

EXECUTIVE ORDER NO. 40
NORTH CAROLINA EMERGENCY RESPONSE COMMISSION

By the authority vested in me as Governor by the Constitution and laws of the State of North Carolina, IT IS ORDERED:

Section 1. Creation

There is hereby created the North Carolina Emergency Response Commission, hereinafter referred to as the “Commission.” The Commission shall consist of not less than twelve members and shall be composed of at least the following persons:

- a. Secretary, North Carolina Department of Crime Control and Public Safety, who shall serve as the Chairperson.
- b. Director, Division of Emergency Management, North Carolina Department of Crime Control and Public Safety, who shall serve as the Vice-Chairperson.
- c. Commander, State Highway Patrol, North Carolina Department of Crime Control and Public Safety.
- d. Deputy Secretary, North Carolina Department of Environment and Natural Resources.
- e. Director, Division of Safety and Loss Control, North Carolina Department of Transportation.
- f. Chief, Office of Emergency Medical Services, Division of Facility Services, North Carolina Department of Health and Human Services.

- g. Deputy Director, Training and Inspections Division, Office of State Fire Marshal, North Carolina Department of Insurance.
- h. Director, State Bureau of Investigation, North Carolina Department of Justice.
- i. Director, Division of Public Health, North Carolina Department of Health and Human Services.
- j. Assistant Deputy Commissioner of Labor for Occupational Safety and Health, North Carolina Department of Labor.
- k. President, North Carolina Community College System.
- l. Director, Emergency Programs Division, North Carolina Department of Agriculture and Consumer Services.

In addition to the foregoing, six at-large members from local government and private industry may be appointed by the Governor and serve terms of two (2) years at the pleasure of the Governor.

Section 2. Duties

The Commission is designated as the State Emergency Response Commission as described in the Emergency Planning and Community Right-to-Know Act of 1986 as enacted by the United States Congress (hereinafter, the “Act”) and shall perform all duties required of it under the Act, including, but not limited to, the following:

- a. Appoint local emergency planning committees described under Section 301(c) of the Act and supervise and coordinate the activities of such committees.
- b. Establish procedures for reviewing and processing requests from the public for information under Section 324 of the Act.
- c. Designate emergency planning districts to facilitate preparation and implementation of emergency plans as required under Section 301(b) of the Act.
- d. Designate additional facilities that may be subject to the Act under Section 302 of the Act.
- e. Notify the Administrator of the Environmental Protection Agency of facilities subject to the requirements of Section 302 of the Act.

f. Review the emergency plans submitted by local emergency planning committees and make recommendations to the committees on revisions of the plans that may be necessary to ensure coordination of such plans with emergency response plans of other emergency planning districts.

g. Review plans for preventing, preparing, responding, and recovering from acts of terrorism.

Section 3. Administration

a. The Department of Crime Control and Public Safety shall provide administrative support and staff as may be required.

b. Members of the Commission shall serve without compensation but may receive reimbursement for travel and subsistence expenses in accordance with state guidelines and procedures and contingent on the availability of funds.

Section 4. Effect on other Executive Orders

Executive Order 125 is hereby rescinded. All other portions of Executive Orders inconsistent herewith also are rescinded.

This Executive Order is effective immediately and shall remain in effect until rescinded by the Governor.

Done in the Capital City of Raleigh, North Carolina this the 21st day of January, 2003.

Michael F. Easley
Governor

ATTEST:

Elaine F. Marshall
Secretary of State