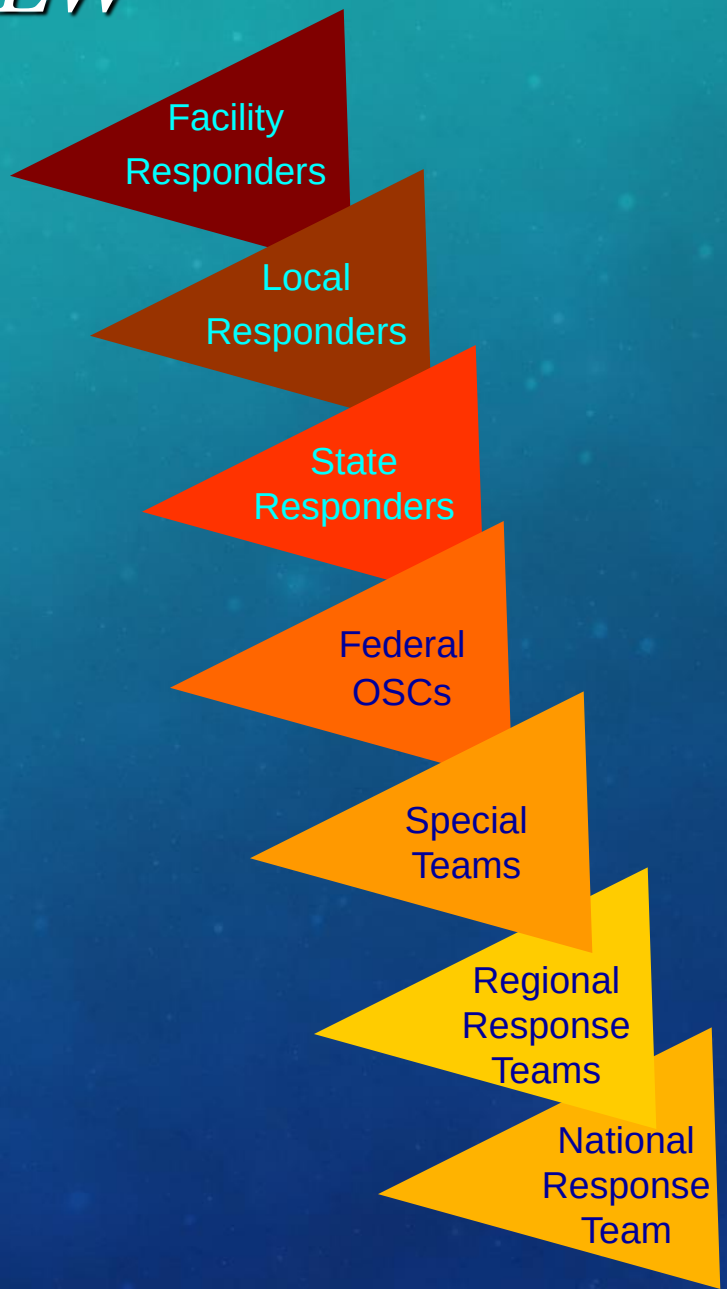
REGIONAL RESPONSE TEAM IV
EXECUTIVE ORDER 13650
CHEMICAL FACILITY SAFETY & SECURITY

Gary Andrew
November 3, 2014

PRESENTATION OVERVIEW

- A Little History
- The National Oil and Hazardous Substances Contingency Plan
- The National Response System
- Planning and Preparedness
  - From Local to National
  - Regional Response Team IV
- Executive Order 13650
- The Report to The President
- The Pilot Project (ECRM2)
- The Region IV Approach



HISTORY

- NCP first developed in 1968 in response to the massive oil spill from the oil tanker Torrey Canyon
- Provided the first comprehensive national system for oil spill reporting and response

The Torrey Canyon

THE NATIONAL CONTINGENCY PLAN

- Requires three fundamental activities be performed:
  - Response operations at the scene
  - Notification and communication
  - Preparedness, planning and coordination for response

- Applies to anyone who responds to a spill or release

- Applies to:
  - Discharges of oil into navigable waters
  - Releases into the environment of hazardous substances, pollutants or contaminants

NCP AUTHORITIES

- **Clean Water Act** as amended by the Oil Pollution Control Act (OPA 90) and earlier clean water legislation
- The **Comprehensive Environmental Response Compensation and Liability Act (CERCLA),** a.k.a. "Superfund," including the Emergency Planning and Community Right-to-know Act (EPCRA) amendments

NCP RESPONSE SYSTEM ELEMENTS

- Industry Responders
- State/Local Governments
- Federal On-Scene Coordinators
- Regional Response Teams
- National Response Team

INDUSTRY, STATE, AND LOCAL RESPONDERS

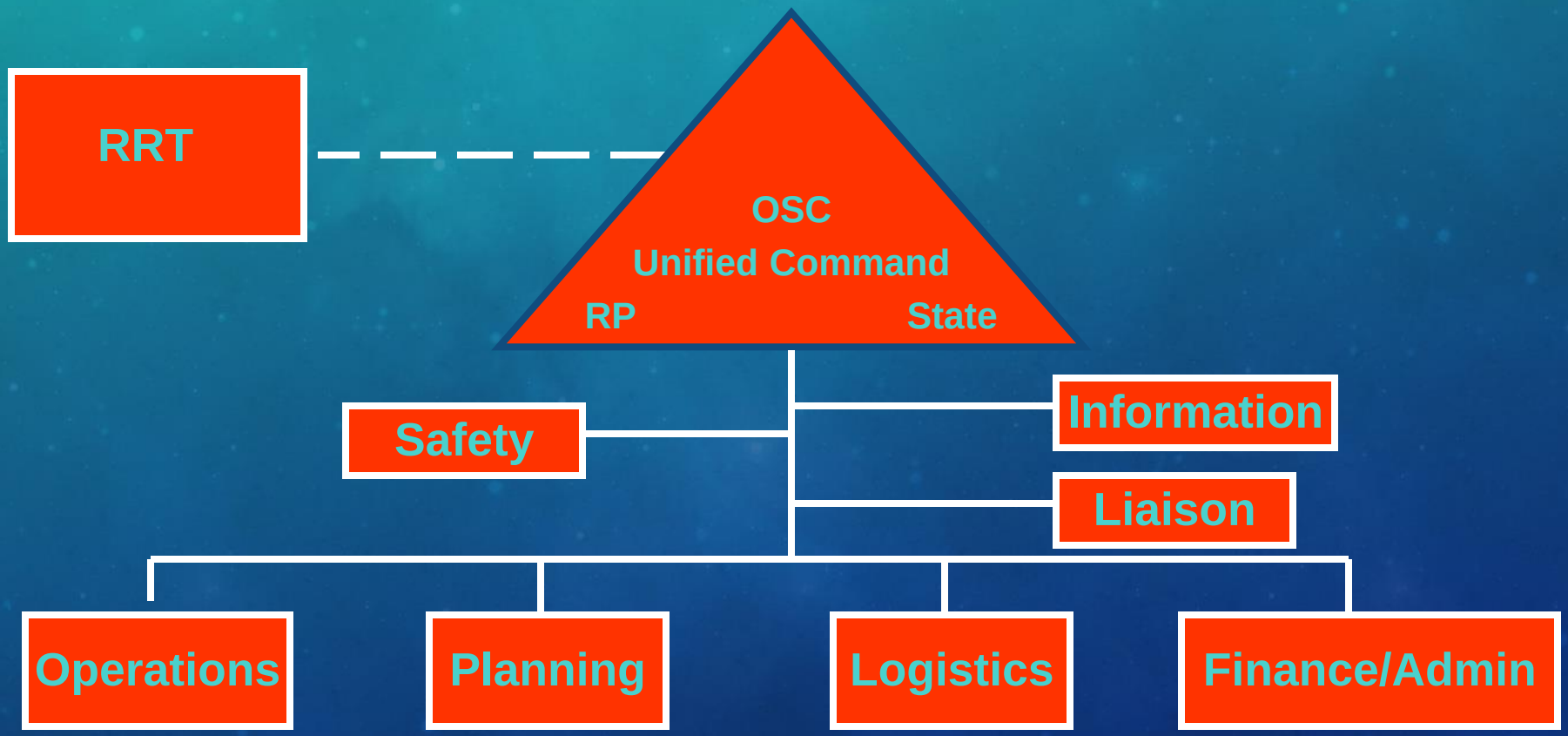
- The NCP starts at the local level
  - State, local, and industry responders take care of most responses to incidents involving releases of hazardous substances or discharges of oil
  - If federal assistance is required, an OSC can be requested

FEDERAL OSCS

- Only EPA, USCG, DOD, and DOE provide federal On-Scene Coordinators (OSCs) under the NCP for responses
  - The agency providing the OSC will differ depending on the nature of the incident (location, ownership of materials, etc.)
- EPA provides OSCs for incidents in the “inland zone”
  - Over 250 EPA OSCs nationwide with 28 EPA OSCs in Region IV
- Each USCG Marine Safety Office, which are spread among USCG Districts, is headed by a Captain of the Port (COTP), who acts as an OSC
  - 12 USCG OSCs within Region IV

FEDERAL ON-SCENE COORDINATORS (OSCS)

During an incident, the OSC will direct all federal containment, removal, and disposal efforts and will provide a point of contact for coordination of federal efforts with private, local, and state responders

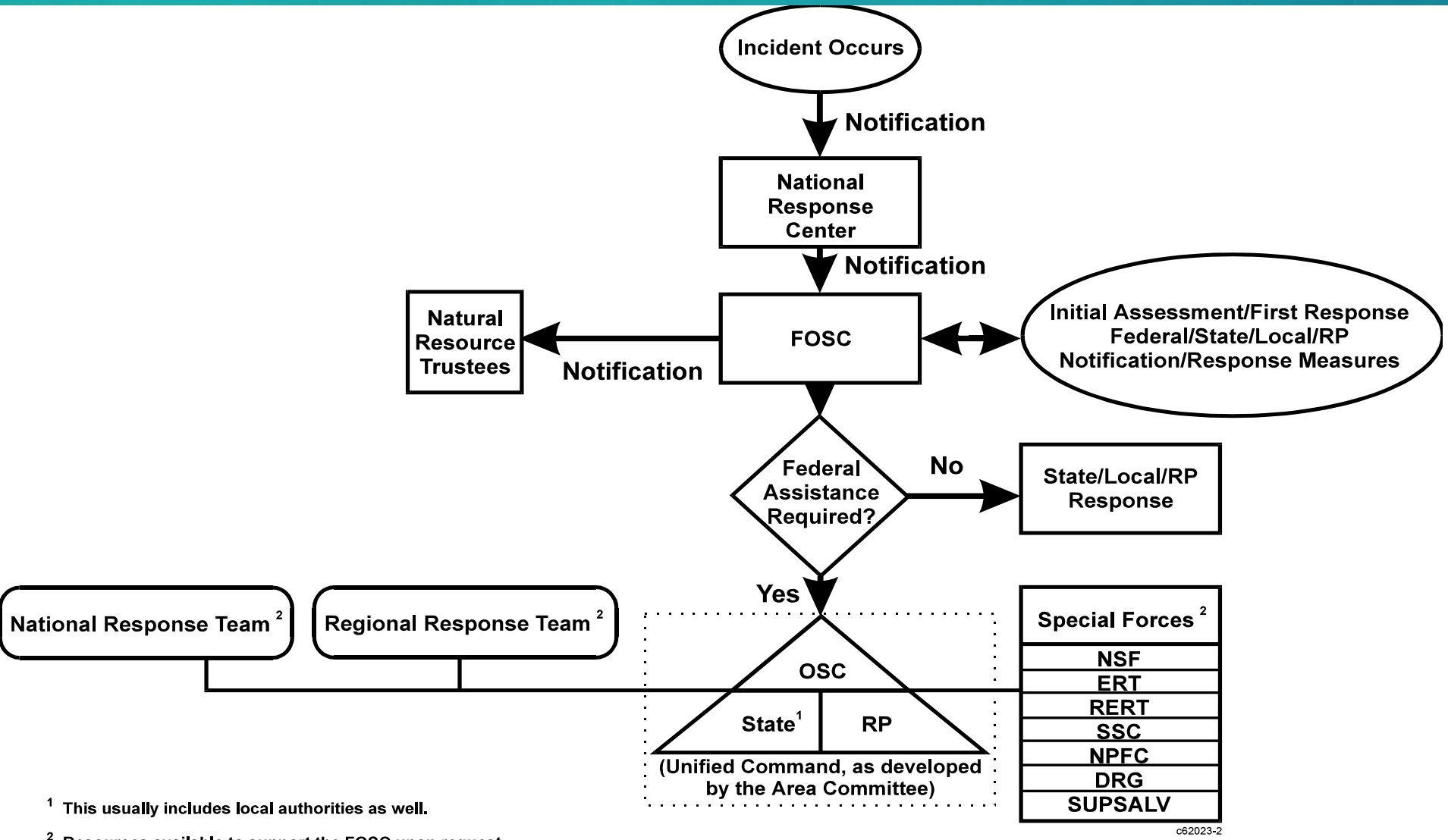


OSC RESPONSE ASSETS

EPA Mobile Command Post

- Enforcement authorities to ensure that the responsible party (RP) cleans up the spill or release
- Access to federal technical assistance and contractors for cleanup and salvage
- Authority to access CERCLA and/or Oil Spill Liability Trust Fund (OSLTF) funding
- Technical expertise from federal special teams
- Special equipment

NRS
CONCEPTS OF RESPONSE



[1] This usually includes local authorities as well.

[2] Resources available to support the FOSC upon request.

Source: Federal Register, Sep. 15, 1994, Vol. 59, No. 178, p. 47425 (NCP Final Rule)

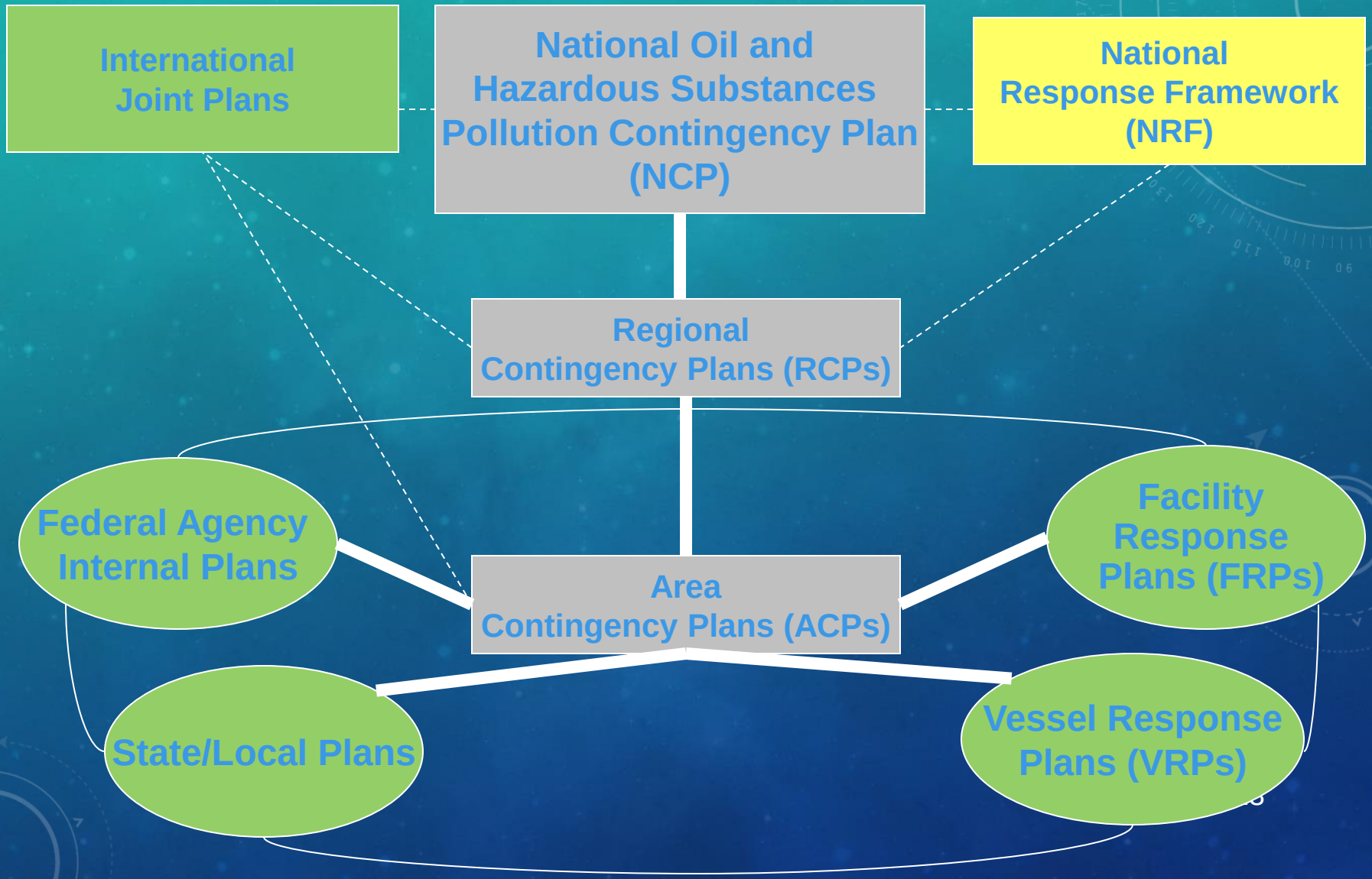
NATIONAL RESPONSE CENTER

But fortunately, all you have to do to reach the right OSC is to contact the National Response Center (NRC)!

- Manned 24-hours-per-day
- Will notify the responsible OSC

1-800-424-8802

NCP PREPAREDNESS



PREPAREDNESS COMPONENTS UNDER THE NRS

STATE AND LOCAL PREPAREDNESS

Emergency Planning and Community Right-to-Know Act (EPCRA) (or SARA Title III)

- Established federal/state/local integration of NRS
- Assigned preparedness responsibilities at all levels of government
- Resulted in 50 State Emergency Response Commissions (SERCs) and over 2,000 Local Emergency Planning Committees (LEPCs)
  - Requires the development of local emergency response plans - for worst case scenario at selected facilities

AREA COMMITTEES

- Area Committees are responsible for:
  - Preparing an ACP for their areas

  - Working with federal, state, and local officials to:
    - Enhance contingency planning
    - Assure pre-planning of joint response efforts
    - Expedite decisions for use of dispersants and other mitigating substances and devices

- Region IV has 9 Area Committees – 1 Inland Area Committee, and 8 USCG-led Area Committees

  - EPA has also established 1 sub-area to increase the effectiveness of interactions with local responders

REGIONAL RESPONSE TEAMS

- Consists of 15 federal agencies, a representative from each state and tribal nation, and the Tennessee Valley Authority

- Planning
  - Develop and maintain Regional Contingency Plan (RCP)
  - Ensure consistency with Area Contingency Plans (ACPs)
  - Review local emergency plans at request of LEPC or SERC

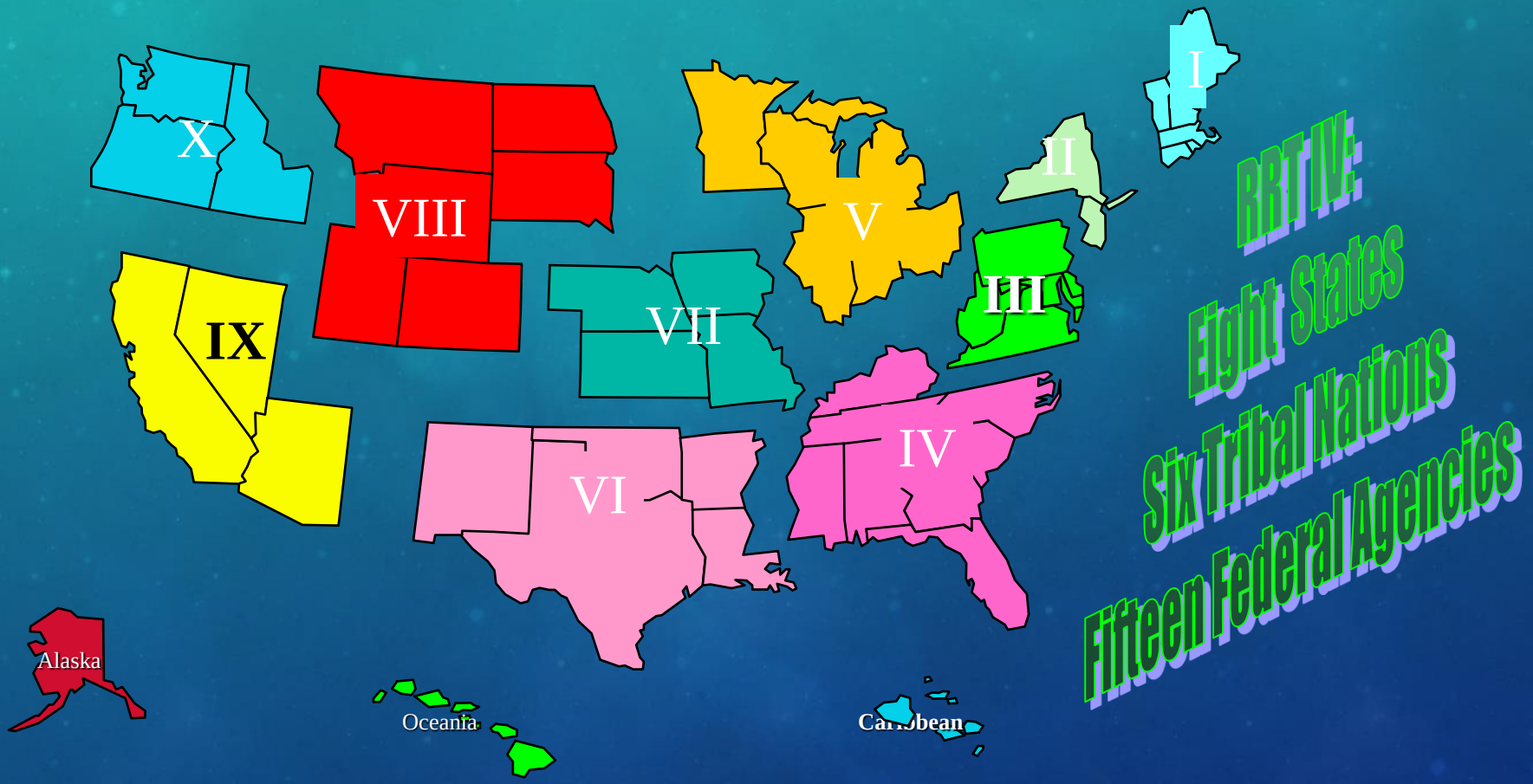
- Preparedness
  - Conduct drills/exercises of RCP
  - Participate in LEPC exercises as resources permit
  - Revise RCP as necessary

- Response
  - Provide assistance and support as requested by OSC

NATIONAL RESPONSE TEAM

- EPA - CHAIR, USCG - VICE-CHAIR
  - During activation, chaired by agency providing OSC
- PLANNING
  - Recommend changes to the NCP
  - Provide policy and program direction to the Regional Response Teams (RRTs)
  - Publish guidance documents
  - Develop procedures to ensure coordination of federal, state, and local governments and private response
  - Monitor response-related research

REGIONAL RESPONSE TEAM IV
RRT IV



Regional Response Team
Federal Participants

EPA, CO-CHAIR
(ENVIRONMENTAL EFFECTS & POLLUTION CONTROL TECHNIQUES;
PLANNING AND RESPONSE FOR INLAND AREAS)

FEMA
(emergency planning, training, and relocation)

USDA
(evaluation of impact on natural resources)

DOT - Research and Special Programs Administration
(transportation of hazardous materials)

DOI
(protection of natural resources)

DHHS - Agency for Toxic Substances & Disease Registry
(health hazards to responders and public)

DOD
(specialized response equipment and personnel; response to certain incidents)

GSA
(logistics and communications support)

USCG, CO-CHAIR
(planning and response for coastal areas)

DOC - National Oceanic & Atmospheric Administration
(scientific support for coastal response, protection of natural resources)

DOE
(response to radiological hazards)

DOL - Occupational Safety & Health Administration
(worker safety)

DOJ
(legal expertise)

NRC
(radioactive materials)

DOS
(international agreements)

RRT IV *

- PLANNING
- PREPAREDNESS
- COMMUNICATION SYSTEMS AND PROCEDURES
- COORDINATION
- TRAINING
- EVALUATION

STANDING RRT Committees:

- Management
- Science & Technology
- Training/ Education
- State
- EO 13650 SOP Development

INCIDENT SPECIFIC RRT

Composed as needed

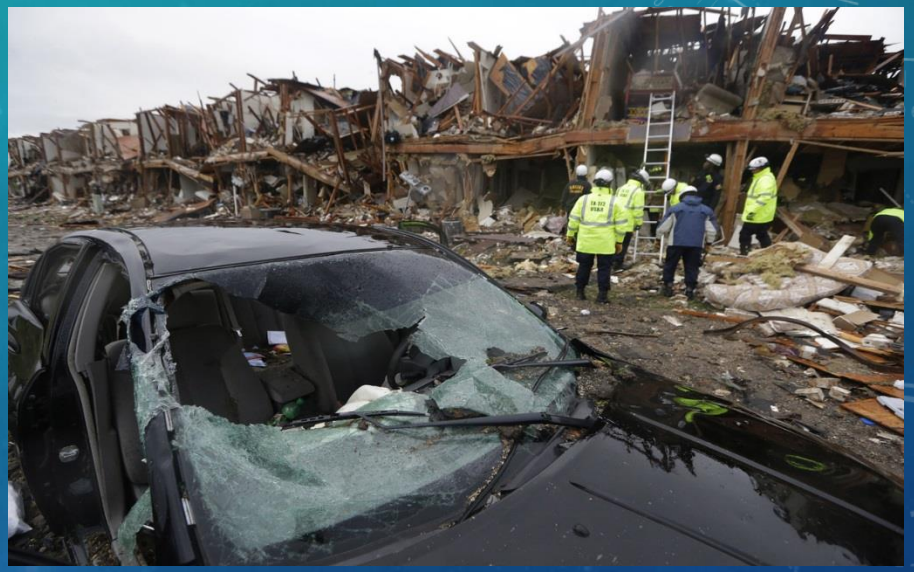
- SUPPORTS OSC
- OPERATIONAL REQUIREMENTS OF INCIDENT

* AS DEFINED BY 40 CFR 300.115

EXECUTIVE ORDER 13650: IMPROVING CHEMICAL FACILITY SAFETY & SECURITY

BACKGROUND

- West, Texas Fertilizer Incident April 17, 2013
  - Ammonium Nitrate Explosion
  - Fifteen Dead
  - 160 injuries
  - Over 150 buildings destroyed or damaged



- Executive Order 13650 Issued on August 1, 2013
- Working Group Report to the President May 2014

PURPOSE OF EO 13650

- Enhance Safety and Security of Chemical Facilities
- Reduce Risks Associated With Hazardous Chemicals
  - Owners
  - Operators
  - Workers
  - Communities

FEDERAL DEPARTMENTS AND AGENCIES DIRECTED TO:

- Strengthening Community Planning and Preparedness
- Enhancing Federal Coordination
- Improving Data Management
- Modernizing Policies and Regulations
- Incorporating Stakeholder feedback and Developing Best Practices

EXECUTIVE ORDER 13650

ACTIONS TO IMPROVE CHEMICAL FACILITY SAFETY AND SECURITY – A SHARED COMMITMENT

REPORT FOR THE PRESIDENT

May 2014

KEY SECTIONS OF THE STATUS REPORT TO THE PRESIDENT

- Introductory Sections include:
  - Executive Summary
  - Federal Action Plan – matrix of action items and timeline
- Main Body of the Report include:
  - Overview of Existing programs related to Chemical Facility Safety and Security
  - *Details of the Federal Action Plan under the headings*:
    - Strengthening Community Planning and Preparedness
    - Enhancing Federal Coordination
    - Improving Data Management
    - Modernizing Policies and Regulations
    - Incorporating Stakeholder feedback and Developing Best Practices

Strengthening Community Planning and Preparedness

- The focus areas for this section include:
  - Strengthening SERCs, TERCs, LEPCs, and TEPCs
  - Improving First Responder and Emergency Management Preparedness and Response Training
  - Identifying and Coordinating Resources for SERCs, TERCs, LEPCs, and TEPC to Sustain Planning and Response Efforts
  - Expanding Tools to Assist SERCs, TERCs, LEPCs, and TEPCs in Collecting, Storing, and Using Chemical Facility Information
  - Enhancing Awareness and Increasing Information Sharing with Communities around Chemical Facilities

Strengthening SERCs, TERCs, LEPCs, and TEPCs

- Work with SERCs and TERCs to develop on-line training on the key requirements under Emergency Planning and Community Right-to-Know Act (EPCRA).
- Develop guidance and training for, and hold regional workshops with, LEPCs and TEPCs to reinforce their authorities, roles, and responsibilities and to identify barriers to meet their requirements for development and implementation of local emergency response plans.
- Leverage industry associations to provide their members with information on EPCRA roles and responsibilities and share best practices for facility involvement with LEPCs and TEPCs
- Strengthen technical assistance and guidance to LEPCs and TERCs throughout the Nation to help local and tribal emergency planners understand and use chemical facility information to help better protect communities.

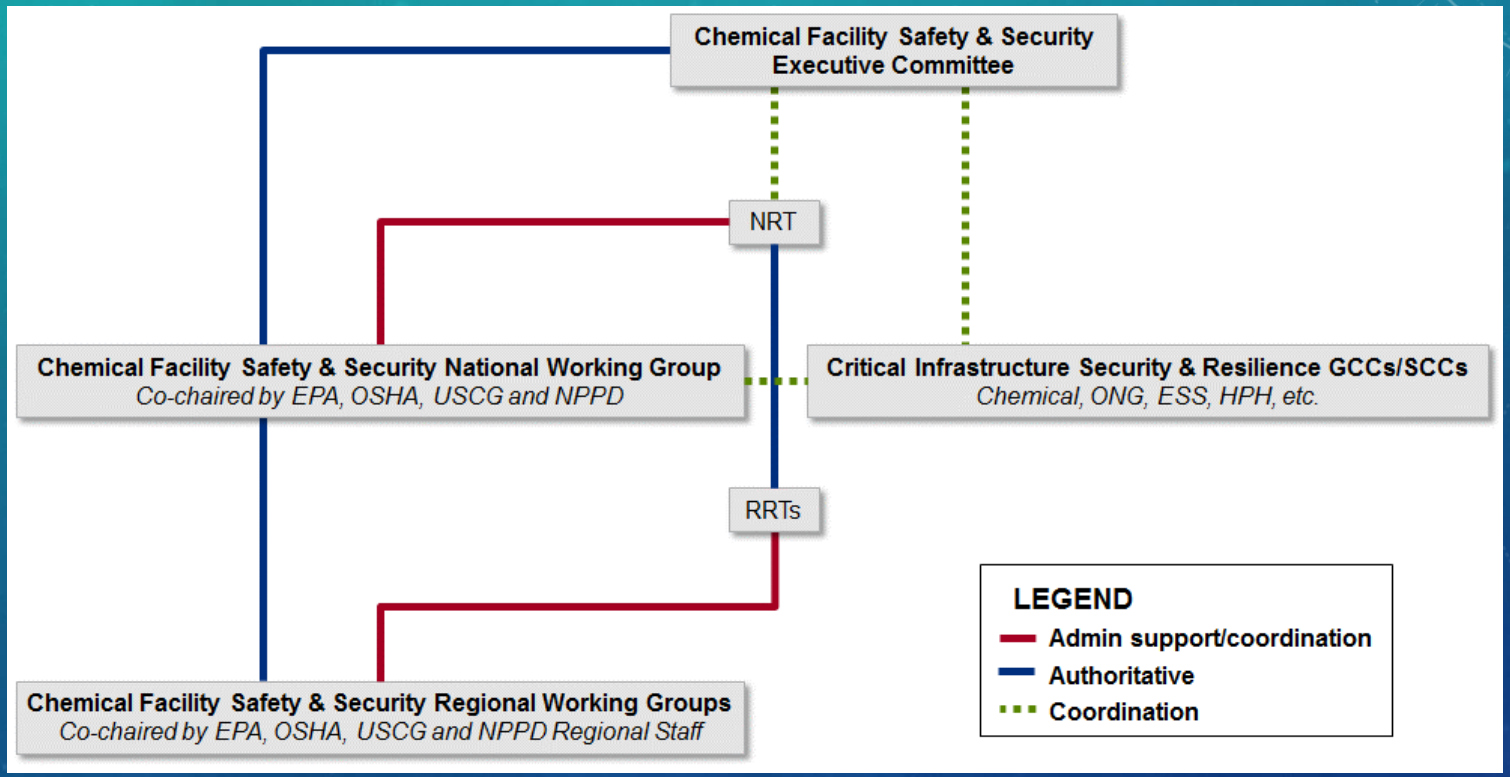
Expanding Tools to Assist SERCs, TERCs, LEPCs, and TEPCs in Collecting, Storing, and Using Chemical Facility Information

- Improve the Computer-Aided Management of Emergency Operations (CAMEO) suite to expand analytical capability and promote information sharing.
  - Developing CAMEO chemical datasheets for any of the 322 substances on the CFATS chemicals of interest list not already in CAMEO to ensure emergency planners and first responders have chemical information on all CFATS regulated chemicals.
  - Adding new fields to enable connections with EPA's FRS and SRS to ensure LEPCs integrate all available chemical facility information into their local CAMEO database.
  - Establishing a data standard for exchanging electronic EPCRA-required data (e.g., Tier II data) between different data management systems used by SERCs, TERCs, LEPCs, and TEPCs.
  - Developing a mobile application for viewing the EPCRA data for CAMEO chemicals, in addition to the desktop, Website, and mobile Website CAMEO versions already available.
- Develop and provide a complete Web-based version of CAMEO that States can host on their own servers.

Enhancing Federal Coordination

- To ensure continued focus on the achievement of the activities in the EO Action Plan, the Federal Government will:
  - Establish a Chemical Facility Safety and Security Executive Committee and a National Working Group that will:
    - be responsible for Federal interagency coordination and collaboration on the implementation of the actions identified in this report,
    - maintain visibility on the progress being made in the Regional Working Group, and
    - provide assistance and support as needed.
  - Establish Chemical Facility Safety and Security Regional Working Groups that will be responsible for establishing and implementing a structure for regular briefings and feedback from all stakeholders regarding the actions identified in this report.

ENHANCING FEDERAL COORDINATION: COORDINATION STRUCTURE FOR EO IMPLEMENTATION



Enhancing Federal Coordination

- The focus area for this section include:
  - Establishing Standard Operating Procedures (SOPs) for Federal Coordination at the National and Regional Levels
    - Disseminate the templates of the SOPs developed from the New York-New Jersey Pilot and require that each Regional Response Team (RRT) develop SOPs tailored to their respective regions. Templates will be distributed within 90 days of this report (on or before September 4, 2014) and the remaining RRTs will have 1 year to develop their respective SOPs within 1 year.

Modernizing Policies and Regulations

- The focus area for this section include:
  - Gathering further input through a Request for Information (RFI) and begin the regulatory process to modernize the Clean Air Act Section 112 (r)(7) Risk Management Program (RMP) regulation by considering strengthening or clarifying existing requirements and adding new prevention and emergency response program elements.
  - EPA published the RFI on July 31, 2014. The RFI highlights many potential amendments to the RMP regulation to advance increased safety with the intent to finalize such amendments in 2016, subject to any timing adjustments that may be necessitated by new information.

WORKING WITH STAKEHOLDERS TO IDENTIFY BEST PRACTICES

- Conduct public Webinars in addition to routine stakeholder outreach to provide an update on actions identified in this report and an opportunity for feedback.
- Use the newly established repository for capturing best practices, https://www.llis.dhs.gov/topics/chemical-facility-safety-and-security, to collect and share best practices for chemical safety and security.

THE EFFECTIVE CHEMICAL RISK MANAGEMENT PROJECT

Executive Order 13650
Chemical Facility Safety and Security

REGION 2 PILOT

The Effective Chemical Risk Management Project - Background

- The EO created an Interagency Working Group, co-chaired by DHS, EPA and OSHA. Among the actions taken in support of that Group was a "pilot" project aimed at leveraging the diversity of experience, capability and perspective among several federal agencies, state agencies and local responders.

- The pilot called "The Effective Chemical Risk Management Project" or ECRM2 helped to identify the best ways in which we can improve our national management of chemical risk, and where we should be targeting our resources.

- ECRM2 concentrated on the operational environment, risk management criteria, and resource constraints that should have value to other regions nationally.

ECRM2 Activity

- The ECRM2 project enhanced coordination regarding chemical facility safety and security and sought to do the following:
  - Develop and deploy best practices;
  - Innovate and test new methods for interagency collaboration;
  - Integrate (regional) federal and state assets where appropriate;
  - Develop integrated Standard Operating Procedures;
  - Develop innovative approaches to collecting, storing and using facility information; and
  - Include stakeholder engagement, inspection planning, and coordinated inspections of facilities.

ECRM2 Structure

- ECRM2 was established as a committee under the Region 2 Regional Response Team (RRT) with a reporting requirement to the National Response Team (NRT)

- ECRM2 included representatives from RRT member agencies, as well as participants from outside the existing RRT organization.

ECRM2 Structure

- The pilot formed as a sub-committee under the Region 2 Regional Response Team and is co-chaired by EPA, OSHA, and DHS and includes representatives from the following agencies.
  - EPA
  - DHS, US Coast Guard, and TSA
  - DOJ - ATF
  - DOL – OSHA
  - DOT – PHMSA
  - FEMA – U.S. Fire Administration
  - New Jersey Department of Environmental Protection, Office of Homeland Security and Preparedness, Department of Community Affairs/Division of Fire Safety
  - New York State Department of Environmental Conservation, Division of Homeland Security and Emergency Services, Department of Health, Department of Agriculture and Markets
  - New York City Office of Emergency Management, Department of Environmental Protection, Fire Department (FDNY)
  - NY County LEPCs

ECRM2 Work Focus

- The ECRM2 has focused its work on the following issues across the three disciplines of Prevention, Preparedness/Planning, and Response:
  - First Responder Community;
  - State Emergency Response Commissions (SERC) and Local Emergency Planning Committees (LEPC);
  - Tier 2 Information – Chemical Inventory;
  - High Risk Facilities/Chemicals of Interest – Risk Management; and
  - Data and Information Sharing.

ECRM2 Standard Operating Procedures (SOPs)

- The Pilot created 16 SOPs aligned with the following general categories. These SOPs have been shared with the other Federal Regions:
  - Administration, Assessment, and Training;
  - Sharing Federal, State, Tribal, and Local Program Descriptions;
  - Increasing Inspector/Responder Access to High Risk Facility Information - Information/Data Sharing;
  - Coordinating Facility Inspections;
  - Identifying Facility and Subject Matter Experts for Planners/Responders; and
  - Local Emergency Planning Committee (LEPC) Support.

REGION IV IMPLEMENTATION

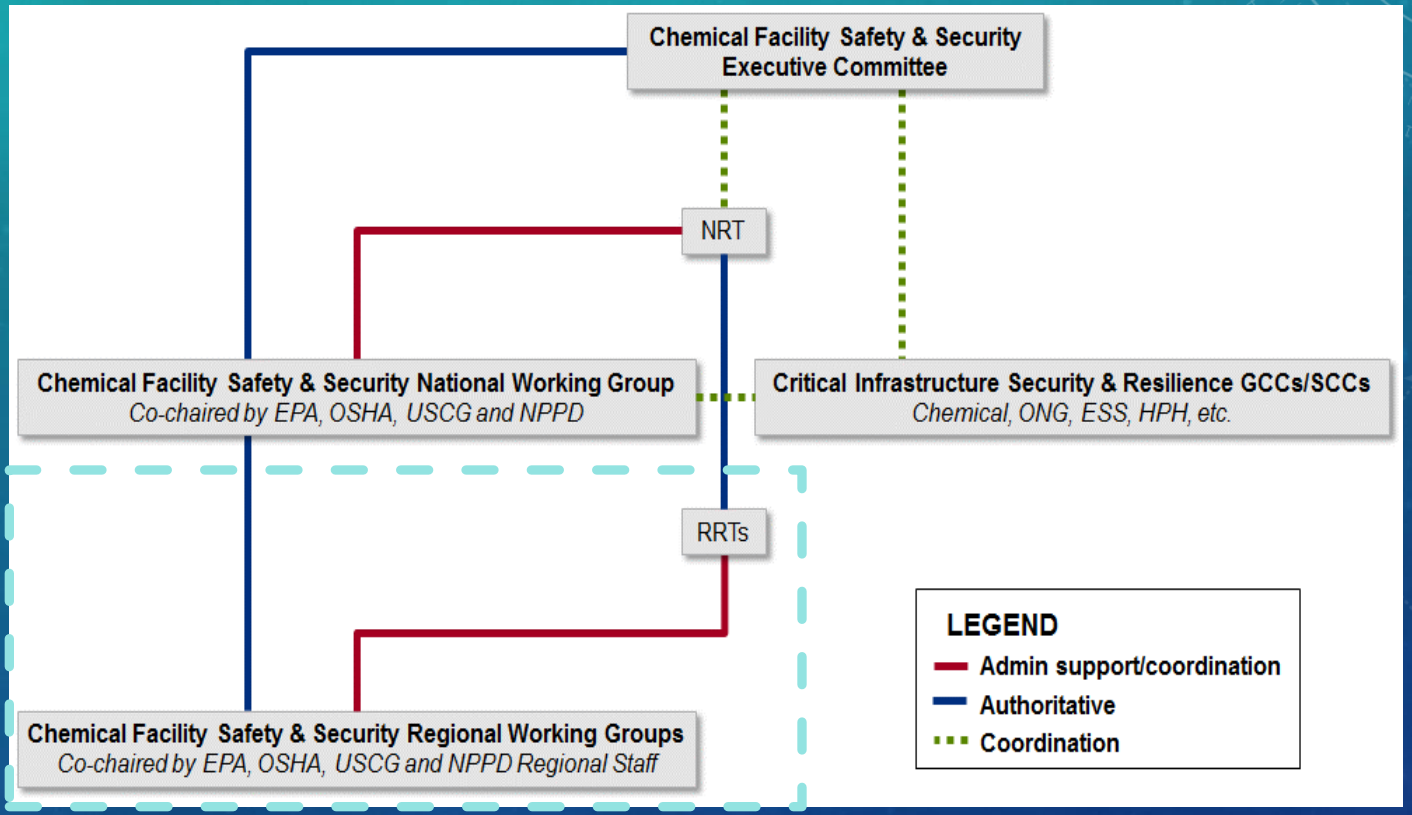
Executive Order 13650

Chemical Facility Safety and Security

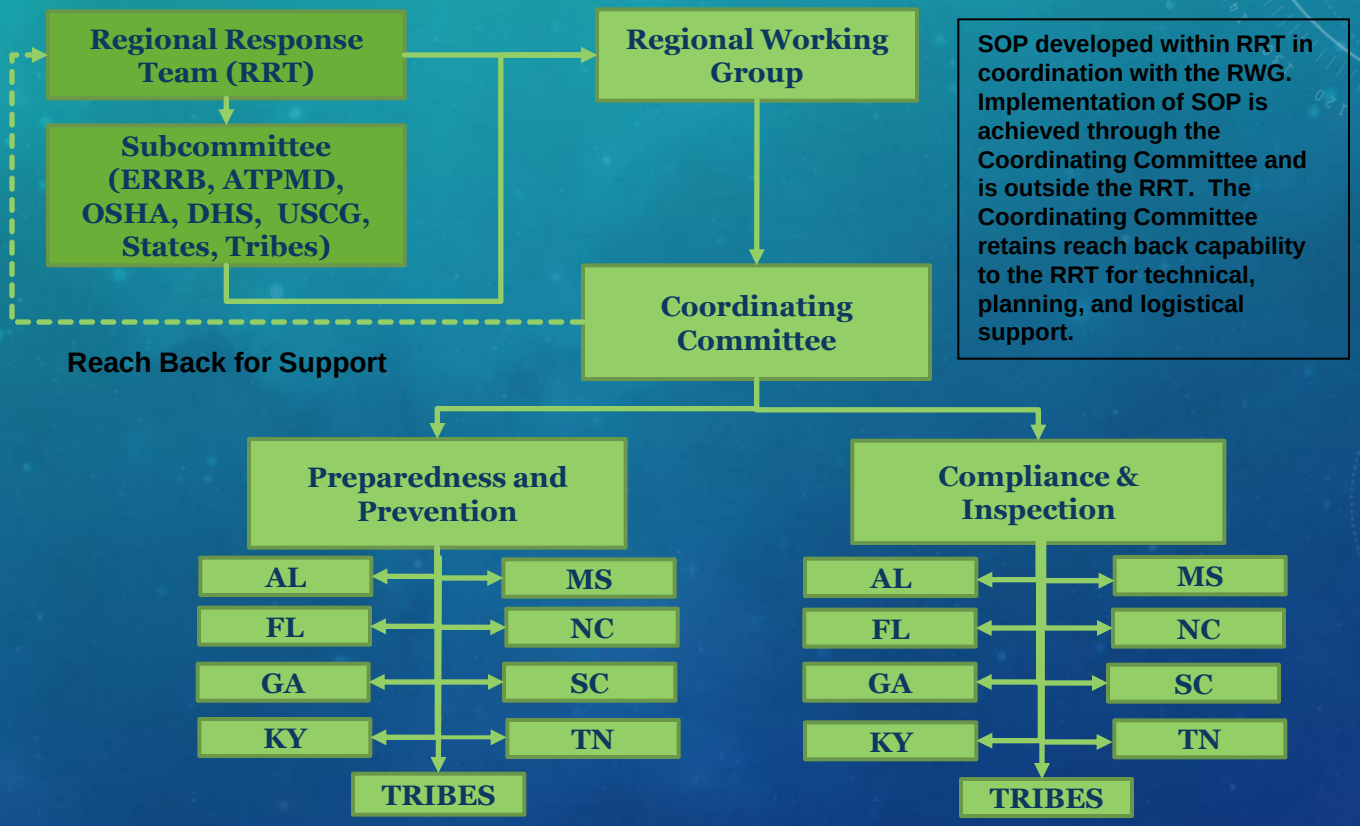
Implementation of Executive Order

1. Establish a Chemical Facility Safety and Security Executive Committee (done)
2. Establish a National Working Group (done)
    - Responsible for Federal interagency coordination and collaboration,
    - Maintain visibility on the progress being made in the Regional Working Group, and
3. Establish Chemical Facility Safety and Security Regional Working Groups (done)
    - Responsible for establishing a Regional Coordinating Committee,
    - Implementing a structure for regular briefings and feedback,
    - Meet monthly,
    - Report to NWG quarterly
4. Regional Response Teams (RRTs) tasked with developing region-specific SOPs/Implementation Plans.

ENHANCING FEDERAL COORDINATION: COORDINATION STRUCTURE FOR EO IMPLEMENTATION



Conceptual Design for Planning and Implementation



RRT IV EO 13650 SOP SUB -COMMITTEE

- EPA- Art Smith, Victor Weeks
- DHS – James Williams
- OSHA – Terry Wilkins, Mike Shea, Nadira Janack
- AL – Grady Springer (ADEM)
- GA- JR Campbell (GADNR EPD)
- KY – Robert Francis (KDEP)
- NC – Steve Lewis (NCDENR)
- TN – Yatasha Moore (TDEC)
- SC – Chris Staton (SCDHEC)

SUB-COMMITTEE INITIAL ACTIONS

- Develop milestones for SOP production
- Conduct survey of the SERCs
- Established monthly meeting schedule
- Monthly report to Regional Working Group
- State members to develop support from key programs

- If you have any questions or comments regarding Executive Order 13650 or the report, please visit the OSHA website at::

  https://www.osha.gov/chemicalexecutiveorder

WANT TO KNOW MORE ABOUT RRT IV?

- RRT IV Coordinators:
  - Gary Andrew, andrew.gary@epa.gov
    678-733-1621
  - Darrel Wieland, Darrel.d.Wieland2@uscg.mil
    305-415-6699
- Visit RRT IV's Website
  RRT IV: http://www.rrt4.nrt.org