



CITY OF HOUSTON

Fire Department

Promoting Excellence as the World's Largest Accredited Municipal Fire Agency

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The Honorable Brooks Landgraf
Chairman of Environmental Regulation Committee
P.O. Box 2910
Austin, Texas 78768-2910

Dear Chairman Landgraf,

Thank you for the opportunity to submit testimony in support of HB 2811 on behalf of Houston Fire Department. We believe this bill provides necessary clarity to fire departments in its role with the Texas Commission on Environmental Quality (TCEQ)'s Tier II program. In addition, the provisions help protect the public from bad actors and provide the public the tools to prepare for potential emergencies.

The purpose of Tier II reporting is to meet community right-to-know expectations as set by federal law (<https://www.epa.gov/epcra>). By federal law, Tier II reports are required to be submitted annually to TCEQ, the Local Emergency Planning Committee (LEPC), and the local fire department. TCEQ has the most complete set of records. This is partially due to facilities not knowing which fire department has jurisdiction. We consider TCEQ as the custodian of the records as our information is actually drawn from them. These Tier II reports are used to support our risk assessment and planning activities as well as improve situational awareness in emergency responses. Our first responders have access to this information while en route to an emergency scene. The information may affect emergency response strategies and equipment needed. Public notifications may also be required depending on the type and quantity of chemical involved. Availability of Tier II site information to the public allows for a better understanding of risk present and enhances emergency preparedness activities.

We acknowledge select chemicals may pose a security threat, and the state has restricted release of its information for this reason. However, local governments and fire departments face majority of the pressure to release information, but guidance has been ambiguous at best. Local fire departments are not equipped to know what information is acceptable to release that balances right-to-know and security concerns. Attorney general opinions may be sought on a case-by-case basis, which is a time-consuming process for all involved. Our role in protecting infrastructure is limited to inspections and emergency response, not deterring hostile actors.

Majority of the State's Tier II facilities are within Houston Fire Department's primary response area, but other municipalities grapple with the same issues that this bill is addressing. Passage of this bill will help improve coordination while helping ensure Houston Fire Department appropriately delivers and protects Tier II information.

Respectfully,

Leonard N. Chan
Houston Fire Department