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May 5, 2020

Governor Gavin Newsom
1303 10th Street, Suite 1173
Sacramento, CA 95814

Subject: Budget Language Regarding the Alfred E. Alquist Seismic Safety Commission

Dear Governor Newsom:

On behalf of the Earthquake Engineering Research Institute (EERI), I am writing to express a **SUPPORT IF AMENDED** position regarding a portion of your Proposed 2020-2021 Budget's Seismic Safety Element relating to transferring the Alfred E. Alquist Seismic Safety Commission (Commission) into the Governor's Office of Emergency Services (OES) from its current location at the Business, Consumer Services, and Housing Agency (BCSH).

The California Seismic Safety Commission (SSC) was established in 1975 by the Seismic Safety Act. The 17-member Commission successfully served as an independent expert body with responsibilities to advise the Governor, State Legislature, and state and local governments on ways to reduce California's earthquake risks. Much of the Commission's original operating independence and expert standing however was lost when in 2006 when it was relocated into the now BCSH, and added three additional members representing the Governor's Office of Emergency Services, the Division of the State Architect in the Department of General Services, and the California State Building Standards Commission. The SSC's early work to independently advise the State about earthquake risks and create pace setting programs that improved the seismic safety of California has been significantly reduced to an unacceptable level.

EERI would like to see the following amendments to the currently proposed budget and subsequent trailer legislation to reestablish the expert capability of the SSC, along with an adequate budget for SSC activities. The ability of the SSC to maintain open and transparent operations and decision-making before the public regarding California's seismic resilience and the adequacy of future funding for the Commission's operations is of paramount concern.

1. The independence of the Commission must be specified with enforceable, statutory language that clearly indicates that the Commission may:
 - a. Sponsor, take positions, and testify on pending legislation;
 - b. Publicly express its opinions on earthquake policies and programs carried out by government agencies and other organizations, and suggest the need for additional policies and programs;

- c. Publish opinions and/or recommendations without censorship, retaliation or editing by the host agency or any other government entities;
 - d. Speak to the news media; and
 - e. Seek funding from the Department of Finance, other State or Federal grant monies, or other sources.
2. The five Commissioner positions proposed for reduction should not be those that represent science and engineering specialties or local government experts. Instead, specific State agency representatives should be removed for potential conflicts of interest.
3. Appointments to the Commission should remain outside the purview of OES if the Commission is placed into that Office.

EERI strongly agrees with the State's Legislative Analyst's Office report that explains that this proposed move offers some positive opportunities, but also some challenging trade-offs that we have tried to minimize with our suggested amendments.

EERI is excited to see that this proposal provides the Commission with much greater, and presumably stable, funding to carry out its business operations and fulfill its duties to provide effective policy guidance and leadership on seismic safety issues. We are also happy to see that the Commission will be able to leverage administrative staff infrastructure of a larger agency, though would have preferred to see the administrative functions of the Commission located either at the Office of Planning and Research or the Little Hoover Commission, where there would be less potential for real or implied bias.

The most dangerous trade-off however is the risk that the Commission's independence of operations and procedures be reduced any further. Instead, EERI would like to see its independence clearly enhanced and clarified in legislation authorizing this move, as we have suggested above. Since its creation, the Commission has made Californian's safer. California communities are more resilient because of measures identified and recommended by the Commission. However, the earthquake risk to public safety and the State's economy remain significant. Californians still need an independent Commission to consider and act on thoughtful recommendations free from conflicting biases. In the first decades of its existence the Commission could, and often did, recommend, support or oppose government and agency legislation and administrative decisions to the great benefit of California, even when its views were counter to those of entrenched interests. EERI believes that its ability to be independent and speak freely remains essential now and into the future.

EERI is ready and excited to support this proposed relocation of the Commission, if its ability to continue independent operations with supportive funding is guaranteed in updates to the legislation.

Thank you for considering our recommendation.

Sincerely,



Laurie A. Johnson
EERI President

EERI is an international, nonprofit technical society of experts dedicated to reducing earthquake risk. In this role, EERI advocates for comprehensive and realistic measures for reducing the destructive effects of earthquakes. EERI membership includes professionals in a wide range of seismic safety-related scientific and design disciplines, many of whom are proud California residents and who have been instrumental in developing and implementing California seismic safety policy.