
HOUSE BILL 2790

State of Washington

60th Legislature

2008 Regular Session

By Representative O'Brien

Read first time 01/16/08. Referred to Committee on Public Safety & Emergency Preparedness.

1 AN ACT Relating to establishing the statewide CBRNE response
2 program; amending RCW 43.43.938; and adding a new chapter to Title 43
3 RCW.

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

5 NEW SECTION. **Sec. 1.** (1) The legislature finds that the threat of
6 an incident caused by a chemical, biological, radioactive, nuclear, or
7 explosive agent occurring in the state poses a severe threat to the
8 health, safety, and welfare of the citizens of the state of Washington.
9 In order to mitigate any damage that may be caused by CBRNE incidents,
10 it is necessary that the state have a coordinated and comprehensive
11 plan to respond to these dangerous and deadly incidents.

12 (2) The legislature further finds that the current system of
13 relying almost exclusively on local jurisdictions to respond to CBRNE
14 incidents is inadequate because it stretches the capabilities of local
15 jurisdictions, it lacks uniformity in training, equipment, and response
16 standards, and it hinders the ability of jurisdictions to cooperate in
17 the event of a catastrophic incident. Major portions of the state lack
18 protection from CBRNE incidents because many local jurisdictions simply
19 do not have the capabilities to respond to these incidents.

1 (3) The purpose of this act is to establish a statewide CBRNE
2 response program that relies on a network of regional response teams
3 that operate with standardized training and equipment.

4 NEW SECTION. **Sec. 2.** The definitions in this section apply
5 throughout this chapter unless the context clearly requires otherwise.

6 (1) "CBRNE agent" means a chemical, biological, radioactive,
7 nuclear, or explosive agent.

8 (2) "CBRNE incident" means an incident creating a danger or the
9 possibility of a danger to persons, property, or the environment as a
10 result of spillage, seepage, fire, explosion, or release of a CBRNE
11 agent.

12 (3) "Director" means the director of fire protection in the
13 Washington state patrol.

14 NEW SECTION. **Sec. 3.** (1) The director shall establish and
15 maintain a statewide CBRNE response program. This program must
16 include, without limitation:

17 (a) The division of the state into CBRNE response regions;

18 (b) A network of regional teams to respond to CBRNE incidents
19 within their respective regions and to operate outside their respective
20 regions to assist other regional teams;

21 (c) Standards for training, equipment, and procedures for regional
22 teams and other responders concerning responses to CBRNE incidents;

23 (d) Procedures for reimbursing regional teams for costs incurred by
24 approved responses; and

25 (e) Procedures for recovering response costs from parties
26 responsible for causing a CBRNE incident.

27 (2) The director shall adopt any rules necessary to implement and
28 administer the provisions of this chapter.

29 NEW SECTION. **Sec. 4.** The director shall divide the state into
30 CBRNE response regions. In making this division, the director must
31 consider (1) the history of any CBRNE or hazardous materials incident
32 locations throughout the state and the factors that contribute to those
33 incidents; (2) the current geographical distribution of CBRNE or
34 hazardous materials responders; (3) any existing regional divisions in

1 the state; and (4) work in conjunction with the existing CBRNE response
2 program operated by the military department.

3 NEW SECTION. **Sec. 5.** (1) The primary duty of a regional response
4 team is to stabilize a CBRNE incident. Regional response teams are
5 limited to emergency responses and the evaluation and documentation
6 functions arising from CBRNE incidents that threaten life, property, or
7 the environment. A regional response team must respond to the best of
8 its ability, subject to the limitations of available equipment and
9 personnel. Regional response teams must work with known local hazard
10 industries, first response agencies, and local emergency planning
11 agencies to ensure an appropriate integration of plans and operational
12 response.

13 (2) A regional response team may sample, test, analyze, treat,
14 remove, recover, package, monitor, or track the involvement of a CBRNE
15 agent only if it is incidentally necessary to identify a CBRNE agent,
16 prevent the release or threat of a release of a CBRNE agent, or
17 stabilize a CBRNE incident.

18 (3) The activities of a regional response team are limited to those
19 that can be accomplished safely to stabilize a CBRNE incident and,
20 except as may be incidentally necessary, do not include the transport,
21 storage, disposal, or remedial cleanup of CBRNE agents.

22 (4) A regional response team is not required to maintain general
23 security or safety perimeters, locate underground utilities, ensure
24 appropriate traffic control services, conduct hydrological
25 investigations and analysis, or provide testing, removal, or disposal
26 of underground storage tank contamination at or near the CBRNE incident
27 to which the team is dispatched.

28 **Sec. 6.** RCW 43.43.938 and 1995 c 369 s 18 are each amended to read
29 as follows:

30 (1) Wherever the term state fire marshal appears in the Revised
31 Code of Washington or the Washington Administrative Code it shall mean
32 the director of fire protection.

33 (2) The chief of the Washington state patrol shall appoint an
34 officer who shall be known as the director of fire protection. The
35 board, after consulting with the chief of the Washington state patrol,
36 shall prescribe qualifications for the position of director of fire

1 protection. The board shall submit to the chief of the Washington
2 state patrol a list containing the names of three persons whom the
3 board believes meet its qualifications. If requested by the chief of
4 the Washington state patrol, the board shall submit one additional list
5 of three persons whom the board believes meet its qualifications. The
6 appointment shall be from one of the lists of persons submitted by the
7 board.

8 (3) The director of fire protection may designate one or more
9 deputies and may delegate to those deputies his or her duties and
10 authorities as deemed appropriate.

11 (4) The director of fire protection, in accordance with the
12 policies, objectives, and priorities of the fire protection policy
13 board, shall prepare a biennial budget pertaining to fire protection
14 services. Such biennial budget shall be submitted as part of the
15 Washington state patrol's budget request.

16 (5) The director of fire protection, shall implement and
17 administer, within constraints established by budgeted resources, the
18 policies, objectives, and priorities of the board and all duties of the
19 chief of the Washington state patrol that are to be carried out through
20 the director of fire protection. Such administration shall include
21 negotiation of agreements with the state board for community and
22 technical colleges, the higher education coordinating board, and the
23 state colleges and universities as provided in RCW (~~43.63A.320~~)
24 43.43.934. Programs covered by such agreements shall include, but not
25 be limited to, planning curricula, developing and delivering
26 instructional programs and materials, and using existing instructional
27 personnel and facilities. Where appropriate, such contracts shall also
28 include planning and conducting instructional programs at the state
29 fire service training center.

30 (6) The director of fire protection shall establish and maintain
31 the statewide CBRNE response program required under this act.

32 (7) The chief of the Washington state patrol, through the director
33 of fire protection, shall seek the advice of the board in carrying out
34 his or her duties under law.

35 NEW SECTION. **Sec. 7.** Sections 1 through 5 of this act constitute

1 a new chapter in Title 43 RCW.

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