

THE COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE DEPARTMENT  
STATE HOUSE, BOSTON 02133

BY HIS EXCELLENCY  
MICHAEL S. DUKAKIS  
GOVERNOR

EXECUTIVE ORDER NO. 276

AN ORDER ESTABLISHING THE MASSACHUSETTS  
EMERGENCY RESPONSE COMMISSION

WHEREAS, on October 17, 1986, the United States Congress enacted and the president signed the Superfund Amendments and Reauthorization Act of 1986, (hereafter, SARA), and,

WHEREAS, Title III of SARA (the "Emergency Planning and Community Right-To-Know Act of 1986") requires the states to appoint a state emergency response commission with responsibility for emergency planning, training, notification, and response, as well as community right to know, in connection with facilities producing, using or storing certain extremely hazardous substances in excess of established threshold quantities, and,

WHEREAS, the said Title III authorizes the appointment or designation of one or more existing emergency response organizations and requires to the extent practicable the appointment of persons who have technical expertise in the emergency response field, and,

WHEREAS, the Commonwealth of Massachusetts has state agencies with state law responsibilities and state personnel with expertise in the areas of emergency planning, notification, response and community right to know covered by the said Title III,

NOW, THEREFORE, I, MICHAEL S. DUKAKIS, Governor of the Commonwealth of Massachusetts, by virtue of the authority vested in me as Supreme Executive Magistrate under the Constitution and laws of the Commonwealth of Massachusetts and the said Title III, do hereby,

Designate, the Massachusetts Civil Defense Agency and Office of Emergency Preparedness as the lead agency for purposes of emergency notification under SARA (Title III, Subtitle B, section 304) with participation as appropriate by the Department of Environmental Quality Engineering, the Department of Public Safety and the Department of Public Health, and,

Designate, the Massachusetts Civil Defense Agency and the

Office of Emergency Preparedness as lead agency for purposes of emergency planning and training under SARA (Title III, Subtitle B, sections 303 and 305) with participation as appropriate by the Department of Environmental Quality Engineering, the Department of Public Health and the Division of Labor and Industries, and,

Designate, the Department of Environmental Quality Engineering as the lead agency for purposes of the community right to know provisions of SARA (Title III, Subtitle C, section 311 and 312), with participation as appropriate by the Department of Public Health and the Division of Labor and Industries, and,

Establish, the Massachusetts Emergency Response Commission, in accordance with Title III, Subtitle B, section 301, the members of which shall include the Public Safety Council of Massachusetts as established by Executive Order 128 given at Boston on September 2, 1976, as amended by Executive Order 129 given at Boston on October 28, 1976 and by Executive Order 233 given at Boston in October 1983, as well as the Secretary of Transportation or his designee, the Secretary of Economic Affairs or his designee, the Secretary of Environmental Affairs, or his designee, the Secretary of Human Services, or his designee, the Commissioner of the Department of Environmental Quality Engineering, the Commissioner of the Department of Public Health, and the Commissioner of Labor and Industries, or their designees, all of whom shall serve ex officio, and a representative of the Massachusetts Municipal Association to be appointed for a term of two years by the governor. The said Commission shall be chaired by the Secretary of Public Safety and shall meet from time to time and at the call of the chair, and shall, consistent with other provisions of this order, exercise the responsibilities assigned by SARA: provided, however, that nothing contained in this order shall be construed as superseding or inconsistent with any applicable provision of state law.

Establish, an Emergency Response Advisory Council, consisting of representatives of the following organizations, who shall be appointed by the Governor for a term of two years and who shall serve without compensation: the Poison Control Information Center, the Massachusetts Public Health Association, the Massachusetts Association of Health Boards, the Massachusetts Hospital Association, the Massachusetts Emergency Room Nurses Association, the Massachusetts Medical Society, the Massachusetts Health Officers Association, Associated Industries of Massachusetts, the New England Council, Inc., the Massachusetts State Labor Council, the New England section of the American Industrial Hygiene Association, Mass.COSH, the Massachusetts Safety Council, Inc., the New England Occupational Health and Safety Institute, Mass.PIRG, the Massachusetts League of Women Voters, the Environmental Lobby of Massachusetts, the American Lung Association of

Massachusetts, Massachusetts Fair Share, Inc., the Massachusetts Toxic Network, the Massachusetts Audubon Society, the Conservation Law Foundation, the Sierra Club, the Massachusetts Association of Conservation Commissioners, and the New England Legal Foundation, and three persons to represent the electronic and print media of Massachusetts.

As soon as reasonably possible, the said lead agencies shall submit plans for the implementation of SARA, including an assessment of the fiscal impact of implementing SARA, to the Advisory Council for its review. The Advisory Council shall review the plans submitted by the designated lead agencies in a prompt manner, and within thirty days thereafter shall submit any recommendations for change to the appropriate lead agency, which in turn shall review the recommendations of the Advisory Council and thereafter submit a final plan to the state emergency response commission. The Emergency Response Commission shall approve plans for the implementation of SARA. Insofar as possible, existing plans and programs developed under state law shall be employed to satisfy the requirements of SARA.

All notices, reports and forms required to be filed with the Emergency Response Commission under Sections 302(c), 311, 312 and 313 of Title III of SARA shall unless otherwise determined by the Commission be filed by mailing or delivering the same to:

Title III, State Emergency Response Commission  
c/o Department of Environmental Quality Engineering  
One Winter Street  
Boston, MA 02108

Given at the Executive chamber in Boston on this 27th day of May in the year of our Lord One thousand nine hundred and eighty-seven and of the Independence of the United States of America two hundred and eleven.

Michael S. Dukakis  
Governor  
Commonwealth of Massachusetts

Michael Joseph Connolly  
Secretary of the Commonwealth