



State of North Carolina

ROY COOPER
GOVERNOR

December 21, 2023

EXECUTIVE ORDER NO. 299

EXTENDING THE STATE EMERGENCY RESPONSE COMMISSION

WHEREAS, Congress enacted the Emergency Planning and Community Right-to-Know Act of 1986, 42 U.S.C. §§ 11001 - 11050, to provide communities with the necessary resources to prepare for, respond to, mitigate, and address public health and safety emergencies (the “Act”); and

WHEREAS, 42 U.S.C. § 11001(a) requires the Governor of each state to appoint a State Emergency Response Commission to supervise and coordinate the activities of local emergency planning committees and receive and process public information requests under 42 U.S.C. § 11044, including Tier II information under 42 U.S.C. § 11022; and

WHEREAS, on April 20, 2017, the undersigned issued Exec. Order No. 6, 31 N.C. Reg. 2204-06 (May 15, 2017) (“Executive Order No. 6”), which establishes the North Carolina Emergency Response Commission (the “Commission”); and

WHEREAS, the undersigned has continued to extend the important work of the Commission by executive order, most recently by Exec. Order No. 242, 36 N.C. Reg. 1194-97 (January 18, 2022); and

WHEREAS, in addition to its duties under the Act, the Commission is charged with supporting the State's Homeland Security Advisor, and coordinating stakeholder input to inform the preparation, implementation, and revision of the North Carolina Emergency Management Program; and

WHEREAS, Executive Order No. 242 is set to expire on December 31, 2023, and pursuant to N.C. Gen. Stat. § 147-16.2 the duration of this Commission must be extended to continue its important work.

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

Section 1. Membership

The Secretary of the North Carolina Department of Public Safety (the “Secretary”) shall

serve as the Commission's Chair and the Governor's Homeland Security Advisor. The Commission shall be comprised of at least fifteen (15) members, including the following individuals or their designees as approved by the Commission Chair:

- a. Director of Emergency Management, North Carolina Department of Public Safety, who shall serve as the Vice-Chair and Deputy Homeland Security Advisor;
- b. Director of the State Bureau of Investigation, North Carolina Department of Public Safety;
- c. The Adjutant General of the North Carolina National Guard, North Carolina Department of Public Safety;
- d. Commander of the State Highway Patrol, North Carolina Department of Public Safety;
- e. Secretary of the North Carolina Department of Environmental Quality;
- f. Secretary of the North Carolina Department of Transportation;
- g. Chief of the Office of Emergency Medical Services, Division of Health Service Regulation, North Carolina Department of Health and Human Services;
- h. State Fire Marshal, Office of the State Fire Marshal, North Carolina Department of Insurance;
- i. State Chief Information Risk Officer, North Carolina Department of Information Technology;
- j. Assistant Secretary for Public Health, Division of Public Health, North Carolina Department of Health and Human Services;
- k. Assistant Deputy Commissioner of Labor for Occupational Safety and Health, North Carolina Department of Labor;
- l. President of the North Carolina Community College System;
- m. Director of the Emergency Programs Division, North Carolina Department of Agriculture and Consumer Services; and
- n. Executive Director, North Carolina Center For Safer Schools, North Carolina Department of Public Instruction.

In addition to the foregoing, up to eight (8) members from local government, private industry, and the public may be appointed and serve two-year terms at the undersigned's pleasure. These members shall include the following:

- a. A Chief of Police;
- b. A Sheriff;
- c. A Fire Chief;
- d. An emergency medical services administrator in North Carolina;
- e. An emergency manager in North Carolina;
- f. A representative of medium or large public assembly venues in North Carolina;

- g. A representative involved in the production, storage, or transportation of hazardous materials; and
- h. A private citizen of North Carolina representing one of the critical infrastructure sectors as identified by Presidential Policy Directive 21.

Section 2. Duties

- a. The Commission is designated as the State Emergency Response Commission as defined in the Act.
- b. The Commission will perform all the duties required under the Act and other advisory, administrative, regulatory, or legislative functions, which shall include the following:
 - 1. Designating emergency planning districts to facilitate the preparation and implementation of emergency plans as required under 42 U.S.C. § 11001(b) of the Act.
 - 2. Appointing local emergency planning committees as described under 42 U.S.C. § 11001(c) of the Act and supervising and coordinating their activities of such committees.
 - 3. Establishing procedures for reviewing and processing public information requests under 42 U.S.C. § 11044 of the Act.
 - 4. Designating additional facilities that may be subject to the Act under 42 U.S.C. § 11002 of the Act.
 - 5. Reviewing all emergency plans submitted by state and local emergency planning committees and recommending revisions to the plans that may be necessary to ensure their coordination with emergency response plans of other emergency planning districts.
 - 6. Notifying the Administrator of the Environmental Protection Agency of facilities subject to the requirements of 42 U.S.C. § 11002(d) of the Act.
- c. The Commission will act as a Senior Advisory Committee to the Homeland Security Advisor, as designated by the Governor, to provide input regarding the activities of the North Carolina State Homeland Security Program and the Domestic Preparedness Regions. Specifically, the Commission will:
 - 1. Review the State Homeland Security Strategy to ensure it is aligned with local, state, and federal priorities as required by the United States Department of Homeland Security ("DHS"), and that its goals and objectives are being met in accordance with program intent.
 - 2. Review DHS Homeland Security grant applications to ensure that they align with the State's Threat Hazard Identification Risk Assessment ("THIRA") and fill capability shortfalls identified in the State Preparedness Report ("SPR"). Commissioners will be briefed at least annually on the THIRA and SPR.
 - 3. Review grant allocations for state and regional homeland security projects and advise the Homeland Security Advisor regarding the funding of program priorities. The Homeland Security Advisor is authorized to make the final decision regarding DHS grant funding.
 - 4. Review plans for preventing, preparing for, responding to, and recovering from acts of terrorism and all hazards, whether man-made or natural.
 - 5. Support the coordination of integrating preparedness activities across disciplines with the goal of reducing duplication of effort.

- d. The Commission will act in an advisory capacity to provide coordinated stakeholder input to the Secretary and the Director of Emergency Management in the preparation, implementation, evaluation, and revision of the North Carolina Emergency Management Program. To that end, the Commission will do the following:
1. Support efforts to enhance state and local core capabilities to prevent, protect from, mitigate, respond to, and recover from all hazards, whether man-made or natural.
 2. Coordinate training, education, technical assistance, and outreach activities.

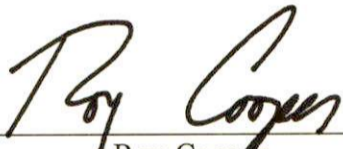
Section 3. **Administration**

- a. The Department of Public Safety shall provide administrative support and staff to the Commission as necessary.
- b. Members of the Commission shall serve without compensation but may receive reimbursement for travel and subsistence expenses in accordance with state law and guidelines, and contingent upon the availability of funds.

Section 4. **Effect and Duration**

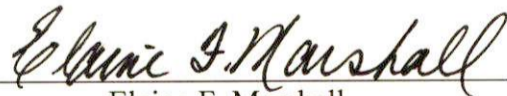
This Executive Order is effective immediately. It supersedes and replaces Executive Order No. 242. This Executive Order shall remain in effect until December 31, 2025, pursuant to N.C. Gen. Stat. § 147-16.2, or until rescinded.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 21st day of December in the year of our Lord two thousand and twenty-three.



Roy Cooper
Governor

ATTEST:



Elaine F. Marshall
Secretary of State

