



STATE OF WASHINGTON  
— OFFICE OF GOVERNOR JAY INSLEE —

**EMERGENCY PROCLAMATION BY THE GOVERNOR  
AMENDING PROCLAMATION 21-10, ET SEQ.**

**21-10.2**

**WILDFIRES – BURN BAN – FUEL DELIVERY**

**WHEREAS**, Washington State is experiencing an historic drought that is exacerbating fire danger across our state, and abnormally high temperatures and dry conditions have led to the early development of dangerous fire fuel conditions throughout the state; and

**WHEREAS**, Washington State and the Pacific Northwest experienced an unprecedented, extreme, and record-breaking hot weather event during June 25-28, 2021; and

**WHEREAS**, current National Weather Service forecasts predict sustained above normal temperatures throughout the state including near-record high temperatures in many areas, increased threat of lightning in some areas, and windy conditions, which, when combined with the existing high-risk fire-fuel conditions, create an increased risk of fast-spreading wildfires that would require an immediate response in any area of the state; and

**WHEREAS**, the threat to life and property from wildfire is significant and may cause extensive damage to homes, businesses, public facilities, natural resources, agricultural lands, infrastructure, and utilities, and may impact the life and health of the people of Washington State, which would be a public disaster that affects life, health, property, and/or the public peace; and

**WHEREAS**, the state of Washington has already experienced multiple wildfires, and firefighting resources throughout the state may quickly become limited due to existing and projected fire conditions and activities throughout the region, and existing firefighting resources may already be committed to fighting wildfires out-of-state; and

**WHEREAS**, because available firefighting resources may not be adequate to address an outbreak of simultaneous large wildfires that are made more likely by the above-noted conditions, the Washington National Guard and State Guard may be needed to assist local jurisdictions and state agencies throughout the state of Washington with a public disaster and for the public health, safety and welfare; and

**WHEREAS**, on July 6, 2021, I issued Emergency Proclamation 21-10, which declared a wildfire state of emergency due to weather and fuel conditions and included a temporary outdoor burn ban, with defined exceptions. On July 15, 2021, I amended this emergency order

to impose temporary restrictions on certain motor carriers and drivers of commercial motor vehicles as being exempt from application of the driver hours of service rules; and

**WHEREAS**, the Washington State Military Department is monitoring and coordinating supporting actions through the State Emergency Operations Center, implementing emergency response procedures, coordinating resources to support local officials in alleviating the immediate social and economic impacts to people, property, and infrastructure, and continuing to assess the wildfire danger resulting from existing high-risk weather and fire fuel conditions; and

**WHEREAS**, the Washington State Department of Natural Resources (DNR), recognizing that due to the same factors described in this proclamation an unusual fire danger exists, on July 1, 2021, banned (with certain limited exceptions) outdoor burning, the use of charcoal briquettes, and prescribed burns on forest lands within the state of Washington under DNR jurisdiction through September 30, 2021; and

**NOW, THEREFORE**, I, Jay R. Inslee, Governor of the state of Washington, as a result of the above-noted situation and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a wildfire state of emergency continues to exist in all 39 counties and that Proclamation 21-10, et seq., including the burn ban therein, remains in effect and that Proclamation 21-10, et seq., is amended consistent with the below language, and I again direct the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented. State agencies and departments are again directed to utilize state resources and to do everything reasonably possible to assist affected political subdivisions in an effort to respond to and recover from the event. My order into active state service of the Washington State organized militia also remains in effect. The Washington State Emergency Operations Center is instructed to continue monitoring the event and coordinating all event-related assistance to the affected areas.

Under the provisions of RCW 43.06.220(1)(i), to preserve and maintain life, health, property or the public peace, I also hereby impose a temporary outdoor burn ban by prohibiting all outdoor and agricultural burning in all 39 Washington Counties until noon on Thursday, September 30, 2021. The ban may be ended or extended if conditions warrant. Except as provided herein, prohibited outdoor burning includes but is not limited to campfires, bonfires, residential yard debris clean-up, trash disposal, land clearing, weed abatement, and agricultural burning activity. **This prohibition does not include the following activities:** use of liquid fueled or gas-fueled stoves over a non-flammable surface and at least five feet from flammable vegetation; use of charcoal grills at private residences over a non-flammable surface and at least five feet from flammable vegetation; agricultural burning pursuant to a fire permit issued by a local authority in accordance with existing statutes and rules; campfires at state, county and municipal parks and campgrounds, or small fires contained in a structure on private or public property with agency or property owner permission and in accordance with current and ongoing restrictions imposed by the agency or property owner with legal authority over the park, campground, or property. Nothing in this order supersedes more restrictive provisions of the counties, municipalities, fire districts, other political subdivisions,

or public or private landowners. Nothing in this order supersedes fire or fireworks permits issued by a local authority that provide specific written approval for the prescribed burning activity. This order does not apply to firefighting activities by authorized firefighters acting in accordance with the firefighting plan.

**ADDITIONALLY**, I also hereby continue to find, based on the above situation, that motor carriers and drivers of commercial motor vehicles delivering fuel products from distribution centers in the Pacific Northwest in support of firefighting efforts, and drivers of commercial motor vehicles delivering aviation fuel, are providing emergency relief during an emergency under 49 CFR § 390.23 and, therefore, are exempt from application of 49 CFR §§ 390 through 399, including the driver hours of service rules in 49 CFR § 395, adopted pursuant to RCW 46.32.020 and WAC 446-65-010, until 11:59 p.m. on August 14, 2021. To reiterate the operative language in 21-10.1, which remains in effect, under the provisions of RCW 43.06.220(1)(h), to preserve and maintain life, health, property or the public peace, I hereby impose temporary restrictions on motor carriers and drivers of commercial motor vehicles identified above as being exempt from application of the driver hours of service rules by prohibiting application of this exemption as follows:

1. Motor carriers are prohibited from operating under the terms of this exemption if either of the following conditions exists:
  - a. They have an out-of-service order in effect; or
  - b. They do not possess a current safety rating of "Satisfactory" or better assigned by the Federal Motor Carrier Safety Administration or the State in which the motor carrier has its principal place of business.
2. Motor carriers I have not prohibited from operating under the terms of this exemption are prohibited from:
  - a. Requiring or permitting a fatigued or ill driver to operate a commercial motor vehicle; and
  - b. Requiring or permitting a driver to operate a commercial motor vehicle after the driver has informed the carrier (verbally or in writing) that he or she needs immediate rest, unless the driver has first received at least ten consecutive hours off-duty documented in writing by the motor carrier; and
  - c. Requiring or permitting a driver to operate a commercial motor vehicle after the driver has been on duty for more than 96 hours in any eight consecutive days, unless the driver has first received at least 34 consecutive hours off-duty documented in writing by the motor carrier.

I ask the motor carriers for the fuel industry to use their best judgment in operating under this exemption in a manner that ensures public health and safety. Drivers operating under this exemption should carry a copy of this Proclamation.

As a result of this event, I also hereby order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General, to perform such duties as directed

