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Interim Hearing, Committee on Environmental Safety and Toxic Materials, Subcommittee on Toxic Disaster Preparedness

Assembly Committee on Environmental Safety and Toxic Materials

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INTERIM HEARING
COMMITTEE ON ENVIRONMENTAL SAFETY
AND
TOXIC MATERIALS

Subcommittee on
Toxic Disaster Preparedness

October 29, 1985



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INTERIM HEARING
COMMITTEE ON ENVIRONMENTAL SAFETY AND TOXIC MATERIALS
Subcommittee on Toxic Disaster Preparedness
October 29, 1985
State Capitol, Room 444

CHAIRWOMAN MARIAN LA FOLLETTE: Everyone in this room is well aware of the problems in attempting to handle toxic disasters, but I might just set the scene a little bit because it will help all of you know, too, what we are thinking about on this Subcommittee. Certainly we are well aware that California is subject to a wide variety of natural and technological catastrophes, including frequent earthquakes and accidental releases of hazardous material.

In June of this year nearly 8,000 people were evacuated from a square mile area north of Anaheim when a fire in a pesticide warehouse sent potentially explosive gases into the air. The State Fire Marshal reported 1,194 toxic chemical fires in 1984, and I did not realize the extent of those chemical fires, producing injuries to 55 firefighters and 40 civilians, two of them fatal.

According to a recent study commissioned by the Environmental Protection Agency, at least 6,900 accidents involving toxic chemical releases have occurred nationwide within the last five years, killing more than 130 people and injuring nearly 1,500. At least five accidents occur per day in which toxic chemicals are released. Approximately three-fourths of the accidents occur at chemical production or storage facilities and the rest are related to transportation of hazardous materials. This data certainly represents only a partial accounting of toxic

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chemical accidents because data for the study was drawn only from selected information sources, including California; in other words, we haven't heard from a lot of people that we should be hearing from.

I'd like to congratulate Sally Tanner, the Chairman of the Environmental Safety and Toxic Materials Committee, for realizing the potential of the problems and the potential of the disasters that could occur, for forming this Subcommittee to look at this subject. Thank you. I know that the state should also be indebted to you for recognizing the fact that we need to address this issue in the Legislature.

With those remarks, we will be hearing from various public and private emergency service organizations who will tell us what is presently being done now to address potential disastrous accidents. It is our intent that you will provide us with a foundation so that we may see where there is a lack of coordination, or possibly a lack of state support, so that we can all be better prepared. We are not here to pick apart or to criticize your programs; we are here strictly to gain information so that all of us working together can better serve the people of this state.

As I said, we do have a full agenda so we will move along as rapidly as we can. I am certain that most of you have prepared papers, and these we will certainly share with the other members of the Subcommittee.

The first person on the list is the Deputy Director of Toxic and Waste Management Division, the United States Environmental Protection Agency, Jeff Zelikson.

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MR. JEFF ZELIKSON: Let me start out by introducing who I have sitting at my right. This is Terry Brubaker, who is the Chief of our Emergency Responsive Section for the Environmental Protection Agency in Region 9. Terry is here to help fill you in on any answers to questions that you have after I outline for you and paraphrase these prepared remarks.

I would like to begin by thanking you for the opportunity to present the Federal prospective on this issue. It is obviously an issue that we all are concerned about in trying to serve the public interest. EPA, as well, and the Federal Government, as well, of course, as the State, is concerned; the concern was heightened by the Bhopal incident. We have all been reminded recently that this kind of problem is certainly one that we have to pay attention to, and the Bhopal incident helped with that. And we have been grappling ever since then with what would be an appropriate response from the Federal level. In that process we have been speaking with the people here in California that have responsibilities for emergency response to toxic chemical releases.

What we have come to, and I think you have said this in your opening remarks, is that this is an issue that is going to require cooperation among all levels of government and also, particularly with the private sector, that there is nothing that the governments collectively can do without a strong involvement from the private sector that is going to be sufficient to deal with this problem; we have to rely quite a bit on the private sector.

The Environmental Protection Agency response to this toxic chemical problem--we actually have put a label on it, it's called Chemical Emergency Preparedness Program. You will be hearing a lot more about that publicly early in November; that effort is the new initiative that EPA will be involved with. Again, it is in response to the Bhopal type of toxic chemical releases, and, as you know, the initial reaction to the Bhopal incident: Well, that was a third world country and those kinds of things don't happen here in the United States, and it seems right on queue that we had an incident in Institute, West Virginia, where, unfortunately, another Union Carbide facility proved, in fact, that it can happen here.

As the Chairwoman expressed, in quoting EPA statistics from that report, there have been numerous incidents all around the United States where toxic chemicals have been released, there have been deaths, and there have been injuries. Fortunately, most of those have been reasonably confined. There hasn't been widespread impact on the general public; most of those have been related to malfunctions in manufacturing plants within the boundaries of the facility, and they have been worker-related accidents. But what it does underscore is that the kinds of things that are being released are very toxic and very serious. They need to be addressed; we need to make a response to be sure that they don't happen, and they don't spread impact to the general public.

Briefly, there are some Federal programs now that attempt to deal with aspects of this problem, but I would say at the outset that the reason that we are moving forward with this

new Chemical Emergency Preparedness Program is because we've come to the conclusion that what is in place is not sufficient to deal with the problem. Basically, in place are efforts to report releases after they've occurred. In that process you get information which indicates that you need to deal generally with site-specific kinds of situations at a given facility. There are enforcement-related actions that we take to deal with reported releases, but that's both under the national Superfund Program as well as under the Toxic Substances Control Act, both within the responsibility of the EPA.

There are some other programs at the Federal level, the Department of Transportation and OSHA, but again I think the important thing here is that we've come to the conclusion that the combined existing efforts are not sufficient. We need to do more.

I briefly mentioned a couple of things because I want to go back to them later, and that is that we do have a national response team; it's a group of Federal agencies that have emergency response capability that meets on a regular basis to coordinate planning activities so that when there is an event we would be in a position to make an adequate response, drawing on all of the agencies of the Federal Government. The companion group to that national response team is a regional response team, and that includes the regional entities of those Federal agencies, as well as the State agencies here in California. So there is a built-in mechanism for, I would say, response kind of planning that we have been involved with in the State of California. It tends to focus on major events like major oil

spills and major kinds of chemical spills. Again, it is not an ongoing entity that can deal with the kind of planning that we need to deal with here to prevent, and also to make an adequate response to all the kinds of toxic chemical releases that we would be concerned about.

Our new effort, the Chemical Emergency Preparedness Program--I would like to spend just a few minutes describing that to you, and, perhaps, I would say right up front that it is a technical assistance kind of effort on the part of the Federal government; we don't envision the Federal Government moving in and writing contingency plans, or in having the capability of really responding with Federal personnel to most of these incidents. As I think will become clear, as you hear from some of the other folks here, that because of the nature of these kinds of releases, where the initial response is so critical, it is absolutely essential that local agencies have the capability for those initial responses. Our Chemical Preparedness Program is designed to assist those local agencies in getting themselves ready to do that.

CHAIRWOMAN LA FOLLETTE: Yes, Mrs. Tanner.

ASSEMBLYWOMAN SALLY TANNER: In what way?

MR. ZELIKSON: Okay. I was just going to highlight that.

We are, in early November, going to issue a package, of what we call, technical guidance material to local agencies. It has in it several pieces:

The first is a list of chemicals. What are the toxic chemicals that we ought to be most concerned about? At this

point, the list has about 400 chemicals on it. So to begin with we would be providing to local communities in the state a list of those chemicals they ought to be concerned about if those chemicals are used in their community--manufactured, transported, or whatever.

The second thing, the other aspects of this package include guidance on how to organize the community to develop contingency plans. So there's a kind of walk through guidance package that would suggest what the elements of the contingency plan ought to be and how to organize--not only the political organizations within the community--but also how to involve the private sector and citizens in the creation of those contingency plans. So there's a guidance package for the local communities as part of this over-all effort.

Those are the essential ingredients. Selection criteria for placing chemicals on the list are also included, so that really underscores the point that, in any given point in time, the list of chemicals that we are concerned about will probably change. The most important thing is to get communities in a position to make a response to any kind of incident.

CHAIRWOMAN LA FOLLETTE: Let me ask you a question on the packet that has to deal with guiding and organizing communities: To whom will that be distributed?

MR. ZELIKSON: Okay. Initially, the guidance package is going out as an interim package asking for comment. So we have decided to distribute that fairly widely--about 800 copies--through the State of California, so all cities, counties, and political entities would receive copies of this. Once the

package is final, which we expect to happen in about 90 days, we would make a more wide distribution so that environmental groups, industry groups--just about anybody that would have an interest in participating in the development of these plans--would have it and would be encouraged to participate with the local communities in the development of the plans.

CHAIRWOMAN LA FOLLETTE: So it would be a voluntary effort?

MR. ZELIKSON: Yes. It is a voluntary effort. Now let me add right now that the U. S. Senate, in the evaluation of the reauthorization of the Federal Superfund, has a proposal to make this a mandatory statutory requirement. (I don't have it right here; yes, I do.) This, as I say, has not been enacted yet, but it's in the Senate bill, for the reauthorization of the Superfund. There are three parts, that I will mention, that relate to what we're talking about: It requires that within six months of passage of this bill the governor of each state would designate emergency planning districts within the state that would facilitate preparation and implementation of emergency plans. It would require that within 210 days of enactment that the governor would appoint members of an emergency planning committee for each emergency planning district which would include public, state, and local representatives in the private sector. Finally, it requires that within two years of enactment that contingency plans would be, in fact, in place. So, while, at this point, this Chemical Emergency Preparedness Program that we're working with is voluntary, it is possible that, in the near future, it would become part of the Federal statutory framework.

CHAIRWOMAN LA FOLLETTE: So it would behoove us to be thoroughly knowledgeable about what these guidelines are and also contribute some suggestions.

MR. ZELIKSON: Yes. That's exactly why the guidance is going out this interim.

There has been some input from states around the country to this already. The decision to make it interim was based upon being sure we had all of the input that was appropriate.

Perhaps, in the interest of time, what I should move to, in terms of input to the Committee, is--I have been involved in the emergency response business for a number of years, and so has Mr. Brubaker, and have worked in a number of states around the country--I've worked for state agencies and for the Federal level--interacting with a number of states. With that background, and looking at the State of California, I do have some recommendations that I think you would like to at least consider.

While we emphasize the importance of local resources to make initial response, there is definitely a need for centralized state level expertise in this area which, I would say at this point, does not exist to the extent that it should in a state like California.

A model that I would offer for you is the model that we have established for the Federal EPA. We have a group called the National Emergency Response Team. It is a relatively small group of people because, again, we would not expect they would be able to respond to every situation, but the makeup of this group is somewhere in the neighborhood of 25 people. They have expertise

in toxicology, communications, air monitoring, and things of this nature. There are many individuals with Ph.D.s, and people who are trained to respond instinctively in these kinds of situations.

Another key part of this group is a training element. Their responsibility is to develop and deliver effective, really high quality training programs, too. They actually do it now for both Federal and state people who have to go out and make responses.

I think the State of California would do well to establish a group like this, at the state level, to provide the expertise that the local communities could draw. In an actual response, they could move in and assist with the response, after the initial period, and they could be involved with this high level, technical training that is essential if this is really going to be an effective program for the State of California. So, that's what I would see.

We at the Federal level, first having that model, would be able to enhance the state effort, and then with the Federal and state program expertise to assist the local communities in developing these contingency plans and work them through simulations. Once the plans are in place, what is critical is feedback. You would never know how these will work unless you try them out.

There are some fairly effective techniques that we have been involved with at the Federal level that puts you through some real time events, and you can learn an awful lot from those. So I think that would be an important item for you to consider for the Committee.

That really is the essence of my prepared remarks, and I would be happy to answer whatever questions you have; i.e., myself or Terry.

CHAIRWOMAN LA FOLLETTE: Thank you. Assemblywoman Tanner, do you have a question?

ASSEMBLYWOMAN TANNER: I might just ask you: Does the Regional Response Team function now with the State of California?

MR. ZELIKSON: Yes.

ASSEMBLYWOMAN TANNER: And they have been involved whenever we have had some toxic or chemical accidents?

MR. ZELIKSON: Yes. But not whenever. I would give an example of what we call the convening of the Regional Response Team. It was in the case of the Puerto Rican incident, the explosion of the tanker in San Francisco Bay. That was an event which called for the convening of this team. In particular, the Water Agencies and the Fish and Game Agencies were involved with us in making decisions about how to clean up the spill, protection of the marine environment, and whether or not the use of chemical disbursements would be appropriate. It's that kind of magnitude of incident that we would convene. Generally, for the medium and smaller incidents we would work more directly with an individual agency in an area as opposed to convening the larger group.

CHAIRWOMAN LA FOLLETTE: Thank you very much, and thank you for being here this morning.

MR. ZELIKSON: You are welcome.

CHAIRWOMAN LA FOLLETTE: Mr. Gerald Schimke is next. He is Chief of the Planning Division, Office of Emergency Services.

Thank you very much for being here. I know that you are in the middle of preparing a plan and a report to the Governor, and I appreciate the fact that we are jumping the gun a little bit but, unfortunately, this is the way the schedule worked out. But we would like very much to hear what you can tell us about what is going on now in the Office of Emergency Services.

MR. GERALD SCHIMKE: Thank you very much, Madam Chairwoman. I am pleased to be here to have the opportunity to talk about this program. I know the Chairwoman knows of my interest over a long period time.

Let me introduce Eileen Baumgardner, who replaced me as Chief of the Hazardous Materials Section at the Office of Emergency Services when I took over the Planning Division. She is here, as Terry Brubaker was, to assist in any questions that you might have.

CHAIRWOMAN LA FOLLETTE: Thank you.

MR. SCHIMKE: The Emergency Services Act of Sections 8550 through 8668 of the Government Code defines the emergency powers of the Governor and establishes the Office of Emergency Services and the California Emergency Council. Through Executive Order D-25-83, dated October 27, 1983, the Governor has assigned the responsibility for preparation of the California Emergency Plan through the Office of Emergency Services. The Office of Emergency Services has been designated to coordinate the activities of all State agencies related to preparation and implementation of the California Emergency Plan. State agencies are directed to cooperate with the Director of the Office of Emergency Services to prepare emergency plans for their agencies

and to submit the draft copies of these plans to the Director for review and approval prior to publication.

In addition to these broad responsibilities, which apply to preparation for all types of emergencies, the Act also mandates preparation of a Toxic Disaster Contingency Plan which "shall provide for an integrated and effective state procedure to respond to the occurrence of toxic disasters within the state." We also have the responsibility to develop interagency quota data training and to develop the central notification and reporting system to facilitate operation of the plan.

The recent passage of AB 2185 (M. Waters) has created a new major emphasis in hazardous material responsibility for the Office of Emergency Services as well.

CHAIRWOMAN LA FOLLETTE: Excuse me.

MR. SCHIMKE: Yes.

CHAIRWOMAN LA FOLLETTE: Rather than read this paper, which I have scanned--it is very well organized and I know that it will be easy for us to glean from it highlights, would you mind just sort of talking it through for us.

MR. SCHIMKE: All right.

CHAIRWOMAN LA FOLLETTE: Let's start with planning.

MR. SCHIMKE: With planning, we have been involved since 1981, when the Government Code section was effective, in developing the State Plan. The State has its Materials Incident Contingency Plan. The wording of the law required the development of a Toxic Disaster Contingency Plan. Looking at the overall Emergency Services Act and what was required, we broadened that from simply toxic disasters through hazardous

materials incidents. That was with the idea that if we could handle the routine incidents that are occurring, we would be able to escalate that up.

The State Plan establishes the emergency response organization for hazardous material response. It coordinates the government activities at the local, State, and Federal level. It is built with the recognition that there is a National Contingency Plan, and that the primary response has to be at the local level. It also called for the development of local hazardous material advisory committees, and they had specific responsibilities at that time. The plan took two years to develop and was published in November, 1982.

The State Plan does recognize the existence of the Master Mutual Aid Agreement and the Mutual Aid System. I would have to say that, because of the limitations on the resources that are presently in the field (the equipment out there and the trained personnel), using the Mutual Aid System to coordinate response in a similar manner as is done with the law and the fire mutual aid systems is not practical. In order to achieve that level, additional planning and implementation will have to be made.

The State Plan, as I said, was published in November of 1982. It has functioned well in the interim. There have, however, been additional developments in the planning for earthquakes, for example, and in the adoption of the Incident Command System more broadly throughout the state.

It's time to review the Plan and to revise it. The Bhopal incident obviously further emphasizes the need for that. With regard to notification and reporting, which was one of our mandates out of the original law, the State plan did define a central notification system. That notification system recognizes the existence of twenty-four hour reporting notification numbers within the California Highway Patrol, within the Office of Emergency Services Warning Control Center, the National Response Center in Washington, D.C., and local response numbers such as 911. Through this coordinated system, which does work, we've been able to notify people in the state of when an incident happens. It's been highly flexible, and functional, and has done well. With regard to post-incident reporting, however, it's been more difficult to implement that system, and we're still working on that. It hasn't been completed; we anticipate completion of that system during this fiscal year. Moving on to training, which Mr. Zelikson mentioned, we believe that training is currently the most pressing issue in State hazardous material emergency preparedness. It's also one of the most difficult to articulate because of the wide variety of training needs, the lack of standards, and the lack of a comprehensive training system in existence today.

CHAIRWOMAN LA FOLLETTE: Is OES involved in training at all at this point?

MR. SCHIMKE: The Office of Emergency Services? Yes it is. The California Specialized Training Institute at San Luis Obispo was transferred to the Office of Emergency Services last year, and it is being--taking over all of our training

presentation. We are working to develop that facility into a state of the art hazardous material training center. We're doing that jointly with input from other agencies including the Department of Health Services and the EPA, and we're quite excited that the CSTI Specialized Training Institute has carried on assimilation trainings, both on-site and out in the community in a number of communities. They also have put on an emergency management--hazardous materials emergency management course for a number of years, but what we're intending to do with this increased emphasis is to build that capability and expand it to meet many of the needs, particularly the hands-on training needs that are not available within California generally.

CHAIRWOMAN LA FOLLETTE: Did you say whether the State Fire Marshall is involved in this effort?

MR. SCHIMKE: The State Fire Marshal--we've been working with them--one of the things that they have done with funding from us was to develop the specifications for a Hazardous Materials Technician I in the fire services. One of the problems in the training area is that there is no agency that has been given the responsibility to coordinate the training over the broad spectrum. We have several pieces of training that are available--for example, the California Highway Patrol Mod I and II courses, which are very important in the over-all scheme of things, but they don't relate to any training standards because we don't have training standards. We're working with all agencies under our mandate to coordinate with agencies, yes. Speaking directly to Bhopal, that incident has shown that a confluence of unlikely events can create a disaster. The tragedy

resulted primarily from a combination of poor maintenance of safety equipment, poor training of operating personnel, no apparent emergency planning at the local level, no effective notification and warning, no effective coordinated response, no buffer zone between hazardous industry and populated areas, and an unfortunate set of weather circumstances. Now we've been working in developing the program to eliminate the Numbers 3, 4, and 5 there--no emergency planning, no effective notification, and no effective coordinated response, and we'll continue to do that. I think that Assembly Bill 2185 will be very helpful in accomplishing that, and from our understanding of what the EPA is proposing with their group effort as described by Mr. Zelikson, it does fit in with the program that we've been working on for about four years.

CHAIRWOMAN LA FOLLETTE: It would seem to me, just as an observer, that all of these conditions that helped to create the disaster are present here in the State of California.

I might just right now acknowledge that Assemblyman Pat Johnston has joined the Committee. Thank you very much for being with us.

You mentioned that you feel that the implementation of AB 2185 will be helpful. Do you have any suggestions or recommendations relating to AB 2185 which might make it even more helpful? Because I know that Assemblywoman Waters, who authored the bill, has her staff now looking at the language to make certain that, if there are any modifications required, they want to address them this coming session.

MR. SCHIMKE: We'll be pleased to look at it in that light and submit suggestions.

CHAIRWOMAN LA FOLLETTE: Yes, Assemblywoman Tanner.

ASSEMBLYWOMAN TANNER: Yes, Mr. Schimke, how do you know--we heard from the EPA and from you--how do you transfer this planning down to the local level? Because that's where the accidents happen, that's where you need to have a quick response. You can't get certainly the Department of Health Services to respond as quickly as you get the local fire department or the local police department. For one thing, are we requiring cities or local government to have a contingency plan? Is there a requirement?

MR. SCHIMKE: There is now; yes, AB 2185 is the--

ASSEMBLYWOMAN TANNER: But that's an inventory. Isn't it more or less an inventory, and then industry itself has to plan if they have a large inventory--

MR. SCHIMKE: It requires both, and if I could I'll let Eileen--

ASSEMBLYWOMAN TANNER: Yes.

MS. EILEEN BAUMGARDNER: Yes, the last amendments to the bill, right before it passed in the Senate, did require local governments, either specifically counties or cities, if they adopt the program, to develop hazardous materials contingency plans, area plans as I believe they're called in the bill, for their communities. Now, as far as reading the bill, I don't think there's any penalty if they fail to comply, but it does require us to develop guidelines for them; it requires them to develop the plans, and then requires us again to review them for adequacy.

ASSEMBLYWOMAN TANNER: Well, that's good.

CHAIRWOMAN LA FOLLETTE: Isn't there a fine in the bill for something, though?

MS. BAUMGARDNER: Yes, there are fines for businesses' failure to comply, and I haven't checked to see whether those same sections applied to cities and counties not complying--

CHAIRWOMAN LA FOLLETTE: I guess they could; they could well--

ASSEMBLYWOMAN TANNER: Probably not, because we hesitate to mandate, physically mandate. Then we have to pay, so I think probably not.

CHAIRWOMAN LA FOLLETTE: Any further questions? Thank you very much both of you for being here today.

Mr. Mark Ashcraft, Executive Assistant, Department of Industrial Relations.

MR. MARK ASHCRAFT: Good morning, Madam Chairman, Members of the Committee. My name is Mark Ashcraft; I'm the Executive Assistant to the Director of the Department of Industrial Relations, and I'm here to discuss the evolution of a program that we are working on in DIR to address the toxic chemical disaster preparedness question in California. Our interest in this particular subject matter in the Department stems from our responsibilities under the Labor Code to protect California workers' safety and health under Cal/OSHA because, generally, one of these incidents will occur in a place of employment and typically the largest exposed population is the employees. I'd briefly like to discuss the ramifications of the employee exposure in California. Approximately four percent of

California workers are directly employed by the chemical industry, the petroleum or coal industry, and the allied products from those two industries involved in the wholesaling of their products. In addition, there are literally thousands of other employees in California workplaces who in their daily work are exposed to any of a number of chemical substances, some of which may be particularly hazardous in terms of toxicity, and would pose a threat if accidentally released, both to the employees themselves and to the local community if released in large enough quantities and went on beyond the boundaries of the workplace. The hazards include fire, as was previously mentioned, explosion, toxic vapors, burns, carcinogenicity of the substances, and other hazards. The recent disasters in the world at Bhopal, which was an industrial location, and in Mexico City, which was a gas storage plant, pointed out the need to look harder at this particular problem and raised the question of my Director: How vulnerable is California to similar incidents? So I have been working for several months, along with other people from other state agencies, trying to address this particular area. Several months ago we found that a number of problems existed in trying to look at this particular area and tried to develop a program to address them. Specifically, there was not a list at that time of what acute hazardous chemicals we might be talking about, and the EPA, as you have just heard, is about to release such a list. That will go a long way in trying to standardize what list it is that we want to be looking at. There's also not an inventory of specific sites and where such chemicals, once we agree on what they are, are located in California at facilities which either

manufacture, store, or handle these chemicals. That has also been taken care of in AB 2185. Also, emergency response plans are primarily a local response, because locals are the initial responders in most cases, and it's a very difficult problem for them without a list and without some kind of a methodology to follow to develop these types of plans. Further, the chemical emergency situation could occur anywhere in the state. It's not just where the chemical companies or plants are located; it could be anywhere where these substances are transported, a railroad freight car, an automobile accident could cause it, it could be caused by illegal or legal dumping of chemical waste, or just a chemical reaction due to the spill of a chemical substance at a industrial site. And generally, there has also been in the past, before the Bhopal and Mexico City incidents brought it to everybody's consciousness, a lack of public awareness in general on the hazard of this problem. The Department of Industrial Relations joined with several other state agencies in an ad hoc group to try to see what we could do about some of these problems. Initially, we were planning to develop a program to go out and develop a list of hazardous substances, which we initially did, and later provided that to EPA. We developed a questionnaire that we were going to send out to chemical manufacturers and other large users of chemicals in the industrial setting, and then we were going to take the information gathered from the questionnaire telling us where these chemicals were located, and do an interagency inspection program to try to see how these sites were prepared, not only on-site, but what kind of emergency preparations they had made

with the local community. Before we had a chance to finalize that program, however, several intervening factors came about which caused us to delay. First, the EPA announced to us that they were developing the program which they mentioned to you this morning. Also, we were contacted by Federal OSHA. They indicated that they were developing a pilot project, a national emphasis program on the chemical industry, which would also address this program and specifically go after highly toxic or reactive chemicals in the workplace, and look at their process safety and at what kind of contingency planning the industry had done for the local community.

CHAIRWOMAN LA FOLLETTE: Yes, Assemblyman Johnston.

ASSEMBLYMAN PATRICK JOHNSTON: Could you help me? What is the relationship of the so-called worker right-to-know law in California as it relates to worker safety in an industrial setting and chemicals?

MR. ASHCRAFT: Well, for any substances listed on a hazardous list that was developed by the Director, the employer must provide to the employees at the workplace, under that law, a material safety data sheet. Among the things on that data sheet are the various types of hazards of the chemical, if spilled, the type of indication you would get that the chemical was present, emergency first aid measures that need to be done, and what the long-term medical effects of the substance are, if known. Those are made available to the employee, and when one employer sells the product to another employer he has to also provide to the other employer a material safety data sheet so that the other employer will know what the substance is. However it provides

the information to the employees, it does not clean up a spill or an incident. Some other preparations would need to be done in that area.

ASSEMBLYMAN JOHNSTON: Do you find that that law has been helpful in reducing the number of serious injuries in the workplace?

MR. ASHCRAFT: I don't know that we have any information that would address that one way or the other. It's certainly helpful that the employees for the first time know that the substances are there, and what the potential hazards of those chemicals are.

ASSEMBLYMAN JOHNSTON: In the case of a spill or some kind of accident, has the information or the emergency measures to be taken--has following those helped to alleviate situations? Does the Department have any way of gauging that?

MR. ASHCRAFT: We have no way of gauging that at the moment.

CHAIRWOMAN LA FOLLETTE: Do you have any way--or are you monitoring in any way what could be potentially unsafe conditions as far as toxics are concerned, or chemicals are concerned?

MR. ASHCRAFT: I'm not sure--

CHAIRWOMAN LA FOLLETTE: I know you inspect, or OSHA goes in and inspects for unsafe working conditions in general, but do you have any kind of monitoring devices that might help you determine whether there is a potential for an unsafe condition related to chemicals?

MR. ASHCRAFT: Well, generally, Cal/OSHA is an enforcement program that enforces specific regulations.

Generally, there is no regulation that requires an employer to have, for most chemicals, an emergency response program in effect. It is required to have first aid for its employees, and there is a general labor code requirement that they do everything necessary to ensure their employees' safety and health. The OSHA program that the Federal level is proposing is going to use the authority under what they call general duty, which is the employers' duty to provide a safe and healthful workplace. That is what they are going to use to enforce their program, and, essentially we have indicated we will join that program and we would be using the same general duty clause under the Labor Code to enforce the same requirement.

CHAIRWOMAN LA FOLLETTE: You know we've had three speakers already this morning, and we have several more, but all have their own specific jurisdiction. Everybody, it seems, has suddenly discovered there is this problem that needs to be addressed, so everybody is developing emergency programs and plans. Is there a lot of cooperation and coordination among all of you in your different jurisdictions, or is each one separately developing a plan?

MR. ASHCRAFT: All right. Generally, there are a number of separate jurisdictions that have developed pieces of what, if you put that all together, could eventually end up being a comprehensive program. The Governor has asked our Department and OES to prepare a report on that very subject, trying to look at what are the existing programs that are in effect, to what extent do we recommend improvements to those programs, or pieces that are missing. Certainly, a few months ago, many more pieces were

missing than are missing today. Certainly AB 2185 has gone a long way to filling a couple of the large holes that existed when we first looked at this nine or ten months ago. We had no way of getting site-specific information other than asking for it, and the locals were not mandated to prepare emergency response programs for chemical industries. Both of those are addressed in the bill and will go a long way in making a comprehensive program available, for the first time, over the next couple of years.

CHAIRWOMAN LA FOLLETTE: And, of course, it will be the major responsibility of this Subcommittee to put the pieces together so that we can make a recommendation to the full Legislature. Would you agree?

ASSEMBLYWOMAN TANNER: Yes, I certainly would. I have a question. What was it that you said that the Federal Government is doing? What kind of a plan?

MR. ASHCRAFT: That Federal OSHA is doing?

ASSEMBLYWOMAN TANNER: Yes.

MR. ASHCRAFT: All right. Federal OSHA has proposed--in addition to the EPA program, they have proposed a program where they will use EPA's list of hazardous substances.

ASSEMBLYWOMAN TANNER: You had a name for it.

MR. ASHCRAFT: Oh, they call it a national emphasis program. OSHA has done these occasionally in the past where they want to put a special emphasis on a problem area in the workplace, and this particular one will address the chemical industry, the highly toxic chemicals.

ASSEMBLYWOMAN TANNER: And then the State is going to pick up that same program?

MR. ASHCRAFT: The Federal OSHA has proposed a pilot program which we have volunteered to participate in, and now Federal OSHA has in its program said that states may voluntarily join the program. We have training of our people starting in November in Chicago, and then the kickoff of the OSHA program is supposed to start directly thereafter, so by the first of the year we should be starting that program with the Feds.

ASSEMBLYWOMAN TANNER: It's nothing, I hope, that will weaken the programs that are now existing in your Department.

MR. ASHCRAFT: No.

ASSEMBLYWOMAN TANNER: That worries me sometimes about your Department. Okay, thank you.

MR. ASHCRAFT: I have no further comments, Madam Chairwoman.

CHAIRWOMAN LA FOLLETTE: Thank you. No further questions here? Thank you very much.

Lieutenant David Moore, California Highway Patrol. Yes, who is that other person?

MR. SPIKE HELMICK: Thank you, Madam Chairman, and Members. I am Spike Helmick representing the Highway Patrol. Today with me I have Lieutenant Moore, who is our hazardous material coordinator, who will make his remarks to you and try to answer any questions. I would just like to emphasize two things that have been stated by the gentleman prior to us coming up, with which we thoroughly agree. A key to this whole issue is preparation, cooperation, and continuing training. I'd like to go on record today from our aspect, and, of course, that's the on-highway safety aspect, of stating that we have had tremendous

cooperation with the fire departments throughout the State of California as well as the road departments, specifically CalTrans and the Office of Emergency Services, that we have seen a willingness to work together to try to insure that the motoring public has the safest environment possible as they move throughout our state, and for that we are very thankful. And with that I would like to introduce Dave Moore who is, as I stated earlier, our coordinator who can basically address briefly some of the issues that we're involved in and answer any questions you might have. Thank you.

CHAIRWOMAN LA FOLLETTE: Thank you. Mr. Moore.

LIEUTENANT DAVID MOORE: Thank you, Spike. Earlier this year, the Highway Patrol prepared a special report to the Governor, which was a detailed analysis of all the different programs that involved the CHP at this time, and basically--and we will see that each one of you will get a copy of this special report--but basically our responsibilities are separated into two broad categories: (1) I think we can stay under the area of prevention, and (2) under the area of incident response. And, if I may, I'd like to just summarize several of those different categories that fall under these broad headings. Under the area of prevention, the Highway Patrol has been involved with commercial vehicle enforcement for a number of years. Subsequent to the SR 52 study, which took place in 1978 and 1979, the Department expanded those particular duties and responsibilities with regard to on-highway and off-highway enforcement. Specifically, on-highway, the Department has a number of scale facilities and inspection facilities statewide and concentrates

its efforts upon enforcing specific violations of the Vehicle Code and the Federal Code, Title 49CFR, with regard to hazardous material incident concerns. For off-highway inspections, our program includes off-highway terminal inspections, hazardous waste hauler inspections, tank inspections, and the like. We're also involved in the licensing of hazardous materials transporters. This licensing in effect took place and became initiated in 1982, and since then we have licensed approximately 6,000 specific transporters of hazardous materials in the state. Additionally, we're also involved in providing training seminars to the industry with regard to specific requirements of transportation, and also incident concerns. Our motor carrier section headquarters here in Sacramento provides these seminars to industry several times a year. I believe in the last couple years we've provided the seminars to approximately 600 to 700 people. Additionally, referring back to the SR 52 study and the resulting legislation which was enacted, having to do with specific responsibility for on-highway incident and scene management concerns, another particular element of that SR 52 study and the recommendations made therefrom was the establishment of a basic awareness training program, which was initially mandated and assigned to the State Fire Marshal's Office. The CHP assisted in that endeavor initially, and the training program actually was designed to provide for a three-phase program. Each phase, an eight-hour program and separated by modules, the modules 1, 2, and 3. Module 1 was the basic awareness program, module 2 was the management program, and module 3 a contingency planning program.

CHAIRWOMAN LA FOLLETTE: Are these training programs for CHP personnel?

LIEUTENANT MOORE: This is for emergency responders, whoever wants to attend. That was the basic design, and since implementation, the State Fire Marshal was initially involved and the CHP assumed that program in the early part of 1982, and approximately 40,000 or, to be closer, about 41,000 of the emergency response personnel have attended this training. You have to keep in mind, though, this training program, each phase of the training program, was more a general knowledge basic awareness type training program, and did not answer the specific concerns that each agency would have based upon their responsibilities.

CHAIRWOMAN LA FOLLETTE: Have you had any practice drills, or actual practice procedures as a result of the training or a follow-up of the training?

LIEUTENANT MOORE: Well, the training program itself was presented--each phase is an eight-hour training program presented to different agencies not mandated; different agencies were invited to attend.

CHAIRWOMAN LA FOLLETTE: What has the response been?

LIEUTENANT MOORE: Well, the response has been good.

CHAIRWOMAN LA FOLLETTE: You said 40,000?

LIEUTENANT MOORE: Yes, however, from this particular point, as I indicated, the training program was a general basic type of training program. Agencies that have their own specific responsibilities naturally would have to go on and take it from there on how they would provide training to their own people.

Now, I can explain our position with regard to the Highway Patrol. Our specific concerns are on highway incidents, and how we respond to those particular incidents.

ASSEMBLYWOMAN TANNER: Prior to this, maybe in 1979, 1978 and before that, local agencies would, if there was a spill or a release on the highway or the freeway, that release was generally just washed down. You know, it was a very serious problem. Since then, I know, because I've been watching this program closely, that many, many local members of the police departments and fire departments have received training. It is one of the outstanding programs here in the state. I really commend the CHP for the work that you've done. I really am aware that it's an outstanding program.

LIEUTENANT MOORE: Thank you, Mrs. Tanner.

If I might add just one comment to ensure what we've done, too, in this training program. We have involved other aspects (the fire services) and they've been most helpful providing instructors to work as a team kind of concept. So, although we'd like the credit, I would like to, in all fairness, ensure that the fire services have been most helpful in providing instructors to us to assist us as we give this training throughout the state. And we have seen a major improvement also. I think that's a very proper statement, and I think once, unfortunately, the spill occurs, I think the ability to deal with it has been improved tremendously in the State of California on the highway aspect that we deal with.

CHAIRWOMAN LA FOLLETTE: There still seems to be some confusion, though, resulting from not knowing the chemicals, the makeup of the spill. Maybe if we have inventories, or something that will help. Mr. Moore, do you want to comment?

LIEUTENANT MOORE: I think that one of the most difficult problems that we have to deal with, or that a police agency has to deal with, since we are dealing with on-highway incidents, and in the majority of incidents the first person on the scene is either a police officer or highway patrolman or something of that nature, you might say--providing this person with as much training as possible to protect him and to allow him to make necessary judgments and to provide proper notifications, is very important, and we feel that it's imperative upon the Highway Patrol to ensure that our people are provided that particular training. But because we have our people on the street, you might say, something to the effect of 3,700 of our patrolmen are out in the street seven to eight hours a day, they are not equipped to face all of these different chemicals. So our training, with regard to that aspect, is from a position of awareness because our people, especially the police, and no matter what area of law enforcement that's working a particular street, they cannot be equipped to handle all of these types of incidents or approach these types of incidents. So they approach it, based upon our training, from an awareness standpoint, and take necessary precautions to ensure, from a recognition standpoint, that they recognize a particular hazard, and they

notify the appropriate agencies to respond who are equipped to go in and get directly involved with a particular spill commodity.

CHAIRWOMAN LA FOLLETTE: This is where a state emergency response team, as suggested earlier, would come in handy.

LIEUTENANT MOORE: That is correct.

CHAIRWOMAN LA FOLLETTE: All right. As you just said, you give basic training, but the training is to develop awareness. That really doesn't make them experts in handling the chemical reactions of some of these spills.

LIEUTENANT MOORE: Absolutely not. Since we are dealing with thousands of different chemicals and thousands of different methods of handling each different chemical, it would be impossible to train every highway patrolman and every law enforcement officer on the street to be toxic experts, to be equipped for these types of things, and so on and so forth, so I think our approach has to be from a standpoint of awareness and to ensure that we notify the appropriate people who are equipped to handle these types of incidents.

CHAIRWOMAN LA FOLLETTE: Thank you. Anything further?

ASSEMBLYWOMAN TANNER: But we do have response teams. I don't think that we should for one moment assume that we don't have. The HAZMAT teams are really well trained. Certain groups in the fire departments are really highly trained with special kinds of equipment and a great deal of training and knowledge about chemicals; and, of course, then there is a requirement that all trucks carrying chemicals have a manifest available, right?

MR. HELMICK: Yes, Mrs. Tanner. I agree entirely with your comments. Again, as Dave was trying to indicate, the system that we have now, and I think it is working, is basically that the law enforcement officer is a scene manager, the person who basically determines that there is a hazard, and it is their responsibility, instead of trying to take care of the hazard, to call the proper people, which is usually the fire departments. They come and do an expert job. CalTrans has been very helpful and has contracts right now with responders--you assisted us this year on the issue--they are commercial people who stand by, and that's their sole responsibility, and on a moment's notice or a telephone call, they respond to that particular scene.

Our main concern, from law enforcement's perspective, is to ensure that the neighboring community gets an early awareness and an alert to the possible hazard awaiting the folks that come to make the cleanup. Some of these cleanups do take time. I think we all have laughed at some of the times when we have erred on behalf of safety. We closed the Golden Gate Bridge down on several occasions, only to find out that the white powdered substance happened to be talcum powder, in one case. But we believe it's more important to err on behalf of the motoring public, and inconvenience a few folks for a few hours, than to err, of course, to the contrary and have people damaged healthwise. So I think there is a system out there. I believe it is working on the highways, not to suggest that we don't always have to continue to review and improve it, but with the

assistance of all--I know all of you folks here have carried legislation in that area that has been most helpful. I think there is a system that is in place and working quite well.

CHAIRWOMAN LA FOLLETTE: That's encouraging. Good. Anything further? Thank you both very much.

Mr. Calvin Freeman, Administrative Deputy of Disaster Medical Services Section, Emergency Medical Services Authority. It's going to take you 10 minutes to say that, so I am glad I said it for you.

MR. CALVIN FREEMAN: I appreciate it. I would like to introduce Gustav Koehler on the staff of the Authority. He is principally responsible for our hazardous materials response planning.

I have a brief statement that I would like to read and then, hopefully, we can answer any questions you may have.

The EMS Authority is responsible for planning and managing the State's medical response to disasters in the event that the medical resources of local government are overwhelmed. A major hazardous material release within a metropolitan area could possibly create a situation in which state medical assistance is required.

We are currently working with the Office of Emergency Services, the Department of Health Services, poison control centers throughout the state, and local governments to prepare our response to a hazardous materials disaster. I may add that if we are called to provide medical assistance to local

government, chances are that we are facing close to a Bhopal-type incident, given the large amount of medical resources available to most California communities.

Our response would be activated by the Office of Emergency Services and at the request of the affected local jurisdictions. Those local jurisdictions would remain in charge of that response and our task would be to augment their medical resources. And I wholly agree with the statements of the previous speakers that the critical response is the response of local officials.

Currently, we are identifying types of medications and other medical supplies likely to be needed and the resource suppliers who could provide them. We are also identifying hospital resources throughout the state which have the specialty care resources which would allow them to treat casualties exposed to hazardous materials. These material and hospital resources, as well as needed medical personnel, would be acquired from California's unaffected areas through an already established system of regional disaster medical health coordinators. This is, although it is really in its infancy, the medical analog to the fire and police mutual-aid systems which are fully developed.

Briefly, in closing, I have to say that, although we are developing response plans, again, if we are called in from the state level, we are faced with a situation that is already much, much larger than any of us would ever like to see. The only way to guarantee the safety of Californians from hazardous materials accidents is through prevention.

We are available for any questions that the Committee members might have.

CHAIRWOMAN LA FOLLETTE: How prepared do you think you are now to be able to respond to an emergency situation, say like a Bhopal?

MR. FREEMAN: We can respond, given the nature of the chemicals that are in use, in many areas of California. I can't say how many lives we would save, what percentage of the injured victims we would be able to salvage. Many of these chemicals work very rapidly. We don't have physicians in warehouses, we don't have medical supplies and equipment that are sitting back ready to respond either to a hazardous materials incident or to a catastrophic earthquake, which many of you, I am sure, read about quite frequently in the news.

CHAIRWOMAN LA FOLLETTE: Are you contemplating at some time being prepared for a major disaster?

MR. FREEMAN: The way that our response plans operate is that we tap the private sector just as many of the other response agencies in the state do. We would locate and make available, hospital resources to care for those who were poisoned by the response. We are not in a position to deliver ambulances to injured victims within an hour; that's the responsibility of local officials. What we can do is, in a sense, back them up, provide them with the resources and materials they need, and fairly quickly.

CHAIRWOMAN LA FOLLETTE: Has there been any cataloging inventory of availability of supplies which can be shared on a statewide basis?

MR. FREEMAN: We've already published resource directories for each of the OES mutual aid regions in California listing the major suppliers of the major resource providers of medical supplies, equipment, and medications. We are currently working with the California Medical Association to develop plans to quickly mobilize medical personnel with the necessary skills required by local governments, regardless of the type of disaster.

CHAIRWOMAN LA FOLLETTE: Do you have a communications system all set up?

MR. FREEMAN: We piggyback on communication systems of other emergency service organizations, principally through the OES as well as the California National Guard. We do not have a statewide administrative medical communications network in California.

CHAIRWOMAN LA FOLLETTE: You do not have?

MR. FREEMAN: No, we do not. At the local level there are highly sophisticated medical notification and dispatch systems established. These communication systems are not tied together in a statewide net.

CHAIRWOMAN LA FOLLETTE: But you know the key operators in each of those local systems? I mean, there should be some kind of centralized place where you could have all of these

numbers and somebody in an extreme emergency could sit down and somehow reach these people.

MR. FREEMAN: Given a hypothetical disaster somewhere in the state, our response would be triggered through the State Office of Emergency Services. Our first reaction would be to alert these regional coordinators, who are health officers with full-time jobs who are willing to act as our agents in unaffected areas to acquire resources requested by the disaster stricken area. In a hazardous materials incident, this could be done by telephone. The necessary contacts between state and local emergency response personnel would be set up on an ad hoc basis, if the telephone system were not working. Well, our current plans rely heavily on National Guard communications equipment and they have given our response function first priority if we are involved.

CHAIRWOMAN LA FOLLETTE: Thank you.

ASSEMBLYWOMAN TANNER: I do have a question. You work with the local county health officers.

MR. FREEMAN: Quite a bit.

ASSEMBLYWOMAN TANNER: You referred to Bhopal, but there are many other kinds of disasters, pesticides where the workers go into the fields too quickly, or currently--as a matter of fact, I just met with several people, one of them being the local County Health Officer from the Santa Barbara-Casmalia area, and he is very, very concerned about the releases from probable air contaminants, he assumes, from the Class I dumpsite there,

landfill; he has strong feelings that a number of the people living in that area have some very serious symptoms, health problems. Is your office at all involved with that particular situation and, if not, why not?

MR. FREEMAN: No, we're not. We were not contacted about it nor requested to assist.

ASSEMBLYWOMAN TANNER: Who would contact you?

MR. FREEMAN: If we were contacted, I would refer the question to the Department of Health Services.

CHAIRWOMAN LA FOLLETTE: Can we not make that request?

ASSEMBLYWOMAN TANNER: The Department of Health Services was right there. I didn't know that your agency existed and you are an arm of the Department of Health Services, or a section?

MR. FREEMAN: No, we are a small department in the Health and Welfare Agency dealing specifically with the emergency medical services issues.

ASSEMBLYWOMAN TANNER: And that's certainly an emergency medical problem; it appears to be.

MR. FREEMAN: I would suggest...

ASSEMBLYWOMAN TANNER: I would suggest that is something--someone should have contacted you people, because if that's the business you're in, why in the world hasn't someone contacted you? That doesn't make sense to me. I mean, isn't that more or less what your agency is about?

MR. FREEMAN: We're principally involved with the emergency medical personnel, the development of emergency medical

response systems that deal with acute health problems, as opposed to the longer range public health issues that the Department of Health Services is often involved in. We are not an agency that provides direct care. We don't have the resources to provide direct care. We do respond to any issues along these lines.

ASSEMBLYWOMAN TANNER: When you respond, what do you do if you can't provide care? What do you do once you respond?

MR. FREEMAN: If the Health Officer of Santa Barbara had gotten in touch with us, if you'll allow me to borrow from the language of social services, we would have acted as a case manager; we would have found the resources and we would have found the people who could address this problem.

ASSEMBLYWOMAN TANNER: All right. I think probably health officers are not aware, then, that your services are available?

MR. FREEMAN: I would say that most health officers are very much aware of us. They would usually not call us on an issue of this type.

ASSEMBLYWOMAN TANNER: Well, he's been in touch with the Director, Dr. Kizer.

MR. FREEMAN: That is, I think the appropriate...

ASSEMBLYWOMAN TANNER: But then, isn't it up to Dr. Kizer to get in touch with you people?

MR. FREEMAN: If there were an appropriate function for us to perform...

ASSEMBLYWOMAN TANNER: Then I really don't understand your function, I'm sorry.

MR. FREEMAN: Okay. We were created in 1981 basically to develop a coordinated, or promote the development of coordinated emergency medical services throughout the State of California.

CHAIRWOMAN LA FOLLETTE: Would you define what you understand to be emergency as far as your responsibilities are concerned?

MR. FREEMAN: Okay. Basically, when a citizen picks up the telephone and dials 911 and requests an ambulance, that citizen has just initiated an emergency medical response and from the point of time when that emergency is recognized to the point of time when that patient has moved through an emergency department in a hospital into either a hospital bed for recovery or discharged to home, the pre-hospital personnel who take care of him, the emergency department personnel, those personnel, the communication system and the other system components that all come to bear to take care of that person, you might say, are under our purview at the state level. What we are not involved in, is the delivery of day-to-day EMS services or the actual ownership or control of day-to-day emergency medical services. In addition, we have the responsibility for the state's medical response to a disaster. If the resources of the county are overwhelmed, and at the direction of the government, it would be our responsibility to mobilize the medical resources to augment the local jurisdiction's response efforts.

CHAIRWOMAN LA FOLLETTE: I can't understand by calling 911, which should be handled strictly locally, that you would have to be involved in that.

MR. FREEMAN: Well, we aren't involved on a day-to-day basis at all. We have written regulations to describe the scope of practice and the skills required for the personnel who would respond to your request.

CHAIRWOMAN LA FOLLETTE: Any further questions? Thank you very much.

MR. FREEMAN: Thank you, and I'm sorry that I wasn't able to make the task much clearer.

CHAIRWOMAN LA FOLLETTE: I don't think that the fact that you can't answer our questions, maybe entirely to our satisfaction, is your fault. I just don't understand quite the reason for this separate authority, and so I guess to satisfy me and possibly Assemblywoman Tanner, we'll have to look into the legislation that created this or the authority in the first place, where the authority came from. I mean, it just sounds very unclear.

MR. FREEMAN: Thank you very much.

CHAIRWOMAN LA FOLLETTE: Thank you.

Gary Carozza, Staff Analyst, Fresno County Health Department.

MR. GARY CAROZZA: I'd like to thank the Chairwoman and the members of the Subcommittee for allowing a local agency to come before you today. From the issues I've heard from the

previous speakers, it appears that since we don't have anything to hand out to you today, we will in the future have many things to prepare and present to you on a formal basis. We do appreciate the opportunity to come before you. We also appreciate the interest that this Subcommittee has shared and is looking into, because it is an area from the local perspective that is very difficult.

I think, as you've seen, it is very difficult for the Legislature, itself, to grapple with this entire problem of hazardous waste and hazardous waste response and toxics, but imagine what it looks like from the local level where we have to face it every day on a day-to-day basis. It is a problem that won't go away and all the agencies you've had before you today, each has its own program that they are presenting and beginning to present to you, and the various agencies in state government. They are also presenting them to us in our capacity at the local level.

It's nice to hear that the local response or first responders are the most critical in this whole process, because they are. Scene management or mismanagement at the initial onset of a process can result in very costly problems down the road, not only to the general public in terms of health risks, but also the cost to clean-up, so Fresno County, as one of the only local members here today, would encourage anything that this Subcommittee can do to help guide the process and development of these programs at the local level so we're facing one singular

organization, possibly, or one singular training program, or one singular manual of operations or guidance, rather than a whole series of reporting needs.

The other areas, I think, that quite possibly some of the other speakers might bring up, and I think you've already talked about, is accessible training, not training that's specific to any regional location, but one that the locals can take advantage of. Having to uproot or move large segments of a response team, if you are a first response team in your county, to another location is very, very expensive. I think you've heard before from a number of local agencies, that counties are strapped financially, so to try to move an entire first response team with all the components, the flexible components you need, to a training area is very costly. So if there is something we can do at the state level to provide training on a more regional basis, rather than localized or centralized in one area only, would be of great help to the local agencies.

Another area is equipment. We have a problem with obtaining equipment because the cost is so high. Not only equipment for the first response, but training equipment that's expendable, that allows us to actually have hands-on training, where we could actually use the materials, use the equipment, and not lose our capability of responding later on when we actually have to respond to a spill or an incident.

ASSEMBLYWOMAN TANNER: Isn't there equipment close to Fresno? Isn't there equipment available to you? Isn't there a response team?

MR. CAROZZA: I was going to get to that. We have a response that is made up of various components from the area, CHP, CDF, California Division of Forestry. We all have independent equipment that's available to us and we are building a stockpile of the safety devices, over-pack drums, things of that nature; it's slow in coming because the resources aren't there.

ASSEMBLYWOMAN TANNER: But you do have something?

MR. CAROZZA: Another area, one we face totally, is the terms of liability insurance, which has been brought up a number of times from different people. We are rapidly losing groups, both firms and businesses, who have the ability to insure themselves, even for small problems, accidents, nothing that's out of negligence.

Another area that I think was focused on by the representative from the EPA was a centralized location for contacting the State and Federal governments, which are building large inventories of knowledge about successes and failures to first responses and ongoing control of incidents.

ASSEMBLYMAN JOHNSTON: What was the distinction you made between accidents and negligence?

CHAIRWOMAN LA FOLLETTE: I thought that would perk up your ears.

MR. CAROZZA: Negligence is something that may be ongoing; it may be identified as a problem or a safety problem where an accident may occur without anyone's...

ASSEMBLYMAN JOHNSTON: It just happened; it's a mystery?

MR. CAROZZA: No, it's not a mystery. There are things that lead up to it. It could be a car accident, or a traffic accident, or a spill, or some kind of an explosion that takes place, but they do occur. They are part of the process; accidents do occur, they're not planned events.

ASSEMBLYMAN JOHNSTON: However, you can have accidents that are caused by someone's negligence, can you not?

MR. CAROZZA: Yes, you can, sir.

ASSEMBLYMAN JOHNSTON: But your real point had to do with the availability of liability insurance.

MR. CAROZZA: Insurance, right. That's not just from the local governmental point of view, it's also from the business point of view. The businesses themselves are beginning to lose the ability to insure themselves, even if they do deal in beneficial uses of chemicals.

ASSEMBLYMAN JOHNSTON: Does not local government have some immunity as a good samaritan in an act of cleaning up spills?

MR. CAROZZA: We do have some immunity, unfortunately under the--I guess the quotas, the deep pocket theory. We get named in suits regardless of our immunity.

ASSEMBLYMAN JOHNSTON: Give me an example of a spill on perhaps a city street, or some kind of an example.

MR. CAROZZA: I'll give you an example of one that I'm involved in specifically myself. It occurred on a state highway.

CHP was scene commander. It involved two different vehicles, one a chemical truck, one an agricultural produce hauling truck. The agricultural produce hauling truck was the party alleged to have caused the accident that resulted in a chemical truck going up in flames and contaminated a large portion of the property or state highway, also off-highway. As a result of the cleanup process, which was very costly, and all the other damages that were involved, the individual who was alleged to have caused the accident brought suit against the chemical company because he lost property. The property was damaged due to being contaminated or burned beyond repair.

ASSEMBLYMAN JOHNSTON: This is the agricultural--

MR. CAROZZA: No, this is the driver of the--excuse me, sir, I'm sorry--the agricultural driver who allegedly caused the accident.

ASSEMBLYMAN JOHNSTON: He sued the manufacturer of the chemical he was transporting?

MR. CAROZZA: He sued the manufacturer, right--the manufacturer of the chemical or the formulator of the chemical. He also sued the California Highway Patrol, and he also sued the California Highway Department of Transportation, or CalTrans. He sued the County Health Department as being one of the first responders, in terms of scene organization.

ASSEMBLYMAN JOHNSTON: Under "the best defense is a good offense" theory?

MR. CAROZZA: I can't speak to what that is, but the suit named any possible damages. He was suing for any possible damages to his property, looking to recover any cost he possibly could.

ASSEMBLYMAN JOHNSTON: It must have been a countersuit if--

MR. CAROZZA: Many countersuits. It's been going on now for almost two years. Countersuits by the County, countersuits by the owner of the chemical company, countersuits by other manufacturers. At this point there is no settlement, but there has been a lot of litigation.

ASSEMBLYMAN JOHNSTON: What remedy would you suggest for this?

MR. CAROZZA: I have no remedy to suggest other than, under the Good Samaritan Act, we thought we were immune to these things, and we find out that we're not immune. We find ourselves in court, in litigation in many cases, simply because we're on the scene trying to direct or manage the scene in the best interest of the general public.

ASSEMBLYMAN JOHNSTON: And there's been some decision by a judge that would indicate that the Good Samaritan Statute is not applicable, in this case at least?

MR. CAROZZA: No, this case has not been before a judge at this point; it's still being worked out between the lawyers as to what --

ASSEMBLYMAN JOHNSTON: Without getting into the specifics of the case, do you believe that the Statute does protect the County and that will be borne out once it goes before a judge?

MR. CAROZZA: It's my counsel's opinion that it will.

ASSEMBLYMAN JOHNSTON: Okay, well, we should follow that case. Thank you.

CHAIRWOMAN LA FOLLETTE: But haven't there been some recent decisions that have proven that the Good Samaritan clause doesn't hold, as far as some of these public entities? I'm thinking of another decision that came out recently where the county was liable for some slippage.

ASSEMBLYMAN JOHNSTON: The person slipped?

CHAIRWOMAN LA FOLLETTE: Slippage of land, land slippage.

MR. CAROZZA: Oh, I'm sure that's true, but I thought in the case of cleaning up a toxic spill, if I'm not mistaken, that a public entity has some protection in the act of cleaning it up. If they're responsible for failure to maintain the roadway or some other act, then presumably they'd be liable like everybody else, but I think the law addresses basically public safety agencies, and since health departments are not considered safety agencies, that leaves us somewhat open to suits.

ASSEMBLYMAN JOHNSTON: I see.

CHAIRWOMAN LA FOLLETTE: Thank you. Anything further?

MR. CAROZZA: Yes. In another area, as I think Ms. Tanner brought up, there's Casmalia. We're rapidly losing the facilities to transport this material for disposal. Technology has not kept up with the beneficial use of chemicals. We only have basically two sites remaining in California that can receive waste materials from these types of incidents, and that's causing a real hardship on the local agencies to get materials transported and removed. We in Fresno County have a response program, and we feel it's a well-coordinated response program, because it takes into effect--it has patterned itself, with the

help of OES and other agencies, including the CHP, Division of Forestry, Fish and Game, and all the local fire departments, public works departments, health departments, emergency medical services. We meet regularly once a month, and we've prepared and will submit to the State a plan, the Emergency Incident Hazardous Materials Plan, for their review once we understand what the actual process is going to be. We do routinely respond, and I'm open for any other questions you may have.

CHAIRWOMAN LA FOLLETTE: Would you tell me again the name of your plan?

MR. CAROZZA: It's called the Hazardous Materials Incident Response Plan; it's modeled after a program that the Office of Emergency Services suggested to us about four and a half, five years ago.

CHAIRWOMAN LA FOLLETTE: Any other questions?

MR. CAROZZA: Thank you for the opportunity.

CHAIRWOMAN LA FOLLETTE: Thank you very much. Maybe you'd know--I had a thought while you were speaking. You were talking about the fact that everybody's emphasized that the local resources are of such great importance in handling any accidents or disasters. How do you feel about some of the programs that are in the process of being developed at the State level?

MR. CAROZZA: The programs that are being developed have merit. Unfortunately, when they come to the local agency--and we understand also from the State's perspective that it's very difficult to grapple with passing laws that are meant to look at the variety of problems that are faced in California--our problem, basically, from the local perspective--I don't want to

speaking for other counties--is that many times the laws are geared toward urban ramifications which makes implementation in the rural setting very difficult. Therefore, the costs are extremely higher in the rural setting because of a lack of density, the travel, things of that nature. So, we would appeal to the Legislature to look at the rural setting as having some differences. Yes, there is a high use of agricultural chemicals in the agricultural setting, the rural setting. The implementation of some of the laws that have been passed recently is much more difficult in the rural setting.

ASSEMBLYWOMAN TANNER: I do have a question.

CHAIRWOMAN LA FOLLETTE: Yes.

ASSEMBLYWOMAN TANNER: You referred to the fact that there are only several landfill sites available. Is the County--perhaps you can't speak for the County--but do you feel that the County is prepared to accept some sort of facility within your own County to take care of your own waste that you generate?

MR. CAROZZA: I think the County has gone a long way in that regard. Almost twelve years ago the County Board of Supervisors developed what we call the Blue Hill Site. It's a Class I site and was designed to take agricultural waste. It's open twice a year, and it's now being threatened to be closed because of various problems, environmental problems, which I think could be mitigated, but that's to be seen. Yes, the County Board of Supervisors addressed that issue over ten years ago, and opened that site to the entire State of California, as well as other adjoining states.

ASSEMBLYWOMAN TANNER: It's a landfill?

MR. CAROZZA: It's a landfill; it was designed for agricultural wastes.

ASSEMBLYWOMAN TANNER: We are going to have to find something other than landfill.

MR. CAROZZA: True, that's why I say our technology has not kept up with the beneficial uses of chemicals.

ASSEMBLYWOMAN TANNER: I think the technology is there. I think that counties and cities are afraid to accept facilities because political pressure is pretty great.

MR. CAROZZA: It is, and there are a number of things that go with that.

ASSEMBLYMAN JOHNSTON: I want to address this to anybody here that might know it. Have we preempted by State law the ability of a county to absolutely by ordinance bar any kind of facility for toxic waste, whether it's treatment or land disposal?

CHAIRWOMAN LA FOLLETTE: Do you know that answer, Mrs. Tanner?

ASSEMBLYWOMAN TANNER: Have we preempted?

ASSEMBLYMAN JOHNSTON: Yes, the reason I ask is that I was reading the Stockton Record this morning, and in Calaveras County, where there is a dispute over the burning of certain toxic materials at a cement plant, the County Board of Supervisors passed an ordinance saying that there'll be no toxic dump facility, or something to that effect, in Calaveras County. I found that interesting; it didn't satisfy everyone as far as something even stronger, but--

ASSEMBLYWOMAN TANNER: I suppose they can do that, but I suppose also then the other counties could pass ordinances not to accept any waste from Calaveras County.

CHAIRWOMAN LA FOLLETTE: And eventually it could come up in the State Legislature.

MR. CAROZZA: Yes.

CHAIRWOMAN LA FOLLETTE: Mr. Donahue, would you like to comment on that? Can you?

MR. PAUL DONAHUE: I can't speak with certainty, but I believe that the Hazardous Waste Control Act--in one of the initial sections of the original Act--prohibits counties from enacting any legislation which would supersede or limit the application of the Hazardous Waste Control Act, and I think that section, although it has never really been construed by a court, would essentially prohibit that type of local ordinance.

ASSEMBLYMAN JOHNSTON: Okay, thank you.

You would both say that, while the ordinance may exist, there would be some deterrent--that you feel that a court eventually would toss out that kind of an ordinance as being in conflict with State and Federal law?

MR. CAROZZA: Yes.

ASSEMBLYMAN JOHNSTON: Yes? I feel that every county ought to be prepared to look at its own situation and not begin with the premise that no disposal or treatment is acceptable in the county. I know that wasn't your testimony, but it occurred to me when I saw one county apparently trying to do it.

MR. CAROZZA: No, I think from Fresno County's perspective--again, we have been exploring waste to energy

facilities, different types of technology--we've been very, very forward. Now, very large sums of money have been spent exploring numerous types of organizations and processes that could have handled this problem for us. Thank you.

CHAIRWOMAN LA FOLLETTE: Thank you very much.

You know this is really a key issue that all of us have to face, especially those of us who have districts like I have, which has a lot of open space and a lot of places and canyons that people look at longingly when they're thinking of dumping. Under no circumstances would I tolerate such a thing in my district.

ASSEMBLYWOMAN TANNER: The fact is, Mrs. La Follette, we have--the Legislature and all of us have certainly voted for this kind of legislation to ban any new landfill facilities for hazardous waste to phase out the existing hazardous waste sites and also to make certain that we have site treatment facilities or detoxification facilities or transfer stations, facilities other than landfill. So, yes, we have continued to attempt to do that; someday we may be successful in getting that kind of legislation into law.

CHAIRWOMAN LA FOLLETTE: Well, I agree with you. Though I think the technology is there, right now it is the cost that is prohibitive, but eventually it will be a new industry that is developed and will make money as a result.

ASSEMBLYWOMAN TANNER: I think the cost of landfill for those people who have waste that they need to dispose of, and do dispose of in landfill, is a tremendous amount of money, and the liability that goes on forever is certainly costly. I believe

that industry is willing to support other alternatives to landfill. I believe that industry is ready and willing and even has developed various kinds of treatments, and the state of the art is such that it's available; it's just that we can't seem to get together.

CHAIRWOMAN LA FOLLETTE: I do know that there are individual industries who are going ahead on their own, Textron for one.

ASSEMBLYWOMAN TANNER: Sure, and today it's very costly to dispose of your waste in landfill, very, very costly. And as there are fewer and fewer landfills, the price goes up constantly--so I don't think it's a matter of money.

CHAIRWOMAN LA FOLLETTE: All right, we'll have one more bit of testimony and then we'll break for lunch.

John Herroll--am I pronouncing that correctly--from the Sacramento Chapter of the American Red Cross?

MR. JOHN HERROLL: Yes. I want to thank you very much for allowing the Red Cross to make a brief presentation to you folks today. I have a twelve-minute presentation, but looking at the time constraints, I will forego that, if you wish.

CHAIRWOMAN LA FOLLETTE: Is that the slide presentation? Well, no, we're willing--Mr. Johnston and I are willing to stay here.

MR. HERROLL: Okay, it is a brief twelve-minute presentation. It gives you the basic orientation of the Red Cross regarding individuals affected by a disaster, however that disaster is defined, whether it's a toxic incident or some other. So, if you give me about thirty seconds, I'll set that up for you.

Barbara Burns, who is the Director of Disaster Services with the Sacramento Chapter, is with me today to answer some specific questions. The Red Cross, as I said, defines a disaster as anytime individuals cannot help themselves, whatever the cost--if it's an earthquake, or if it's a toxic spill. We would probably be called in by local officials, whether it be the fire department or the sheriff's office, probably in the case of dealing with an evacuation of a residential area or a pipeline polluted area. We would probably be responsible for setting up shelter and housing those people for whatever period of time there is, and also providing mass care, perhaps feeding. Those are the areas where we would probably be involved in a toxic spill or similar incident.

CHAIRWOMAN LA FOLLETTE: You have extensive training programs, I know, as far as earthquake preparedness is concerned.

MR. HERROLL: That's correct.

CHAIRWOMAN LA FOLLETTE: What about involvement with any kind of toxic disaster? Have you had any specific or special training programs?

MR. HERROLL: I'm going to ask Barbara Burns to join me here and to add some additional comments in areas where I may not have the expertise. In the area of a toxic spill, we would treat that as a disaster. You have the expertise, and other people who have already testified and will testify later, have the expertise for defining how those hazards are to be dealt with. Red Cross probably would not actually get involved in the cleanup of that type of disaster, or spills of chemicals, but we'd be dealing with the individuals affected.

CHAIRWOMAN LA FOLLETTE: If there is an evacuation, let's say, you would be possibly involved in determining the school site where the residents would be moved and then taking care of their needs there?

MR. HERROLL: That's correct. We would probably seek the assistance of the fire department, or whoever is controlling it, to give us the parameters of the environmental areas. If the weather is involved, and the wind is a north wind during the winter, we're not going to put the shelter in the south end, we're going to move it off to the east or west or perhaps again to the north, but we'd work with the local agencies to determine that. And, yes, we would work with the school. For example, we already have throughout California established in most communities, I believe, agreements with the school departments to set up and use their facilities in the case of a disaster.

CHAIRWOMAN LA FOLLETTE: What about medical support?

MR. HERROLL: I'll defer to Barbara Burns, who, as I said, is the Director of Disaster Services for the Sacramento Chapter, and also has the expertise of dealing with a number of national disasters throughout the country.

MS. BARBARA BURNS: If there were health problems that were occurring because of a chemical that was spilled, our nurses would, of course, be called up and try to address the problem. We would have to depend upon the people that know about the chemicals, which one it is and the kinds of antidotes that would be necessary for each particular incident. We're not equipped to address severe medical problems in a shelter situation. What Red Cross does is take care of people problems, mostly well-people

problems--the kid who comes down with measles, or things like that--that are going to happen in the shelter and going to happen anyway; but we by no means pretend that we can open a M.A.S.H. hospital and address all kinds of problems. We would certainly have to use the Health Department and medical people concerning a particular chemical that was causing the problem. I believe that a hazardous material spill is probably one of the most terrifying for me, because of the massive evacuation that might be necessary. There's no question, if there is a decision for evacuation of a large area, as there was in Missisaga, Canada, they evacuated 250,000 people--now, when you tell me I'm going to have 250,000 people for dinner, I get pretty terrified. So there was a problem with sheltering that number, and it would be a giant size task for the Red Cross to handle, and certainly the Sacramento Chapter is not going to do it alone, but we would have neighboring communities that would come through with their assistance, too, and the national organization would get involved. Those people from Missisaga were out of their houses for ten days and were moved twice; I read the article on it several times, and I'm still not real sure how they did that. But there were different agencies, mostly governmental agencies, that were doing the actual moving because the government is responsible for life and property. All we do is deal with decisions that they make, and if a decision is made to evacuate, it's up to the government to see to it that the people get out. We don't run in and get them out or do that kind of thing, but we are charged with caring for them when they come out.

CHAIRWOMAN LA FOLLETTE: Assemblyman Elder has joined us.

MS. BURNS: Yes, I see he's been trying to get in and I wouldn't let him in or out.

ASSEMBLYMAN DAVE ELDER: What happened in that particular--what was it? I'm not familiar with that--

MS. BURNS: It was chemical--I believe it was a train that caught on fire, and the toxic fumes were blowing and then the wind changed and they blew another way, so they had to move the people a second time. We had right here, two gas leaks in the last week, so we deal with certain kinds of toxic problems every couple of days, it seems.

ASSEMBLYMAN ELDER: There is available the State PUC report on gas leaks in '84.

MS. BURNS: There are a lot of them that we don't hear about. But, because we're a voluntary agency, I can depend on one of my volunteers having a scanner, so I usually hear about the local--

ASSEMBLYMAN ELDER: There are 20,000 a year in California.

MS. BURNS: Yes, I'm sure.

ASSEMBLYMAN ELDER: Yes. I was curious, has a truck accident ever been one of these? Principally, it would take a high volume meter at a factory site, it would take a pipeline, it would take a train, as opposed to something on the highway--typically, it's one of those, isn't it?

MS. BURNS: Well, yes. I think, for instance, if there was propane or something like that in a truck involved in an

accident, I would alert all my volunteers and start getting nervous about what might happen, because there could be a decision to evacuate the area around the accident. For instance, a truck--and one of the exercises that the Highway Patrol put on that I was involved in was a truck carrying ammonia used for fertilizer or something like that--was involved in an accident out on Highway 50--there are two schools in the area--which closed all eight lanes of the freeway. There was a massive evacuation of people because the thing caught fire and the fumes were moving around, so that's the kind of thing that can happen. In that scenario, there were subsequent disasters that occurred. The truck accident--very similar--that happened down on I-5 a couple of weeks ago where you have your incident, but then you have a lot of other smaller incidents around it that are occurring because of the major incident. So, these have the potential for probably the largest number of evacuations. We found in Coalinga, however, that if people can stay in their homes, they will. They're not going to evacuate. I don't look for a huge evacuation from the Bay Area when they have their earthquake over there. If people can stay home, they will. People who leave are going to be people who have a way to get out or who are injured and have to come out for some reason. The big influx into Sacramento is going to be the insurance industry and Red Cross people, and others who come in to help.

ASSEMBLYMAN ELDER: Did you read in the Examiner the other day that the pipelines, natural gas pipelines--some of them in San Francisco have been there since prior to the earthquake and they're still in the ground?

MS. BURNS: And they're still there, so I don't think--I serve on one of the committees in the Governor's Earthquake Task Force, so I know what they're doing and it's a very sophisticated planning process to try to help people during the time that we know is coming; but the massive evacuation that a lot of people feel will happen is probably not going to happen. You had a question?

CHAIRWOMAN LA FOLLETTE: If you were going to make any recommendation to us, as far as trying to get together a state program, what would be the most pertinent point or the most helpful from your viewpoint?

MS. BURNS: If we can be notified reasonably early--of course, all of us working in chapters are charged with working closely with local officials, and hopefully they would call us when they have notice of something like this. If they would remember to call the Red Cross, we could start getting our ducks in a row. We do not react quickly to surprises, because we're voluntary--I mean, you're looking at the whole disaster department here. Three and a half counties is what I'm responsible for. I don't move real fast. I have to communicate with volunteers; therefore, if the people who are making decisions to evacuate would notify us before they've done it, then we could be better prepared.

CHAIRWOMAN LA FOLLETTE: So you're asking for what a lot of other people have been asking for, better coordination and communication?

MS. BURNS: Yes.

MR. HERROLL: With as much lead time as possible. I think what Mrs. Burns is talking about is that it does take time for us to bring in our key volunteers, so that's how the lead time helps us.

MS. BURNS: But we do have county people that are trained. In Sacramento County and Yolo County, the Welfare Department has been trained and so if they're at work when this happens, then they will proceed to wherever the shelter is going to be until we can get our volunteers in there. It really is coordinated more than it may appear.

ASSEMBLYMAN ELDER: On that point, in terms of communication, are you familiar with the "One Call Service Alert Network" that exists for pipelines?

MS. BURNS: No.

ASSEMBLYMAN ELDER: According to State law, prior to doing excavation in the street, the excavator is to call the One Call Center--there's one in Northern California and one in Southern California--and there when the excavation is noted, they give the Thomas guide coordinates and, by telex and computer, instantaneously the people at those coordinates are notified that an excavation is to occur. It seems to me that system is readily adaptable to a disaster situation where you'd have an 800 number you would call and indicate what the nature of the disaster was and, by telex, the individuals who are within the coordinates of that particular locality would be notified instantaneously. This could include, of course, the Red Cross.

MS. BURNS: It would be helpful if we could be on that list. I'll see if I can get us--

ASSEMBLYMAN ELDER: Well, there is no such thing, as far as I'm aware, for disaster preparedness, but there is for pipeline excavation with the idea of averting disasters. In San Francisco about four years ago they hit a ten-inch gas line in the central business district and they had to evacuate 30,000 people because they hadn't notified the gas company so the gas company could go out and mark the street where the gas line was so that the guy with the back hoe would not hit it, which he did. There are 468 pipeline failures reported to the PUC in this report of last year, and in 60% of those cases, the excavator did not notify the gas company of its intention to excavate in the street, even with the law. So now we're talking about some sanctions to avert the kind of problems that exist, so I was thinking that the same kind of one-call arrangement to emergency services in the State of California might be an excellent way to go, copying the one-call system that exists in La Mirada in Southern California. I know where the one in Northern California is, but I haven't been to the one in Northern California. The one in Southern California is highly automated and it's instantaneous, so that might be something for the Subcommittee to consider.

CHAIRWOMAN LA FOLLETTE: Thank you very much for being here. We'll now break for lunch and be back at 1:00.

LUNCH BREAK

CHAIRWOMAN LA FOLLETTE: Mr. Vandevort is a training specialist in the Office of the State Fire Marshal and a rather

critical person, I would say, in this area, so we're happy that you're with us.

MR. WILLIAM VANDEVORT: Thank you. I have a prepared statement I'd like to share with you and then make myself available for any questions you happen to have.

CHAIRWOMAN LA FOLLETTE: All right.

MR. VANDEVORT: I appreciate the opportunity to testify before the Committee regarding the State Fire Marshal's involvement in toxic disaster preparedness. Our involvement in toxic disaster preparedness is limited by statute to the development of standards and curriculum for the training of firefighters, among other things, in the control of fires and safety where hazardous materials are involved. This responsibility has been given to the State Fire Marshal's office under Sections 13156 and 13159 of the Health and Safety Code.

When our office was given this responsibility, it did happen to come without any additional funding or personnel resources.

CHAIRWOMAN LA FOLLETTE: That's just a little aside.

MR. VANDEVORT: That's a fact (laughter). In an attempt to meet this responsibility, our office has been actively involved over the past 12 months in the development of standards and curriculum for training hazardous materials response personnel within the fire service. Through an interagency agreement with the Office of Emergency Services, funding was provided for the development of a career development guide, describing the minimum performance standards for a Hazardous Materials Technician I level. The subject matter contained in

the Hazardous Materials Technician I career development guide defines the technical knowledge requirements for which four 40-hour courses are currently being developed within our own office resources. Given the present funding and personnel resources, these courses will be limited to one delivery per year through our State Fire Academy at Asilomar.

CHAIRWOMAN LA FOLLETTE: When you're talking about one delivery per year, how many people are you talking about?

MR. VANDEVORT: Forty people going through four consecutive classes.

CHAIRWOMAN LA FOLLETTE: The 40 people have to go through each one of these four classes?

MR. VANDEVORT: That's correct, and based on our current resources, there is no anticipated date for implementing the statewide delivery system. We certainly share your concerns for the citizens of California; however, the level of the State Fire Marshal's participation in toxic disaster preparedness is directly related to funding and personnel resources for the development and implementation of training for hazardous materials response personnel. I'd be happy to respond to any questions.

CHAIRWOMAN LA FOLLETTE: All right, Mr. Johnston.

ASSEMBLYMAN JOHNSTON: Are the funds for your office solely from the State General Fund?

MR. VANDEVORT: No, we have a special fund that's allocated for a certification system for firefighters, and that's a self-funded system.

ASSEMBLYMAN JOHNSTON: Is that what pays for the program you just described?

MR. VANDEVORT: Well, the monies are drawn out of both funds. Right now, there is no certification level for a HAZMAT response technician, so therefore, the funds to develop materials in that really can't come out of that fund, if you want to draw this out linearly, so they are coming out of the General Fund. Certification is supposed to come on line next Fall and at that time, that will become a contributor to the Fund itself. But the development costs have to come out of the General Fund first.

ASSEMBLYMAN JOHNSTON: Let me see, the development of the training program is General Fund supported...

MR. VANDEVORT: Yes.

ASSEMBLYMAN JOHNSTON: ...but once it's on line...

MR. VANDEVORT: Right. There are fees attached to application for certification, registration fees for the courses.

ASSEMBLYMAN JOHNSTON: And the certification is something that's being developed, is that correct?

MR. VANDEVORT: Yes.

ASSEMBLYMAN JOHNSTON: The Office of the Fire Marshal is to draw up those specifications, is that right?

MR. VANDEVORT: That's correct.

ASSEMBLYMAN JOHNSTON: So, the course that you describe at Asilomar hasn't started yet.

MR. VANDEVORT: Yes. We've had one series of pilot courses, and they are scheduled to be in place for this coming year.

ASSEMBLYMAN JOHNSTON: And will those terminate in certification for each of the participants?

MR. VANDEVORT: Yes.

ASSEMBLYMAN JOHNSTON: Were there fees attached to those participants?

MR. VANDEVORT: Only registration fees for the course, no certification fees.

ASSEMBLYMAN JOHNSTON: I see. Now, once you get certification, you'll be able to bring those folks back and give them certification, I assume?

MR. VANDEVORT: Yes.

ASSEMBLYMAN JOHNSTON: Without much extra.

MR. VANDEVORT: That's correct.

ASSEMBLYMAN JOHNSTON: Well, once it's on line, do you expect that the fees that are assessed, I guess not so much to the individual, but to the sponsoring department, is that right, or the agency...

MR. VANDEVORT: No, see our entire certification system is voluntary, so if a fire department chooses to pay for it, that's their option, but the individuals going through...

ASSEMBLYMAN JOHNSTON: Would anybody else take advantage of the program, other than firefighters?

MR. VANDEVORT: They can. Our responsibility is slanted toward the training of firefighters; however, our programs are open to anyone who wants to take them.

ASSEMBLYMAN JOHNSTON: Well, assuming most of the people would be working for fire departments in California, is there any reason why an individual would pay, rather than the department they work for?

MR. VANDEVORT: They often do, because they want the training and also...

ASSEMBLYMAN JOHNSTON: How much money are we talking about?

MR. VANDEVORT: There's a \$20 certification fee for the particular level, and there's an \$80 fee for registration.

ASSEMBLYMAN JOHNSTON: And the \$100 you believe will cover the cost of operating the program?

MR. VANDEVORT: That's correct, it has. We have a certification system in place for training in other areas and it is funding itself now.

ASSEMBLYMAN JOHNSTON: And that could be expanded to meet the need statewide?

MR. VANDEVORT: It can be expanded to maintain the program, but it can't handle the development costs.

ASSEMBLYMAN JOHNSTON: Yes. The development costs, if they are General Fund supported, it would be up to the Governor and the Legislature to appropriate sufficient funds for that.

MR. VANDEVORT: That's correct.

ASSEMBLYMAN JOHNSTON: Has the Office of the Fire Marshal requested additional funds?

MR. VANDEVORT: Yes, we have.

ASSEMBLYMAN JOHNSTON: I'm not familiar with the history of that; what's happened?

MR. VANDEVORT: The budget change proposals have been rejected.

ASSEMBLYMAN JOHNSTON: By the Department of Finance?

MR. VANDEVORT: I don't know exactly where in line they were rejected, but they have been.

ASSEMBLYMAN JOHNSTON: Yes, I assume it's the Department of Finance; wouldn't it be, Madam Chair?

CHAIRWOMAN LA FOLLETTE: I would assume so. Well, they're usually the ones that come out with the opinion of opposing when there's a lot of money involved.

MR. VANDEVORT: Agency is a factor in that, too.

CHAIRWOMAN LA FOLLETTE: How much money are you talking about?

MR. VANDEVORT: To do what?

CHAIRWOMAN LA FOLLETTE: Did you submit a budget proposal?

MR. VANDEVORT: Yes, we're looking to bring hazardous materials training on line for both technical and manipulative skills training, including course development. The purchase of props and training materials, and whatnot, would be somewhere around \$1.2 or \$1.3 million for our first year startup costs. After that, it would drop down to somewhere--and I'll have to guess this one--but somewhere between half a million and three quarters of a million dollars, that's given a facility to hold this training.

ASSEMBLYMAN JOHNSTON: So the certification costs are really a drop in the bucket; they're not really...

MR. VANDEVORT: That's correct.

ASSEMBLYMAN JOHNSTON: ...much support at all.

MR. VANDEVORT: That's correct.

ASSEMBLYMAN JOHNSTON: Well, does the Department of Finance feel that the trainees and their agencies ought to pay the full costs--the operational costs, or the startup costs, or both?

MR. VANDEVORT: They opined on it. I don't know what their feeling is.

ASSEMBLYMAN JOHNSTON: Yes, and when was the request made?

MR. VANDEVORT: Within the last--well, let's see, within the last year--I would say last Spring.

ASSEMBLYMAN JOHNSTON: For \$1.3 million?

MR. VANDEVORT: That's correct.

ASSEMBLYMAN JOHNSTON: Now, we're beginning a new budget cycle or the preparation for that; do you know if a similar request has been made again?

MR. VANDEVORT: No, they haven't.

ASSEMBLYMAN JOHNSTON: They've not made the request?

MR. VANDEVORT: No.

CHAIRWOMAN LA FOLLETTE: Are you going to?

MR. VANDEVORT: That's the kind of decision that needs to be made by the State Fire Marshal as to the direction, or what the priorities are, and whatnot.

ASSEMBLYMAN JOHNSTON: See, the difficulty is that you come here and describe a needed program, one that apparently will be very helpful to the local governments and helpful to us all in this area, and then advise us that your bosses, in effect, have turned down the underwriting of the costs, which--I mean, it's a substantial amount of money, but I'm not so sure in the whole scheme of things, whether it's very expensive.

MR. VANDEVORT: I can't respond to that.

ASSEMBLYMAN JOHNSTON: Yes, I know.

CHAIRWOMAN LA FOLLETTE: One of the things that we don't know is whether their training program is the only training program that is being considered. Do you know, are you the only ones who have proven that you can put together a successful training program?

MR. VANDEVORT: For what?

CHAIRWOMAN LA FOLLETTE: For combating, meeting toxic disasters, isn't that what we're talking about?

MR. VANDEVORT: No, we are not the only ones that can put together a program. I think that's been evidenced by previous speakers, EPA and OES, the Highway Patrol, specifically. We have a responsibility to develop these standards and train the firefighters in the state and that's what we're trying to do, and the point I'm trying to make is...

ASSEMBLYMAN JOHNSTON: Well, has anyone else trained firefighters or has anyone else offered to train firefighters to do what you are starting to do?

MR. VANDEVORT: There are private individuals and other entities that are attempting to put together programs for hazardous materials training, yes.

CHAIRWOMAN LA FOLLETTE: Did you say private individuals?

MR. VANDEVORT: Yes.

ASSEMBLYMAN JOHNSTON: Who?

MR. VANDEVORT: I don't have names off of the top of my head, but there are consultants, if you will, that are offering training in hazardous materials at different levels and depths.

ASSEMBLYMAN JOHNSTON: Of course, they couldn't offer a certificate.

MR. VANDEVORT: That's correct.

ASSEMBLYMAN JOHNSTON: So, if we're looking for a standardized, statewide program that meets the criteria that the Fire Marshal might set out, it would be best for us to either run the program or to certify those who would be doing the training, whether it's a community college or a private--I don't care if it's a private contractor that does it, but if they are drawing up their own criteria, you are not going to be assured that it's going to be uniform across the state.

MR. VANDEVORT: I agree with that statement.

CHAIRWOMAN LA FOLLETTE: I noticed here that you are a training specialist. Are you also the director of the program, the training program?

MR. VANDEVORT: I have a program responsibility as Supervisor of Curriculum and Development for all our courses and materials.

CHAIRWOMAN LA FOLLETTE: And I heard by previous comments that the State Fire Marshal is doing a good job in addressing some of the problems that have to be addressed when there is a potential toxic disaster or a toxic accident, so I have to assume at this point that your operation is more advanced than others, as far as providing the proper training.

MR. VANDEVORT: I think we have a mechanism that allows us to develop the training and implement it. We've had great success with our certification system over the last five years in getting that on line.

ASSEMBLYMAN JOHNSTON: Would Los Angeles County, or whoever the most sophisticated agency might be--how do they train their people who are hazardous materials fighters?

MR. VANDEVORT: I can respond to that quite well. You brought out earlier that, all of a sudden, everybody decided that we have a problem and we should do something. Training is being done almost by everyone throughout the state and everyone--I say the responders are having a very difficult time finding a central source for training, so they are doing anything and everything they can within their own power to train. L.A. County, if you want to use that as an example, has, through their own experiences and by going out to other HAZMAT training programs around the country, put together their own training program. Right now, they are involved with us in the development of these courses to satisfy the certification level and they want to be a part of that and so do a lot of the other major entities in Southern California.

ASSEMBLYMAN JOHNSTON: Not to belabor it, Madam Chair, but if the money is not forthcoming--I mean, I'm inclined to want to see the budget augmented next year, but obviously if the Administration is not supportive, without the funds it would be removed. What happens if there are no additional funds? Could you--maybe you'll be repeating yourself, but could you just sketch briefly then what happens; what's the development of this program?

MR. VANDEVORT: We call for volunteers and they donate their time and expertise and we move slowly along to develop the program, and that's exactly what's happening.

ASSEMBLYMAN JOHNSTON: What's the timeline if you had the \$1.3 million and the ongoing half a million dollar subsidy, as opposed to calling for volunteers? What's the difference in timeline in terms of getting everybody trained?

MR. VANDEVORT: We could, within a year, put on 25 weeks of training, 25 one-week trainings. I think that would be an accurate statement. Right now, we're putting on four in one week, you might say.

CHAIRWOMAN LA FOLLETTE: For 40 people?

ASSEMBLYMAN JOHNSTON: How many one-week training sessions do you think you need to reasonably cover the state?

MR. VANDEVORT: We've got about 1,200 fire departments, and you'll probably need, I would say, a good third of those--I'm really guessing--that might need the training immediately and, if you had a couple of people per jurisdiction, you're looking at six to eight hundred people to do the program.

CHAIRWOMAN LA FOLLETTE: Have you submitted, at any time, a statewide plan for such a program? You're talking about-- and others have mentioned it--there needs to be a central source for training. Have you or somebody else associated with the Fire Marshal put together such a plan?

MR. VANDEVORT: No, we have limited our efforts to the responsibility that we're governed under to train and develop the standards and training for firefighters.

CHAIRWOMAN LA FOLLETTE: Okay, then, since obviously you think your program is good or you wouldn't have initiated it, do you think it's a program that could be used statewide?

MR. VANDEVORT: Yes, I do. I think--and I agree again with the coordinated effort--our slant is towards the firefighters because that's where we're coming from; but there's nothing that says that, once the programs are developed, they can't be modified for any other entity to use.

CHAIRWOMAN LA FOLLETTE: So industry could use it if they wanted to train some of their employees?

MR. VANDEVORT: I don't see why not.

CHAIRWOMAN LA FOLLETTE: Well, I really do not know why the budget request was not approved, but I would have a feeling that this coming year, in view of the fact that everybody, including the Governor, has acknowledged the potential problems in not being prepared for toxic disasters, would be a good time to resubmit a request for a budget. But even further, I think this Committee, this Subcommittee, should make a recommendation that eventually would result in a consolidated and centralized training program with certification.

Anything further you'd like to add?

MR. VANDEVORT: No, Madam Chairwoman.

CHAIRWOMAN LA FOLLETTE: Thank you very much for being here.

MR. VANDEVORT: Thank you for the opportunity.

CHAIRWOMAN LA FOLLETTE: Chief William Powell and Chief Kenneth File, I understand the two of you work together. Chief Powell is the Chairman, Northern Division Hazardous Materials Committee, California Fire Chiefs Association, and Chief File is with the Sacramento City Fire Department, so you probably know Mr. Johnston.

CHIEF WILLIAM POWELL: Thank you for inviting us to come and talk with you. I'd like, if I could, to make a very brief presentation to give you kind of an overview of where we are, and I think that, after looking at some of the topics that you're discussing, I can cover some of those points, or at least stimulate a lot of questions. Ken, then, would address any problems that happen in the field. I'll be talking more of what our program is and what it consists of, what it took to get there.

ASSEMBLYMAN JOHNSTON: What department are you in?

CHIEF POWELL: I'm the Sacramento City--Fire Chief of Sacramento City. I'm also the Chairman of the Northern Division.

ASSEMBLYMAN JOHNSTON: You're Chief Powell, and Chief File is with...

CHIEF POWELL: He's my deputy with the Sacramento City, also. Both Chiefs, Deputy Chief and Chief.

ASSEMBLYMAN JOHNSTON: Oh, okay.

CHIEF POWELL: Currently, we have three response units in the city--three hazardous materials response units. Our program went operational in 1982, and we started developing the program in '79. It took us two and a half years to go operational. The first six months of that period were in research throughout the United States trying to find a program that we could go operational with; the next two years it took to develop the program that we currently have.

We currently operate in an area covering 96 square miles, and we have 47 square miles of contract, fire service contract, that we also protect. Along with that, we have also

contracted with Sacramento County to cover the unincorporated area, which has 23 fire districts in it, and this is for what we refer to as a Level II hazardous materials response. A Level II is a response where the fire service cannot handle the situation, be it a gas spill or something of that nature, or something that is unknown to them. At that point, they put in a call and we'll respond anywhere in Sacramento County. That's a five-year contract, and we're now in the third year of that contract. The reason the contract was developed was that the 23 fire districts could not develop at that particular time their own hazardous materials unit, and we figured that five years would give them the ability, if they so desired, to develop their own training and their own program. At the present time, it looks like the major portion of those 23 departments will not develop their own units because of the cost of the program and the ongoing maintenance, which is very high.

To give you an idea of what the cost of our program is, a vehicle is \$145,000. The vehicle that we use is not the Cadillac of the line, but it's a little above average. It has a 15-year life expectancy. The equipment on the vehicle is worth \$50,000; life expectancy on that equipment is much shorter.

Our annual training costs are \$25,000 equipment, supplies are \$50,000 and a cleanup contingency fund for lab analysis runs around \$20,000, where our annual budget is about \$95,000 to maintain our units. Now, in that contract that I mentioned with Sacramento County, we received \$125,000 for that five-year contract, and what we were after when we set that price was that we were in need of another vehicle to meet their demands

and that was what we figured the cost was and that was how it was arrived at.

Currently, regarding the training of all the people that we have on board, all of the people in the department, 465 have eight hours of basic training in HAZMAT, and that's a must, because those people have to be able to know how to operate with the HAZMAT team. The officers have 20 hours minimum, and our hazardous material teams have a minimum of 200 hours, and that's required for them to be certified in our operation. The reason we have three--you have your sickness, you have your illness, your injury, etc.--this gives us constantly two units on board in the City. One for the City and one to respond outside.

The problem that we experienced with a program of this magnitude is keeping the personnel trained and proficient, and one of the problems that you run into on this is that our experience is averaging five Level II responses in our jurisdiction, meaning the City and our contract. Outside the county, we're averaging two, that's per month on an annual basis. To keep those people proficient, you have to have an ongoing training program, and we did not feel that we could have these people just being hazardous materials people and nothing else, so we use suppression crews that are primarily trained in suppression but are willing to volunteer and certify into the hazardous materials program. This requires them to do a lot of extra training and they have to be above average as far as academics are concerned to deal with the chemistry and the physics that are required.

One of the problems that we run into with the program we have that we didn't look at in the beginning, but had to adjust to, was the fact that the people you get in a hazardous materials response unit are generally the cream of the crop, and those people promote up. Those are your oncoming officers, so as they promote up, you have to continually bring in new material underneath them. So we in our operation run a 120-hour training program every single year for the officers so that we have ongoing personnel coming in, and that's a must for us to keep our three units going continually.

The other problem that we ran into was being able to give the HAZMAT people...

CHAIRWOMAN LA FOLLETTE: Question, please.

ASSEMBLYMAN JOHNSTON: On the training, you heard the testimony before from the Office of the State Fire Marshal. You are the one to give the certificate, is that right?

CHIEF POWELL: This is a Fire Department certificate issued only by the Sacramento Fire Department. We promoted our own program, developed it, and we're only certifying in our Department.

ASSEMBLYMAN JOHNSTON: Is your program similar or identical to what would be found in other major metropolitan jurisdictions, or that the State might run itself?

CHIEF POWELL: From everything that we know, there's no program that's similar to ours; there are some that are close, but there's none in our area.

ASSEMBLYMAN JOHNSTON: Do you mean geographic area?

CHIEF POWELL: No, competency level.

ASSEMBLYMAN JOHNSTON: But you developed it yourself. Now suppose a neighboring county, like Placer County or El Dorado, something that is smaller but might have that same need, wanted to contract and bring its firefighters to Sacramento for the training. Is that something that you could accommodate?

CHIEF POWELL: For the last two years, we have opened up the program to openings that we have in the class. Our classes run around 24 to 32, and for those that we don't fill from inside, we've allowed outside departments to participate for the last two years.

ASSEMBLYMAN JOHNSTON: I see. Then there's not a great need here in Sacramento to have a State run program, is that right, because you already are pretty much there?

CHIEF POWELL: I think there's a need; I definitely think there's a need.

ASSEMBLYMAN JOHNSTON: Would you fold your program if the State geared up?

CHIEF POWELL: No, way; no way.

ASSEMBLYMAN JOHNSTON: Why?

CHIEF POWELL: What you're talking about and what I'm hearing, and I've just been here since 1:00, you're talking about a training program only for fire service or for an individual; there's a lot more than that in our program. The program is much bigger than that. Training a firefighter to hazardous materials operation is one thing, but putting an ongoing program together, a plan that they can function in and train the other people to work with them, it's very complicated. Not only that, your materials that you use, the suits--there are numerous different suits that have to be used. You have to be trained in that suit.

If you were to give a person a different suit that he wasn't trained in and turn him loose, you've got liability for turning him loose in that area.

ASSEMBLYMAN JOHNSTON: Would that be an argument for, rather than one centralized State program, to consider regionalizing--a few training programs in Northern California and a couple in Southern California, perhaps--so that you could adapt to those variations?

CHIEF POWELL: Well, based on the experience that we've had, I don't know how each department could go out and create their own program. Another thing has to be recognized, in that there are other things that have to go with this program. The one thing that I was going to address is that, after you get the program on board, you have to have the information of what's out there that you're responding to. So, besides having a program and plan that you can deal with and have everybody trained, the multi-agencies to be involved, you also must have the ability to pull that information into that field company, that hazardous material company, immediately, and this takes a lot of computer training and other things that go with it.

ASSEMBLYMAN JOHNSTON: I don't doubt that. From your position with Northern California, what are the major Bay Area counties doing--maybe not everyone, or down the Central Valley--are they running their own program, no program, affiliating with other counties.

CHIEF POWELL: You've got a mix from one end to the other. We did a survey in Northern California for the Cal Chiefs. There were 28 departments, middle size and larger, that we surveyed, and we did all of California on the survey. We talked to 28 departments, and out of the 28 departments, there were nine that had plans written and ready to go, there were nine that were rewriting their plans, and there were nine that had no plan at all. So, you've got a mix from one end to the other; you also have a mix of what are your problems, where are your problems in your area. We do not have the problems or the multitude of responses in this area that you're going to have in San Jose, Silicon Valley, or the L.A. County area. So each plan has to be a little bit different; there are a multitude of plans and programs going on.

ASSEMBLYMAN JOHNSTON: When you say plan--Santa Clara County, for instance, how do they train their people?

CHIEF POWELL: They have their own in-house programs, as I understand. San Jose, I know, has a good program going on.

ASSEMBLYMAN JOHNSTON: It would be sort of like Sacramento.

CHIEF POWELL: They would probably be closer to us than any of them, yes. Santa Clara City next to them has a very sophisticated program that is not like ours in any way. So you have different levels and different programs throughout...

ASSEMBLYMAN JOHNSTON: And all of those are supported by the...

CHIEF POWELL: Independent departments.

ASSEMBLYMAN JOHNSTON: ...By the revenue of the city, whatever that might be?

CHIEF POWELL: Yes, yes

ASSEMBLYMAN JOHNSTON: Thank you.

CHAIRWOMAN LA FOLLETTE: Well, this is, of course, a hard question for you to answer and probably be objective about, but, if we were looking for a model, naturally, you would say, well yours is the model that...

CHIEF POWELL: Not necessarily; it depends on the area of need. And that's one of the problems. So many people think that you can crank out a model for use throughout the whole state, and I don't think that can be done. I think it depends on what it is you have in the area that you're going to try to protect. We have a county right now, a whole county, that wants to talk to us about running Level II training into their county, because they really don't have the need and they don't have the money and funds to do it. But they wouldn't have a plan or a program like ours; we would be just responding and taking care of whatever their needs were.

CHAIRWOMAN LA FOLLETTE: What are the essential differences between your program and the Fire Marshal's?

CHIEF POWELL: Well, ours is a complete program, and I think the Fire Marshal's, from what I've seen, is a training program for firefighters--once you get a firefighter trained, he has to work in a system. The rest of the people have to be

trained to work with him, so it gets into a full-blown plan in that end of it. And that's why I say its hard to put a model together, because we've run into fire chiefs that want nothing to do with hazardous material. They don't even want to touch it, and maybe that's good, I don't know; but, from their perspective, they don't see it that way.

CHAIRWOMAN LA FOLLETTE: Do you think there should be any attempt at centralizing?

CHIEF POWELL: I think there should be an ongoing program that puts a complete unit together so that you have some kind of a trained unit. I think that all of the areas have to look at some kind of contracting, because there is no way that the ongoing costs can be maintained. Once you train a person and put him into the system--the next city down the street offers him an officer's job, and you just lost the program. Your resources are now moving on down the street.

CHAIRWOMAN LA FOLLETTE: Do you think the regionalized concept that Assemblyman Johnston mentioned is a way to pursue it?

CHIEF POWELL: I think, dollars and cents, it's probably the only way you're going be able to do it.

CHAIRWOMAN LA FOLLETTE: But still there should be one coordinating...

CHIEF POWELL: There should be a basic plan that meets the minimum requirements, and they can go on from there, depending on the sophistication of their needs.

CHAIRWOMAN LA FOLLETTE: Okay. Will you please proceed then?

CHIEF POWELL: Well, you've got to recognize that you must do company or business inspection. Almost every department does this on a continual basis. We feel that this is the root of our information; we do it every six months. We've dovetailed into the computer inspection records and fire prevention fees, which tie into it our right-to-know program. All of the reporting and records that come in on that are dovetailed, as well as the underground tank inventory and inspection program. Now, we have been working on that for almost two years and we don't have that operational yet; we look to see that operational in six months. That's the complexity of trying to put this program together, and the people that go into the field have to have that information. They have to be able to call up information from the computer when they're in the field to help them deal with what they find. I think that completes my testimony.

ASSEMBLYMAN JOHNSTON: Did you say that in Sacramento the fire departments are doing underground tank inspections?

CHIEF POWELL: We have the responsibility for tank inspections and inventory in our area, dovetailed with Sacramento County.

ASSEMBLYMAN JOHNSTON: That was assigned to you by the City Council and Board of Supervisors?

CHIEF POWELL: It was a joint effort. The City and the County got together because we have duplicate businesses on either side of the line, and we wanted to combine the programs.

ASSEMBLYMAN JOHNSTON: So your HAZMAT people are the ones who do that--or no, fire prevention.

CHIEF POWELL: No, no. The fire prevention people are in charge of that area, but that information has to be available to our HAZMAT people on call and that's why we dovetailed it all together.

ASSEMBLYMAN JOHNSTON: I hadn't heard that. That's an interesting way of approaching it. I guess you feel you get some efficiency by having one inspector do both and then put the information in one computer.

CHIEF POWELL: Right, you don't have overlapping programs. We had the same thing with the Right To Know Ordinance, and we married both of those--City and County are both the same. It took a long time to get everybody to agree to it, but it saves us an awful lot time. And some of our County administrators...

ASSEMBLYMAN JOHNSTON: Consolidation of the Marshal's Office, wouldn't you say.

CHIEF POWELL: Right, 23 fire departments all bought into both of those programs, the Right to Know and also the underground tank.

ASSEMBLYMAN JOHNSTON: Now, who's going to follow up on the underground tank inspections--where they're leaking?

CHIEF POWELL: That comes through Sacramento County. They do the administration and the enforcement; we do the field work on it. We identify it as a problem through the inspection process, and then we turn it over to them.

ASSEMBLYMAN JOHNSTON: What agency of the County?

CHIEF POWELL: The Health Department.

ASSEMBLYMAN JOHNSTON: The Health Department?

CHIEF POWELL: The County Health Department.

ASSEMBLYMAN JOHNSTON: Okay, thank you. That's very interesting.

CHAIRWOMAN LA FOLLETTE: Thank you very much. Chief File.

CHIEF KENNETH FILE: Yes. Just briefly, I think we should point out what it takes to put a HAZMAT team on the street, as far as equipment. I'll be very brief, but the basic vehicle that we use consists of a ten thousand watt generator, lighting equipment sufficient to light a football field, hydraulic tool circuits, cascade air systems, basic equipment, such as chemical suits, splash suits, gloves, goggles, detectors, hazardous material categorization kits, jaws of life, material safety data sheets, and a microfiche reader in which to read them. A fortune in communications equipment, so that those people that are on the street going into the hazardous area can communicate. We have chlorine kits, leak plugging devices, clamps, and on and on. I bring this out because we're talking lots of money to put a hazardous materials team on the street. I

get a lot of calls in my office each day from jurisdictions wanting to know about training, about equipment, what it takes to put a unit on the street. It's amazing to me some of the calls I get from very small residential areas, where I can't see why there are hazardous materials at all, but it seems to be the in-thing; everybody wants a HAZMAT team. It really relates back to some of the comments I've heard here today that a regional concept is probably a better answer than everybody trying to do their own individual thing. We went the individual route because there was nothing available to us at the time; there was no training, and really there's none yet. There was no standard equipment inventory, there was no standard vehicle, there was really nothing, so we just went from ground zero and brought up the three teams that we have today.

CHAIRWOMAN LA FOLLETTE: You both sound like you are the kind of people that really make our jobs a little bit easier. You've got some initiative, and you saw the problem and went after it; that's very good. Could you send us a little bit more in writing about some of your programs? We'd like to have it, I'm sure, to share with the other Subcommittee members.

CHIEF POWELL: We can give you copies of our program and the inventory and what we have at the present time.

CHAIRWOMAN LA FOLLETTE: Thank you very much; we would appreciate that.

Tom Bailey, Chief, Program Management Section, Toxic Substance Control Division, Department of Health Services.

MR. TOM BAILEY: Thank you, Madam Chairwoman and Members of the Committee. My name is Tom Bailey, Chief of the Program Management Section, Department of Health Services. On behalf of the Director, I want to thank you for this opportunity to discuss with you and provide the Committee with information that will allow you, as you pointed out in your letter, to assess California's ability to protect the public from accident involving toxics and hazardous materials. The Department of Health Services generally provides advice and counsel to local agencies, and we provide assistance in particular areas related to hazardous substances that pose a threat to the public health. The Department's units that have or can fulfill a role in responding to emergencies caused by uncontrolled releases of toxic or hazardous substances include the Toxic Substances Control Division, which I'll spend quite bit of time discussing, the Radiologic Health Branch, Local Environmental Program, Epidemiology & Toxicology Branch, Sanitary Engineering Branch, Hazard Evaluation System, Information System and the Laboratory Services Branch. Under Chapters 6.5 and 6.8 of the California Health and Safety Code, the Toxic Substances Control Division has a responsibility to control both the permitted facilities, which are treatment, storage, and disposal facilities, and to cause remediation or mitigation of problems caused by uncontrolled release of hazardous waste to the environment. Under Chapter 6.5, our program is to regulate facilities that deal with hazardous waste, not hazardous materials. The differentiation

there, as I'm sure you've heard from other speakers today, is basically that hazardous waste is a product from commercial or industrial or normal society products or activities and in essence ends up in the environment in somewhat of a diluted state, meaning it is the natural raw product of the hazardous material or material that may be hazardous or toxic to the public or to the citizens in its natural state. Those materials are, in general, far more toxic and far more concentrated than the wastes that we are dealing with; but, nevertheless, under Chapter 6.5, what we regulate and manage are the hazardous wastes. We permit all treatment disposal in storage facilities, and we review design, construction, and operating plans for all said facilities. Title 22--that's Division 4 of the Administrative Code--identifies standards for management of hazardous waste. In addition to the permitting program, we also do routine inspection and surveillance, and our enforcement program follows up on violations of permit conditions that we find during the inspection program. All treatment, storage, and disposal facilities are required to develop a local emergency contingency plan if, in fact, there is a release of hazardous waste into the environment.

In addition to the program that we have for regulating treatment, storage, and disposal facilities, we also have a program for managing and regulating hazardous waste haulers. The program maintains vital information statewide; we work very closely with the Department of Transportation and with the CHP.

Two important features of that program are that the vehicles are inspected and certified in advance of a hauler receiving registration from the Department. In addition to that, we require verification that the hauler has adequate insurance coverage prior to the time that its registered. Again, this program does not cover transportation of hazardous materials. General information that we've collected over the last few years with other agencies, such as CalTrans, CHP, and OES, shows that most of the vehicular material incident spills from those are more numerous than from the hazardous waste spills on the travel way, meaning highways, and off-roads. Chapter 6.8, which was enacted in 1981, is a Carpenter/Presley/Tanner Hazardous Substance Account Act and sets up a program for the Department to mitigate hazardous waste sites. In addition to that, it sets up a program for supporting local agencies in hazardous response activities in two areas: First, by providing funds, a million dollars annually, for providing assistance to localities when a spill occurs. As an example, if an off-highway spill occurs in a particular location and it is found that the spill is a hazardous material creating a public health or environmental risk and there are no other resources available to respond to that spill, the state, through the Hazardous Substance Account Emergency Reserve, can come in and provide assistance. We do that with in-place contractors. In addition to that program, we also have...

ASSEMBLYMAN JOHNSTON: That account, is that the State Superfund Account?

MR. BAILEY: Yes, it is part of the State Superfund Account.

ASSEMBLYMAN JOHNSTON: And how much is set aside for that kind of emergency response?

MR. BAILEY: One million annually.

ASSEMBLYMAN JOHNSTON: Okay.

MR. BAILEY: In addition to that account, we have also allocated money annually for hazardous material equipment purchases. The Health and Safety Code specifies that the director has the authority, in fact, any local agency has the authority, with the approval of the Director, to purchase hazardous substances response equipment. We have done so over the last few years to the tune of approximately a total of two million dollars. In the last three fiscal years, we've provided support to 25 different local jurisdictions and, as I said, the total is approximately two million dollars. Most of those local jurisdictions were counties; however, there were four cities that received assistance from us. The assistance, basically, which was provided in the past was hazardous material vehicles or hazardous response vehicles and the equipment that the first responders need when they report to the scene of a spill.

CHAIRWOMAN LA FOLLETTE: Such as?

MR. BAILEY: Such as breathing apparatus, coveralls, boots, identification, monitoring equipment, the kinds of things that would be on a vehicle that goes to the scene and provides protection for those three or four individuals that set up the

scene, manage the scene, identify the material, and try to make sure that the public is notified to evacuate, or whatever actions have to be taken. In addition to those two activities, the Department has also provided money for emergency response training. Over the last three years, we've provided \$100,000 to the Association of Bay Area Governments in coordinating the development of two training modules, one for first responders and one for scene managers, that are to be used for training trainers. The first responder training has already been made available, and when those modules are finished by ABAG, they will hopefully be made operational at the Specialized Training Institute that, I think, you heard about from Mr. Jerry Schimke this morning from OES. We're working with OES and EPA to make the CSTI Facility in San Luis Obispo a hands-on emergency response training facility.

CHAIRWOMAN LA FOLLETTE: With all these training programs that seem to be floating around in the state, is there any attempt to standardize them, as far as requirements or credentialing, or anything else? I mean, everybody puts together programs that they think are appropriate for...

MR. BAILEY: Well, as the gentleman from the City of Sacramento commented, to date most of the activity has been on an as-needed basis. People identify a need, and they develop a program to accommodate that need. The coordination that's going on now with the Department of Health Services has been primarily with EPA and OES. However, we have set up a task force that

advises the Department regarding both emergency equipment and the need for training. The Department has tried to work with OES and EPA and local and other State agencies to standardize the first responder training and, in that regard, we've also funded the CHP for the Modules I, II, and III. I believe you heard from Lt. Moore this morning. Those Modules were funded up until next year; actually we're funding them through this year. And those Modules are also for the first response for scene managers and supervisors, much the same as the ABAG Program. The ABAG people, CHP, OES, CalTrans, and EPA are all represented on the task force and have been coordinating on this activity. I think the essence of what I'm saying is that there is coordination, but, in my opinion at least, there is no one focal point; nor do I believe that there's a statutory requirement that everything be standardized. As an example, when we've been meeting with the City and County of Sacramento, Santa Clara County, and Los Angeles County, all of whom at the local level are very aggressive, forward-thinking people and have developed their own programs, there are differences. There are differences in identification of training needs; there are differences in standards for training personnel, as well as for equipping those personnel; but they are not so different, at least in our experience, as to create difficulties. But other localities are further behind than many of these more aggressive counties who have been faced with the problem and have stepped out to solve their own problems.

CHAIRWOMAN LA FOLLETTE: Are the materials and information gained through these training programs shared willingly?

MR. BAILEY: Very definitely. When we fund a program, certainly from the Department's perspective, or when we get monies from EPA and work with EPA and OES, our goal is to make sure that all of that information is shared. As an example, I believe we sent out some 1,500 letters to let the cities and counties and localities know about the Emergency Reserve Account and the availability of equipment and preparedness monies through Chapter 6.8 of the Health and Safety Code. So there's certainly a willingness on our part, and the intent is to develop the programs through ABAG to make the Training Institute available so that all of these folks have access to, in essence, a specific standardized format for module presentation and a facility from which they can get that training.

The other two things that I wanted to mention in terms of emergency response activities is the California Specialized Training Institute in San Luis Obispo. As I said, we're coordinating with OES and EPA--DHS, as an example, this year will provide an additional \$20,000 to buy emergency response equipment for the trainers. That's in addition to OES providing staff and the facility, and EPA will provide training equipment for first responders, I think to the tune of about \$150,000 to \$180,000. For the last two years, the Department has also...

CHAIRWOMAN LA FOLLETTE: Excuse me. Ms. Tanner has a question.

MR. BAILEY: Oh, I'm sorry.

ASSEMBLYWOMAN TANNER: What would \$150,000 do?

MR. BAILEY: The money provided from EPA is basically to provide the equipment that will be required to train the first responders in the self-contained breathing apparatus, the monitoring devices to monitor the air emissions from the site to determine what the spill is, and Level A suits for the protection of the personnel at the scene.

ASSEMBLYWOMAN TANNER: \$150,000?

MR. BAILEY: That's what they're providing this fiscal year.

ASSEMBLYWOMAN TANNER: And how much is the State providing--a matching and any...?

MR. BAILEY: No, this year we're providing \$20,000 from the Department of Health Services, and then OES is providing staff and the facility in San Luis Obispo.

ASSEMBLYWOMAN TANNER: Yes, \$150,000 doesn't provide very much, does it?

MR. BAILEY: That's right.

ASSEMBLYWOMAN TANNER: What would you say would handle--I know you're talking about protective clothing. That's very expensive, right?

MR. BAILEY: Ms. Tanner, our estimate, if the--and it is our goal, by the way, to have the California Specialized Training

Institute made operational this year; this year basically is the start-up of that program. The estimate that EPA and OES and we tentatively agree on is that to make it operational will probably require something between \$250,000 and \$350,000 a year.

ASSEMBLYWOMAN TANNER: So these are start-up funds?

MR. BAILEY: Yes.

ASSEMBLYWOMAN TANNER: Okay.

MR. BAILEY: The last item I wanted to mention was a contract that we had with the Department of Industrial Relations for DIR to prepare an evaluation of incidents. Well, one of the items that came to our attention early in this program of emergency response was that, as you've already noted, the people trained and the equipment identified are quite variable and there's no standardization. So we asked the Department of Industrial Relations to evaluate scenes to find out if there was some commonality that could be used to develop two things: (1) Basically, a process for identifying the material at a spill; and (2) secondly, what kinds of activities or what kinds of equipment should be used for first responder protection. As a result of that, the hazard categorization system has already been developed and made available to the local communities by DIR. And this is a system that established procedures for identification of the material released or spilled at a scene. The final report has not been released yet, but when that final report comes out, it will also include recommendations that can be used in training and the development of the training program at CSTI. And it will

be incorporated in the work that ABAG, OES, the Department, and EPA are doing.

I'll just touch very briefly on other elements of organization in the Department of Health Services which have responsibility for or a role in responding to emergencies from hazardous or toxic spills. The Radiologic Health Branch provides consultation on handling health effects and handling materials and makes referrals to consulting physicians; also, they can provide hands-on assistance in particular emergency incidents. The Local Environmental Health Program is a program that provides for coordination between counties, the transfer of sanitation staff, if necessary, in order to make sure that the local agencies have the physical staff resources available to respond to an incident. The Epidemiology and Toxicology Branch carries out epidemiological studies, as well as field investigations, in cooperation with other state laboratories and localities, specifically local county health officers and directors of environmental health, to assess potential health effects of noninfectious environmental exposures. The Sanitary Engineering Branch gets involved in investigations and laboratory support for all water supplies, public water supplies. They can provide assistance for systems with more than 200 connections. Basically, the differentiation is that local county health authorities are primarily responsible for the local small water systems where there are fewer than two hundred connections. The Department of Health Services monitors and has a responsibility for regulating water supplies larger than that.

CHAIRWOMAN LA FOLLETTE: Except, Mr. Bailey, when those local small systems are on the Superfund, right?

MR. BAILEY: I was talking about the Sanitary Engineering Branch.

CHAIRWOMAN LA FOLLETTE: Well, Sanitary Engineering is also involved.

MR. BAILEY: Sanitary Engineering, yes. We'll have a role, as an example, as well as Glen Ellen, for helping solve the problem with the...

CHAIRWOMAN LA FOLLETTE: Or the El Monte...

MR. BAILEY: We're coordinating with them in terms of Richwood, Urban, and Hemlock.

CHAIRWOMAN LA FOLLETTE: Okay.

MR. BAILEY: The Hazard Evaluation System and Information Services provide update information on the health effects of toxic substances; however, these requests are primarily related to occupational health.

And last, but not least, the Laboratory Services Branch can provide quality assurance, quality control, and recommendations to local agencies and other State agencies on chain of custody and preservation of samples, assistance in determining what kinds of analyses should be run on certain chemicals, and also provides needed services and consultation on the most active acute ingredients, those things that are more esoteric in the chemical world.

CHAIRWOMAN LA FOLLETTE: Yes, Mrs. Tanner.

ASSEMBLYWOMAN TANNER: Do we have State labs that do most of the testing, or do we contract with the labs?

MR. BAILEY: Presently...

ASSEMBLYWOMAN TANNER: Historically, we've done some bad work, right; we've had some confusion.

MR. BAILEY: Well, historically, in the whole area of toxic and hazardous materials, especially as it relates to organics, is new and evolving, and the technology almost changes before the technicians learn how to apply it. Today, I would say that certainly our Materials Laboratory in Berkeley is one of the foremost laboratories in the United States.

CHAIRWOMAN LA FOLLETTE: Is that where we do all of our work?

MR. BAILEY: No, that is not where we do all of our work, but that Laboratory provides the quality assurance, quality control features, for the contract laboratories. So, to the extent that we go out and contract with a private laboratory, that laboratory must assure the Hazardous Materials Laboratory personnel that, in fact, they used the proper techniques, proper procedures, for fixing and analyzing the samples.

ASSEMBLYWOMAN TANNER: So, from here on out, we don't have to be concerned that there are going to be screw-ups?

MR. BAILEY: From here on out, the screw-ups should be less frequent. (Laughter) That concludes my remarks; thank you very much.

CHAIRWOMAN LA FOLLETTE: Could you make a comment concerning the fact that there are so many jurisdictions involved in toxic disaster planning and response? I have this feeling

that, because of all these jurisdictions involved, this really slows up the whole process and adds a lot of confusion. Can you comment on that, or do you feel that you don't want to?

MR. BAILEY: I'd be very pleased to comment on it. There is certainly a sense of confusion, I believe, because everybody in the world doesn't know what everybody else is doing. I'm not sure that's necessary; however, I think, contrary to the popular belief that there's been a lot of confusion and that we have done poorly--we, meaning the whole State of California, whether it's a city, county or State agency, or even a Federal agency--I believe the perception of confusion comes from a misunderstanding of what's available in society in California.

If you look at the record, at least what we have identified, one area of confusion is just recordkeeping. When we, through our task force, tried to sit down with CHP, CalTrans, OES, and EPA to identify how many spills occurred, the number varied from 2,800 to 5,600, depending on which data you used. So the recordkeeping certainly is not uniform or consistent, so on that basis there appears to be confusion. However, unless there was a basic calamity, unless there was a death associated with the incident, like there was in the Caldecott Tunnel when that particular problem was beyond the control of any agency's coordination or communication, most of the spills were responded to effectively and fairly efficiently by the local agency or by the State agency that had responsibility. I think there is certainly need for uniformity--there is need for consistency--but, after all, the agencies, cities, and counties have first response responsibility and capability. All 58 of the counties

and all of the cities, certainly, don't have the same level of expertise; that's why you heard today the idea of regionalization.

One of the things that we're trying to do, the Department, through Superfund, is to provide a first response equipment capability to all of those folks that have a significant need locally, and we've done that, as I said, to the tune of about \$2 million to date, and we've provided equipment to 25 local agencies. The equipment was not the same in all cases, in terms of specific items, but we did the best we could to keep the equipment uniform, and also we put on a condition that they provide local assistance to other agencies. So when they got that equipment, it wasn't supposed to be just used for themselves; if possible, they were to agree to provide mutual assistance to other local agencies. I think, in most cases, the local agencies do that.

CHAIRWOMAN LA FOLLETTE: What do you think the State could do to improve the efforts and improve the response time? If you're saying, which we've heard repeatedly today, that really the local jurisdiction is the one most responsible because their people have to be right on the scene, then what can the State do to enhance their job in meeting those disasters?

MR. BAILEY: Well, immediately, I would think, a good role for either a State agency, or a collective group of State agencies, would be to set down the specific criteria for training so that could be provided to the local agencies as minimal training requirements for first responders, for scene clean-up people, for supervisors and managers, and the second thing is to

try to identify a uniformity or consistency in the equipment required to do that. And, then, there's a third area--and I don't have an answer for this one--but it's the difference between managing hazardous waste as we do in the Department and managing hazardous materials. As an example, if there is going to be a calamity like Bhopal, I don't know that there is anything any agency can do to plan for that. But there certainly is some coordination that can occur at the local level where facilities like that are operating so that the contingency plans for those facilities have emergency plans in place so that the Red Cross, the local fire, the local police or law enforcement, and local health officials are all known and are tied in to this emergency response program that we already have and the contingency plan that we have through OES, which is being developed and put out into the local areas by the development of the local contingency plans. That's happening, but I'm not sure that it's happening to the point where we could say that we are addressing the problem of hazardous material exposure or potential exposure. So those are the three areas that I think would help the local agencies significantly.

CHAIRWOMAN LA FOLLETTE: Mrs. Tanner, did you have a question?

ASSEMBLYWOMAN TANNER: Yes, I do. It was all very new to all of us, and there were mistakes with equipment early on; now, the equipment that we are providing through Superfund, are we still providing that equipment?

MR. BAILEY: Yes, ma'am.

ASSEMBLYWOMAN TANNER: To how many areas has the response-- whatever it is called?

MR. BAILEY: Well, the hazardous materials response vehicles have been provided, I believe, to most of the 25 localities that I identified earlier.

ASSEMBLYWOMAN TANNER: I wasn't here, I'm sorry.

MR. BAILEY: Okay. In some cases--I don't have that differentiation right now, but in some cases we provided full equipment packages for vehicles that they already had. In some cases, like L.A., where they had a vehicle that they wanted to modify into a responder HAZMAT vehicle, we provided, say, a \$47,000 package for them to do that; but I believe it's some place between the 25 that we've assisted and say, 20, but I don't have that number precisely.

ASSEMBLYWOMAN TANNER: So, you feel that most regions now are covered with a HAZMAT vehicle?

MR. BAILEY: After this fiscal year, '85-'86--we've identified some additional agencies that have come to us. We've had the Task Force meet and recommend to the Department, and my recommendation is now going up to management for additional distribution this year. I believe, just to pick a number, I would think we're 80% to 90% covered, in terms of the most urgent needs right now.

ASSEMBLYWOMAN TANNER: Okay, a vehicle--what do you consider--and you may have covered all this, and I apologize if you have--one vehicle will cover what area, roughly, in square miles?

MR. BAILEY: Well, the guidance that the Task Force gave was that, in an urban area, we wanted the vehicle to be able to cover somewhere between a half hour to an hour's response time, so, depending on traffic, that could be 30 to 50 miles, something like that.

ASSEMBLYWOMAN TANNER: How many vehicles do we have, 20 to 25? That's not nearly enough is it?

MR. BAILEY: Well, we're not sure that everybody--that's based on the assumption that everybody needs a vehicle. I'm certainly not here to say that they do; in fact, I would say that they don't.

ASSEMBLYWOMAN TANNER: No, I wouldn't think so throughout the State of California.

MR. BAILEY: No, everybody in the State of California doesn't, in my opinion.

ASSEMBLYWOMAN TANNER: Are 20 to 25 vehicles sufficient, if they are placed properly, to service the State of California?

MR. BAILEY: I'll have to fall back on the 80 to 90% coverage that I was talking about. I believe that we're that well covered, because we have the Bay Area, and we have the Southern California counties, and we have some of the Central Valley counties, all the way to Shasta. So we've gone from San Diego to Shasta, from Monterey, inland, quite a bit, but that's the best answer I can give you now.

ASSEMBLYWOMAN TANNER: Okay.

MR. BAILEY: I think the urgent areas, certainly. The criteria, if you'll recall when we discussed this previously, that we used were the number of incidents, frequency of

incidents, location of Class I landfills, transportation routes, and county boundaries. These are the kinds of criteria that went into determining the distribution of the equipment. So, we focused the first year on the most critical areas and have been working out from there, and I believe that this year we're into areas like Fresno, the more rural areas.

ASSEMBLYWOMAN TANNER: Okay.

CHAIRWOMAN LA FOLLETTE: All right, thank you very much.

MR. BAILEY: Thank you.

CHAIRWOMAN LA FOLLETTE: Bill Sylte, Chief Deputy and Executive Officer, Air Resources Board.

MR. BILL SYLTE: Thank you very much. I appreciate the opportunity to be here this afternoon, as the issue before this Committee is obviously a very important one.

As I'm sure this Subcommittee realizes, we are the State's air pollution control agency and in partnership with the local and regional air pollution control districts around the State. It's our job to regulate the varied and many sources of pollutants to ambient air in California. Part of that effort, of course, is to deal with toxic air contaminants pursuant to AB 1807, which Assemblywoman Tanner carried several years ago.

In its current form, that AB 1807 program is not designed to address the problem of the sudden or accidental releases of toxic pollutants, which is the primary focus of this Subcommittee. What I would like to do is to describe the distinction between the program that we are carrying out and the accidental release problem and tell you some of the things that we have done in helping others to analyze the potential for

danger from accidental releases and some of the things we think we may be able to do in the near future to help out.

For us, at least, it's useful to distinguish between the regular release of small amounts of toxic air pollutants and the sudden release of relatively large amounts of such pollutants. They pose different kinds of problems and appear to require different kinds of responses. The regular release of small quantities of these pollutants produces community exposure that's relatively widespread, usually quite ubiquitous, though small in magnitude and very chronic in the nature of its health effects. What we're concerned about is the cumulative effect of long-term exposure, usually because of the increased risk of individuals to exposure to known or potential carcinogens, so the thrust of our regulatory program under AB 1807 is to minimize public exposure and thereby the risk to individuals.

By contrast, the accidental release of these materials tends to produce public health dangers that are more localized, much larger in magnitude and acute in nature. Short-term exposure, obviously, can result in serious illness or death, and the traditional response to that kind of a danger is to first minimize the probability of these kinds of releases occurring, and second, when they do occur, to try to contain the damage to the extent possible.

While our current toxic control program focuses on the long-term risk of regular releases, the Air Resources Board has been able to contribute to the State's collective understanding of the potential for danger of the accidental release portion of the problem. Since last year's tragic incident in Bhopal, the

ARB has joined other State, local and Federal agencies in an attempt to analyze the potential for such events occurring in California. At least it's clear to us from the information gathered in these discussions that a disaster involving accidental toxic releases is at least a possibility in any area where such materials are manufactured or stored or transported in quantity. Obviously, the fundamental problem is knowing just where those materials are located and how much is there.

Last April we worked with other agencies to develop a list of something over 100 of the most acutely toxic and commonly used chemicals that we feel very confident are present in the State. We estimated the emission rates of those chemicals which would result in what the occupational health agencies term the IDLH. I imagine that term has been used before today, Immediately Dangerous to Life and Health, the IDLH concentrations. We estimated, under several different sets of meteorological conditions, how much of a release it would take to produce IDLH concentrations. Our list included methyl isocyanate, the chemical responsible for the Bhopal incident, and a number of other chemicals that are even more acutely toxic than methyl isocyanate. The list that we produced, and the release rates needed to produce IDLH levels, can be used by anyone who really needs to analyze the potential danger that these chemicals pose when they're found to be stored or handled in a facility or location. Obviously, that list is just a beginning and we'll have to accumulate much more specific information to assure ourselves that we've done everything we can to prevent such disasters from occurring.

The Air Resources Board is ready to continue to work with all the agencies involved in this to develop a much enhanced database as quickly as possible. We feel that we can contribute our knowledge of industrial processes, our knowledge of the location of known or suspected storage or handling facilities, our knowledge of the behavior of air pollutants in the atmosphere, and our regulatory relationship with industries and the local air pollution control districts. If you now have any questions, I'll be happy to attempt to answer them.

ASSEMBLYWOMAN TANNER: I always felt that your agency does an outstanding job, except for one area that I'm curious about. I had reason to believe that at one time your response--you were not available in a certain instance where there was a very serious release in Santa Fe Springs in Southern California. There was an explosion, a fire and, unfortunately, it happened late on a Friday night, or early Saturday morning, and it was Monday before the Air Resources people could check to see if there was any danger. That was quite an incident. We had a hearing, and I'm going to ask you now--and I feel confident that you have done something about that particular problem--is there a way to reach you people if a release happens on a weekend or a holiday? That's a serious problem.

MR. SYLTE: We are plugged in through the Office of Emergency Services.

ASSEMBLYWOMAN TANNER: You did have a hot line that wasn't available.

MR. SYLTE: In other words, the system was there, but it malfunctioned?

ASSEMBLYWOMAN TANNER: Yes.

MR. SYLTE: Yes, certainly, the apparatus is there. We do have people who are trained, although it really isn't our niche. It isn't something that we are organized to do; we simply have people who are familiar with these chemicals and trained to do it.

ASSEMBLYWOMAN TANNER: I know, but see, that's what Mrs. La Follette is about. She is attempting to coordinate the agencies, the State agencies, in the event there is a serious accident, a serious disaster. She is attempting to put together methods or mechanics so that if there is an accident, the Air Resources people will be on board instantly, the Department of Health Services will be on board instantly, the CHP, all of the agencies who are responsible, can be on board instantly. I would like to know, because I know that Mrs. La Follette really needs to know, so that she can put a plan together. What do you people plan on doing in the event there is a disaster?

MR. SYLTE: Are we talking about a real catastrophe?

ASSEMBLYWOMAN TANNER: Well, you know, a catastrophe can be an explosion very similar to the incident in Santa Fe Springs where the fire department had to go in and put out the fire--these were toxic materials that were in drums that exploded. Not only did the fire department have to go in there, they weren't aware of what the substance was in the drums and they had to wash the fire down. The water went down into the San Gabriel Valley Wash or River, killed thousands upon thousands of fish, so there's something scary about that. Obviously, there was air contamination, if there was water contamination--or I

assume. I can't say "obviously," because there wasn't any way to get hold of the Air Resources people until Monday. Well, you know, when you test the air on Monday and the accident happened on Friday night, it's very likely that the contamination was dissipated. I'm not attempting to be critical, I just want to know if that problem--that was four years ago, three years ago--if that problem no longer exists?

MR. SYLTE: It certainly should not have happened, that's all I can say. We have people who are on call all the time.

ASSEMBLYWOMAN TANNER: Okay, Mrs. La Follette is attempting to find out, because she wants to make sure that this State is ready in the event of any kind of--it doesn't have to be a Bhopal kind of disaster, because if one person dies, that's a disaster.

MR. SYLTE: Certainly.

CHAIRWOMAN LA FOLLETTE: So you're saying now that you think that problem has been corrected, and you'll go back and check, I'm sure.

MR. SYLTE: Certainly, to the extent we can put people in the field, we're ready to do so, yes.

CHAIRWOMAN LA FOLLETTE: Because it is true, if you're providing for emergencies, they don't always happen during the workday hours, you know, from nine to five; in fact, they usually don't.

Do you have the ability to provide the current wind dispersion data to emergency response personnel? Do you have that ability?

MR. SYLTE: Yes, in most circumstances. I think if it's a very localized situation, no. It's not our mission to do this kind of thing. We only have people physically located in Southern California and here in Sacramento. If you're talking about large-scale disasters--if we're talking about that kind of picture, if we're talking about the big meteorological picture, yes, we have that capability. We keep very close tabs of what's going on around the State, and we are able to help with that.

CHAIRWOMAN LA FOLLETTE: And then you're able to alert whomever it is at the scene as to the wind conditions. What do you do with all this material? I notice that you sent it to all air pollution control districts; then what do they do with it?

MR. SYLTE: Is that the list you are referring to?

CHAIRWOMAN LA FOLLETTE: Yes.

MR. SYLTE: Really, we just sent that out; that's not part of a regular ongoing effort. That's something we just did in order to help them in this circumstance. We collected that data...

CHAIRWOMAN LA FOLLETTE: This took a lot of hours to put together.

MR. SYLTE: Oh, yes, we did it as part of the study that I believe was described for you this morning, which the Office of Emergency Services is heading up within the Administration right now to analyze the state of preparedness, if you will, and that was our contribution to that effort. We decided, since we had that list, we ought to make it available to those people who we thought might be able to use it.

CHAIRWOMAN LA FOLLETTE: So what happens after it gets to the air pollution control districts?

MR. SYLTE: That's up to each of them.

CHAIRWOMAN LA FOLLETTE: I mean, is this really going to be of value to somebody?

MR. SYLTE: Well, I think so. It tells someone that, if they find a tank of material and they can identify it as one of those things on the list, it gives them a pretty good feel for just how dangerous that tank of material is, how little or how much of a release of that material can produce a very acute and serious health problem.

CHAIRWOMAN LA FOLLETTE: Is this information that you also share with industry?

MR. SYLTE: Yes, certainly, and we've also shared it with the Environmental Protection Agency; it's part of a national list of materials that they'll be putting out later.

CHAIRWOMAN LA FOLLETTE: Sometimes I get the feeling, since I've been in Sacramento, that we hire a lot of people or we pay a lot of people to put together lists, and I don't know that lists are ever used by anyone. I think that's a major concern, that after hundreds and hundreds of personnel hours are spent putting something like this together, if it's just kept an in-house secret, it's not going to be helping anyone.

MR. SYLTE: Well, that's certainly not our intent in this case. We're trying to distribute it to anyone who can use it.

CHAIRWOMAN LA FOLLETTE: Okay. Thank you very much.

Ed Simons, Wildlife Protection Branch, Department of Fish and Game.

ASSEMBLYWOMAN TANNER: I'll tell you, I'm not going to say anything nasty to these people at all, because I'm a fisherman and I want to be friends with them all. (Laughter) They tell me where the best fishing holes are.

MR. ED SIMONS: I'll tell you where not to fish, though. I coordinate response to oil and hazardous materials spills, statewide.

CHAIRWOMAN LA FOLLETTE: How's the whale doing, by the way?

MR. SIMONS: The whale, the last I heard, was trying to come back up stream, but still below the Rio Vista Bridge.

CHAIRWOMAN LA FOLLETTE: Oh, no.

MR. SIMONS: That's an early-morning update. The whale is really in the jurisdiction of the Federal Government, fortunately. (Laughter)

ASSEMBLYWOMAN TANNER: I think this Committee should be requested to participate in the whale watch.

CHAIRWOMAN LA FOLLETTE: Shall we all just leave right now?

MR. SIMONS: Well, it's a very disoriented animal. It shouldn't be in the water that it's in.

CHAIRWOMAN LA FOLLETTE: I should think once it becomes involved in State waters, it should be a State matter and not a Federal one.

MR. SIMONS: I think Senator Garamendi agrees with you.

I'm pleased to be here this afternoon, and I'm here representing the Department of Fish and Game and Director Jack C. Parnell. Jack deferred to me to respond to your--well, to state our role in the incidence of hazardous materials and oil spills throughout this state and then to answer any questions you might have. I have a prepared outline here that I'd like to follow, and then we'll open it up for questions, unless you have something you want to interrupt me on.

The Department of Fish and Game has been involved in spills of oil, specifically, for many, many years. Part of the regulations that we enforce today were put in the California Codes back in the 1870s, and prior to 1945, I know, some Game Wardens made oil pollution citations on vessels in California waters. In the modern world, in 1970, we developed a statewide oil spill contingency plan and there's a committee, the State Interagency Oil Spill Committee, that is made up of 13 agencies, and of those 13 agencies, the Department of Fish and Game has been the Chairman of that Committee for most of those years, 10 or 12 of those years.

In 1982, the Hazardous Materials Contingency Plan was written, and in both of these contingency plans, the Department of Fish and Game is identified as the State agency coordinator for incidents that occur in oil and hazardous materials spills, off-highway. We have about 240 Game Wardens throughout the State and 70 Lieutenants who, one way or another, are usually one of the squad people who is available on a 24-hour basis. They get phone calls at home, and the Office of Emergency Services Warning Control has rosters of our home phone numbers throughout the state.

CHAIRWOMAN LA FOLLETTE: You're not like the Air Resources Board, for the weekends?

MR. SYLTE: Well, if I can defer to Mr. Bailey's comment, 90% of the time, we're not. I was called last week at home, and when OES gets to the point of calling me, they've exhausted the list, and it took me an hour and a half to get hold of somebody. It was up in the Northwestern part of the state, so it was nothing I could handle from home; but personnel, you know, responding from their homes have their difficulties, also. I talked with a couple of very friendly Fish and Game wives, but their husbands were out on other details and were not reachable.

CHAIRWOMAN LA FOLLETTE: Probably out fishing.

MR. SYLTE: We also have a reasonably up-to-date, I think it's very up-to-date, Fish and Game radio frequency that ties in, in most cases, to local jurisdictions--counties or regional park districts or something of that nature--throughout the state on an off-hour basis for when the Fish and Game radios or dispatch centers are not functioning.

The training that our emergency responders get is, except for a few isolated cases--most of the time we're secondary responders requested by other agencies. All wardens are trained for at least four hours upon employment, and that would be within the first year of their employment, in hazardous materials and oil spill responses.

I've put together that training package and emphasized to personnel in training that they protect themselves, and then we will protect the environment. The update of training is on a

squad-by-squad basis and on individual requests for training by individual officers. We also prosecute for spills of oil and hazardous materials, and when we prosecute criminally, we go through the County Office of the District Attorney; and when we prosecute civilly, we go through the State Attorney General's Office, or, in some cases, we have recently, in the last five years, been involved more with County District Attorneys' filing civilly--that used to be the exception rather than the rule, and now it's turned around. We oversee environmental cleanup and incident site restorations through our biological branches, fisheries and wildlife management. In an incident where we have specific losses of fish and wildlife, we go beyond the State agency coordinator role and document these losses and attempts to recover for losses, coupled with other criminal and civil legal actions. At this time, if there's more information that you would request, I'd be glad to answer questions.

CHAIRWOMAN LA FOLLETTE: Yes, Mrs. Tanner.

ASSEMBLYWOMAN TANNER: You referred to oil spills, but there are certainly other spills or other releases that endanger the wildlife, right? For instance, those of us who do like to fish, we've put fish in the sloughs and the rivers, and it's not likely there will be an oil spill in a slough, but it's more likely that there could be a pesticide or herbicide or some other chemical release. Do you people do anything about that?

MR. SIMONS: We don't have a section that identifies hazardous materials in the Fish and Game Code, but we have a

section that identifies any material deleterious to fish, plant, or bird life.

ASSEMBLYWOMAN TANNER: And what can you do?

MR. SIMONS: Well, that's the same kind of prosecution that we would place on an oil discharge. Oil is where we originated, I guess, our concerns, and I think where most of the hazardous materials energy today came from, because we can see oil spills, and we can't see chemical spills throughout the state waters.

ASSEMBLYWOMAN TANNER: What you see is usually dead fish, would you say?

MR. SIMONS: Yes, and its been my experience in the field that those are all after the fact. In my own investigations I've never managed to tie a chemical discharge to a dead fish because the fish show up six hours or eight hours after the discharge.

ASSEMBLYWOMAN TANNER: Do you take that fish?

MR. SIMONS: Yes, we have, but once the organism starts decomposing, we don't have a good chemical match for anything that's in that fish body.

CHAIRWOMAN LA FOLLETTE: Do you test the water around the fish, or has it usually by then dissipated?

MR. SIMONS: Oh, yes, but usually by then its dissipated or you have the river current or a tidal action that's moved. You know, it's like finding a needle in a haystack to find the chemical.

ASSEMBLYWOMAN TANNER: Is it dangerous to fish in the sloughs?

MR. SIMONS: As long as you're, probably, not pregnant and don't...

ASSEMBLYWOMAN TANNER: How do you know, how do you know I'm not pregnant?

MR. SIMONS: I said probably.

ASSEMBLYWOMAN TANNER: Do I look...?

MR. SIMONS: If you look at health standards for striped bass, I think that you're not supposed to eat more than four pounds per month if you're pregnant.

ASSEMBLYWOMAN TANNER: I'm younger than I look.

MR. SIMONS: I was not indicating anything like that.

CHAIRWOMAN LA FOLLETTE: In most cases, for the average fisherman in California, you will not get a high enough concentration to cause a person problems on sport fishing.

MR. SIMONS: We have some areas in sloughs where we have had some highly contaminated catfish, but those are isolated spots.

CHAIRWOMAN LA FOLLETTE: That's what we fish for.

MR. SIMONS: That's what I thought. If you're fishing in the sloughs, you're fishing for catfish.

ASSEMBLYWOMAN TANNER: I mean if there aren't any dead catfish around is it more less safe, do you think?

CHAIRWOMAN LA FOLLETTE: Meet us later; we'll talk to you about...

ASSEMBLYWOMAN TANNER: I mean, this is important.

CHAIRWOMAN LA FOLLETTE: Yes, I know it is. Thank you very much. Mr. Richard Davis, Executive Director, Chemical Industry Council of California. We have the entire Council with us today.

MR. RICHARD DAVIS: Thank you very much, Madam Chair Lady and Ms. Tanner. I am Dick Davis...

CHAIRWOMAN LA FOLLETTE: Assemblyman Mountjoy and Assemblywoman Mojonnier are with us, too.

MR. DAVIS: Mojonnier, yes.

I'm Dick Davis, Executive Director of the Chemical Industry Council, and with me today are Mr. George Jordim of Chevron, who has worked with the Chemical Manufacturers Association and its programs on emergency response; Mr. Tom Sebring of Jones Hamilton Company in Newark, a small chemical company, who is with us today to tell about their role in emergency response; and Mr. Emile Bourdet of Jones Hamilton. We are very pleased to see the formation of this Subcommittee; I hope that it will bring us toward a cooperative venture between government and private industry involving...

CHAIRWOMAN LA FOLLETTE: You do know, of course, that this is Mrs. Tanner's idea?

MR DAVIS: Well, I strongly suspected that and commend her for her action. We believe that this is a particular area of the toxics issue, if you will, that absolutely requires a cooperative effort between government and private industry. I

fall back on our good Lieutenant Governor's remarks the other day when he said the time for finger pointing and blame laying is over; we now need to come together and get some solutions. I won't take more of our time due to the lateness and will ask Mr. Jordim to describe for you what the chemical industry is doing in the area of emergency response. George.

MR. GEORGE JORDIM: I'm glad to be here to talk about two major voluntary initiatives that the Chemical Manufacturers Association is sponsoring. You may be familiar with the Chemical Manufacturers Association. It's a Washington, D.C., association of chemical manufacturers which represents about 90 percent of the chemical manufacturing capacity in the United States.

The first program that I'd like to talk about is the program called CAER. CAER stands for Community Awareness Emergency Response, and it has five major objectives. The first is to make information on hazardous chemicals available to the public. The second is to review, renew, and, where necessary, to establish internal emergency response plans at our facilities. The third element is to expand industry's involvement in community emergency response planning and community emergency response networks, where necessary. The fourth is to integrate our internal emergency response plans with those of the community so that we develop an over-all emergency response plan to handle all emergencies in a community. And the last element is to involve members of the community in the entire effort. CAER, as we like to refer to it, is generally called "locally owned and

operated." We use that terminology to mean that we think emergency response activity, emergency planning, should be a local effort. This does not mean that the State or the Federal Government shouldn't put out guidelines, but I think maximum flexibility should be allowed to the local community. If we have inflexible, rigid requirements, I don't think we're going to have effective emergency response planning. The key to putting CAER activities underway is our plant managers, over 1,000 plant managers nationwide attended seven CAER workshops held throughout the United States. The first was held in San Francisco earlier this year; over 101 people attended that workshop. Over 5,000 CAER handbooks, as you can see right here, have been distributed nationwide. We're asking our plant managers at each local facility to do three things. One, is to develop a community outreach program and to provide means for responding to community requests for information on chemicals. Our goal is to, what we call, demystify the chemical industry; we want to let the local people know what we do at our plants and assure them that we can do it safely. The second thing we're asking our plant managers to do is to look internally to assure that their own internal risk assessments are complete and that their emergency response plans are in order. We've had emergency response programs for many years, but I think a lot has been learned in this past year and it's time, possibly, to look again at our emergency response plans and bring them up to date. The third thing we're asking them to do, and I think it's the most important, is get the plant

managers to work with the community to get a coordinated emergency response plan. We've heard a lot of talk about that today, how we have good emergency response plans for various agencies, but maybe we're not coordinating them enough--they were not even coordinating with industry. Now, we want the plant manager to be the catalyst; we're not asking him to necessarily draw up the community plan--in many cases they're already there, but in many cases, they're not. We're asking him, in effect, though, to contact key officials in the area, whether they be State or local agencies, and get their support for a community council that will coordinate the entire response. The CAER Handbook, which I held up and will make available to you, has many ideas and suggestions on how to do all these steps, rather in much detail--not all of them were applicable to all situations. I think, as Chief Powell indicated, each local community has its different needs. The plant managers and the community can pick and choose, but there's very good information in there that they can use. The real important thing, I think, that ties everything in CAER together is the followup, although the chemical industry is promoting the program and intends to carry it out. They've established six key cutoff dates. One of the most important is number five, which occurs at the end of next year, which means that the local emergency response plan has to be in order and tested with a hypothetical drill. I think this came out in some of the testimony, that perhaps we need more drills. The sixth key date is a year following the end of 1987,

in which we're asking that the plan be again updated, looked at, and retested with the hypothetical drill. Status reports are required; all chemical companies are required--and our company they're required to send reports to me, and I send these reports on to Washington, D.C. The status of our activities is being recorded and being made available to the public and to public agencies; several Congressmen in Washington have asked for them, and the people would probably be interested in status reports. There are about 180 member companies in the CMA, and 170 have formally subscribed to this program, which is a volunteer program, so it's well underway, that is, the CAER.

The other program we have is what we call NCRIC, and that stands for the National Chemical Response and Information Center. It has four major program areas: One is CHEMTREC; the second is CIMNET (CHEMTREC comes from Chemical Transportation Emergency Center, and CIMNET is a Chemical Network); third is Chemical Referral Center, which is easier to follow; and fourth is Emergency Response Training. Those are the four programs. Now, they have essentially a similar purpose to CAER. Their purpose is to provide the public and emergency response agencies with information on chemicals and assistance during emergencies. CHEMTREC--I mentioned that stands for the Chemical Transportation Emergency Center-- does two things. Upon the identification of a chemical involved in a hazardous material emergency, it will provide immediate response information to any caller: Exactly what should the caller do or not do to safely respond to that

chemical. The second thing CHEMTREC will then do is put the caller in touch with either the shipper or the manufacturer of the product for more detailed assistance and followup. Now, that might be a telephone call to provide more detailed information on the chemical to actual on-site assistance by a chemical company team. CHEMTREC, as you've probably heard the term, has been in operation since 1971. We bring it up here because it's being expanded. It was originally a transportation center. It's being expanded to handle emergencies involving non-transportation, such as incidents involving a warehouse or facility, and it will also provide medical information. Since it started in 1971, it's handled over 250,000 calls and over 33,000 major emergencies. The second aspect to NCRIC is the CHEMNET. This is a new program; it's a mutual-aid network between chemical companies and for-hire contractors. The purpose is to provide expert advice and assistance at the scene of an emergency as soon as possible. Our experience has shown that if we have a chemical expert at the scene we can often minimize the potential injuries or property damage caused by the incident. CHEMNET, like all the other programs I'm talking about, is available to anyone in the chemical industry; you need not be a member of CMA to participate in these programs. Immediate advantages are for small companies who don't have emergency response teams to have an emergency responder at the scene; and, of course, even for large companies who do have emergency response teams and do not have nationwide coverage at every location, they also can provide a person at the scene.

ASSEMBLYWOMAN TANNER: Let me ask...

CHAIRWOMAN LA FOLLETTE: Go ahead.

ASSEMBLYWOMAN TANNER: What happens if I have a small company and there's a release in the building or just outside the building? How does CHEMNET work?

MR. JORDIM: Now, are you a small company or, say, a small fire department?

ASSEMBLYWOMAN TANNER: A small company.

MR. JORDIM: Small company. Well, the intent of CHEMNET is to put a chemical expert in touch with the scene.

CHAIRWOMAN LA FOLLETTE: How do we begin the process?

ASSEMBLYWOMAN TANNER: Yes, how do I know about this?

MR. JORDIM: Let's maybe take for instance a spill on a small highway...

ASSEMBLYWOMAN TANNER: No, no.

CHAIRWOMAN LA FOLLETTE: Why can't you take Mrs. Tanner's example?

ASSEMBLYWOMAN TANNER: I have a small chemical company, all right, and certainly don't have a response team or an expert and there is a release in the building, or just outside the building, how do I activate CHEMNET?

MR. JORDIM: If you were a small company and you signed up to be with CHEMNET; you have signed up.

ASSEMBLYWOMAN TANNER: Oh, I see.

MR. DAVIS: George, let me explain that signing up with CHEMNET is to provide--to be a part of the assistance for the

chemicals you produce or that other people produce so that you can respond. If you were a small company, you'd still trigger through your local agency because they're responsible legally for first response. If the fire department or police needed assistance, there is an "800," 24-hour-a-day number that nearly all fire departments are aware of that goes into CHEMTREC, and they could then say, "We need assistance from another company to help on this," and that would trigger the response mechanism. But it would go through CHEMTREC, which has been in existence now 14 or 17 years and is used by most fire departments when they need assistance. In the Louisiana train wreck two years ago, you may remember that they had to evacuate an entire town, but not a single injury occurred because CHEMTREC had someone on the scene within 15 minutes of the accident who started helping the first responder, which was the Louisiana Highway Patrol, in managing that situation.

ASSEMBLYWOMAN TANNER: It's sort of a scene management kind of thing?

MR. DAVIS: Well, it depends on how far it needs to go. If necessary, they do move to the scene, basically, but you still go through your local first responder as to how it's triggered. Excuse me, George.

MR. JORDIM: One aspect of further extension of CHEMNET. There are mutual-aid assistance agreements for other chemicals, such as the Chlorine Institute, where the chemical industry does clean up each other's spills or help out on spills. The

Pesticide Team Network also has a mutual-aid assistance network where a chemical company will respond to any other chemical company's spill, if they cannot get someone to the scene themselves. As I mentioned, the agreements are being signed now and CHEMNET should be operational by the end of this year.

CHAIRWOMAN LA FOLLETTE: And what is the drill you're going to have? You said you were going to have a hypothetical drill.

MR. JORDIM: The hypothetical drills are where we are asking our plant managers to work with the local emergency response agencies and have an over-all emergency response plan in tangent with the community.

CHAIRWOMAN LA FOLLETTE: It will all be done on paper?

MR. JORDIM: Locally, on-site.

CHAIRWOMAN LA FOLLETTE: On-site?

MR. JORDIM: We hope to get beyond the desk-top type and actually do an on-site drill.

MR. DAVIS: Contra Costa County had one last month which involved something like 17 agencies responding through their very fine plan, and actually there was a truck there, and everybody responded to it, and it worked well. They learned a lot.

MR. JORDIM: One of the key things to come out of a lot of these drills is that maybe coordination is not everything we'd hoped it to be.

CHAIRWOMAN LA FOLLETTE: And I would imagine communication, whether that is successful or not.

MR. JORDIM: Yes, very frequently different networks can talk to each other. The third aspect of the NCRIC is a Chemical Referral Center, and that's designed to enable anyone to get non-emergency health and safety information on chemicals. This is available to the public; CMA will maintain a well-publicized 800 number that will be answered during two shifts a day, which I think on the West Coast will be available from 5:00 in the morning to 8:00 at night, and anyone can call that number. CMA will have all the products of the participating companies listed, the names of the manufacturers, and contact numbers for someone in each company who will provide information on their chemicals to anyone who wants it. If for some reason emergency information comes across that line, it will automatically be transferred to CHEMTREC. Operations on the Chemical Referral Center, again, we hope to begin in October.

The last item is the first responder training, and we've heard quite a bit about that today. The main aspect of the first responder training is a lending library. This is the brochure; it has 12 programs available. A team of chemical industry people, emergency responder people, and government agencies got together and reviewed the many training programs that are in existence, some good, some not good, and put together a library of what they feel is the best material available. This is available on free loan to any emergency response agency in the United States. In addition to that, the same group--industry, the government agencies, and emergency responders--got together

and defined what the needs were for emergency training for the first responder and put together a new 30-minute video tape, which has just been finished and will probably be shown nationwide on the teleconference network sometime later this year. This is also available to everyone.

In closing, I believe the chemical industry recognizes that the public has concerns about hazardous chemicals, about how we can prevent a serious chemical release, and what are we doing to prevent serious releases? We developed CAER and NCRIC because we think they address the problems directly. We are prepared to not only cooperate with anyone who merits these programs, but to work very vigorously to help.

CHAIRWOMAN LA FOLLETTE: Thank you.

MR. DAVIS: You might be interested in the experience and the activities of the Jones Hamilton Company. I can't hold them up as typical, because I think they're probably exceptional for companies of their size for the extent of their emergency response capabilities. You might recall a rather bad spill that closed 680 down in the Bay Area earlier this year. It was this team that responded to that spill. So, if Tom Sebring would tell us about their program.

MR. TOM SEBRING: I am a little nervous, because this the first time I've been through this.

CHAIRWOMAN LA FOLLETTE: We're nervous, too, so don't let it bother you.

MR. SEBRING: I'm an employee of Jones Hamilton; we're located in Newark. Our company has manufactured chemicals at the site for 30 years. I'm presently serving as the plant manager. We have about 30 employees, so we're considered a small chemical company. I'd like to briefly tell you about our emergency response program. The products that we make at the Newark plant are sodium bisulfate and hydrochloric acid. Sodium bisulfate is a pelletized solid material that is the main ingredient in granular cleaners. It's normally shipped in bags or drums. Hydrochloric acid, also called muriatic acid, is used in large quantities in California for many different uses. From our plant in the Bay Area, we ship it in liquid tanks, tank trucks or tank cars. It's classified as a hazardous material, and it's shipped by bulk only in rubber lined tanks. We've always accepted responsibility for the products we ship and have responded to problems in transit and at customer plant sites on spills. Our emergency response has been developed to provide a fast reaction to incidents and get our own team to the problem quickly. Our experience shows that our personnel are best equipped to train others to deal with an emergency involving our products because they understand the hazardous materials and can quickly correct any problems. To give you a better picture of how our formal plan operates, I'll read a few quotes out of our book--we've got a whole manual which each person on our task force receives. "Jones Hamilton Transportation Emergency Plan pertains mainly to the shipment of muriatic acid, though it may

be considered somewhat applicable to shipments of sodium bisulfate or other chemicals shipped by Jones Hamilton. Muriatic acid is shipped in both rail cars and tank cars. Truck quantities range up to about 5,000 gallons; rail car shipments are 20,000 gallons as standard. It's the purpose of this plan to provide a means by which, in the event that a spill or an emergency should occur while a rail car or tank truck is in transit or in a customer's site, we will receive prompt notification with an accurate description of the problem and be prepared to respond quickly to remedy the situation."

CHAIRWOMAN LA FOLLETTE: When did you develop the plan?

MR. SEBRING: The plan has been developed now for six years; it's been in existence in the plant for six years.

CHAIRWOMAN LA FOLLETTE: How many times have you had to use it?

MR. SEBRING: Personally, I've been on probably six or seven different leaks in either tank cars or tank trucks.

CHAIRWOMAN LA FOLLETTE: So, you've tested the plan well?

MR. SEBRING: Yes, very well.

CHAIRWOMAN LA FOLLETTE: Okay.

MR. SEBRING: The plan is better prepared than I am. It's not as nervous as I am. It works. Normally, we transport our people to the scene of the emergency either by commercial or private airline, if it's in Southern California. We went as far away as Arizona on one; we have gone to Arizona to repair. We

are tied in with CHEMTREC; as George says, CHEMTREC is generally notification. A citizen will notify CHEMTREC, and CHEMTREC then generally calls our plant. We have given CHEMTREC a number where we are available 24 hours a day; somebody is on call all the time.

MR. DAVIS: Even on weekends.

MR. SEBRING: Even on weekends and holidays. Like I said, most times accidents happen on weekends or holidays or in the evening, so we are prepared to go there. We have kits made up for patching cars, diking cars--straps, pumps, self-contained breathing apparatus. We have 85 different items that are included in our kits for repair of tank cars. The one thing that I would like to emphasize in our book is where it says, "Proceed to the emergency scene and report to those in authority upon arrival." The problems that we have when get to some of our spills, or somebody else's, is having to determine who's in charge at the scene and then convincing them to let us work on the problem. We believe that the emergency response teams like ours can be much more efficient if the coordination can be improved. We are now working with the fire department and other groups in our city to improve coordination. Emile is on the Board working with the City of Commerce, and we're working with some others companies around us to improve our help with their fire departments.

If requested, we do respond to other shipper's products. As George said, the one on 680 when we had acid running down the freeway, we were the first one there. We were probably there four hours before the experts and spent about seven hours there

diking the material, so we are responsible and we do take care of our in-house stuff. I'd like to thank you and, if you have any questions I'll try to answer them.

MR. DAVIS: I'd like to point out that Tom has a copy of their manual that each of their members use on the team. It's very interesting. The kits that he referred to consist of six design boxes that carry the materials necessary, for instance, to stop a tank car leaking, which I think rather amazing. They're equipped for air transportation, as well. Jones Hamilton has in the book not only all commercial airlines for immediate contact, but they have established pre-credit arrangements with four private carriers on a charter basis so that these materials can be moved to the scene. It's really a fascinating thing to see, the extent that they've gone to. I just wanted to give them credit for that.

CHAIRWOMAN LA FOLLETTE: Are leaks the major cause of your problems?

MR. SEBRING: Yes, our tank cars--there are 20,000-gallon tank cars--seem to be our biggest problem. They're rubber-lined, rubber-coated tanks. The linings in them will fail and acid does get out, eating through the steel jacket. We're in a program now where we're physically inspecting and spark testing inside all of our rubber-lined tank cars once a year to minimize our on-the-road upsets and leaks. That program has been working well for us. It's just more prevention that we're trying to take out there before the emergency happens.

CHAIRWOMAN LA FOLLETTE: You know, I think that's a good demonstration of industry meeting a challenge that has to be taken care of, and it shows intelligence on your part. Rather than waiting for a traffic accident to occur, you're in the business of preventing such traffic accidents. There are a lot of people who like to use industry as the scapegoat. Yet, on the other hand, industry can't be backward about solving some of the problems that are a result of what you do. So that's good; I'm glad to hear it.

MR. EMILE BOURDET: Ms. La Follette, I have a comment I'd like to add to that. I'm Director of Transportation for the company. Because of the incidents that have occurred, particularly the spill earlier this year on 680. I have been able to convince our tank truck carriers to go on an annual inspection program of their equipment, that rubber-lined equipment that holds muriatic acid, both here in California and in Ohio, where we also have a plant. The carrier in Ohio has volunteered and completed the inspection program, so it's well worth the cost to do that to prevent the great expense and hazards to the public in the future.

CHAIRWOMAN LA FOLLETTE: Well, and really it is smart business on your part, because any industry which continues to ignore the problems that are a result of their production and the materials that they use will eventually face some real punitive measures. What you're doing is attempting to solve these problems, because you realize that it has to be done and, if you

don't do it, somebody else is going to do it. Somebody else is going to be some form of government, and you know that government doesn't always come out with the right solutions.

Thank you very much, Mrs. Turner, for being with us. That does conclude today's meeting. I genuinely appreciate the testimony from all of you; this has been a very good opportunity for us on the Subcommittee to learn.