

Prevention
Training
Considerations

Prevention
Awareness

Prevention
Policy
Development

Community
Prevention
Program
Management

Prevention in
Operations

Design and
Plans Review

Inspection and
Enforcement

Appendix A:
Haz Mat Prevention
Authorities and
Statutory Mandates

Appendix B:
Haz Mat
Prevention Training
Requirements

Appendix C:
Organizational
Structure for
Prevention

Appendix D:
OSHA Standard
1910.119

Hazardous Materials and Terrorist Incident Prevention Curriculum Guidelines

Appendix C: Organizational Structure for Hazardous Materials Prevention

[Note: The following material, which summarizes government agency programs in hazardous materials prevention, is derived from "A Review of federal Authorities for Hazardous Materials Accident Safety: Report to Congress Section 112(r)(10) Clean Air Act As Amended," prepared in coordination with the National Response Team by the Chemical Emergency Preparedness and Prevention Office of EPA. The material will be reviewed and updated during the national review of these draft Curriculum Guidelines.]

Primary responsibility for the development and implementation of accident prevention measures at the federal level is within DOT, including the U.S. Coast Guard; OSHA within the Department of Labor and EPA. The NRC also maintains regulatory responsibilities for source, by-product, and special nuclear materials. Some of the statutes and regulations administered by NRC, in conjunction with FEMA, particularly in the areas of planning and response to significant radioactive materials emergencies, are discussed in this review. Other laws and regulations pertinent to the safety of commercial nuclear power plants were not considered within the scope of this analysis. Food and Drug Administration authorities for consumer-related hazardous materials safety were not considered within the scope of this review.

DOT/Research and Special Programs Administration (RSPA)

The administering body for hazardous materials safety within DOT is the Research and Special Programs Administration. The Hazardous Materials Transportation Act (HMTA) of 1975 gave DOT umbrella authority for developing hazardous materials transportation safety policy. It enabled the Office of Hazardous Materials Safety to develop policies pertinent to all modes of transportation. HMTA authorized the Secretary to issue regulations for the safe transportation in commerce of hazardous materials. The Hazardous Materials Transportation Uniform Safety Act (HMTUSA) of 1990 expanded DOT's hazardous materials safety responsibilities and clarified certain provisions contained in the original HMTA.

RSPA Prevention and Regulatory Programs.

RSPA's Office of Hazardous Materials Safety has primary responsibility for regulating the transport of hazardous materials across all modes except pipelines. Because of the multiple points of exposure during transportation and the potential for exposure to hazardous material handlers and first responders, the primary goal of these regulations is to prevent accidents from occurring. A secondary goal is to ensure that response personnel can easily identify the materials, so that the appropriate actions and precautions can be taken if an accident does occur. The regulations address: criteria for classifying risks of materials being transported; identification through proper labeling and manifesting of what is being transported; containerization and packaging for transport; handling of hazardous materials in loading and unloading; and procedures for accident notification and follow-up reports.

Federal hazardous materials regulations (except for penalties and specific relief provisions) apply to all agencies of the Federal government with the exception of the U.S. Postal Service. They also apply to all contractors used by Federal government agencies.

RSPA's Office of Pipeline Safety oversees the safe transportation of natural gas to 55 million residential and commercial customers, and the environmentally sound transportation of 25 percent of the nation's intercity freight, more than 605 billion ton miles of petroleum and other hazardous materials by pipeline. This office has jurisdiction over more than 2,000 gas pipeline

operators and 155,000 miles of pipeline that transport hazardous liquids, and is authorized under the Natural Gas Pipeline Safety Act of 1968 and the Hazardous Liquid Pipeline Safety Act of 1979 (HLPSA). Following enactment of the Oil Pollution Act of 1990, the Department delegated responsibility for spill prevention and containment of oil and hazardous substances from pipelines to RSPA. These responsibilities, defined under the Federal Water Pollution Control Act, further expand the role of RSPA in environmental protection, and cover categories of pipelines currently excepted by the HLPSA or regulations adopted thereunder. Pipeline safety regulations cover criteria for pipe design, joining of materials, construction, customer meters, service regulators and service lines, corrosion control, testing, upgrading, operations, and maintenance. Enforcement of the regulations is shared by 244 State and 24 Federal inspectors.

RSPA Enforcement

RSPA has the primary federal responsibility for enforcing hazardous materials regulations for transportation. RSPA's enforcement process includes random inspections of packaging manufacturers, shipper and carrier facilities, and investigations of accidents and incident involving hazardous materials. In addition to RSPA's enforcement program, the DOT modal administrations (Federal Highway Administration, Federal Aviation Administration, Federal Railway Administration, and U.S. Coast Guard) and the states also enforce the hazardous materials regulations.

RSPA Training

More recent initiatives, developed in response to HMTUSA, are focusing on providing grants for emergency preparedness planning to states and grants for emergency response training to states and Native American tribes. The Office of Hazardous Materials Safety is administering a planning and training grant program assisted by other federal agencies, including FEMA, EPA, DOE, OSHA, NIEHS and the Bureau of Indian Affairs. DOT also offers training through the Transportation Safety Institute and prepares and distributes training modules and other materials. In addition, the Federal Highway Administration provides funds for training to states.

DOT/U.S. Coast Guard

USCG Regulatory Programs

The Coast Guard maintains regulatory authority for bulk carriers by water transport. Because authority for transportation by navigable waters has historically been a federal responsibility, the Coast Guard exercises a unique and broad authority over the shipping industry. In general, its application of an "umbrella" regulatory structure controls vessel design, operations, pollution prevention, personnel qualification, and a number of other categories. Domestic and foreign vessels operating on the navigable waters of the United States are required to have proper licensing and documentation in order to operate, and in the case of commercial vessels, to take part in their trade. The Coast Guard is responsible for issuing these certificates and endorsing certificates issued by international organizations.

Among the provisions administered by the Coast Guard are regulations concerning:

- The boundaries for Coast Guard jurisdiction;
- Specific requirements for obtaining waivers to inspection laws and regulations;

Prevention Training Considerations

Prevention Awareness

Prevention Policy Development

Community Program Management

Prevention in Operations

Design and Plans Review

Inspection and Enforcement

Appendix A: Haz Mat Prevention Authorities and Statutory Mandates

Appendix B: Haz Mat Prevention Training Requirements

Appendix C: Organizational Structure for Prevention

Appendix D: OSHA Standard 1910.119

- The transportation of hazardous materials in vessels, including the carriage of explosives, and port and waterway safety;
- The prevention of pollution from ships and the enforcement of waste reception facility requirements;
- The prevention of oil discharges into the navigable waters of the U.S.;
- The protection and security of vessels, harbors and waterfront facilities;
- Dry bulk waterfront facilities; and
- The oversight of and prevention of unlawful dumping or transportation of materials for dumping into the ocean (the EPA exercises most of the regulatory authority over this activity).

The Ports and Waterways Safety Act of 1972 provides for the establishment, operation, and maintenance of vessel traffic services, the control of vessel movement, among other matters, and the establishment of vessel operating requirements. The act allows for field level controls that, if not appropriately applied, would result in an unacceptable hazard to the environment or property. Orders regarding these matters can be issued only by the Captain on the Port or the cognizant District Commander.

The Federal Water Pollution Control Act (FWPCA), as amended, delegates to the Coast Guard the enforcement authority and responsibility in cases where oil and hazardous substances are discharged in harmful quantities. The Coast Guard is also tasked with enforcement of the Act to Prevent Pollution From Ships, which is the implementation of the international MARPOL protocol. The Coast Guard also conducts surveillance of Ocean dumping as mandated in the Marine Protection, Research, and Sanctuaries Act of 1972.

USCG Enforcement

Inspection, compliance, and enforcement are cornerstones to the Coast Guard's prevention programs. The Officer in Charge of Marine Inspections exercises considerable power in his/her port and is responsible for:

- Inspection of vessels and facilities to determine compliance with applicable laws, rules and regulations related to construction, equipment, manning, and operation;
- Shipyard inspections;
- Factory inspections of materials and equipment;
- Licensing, certification, shipment and discharge of seamen;
- Investigation of marine casualties and accidents;
- Pollution prevention;
- Investigations of violations of the law;
- Negligence, misconduct, unskillfulness, incompetence of persons holding licenses, certificates or documents issued by the Coast Guard;
- Initiations of actions seeking suspension or revocation of licenses; and
- Presentation at hearings held by Administrative Law Judges concerning these cases.

New vessels, foreign vessels, waterfront transfer and storage facilities, tankers, and a variety of other vessels are all required to be inspected by the Coast Guard. Certificates of inspection are issued and grant specific rights to each ship. Each class of vessel has unique inspection regulations based on the type of vessel it is and the specific cargo that it carries.

If any equipment is found not to be in compliance with applicable regulations, a form is issued to the master, owner, or operator which details the problems and mandates the specific circumstances that the cited deficiencies must be corrected. Any vessel may be inspected/reinspected. Certificates of inspection may be revoked if the vessel is found not to comply with the terms of the vessel's certificate of inspection. A vessel or facility may be exempted from complying with any specific regulation by the Commandant.

Investigations are conducted after a marine casualty to determine cause and to determine appropriate proceedings to be taken against those responsible. Investigating officers have the power to administer oaths, subpoena witnesses, etc. At the conclusion of an investigation, recommendations are forwarded to Coast Guard Headquarters program managers for review and further action as appropriate. In investigations where criminal liability is alleged, the case is referred to the U.S. Attorney General for prosecution.

Administrative punishments are intended to be remedial, not penal, with the goal of maintaining competence and safety in the field. Initial recommendations to revoke licenses are set forth by the investigating officer. Investigations are initiated if it appears that the holder of the license was negligent in some manner. An investigating officer can accept voluntary surrender of a license. Upon completion of a case investigation, the case is forwarded to an Administrative Law Judge, who holds hearings and adjudicates the cases.

Prior to the Federal Water Pollution Control Act of 1972, the Coast Guard did not have the kind of authority it needed to enforce against discharges. The Ports and Tanker Safety Act of 1978 expanded many equipment and operating requirements for vessels, with emphasis on tank vessels to coincide with many international initiatives, such as agreements reached by the International Maritime Organization.

Coast Guard Organization

The Coast Guard maintains 47 Captain of the Port operations. The functions performed by the Coast Guard at each of these locations include: port security, port safety, facility inspections, personnel/merchant mariners documentation, vessel inspections and accident response and investigation.

Like other transportation modes, the Coast Guard's program is predicated upon prevention. However, unlike other transportation authorities, because of the history, mission, and unique resources of the Coast Guard, it maintains and is responsible for a total safety system including accident prevention, preparedness, and response.

Other Modal Administrations

Federal Aviation Administration (FAA).

The FAA regulates air commerce, controls the use of airspace, and operates air navigation facilities and a common system of air traffic control and navigation for both civil and military air

Prevention Training Considerations

Prevention Awareness

Prevention Policy Development

Community Program Management

Prevention in Operations

Design and Plans Review

Inspection and Enforcement

Appendix A: Haz Mat Prevention Authorities and Statutory Mandates

Appendix B: Haz Mat Prevention Training Requirements

Appendix C: Organizational Structure for Prevention

Appendix D: OSHA Standard 1910.119

craft. The Administrator issues and enforces rules, regulations, and minimum standards relating to the manufacture, operation, and maintenance of aircraft, as well as the rating and certification of airmen and the certification of airports. The agency performs flight inspection of air navigation facilities in the U.S. and as required, abroad. It also enforces regulations under the Hazardous Materials Transportation Act applicable to shipments by air and investigates accidents involving air carrier.

Federal Highway Administration (FHWA)

The FHWA seeks to coordinate highways with other modes of transportation to achieve the most effective balance of transportation systems and facilities. Under the authority of the motor carrier safety provisions, the agency exercises Federal regulatory jurisdiction over the safety performance of all commercial motor carriers engaged in interstate or foreign commerce. The FHWA has jurisdiction over the safe movement on U.S. highways of dangerous cargoes such as hazardous wastes, explosives, flammables, and other volatile materials, and deals with more than 185,000 carriers and approximately 25,000 shippers of hazardous materials.

The FHWA conducts safety reviews at carriers' facilities to determine their safety performance; all carriers must comply with Federal safety regulations specifying safe operating practices. Compliance reviews are conducted to follow up on problem areas identified during safety reviews. These reviews may lead to prosecution or other sanctions against violators of the Federal motor carrier safety regulations or the hazardous materials transportation regulations.

The FHWA works with states and local government enforcement officers to enforce regulations affecting interstate transportation. It provides grants to assist the states and local governments in enforcing those regulations and encourages states to adopt regulations compatible with federal standards.

Federal Railroad Administration (FRA)

The FRA promulgates and enforces rail safety regulations, administers railroad financial assistance programs, conducts research and development in support of improved railroad safety and national rail transportation policy, provides for the rehabilitation of Northeast Corridor rail passenger service, and consolidates government support of rail transportation activities. The FRA administers and enforces regulations resulting from the Railroad Safety Act and transportation of explosives and other hazardous materials under the Hazardous Materials Transportation Act, and the reporting and investigation of railroad accidents.

National Transportation Safety Board (NTSB)

The National Transportation Safety Board is an independent agency that originated within the U.S. Department of Transportation (DOT). Congress passed an Act in 1975, giving the Board increased authority in accident investigation and severing its ties with DOT. The Board's mission is to determine the "probable cause" of transportation accidents and to formulate safety recommendations to improve transportation safety.

DOL/Occupational Safety and Health Administration (OSHA)

Authority for worker protection and hazardous materials prevention programs is housed in the Occupational Safety and Health Administration (OSHA), established within the Department of Labor in 1970. The Occupational Safety and Health Act (OSH Act) gives OSHA authority to promulgate its hazardous materials regulations. In addition, SARA and the 1990 Clean Air Act Amendments included OSHA requirements. OSHA's regulatory system is one which has developed requirements that apply to safety of all industries. OSHA promulgates regulations, inspects workplaces, enforces regulations, conducts workplace safety and health training, disseminates information, collects data, and investigates workplace accidents.

OSHA Regulatory Programs

The specific OSHA hazardous materials program includes standards for: the handling and storage of liquids that are flammable and combustible and of certain chemicals that are reactive and unstable; the design, installation, and use of storage tanks; fire protection within a facility; firefighting operations, including training and equipment; emergency preparedness and evacuation plans; permissible exposure limits for more than 600 air contaminants; employee access to medical records of their workplace exposures to toxic substances or harmful physical agents; medical services and first aid; protection of workers engaged in hazardous waste operations; respiratory protection; use of personal protective equipment; communication of information about hazardous chemicals, including the important requirement that employers train workers in the precautions needed to minimize the risk of potentially dangerous exposures; and, the control of hazardous energy sources, also known as lockout/tagout. OSHA recently issued its chemical process safety standard requiring employers to conduct hazard assessments of chemicals and chemical processes and to develop programs to manage these risks including the training of workers. For hazards not addressed by a particular standard, OSHA enforces the "General Duty Clause" of the OSH Act, which requires employers to provide a place of employment free from recognized hazards that are causing or are likely to cause death or serious physical harm to employees.

OSHA Organization, Accident Investigation and Enforcement.

The OSH Act encourages States to develop and operate, under Federal OSHA guidance, State job safety and health plans, including plans for hazardous materials. Once a State plan is approved, OSHA funds up to 50 percent of the program's operating costs, and the State's programs must be at least as effective as the Federal OSHA program. Twenty-five States (including two territories) have OSHA-approved programs. Twenty-three state plans cover both private and public sector employees. Two state plans cover public sector only.

OSHA investigates all serious workplace accidents involving chemical releases to determine whether there has been a violation of the OSH Act or of any regulations under that Act; and to determine whether changes are needed in the OSHA program.

Under the OSH Act, OSHA is authorized to conduct workplace inspections. OSHA inspections, in order of priority, include: imminent danger situations; to catastrophes and fatal accidents; employee complaints of violations of standards; and planned inspections of high of high-hazard or targeted industries, including the chemical industry. OSHA is also authorized to issue citations for violations of OSHA regulations and to assess penalties. In 1990 and 1991, OSHA issued unprecedented multimillion dollar penalties against several chemical companies which had

Prevention
Training
Considerations

Prevention
Awareness

Prevention
Policy
Development

Community
Prevention
Program
Management

Prevention in
Operations

Design and
Plans Review

Inspection and
Enforcement

Appendix A:
Haz Mat Prevention
Authorities and
Statutory Mandates

Appendix B:
Haz Mat
Prevention Training
Requirements

Appendix C:
Organizational
Structure for
Prevention

Appendix D:
OSHA Standard
1910.119

willfully violated OSHA regulations. Section 4(b)(1) of the OSH Act is specifically designed to avoid duplication and overlap of federal safety and health regulations. Under section 4(b)(1), OSHA is preempted from applying its regulations to working conditions addressed by other federal agency regulations.

OSHA has placed increased emphasis on chemical accident prevention in the last two to three years. In 1990, OSHA initiated its Special Emphasis Program in the petrochemical industry (PetroSEP), by selecting 28 corporations for inspection. This program targeted corporations of more than 2,500 employers where most petrochemical facilities exist, within the three primary SIC Codes - 2821 (plastic materials), 2869 (industrial organic chemicals), and 2911 (petroleum refineries). In addition, OSHA has increased its coordination with other federal agencies, in particular, with EPA, which led to a Memorandum of Understanding governing coordination, sharing information and data, and cooperating in certain enforcement actions in the PetroSEP program. OSHA has supported public and worker training programs at its training facility in Illinois, and has provided materials to the public.

OSHA Training

Although the Occupational Safety and Health Act of 1970 does not address specifically the responsibility of employers to provide safety and health training to employees, Section 5(a)(2) does require that each employer "...shall comply with the ...standards promulgated under this Act." OSHA standards that contain training requirements for emergency prevention, preparedness, and response cooperations include the Process Safety Management Standard, mentioned above, the Hazardous Waste Operations and Emergency Response Standard (HAZWOPER), and the Hazard Communication Standard.

Under the Hazard Communication Standard, employers must establish a training and information program for employees exposed to hazardous chemicals in their work area at the time of initial assignment and whenever a new hazard is introduced. OSHA's HAZWOPER standard covers workers employed in clean-up operations at uncontrolled hazardous waste sites and at waste treatment, storage and disposal facilities licensed by EPA under the Resource Conservation and Recovery Act (RCRA). The standard also covers workers responding to emergencies, including those involving hazardous materials (e.g., spills). State, county and municipal workers such as police, ambulance workers, and firefighters with local fire departments, are covered by the regulations issued by the 23 states that have their own safety and health programs. EPA regulations cover such employees in the other states.

EPA Hazardous Materials Organization

EPA Organization

A number of different federal environmental statutes establish the regulatory framework for hazardous materials safety for communities and the environment. Safety programs and standards, which address prevention, have been included within statutory language that is often intended to address general environmental degradation, rather than accidents in particular. EPA authority for contingency planning and emergency response is primarily from specific language and statutes, e.g., CERCLA, EPCRA, and OPA, which also contain other provisions for long-term problems.

The organization of safety programs at EPA is complex. This is due, in part, to the Agency's current structure, which organizes programs by environmental medium, typically by statute, and in part to the fragmentation of safety provisions in multiple laws. The fragmentation occurs when organizational structures are designed to accommodate statutes while sometimes de-emphasizing management of programs by function.

EPA administers hazardous materials safety provisions primarily through two offices within its Office of Solid Waste and Emergency Response. These two offices are: the Chemical Emergency Preparedness and Prevention Office (CEPPO), and the Office of Emergency and Remedial Response (OERR). Each office manages programs under multiple statutes. CEPPO is primarily responsible for regulations and programs under the 1986 Emergency Planning and Community Right to Know Act (EPCRA), for accident prevention provisions under §112(r) of the Clean Air Act, for EPA's responsibilities under HMTUSA, and for overall emergency coordination within EPA, including acting as chair of the National Response Team (NRT) and National Incident Coordination Team (NICT), the EPA intra-agency emergency coordination mechanism. OERR is responsible for regulatory and response functions required by CERCLA and SARA, and for EPA response to oil spill incidents under the Oil Pollution Act. Specific OERR responsibilities include: reviewing and approving facility Response Plans as required by the Oil Pollution Act (OPA), developing and writing revisions to the National Contingency Plan; developing prevention activities for fixed oil facilities under the Clean Water Act as amended by OPA; development of reportable quantities regulations; training for state and local first responders; developing and maintaining the Emergency Response Notification System; and response to oil spills and other emergencies in the inland zone. OERR also administers remedial programs under CERCLA.

In addition to its regulatory functions, CEPPO undertakes compliance and guidance programs under various statutory authorities. These programs are designed to support state and local planners and to encourage industry, states and local communities in improving accident prevention, preparedness, and response efforts. Among these efforts are its Accidental Release Information Program; the Chemical Safety Audit Program under CERCLA authorities, which assists industry through facility visits in improving safety practices, technologies and techniques; and CAMEO, the EPA/NOAA computer software designed to aid in emergency planning and response at the state and local levels.

Two other offices within the Office of Solid Waste and Emergency Response have significant responsibility with respect to hazardous materials that affect safety. The Office of Solid Waste is responsible for developing and administering standards under RCRA. Permitting standards for hazardous waste management facilities, for instance, serve to reduce the probability of accidents. Similarly, the Office of Underground Storage Tanks develops and manages technical standards under Subtitle I of RCRA for underground storage of oil and hazardous substances. Both offices also manage corrective action programs for solid waste management units and leaking underground storage tanks.

The Office of Pesticides, Prevention and Toxic Substances manages EPA's system of registering new chemicals for commercial use under authority of the Toxic Substance Control Act (TSCA), and annually tracks emergency and non-emergency toxic releases as required by EPCRA through the Toxic Release Inventory. Through a registration system for potentially new chemical products, EPA receives some 3,000 to 4,000 premanufacturing notices annually. TSCA also requires immediate notification when accidental releases of a toxic chemical present a substantial risk of injury to health or the environment. This office is also responsible for administering

Prevention Training Considerations
Prevention Awareness
Prevention Policy Development
Community Program Management
Prevention in Operations
Design and Plans Review
Inspection and Enforcement
Appendix A: Haz Mat Prevention Authorities and Statutory Mandates
Appendix B: Haz Mat Prevention Training Requirements
Appendix C: Organizational Structure for Prevention
Appendix D: OSHA Standard 1910.119

programs under the Federal Insecticide, Fungicide, and Rodenticide Act with regard to pesticide safety and worker protection.

EPA's Office of Air and Radiation manages programs under the Clean Air Act and leads the EPA response to radiological accidents under the FRERP. Also, through the FRERP, OAR leads the federal response to accidents involving naturally-occurring and accelerator-produced radioactive materials and foreign sources of radiological materials. Recent examples are the 1979 crash of the USSR's nuclear powered COSMOS satellite in Canada, and the 1986 Chernobyl nuclear reactor accident in the Ukraine. Although the FRERP was not activated for these incidents, using the most recent revisions it would be for similar incidents. For smaller radiological incidents which do not require a coordinated federal response, this Office responds with the Office of Solid Waste and Emergency Response using the National Contingency Plan, as occurred in the clean-up of a radium chemical company in Bronx, NY. The Office of Air Quality Programs and Standards develops and implements technical standards under the Clean Air Act to prevent or reduce emergency and non-emergency releases of hazardous materials. Like RCRA standards, those air standards serve, by regulating industry practices, to reduce the probability that accidents will occur.

The Office of Water at EPA, the regional offices, and delegated states, using Clean Water Act authority, establish permitting requirements, and set standards to control the release of pollutants to surface water and to municipal wastewater treatment plants. This Office also contributes to response actions that affect wetlands, coastal areas, and oceans, and overseas implementation of the Safe Drinking Water Act.

As addressed in more detail in Chapter 4, numerous statutory and non-statutory lists of hazardous materials are managed by EPA programs. These lists form the way EPA requirements for accident prevention, preparedness, and response are developed and implemented. The lists, however, have multiple purposes and contain different listed materials based on varying criteria and statutory mandates. All of the Offices described manage lists. These lists do not currently serve an integrated function in terms of data management or regulatory development for accident safety. EPA is developing an electronic Registry of Lists under its Office of Policy, Planning and Evaluation to facilitate integration.

Most of EPA's prevention, preparedness, and response regulations, programs and activities require technical expertise and support for development and implementation. In addition, DOT draws on EPA expertise and information in the development of some of its regulations, particularly for hazard classification.

EPA Regional Organization and Enforcement

Within the ten EPA regional offices, implementation of hazardous materials safety provisions mentioned above is typically divided differently among offices. Regional Administrators have primary responsibility for implementing how their region will administer new regulations and programs. Typically, the regions will assign implementation authority to a media office responsible for a given statute. Because hazardous materials safety regulations have been promulgated under a variety of laws, it is increasingly awkward for EPA to administer its safety programs at the regional level, as well as at headquarters, with its current organizational structure.

EPA statutes also include clauses pertinent to adoption of its laws and/or regulations by the states. EPA statutes generally allow states' adoption and expansion of environmental statutes,

provided that the federal standards are the minimum. Unlike the funding programs for the states used by OSHA, federal funding may or may not be provided to the states for implementation.

EPA Training

Training courses for first responders are offered by the Environmental Response Team and through the Regional programs. EPA participates with FEMA, OSHA, and DOT, among others on the Training Committee of the National Response Team in the review and development of courses for contingency planning and responses. Further, EPA develops courses to implement its prevention responsibilities.

Nuclear Regulatory Commission (NRC)

The Nuclear Regulatory Commission controls the handling of nuclear materials through an extensive licensing and regulatory program. This program includes several different requirements for responsible parties to immediately report releases of radionuclides.

The extent of the Commission's regulatory jurisdiction is limited to certain types of nuclear materials and to certain parties who may handle these materials. First, the Commission only licenses source, byproduct, and special nuclear material as defined by the Atomic Energy Act. The Commission does not license naturally-occurring and accelerator-produced radioactive materials, although exposure to naturally-occurring radioactive materials may be subject to Commission regulation when they are associated with sources, byproduct, or special nuclear material being used under an active license. Second, the Atomic Energy Act exempts certain activities of the Department of Energy and the Department of Defense involving source, byproduct, and special nuclear materials from Commission license requirements.

The Nuclear Regulatory Commission exercises its statutory authority by imposing a combination of design criteria, operating parameters, and license conditions at the time of construction and licensing. It assures that the license conditions are fulfilled through inspection and enforcement. The Nuclear Regulatory Commission and the states that have entered into agreement with the Nuclear Regulatory Commission to assume the regulations of certain programs license more than 20,000 users of radioactive materials.

The NRC and the Department of Transportation (DOT) share responsibility for regulating the transportation of licensed radioactive materials. The NRC regulates the design, construction, use, and maintenance of packagings for larger quantities of radioactive materials. The DOT regulates the carriers of radioactive material, and requires carriers to report to DOT any suspected radioactive contamination involving shipment of radioactive material. The NRC is also responsible for regulating the safeguarding of designated shipments to assure security of nuclear material against theft or sabotage.

Bureau of Alcohol, Tobacco, and Firearms (ATF), Department of Treasury

The Bureau of Alcohol, Tobacco, and Firearms (ATF) has the authority under 18 U.S.C. 40 "to protect commerce from interruption by reducing the hazards to persons or property arising from the misuse and unsafe or insecure storage of explosives." ATF regulates "any chemical compound mixture or device having a common or intended (emphasis added) purpose of

Prevention Training Considerations

Prevention Awareness

Prevention Policy Development

Community Program Management

Prevention in Operations

Design and Plans Review

Inspection and Enforcement

Appendix A: Haz Mat Prevention Authorities and Statutory Mandates

Appendix B: Haz Mat Prevention Training Requirements

Appendix C: Organizational Structure for Prevention

Appendix D: OSHA Standard 1910.119

functioning by explosion” by licensing manufacturers. The Bureau also prescribes by regulation the configuration, construction, and location of storage magazines. Section 846 of 18 U.S.C. authorizes the Bureau to inspect any accident or fire when there is any reason to believe that explosive materials were involved. The Bureau maintains four teams and responds within 24 hours of an incident. ATF coordinates closely with DOT and DOD on classification of explosives, and with other appropriate agencies on storage.

Federal Emergency Management Agency (FEMA)

The Federal Emergency Management Agency (FEMA) provides extensive guidance, technical and/or financial assistance to State and local governments for emergency preparedness activities which include: planning, training, exercising, mitigation, and information sharing. Under Presidential Executive Order, FEMA has the responsibility to establish overall policies for emergency planning by Federal agencies. It may assess the plans of those agencies and may recommend to the President changes, if necessary.

FEMA is a member of the National Response Team and the Regional Response Teams, which coordinate hazardous materials emergency preparedness, response, and assistance activities among federal agencies, States, and local governments. FEMA may provide advice and assistance to the on-scene coordinator during an emergency regarding temporary or permanent relocation of citizens. FEMA administers the Emergency Broadcast System and a National Warning System which are used by governors and mayors to warn of disasters and communicate with the community in natural and technological emergencies. FEMA also administers an extensive program for emergency management training of State and local personnel through its Emergency Management Institute. Eighteen programs, currently managed under FEMA’s Comprehensive Cooperative Agreement (CCA) provide funding and technical assistance to State and local governments for emergency management. Five of these programs provide for technical assistance only. FEMA also supports EPA in the implementation of activities under the Emergency Planning and Community Right to Know Act and DOT under the Hazardous Materials Transportation and Uniform Safety Amendments of 1990.

The U.S. Fire Administration within FEMA, coordinates federal activities related to fire protection in the following areas: fire policy and coordination, firefighter health and safety, fire data and analysis, and fire prevention and arson control. USFA works with federal, State and local governments, fire service organizations, and the private sector to minimize losses of life and property. The USFA may investigate major fire incidents to make recommendations concerning fire safety and prevention. The USFA also provides hazardous materials response training to firefighters.