

Hazardous Materials and Terrorist Incident Planning Curriculum Guidelines

Planning Training Considerations

Planning
Training
Considerations

Planning
Orientation

Planning
Essentials

Commodity
Flow Study

Hazard Analysis
and Threat
Assessment

Capability
Assessment

Planning for
Protective
Actions

Plan
Implementation
& Maintenance

Facility
Planning

Planning for
Public Education

Appendix:
Additional Planning
Resources

What is an Emergency Operations Plan?

According to the Federal Emergency Management Agency (FEMA), an emergency operations plan (EOP) is a document that:

- Assigns responsibility to organizations and individuals for carrying out specific actions at projected times and locations in an emergency.
- Sets forth lines of authority and organizational relationships, and shows how all actions will be coordinated.
- Describes how people and property will be protected in emergencies and disasters.
- Identifies personnel, equipment, facilities, supplies, and other resources available for use during response and recovery operations.
- Identifies steps to address mitigation concerns during response and recovery activities.

The fundamental logic that underlies the development of emergency plans is that these and related decisions must be addressed before an incident occurs. During an emergency, no time exists to resolve such issues or to practice and refine roles and responsibilities. The complex analysis and preparation required to establish an effective emergency operations capability must be completed in advance so that public officials and response personnel can act quickly and decisively to control dangerous situations and protect the public.

Given this rationale, an emergency plan must be more than just a document. To be effective, all personnel who will participate in a hazardous materials or terrorist incident response must know their roles and responsibilities and be competent in the tasks they will perform. This goal is greatly enhanced by participation of tasked organizations in an integrated planning process, including exercising the plan and periodically revising the plan as needed.

The elements covered in a hazardous materials or terrorist incident response plan and the approach to planning will vary, depending on the jurisdiction's or facility's unique needs. However, all plans should contain: (1) an analysis of the emergencies likely to occur; (2) an assessment of available resources and existing capabilities; (3) detailed response operations strategies and assignments that address notification, command and control, life safety, and other functional requirements; and (4) identification of prevention measures that can mitigate the seriousness of an emergency or prevent it from occurring. The level of detail captured in the plan will also vary, but must be adequate to allow tasked organizations and individuals to develop comprehensive SOPs in their assigned areas.

The Planning Process

There is no single correct way to write a hazardous materials or terrorist incident emergency plan. Each entity must plan according to its own situation, based on such factors as geographic size, types of hazards, populations at risk, resources, and level of preparedness. Jurisdictions and facilities should choose the planning elements and processes most appropriate to their circumstances. However, every community and industry needs to evaluate its preparedness for hazardous materials incidents and plan accordingly.

Various explanations of the planning process can be found in the literature, including those described in the *Guide for All-Hazard Emergency Operations Planning (FEMA SLG 101)*, *Hazardous Materials Emergency Planning Guide (NRT-1)*, *Technical Guidance for Hazards Analysis (EPA/FEMA/DOT)*, *Handbook of Chemical Hazard Analysis Procedures (FEMA/DOT/EPA)*, and *Emergency Management Guide for Business & Industry (FEMA 141)*. These documents and approaches to planning, which are briefly described in the Appendix to the *Planning Guidelines*, incorporate the generic functional requirements of planning, although the steps and procedures may be defined somewhat differently. Jurisdictions and facilities should review these and/or other models to select a process that best meets their unique planning needs and preferences.

Whatever model is adopted for the planning process, a team approach is strongly recommended. A planning team is the best mechanism for incorporating the various types of expertise needed in planning, building consensus among organizations and individuals affected by the plan, and promoting professional relationships and understanding among responders. Team members can also help ensure that plans are adequately implemented, evaluated, and maintained after promulgation, and that personnel are given the training and tools they need to achieve competency in their assigned roles and responsibilities.

No specific format is mandated for the results of hazardous materials or terrorist incident response planning. SLG 101 discusses format options for all-hazard and hazard-specific community plans. NRT's *Integrated Contingency Plan* Guidance (see the Appendix to the *Planning Guidelines*) describes an approved format for consolidating multiple plans that facilities may have to prepare in compliance with various federal regulations. However, a format is "good" if users understand it, are comfortable with it, and can extract the information they need. FEMA recommends that planning teams consider the following design characteristics when deciding upon a format: organization, progression, consistency, adaptability, and compatibility.

The approach taken in these *Planning Guidelines* identifies two fundamental planning products, both of which are derived from a common hazards analysis and capability assessment base:

- an emergency operations plan that addresses preparedness for, response to, and short-term recovery from hazardous materials or terrorist incidents; and
- a prevention/mitigation section of the plan that addresses measures designed to eliminate or reduce the effects of potential emergencies (e.g., land use planning, building codes, inspections, equipment testing, release detection, site security, containment, and fail safe engineering).

Note that community development planning, long-term recovery, and organizational administrative planning (financial management, personnel management, record keeping, labor relations, etc.) are outside the intended scope of the *Planning Guidelines*.

Requirements for Hazardous Materials and Terrorist Incident Response Planning

The responsibility to plan for and, if possible, prevent or mitigate hazardous materials or terrorist emergencies is a fundamental extension of the civic responsibility of state and local organizations to ensure the safety of responders and to protect the public. Congress recognizes this government responsibility for emergency management in the Robert T. Stafford Disaster Relief

Planning Training Considerations

Planning Orientation

Planning Essentials

Commodity Flow Study

Hazard Analysis and Threat Assessment

Capability Assessment

Planning for Protective Actions

Plan Implementation & Maintenance

Facility Planning

Planning for Public Education

Appendix: Additional Planning Resources

and Emergency Assistance Act, as amended. Hazardous materials emergency planning is also required under a number of other federal laws and regulations.

The Emergency Planning and Community Right-to-Know Act (EPCRA) & Title III of Superfund Amendments and Reauthorization Act of 1986 (SARA)

EPCRA and Title III of SARA require the formation of state emergency response commissions (SERCs), tribal emergency response commissions (TERCs), emergency planning districts, and local emergency planning committees (LEPCs). Each LEPC must develop, exercise, and maintain an emergency plan that identifies: (1) facilities and transportation routes related to specific chemicals; (2) response procedures of facilities and local emergency and medical personnel; (3) names of community and facility emergency coordinators; (4) procedures for notifying officials and the public in the event of a hazardous material release; (5) methods for detecting a release and identifying areas and populations at risk; and (6) schedules for exercising the emergency plan.

OSHA 29 CFR Part 1910.120

The Occupational Safety and Health Administration (OSHA) regulations (29 CFR Part 1910.120) require employers involved in hazardous waste operations to develop and implement an emergency response plan for employees. The elements of this plan must include: (1) recognition of emergencies; (2) methods and procedures for alerting employees; (3) evacuation procedures and routes; (4) means and methods for emergency medical treatment; (5) lines of authority; (6) on-site decontamination procedures; (7) site control means; and (8) methods for evaluating the plan.

Resource Conservation and Recovery Act (RCRA)

Under subtitle C of RCRA, the Environmental Protection Agency (EPA) implements standards for the treatment, storage, and disposal of hazardous wastes through permits issued by EPA or an authorized state. Permit requirements include a facility contingency plan, with required opportunities for local government and public comment and input into the plan development.

FEMA Emergency Operations Plan Requirements

Planning requirements for jurisdictions receiving FEMA funds are set forth in 44 CFR Part 302, effective May 12, 1986. This regulation requires states and local governments to prepare emergency operations plan (EOPs) that: (1) identify available personnel, equipment, facilities, supplies, and other resources in the jurisdiction; and (2) describe the method or scheme for coordinating actions taken by individuals and government services in the event of emergencies, including those involving hazardous materials.

Coordination with Federal Response

State and local hazardous materials emergency preparedness should include plans for coordination with and support for federal response to emergencies. The National Contingency Plan (NCP) is coordinated by the National Response Team under section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). The NCP provides for federal support to local responders during hazardous materials transportation and

fixed facility incidents. The Federal Response Plan (FRP), coordinated by FEMA, describes resources and support for state and local governments during natural and man-made disasters, including major hazardous materials emergencies.

Other Facility Planning Requirements

Facilities that store, handle, or transport certain types and quantities of hazardous materials may be subject to additional federal contingency planning regulations. In this context, the term “facility” is meant to have a wide connotation, and may include, but is not limited to, any mobile or fixed onshore or offshore building, structure, installation, equipment, pipe, or pipeline. A particular facility may be subject to one or more of the following federal regulations:

- EPA’s Oil Pollution Prevention Regulation (SPCC and Facility Response Plan Requirements)— 40 CFR part 112.7(d) and 112.20 to 112.21
- MMS’s Facility Response Plan Regulation—30 CFR part 254
- RSPA’s Pipeline Response Plan Regulation—49 CFR part 194
- USCG’s Facility Response Plan Regulation—33 CFR part 154, subpart F
- EPA’s Risk Management Programs Regulation—40 CFR part 68
- OSHA’s Emergency Action Plan Regulation—29 CFR 1910.38(a)
- OSHA’s Process Safety Standard—29 CFR 1910.119
- EPA’s Resource Conservation and Recovery Act Contingency Planning Requirements— 40 CFR part 264, subpart D, 40 CFR part 265, subpart D, and 40 CFR part 279.52

In addition, states and local jurisdictions may mandate regulatory requirements and procedures that must be considered in hazardous materials and terrorist incident response planning. Local governments and facilities are encouraged to coordinate the development of hazardous materials and terrorist incident response plans with relevant state and local agencies to ensure compliance with any additional regulatory requirements.

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Training
Considerations

Planning
Orientation

Planning
Essentials

Commodity
Flow Study

Hazard Analysis
and Threat
Assessment

Capability
Assessment

Planning for
Protective
Actions

Plan
Implementation
& Maintenance

Facility
Planning

Planning for
Public Education

Appendix:
Additional Planning
Resources