Appendix C

Emergency Response Planning

Emergency response plans, if properly implemented, can help organize and coordinate the response activities of a variety of agencies. Communities concerned about hazardous materials transportation accidents are developing emergency response plans that utilize community resources. Although concerns about hazardous materials truck movements usually dominate State and local planning and training, well-prepared State and local emergency response plans will address hazardous materials transportation by all relevant transport modes.

Federal Assistance

At the Federal level, the Federal Emergency Management Agency (FEMA) is responsible for administering programs that support State and local emergency response activities.[1] However, since the formation of FEMA in 1979, its emergency response programs have been focused on civil defense, radiological concerns, and natural disaster planning. Despite the overwhelming evidence pointing to the need for hazardous materials response planning and training, expansion of FEMA programs to cover hazardous materials emergencies has been limited.

Through FEMA's Emergency Management Assistance Program, States receive financial support under Comprehensive Cooperative Agreements for planning, training, and response activities; localities are funded by State emergency management agencies.[2] However, local agencies must meet extensive requirements, including the preparation of an integrated emergency operations plan that addresses all hazards, not just those involving hazardous materials, and completion of a Hazardous Identification Capability Assessment and Multi-Year Development Plan (HICA-MYDP). According to State and local officials, the HICA-MYDP document is detailed and requires numerous man-hours to complete for very limited funding that is directed essentially at civil defense preparedness.[3] To support State and local planning activities, FEMA has published several guidance documents in addition to the HICA-MYDP.[4]

The Environmental Protection Agency (EPA), FEMA, the U.S. Department of Transportation (DOT), and other Federal agencies have recently begun to work together to implement new emergency response planning initiatives and improve interagency coordination. In 1985, EPA undertook a new effort-the Chemical Emergency Preparedness Program (CEPP)—to help States and communities develop emergency response plans. While this program focuses on accidental releases from fixed facilities as part of EPA's National Strategy for Toxic Air Pollutants, the emergency response personnel and other local officials that participate in CEPP are likely to have responsibilities related to transportation accidents as well.[5] FEMA regional offices are cooperating with their EPA counterparts to support State and local CEPP efforts. CEPP is currently a voluntary program, and financial assistance for participating communities is not available, a major drawback for its implementation in many locations. However, major revisions to the Comprehensive Environmental Response, Compensation, and Liability Act under consideration by Congress are likely to affect emergency response planning and coordination at the State and local levels.

FEMA, DOT, and other Federal agencies are also revising their hazardous materials planning guide for State and local officials, FEMA-10, to reflect new technologies, regulatory requirements, and private sector initiatives; it will be issued as a joint Federal guidance document.[6]

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[1] In 1979, Federal emergency preparedness activities were consolidated into one agency—the Federal Emergency Management Agency (FEMA). Functions vested in the U.S. Departments of Commerce, Housing and Urban Development, and Defense, and the Executive Office of the President were transferred to FEMA under Reorganization Plan No. 3. See 43 F.R. 41943, Sept. 19, 1978.

[2] States must apply to the Federal Emergency Management Agency (FEMA) for financial assistance for the Emergency Management Assistance Program and other FEMA assistance programs. Comprehensive Cooperative Agreements (CCAs) are negotiated program and funding agreements between FEMA and States that identify responsibilities for meeting national program objectives. As part of the CCA process, States must submit staffing, budget, and administrative planning information, as well as statements of work for its own program and for local (subgrantee) programs. An emergency management training plan must also be developed by each State. These requirements are specified in a special civil preparedness guidance document, Federal Emergency Management Agency, *Hazard Identification, Capability Assessment, and Multi-Year Development Plan for Local Governments*, CPG 1-35 (Washington, DC: January 1985).

[3] U. S. Congress, Office of Technology Assessment, "Transcript of Proceedings—workshop on State and Local Activities," May 30, 1985; Buddy DeWar, Director of the State Fire Marshal's Office, Tallahassee, FL, and Chief Don Ryan, Hazardous Materials Bureau, Division of State Fire Marshals, Reynoldsburg, OH, personal communications, March 1986.

[4] See Federal Emergency Management Agency, *Planning Guide and Checklist for Developing Hazardous Materials Contingency Plans*, FEMA-10 (Washington, DC: July 1981); Federal Emergency Management Agency, *Interim Guide for Development of State and Local Emergency Operations Plans*, CPG 1-8 (Washington, DC: October 1985); and Federal Emergency Management Agency, *Interim Guide for Rewew of State and Local Emergency Operations Plans*, CPG 1-8A (Washington, DC: October 1985).

[5] A guidance document was issued in November 1985 containing basic information on community organization, data gathering, and contingency planning, and a list of almost 400 acutely toxic chemicals. The chemical list is intended to serve as a starting point for community investigations; however, *as it* is based on animal toxicity data, the hst does not necessary represent hazards posed from a transportation perspective such as explosive or combustible materials. The U.S. Environmental Protection Agency directed those communities interested in other hazardous materials to consult the U.S. Department of Transportation's list of hazardous materials and hazard classes. See U.S. Environmental Protection Agency, *Chemical Emergency Preparedness Program Interim Guidance: Revision* 1, 9223.0-1A (Washington, DC: November 1985).

[6] See Federal Emergency Management Agency, *Planning Guide and Checklist for Developing Hazardous Materials Contingency Plans*, op. cit.

State and Local Emergency Response Planning

As identified by State and local governments, the primary areas needing attention during planning include:

- improved coordination among Federal, State, and local agencies;
- coordination with industry response programs;
- advance agreement about who is in charge;
- adequate communication between the accident site and offsite command posts;
- other operational concerns; and
- public information.

Better coordination in the following areas would ease many of the problems faced by State and local responders: funding for emergency response training and planning; information dissemination on appropriate hazardous materials emergency response procedures; and a clear delineation of Federal, State, and local hazardous materials emergency response capabilities and responsibilities.

State, regional, or local plans should outline specific responsibilities, coordinate on-site activities, and appoint a response leader to reduce the confusion at the accident site and provide a clear chain of authority for response activities and information dissemination to the media. Fire, police, and other government agencies, including emergency management and public works departments that may participate in emergency response, should be part of the planning process. Any governmental mutual aid agreements should determine the on-scene coordinator in advance. Simulations of emergency situations provide an opportunity to test these plans and discover organizational problems prior to an actual hazardous materials accident.

Industry has contributed to many local emergency response activities, but questions remain regarding emergency response on private property, such as a company facility or a railroad right-of-way. Advance arrangements between special industry response teams and existing public emergency response networks are necessary. Formal mutual aid agreements among independent industry response teams and communities are a means of achieving coordinated and comprehensive response capabilities at reduced expense, Such agreements allow neighboring communities to share equipment, fire and police department manpower, emergency medical services, and private sector resources. The Chemical Manufacturer's Association's Community Awareness and Emergency Response Program and EPA's Chemical Emergency Preparedness Program encourage industry cooperation in the development of community emergency response plans.

Communication and liability issues should also be covered during the planning process. Communication involves both hardware and organization. At the planning stage, participating response agencies should identify equipment requirements and procedures to ensure adequate communication, both on and offsite; equipment compatibility; and isolation of radio frequencies for emergency use. Liability issues are a concern for governmental entities, which may be held responsible for emergency response activities that result in damages. Carefully crafted Good Samaritan laws can relieve the burden of potential liability for qualified emergency responders who assist during a hazardous materials transportation accident.

Providing accurate reports to the press and public is another necessary part of coordinated emergency response activities. At many accidents, particularly severe ones, the media become a part of the response process and is an important public information source. Emergency response plans should include designating spokespersons skilled in giving print and electronic media interviews. The first media contact can determine how the incident is perceived by the public and can help maintain public calm and cooperation.