CAA 112(r) Emergency Response Program

Planning just in case something goes wrong.
Emergency Response

- Same as under OSHA’s HAZWOPER Standard 1910.120

- A response effort by employees from outside the immediate release area of by other designated responders ... to an occurrence which results, or is likely to result, in an uncontrolled release of a hazardous substance.
40 CFR 68 Subpart E—Emergency Response

- Not applicable to facilities with only program 1 processes (likely these are covered under EPCRA)
- Facilities with program 2 and/or program 3 processes required to comply
Facility **won’t** respond to accidental releases of a regulated substance
- Response must be coordinated with local fire department and/or other responders

Facility **will** respond
- Must also comply with 40 CFR 68.95
Applicability

- Requirements of Subpart E
  - **Non-responding facility**
    - 40 CFR 68.90
    - Exempt from 40 CFR 68.95
  - **Responding facility**
    - 40 CFR 68.95
Characteristics of a non-responding facility

- Employees instructed to evacuate when release occurs
- Facility emergency action plan does not address response actions to releases of CAA 112(r) listed chemicals
- Employees not trained or instructed to respond to releases of CAA 112(r) listed chemicals
- No active incident command system
- Employees expect fire department or community first responders to address release
- Lack of employees required to make entry team
Characteristics of a responding facility

- Facility has developed and trained response teams
- Facility has instructed employees to respond to fires and releases of regulated substances
- Employees have trained with local responders in addressing releases during emergency
- Facility conducts response drills, critiques drills, and/or plans and implements routine employee emergency response training
- Facility has notification system to assemble employees for purpose of responding to release
Risk management program emergency response program NOT needed if

- Coordinate with local response agencies
  - Toxic substance (68.90(b)(1))
    - Include facility in Community CERP under EPCRA (LEPC)
  - Flammable substance (68.90(b)(2))
    - Ensure local fire department capable of responding to potential release and aware of its responsibility
- Formal notification procedure in place (68.90(b)(3))
  - Establish mechanisms to notify emergency responders
  - Identify emergency contact (i.e., name or organization and number)
If facility employees *will not respond* to releases of regulated substances, answer **ONLY** these emergency response elements:

- First two (9.1.a and 9.1.b)
- Last three (9.7.a, 9.7.b, and 9.8)
9.1.a. Is your facility included in the community emergency response plan?

- If employees will **not** respond to releases, facility **must** be included in community emergency response plan.
9.1.b Does your facility have its own written emergency response plan?

For non-responding facilities, the answer should be NO.
9.7(a-b) Local agency with which your facility’s ER plan or response actions are coordinated (all regulated facilities)

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<tr>
<td>9.7.a. Name of agency (maximum 35 characters)</td>
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| 9.7.b. Phone number (---------)--------

Emergency Response Program 5/7/2013
Responding Facilities
If facility employees will respond to releases of regulated substances

- Subject to 40 CFR 68.95
- Must fill out all the data items in this section of the RMP
Emergency Response Program

40 CFR 68.95

- Emergency Response Program
- Correlation with other plans
- Coordination with community emergency response plan

40 CFR 68.95(a)
40 CFR 68.95(b)
40 CFR 68.95(c)
Emergency Response Program

- Emergency Response Program
  - Emergency Response Plan
  - Procedures for using, inspecting, testing, and maintaining emergency response equipment
  - Training in relevant procedures
  - Procedures for review and update of ERP
- Correlation with other plans
- Coordination with community emergency response plan

40 CFR 68.95(a)
40 CFR 68.95(a)(1)
40 CFR 68.95(a)(2)
40 CFR 68.95(a)(3)
40 CFR 68.95(a)(4)
40 CFR 68.95(b)
40 CFR 68.95(c)
WRITTEN Emergency Response Plan (ERP)

- Maintained at the facility
- Procedures for informing the public and local emergency responders (68.95(a)(1)(i))
- First aid and emergency medical treatment documentation (68.95(a)(1)(ii))
- Procedures and measures for emergency response after an accidental release of a regulated substance (68.95(a)(1)(iii))
## Emergency Response Program

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Procedures for Using, Inspecting, Testing, and Maintaining Emergency Response Equipment

- Applies to any equipment relevant to a response involving a covered process
  - Detection/monitoring equipment
  - Alarms/communications systems
  - Personal protective equipment (PPE)
  - Mobile fire-fighting equipment
  - Spill mitigation equipment/supplies
Procedures for Using, Inspecting, Testing, and Maintaining Emergency Response Equipment

- Procedures must describe how and when
  - To use equipment properly
  - Equipment should receive routine maintenance
  - Equipment should be inspected and tested for readiness
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Training

- Address actions to take in response to releases of regulated substances from all covered processes
- Based directly on procedures included in facility’s emergency response plan
- Based on procedures developed for using, inspecting, testing, and maintaining emergency response equipment
Training

- Provide to all employees and contractors on site
- Provide training appropriate to individual responsibilities
  - Evacuate, activate alarm system, serve on emergency response team
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Review and Update ERP

- Review and update as necessary and appropriate
- Plan must reflect changes at facility
- Identify types of changes requiring plan update
- Inform employees of changes
  - Include method of communicating any changes to plan to employees (e.g., through trainings or meetings)
Emergency Response Program
40 CFR 68.95

- Emergency Response Program
- Correlation with other plans
- Coordination with community emergency response plan
Emergency response plan complies/consistent with other federal requirements

- National Contingency Plan (NCP)
- Federal Response Plan (FRP)
- Contingency plan regulations
- Integrated Contingency Plan
- "One Plan"

http://www.csb.gov

CAI/Arnel Chemical Facility, November 22, 2006, Danvers, Massachusetts, Photo: J. Whitmore/Boston Globe
## Emergency Response Program

### 40 CFR 68.95

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### Coordination with Community Emergency Response Plan

- Coordinate facility ERP with the community ERP developed under 42 USC 11003
  - Offsite response assistance required by facility
    - Fire-fighting
    - Security
    - Notification of the public
  - How facility will request offsite response assistance
  - Who is in charge of response operation
  - Delegation of authority down internal \& offsite chain of command

- Upon request by LEPC or emergency response officials, **PROMPTLY** provide information needed for development and implementation of the community plan
Common Deficiencies

- Release reporting procedure has incorrect phone numbers for CERCLA/EPCRA reporting
- Process not designed so reports can be made “immediately”
People running or operating the process do not know

- Where ER plan is
- How to find current MSDS
- Steps for reporting required releases

Facilities with few employees claim to have ER programs
No first aid information in ERP for CAA 112(r) chemicals

No evidence that plan was reviewed and updated, even though facility indicated it would do so at regular intervals in the plan

Detection equipment not inspected/tested
Questions?