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August 13, 2015

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Karen L. Smith, MD, MPH, Director
California Department of Public Health
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RE: AB 1420 (Salas): Oil and Gas - Pipelines (Oppose)

Dear Dr. Smith:

CCLHO recommends a position of Oppose on AB 1420, as it creates an unnecessary redundancy in the current state and local emergency planning, response and recovery system. California already has in place a statewide system for managing response to a myriad emergencies and disasters, the Standardized Emergency Management System (SEMS), the system required by Government Code Section 8607 (a) for responding to and managing emergencies involving multiple jurisdictions or multiple agency responses. Creating statute for response to individual emergencies and disasters such as gas pipeline leaks would result in ineffective redundancies in California's disaster response system.

AB 1420 would require a local health officer, upon notification of a leak in an active gas pipeline regulated by the Division of Oil, Gas, and Geothermal Resources, and upon determining that the leak poses a risk to public health or safety and that the response to the leak has been inadequate to protect the public health or safety, the local health officer shall, working collaboratively with the division and the owner or operator of the pipeline, do both of the following:

1. Direct the responsible party to test, to the satisfaction of the agency overseeing the testing, the soil, air, and water in the affected area for contamination caused by the leak and disclose the results of the tests to the public.
2. Make a determination, based on the result of the tests, on whether the leak poses a serious threat to the public health and safety of residents affected by the leak, and provide assistance, including temporary relocation, to those residents if it so determines.

If the local health officer determines, based on the results of the test, that the leak poses a serious threat to public health and safety, the local health officer shall direct the responsible party to notify all residents affected by the leak. The responsible party shall be liable for the costs incurred by the local health officer.

CCLHO recognizes that California already has in place a statewide system for managing response to a myriad emergencies and disasters. In coordination with other state agencies and local emergency management agencies, the Governor's Office of Emergency Services (CalOES) established, implemented, and maintains SEMS. SEMS consist of five organizational levels which are activated as necessary: field response, local government, operational area, region, and state. The system unifies all elements of

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California's emergency management community into a single integrated system and standardizes key response elements of the incident command system, multi/Inter-agency coordination, mutual aid, and operational areas; all of which are necessary for a coordinated response to multiple types of emergency response situations, including active gas pipeline leaks.

In addition, each local health jurisdiction operates within the purview of a County OES, which coordinates planning, preparedness, response and recovery efforts for disasters occurring within the operational area (county boundary). County OES also coordinates the development and maintenance of the Operational Area Master Emergency Services Plan that serves as a guide for the county's response to emergencies and disasters that occur within the operational area, including gas pipeline leaks.

CCLHO believes that AB 1420 creates an unnecessary redundancy in the current state and local emergency planning, response and recovery system. Response to suspected or known gas pipeline leaks must be coordinated by state and local response systems which include numerous individuals trained and experienced in the practice of the incident command system, SEMS, the national incident management system, hazardous materials, emergency response and rescue, relocation, temporary housing, and financial oversight for recovery of response expenditures. Again, creating statute for response to individual emergencies and disasters such as gas pipeline leaks would result in ineffective redundancies in California's disaster response system.

As you know, the California Conference of Local Health Officers (CCLHO) is an organization of all legally appointed physician health officers in California's 61 city and county jurisdictions established in statute in 1947 to consult with, advise, and make recommendations to the California Department of Public Health (CDPH), other departments, boards, commissions and officials of federal, state, and local government, the Legislature, and any other organization or association on matters affecting health.

Thank you for your consideration. If you have questions, please contact me at Muntu.davis@acgov.org or 510-267-8010.

Sincerely,

A handwritten signature in blue ink that reads "Muntu Davis MD, MPH". The signature is fluid and cursive.

Muntu Davis, MD, MPH
President, California Conference of Local Health Officers