

# Executive Department

State of California

## EXECUTIVE ORDER B-44-17

**WHEREAS** on October 9, 2017, I proclaimed a state of emergency to exist in Butte, Lake, Mendocino, Napa, Nevada, Orange, Sonoma, and Yuba Counties as a result of the numerous wildfires burning in those counties; and

**WHEREAS** these wildfires destroyed over 6,000 homes and other structures, creating extraordinary amounts of hazardous debris; and

**WHEREAS** the local health officers of Butte, Lake, Mendocino, Napa, Nevada, Sonoma, and Yuba Counties have all proclaimed local health emergencies, pursuant to Health and Safety Code section 101080, as a result of this hazardous debris; and

**WHEREAS** this hazardous debris, which includes asbestos siding, pipe insulation, paint, batteries, and flammable liquid, poses an imminent threat to public health and safety. The debris is filled with dangerous toxins including heavy metals such as arsenic, cadmium, copper, lead, and lethal asbestos and must be removed cautiously and expeditiously; and

**WHEREAS** immediate removal is necessary to protect the public health and welfare, the environment, and for the economy to recover; and

**WHEREAS** the United States Environmental Protection Agency has the expertise and resources necessary to complete the debris removal work, the sheer volume of which is beyond the immediate capability of the State of California; and

**WHEREAS** the Office of Emergency Services has requested assistance from the United States Environmental Protection Agency in removing this hazardous debris; and

**NOW, THEREFORE, I, EDMUND G. BROWN JR.**, Governor of the State of California, in accordance with the authority vested in me by the Constitution and statutes of the State of California, and in particular, sections 8567 and 8571 of the Government Code, do hereby issue the following orders to become effective immediately:

**IT IS HEREBY ORDERED** that the United States Environmental Protection Agency, or any other Federal agency performing work at the direction of the Federal Emergency Management Agency, shall have full power to provide mutual aid to the State of California and any areas affected by a local health emergency and will have the authority to enter private property in all impacted counties to remove debris that may contain hazardous substances, and to conduct any testing appropriate to ensure the hazards are mitigated. Any section of the Health and Safety Code permitting the immediate removal of this hazardous debris, including but not limited to section 101085, shall apply to and include the actions of the United States Environmental Protection Agency, or any other Federal agency performing work at the direction of the Federal Emergency Management Agency, as if those agencies were a political subdivision or state agency for all purposes related to this operation.

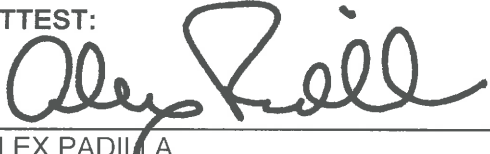
This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

**I FURTHER DIRECT** that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

**IN WITNESS WHEREOF** I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 21<sup>st</sup> day of October 2017.



  
EDMUND G. BROWN JR.  
Governor of California

ATTEST:  
  
ALEX PADILLA  
Secretary of State