

EXECUTIVE ORDER NO.

2025-27

WHEREAS, on May 11, 1987, the South Carolina Emergency Response Commission (“Commission”) for hazardous materials was established pursuant to Executive Order No. 1987-17 in compliance with the Emergency Planning and Community Right-to-Know Act of 1986 (“EPCRA”), which was enacted as Title III of the Superfund Amendments and Reauthorization Act (“SARA”) (collectively, “the Act”); and

WHEREAS, the Act required the Governor of the State of South Carolina to establish and appoint the members of the Commission to address certain matters pertaining to hazardous materials and to discharge the duties and responsibilities prescribed in the Act, *see* 42 U.S.C. § 11001; and

WHEREAS, on December 14, 1993, Executive Order No. 1993-27 rescinded and replaced Executive Order No. 1987-17 so as to modify the membership of the Commission; and

WHEREAS, on November 16, 2001, Executive Order No. 1993-27 was rescinded and replaced by Executive Order No. 2001-41, which added two (2) additional members to the Commission, with one (1) new member representing industry in the State and one (1) new at-large member; and

WHEREAS, SARA requires the Commission to establish Local Emergency Planning Committees, and Regulation 58-1 of the South Carolina Code of Regulations requires each county in the State of South Carolina to establish and maintain an emergency management agency, which must develop a county emergency management plan and program that is coordinated and consistent with the State’s comprehensive emergency management plan and program; and

WHEREAS, both the undersigned and the Act recognize that the proliferation of hazardous materials risks posing a significant threat to the public’s health, safety, and welfare unless the State continues to maintain and enhance responsible planning and coordination measures; and

WHEREAS, the undersigned has determined that it is necessary and appropriate to modify the composition of the Commission to account for the recent restructuring of certain Executive Branch agencies and departments, *e.g.*, 2025 S.C. Acts No. 3; 2023 S.C. Acts No. 60; and to ensure that the Commission remains comprised of selected individuals from the public and private sectors who possess the necessary expertise to implement the emergency planning and community right-to-know provisions of the Act.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and of these United States and the powers conferred upon me therein, I hereby order and direct as follows:

Section 1. Reauthorizing and Revising the South Carolina Emergency Response Commission

A. In accordance with the foregoing authorities, historical practice, and other applicable law, I hereby authorize the Commission to continue performing the duties and responsibilities set forth in the Act.

B. The Commission shall be comprised of twelve (12) members, including a Chairman, as designated herein. The members of the Commission shall be appointed by, and serve at the pleasure of, the Governor. Members of the Commission shall serve without compensation.

C. The Commission shall be comprised of the Director of the Emergency Management Division (“EMD”), who shall serve as Chairman of the Commission, and one (1) representative from each of the following state agencies, departments, offices, or entities:

1. Office of the Governor
2. Department of Environmental Services
3. Department of Public Safety
4. South Carolina Law Enforcement Division
5. State Fire Marshal

Any public official or employee appointed by the Governor in accordance with the foregoing shall serve *ex officio*, or in a representative capacity by virtue of said office or employment.

D. In addition to the aforementioned members, the Commission shall also consist of the following:

1. Three (3) members representing industry within the State; and
2. Three (3) members representing the State at-large.

In consultation with the Office of the Governor, the Director of EMD may invite additional agencies or entities, or representatives thereof, to attend meetings or assist the Commission, or components thereof, as necessary and appropriate.

E. The Commission shall meet at such times and places designated by the Chairman. Any vacancy occurring on this Commission shall be filled in the manner of the original appointment.

F. The Office of the Governor, EMD, and the Department of Environmental Services shall provide staff resources and administrative support to the Commission and shall serve as the lead state agencies, departments, offices, or entities for purposes of coordinating implementation of, and compliance with, the Act's requirements.

G. In addition to the duties and responsibilities set forth in the Act, and in furtherance of the same, the Commission's responsibilities shall also include:

1. Designating and appointing members of a Local Emergency Planning Committee for each of the emergency planning districts;
2. Supervising and coordinating the activities of the Local Emergency Planning Committees;
3. Reviewing emergency plans prepared by the Local Emergency Planning Committees and providing recommendations related to coordinating emergency response activities;
4. Establishing procedures for processing requests from the public for information about emergency response plans, chemical notification forms, the Environmental Protection Agency's list of extremely hazardous substances, and toxic chemical release forms;
5. Analyzing the need for resources and legislation to appropriately implement the Act at the state and local government levels; and
6. Collaborating with the private sector, the General Assembly, and state and federal government agencies to explore, identify, and request any additional resources that may be necessary to execute the Commission's duties and responsibilities or to otherwise comply with the Act.

H. In carrying out its responsibilities pursuant to the Act, the Commission is authorized to call upon any state agency, department, entity, or official to supply such data, reports, or other information the Commission deems necessary. Pursuant to article IV, section 17 of the South Carolina Constitution and sections 1-1-840 and 1-3-10 of the South Carolina Code of Laws, as amended, and in furtherance of the principles, considerations, and initiatives set forth above, I hereby authorize and direct any state agencies, departments, entities, or officials called upon for assistance by the Commission or EMD to cooperate with, accommodate, and assist the Commission or EMD in conducting or performing the activities required by this Section or otherwise undertaken to advance the interests and initiatives identified herein and to provide the Commission or EMD with any and all data, information, documents, or materials requested by the Commission or EMD in connection with the same.

I. The Commission may receive grants, donations, and gifts of money, equipment, supplies, and services from any public or private source to carry out its duties.

Section 2. General Provisions

A. This order is not intended to create, and does not create, any individual right, privilege, or benefit, whether substantive, or procedural, enforceable at law or in equity by any party against the State of South Carolina, its agencies, departments, political subdivisions, or other entities, or any officers, employees, or agents thereof, or any other person.

B. This Order shall be implemented consistent with and to the maximum extent provided by applicable law and shall be subject to the availability of appropriations. This Order shall not be interpreted, applied, implemented, or construed in a manner so as to impair, impede, or otherwise affect the authority granted by law to an executive agency or department, or the officials or head thereof, including the undersigned.

C. I hereby expressly authorize the Office of the Governor to provide or issue any necessary and appropriate additional or supplemental guidance, rules, regulations, or restrictions regarding the application of this Order or to otherwise to provide clarification regarding the same, through appropriate means, without the need for further Orders.

D. This Order shall not be interpreted, applied, implemented, or construed in a manner so as to alter or conflict with provisions of the Appropriations Act or any other applicable law, to include the Consolidated Procurement Code or the Administrative Procedures Act.

E. I hereby supersede, rescind, and replace Executive Order No. 2001-41, with any modified or remaining provisions thereof incorporated, in whole or in part, herein.

F. This Order is effective immediately and shall remain in effect unless otherwise expressly stated herein or modified, amended, extended, or rescinded by subsequent Order.

**GIVEN UNDER MY HAND AND THE
GREAT SEAL OF THE STATE OF
SOUTH CAROLINA, THIS 11th DAY OF
AUGUST, 2025.**

HENRY DARGAN MCMASTER
Governor

ATTEST:

MARK HAMMOND
Secretary of State