



**Health & Human Services
Agency
COUNTY OF TULARE
AGENDA ITEM**

BOARD OF SUPERVISORS

KUYLER CROCKER
District One
PETE VANDER POEL
District Two
AMY SHUKLIAN
District Three
EDDIE VALERO
District Four
DENNIS TOWNSEND
District Five

AGENDA DATE: September 29, 2020

Public Hearing Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Published Notice Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Advertised Published Notice	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Meet & Confer Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Electronic file(s) has been sent	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Budget Transfer (Aud 308) attached	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Personnel Resolution attached	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s)	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
CONTACT PERSON: Andrew Lockman PHONE: 624-8000				

SUBJECT: Ratify a Local Health Emergency related to the Sequoia Complex Fire

REQUEST(S):

That the Board of Supervisors:

Ratify the Tulare County Health Officer's Local Health Emergency Declaration, due to the public health threat resulting from the Sequoia Complex Fire.

SUMMARY:

The Sequoia Lightning Complex Fire on the Sequoia National Forest (generally referred to as the "SQF Complex") was first detected on August 19, 2020. This incident encompasses the lightning-caused Castle Fire and Shotgun Fire. As of the time of Agenda Item submission, the fire has burned over 144,000 acres and is 33% contained. A Local Emergency was proclaimed for the fire on August 28, 2020 and ratified by the Board of Supervisors on September 1, 2020.

The fire experienced rapid growth due to changing weather conditions and began to impact structures on or about September 13, 2020. Since that time, 150 residential structures, over 50 outbuildings, and various infrastructure have been confirmed destroyed. The damage assessment process is ongoing.

This destruction and resulting debris present a number of health hazards, which could include, for example, inhalation of or exposure to substances such as fine particulate matter, carcinogens, fuel oils, battery acids, refrigerants, heavy metals, solvents, pesticides, paints, and other chemicals. Similarly, contaminants could threaten water supplies both within the affected area and the broader watershed. On September 24, 2020, the Tulare County Health Officer declared a Local Health Emergency in light of the existence of these public health hazards.

SUBJECT: Ratify a Local Health Emergency related to the Sequoia Complex Fire
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In addition to granting specific authorities necessary to expedite the mitigation of public health and safety hazards, a Local Health Emergency may also enable the County to obtain additional State and Federal resources, such as assistance from the California Department of Toxic Substance Control. Additional assistance programs for debris removal may become available as the recovery phase progresses; such programs are typically predicated on the existence of a Local Health Emergency.

A Local Health Emergency must be ratified by the Board of Supervisors within seven days in order to remain in effect, pursuant to California Health & Safety Code §101080 requirements.

FISCAL IMPACT/FINANCING:

There is no cost to declaring a Local Health Emergency. The additional State and Federal assistance that may become available as a result of the Local Health Emergency are likely to reduce the County's overall disaster response costs.

LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:

The County's five-year strategic plan includes the Safety and Security initiative, with a directive to plan and provide coordinated emergency preparedness, response, recovery and mitigation capabilities for both natural and man-made disasters. The Local Health Emergency ensures a coordinated response that addresses the full range of wildfire-related safety hazards in the affected area.

ADMINISTRATIVE SIGN-OFF:

/s/Robert Stewart OBO
Timothy W. Lutz
Agency Director

Cc: County Administrative Office

Attachment(s) Declaration of Local Health Emergency

**BEFORE THE BOARD OF SUPERVISORS
COUNTY OF TULARE, STATE OF CALIFORNIA**

IN THE MATTER OF RATIFY A LOCAL HEALTH) Resolution No. _____
EMERGENCY RELATED TO THE SEQUOIA) Agreement No. _____
COMPLEX FIRE)

UPON MOTION OF SUPERVISOR _____, SECONDED BY
SUPERVISOR _____, THE FOLLOWING WAS ADOPTED BY THE
BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD _____
_____, BY THE FOLLOWING VOTE:

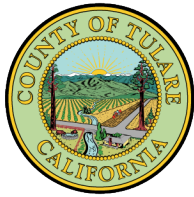
AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST: JASON T. BRITT
COUNTY ADMINISTRATIVE OFFICER/
CLERK, BOARD OF SUPERVISORS

BY: _____
Deputy Clerk

* * * * *

Ratified the Tulare County Health Officer's Local Health Emergency Declaration, due to the public health threat resulting from the Sequoia Complex Fire.



TULARE COUNTY
HEALTH & HUMAN SERVICES AGENCY

Timothy W. Lutz, MBA
Agency Director

Karen Haight, MD, MPH • County Health Officer • Public Health Branch

DECLARATION OF LOCAL HEALTH EMERGENCY
BY THE COUNTY HEALTH OFFICER

WHEREAS, California Health and Safety Code, Division 101, Part 3, Chapter 2, Article 2, Sections 101075 through 101095 confer upon Local Health Officers of the political subdivisions of the State of California, emergency powers necessary to protect public health and safety; and

WHEREAS, Section 101080 of the California Health and Safety Code provides that the Local Health Officer may declare a local emergency in his jurisdiction or any area affected by the threat to public health; and

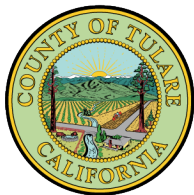
WHEREAS, Section 1-15-1033 (b) of the Tulare County Ordinance Code provides that the County Health Officer may take any preventive measure that may be necessary to protect and preserve the public health from any public health hazard during a "health emergency" and "local emergency."

WHEREAS, under Section 1-15-1033 (b) of the Tulare County Ordinance Code, a "Preventive measure" means abatement, correction, removal, or any other protective step that may be taken against any public health hazard that is caused by a disaster and affects the public health, or threatens injury or disability.

WHEREAS, Section 101080 of the California Health and Safety Code authorizes a Local Health Officer to declare a local health emergency whenever the Local Health Officer reasonably determines that hazardous waste or waste that may become hazardous waste, is an immediate threat to the public health; and

WHEREAS, Section 101075 of the California Health and Safety Code defines "Hazardous Waste" as waste or combination of wastes, that because of its quality, concentration, or physical chemical, or infectious characteristics may do any of the following: (1) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; or (2) pose a substantial present or potential hazard to human health or environment when improperly treated, stored, transported, or disposed of, or otherwise managed; and

WHEREAS, Section 101075 of the California Health and Safety Code defines "Waste" as either of the following: (1) any material for which no use or reuse is intended and that is to be discarded; (2) any material that spills, escapes, or is released from any manufacturing, industrial, commercial, or other plant, facility, or process, or that escapes or is released during the transporting or transferring from one place to another, or during the pumping, processing, storing, or packaging of any material in, to, or from



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such a plant, facility, or process, or that enters or may enter an uncontained air space or a surface water course that is not totally contained on the contiguous property of the plant, facility, or process, or which enters, or may enter, the groundwater underlying such plant, facility, or process.

WHEREAS, Section 101080 of the California Health and Safety Code subjects the Local Health Officer's declaration of local health emergency to ratification by the Board of Supervisors within seven days and reaffirmation of the need to continue the local health emergency at least once every thirty (30) days thereafter until such health emergency is terminated; and

WHEREAS, on August 18, 2020, Governor Newsom proclaimed a State of Emergency to exist statewide due to multiple fires, and made available State resources to assist in combating the wildfire; and

WHEREAS, the Sequoia Lightning Complex Fire on the Sequoia National Forest (generally referred to as the "SQF Complex" or "Sequoia Complex Fire") was first detected on August 19, 2020. The incident encompasses the lightning-caused Castle Fire and Shotgun Fire; and

WHEREAS, a Local Emergency was proclaimed by the Director of Emergency Services for the SQF Complex Fire on August 28, 2020, which was ratified by the Board of Supervisors on September 1, 2020, pursuant to California Government Code §8630(b) requirements; and

WHEREAS, since the Local Emergency was proclaimed, the SQF Complex Fire has continued to spread. Accordingly, numerous Evacuation Orders have been issued pursuant to Tulare County Ordinance Code Part 1, Chapter 15, Section 1030(f)(1); and

WHEREAS, the County of Tulare will seek state and federal assistance for emergency mitigation of hazardous wastes and substances that may pose a threat to residents and the environment; and

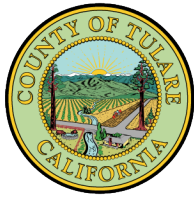
WHEREAS, this wildfire continues to threaten people and destroy homes; and

WHEREAS, approximately one-hundred and forty-four thousand (144,000) acres have burned to date, and the wildfire is presently thirty-five percent (35%) contained; and

WHEREAS, over 200 structures have been destroyed and extensive damage to public and private infrastructure has occurred; and

WHEREAS, the County of Tulare Health Officer hereby finds as follows:

1. Debris and ash from structure fires can contain hazardous substances. For example, building materials such as siding, roofing tiles, insulation, or household items such as paint, gasoline, cleaning products, pesticides, compressed gas cylinders, and chemicals

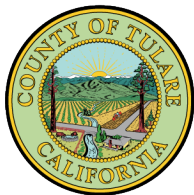


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2. can result in dangerous ash that contains asbestos, heavy metals, and other hazardous materials; and
3. Such waste is a threat to public health because it is hazardous waste and can cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or pose a substantial present or potential hazard to human health or environment when improperly treated, stored, transported, disposed of, or otherwise managed; and
4. Hazardous debris that remains after a wildfire can expose residents to toxic materials, improper transport and disposal of fire debris can create dangerous health impacts to workers removing the debris, such debris can threaten water supplies, and such harmful material can spread throughout the community at large; and
5. A person with heart or lung disease, an older adult, children (including teenagers), a person with diabetes, and pregnant women are particularly vulnerable to the presence of such hazardous waste; and
6. The threat to public health creates the immediate need to facilitate assistance and undertake preventive measures to protect the health of people and the environment and to inform the affected public of any potential health issues associated with the hazardous waste created by the Sequoia Complex Fire, thereby warranting the declaration of the existence of a local health emergency; and
7. Regardless of cause, any commercial or domestic structure fires which have or will occur in Tulare County from the time the Sequoia Complex Fire began until the conclusion of the local health emergency will significantly contribute to the hazardous waste load; and
8. Assistance to private property owners and to others within Tulare County is needed for timely implementation of necessary preventative measures to protect public health and the environment; and
9. The scope and breadth of the Sequoia Complex Fire hazardous waste cleanup requires a rapid response due to the large area affected, the location of the fire, the number of structures damaged or destroyed and the imminent threat to public health; and
10. The potential beginning of the rainy season offers little time to mitigate further environmental contamination, including contamination of the watershed, and, therefore, time is of the essence in removing hazardous waste from property sites; and
11. That the protection of the County's natural resources and watershed from fire related debris runoff needs to be addressed; and
12. Immediate action is necessary to mitigate the harm that could be caused to the public health and safety and to the environment from improper disturbance, removal, and/or disposal of hazardous waste, including but not limited to toxic, flammable, corrosive, and reactive materials from property sites located within the Sequoia Complex Fire area because such debris can create dangerous health impacts.



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NOW, THEREFORE, THE TULARE COUNTY HEALTH OFFICER DECLARES
as follows:

1. A local health emergency exists in Tulare County due to the hazardous waste and materials created by the Sequoia Complex Fire, and that such condition may be exacerbated by the ongoing fires and upcoming rainy season and will continue until the conclusion of this local health emergency.
2. During the existence of said local health emergency, the powers, functions, and duties of the Tulare County Local Health Officer shall be those prescribed by state law, including the provisions of Section 101085 of the California Health and Safety Code, and any ordinances and resolutions approved by the Tulare County Board of Supervisors.
3. In connection with the foregoing declaration of local health emergency, the Tulare County Health Officer orders that, using all necessary safety measures, immediate action be taken to remove the hazardous waste from property sites within the Sequoia Complex Fire area that are toxic, flammable, corrosive, or reactive and create an imminent threat to public health and safety.
4. A Local Health Emergency is declared in Tulare County on the 24th day of September, 2020 as of 7:05 p.m.

This declaration shall remain in effect for no longer than seven (7) days unless ratified by the Tulare County Board of Supervisors.

Date: 9-24-2020

Dr. Karen Haught
County Health Officer
Tulare County
Department of Public Health