

BEFORE THE BOARD OF HEALTH OF LANE COUNTY, OREGON

ORDER AND RESOLUTION
NO: 20-10-06-05

In the Matter of declaring a Local Public Health Emergency in Lane County due to the hazardous waste and materials created by the Holiday Farm Fire

WHEREAS, pursuant to ORS Chapter 433.441, the Governor may declare a state of public health emergency to protect the public health; and

WHEREAS, during a Public Health Emergency declared under ORS 433.441, the Public Health Director may as necessary to appropriately respond to the public health emergency authorize, or order Local Public Health Administrators to order, public health measures appropriate to the public health threat presented in order to respond to the public health emergency; and

WHEREAS, ORS Chapter 413 Establishes the Oregon Health Authority and grants authority to the Public Health Director to effectively and expeditiously respond to a public health threat; and

WHEREAS, pursuant to ORS 401.309 the governing body of a city or county in this state may declare, by ordinance or resolution, that a state of emergency exists within the city or county. The ordinance or resolution must limit the duration of the state of emergency to the period of time during which the conditions giving rise to the declaration exist or are likely to remain in existence; and

WHEREAS, a city or county in this state may, by ordinance or resolution, establish procedures to prepare for and carry out any activity to prevent, minimize, respond to or recover from an emergency. The ordinance or resolution shall describe the conditions required for the declaration of a state of emergency within the jurisdiction; and

WHEREAS, on September 8, 2020 Governor Kate Brown issued Executive Order No. 20-40 invoking the Emergency Conflagration Act for the "Holiday Farm Fire" in Lane County and, in accordance with ORS 476.510-476.610, determined that a threat to a life, safety, and property exists due to fire, and the threat exceeds the firefighting capabilities of local firefighting personnel and equipment. The declaration authorizes the Oregon Office of State Fire Marshal to mobilize resources to assist local resources battling the fire; and

WHEREAS, on September 10, 2020; President Trump declared that an emergency exists in the State of Oregon and ordered Federal assistance to supplement State, tribal, and local response efforts due to the emergency conditions resulting from wildfires beginning on September 8, 2020 and continuing; and

WHEREAS, on September 14, 2020 Governor Kate Brown requested a Presidential Disaster Declaration for the ongoing wildfires in Oregon. The request included operational response support, such as additional communications resources, damage assessment teams,

search and rescue (SAR) support, debris management, as well as shelter and medical assistance. Individual assistance for the counties and tribes was also included in the request; and

WHEREAS, on September 16, 2020 President Donald Trump approved the Disaster Declaration and made federal emergency aid available to the state to supplement state, tribal and local recovery efforts in the areas affected by wildfires and straight-line winds beginning on Sept. 7, 2020 and continuing; and

WHEREAS, the Presidential Disaster Declaration makes federal funding available to affected individuals in Clackamas, Douglas, Jackson, Klamath, Lane, Lincoln, Linn and Marion counties and federal assistance through FEMA's Public Assistance program available to Benton, Clackamas, Columbia, Coos, Deschutes, Douglas, Jackson, Jefferson, Josephine, Klamath, Lake, Lane, Lincoln, Linn, Marion, Multnomah, Tillamook, Wasco, Washington and Yamhill counties; and

WHEREAS, the President's action authorizes the Department of Homeland Security, Federal Emergency Management Agency (FEMA), to coordinate all disaster relief efforts which have the purpose of alleviating the hardship and suffering caused by the emergency on the local population, and to provide appropriate assistance for required emergency measures, authorized under Title V of the Stafford Act, to save lives and to protect property and public health and safety, and to lessen or avert the threat of a catastrophe in the counties of Clackamas, Douglas, Jackson, Jefferson, Klamath, Lane, Linn, Lincoln, Marion, Tillamook, and Washington; and

WHEREAS, the Lane County Board of Health 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 can result in dangerous ash that contains asbestos, heavy metals, and other hazardous materials; and,
2. 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
3. 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
4. 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
5. 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 wildfires, thereby warranting the declaration of the existence of a local health emergency; and

6. Regardless of cause, any commercial or domestic structure fires which have or will occur in Lane County from the time the Holiday Farm Fire began until the conclusion of the local health emergency will significantly contribute to the hazardous waste load; and
7. Assistance to private property owners and to others within Lane County is needed for timely implementation of necessary preventative measures to protect public health and the environment; and
8. The scope and breadth of the Holiday Farm 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
9. 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
10. That the protection of the County's natural resources and watershed from fire related debris runoff needs to be addressed; and
11. 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 Holiday Farm Fire area because such debris can create dangerous health impacts.

NOW, THEREFORE, the Board of Health of Lane County **ORDERS and RESOLVES** as follows:

1. A local public health emergency exists in Lane County due to the hazardous waste and materials created by the Holiday Farm 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 public health emergency.
2. In connection with the foregoing declaration of local public health emergency, the Lane County Board of Health orders that immediate action be taken to remove the hazardous waste from property sites within the Holiday Farm Fire area that are toxic, flammable, corrosive, or reactive and create an imminent threat to public health and safety.
3. A Local Public Health Emergency is declared in Lane County commencing on or about 5:00 pm on the 6th day of October 2020.

This declaration shall remain in effect for no longer than 6 mos. (180) days unless ratified by the Lane County Board of Health.

ADOPTED this 6th day of October, 2020.

A handwritten signature in cursive script, appearing to read "Heather Buch". The signature is written in black ink and is positioned above a horizontal line.

Heather Buch, Chair
Lane County Board of Commissioners