

Veto No. 1984-8

SB 1279

December 21, 1984

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

I hereby publicly proclaim and file with the Secretary of the Commonwealth my disapproval of Senate Bill 1279, Printer's No.2470, which establishes criminal penalties for certain utility personnel who knowingly provide false information to Federal or State officials during a disaster emergency involving a power generating facility.

I agree with the intent of the sponsors of this legislation that utility employees who knowingly provide false information to government officials during a disaster emergency involving a power generating facility that jeopardizes the health, safety or welfare of Commonwealth residents should be held accountable. However, last minute amendments made to this legislation in the House of Representatives limit the bill only to actions taken by the "official spokesman" of a utility, whose position and role are not defined in the legislation.

I am concerned that limiting criminal penalties only to an "official spokesman" may insulate even more responsible management personnel. If any relevant information regarding utility disaster, in particular an emergency at a nuclear power plant, is deliberately and willfully withheld or distorted, all responsible parties should be subject to appropriate penalties. Limiting criminal penalties to one designated individual is unwise and unfair. All persons communicating information legitimately within the scope of their real or apparent authority must have the obligation to communicate fully and truthfully all information needed to protect the public health and welfare.

Also, I am advised that some utility companies interpret this legislation as meaning that only their designated "official spokesman" is obligated to even communicate at all with government officials during an emergency. Worse, this bill could encourage officials with an interest in insulating and immunizing themselves from liability to refuse to communicate any information in an emergency. Obviously, such an interpretation or reaction could confront State and local emergency management officials with serious obstacles in obtaining the company information and access to various company personnel they need in order to protect public health and safety.

During disaster emergencies involving power generating facilities, immediate and continual access by government officials to control room supervisors, utility radiation personnel and others is critical. One "official spokesman" may not possess the necessary technical knowledge to immediately and completely answer all questions, thereby presenting a situation which could severely hamper governmental entities in the performance of

their duties and which could, therefore, prove detrimental to the health, safety and welfare of Pennsylvania's citizens.

For these reasons, I am withholding my approval of Senate Bill 1279. The staff of the Department of Environmental Resources and the Pennsylvania Emergency Management Agency will be available to work with interested legislators to achieve the objectives of Senate Bill 1279 without the possibility of limiting the access of appropriate officials to utility personnel during a disaster emergency.

DICK THORNBURGH