat teams. The bill will not duplicate services already offered, but will make the process more efficient. All of the relevant stakeholders have been involved in the preparation of this bill.

Persons Testifying: PRO: Dan Packer, Washington Fire Chiefs; Dan Monaghan, Vancouver Fire Department.