



# REGION 6 Preparedness, Response, and Prevention Update

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EPA Region 6 LEPC Website: ..... [www.epa.gov/region6/lepc](http://www.epa.gov/region6/lepc)

## **Talk about Risk**

*by Jennifer Aleknavage, CAER Newsletter*

It's a warm spring day. Everything is running smoothly at the chemical plant. Suddenly, a storage tank erupts, and backup safety and containment systems fail to work as designed.

If not contained immediately, the plume of released material could bring disaster to a 20-mile area.

You don't want to think this scenario could ever happen. But new EPA rules make planning for and communicating about such potential disasters a part of your job.

One of the challenges industry now faces is sharing worst case scenarios with the public.

Consider an area of about 200 square miles in which there are more than 100 chemical plants and seven different communities. How would you begin to communicate this information?

The 97 member companies, many of which belong to CMA, of the East Harris County TX Manufacturers Association found themselves in this situation.

They began by researching. They brought together representatives from the member companies and citizens in the area to gather information on worst case scenarios.

This is the first and largest networking effort that is aimed at communications for the EPA RMP rule.

"We have a very diverse membership, which we need for this type of project. It is so large and all encompassing," says Jack Coe, co-chairman of the project and public affairs director of Rohm and Haas in Deer Park. "We have a lot of industry as well as citizens involved in the process," he says.

The project began as early as 1994, two years before EPA released its Risk Management Program rule requiring facilities to make available to the public their worst case scenarios. Once the rule was finalized, the project picked up interest and momentum.

The first year was used to plan and research. The team realized, through the help of Community Advisory Panels (CAPs) and LEPCs, that industry and citizens often have different ideas about risk.

For example, at an EHCMA/CAP meeting, an industry representative may ask a citizen

to envision the worst possible incident at a plant that could affect their community. One citizen may visualize a plane crashing on top of a local plant, while another may think of a hurricane.

However, an industry representative would immediately think of a different scenario, like a storage tank erupting.

“From an industrial or technical standpoint, we don’t really envision these (drastic) things,” says Dale Thorum, a member of the communication committee for the group and a manager of environmental health and safety at Hoechst Celanese.

He explains that industry people tend to look at the likelihood of an incident. Recognizing such differences helps the team meet its goal -- effectively communicating worst case scenarios to the public.

Thorum also says that citizens are concerned about transportation incidents.

Transportation is not covered under the rule, but citizens want all their questions answered whether they are required by the rule or not.

Pat Pinkerton, a citizen representative for the EHCMA/RMP group, fears that some facilities will address only the concerns under the rule.

But, “EHCMA is committed,” she says, “they will not just go by what the rule requires, but beyond that.”

An open and honest dialogue with Pinkerton and others like her has helped EHCMA create the tools to communicate worst case scenarios.

More than 90 plant and community volunteers of the team meet monthly in technical and communication committees to develop communication models.

They use a quarterly bulletin to update employees and particularly those citizens who serve on CAPs and LEPCs.

In November, 1996, an RMP brochure was published and distributed to employees and fence-line neighbors.

The project is expected to continue through 1998. In 1999, the team will measure the effectiveness of the project to determine future activities.

## **Revitalization of an LEPC**

Since beginning the revitalization of our LEPC last October, a lot of effort has been exerted toward public safety issues in Taylor County, Texas [ Abilene ]. Much of that effort has been patterned after accomplishments of other Texas LEPCs.

The Pasadena and San Angelo LEPCs have been particularly helpful over the last several months by providing advice, literature, project examples, and encouragement.

Also, Frank Cantu of the Technological Hazards section of the Governor's Division of Emergency Management has been a very willing resource.

Locally, about 28 long-standing LEPC members, and a few new ones, are learning how to accomplish legislative mandates which have previously been unaddressed.

Cooperative committee efforts are beginning to yield dividends in some areas, while foundations are being laid in others. It's exciting to see the progress and share the vision in developing our LEPC to benefit.

Some points of progress for the Taylor County LEPC include: Wally Wise Guy Shelter-in-Place public education grant was received in January.

A hazards analysis for Taylor County is being developed jointly by our Emergency Response and Resource Committee and Hazardous Materials Facilities Liaison Committee.

TRANSCAER has been contacted, a task group representative assigned to Taylor County, and meetings scheduled to address a local flow study; an awareness letter has been sent to county facilities to encourage their participation in our LEPC.

An LEPC info-page has been included in a local telephone book. County wide emergency response to hazmat incidents is being coordinated by the Taylor County LEPC and Abilene/Taylor County Emergency Management personnel.

A 3-year strategic plan has been drafted by each LEPC standing committee, all of which is being combined into a single strategic plan document.

Two subcommittees, Funding and Communications Group, have been named to focus on specific LEPC needs; and planning continues on appropriate means and methods of providing public information related to county facilities, and on establishing and promulgating chemical release reporting procedures.

## **Ammonia Accidental Spill Prevention and Mitigation**

EPA Region III's Chemical Accident Prevention Group has completed over 70 mini-audits at numerous ammonia refrigeration plants throughout the Region in the last two and a half years.

Recommendations for preventing and mitigating spills of anhydrous ammonia (with oil present in the system) fall into the following categories:

- Provide better mechanical protection of evaporator coils wherever there is vehicular traffic (fork lift trucks on loading docks, especially).
- Provide dead-man valves (spring loaded) downstream of all manual valves in oil tap off lines.
- Provide ammonia sensors in compressor rooms, recycle rooms, ice machine rooms, etc. Check the sensors chemically every 3 months.

Check local alarms, interlocks, and call down systems at the same time.

Provide manual switch for ventilation system blowers outside of compressor/recycle rooms.

Make sure the capacity of the ventilation system is adequate.

- Replace single pressure relief valves (PRVs) with dual PRVs and three-way shutoff valves.

Pipe all PRVs into common manifold discharging above the roof with ammonia sensor installed in manifold.

- Install windsocks in appropriate locations and incorporate their use into emergency response plans.

Mount NFPA 704 placards on doors of compressor/recycle rooms.

- Update P & Ids and use as a training tool with operators.
- Mount laminated P & Ids near equipment.
- Tag and/or color valves and pipelines.

- Check personal protective equipment (SCBAs and cartridge masks) frequently and make sure they are in accessible locations.
- Complete yearly vibration test and analysis of compressors (especially rotary screws running at 3450 rpm) to catch possible mechanical problems before they occur.
- Hold spill/drill exercise with local fire company.

There are other recommendations but the above are the most frequent.

Does the program work?

Yes.

Subsequent follow-up visits show 95+ percent completion of our recommendations.

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## **EPA On-Scene Coordinator - Friend or Foe?**

*by Steve Way and Charles Fisher*

The On-Scene Coordinator (OSC) for the federal government has been a role filled since the 1970s.

Initially, the OSCs were primarily responsible for responding to oil releases to navigable waters.

As the need to respond to additional hazardous material events increased, the role of the OSC was expanded under Superfund, the Oil Pollution Act authorities, and the National Oil and Hazardous Substance Contingency Plan (NCP).

The funding and the authorities available enable the OSC to respond to releases of hazardous substances and oil and to take the necessary actions to investigate, mitigate, contain, or remove a release or a substantial threat of a release into the environment.

In addition, the OSC is responsible for identifying the responsible party and overseeing the clean-up, if the responsible party is capable of implementing a response action.

If the responsible party does not take action, then the OSC, representing the lead federal agency at the site, may take action in addition to any other action taken by the state or local government.

The NCP calls for the use of a management approach, such as a unified command system, during an emergency incident.

The OSC is expected to coordinate with state and local response agencies, and the responsible party in managing and directing the resources necessary to respond.

During an incident, the roles and responsibilities of the EPA OSC, the local responders, and the state are generally complimentary and not conflicting or redundant.

The EPA OSC cannot function as a first responder and rely on local emergency response agencies to secure and manage the initial response.

Depending on the magnitude and type of incident, the OSC may direct some or all of the response operations and clean-up efforts.

Ultimately, the OSC is responsible for ensuring that the actions taken are protective of human health and the environment.



For example, if a fire department is directing a response to a chemical fire, the OSC could provide technical support such as air monitoring, recommendations regarding evacuation or run-off containment, and other similar actions.

Although the OSC normally would not attempt to direct the fire fighting actions, it is important, at this time, to initiate the coordination required between response agencies by using the unified command system.

Once a fire is controlled and a response to the hazardous substance release is underway, then the OSC would be expected to direct those actions, in coordination with the responsible party, the State, and local officials, using EPA resources or by overseeing the responsible party.

One of the most important things that the OSC brings to an incident is the ability to access extensive resources through EPA and the federal response system.

These resources can consist of technical support including monitoring, sampling, analytical work, technical experts, and the OSC can initiate clean-up actions using either government or local response contractors.

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## **Hazmat Identification and Intrastate Transport DOT Issues Final Rules**

As the U.S. DOT slogan says, "Response begins with identification."

In a final rule issued on January 8, DOT amended the Hazardous Materials Regulations (HMR) to better identify hazardous materials in transportation.

On the same day, DOT issued its final rule requiring intrastate shippers and carriers to comply with HMR.

Some of the major changes to hazards identification include modifying the poison gas label and placard and adding a new label and placard for poison inhalation hazards.

The rule also expands requirements for transport vehicles and freight containers that have been fumigated.

Rail cars, freight containers, truck bodies, or trailers in which the cargo has been fumigated or is undergoing fumigation with any material are considered to contain hazardous material.

Unless the transport vehicle or container has been sufficiently aerated so that it does not pose an unreasonable risk to health and safety, it must have a fumigant marking.

DOT is offering a phase-out period until October 2001 for industry to remove, cover, or obliterate extraneous slogans from placard displays.

The rule also expands the use of the dangerous placard by lowering the quantity from 5,000 pounds to 2,205 pounds for which a specific placard is required.

DOT's second rulemaking in January affects intrastate transportation.

Regulations previously applied only to hazardous materials transportation across state lines.

The final rule includes certain exceptions that provide regulatory relief to farmers, individuals, and small businesses.

There will be a gradual transition to enable small businesses to comply more easily with the new regulations as well.

Certain types and quantities of hazardous materials transported and used materials-of-trade by carriers when conducting business such as welding, plumbing, and lawn service are not affected by this rule.

For example, plumbers who carry drain cleaners or propane stoves will be able to continue so long as they comply with state regulations.

The final rule generally allows farmers to continue complying with existing state law.

However, it contains requirements that will enable emergency responders to recognize the presence of hazardous materials in the event of an incident.

In addition, temporary exceptions are provided for continued use in some states of certain cargo tank motor vehicles that have capacities of less than 3,500 gallons and are used exclusively for intrastate transportation of flammable liquid petroleum products.

To read the hazardous materials in Intrastate commerce rule on-line, go to <http://fr.counterpoint.com/fr/1997/0108/00134.html>.

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## **Integrated Contingency Plan (ICP)**

On June 5, 1996, EPA published an interagency "One-Plan Guidance" for release of oil and hazardous substances.

Developed under the auspices of the National Response Team, the ICP provides facilities with the option of using one functional plan to consolidate and satisfy multiple emergency response planning for responding to oil and non-radiological hazardous substances.

The One Plan is applicable to the following federal regulations.

- EPA's RCRA Contingency Plan - 40 CFR 264, 265, and 279
- EPA's Risk Management Plans - 40 CFR 68
- EPA's Oil SPCC and Facility Response Plans - 40 CFR 112
- OSHA's HAZWOPER - 29 CFR 1910.120
- OSHA's Process Safety Management - 29 CFR 1910.119
- OSHA's Emergency Action Plan - 29 CFR 1910.38
- USCG's FRP - 33 CFR 154
- RSPA's Pipeline Response Plan - 49 CFR 194
- MMS's FRP - 30 CFR 254

Important for LEPCs is the following taken from the "ICP Philosophy" section: The adoption of a standard plan format should facilitate integration of plans within a facility, in the event that large facilities may need to prepare separate plans for distinct operating units.

The ICP concept should also allow coordination of facility plans with plans that are maintained by LEPCs, Area Committees, cooperative, and mutual aid organizations.

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## **State Police Training Center Brings Realism to Training**

Realism is the name of the game at the Louisiana State Police Emergency Response Training Center.

With a wide array of realistic training props, the center provides emergency responder with a unique training experience.

The Center started as a cooperative effort between the public sector and the chemical manufacturers and transporters of Louisiana.

The first meetings generated interest from more than 100 companies. Located in Holden, Louisiana, at the site of the former Louisiana State Police Boys Camp, the site is approximately 90 miles west of New Orleans.

The site was chosen because it was isolated and offered established facilities such as classrooms, cabins, a kitchen, dining hall, and recreation facilities.

The construction of the center was divided into three phases.

In phase one, completed in June 1995, donations of equipment and services were solicited.

Many companies and organizations, from Exxon USA to the Louisiana Emergency Preparedness Association, donated time, equipment, or funding to the creation of the center.

Materials, labor, and property valued at \$831,000 were contributed to the construction of the center.

Phase two of the center's construction consisted of installing training props and developing a class curriculum. Equipment available for training includes the following:

- six tank railcars set up to simulate leaks commonly found in incidents
- five tank trucks which are also set up for simulating common leaks
- an ammonia suppression unit, which allows students to work with ammonia in a controlled atmosphere
- a small package and freight facility concentrating on plugging and patching drums, pales, and cylinders
- several portable training aids.

Phase three of the ERT Center's development involves forming a steering committee to develop a long-term strategy for growth and success.

Classes are currently available in hazardous materials emergency responder training from the awareness through technician levels, as well as more specialized courses.

The Louisiana State Police Emergency Response Training Center is open to all emergency responders, and holds courses year round.

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## **Risk Communication Should Be an Integral Part of Hazmat Incident Response**

By Susan Santos and Terry McGurn

The following article is the first of two on risk communication.

In this part, Ms. Santos discusses why risk communication is important in hazmat incident response. In the new part, she will discuss how first responders can improve risk communication.

Putting an emergency management response plan into action requires quick and detailed information.

Given the nature of hazardous materials incident response, the need for risk information is especially critical. A hazardous materials incident response must be planned to ensure communication is as sophisticated as all other elements of the response action.

Effective communication is a skill that can be learned.

Through research and experience, there is a broad-based body of knowledge available to help emergency response planners meet this challenge.

As with all aspects of an emergency response plan, effective communication results from knowledge, preparation, and practice.

Training in risk communication will help lay the framework and build the skills needed to communicate risk information during a hazardous materials incident.

In the first minutes and hours after an incident, it is critical to communicate what information is known, what is not known, and what is being done to find out.

Planners must begin with a communication strategy that focuses on how to get critical information to and from players.

Training will help planners design a strategy that will establish strong communication channels among the various people (emergency responders, fire department, police, etc) who need information.

Training will also help responders recognize one communication method may not be appropriate for all, and methods will change as the response action progresses.

Training can also focus on when to use different communication formats, such as public meetings or issuing press releases or fact sheets.

Dealing with the media is an important element of communication in a hazardous materials incident response.

Training can prepare those who will interact with the media to understand the media's needs and constraints and engage them in cooperation, especially for setting round rules that will discourage speculation about worst case situations.

In any risk situation, people inevitably want to know what the implications are for themselves and their families.

A hazardous materials incident will require communicating risk information that is understandable to the public.

Training in the principles of risk communication is essential for developing effective message strategies.

Risk communication training can provide skills in anticipating concerns and building an awareness of how individuals perceive risk and risk information.

A structured training program can offer techniques for how to respond to people's concerns, opinions, emotions, and reactions.

Research shows the public views risk quite differently from those responsible for managing risk.

Emotions, feelings, values, and attitudes carry as much, if not more, importance for the public than the technical magnitude of the risk situation.

The term "outrage" has been coined by Peter Sandman, a risk communicator formerly with Rutgers University, to describe a variety of factors that influence the public's perception of risk.

Outrage is defined as everything about risk except how likely something is to cause harm.

Risk communicators need to be able to analyze a particular situation to see what outrage factors are at play and how they might affect communication.

Being able to formulate messages and knowing how to communicate them effectively comes with practice.

A critical part of successful message design is testing or trying out the message.



Training will offer the opportunity to develop "sound bites" or messages that anticipate the tough questions people may ask and how to clearly address and respond to them.

Mock incidents can be used so that participants role play and evaluate how to respond appropriately.

Risk communication is a skill that can be developed to the same level of sophistication as all aspects of the hazardous materials incident plan.

Risk communication experts use research and experience to advise emergency response planners on communication considerations and train emergency responders in the communication techniques that will enable all involved to effectively use and disseminate risk information.

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## **LEPC Takes Education Beyond the Community Right-to-know Act**

The LEPC in Fayette, Kentucky understands what it means to fully comply with the Federal EPCRA.

Not only has the LEPC developed a comprehensive emergency response plan that incorporates all the requirements in Section 303, but it also has undertaken activities to educate the public on the county's plan.

The planning process was made easier because the Lexington-Fayette Urban County Government had gathered a great deal of information about the types of hazardous materials in the community through its adoption of a hazardous materials ordinance in December of 1985.

The LEPC, therefore, concentrated on the community right-to-know aspect of the law.

The LEPC established a Public Information / Community Right-to-Know subcommittee to increase awareness of the federal law, the Fayette LEPC, and the chemicals manufactured, used, stored, and transported in the county.

Since 1987, the Fayette LEPC and the subcommittee have used the following activities to educate the public:

- exhibited information at a Neighborhood Association seminar, Earth Day festivities, and other civic and educational events
- developed and aired on local media a public service announcement that explained how a citizen should report a chemical spill
- developed a brochure called "Is SARA in Your Town?", which described the federal law and the LEPC
- developed an emergency preparedness page for the local phone book, which the phone company included free as a public service
- conducted a hazardous materials training class specifically for the media. Topics included the LEPC emergency response plan and response procedures and the DOT Guide book.

Participants were given a chance to wear a level A suit. The training increased the media's understanding of the processes involved in a response

- appeared on two occasions as guest speakers on a local government access show called "Down to Earth" to describe the LEPC, the law, and the types of chemicals found in the community
- planned more meetings between facilities having EHSs, and special needs facilities, such as schools, within the geographical area of the facilities.

During these meetings, the facility will explain the safety and emergency response plans.

Community emergency responders will explain the community's emergency response and the methods for notifying the special needs facilities.

The local emergency management agency will offer to help the special needs facilities in preparing their response plans for specific hazards

- requested financial assistance from special needs and EHS facilities to purchase an automated ring down system for emergency notification.

The program has received \$3,600 to date

- formed site teams to visit EHS facilities to perform the initial hazard analysis
- provided a copy of the LEPC emergency response plan for inclusion on the local government's computer bulletin board, CityNet.
- coordinated with Fayette County schools and the Lexington-Fayette Urban County Government to sponsor "Chemical Awareness Day," a poster contest for fifth graders.

After visiting EHS facilities to observe how chemicals are used, the students produced posters in two categories: chemical usage in business and industry or chemical usage in school and home.

Five EHS facilities gave tours, and 231 students in eight schools participated in the program.

It isn't easy to be proactive.

But even with little money and few resources, community education can be achieved and often can even be fun.

## What Is the ATSDR ?

Isn't this acronym a mouthful? It is frequently encountered by those working in the emergency response arena; however, many individuals are not aware of the important role that this small agency plays in the field of emergency response.

ATSDR is the Agency for Toxic Substances and Disease Registry is part of the Public Health Service in the U.S. Department of Health and Human Services. ATSDR is not a regulatory agency like EPA.

Created by Superfund legislation in 1980, ATSDR's mission is to prevent or mitigate adverse human health effects resulting from exposure to hazardous substances in the environment.

ATSDR offers a range of services that are available to federal, state, and local agencies, tribes, health care providers, private industry and the general public.

Areas that might be of particular interest to emergency responders is ATSDR's ability to provide health input in time critical situations (emergency response assistance), as well as non-time critical assistance (health consultations).

ATSDR is the lead federal public health agency for response to releases of hazardous substances into the environment.

ATSDR's emergency response assistance is headquartered out of Atlanta, Georgia. Assistance is provided 24 hours a day on public health issues relating to the release or threat of a release of hazardous substances.

The 24 hour emergency number is 404/639-0615. ATSDR's emergency response staff are able to access medical doctors, toxicologists, epidemiologists, hydrologists, industrial hygienists and others to assist, if necessary. They are also able to provide on-site assistance when requested.

These individuals can provide consultation and advice involving: first aid/medical treatment protocols, decontamination procedures, contingency planning, health team coordination, evacuation/re-entry advice, sampling plans, and worker health and safety.

They also offer training and education programs, including: short-term training on emergency response, training in the management of chemically contaminated patients, and simulation exercise organization and participation.

ATSDR also offers a three volume set of guidance documents entitled "Managing Hazardous Materials Incidents".

Volumes I & II were developed for the Emergency Medical Services and Hospital Emergency Departments, respectively and were designed as planning guides for the management of contaminated patients.

Volume III is the Medical Management Guidelines for Acute Chemical Exposures (MMGs).

These guidelines consist of information on the most commonly found hazardous chemicals which have been involved in acute release incidents, found at hazardous waste sites or been involved in transportation accidents.

The MMGs are targeted for health care personnel requiring medical treatment information.

All 3 volumes can be utilized by emergency room physicians, poison control centers, emergency responders, occupational health clinics, county health officers, the military services, and other health professional who respond to acute exposure incidents involving hazardous chemicals.

For more information regarding this 3 volume set or for copies of these guidelines, please contact Scott V. Wright at 404/639-6360.

ATSDR is also able to provide health consultations in non-emergency situations. A health consultation usually addresses specific requests for information about health risks related to a site, chemical release or hazardous material.

ATSDR provides written and oral responses to these requests.

Health consultations may consider: do levels of a hazardous substance pose a threat to human health?; are people being exposed and, if so, how?; what harm might these substances cause to people?; and, does working or living nearby affect people's health?

These health consultations may make specific recommendations, such as: restricting use of or replacing water supplies, intensifying environmental sampling, restricting site access, or removing contaminated materials.

For more information on health consultations, please call an ATSDR representative in the Dallas regional office.

## Reporting Metals under Sections 311-312

Recently, there has been an increase in questions regarding the "article exemption" under Sections 311-312 as it applies to metals.

Therefore, we are including two questions and answers from our Questions and Answers document which should explain EPA's position on this issue.

Question: A facility purchases sheets of metal in order to manufacture its final product. A MSDS is received with this order. Must this be reported under Sections 311 or 312?

Answer: OSHA's Hazard Communication Standard (HCS) exempts from the definition of "hazardous chemical" those substance such as "articles" which are manufactured items:

- Formed to a specific shape or design manufacturing,
- Which have an end use function dependent upon that shape or design,
- To the extent they do not release or otherwise result in exposure to a hazardous chemical under normal conditions of use (see 29 CFR 1910.1200(b)).

However, if the sheet metal's use has the potential to expose downstream employees in a different facility to a hazardous chemical, the manufacturer must prepare or have available an MSDS for that item, even if the manufacturer's own use of the item in its own facility does not have the potential to expose it's own employees to hazardous chemicals.

Therefore, primary and secondary metalforming operations are not exempt from OSHA's HCS.

Section 311 (e)(2) exempts, "any substance present as a solid in any manufactured item to the extent exposure to the substance does not occur under normal conditions of use." EPA interprets this exemption for solids to be broader than OSHA's exemption for "articles."

Under Sections 311 and 312, hazardous chemicals at the worksite are reported to state and local government officials and the information is made available to the public.

The purposes of Sections 311 and 312 reporting are to inform the local community of the presence of chemicals that could potentially cause a release and thus, merit public concern.

Considering this purpose, EPA does not believe that Congress intended local

communities to be notified of the presence of hazardous chemicals that raise no potential for release as they are used in that particular community.

Therefore, facilities performing traditional metalforming operations should be exempt from Section 311 and 312 reporting requirements because within these facilities the use of sheet metal does not cause a release of, or otherwise result in exposure to, a hazardous chemical within the sheet metal.

The sheet metal used at these facilities would be exempt from Sections 311 and 312 reporting requirements whether or not they are required to prepare or have available an MSDS under the HCS.

Facilities that perform secondary operations would not be exempt from Sections 311 and 312 reporting requirements.

Within these facilities, the use of sheet metal may cause a release of, or otherwise result in exposure to, a hazardous chemical.

This potential for exposure renders the sheet metal used at these facilities ineligible for Section 311(e)(2)'s exemption from Sections 311 and 312 reporting requirements.

(Q&A June 1, 1989, #84)

Question: A facility stores and processes sheet metal that contains a hazardous chemical requiring a material safety data sheet (MSDS) under OSHA's Hazard Communication Standard (29 CFR 1910.1200(c)).

The sheet metal, when in storage, is considered a manufactured solid and is therefore excluded from the definition of hazardous chemical under EPCRA 311(e)(2).

Does this exclusion still apply when the sheet metal is cut, welded or brazed?

Answer: The exclusion for manufactured solids in EPCRA 311(e)(2) applies to "[a]ny substance present as a solid in any manufactured item to the extent exposure to that substance does not occur under normal conditions of use."

Sheet metal is considered a "manufactured item" which is typically present as a solid.

To determine whether or not the sheet metal falls under this exemption, the owner/operator of the facility needs to determine the extent of exposure to the substance under normal conditions of use at that facility.

Storing, welding, cutting etc. can all be considered "normal conditions of use" at a facility.

In this example, only the sheet metal in storage is exempt under 311(e)(2) because it does not create a potential for exposure to a hazardous chemical.



Cutting, welding, brazing, or otherwise altering the form of the sheet metal does create a potential for exposure, thus negating the exclusion under 311(e)(2) and subjecting the weight of the maximum amount used in this fashion at any time to reporting requirements under 40 CFR 370.20(b).

The regulations at 40 CFR 370.20(b) state that a facility must submit an MSDS and a Tier I form (or Tier II form) for any hazardous chemical present at a facility in an amount greater than 10,000 pounds and for an extremely hazardous substance (EHS) as defined in 40 CFR Part 355, Appendix A, present at the facility in an amount greater than or equal to 500 pounds or the threshold planning quantity (TPQ), whichever is lower.

The entire weight of the items to be altered (the non-exempt items), is counted toward the threshold, not just the weight of the hazardous chemical in the section of the sheet metal on which work is done.

The weight of the entire piece of sheet metal is used because the sheet is the manufactured item; the exemption can not apply to a portion of the manufactured item.

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## **Often-misunderstood LEPC's Reaching out to Communities**

A graphic identity program developed as a public service with the input of 10 Houston Ship Channel/Galveston Bay LEPCs is helping LEPCs from southern Texas to Pennsylvania solve the problem of explaining to citizens just what their organizations are, and do.

The nucleus of the program -- a copyrighted graphic system including a big "LEPC", a smaller "Local Emergency Planning Committee", a drawing of children playing in a quiet neighborhood, and the slogan "Safety in Knowledge" -- is already appearing on outdoor signs, and in print ads, letterheads, emergency instruction handouts, and grocery bags.

And, according to LEPC officials, it is helping people to understand about LEPCs and their work.

An available Community Outreach Kit utilizing the graphics includes all the camera-ready artwork needed for a complete LEPC outreach program, a printed guide for conducting such a program, and a license to use the copyrighted materials within the LEPC's geographical area.

Elizabeth Gonzalez, deputy coordinator of emergency management for the City of Pasadena, Texas -- in the Houston Ship Channel industrial area -- explains the nature of the community education problem.

"The federal government mandated under EPCRA that every county [or other designated planning area] in the U.S. have at least one LEPC, made up of representatives of local government, emergency responders, health providers, industry and the media.

'The charter passed down to these LEPCs: identify potential hazards in their respective communities; develop plans to cope with the emergencies which could develop from these hazards; and educate local citizens about both the dangers and the actions they should take to protect themselves in an emergency situation.

'But the LEPCs were on their own as to how to accomplish these assignments -- and how to let the public know what their groups are all about.

'Most of the communities have done a good job of everything but building a ready, top-of-the-mind LEPC awareness among their citizens.

'And now the ones who have adopted this new graphic package have made a good start on developing that awareness as well."

Gonzalez' own LEPC is a good example.

It was a leader in the Education Task Force which provided guidance to the public relations/design firm which created the logo/slogan -- on a volunteer basis -- and developed the community outreach kit the LEPCs are using.

The Pasadena LEPC also is using the graphics on their letterheads, newsletter, tee shirts, caps, and print ads -- and provided the artwork for a highly visible 65-foot wide sign on a Lyondell-Citgo storage tank on busy Highway 225.

Other groups are using the graphics in these and other ways.

The Cameron County LEPC, on the Texas/Mexico border, has used the materials in bilingual ads and mailing pieces; the Galveston County LEPC groups have put up a series of tank and wall signs in the Texas City petrochemical area; and the Houston Ship Channel Education Task Force has succeeded in having "What To Do In a Chemical Emergency" guides, using the graphics, printed on several million grocery bags.

The most recent LEPCs to initiate use of the program are the York, Warren, Susquehanna, and Berks county committees in Pennsylvania.

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## **EPCRA on Indian Lands**

*In 1986, Congress passed EPCRA, also known as Title III of the Superfund Amendments and Reauthorization Act (SARA), to help communities, including Indian tribes, protect public health and the environment from chemical hazards by informing citizens about the chemicals present in their communities.*

*On July 26, 1990, EPA published a rulemaking the Federal Register designating Indian Tribes and their chief executive officers as the implementing authority for SARA Title III on all Indian lands (55 FR 30632). What is EPA's policy regarding the implementation of the different provisions of SARA Title III on Indian Lands?*

EPA's policy is to work with Tribes on a "government to government" basis in implementing the requirements of SARA Title III.

SARA Title III contains four major provisions: planning for chemical emergencies, emergency notification of chemical accidents and releases, reporting of hazardous chemical inventories, and toxic chemical release reporting.

The emergency planning provisions of SARA Title III §§301-303 are designed to help Indian Tribes prepare for, and respond to chemical emergencies occurring on Indian lands that involve extremely hazardous substances (EHSs), found at 40 CFR Part 355, Appendix A and B.

The chief executive officers of federally recognized Tribes must appoint Tribal Emergency Response commissions (TERCs), responsible for carrying out the provisions of EPCRA in the same manner as State Emergency Response Commissions (SERCs).

Alternatively, Tribal leaders can join a Tribal Coalition which functions as the TERC, or establish a Memorandum of Understanding with a State to participate under the SERC.

TERCs establish emergency planning districts and can appoint Local Emergency Planning Committees (LEPCs) or act as TERCs and LEPCs, performing the functions of both.

LEPCs use information collected under SARA Title III to develop local emergency response plans to respond quickly to chemical accidents.

The chief executive officer should ensure that TERCs maintain a broad-based representation, including Tribal public agencies and departments dealing with environmental, energy, public health and safety issues, as well as other tribal community groups with interest in SARA Title III.

The Tribal LEPC should also be representative of the community, and should include elected Tribal officials, fire chiefs, Indian Health Services officials, Bureau of Indian Affairs officials, Tribal elders and leaders, representatives of industries on or near the reservation, and members of the general community.

The emergency release notification provisions of SARA Title III §304 require facilities to immediately notify TERCs and LEPCs of releases in excess of reportable quantities of EHSs and CERCLA hazardous substances, found at 40 CFR §302.4.

Facilities must also provide written follow-up reports on the actions taken to respond to releases and possible health effects of the released substances.

The emergency release notification provisions cover releases from commercial, municipal, and other facilities on Tribal lands, including those owned by the Tribe, and those from accidents on transportation routes within the reservation.

Substances covered by this section include not only EHSs, but also hazardous substances subject to the emergency release notification requirements of CERCLA §103.

CERCLA requires notification of release to the National Response Center.

In cases where releases from facilities located on Indian lands may affect areas outside Indian jurisdiction, the legislation under SARA Title III §304(b)(1) requires that notice be provided to all SERCs and LEPCs likely to be affected by the releases which will be handled by cooperation between the affected jurisdictions.

EPA encourages Indian Tribes, SERCs, and LEPCs to participate in joint planning efforts to prepare for such potential emergencies.

The hazardous chemical right-to-know provisions of SARA Title III §§311 and 312, require facilities that prepare material safety data sheets (MSDSs) for hazardous chemicals under OSHA, and have hazardous chemicals or EHSs present above applicable threshold levels, to submit these MSDSs, or lists of such chemicals to TERCs, LEPCs, and local fire departments.

Facilities are also required to submit hazardous chemical inventory forms which detail the amount, conditions of storage, and locations of hazardous chemicals and EHSs to TERCs, LEPCs, and local fire departments.

It is the responsibility of TERCs and LEPCs to make this information available to the public.

Toxic chemical release reporting under SARA Title III §313, requires covered facilities to submit annual reports on routine and accidental toxic chemical releases to EPA and the Tribal environmental, health, or emergency response agency which coordinates with the TERC.

TERCs and EPA make this information available to the community through the national Toxic Release Inventory (TRI) database.

The data is also release to the public annually in national and state TRI reports.

The information collected under SARA Title III enables TERCs and LEPCs to paint a picture of the hazardous substance, chemicals, and toxics found on Indian lands.

It also allows the Tribal communities to work with industries to reduce the use and releases of toxic chemicals into the environment and prevent chemical accidents.

EPA recognizes that resources are often limited on Indian lands, and is committed to helping Indian tribes comply with SARA Title III.

EPA provides technical assistance, guidance, and training tailored to the needs and capabilities of Indian tribes.

EPA's Office of Chemical Emergency Preparedness and Prevention (CEPPO) can provide TERCs with grants/cooperative agreements to aid in the implementation and effectiveness of their SARA Title III programs.

To be eligible for consideration under this grant program, a tribe of Tribal Coalition must function as an independent TERC.

To the extent that Tribes have these functions performed by states, they are not eligible for these grants.

Tribal agencies can also apply for training grants provided by FEMA under Sara Title III §305(a) to gain or improve skills needed for carrying out emergency planning and preparedness programs.

These grants are provided through the TERCs or other agencies.

The Hazardous Materials Transportation Uniform Safety Act of 1990 (HMTA) also includes funding grants for Indian tribes for training public sector employees in emergency response activities.

HMTUSA provides planning grants for developing, improving, and implementing Title III plans, and for developing a training curriculum for TERCs and LEPCs.

Tribes should contact their EPA Regional office for information on how to apply for these grants.

Enforcing the provisions of SARA Title III is key to providing Tribal communities with the information necessary to prepare for and prevent chemical accidents.

EPA provides assistance to Tribal communities for specific enforcement actions against violator of §§302, 311, and 312.

Since EPA does not receive or process data under these sections, actions should be initiated at the tribal and district levels.

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## **Handbook Addresses Community Health Concerns**

Being faced with community concerns related to a hazardous waste or Superfund site can often be an overwhelming and frustrating experience for local health officials, challenging even the most experienced health departments.

But now, under a cooperative agreement with the Agency for Toxic Substances and Disease Registry (ATSDR), the National Association of County and City Health Officials (NACCHO) has developed the handbook *Don't Hazard a Guess: Addressing Community Health Concerns at Hazardous Waste Sites*.

The purpose of this handbook is to help local health officials respond to community health concerns and questions related to hazardous waste sites and the chemicals found there.

The topics include:

- the Superfund process, the roles of the various agencies involved, and the sequence of events;
- roles for local health officials and options for local health department involvement;
- strategies to address community concerns and maximize community involvement; and,
- principles of risk communication.

The handbook is based on a series of focus groups with local health officials who had dealt with Superfund sites in their jurisdictions.

It contains their quotes, experiences, and suggestions, as well as three case studies of effective local health department involvement at Superfund sites.

It also includes resources and references.

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## **LEPC Survey Results Are Mixed**

The results of a 1994 survey of 1,155 LEPCs have revealed a mixed bag of successes and failures, according to a George Washington University Department of Public Administration report titled, *Nationwide LEPC Survey*.

The report states, "Their [LEPCs'] current status cannot be generalized as either utter failure or phenomenal success."

George Washington University researchers conducted a statistically valid, random mail and telephone survey.

The survey was funded by the Chemical Emergency Preparedness and Prevention Office of the EPA.

LEPCs were rated based on their compliance with the following ten EPCRA requirements. Each LEPC must have:

- An LEPC Chair;
- An emergency coordinator;
- An information coordinator;
- Members representing at least 12 of 13 specified groups;
- Formal LEPC meetings;
- Publicly advertised meetings;
- An emergency response plan submitted to the SERC;
- A plan incorporating at least 9 of 10 SARA elements;
- A plan that has been reviewed in the past year;
- A newspaper notice that the plan and hazardous substances data are available.

Five factors that go beyond the minimum letter of the law were also examined:

- Has the plan been practiced in the past 12 months?;

- Has the plan been updated in the past 12 months?;
- Does the plan take natural hazards into account?;
- Does the LEPC use EHS data to make hazard reduction or prevention recommendations to local government?;
- Does the LEPC meet quarterly?

According to these factors, LEPCs were rated as proactive, compliant, quasi-active, or inactive. Proactive LEPCs comprised 24% of those surveyed.

These LEPCs complied with at least 9 of the SARA requirements and had performed at least 4 of the 5 additional factors.

Compliant LEPCs (16%) satisfied at least 9 of the 10 provisions, but had performed less than 4 of the 5 additional factors.

The largest group was the quasi-active LEPCs.

This group (39%) fell short in most SARA activities. Only 60% had submitted an emergency response plan with the SERC.

Of that number, only 72% had reviewed their plan in the past year.

Most of these LEPCs also neglected the public communications requirements.

Inactive LEPCs (21%) failed to comply with most of the 10 requirements. These LEPCs were defunct, had never become active, or were just organizing.

The survey found that LEPC inactivity was caused by community indifference, inadequate funding, and a perceived lack of chemical threat.

The GWU report details all LEPC requirements and thoroughly explains all data gathered in the survey.

The survey is free and can be obtained by calling EPA's hotline at (800) 535-0202.

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## **Reclaiming Abandoned Properties: the Brownfields Action Agenda**

Earlier this year, the EPA Administrator announced steps to make it simpler and more cost effective for cities and towns to comply with environmental laws and redevelop inner city industrial sites.

The announcement said, "We have worked to find common sense solutions - solutions that allow the cities to do what they do best, ways to ensure that people who must live with the decisions have every opportunity to participate in making those decisions."

The Administrator was referring to what is known as the Brownfields initiative.

The goal of EPA's Brownfields initiative is to empower States and communities to work together to prevent, assess, safely cleanup, and sustainably reuse Brownfields.

Brownfields by way of definition are abandoned, idled, or under-used industrial and commercial facilities where expansion or redevelopment is complicated by real or perceived environmental contamination.

Where actual contamination exists, problems range from leaking underground storage tanks, to dry cleaning establishments, and to former industrial warehouses where dumping and spilling occurred.

There may be as many as a half a million such sites which EPA has dubbed Brownfields. The General Accounting Office estimated the cost to cleanup these sites to be about \$650 billion dollars.

Under the current Superfund law, stringent cleanup and liability standards, originally developed for the most heavily polluted sites, have also applied to Brownfields sites.

The result has been that prospective developers and lenders have become fearful they might inherit cleanup liability for contamination they did not create. Thus, these same prospective developers and lenders shun these sites in favor of new development on pristine land.

One of EPA's highest priorities is to return these Brownfields to productive use.

EPA's goal is to empower states, communities, and other agents of economic redevelopment to work together in a timely manner to prevent, assess, safely cleanup, and sustainable reuse Brownfields.

EPA wants to identify barriers to cleanup and redevelopment as well as ways to overcome these barriers.

Effectively addressing Brownfields promotes a cleaner environment, creation of new jobs, removal of health risks, expansion of the tax base, removal of urban decay, and increased community optimism.

EPA firmly believes that environmental cleanup is a building block in this process of economic revitalization, not a stumbling block.

On January 25, 1995, EPA announced the Brownfields Action Agenda which is a collection of bold and exciting new strategies to encourage the cleanup and redevelopment of Brownfields.

Current initiatives and strategies outlined in the Brownfields Action Agenda include the following: implementing Brownfields pilot program across the country; addressing liability issues of concern to municipalities and lending institutions; establishing public/private partnerships; and protecting community involvement.

EPA plans to award some 50 two-year demonstration pilots for redeveloping Brownfields. Eighteen national pilot projects have already been selected and more are expected in the near future.

Pilot projects selected at the local level are the cornerstone of the Brownfields initiative. EPA Region 6 has committed resources to do its part in achieving community environmental and economic revitalization.

As recently announced, Region 6 has awarded three pilot grants: Laredo, Texas; New Orleans, Louisiana; and Dallas, Texas.

The Region also plans to provide grants to other cities and States in these efforts.

The \$200,000 Brownfields grant EPA awarded to the city of Dallas in August 1995 will be used to establish a process to identify and promote the redevelopment of "brownfields" within the city.

In Laredo, Texas the city will develop an inventory of brownfields areas and determine the extent of contamination.

The city's efforts will also meet objectives of the North American Free Trade Agreement (NAFTA) by cleaning up areas in the Rio Grande watershed.

The Brownfields initiative will be further enhanced by the use of various tools to facilitate "partnerships."

One of the tools is the Prospective Purchaser Agreement whereby EPA can enter into an agreement which provides the purchaser a promise that EPA will not sue the purchaser.

Other "tools" being fine-tuned by EPA to assist in the implementation of Brownfields include:

- "comfort letters" which are similar to prospective purchaser agreements;
- State voluntary cleanup programs which include a provision for EPA to honor State assurances to prospective purchasers; and,
- a home owners protection policy that will provide assurances to homeowners should property they purchased be found contaminated.

EPA has also taken action to protect lenders by issuing guidance dealing with lender liability.

This guidance clarifies when lenders may or may not be liable for Brownfields properties and underground storage tank sites that they may have acquired through the default of bad loans.

The guidance states that the lender must have had active participation during the time the contamination occurred for that lender to be held liable.

The Agency developed guidance for municipalities which acquire property involuntarily should that land be contaminated.

The EPA believes this guidance will go a long way to alleviate fears cities and counties have about being charged for the cleanup of abandoned or previously used property.

We want to hear from you -- the local officials -- on what your needs are and how we can help.

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## **What is CHEMTREC?**

Since 1971, emergency responders have called upon CHEMTREC, the Chemical Transportation Emergency Center, during transportation accidents involving hazardous chemicals.

Over the years, CHEMTREC has expanded its services to accept non-transportation emergency calls and has also established a non-emergency services hotline to assist the general public with environmental, health, and safety questions about chemical products and the chemical industry.

CHEMTREC was created by the Chemical Manufacturers Association (CMA) to provide information and advice during chemical emergencies to firefighting personnel, law enforcement agencies, emergency medical organizations, hazardous materials carriers, and shippers.

CHEMTREC's emergency response system has evolved during its twenty four year history into a 24-hour, nationwide hazardous materials hotline providing technical assistance and emergency contact coordination.

One factor in the success of CHEMTREC's emergency response system is that more than 11,000 shippers of hazardous materials are now registered members of CHEMTREC.

Registered shippers and manufacturers submit MSDSs and phone numbers and names of company contacts available 24 hours a day to assist during an emergency.

Specially trained communicators at CHEMTREC can teleconference manufacturers or shippers of hazardous materials with firefighters, emergency medical technicians, and other first responders handling chemical incidents.

Another way CHEMTREC addresses the needs of the emergency response community is through its emergency response training initiatives.

CHEMTREC conducts workshops for emergency responders and makes its services available for emergency response drills and simulations.

This year marks the tenth anniversary of CHEMTREC's lending library of audio-visual training programs for personnel responding to hazardous materials emergencies.

Since its inception, the lending library has trained more than 25,000 people.

A new and enlarged catalog, listing 11 new programs, is now available. The new catalog features two indexes -- one alphabetical and one by subject, plus an order form to borrow the programs.

The catalog describes 55 programs, suggests an intended audience, and lists either a slide or video format, running time, and producer. Each listing also describes whether the program is available in languages other than English.

Free copies of the Handling Hazardous Materials Incidents: Lending Library of Audiovisual Training Programs for Emergency Response Personnel catalog may be ordered from Suzette Hunter (202)887-1229, CMA, 2501 M Street, N.W., Washington, D.C. 20037. Requests may be faxed to her at (202)887-5428.

CHEMTREC also provides non-emergency information. About 75 percent of calls CHEMTREC receives are requests for specific chemical information.

The specialists at the center refer most non-emergency calls to manufacturer's contacts for product-specific information.

Callers with regulatory questions are referred to the appropriate government agency. Many times, the CHEMTREC staff can provide requested information without a referral.

One of the most popular non-emergency services of CHEMTREC is providing access to CMA's library of over one million MSDSs.

MSDSs provide health and safety information and other important information about hazardous chemicals and materials.

These documents are available to those seeking data for emergency planning or to obtain information about a specific material.

For chemical emergencies, call CHEMTREC 24 hours a day at (800)424-9300.

To use CHEMTREC's non-emergency services, call the center at (800)262-8200.

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## **Superfund = Super Help!**

*Myron O. Knudson, P.E., Director, Superfund Division*

GOT AN EMERGENCY? WHO YOU GONNA CALL? EPA SUPERFUND! Anyone who lived through the 1980's will remember the Ghostbusters ... they were available in a flash to provide assistance when things got out of hand.

Like the Ghostbusters, the Environmental Protection Agency's (EPA) Superfund program was designed to help cities and counties solve major public health and environmental problems when these problems get out of hand. SUPERFUND = SUPER HELP!

Most local communities have adequate fire and emergency capabilities to handle normal emergency situations in the community and have been doing a good job of handling these types of situations.

But should a major environmental emergency occur, one that requires a response beyond what the local fire and emergency departments can supply, who can you call for help? EPA SUPERFUND!

Wait a minute! You thought Superfund just cleaned up hazardous waste sites. Yep, that is a part of Superfund.

When cities or States have told EPA about abandoned hazardous waste sites, EPA Superfund has come in and taken care of the problem ... and not without controversy, I must say.

You are all familiar with the complaints that Superfund is too costly to the previous occupants of these abandoned hazardous waste sites. EPA is working to address these concerns but that is not my primary interest here.

Did you know that in addition to cleaning up abandoned hazardous waste sites, the Superfund program provides cities and counties Federal emergency assistance during those times when the local communities can't quite handle it alone?

WHO YOU GONNA CALL??? EPA SUPERFUND!

EPA Superfund can provide help with an overturned tanker truck carrying hazardous materials, a fire, or to characterize a warehouse full of abandoned drums of questionable origin.

If local capacity is exceeded in responding to these types of situations, EPA Superfund provides assistance and is able to tap the resources of a significant number of other Federal agencies.



Superfund leverages Federal government assistance when local capacity to respond to emergencies is exceeded.

**SUPERFUND CAN HELP YOU WHEN YOU NEED IT MOST!** One of the real successes of Superfund for communities has been the Emergency Removal program.

EPA conducts about 25 Superfund removals every year in the five-State area comprising Region 6.

These removals are conducted in both large and small communities and are always closely coordinated with State and local officials.

In this program, EPA On-Scene Coordinators (OSC) work directly with the community to respond to environmental problems resulting from an accident or from abandoned waste sites.

For example, in Commerce, Texas, a Superfund removal team worked closely with the city, industry, and residents to clean up a long-standing arsenic threat.

In Odessa, Texas, EPA's Superfund removal program expedited an agreement with a number of entities responsible for the contamination in order to quickly assess and remove over 80,000 stacked, rusting drums containing contaminants which were threatening public health and the environment.

Similarly, in Bossier City, Louisiana, both Superfund removal and remedial representatives sat down with the Mayor and other officials, including the State, to work out a proposal that met the needs of the community in order to address cleanup for a site that was on its way to becoming an expensive, contentious project.

Did you know that under the Superfund program EPA can, under certain circumstances, reimburse the city for costs the city incurs when it takes action to remove hazardous waste??

Whether you are dealing with an oil spill, a chemical spill or characterizing abandoned barrels, Superfund is here to help the local community respond.

**GOT AN EMERGENCY??? CALL EPA SUPERFUND!**

The Superfund program uses the EPCRA program to assist communities and LEPCs to prepare for environmental emergencies.

Some of Superfund's other EPCRA activities include assistance in conducting drills and exercises; conducting compliance assistance workshops for industries in an area, and providing technical assistance on planning concerns.

These programs help the community to be prepared for an environmental emergency such as the recent incident in Bogalusa, Louisiana, where thousands of residents had to be evacuated after a railcar accident.

Sooner or later, a similar incident will occur near another community.

Through its Superfund program, EPA will be there to help and to offer expertise in assisting the community. SUPERFUND = SUPER HELP!

One last piece of the Superfund program which provides assistance to communities is the Brownfields program.

Brownfields are abandoned, idled, or under-used industrial and commercial facilities where expansion or redevelopment is complicated by real or perceived environmental contamination.

Provisions in the current Superfund law have discouraged the redevelopment of these types of sites.

The goal of the Brownfields initiative is to return these sites to local tax rolls by providing assurances to local investors that they will not be sued for contamination which may exist at the site.

The Brownfield pilot grants EPA is awarding to local communities help municipalities identify Brownfield sites and promote their re-development. If you have an interest in this program, I encourage you to call our Brownfields coordinator.

And now for the final examination! You need help planning for an emergency ... or worse, the emergency has occurred: a train wreck ... or a tanker truck has overturned threatening public health or the environment in your community; or you have come across a warehouse full of abandoned drums.

WHO YOU GONNA CALL?? EPA SUPERFUND!!

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## **Exercise That Plan!**

A key requirement for LEPC planning is identifying the methods and schedules for exercising the emergency plan.

The Hazardous Materials Emergency Planning Guide, NRT-1, discusses the types of exercises -- tabletop, functional, or full scale -- that may be employed to test the plan.

NRT-1 also provides suggestions for getting the participation of local industry, medical facilities, the media, response organizations, and others in planning and conducting hazardous material exercises.

EPA, FEMA, the Chemical Manufacturer's Association and many states have guidance documents available on exercise design, execution, and evaluation.

While EPCRA does not provide specific guidance as to how often an exercise is to be conducted, it can be inferred that having one exercise per year per planning area is a minimum response.

If an exercise takes place, prior to the annual plan review, lessons learned during the exercise can be incorporated into plan revision.

Hazards analysis, performed using Technical Guidance for Hazards Analysis -- the Green Book -- or CAMEO should be a major consideration during exercise design.

LEPC plans are a major resource in large scale exercises involving the planning area. FEMA conducts exercises of the Federal Response Plan (FRP) every year.

These exercises, given names such as Response 94, employ natural disaster scenarios such as might result from a hurricane or an earthquake.

One section of the Federal Response Plan (FRP), Emergency Support Function 10, Hazardous Materials, is concerned with planning for and responding to releases of hazardous materials.

EPA provides the lead for this support function.

The information contained in LEPC plans can be extremely useful during a major disaster requiring activation of the FRP.

Local governments and response organizations participating in the response exercises should consider such participation as an opportunity to exercise their EPCRA plan.

The Oil Pollution Act also requires exercises involving response to oil or chemical releases. State agencies and departments will conduct exercises within your state more frequently than will the Federal government and provide some of the best opportunities for EPCRA plan exercises.

Given the trend for many states to establish state HAZMAT response teams, such opportunities may increase in the future.

Other than plan exercises that are conceived and executed at the local level, opportunities exist to dovetail your plan exercises with state and federal exercises.

FEMA Region 6 HAZMAT Team and EPA Region 6 Preparedness and Prevention Team are available to provide EPCRA plan review, assist in exercise design, and participate in exercises.

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## Successful Risk Communication - Overcoming the Barriers

While Title III of the Superfund Amendments and Reauthorization Act of 1986 requires planning and emergency response agencies to communicate with the public in non-emergency situations, many Local Emergency Planning Committees do not.

In volume 14 of *The Environmental Professional* (1992), David Conn and Richard Rich of the Center for Environmental and Hazardous Materials Studies at Virginia Polytechnic Institute and State University and William L. Owens of the University of California, Davis, discussed barriers to effective risk communication and gave suggestions for how LEPCs could become more effective communicators.

Several years have passed since the research was first published, but Conn says the recommendations are still valid. The problems the authors identified were summarized in the Spring 1995 issue of *Network News*. This article covers some remedies.

There is a lack of consensus on the kind of risk communication LEPC's are required to do under the Emergency Planning and Community Right-to-Know Act. Rich, Conn, and Owens suggest that aggressive risk communication is necessary.

They say LEPCs need to develop risk communication plans that assign responsibilities for non-emergency communications and specify how chemical hazard information will be made available to the public.

According to the authors, informed citizens may create the political pressure needed to reduce risks, which could result in avoiding accidents. Informed citizens also are better able and more willing to cooperate with responders in emergency situations.

Finally, citizens who understand the dangers they face may become political allies with responders and work with them to obtain equipment, funding, and administrative support for their organizations.

With limited resources and communication training, how can an LEPC develop and implement an effective risk communication program?

One way is invite new members who can share different perspectives to join the LEPC, such as people from areas other than the chemical industry. The authors point out that "Citizens are far more likely to accept a process as legitimate if it was open to public scrutiny, input, and questions."

To overcome their lack of time and money, LEPCs could act as advocates for and coordinate the aggressive risk communication of other organizations.

The authors recognize, however, that the U.S. Environmental Protection Agency would need to formally establish the role of LEPCs in risk communication as that of planners, advocates, and coordinators for this to be completely successful.

Other strategies for stretching resources include communicating with the public through respected community organizations and accepted communication channels rather than attempting to do it directly.

By participating in events and meetings hosted by other organizations or writing articles for existing community bulletins, LEPCs can reach more people for less cost. Also, LEPCs benefit from the credibility of the established organization or publication.

Another strategy is to seek funding and support from local chemical industries while maintaining control over what is communicated. This would require chemical industry sponsors to trust that LEPCs would communicate effectively.

It would also require the chemical industry to become less suspect of risk communication. If this approach were adopted, and LEPC would have to work to make sure that the public does not perceive the LEPC's message as a paid chemical industry message.

To make up for a lack of expertise in risk communication, LEPCs can include more media representatives in their membership or ask advertising and public relations firms to offer advice on designing a media campaign.

For assistance with citizen participation, LEPCs can turn to city or county planning departments, the League of Women Voters, or college and university faculty or graduate students from communication, political science, planning, or urban affairs departments.

To communicate risk effectively, LEPCs have to understand fears and preconceived notions about risk information. By learning about the intended audience, risk communicators can target messages toward each group's specific concerns and interests.

LEPCs must convince local officials that adverse publicity which may result at the introduction of a risk communication program would be far less damaging than public outrage if an incident occurred without citizens being forewarned.

To help ensure their messages are taken seriously and do not cause overreaction, LEPCs can rely on trusted sources, such as the members of the medical community, to convey their messages. Also, citizens are more likely to trust and listen to information presented in forums that permit two-way communication so they can ask questions.

## **Question/Answer - EPCRA 311/312 Consumer Use Exemption and Batteries**

*EPCRA 311 and 312 apply to owners or operators of any facility that is required to have available or prepare an MSDS for an OSHA defined hazardous chemical present at the facility at any one time in amounts equal to or greater than established thresholds.*

*Facility owners or operators must file MSDSs and Tier inventory forms for each hazardous chemical which meets the reporting criteria.*

*A facility purchases non-industrial batteries in the same form as those packaged for use by the general public.*

*Later, the facility services the batteries by adding water or sulfuric acid.*

*Must the facility consider the batteries when calculating whether EPCRA 311/312 thresholds have been triggered.*

No.

EPCRA 311(e) exempts "any substance to the extent it is used for personal, family, or household purposes, or is present in the same form and concentration as a product packaged for distribution and use for the general public."

The exemption extends to any substance packaged in the same form or concentration as a consumer product whether or not it is used for the same purpose as the consumer product.

EPA interprets this exemption to enable the facility to service batteries which are in such forms without negating the exemption.

Any chemicals used for servicing that are present at the facility in bulk form, however, would not fall under the exemption.

Also, the sulfuric acid may be covered under 302 if the amount is over the threshold planning quantity (1,000 pounds) and would have to be reported with a planning letter to the LEPC and SERC.

## **Meet Wally Wise - Spokesturtle for Shelter in Place**

Wally Wise, the spokesperson (or spokesturtle) for Shelter in Place is sweeping the nation.

Wally teaches children and adults what to do in a chemical emergency or when the warning siren sounds.

A green, yellow, and red turtle, Wally impresses kids with his bright colors and size. His Disney-quality costume is more than seven feet tall.

While the comments Wally inspires range from "cool" to "interesting", there are usually plenty of smiles by the time Wally is done.

### **Before Wally...**

Before Wally, efforts to educate the public about Shelter in Place did not produce the correct responses.

People did not remember the correct procedures to follow.

When asked what protective actions they took when they heard the sirens, the usual response people gave was, "We went outside to see what was going on."

That is the opposite action to take with the Shelter in Place warning.

A member of the Community Awareness Group of the Pasadena LEPC conceived the idea for Wally.

After reviewing several different concepts for a mascot, the idea of a turtle was selected.

### **Why Wally?**

The turtle is a natural representative for the Shelter in Place campaign since he carries his shell (or shelter) around with him and retreats into his shell when danger threatens.

The idea was brought to life through the combined efforts of the Baytown, LaPorte, Deer Park, and Pasadena LEPCs. A professional firm was retained to develop the concept of a turtle mascot.

The name Wally Wise was chosen from a list of several possible names presented to the LEPCs



[Editor's note: This editor is still peeved that his nickname "Toxic Turtle" was rejected as having negative connotations].

The first Wally costume was ordered more than a year ago and the program has been growing steadily since.

The costumed Wally Wise is being used in Texas City, Corpus Christi, and areas of Louisiana.

The Wally Wise population in the Houston Ship Channel is growing rapidly.

### **Here's How Wally Works for You**

The HMTA grant has helped purchase several costumes for LEPCs (Hint #1 for all under-funded LEPCs).

The Wally Wise Shelter in Place campaign can be as simple or complex as you want to make it.

New and innovative ideas can be used for funding and implementing the program.

In fact, an organization operating under budgetary restraints (meaning almost everyone in the Region), can implement the campaign without purchasing a costume or spending a large amount of money.

LEPCs and cities can pool their money and purchase a costume together or implement the program by using wooden Wallys (Hint #2 i.e., lawn decorations).

The program can be implemented and the costume purchased when the money becomes available or you can choose not to purchase the costume and focus on the educational aspect of the campaign.

It's important to remember that Wally's purpose in life is to educate people about Shelter in Place.

Wally can appear at rodeos, festivals, school programs (from preschool to high school), fire prevention open houses, parades, and retail store special events.

Wally can appear whenever a group of people assemble, just use your imagination.

When using the Wally program children are encouraged to teach their friends and family members what to do when the siren sounds.

This helps educate people who don't know who Wally is or what he stands for.

Elizabeth Gonzales, Deputy Emergency Coordinator for the City of Pasadena and one of the originators of the Wally Wise Shelter in Place campaign explains, "The Wally Wise program started in essence only one year ago and has taken off like a rocket.

'That's an incredible start for a campaign that started on such a small scale."

### **Where's Wally?**

Wally is catching on all over the country.

Wally sightings have been reported nationwide, and beyond.

He recently was introduced in Mexico City, and in Washington D.C. Wally is going to Tennessee and has been sighted in Ohio.

Wally has enjoyed visiting the Valley in Laredo and Brownsville.

His creators hope that Wally will achieve the notoriety of Smokey Bear, McGruff the Crime Dog, and Barney the Dinosaur.

With publicity and recognition, Wally's message will reach more people providing them with the Shelter in Place message.

He has branched into other advertising mediums, including coloring books, pamphlets, stickers, and wall plaques.

Wally even has his own theme song.

The greatest thing about the Wally Wise program is the instant contact and recognition that children have with Wally Wise, who provides Emergency Managers with another tool to reach children and spread the message of Shelter in Place.

The Wally Wise program has gained popularity with not only children but adults as well.

By educating people on the correct procedures to follow when a siren sounds or in a chemical emergency, Wally helps prevent injuries and fatalities.

For more information on the Wally Wise Shelter in Place campaign, contact one of the participating LEPCs and help spread the word.

## Notification Requirements - CERCLA and EPCRA

CERCLA, or Superfund, gives the government authority to respond directly to hazardous material releases, and creates the framework within which the government can exercise its role.

Section 103 of CERCLA which addresses the responsibilities for notification of a release is of significant importance to facilities.

EPCRA expands upon the notification requirement to ensure that State and local responders are also called during certain spills and releases.

To allow for timely response to incidents involving hazardous substances, the law requires that immediate notification be made to the proper authorities.

Immediate notification is the specific responsibility of the owner or operator of the facility or vehicle or an individual who has been designated as the person in charge.

Although verbal reports are sometimes passed to the National Response Center by representatives of State and local government agencies, the person responsible for reporting under CERCLA or EPCRA relies on such State or local "relay" of information at his or her own risk.

This relay of information does not automatically satisfy mandated reporting requirements, and State and local agencies cannot be responsible for an individual's compliance with a Federal statute.

If the necessary information is not received in an appropriate timeframe, the person responsible for reporting may be out of compliance and subject to the payment of penalties.

There have been incidents in which a hazardous substance was released and the 911 operator made the notifications to the NRC, the SERC, and the LEPC (sometimes).

This notification method is apparently due to informal agreements between facilities and local government entities.

But as explained above, this does not satisfy reporting requirements of the person(s) responsible for the material released.

Why is it so important for the facility to make this notification?

The most obvious reason is compliance with the law.

However, another apparent reason is that the facility could leave itself open to litigation from any number of parties simply by not being in compliance with the law; that is, by not properly notifying of a release.

If this situation exists in your community, be sure that the designated individual(s) understand that they must make the notifications, even though a 911 operator or other local government agency may have done so.

As situations present themselves, EPA appreciates SERCs and LEPCs getting the word out on the importance of facility and transporter representatives making these immediate notifications.

It is senseless for an owner of a facility to pay large penalties when these can easily be avoided by making a phone call.

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