



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 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 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 days thereafter until such health emergency is terminated; and

WHEREAS, on September 6, 2020, Governor Newsom proclaimed a state of emergency to exist in Fresno, Madera, and Mariposa Counties as a result of the Creek Fire, and made available State resources to assist in combating the wildfire; and

WHEREAS, on September 10, 2020, the Board of Supervisors of the County of Fresno ratified the proclamation by the Emergency Services Director and adopted a resolution proclaiming the local emergency status; and

WHEREAS, the County of Fresno 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 244,000 acres have burned, and the wildfire is eighteen percent contained; and

WHEREAS, 685 homes and 5 businesses have been destroyed and hundreds of millions of dollars in damages to public and private infrastructure has occurred; and

WHEREAS, the County of Fresno 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 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 Creek Fire, 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 Fresno County from the time the Creek 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 Fresno 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 Creek 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 Creek Fire area because such debris can create dangerous health impacts.

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

1. A local health emergency exists in Eastern Fresno County's mountain communities due to the hazardous waste and materials created by the Creek 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 Fresno 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 Fresno County Board of Supervisors.

3. In connection with the foregoing declaration of local health emergency, the Fresno County Health Officer orders that immediate action be taken to remove the hazardous waste from property sites within the Creek 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 Fresno County commencing on or about 3:00pm on the 18 day of September 2020.

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

Date: September 18, 2020

Rais Vohra MD

Rais Vohra, MD
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