

## Submitted to the House Interim Committee on Rules

### Legislative Status Report: Safe Disaster Access for Media Committee - House Bill 4087 (2022)

#### Background

Effective Jan. 1, 2023, [House Bill 4087](#) (2022) allows news media representatives to access wildfire or other natural disaster scenes on Oregon public lands that are otherwise closed to the public during these incidents. The bill does not apply to private property, federal land, tribal land or property owned by educational institutions such as school districts, charter schools, colleges and universities.

#### *Safe Disaster Access for Media Committee*

The bill directed Oregon Emergency Management to convene a [collaborative committee](#) of news media and public safety agency stakeholders to develop guidelines for implementing the bill. Bobbi Doan, Public Affairs Director for Oregon Emergency Management, is the lead convener. The Safe Disaster Access for Media Committee is an eight-person group consisting of an equal number of news media and public safety agency stakeholders. The committee has decision-making authority and responsibility for reporting to the Legislature and bill implementation. April Ehrlich, Oregon Public Broadcasting, and Joy Krawczyk, Public Affairs Director for the Oregon Department of Forestry, are the committee co-chairs.

The committee's objectives are to:

- Develop guidelines to safely ensure equitable media access to wildfires and other natural disaster incidents in Oregon.
- Educate public safety and media personnel on roles and expectations for access during wildfires and other natural disasters to assure mutual understanding.
- Ensure stakeholder and subject matter expert involvement and review.
- Set realistic expectations and communicate them clearly.

The guidelines the committee is developing will address safety training, personal protective equipment and access protocols, including examples of when access can be denied on the grounds of compromising lives or safety of public or responders, response effectiveness or investigation integrity.

To ensure equitable participation and engagement, subcommittees made up of subject matter experts from public safety agencies and media organizations were formed to develop recommendations to include in the guidelines, as well as to identify needs, resources, gaps and opportunities to inform the committee and its reporting to the Legislature. There are three subcommittees focused on the key subjects addressed in the bill: training, credentialing and personal protective equipment. There is also the Administrative Subcommittee that provides support for deliverable development, including web content, legislative reports, final guidelines and progress tracking.

Meeting agendas and minutes, along with membership rosters are available on the [committee's webpage](#).

## **Progress on implementation**

The Safe Disaster Access for Media Committee has met at least monthly since May. The subcommittees were formed in June and have started to develop their initial concepts for training, credentialing and PPE guidelines. The subcommittees will bring their initial concepts to the committee in September for input and direction to ensure their work is aligned with the committee's vision and legislative intent. The subcommittees will then continue development of their recommendations, which will go back to the committee for final approval later this year. Finally, the Administrative Subcommittee will compile all approved recommendations into standard operating guidelines for both media representatives and public safety agency personnel to ensure a clear, shared understanding of media access to scenes of natural disasters.

Given the broad scope of membership across multiple state agencies and media outlets as well as considerable capacity limitations, the combined effort thus far has been primarily focused on understanding the requirements of the law and planning for how to fulfill those requirements. Therefore, most implementation details have yet to be determined.

### ***Training***

The Training Subcommittee has been tasked with developing recommendations for the essential elements of basic all-hazard disaster site safety training for news media representatives, as described in the bill. On-site commanders may grant media access to the scene of a disaster without an official escort if they have completed the safety training; however, on-site commanders are not required to grant unescorted access.

The subcommittee has completed an initial compilation of the key components of the training and started outlining the recommended content for various training modules, including an introduction to the various laws and rules regarding media access in Oregon, the national Incident Command System, basic fire behavior and incident site safety.

### ***Credentialing***

The Credentialing Subcommittee is tasked with developing recommendations on the most efficient way to address the credentialing described in the bill. At the discretion of the on-site commander, credentialed or documented news media representatives may be granted access to a scene of a natural disaster without an escort. The credentials or other documentation are not intended to identify who does or does not qualify as a "media representative." Instead, it is intended to verify that the representative has completed the basic fire and disaster site safety training. Media representatives who have not completed the training may still access the site with an escort, again at the discretion of the on-site commander. The Credentialing Subcommittee's main discussions have been focused on the format and content of credentials, and what agency or organization should be responsible for issuing and potentially maintaining the credentials.

### ***Personal protective equipment (PPE)***

The PPE Subcommittee has been tasked with developing recommendations on the PPE required when accessing scenes of natural disasters. Per HB 4087, media representatives must carry PPE appropriate for the scene they intend to enter and are responsible for the condition of that equipment. Public bodies

are not required to supply PPE, nor to assess the appropriateness or condition of the equipment. The subcommittee has been building several PPE lists based on the safety considerations for various types of natural disasters and the level of access desired (ex: accessing the fireline versus accessing an area that has already burned). As part of the final guidelines, the committee plans on including PPE cost estimates and links to suppliers as a resource for media representatives.

### **Implementation considerations**

As the committee and subcommittees work toward implementation of HB 4087, they are flagging any potential barriers to timely implementation (Jan. 1, 2023). Currently, the key resource concerns are related to development, delivery and maintenance of the training and credentials/documents. Additional concerns remain regarding the limited timeframe to meet the implementation date, leading to considerations of potential prioritization needs for initial implementation.

The fiscal impact statements submitted by state agencies for HB 4087 were indeterminate because, prior to the committee delving into the bill to identify implementation needs, the resources or funding necessary for implementation were unknown. Therefore, no funding or resources were provided to state agencies during the 2021 Legislative Session.

The committee will have a clearer picture of any resource and/or funding needs in the coming months once the scope and scale of the development and delivery needs for both training and credentialing are fully understood. The committee will also explore available options that would not require additional resources or funding, while also not impacting agencies' core business.

### **Next steps**

1. Presentation to the House Interim Committee on Rules during September Legislative Days on September 22, 2022.
2. Follow-up report(s) on implementation status to the House Interim Committee on Rules, if desired.