
**Innovation, Community & Economic
Development, & Veterans Committee**

SSB 6164

Brief Description: Concerning county emergency management plans.

Sponsors: Senate Committee on Local Government, Land Use & Tribal Affairs (originally sponsored by Senator Wagoner).

Brief Summary of Substitute Bill

- Requires local communication plans to expeditiously notify citizens who are at risk during a hazardous material spill or release using the most appropriate technology available.
- Requires at least one public meeting to inform the public about the hazardous material spill or release.

Hearing Date: 2/14/24

Staff: Martha Wehling (786-7067).

Background:

Emergency Management.

The Washington Military Department, under the direction of the Adjutant General, administers the state's comprehensive program of emergency management. The Adjutant General is responsible for developing a comprehensive, all-hazard emergency plan analyzing potential hazards and identifying emergency procedures to coordinate local and state resources to respond to such hazards. The Adjutant General also coordinates all organizations for emergency management within Washington and cooperates with emergency management agencies and organizations of other states and the federal government. The State's Comprehensive Emergency

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

Management Plan provides the framework for statewide mitigation, preparedness, response, and recovery activities.

Hazardous Materials.

Each political subdivision's governing body is required to designate a hazardous materials incident command agency. An "incident command agency" is the predesignated or appointed agency charged with coordinating all activities and resources at the incident scene. "Hazardous materials" are defined as materials:

- which may cause unacceptable risks to human life within a specified area adjacent to a spill, seepage, fire, explosion, or other release, and which will require evacuation if not contained;
- that, if spilled, could cause unusual risks to the general public and to responding emergency response personnel;
- that, if involved in a fire, will pose unusual risks to emergency response personnel;
- requiring unusual storage or transportation conditions to assure safe containment; or
- requiring unusual treatment, packaging, or vehicles during transportation to assure safe containment.

A "political subdivision" for hazardous material incidents is a city, town, county, fire district, or a port authority with emergency response capabilities.

Incident Command System.

An "incident command system" is an all-hazards, on-scene functional management system that is a component of the National Interagency Incident Management System and establishes standards that establish a common set of incident objectives and strategies during multiagency or multijurisdictional operations while maintaining individual agency or jurisdiction authority, responsibility, and accountability. It can also be an equivalent and compatible all-hazards, on-scene functional management system.

The Director of the Department of Ecology is the head of the state incident command system in response to a spill of oil or hazardous substances in the navigable waters of the state and is required to coordinate the response efforts of all state agencies and local emergency response personnel.

In 2023, there were 2,619 hazardous material spills or releases that required an incident command system.

Local or Joint Local Organization for Emergency Services or Management.

A "local organization for emergency services or management" is an organization created by a state or local authority to perform local emergency management functions. "Emergency management" means the preparation for and carrying out of all emergency functions to mitigate, prepare for, respond to, and recover from emergencies and disasters. Emergency management does not include functions for which the military forces are primarily responsible. Local organizations may also be a member of a joint local organization for emergency services or

management.

Local Communication Plans.

Local organizations or joint local organizations for emergency services or management must include a communication plan in the local comprehensive emergency plan. A "communication plan" is a section in the plan that addresses emergency notification of life safety information. "Life safety information" is information provided to people during a response to a life-threatening emergency or disaster informing them of actions they can take to preserve their safety. The information may address evacuation, sheltering-in-place, facility lockdown, and where to obtain food and water. Consultation with affected community organizations is recommended when the local organization develops the communication plan.

During after-action review, the local organizations must evaluate the effectiveness of the communication of life safety information and inform the Emergency Management Division of the Military Department of technological challenges that limited communication efforts as well as providing recommendations and resources to address those challenges. The Emergency Management Division must submit reports to the Legislature about the status of the communication plans, including when communication was technologically infeasible. The first report was due December 1, 2019, and subsequent reports are due every five years.

Local communication plans must specify the use of the incident command system for multijurisdictional or multiagency operations, must be submitted to the Emergency Management Division of the Military Department, and must be implemented. The plans must be reviewed on a schedule specified by the Adjutant General.

County Public Meetings.

Each county's legislative authority is required to hold regular meetings at the county seat or a designated location to transact business. Meetings may be held at other locations when certain conditions are met.

A special meeting may be called by the presiding officer or a majority of the members and requires written notice, delivery to all local media that have requested notice, posting on the agency's website, and prominent display at the agency's principal location and meeting site. The notice must be delivered and posted at least 24 hours before the special meeting time and must identify the business to be transacted. A special meeting may not include action on business not included in the notice.

The additional notice requirements for a special meeting are not required for emergencies involving injury, damage, or likely injury or damage to persons or property when the time requirements would make the notice impractical and increase the likelihood of injury or damage, or when the notice cannot be posted or displayed with reasonable safety, such as a declared emergency in which travel to physically post notice is barred or advised against.

Summary of Bill:

Communication Plan.

The local or joint local communication plan must include an expeditious notification to citizens who are reasonably determined to be at risk during a hazardous material spill or release. The notification must be by the most appropriate technology available to determine citizen risk levels.

Public Meetings.

When a hazardous material release or spill requires an incident command system, the local or joint local organization must provide at least one public meeting. The public meeting must inform the public about the hazardous material spill or release, allow for remote participation, and include representatives from the Department of Ecology, the Washington Department of Fish and Wildlife, and the liable party for the hazardous material spill or release. The public meeting may be held jointly with a county legislative authority's regularly scheduled or special meeting.

Appropriation: None.

Fiscal Note: Preliminary fiscal note available.

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