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**SECOND SUBSTITUTE HOUSE BILL 1578**

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**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) 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 tribal  
3 nations to develop strategies to address wildfire risk. The  
4 department must provide the first risk assessment to the appropriate  
5 committees of the legislature by July 1, 2025, covering a risk  
6 assessment period of July 1, 2025, through June 30, 2035. 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, 2030, and every 10 years thereafter.

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

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

31 (4) Further, the department shall:

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

38 (b) Participate in cross-agency emergency management planning and  
39 response efforts related to wildfire smoke plans developed under  
40 chapter 38.52 RCW. The department shall incorporate smoke readiness

1 into community resilience programming and coordinate with state,  
2 county, federal agencies, and Indian tribes to collaboratively share  
3 information and guidance for Washington communities affected by  
4 wildfire smoke. This includes providing updated wildfire information  
5 to air quality and health agencies and to the public through online  
6 information sources.

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

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

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

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

20 (D) Information dissemination to the public through online  
21 information sources.

22 (ii) The department shall work cross-agency to address smoke risk  
23 to transportation safety and firefighter exposure to smoke.

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

33 (c) Coordinate with state agencies, local fire protection  
34 districts, local governments, and Indian tribes to assist with the  
35 identification of smoke respite areas in high-risk communities where  
36 people can take refuge and to promote the additional utilization of  
37 community buildings that can serve as clean air and cooling centers  
38 for specific periods of time, with specific information dissemination  
39 strategies focused on vulnerable communities and persons who may not  
40 receive electronic communication;

1 (d) Leverage community resilience programming to ensure residents  
2 and community organizations are provided information about services  
3 and programs to improve indoor air quality in the home. This may  
4 include connecting residents with their local contracted  
5 weatherization agency, which may provide home weatherization services  
6 to eligible applicants and residents. Weatherization upgrades may  
7 save energy, reduce utility costs, and improve indoor air quality;

8 (e) By July 1, 2024, implement a postwildfire debris flow  
9 program. The department shall identify areas prone to hazards from  
10 postwildfire debris flows, assess burned areas to determine potential  
11 for increases in postwildfire debris flow hazards, improve modeling  
12 to determine triggers for postwildfire debris flow early warning for  
13 at-risk communities and infrastructure, and communicate to emergency  
14 managers, local governments, stakeholders, state agencies, and the  
15 public both for preparedness and response; and

16 (f) By December 30, 2024, have established a structure for a  
17 state sponsored burned area emergency stabilization and response team  
18 and make recommendations regarding the appropriate number of teams  
19 needed, the funding necessary to support team deployments, and the  
20 implementation of hazard mitigation. The department shall provide  
21 capacity-building to local communities to establish local teams. The  
22 purpose of the burned area emergency stabilization and response team  
23 is to determine the need for emergency postfire treatments for public  
24 safety and resource protection. The department must consult with  
25 emergency managers, the military department, and the Washington  
26 conservation commission when developing the organizational structure  
27 of the teams established in this section.

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

38 NEW SECTION. **Sec. 3.** If specific funding for the purposes of  
39 this act, referencing this act by bill or chapter number, is not

1 provided by June 30, 2023, in the omnibus appropriations act, this  
2 act is null and void.

3 NEW SECTION. **Sec. 4.** This act may be known and cited as the  
4 cascading impacts of wildfires act.

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