State of New Hampshire
By His Excellency
John H. Lynch, Governor

Executive Order 2005-7
The State Emergency Response Commission

WHEREAS, Congress has passed and the President signed into law the Emergency Planning and Community Right-To-Know Act of 1986, (EPCRA)(P.L. 99-499), hereinafter referred to as the Act; and

WHEREAS, Section 301(a) of the Act requires the establishment of an emergency response commission by the Governor of each state; and

WHEREAS, the State Emergency Response Commission was established through Executive Order 92-6, effective on the eighteenth of March, 1992; and

WHEREAS, the continued improvement of emergency planning and response programs for hazardous substance emergencies is consistent with measures which have been or are being implemented by appropriate state agencies; and

WHEREAS, it is appropriate and fitting that the public and individuals with appropriate technical expertise participate with and advise state government on the effective implementation of the state's responsibilities required by the Act.

NOW, THEREFORE, I, John H. Lynch, Governor of the State of New Hampshire, pursuant to Part II, Article 41, of the Constitution of the State of New Hampshire, do hereby order the re-establishment of the State Emergency Response Commission.

1. The Commission shall consist of the following members from the following agencies or organizations (or their successor agencies or organizations), to be nominated by their respective Commissioners or, in the case of non-governmental organizations, by their organization's head, and shall be appointed by and serve at the pleasure of the Governor:

    a. The Director of the Division of Emergency Services, Communications and Management or in his/her absence the Assistant Director of the Bureau of Emergency Management, who shall serve as chair;
    b. One representative of the N.H. Department of Environmental Services;
    c. One representative each from the N.H. Department of Safety Office of the Commissioner, the Division of State Police, the Division of Fire Safety, and the Division of Fire Standards and Training and Emergency Medical Services;
    d. One representative from the N.H. Police Standards Training Council;

e. One representative each from the N.H. Department of Health and Human Services Radiological Health and Environmental Health Program;
f. One representative from the N.H. Association of Chiefs of Police;
g. One representative from the N.H. Association of Fire Chiefs;
h. One representative from the N.H. Public Utilities Commission;
i. One representative from the N.H. Department of Justice;
j. One representative from a volunteer emergency response non-governmental Organization (e.g., Red Cross, Salvation Army, etc.);
k. One representative each from a hazardous substance transporter and a user or producer of hazardous substances from industry;
l. One representative from the Local Government Center;
m. One representative from the N.H. Department of Agriculture, Markets & Food;
n. One representative from the N.H. Department of Transportation;
o. One representative from the N.H. Department of Fish and Game;
p. One representative of the N.H. Office of Energy and Planning;
q. One representative from a Local or Regional Emergency Planning Committee;
r. One representative from a Hazardous Materials Coordination Group;
s. One representative from the N.H. Hospital Association; and
t. Such other representatives as the Governor, from time to time, may deem to be necessary for the fulfillment of the Commission's mandates and who are therefore appointed by the Governor.

2. The Commission shall perform the following duties:

a. Designate Local or Regional Emergency Planning Committees to facilitate the preparation and implementation of emergency plans;
b. Establish guidelines and review the plans submitted by the Local or Regional Emergency Planning Committees and make recommendations to emergency planning committees on revisions of the plan that may be necessary to ensure coordination of such plans with the emergency response plans of other Local or Regional Emergency Planning Committees;
c. Serve as the repository for annual TIER 2 Hazardous Chemical Inventory Submissions, Toxic Release Inventory Submissions, and procedures for emergency notification and right-to-know requests;
d. Develop policies and procedures for the Commission's operations, subject to approval by the Governor and the Commissioner of Safety, or their designees;
e. Develop and make recommendations concerning resources available and/or needed to implement the Act and relevant state laws;
f. Develop and make recommendations for proposed legislation, regulations or policy, if necessary; regarding the implementation of the Act and related issues;
g. Assist the Department of Safety, Division of Fire Safety and the Division of Emergency Services, Communications, and Management

in assuring a comprehensive State of New Hampshire Emergency Response Plan;

h. Coordinate with the Division of Emergency Services, Communications, and Management, other State, local or non-governmental organizations, and the federal government, as appropriate, to facilitate emergency preparedness activities (e.g., Advisory Council on Emergency Preparedness and Security);

i. Accept and authorize dispersal, in accordance with state rules, regulations and procedures of such funds as may be made available to the Commission to carry out its responsibilities pursuant to the Act and this Executive Order;

j. Rule on trade secrets in cooperation with the U.S. Environmental Protection Agency (EPA);

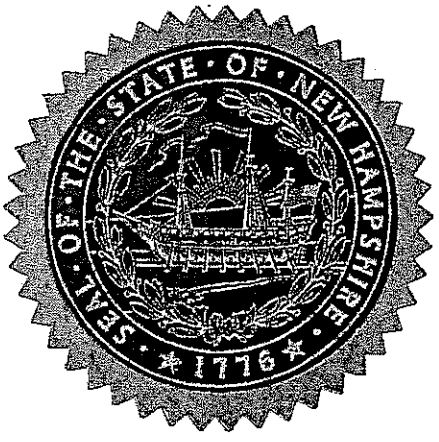
k. Receive and process requests from the public regarding emergency response plans, Material Safety Data Sheets, TIER 2 Hazardous Chemical inventory forms, Toxic Release Inventory Forms, and emergency release notices;

l. Monitor, observe, participate in and review certain hazardous materials exercises; and

m. Facilitate emergency response and hazardous materials training programs, educational, technical assistance and outreach activities for Local and Regional Emergency Planning Committees.

3. The Division of Emergency Services, Communications and Management of the N.H. Department of Safety shall serve as the lead Agency for the purpose of implementing this Order.

4. Executive Order 92-6 is hereby withdrawn and is replaced by this Executive Order which shall be effective immediately.



Given under my hand and seal at the Executive Chambers in Concord, this 28th day of November, in the year two thousand and five.

Governor of New Hampshire