

ASHSC Policy Recommendation 2011-4

RELIEF FROM LIABILITY FOR QUALIFIED AND TRAINED VOLUNTEERS WHO ARE ASSIGNED TO DAMAGE ASSESSMENT TASKS

Given that the Alaska State Seismic Hazard Safety Commission (ASHSC) and the Alaska Division of Homeland Security and Emergency Management is sponsoring training for qualified individuals to serve as volunteer post earthquake safety evaluators of buildings and infrastructure, the Commission recommends that the State provide relief from liability for qualified and trained volunteers who are assigned by a jurisdiction to serve following a damaging earthquake.

Background

The Alaska Division of Homeland Security and Emergency Management (DHS&EM) and the Alaska Seismic Hazards Safety Commission¹ have jointly been presenting a course to train qualified individuals as volunteer responders to assist local, State and Federal authorities evaluate the safety of buildings and infrastructure immediately following a strong earthquake. The Commission is interested in learning the State Department of Law's opinion regarding the extent of relief from civil liability that these trained volunteers may be provided under Alaska Statute Sec. 09.65.091 (*Civil Liability for Responding to Disaster*).

In 2011 the Commission and DHS&EM partnered to present a training program to prepare qualified volunteers to conduct rapid inspections of buildings and infrastructure immediately following a damaging earthquake; following ATC-20, *Procedures for Postearthquake Safety Evaluation of Buildings*, developed for the Federal Emergency Management Agency. In the event of a damaging earthquake, these trained volunteers would be dispatched in teams by local, State or Federal authorities to help evaluate the safety of buildings and infrastructure, marking (by posting standardized color-coded placards) those structures that appear either (i) safe for

¹ <http://www.seismic.alaska.gov>

immediate re-occupation, (ii) temporarily unusable, or (iii) unsafe for any re-entry; the latter two at least until more thorough evaluations can be completed.

In regards to relief from civil liability, the Commission is particularly interested if the text in part (a) of statute 09.65.091 "...or damage to any property..." is limited only to physical damage caused by the evaluator's actions, or if it also includes liability against a claim of monetary damage from loss of business or usage subject to how the building was tagged during the initial 'rapid' inspection?

The Commission requests that the State of Alaska Attorney General examine this issue and give an opinion on the liability of trained individuals assisting in earthquake damage assessment activities.

ASHSC letter to State of Alaska Attorney General.