

CERTIFICATION OF ENROLLMENT
SECOND SUBSTITUTE HOUSE BILL 1578

Chapter 385, Laws of 2023

68th Legislature
2023 Regular Session

WILDFIRES—HEALTH AND SAFETY IMPACTS—PLANNING

EFFECTIVE DATE: July 23, 2023

Passed by the House April 17, 2023
Yeas 96 Nays 0

LAURIE JINKINS

**Speaker of the House of
Representatives**

Passed by the Senate April 11, 2023
Yeas 49 Nays 0

DENNY HECK

President of the Senate

Approved May 9, 2023 2:18 PM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SECOND SUBSTITUTE HOUSE BILL 1578** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

Chief Clerk

FILED

May 10, 2023

**Secretary of State
State of Washington**

SECOND SUBSTITUTE HOUSE BILL 1578

AS AMENDED BY THE SENATE

Passed Legislature - 2023 Regular Session

State of Washington 68th Legislature 2023 Regular Session

By House Appropriations (originally sponsored by Representatives Springer, Kretz, Reeves, Leavitt, Ramel, Lekanoff, Reed, Pollet, and Kloba; by request of Department of Natural Resources)

READ FIRST TIME 02/24/23.

1 AN ACT Relating to improving community preparedness, response,
2 recovery, and resilience to wildland fire health and safety impacts
3 in areas of increasing population density, including in the wildland
4 urban interface; adding a new section to chapter 76.04 RCW; and
5 creating new sections.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 NEW SECTION. **Sec. 1.** (1) The legislature recognizes that, just
8 as the forests on the east side of the state are being impacted by
9 climate change, western Washington forests, too, are seeing
10 increasing vulnerabilities to forest health and resilience. The
11 frequency and severity of wildfires, resulting smoke incursions, and
12 postfire flash floods and debris flow in areas of increasing
13 population density are expected to intensify in the years to come,
14 fueled by drought, pests, and disease, and increasing temperatures.

15 (2) The legislature recognizes that communities within the
16 wildland urban interface and in areas of high or growing population
17 density are increasingly experiencing more frequent and severe
18 wildfires, resulting smoke exposure, flash floods, and debris flow,
19 and that this intensifies health and safety hazards for residents,
20 infrastructure, and ecosystems.

1 (3) The legislature finds that lives, health, and infrastructure
2 are endangered by unplanned wildland fires, associated smoke
3 exposure, and postwildfire debris flow hazards in Washington state.
4 Wildland fires come with cascading and multihazard impacts on air
5 quality and the health of our residents. Therefore, investing in
6 wildland fire community preparedness, recovery, and resilience
7 provides important cobenefits that will improve the health and safety
8 of residents, infrastructure, and ecosystems in forested and
9 nonforested areas and will reduce the economic burden on local
10 governments, organizations, communities, and the state.

11 (4) The legislature acknowledges that public health and emergency
12 management preparedness aligns with the state's environmental justice
13 goals, where programming and interventions support vulnerable
14 populations and those living in regions experiencing
15 disproportionately high levels of wildfire, air pollutants, and smoke
16 exposure.

17 (5) The legislature recognizes that there is a need for a
18 comprehensive approach to public safety and health related to
19 evacuation planning, emergency response and stabilization, creating
20 resilience to wildfire smoke, and postfire landslide hazard
21 identification and mitigation. A key priority during a wildfire
22 response is engaging relevant evacuation and emergency response
23 plans. A key priority in wildfire recovery is emergency stabilization
24 to prevent increased damage to life, infrastructure, or natural
25 resources, and longer-term stabilization and rehabilitation efforts
26 may need to be continued for several years following a wildfire to
27 prevent unacceptable and dangerous land and water degradation.

28 (6) The legislature recognizes that while smoke from wildland
29 fires can affect individuals differently based on a multitude of
30 different factors, the negative health effects of poor air quality
31 are well established. A study led by the office of financial
32 management and the department of ecology found that when air quality
33 is categorized as "unhealthy," as compared to "good," due to wildfire
34 smoke, there is a 24 percent increase in medical service claims
35 related to asthma and a 12 percent increase in emergency department
36 visits.

37 (7) The legislature finds that cross-agency emergency management
38 planning and response that addresses wildland fires and related smoke
39 is important to the health and safety of the residents of Washington.
40 It is critical to provide timely smoke impact and forecast

1 information and messaging to the public that is accessible and based
2 on the best available science.

3 (8) The legislature recognizes that having clean and properly
4 ventilated indoor air is important to protect the health of all
5 residents. Those who experience acute or chronic health challenges
6 are at greater risk of the effects of hazardous or polluted air.
7 During wildfire events that lead to increased smoke in the ambient
8 air, public health officials often recommend staying indoors and
9 closing doors and windows. However, particularly on the western side
10 of the state, many homes do not have air conditioning systems.
11 Compared to nearly all other states, Washington homes have some of
12 the fewest air conditioning systems. Accordingly, during the warmest
13 days of summer, when wildfire events are most common, doors and
14 windows are opened for ventilation purposes, which inadvertently
15 allows smoke to enter the home and degrade indoor air quality.

16 (9) The legislature recognizes the work that the department of
17 natural resources has done to implement RCW 76.04.505, and that,
18 based on a robust prioritization process, the department of natural
19 resources has focused a majority of its efforts to date on wildfire
20 prevention and preparedness on the east side of the state.

21 (10) The legislature acknowledges that the department of natural
22 resources' community resilience programming for community-level and
23 property-level wildfire readiness has been successfully implemented
24 in numerous counties throughout eastern Washington and that
25 broadening the program statewide and incorporating smoke readiness
26 programming will benefit communities, residents, and local
27 governments facing growing wildfire-related risks.

28 (11) Therefore, the legislature finds that, given the increasing
29 impacts on the rapidly growing wildland urban interface and in areas
30 of increasing population density, the department of natural resources
31 must now also accelerate efforts to address the threats facing them.
32 This includes, but is not limited to, improving community
33 preparedness, response, recovery, and resilience related to wildland
34 fire, smoke, and postfire flash floods and debris flow.

35 NEW SECTION. **Sec. 2.** A new section is added to chapter 76.04
36 RCW to read as follows:

37 (1)(a) The department must assess areas at significant risk for
38 wildfire, by decade, for a period encompassing not less than 30
39 years. The assessment must include an analysis of the predicted

1 climate influence on wildfire risk in the state and provide enough
2 detail for landowners, the public, local governments, and federally
3 recognized Indian tribes to develop strategies to address wildfire
4 risk. The department must provide the first risk assessment to the
5 appropriate committees of the legislature by July 1, 2027, covering a
6 risk assessment period of July 1, 2027, through June 30, 2037. A
7 subsequent decadal assessment is due to the appropriate committees of
8 the legislature every 10 years thereafter. The department must also
9 provide a mid-decade interim report to the appropriate committees of
10 the legislature by July 1, 2032, and every 10 years thereafter.

11 (b) The department must coordinate with counties on an update to
12 wildland urban interface maps consistent with RCW 43.30.580.

13 (2) The department, in consultation with the Washington military
14 department emergency management division and the Washington state
15 patrol, must cooperate with law enforcement, federally recognized
16 Indian tribes, emergency managers at the city and county level, and
17 local fire protection districts to develop public safety evacuation
18 strategies for areas identified in the respective decadal assessments
19 as facing significant risk of wildfire. The department must provide
20 support to help incorporate wildfire evacuation strategies within
21 existing regional and local emergency response plans. Implementation
22 of evacuation strategies remains under the authority of local law
23 enforcement.

24 (3) The department must lead a project to provide emergency
25 disaster and evacuation plan messaging and information to the public
26 at department-managed recreation and outdoor access sites.
27 Information must be displayed in an accessible manner, including in
28 signage at trailheads, and be relevant to the area's particular
29 natural disaster risk profile. The department must place particular
30 emphasis on ensuring accessibility and accommodation needs of public
31 visitors are reflected in planning, design, and information
32 dissemination.

33 (4) Further, the department shall:

34 (a) Expand its community resilience and preparedness programming,
35 for community-level and property-level wildfire readiness, and the
36 associated supporting programs such as community resilience grants
37 and service forestry, within the wildland urban interface in counties
38 or regions of western Washington where risk of wildfires and smoke
39 exposure exist as determined by the department;

1 (b) Participate in cross-agency emergency management planning and
2 response efforts related to wildfire smoke plans developed under
3 chapter 38.52 RCW. The department shall incorporate smoke readiness
4 into community resilience programming and coordinate with state,
5 county, federal agencies, and federally recognized Indian tribes to
6 collaboratively share information and guidance for Washington
7 communities affected by wildfire smoke. This includes providing
8 updated wildfire information to air quality and health agencies and
9 to the public through online information sources.

10 (i) The department shall coordinate cross-agency and shall
11 provide information to assess wildland fire smoke risks and impacts.
12 Activities may include:

13 (A) Coordinating with the department of ecology, local clean air
14 agencies, and the United States forest service to deploy temporary
15 air monitors to assess smoke conditions during wildfires;

16 (B) Providing information to the department of ecology to
17 continue to improve smoke modeling and forecasting tools and support
18 regulatory compliance;

19 (C) Advancing science and conducting research on wildfire smoke
20 event recurrence geographically, based on different forest types and
21 incorporating this research into planning efforts; and

22 (D) Information dissemination to the public through online
23 information sources.

24 (ii) The provisions of this section may not impact or prevent the
25 implementation of prescribed burns to improve forest health and
26 resiliency and reduce wildfire risks.

27 (iii) The department shall work cross-agency to address smoke
28 risk to transportation safety and firefighter exposure to smoke.

29 (iv) The department, in collaboration with the departments of
30 health and ecology, shall conduct community engagement and outreach
31 related to wildfire smoke risks and impacts, particularly in regions
32 of the state that experience disproportionately high levels of air
33 contaminants and pollutants. Particular emphasis in outreach will be
34 focused on overburdened populations, and vulnerable people, including
35 outdoor workers, those older in age, those experiencing persistent
36 health challenges, and those experiencing unstable housing
37 arrangements;

38 (c) Leverage community resilience programming to ensure residents
39 and community organizations are provided information about services
40 and programs to improve indoor air quality in the home. This may

1 include connecting residents with their local contracted
2 weatherization agency, which may provide home weatherization services
3 to eligible applicants and residents. Weatherization upgrades may
4 save energy, reduce utility costs, and improve indoor air quality;

5 (d) By July 1, 2028, implement a postwildfire debris flow
6 program. The department shall identify areas prone to hazards from
7 postwildfire debris flows, assess burned areas to determine potential
8 for increases in postwildfire debris flow hazards, improve modeling
9 to determine triggers for postwildfire debris flow early warning for
10 at-risk communities and infrastructure, and communicate to emergency
11 managers, local governments, stakeholders, state agencies, and the
12 public both for preparedness and response; and

13 (e) By December 30, 2027, have established a structure for a
14 state sponsored burned area emergency stabilization and response team
15 and make recommendations regarding the appropriate number of teams
16 needed, the funding necessary to support team deployments, and the
17 implementation of hazard mitigation. The department shall provide
18 capacity-building to local communities to establish local teams. The
19 purpose of the burned area emergency stabilization and response team
20 is to determine the need for emergency postfire treatments for public
21 safety and resource protection. The department must consult with
22 emergency managers, the military department, and the Washington
23 conservation commission when developing the organizational structure
24 of the teams established in this section.

25 (5) The department, when acting in good faith in its
26 implementation of this section, is carrying out duties owed to the
27 public in general and not to any individual person or class of
28 persons separate and apart from the public. Nothing contained in this
29 section may be construed to evidence a legislative intent that the
30 work of preparing for, responding to, or recovering from wildfire,
31 smoke incursions, or postfire landslides is owed to any individual
32 person or class of persons separate and apart from the public in
33 general. This section does not alter the department's duties and
34 responsibilities as a landowner.

35 (6) Until July 1, 2025, the assessments and reports required by
36 this section are only intended to assist with improving community
37 preparedness, response, recovery, and resilience to wildland fires
38 and are not intended and may not be used in the development of, or as
39 the basis of, any regulations by a state agency or a local
40 governmental entity.

1 NEW SECTION. **Sec. 3.** This act may be known and cited as the
2 cascading impacts of wildfires act.

Passed by the House April 17, 2023.

Passed by the Senate April 11, 2023.

Approved by the Governor May 9, 2023.

Filed in Office of Secretary of State May 10, 2023.

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