Region 6 Executive Order 13650 – Chemical Safety and Security Workgroup

U.S. Department of Labor/OSHA • U.S. Department of Homeland Security • U.S. Environmental Protection Agency

The Federal government, in partnership with State and local government, has determined a need to address the issues underscored by the West, Texas tragedy, which occurred in April, 2013. On August 1, 2013 President Obama signed an Executive Order (EO 13650) to improve chemical facility safety and security.

The Executive Order is designed to enhance the safety and security of chemical facilities and reduce risks associated with hazardous chemicals to owners and operators, workers, and communities.

The Executive Order directed the Environmental Protection Agency (EPA), the Department of Labor (DOL), the Department of Homeland Security (DHS), the Department of Justice, the Department of Agriculture, and the Department of Transportation to identify ways to improve operational coordination with State, local, tribal, and territorial partners; to enhance Federal agency coordination and information sharing; to modernize policies, regulations, and standards to enhance safety and security in chemical facilities; and to work with stakeholders to identify best practices to reduce safety and security risks in the production and storage of potentially harmful chemicals.

This Chemical Facility Safety and Security Working Group, which is tri-chaired by the EPA, DOL, and DHS, developed a consolidated Federal Action Plan of future actions to further minimize risks, organized by five thematic areas:

1. Strengthening community planning and preparedness;
2. Enhancing Federal operational coordination;
3. Improving data management;
4. Modernizing policies and regulations; and
5. Incorporating stakeholder feedback and developing best practices.

The Working Group identified three priority action areas to help enhance operational coordination (theme #2 above), including:

1. Coordinating EO implementation activities.
2. Establishing standard operating procedures (SOPs) for Federal coordination at the National and regional levels.
3. Cross training Federal chemical facility safety and security field personnel to provide awareness of related regulatory programs.

In the report back to the President, *Actions to Improve Chemical Facility Safety and Security – A Shared Commitment*, May, 2014, the Working Group committed each of the ten Federal Regions to develop Standard Operating Procedures (SOPs). The SOPs, modeled after SOPs developed by Region II, are tailored to the needs of each Region, and focus on coordination with State and local partners on chemical preparedness, prevention, and response.

For more information on the Chemical Facility Safety and Security Executive Order, visit:
https://www.osha.gov/chemicalexecutiveorder/

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Regional Working Groups (RWGs) were established in all ten Federal Regions under the leadership of regional tri-chairs from DHS, EPA, and OSHA. In Region 6, an RWG was established with representatives from each of the three agencies, and have been meeting monthly since the fall of 2014.

The Region 6 Working Group agreed on eight (8) SOPs (listed on page 3) to develop and implement. All three agencies led the development of the various SOPs. Each draft SOP was provided to members of the Region 6 Regional Response Team (RRT), particularly our State partners, for review and comment, before they were finalized. Additionally, a status report on the SOPs is given at each semi-annual RRT meeting. This ensured Region 6 State partners were involved in the process, and were able to give feedback on priorities within their own State.

Once an SOP had been reviewed by the Working Group members and stakeholders, it was signed by the Working Group Tri-Chairs. Once all eight SOPs were finalized, the complete packet of SOPs were to be signed by the three Agency Regional Administrators. Implementation of the SOPs would commence after this final sign-off.

These eight Standard Operating Procedures will initiate or continue efforts being taken by our respective agencies in coordination with our State and local partners, as well as industry, to enhance chemical preparedness, prevention, and response actions. Additionally, these Procedures will assist in coordination between our three agencies and our chemical safety and security programs.

Dated: **August 03, 2015**

John M. Hermanson Regional Administrator OSHA Region 6	Ron Curry Regional Administrator EPA Region 6	Paul Gilbreath Regional Administrator – CFATS DHS Region 6

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RECORD OF CHANGES			
Change Number	**Date**	**SOP #**	**Description**

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Region 6 Chemical Safety and Security Working Group -- Standard Operating Procedures

1.	**Administration of the Workgroup** This SOP establishes the administration of the workgroup, including reports, working with the Region 6 RRT, and implementation of the SOPs developed by the workgroup. If implementation or development of an SOP would include the RRT, the workgroup will submit the proposal to the RRT, to follow the established RRT process. The SOP will describe how the workgroup and SOPs will be sustained.
2.	**Incident Commander Standard for Senior Fire Department Personnel / HAZMAT Training for First Responders** This SOP develops efforts to coordinate with State Training Officers, as well as State training academies (TEEX, LSU, OSU, etc) to help in ensuring local response officials have the appropriate ICS/NIMS training (ICS 100, 200 and NIMS 700, 800), as well as advanced ICS training programs. Additionally, the SOP will describe efforts to coordinate with federal and state partners to work toward ensuring responders have the appropriate level of HAZMAT training for the position and duties they occupy. This will include outreach on the Region 6 HAZWOPER Awareness training, and the Region 2 Chemical Safety training, as well as ensuring responders understand the OSHA 29 CFR 1910.120 and EPA 40 CFR 311 requirements.
3.	**Participation on the Region 6 Regional Response Team (RRT)** This SOP describes efforts of the RRT to ensure agencies, at the federal and state level, which have chemical safety and security responsibilities, are appropriately represented on the Region 6 RRT. This would include State health agencies, emergency management agencies, Poison Control Centers.
4.	**Improving Coordination with Federal and State Agencies on Programs, Roles, and Contacts / Getting to Know You.** This SOP develops coordination with the RRT to have each agency on the RRT (state and federal) develop a one page summary of their regulatory programs for chemical safety and security. The compilation of these summaries will be shared with local/state/federal officials to assist officials in knowing which agency to refer to potential violations to, as well as information each agency may maintain on chemical safety and security. Will include how this information can be useful to federal and state agencies in response and prevention coordination.
5.	**EPCRA Outreach / Enforcement for State/local Officials** This SOP develops outreach to regulated facilities under EPCRA on the appropriate selection of emergency contacts on the Tier II form submitted to local and state officials (should be a local contact). Through LEPC newsletter, encourage local officials to verify contacts, during drills, exercises or other events.
6.	**Guide to Provide First Responders with Access to Single Point of Contact for Facility Chemical Information** This SOP develops an outreach card for fire fighters and responders to identify people and agencies that they can reach back to and get the interpretations and chemical specific information they need. Card will be provided to States and LEPCs electronically to distribute to local responders. Card will identify Subject Matter Experts so responders can reach back for expertise on databases and interpretation of fixed chemical facility data.
7.	**LEPC Outreach** This SOP develops new, and continues existing, practices to support LEPCs, including those who need assistance to continue or increase their activity. This will include established practices (HOTZONE, LEPC newsletter, workshops, LEPC website), but will also encourage use of local exercises for participation by those facilities covered by EPCRA/RMP/PSM/CFATS. LEPCs which have developed or implemented an innovative process or material will be encouraged to share with other LEPCs through the LEPC newsletter or other means.
8.	**Inter-Agency Inspections and Enforcement Procedures** This SOP identifies procedures for all agencies, federal and state, which have chemical safety and security responsibilities, for sharing information, as appropriate. This would include providing Points of Contact within each agency for data sharing on inspection/enforcement results; procedures for referring facilities to other agencies; determine the appropriateness of joint inspections; and encourage the participation of local officials on certain types of inspections. Reinforce to local and state officials on the appropriate procedures for referring potential enforcement cases to EPA, DHS, or OSHA through outreach; train enforcement inspectors for RMP, SPCC/FRP, PSM, and CFATS programs on chemical safety/security compliance, so they can provide outreach to facilities during inspections. Conduct interagency training on chemical safety / security enforcement programs for inspectors focusing on RMP, PSM, CFATS, EPCRA, and SPCC/FRP programs.

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Region 6 Executive Order 13650 – Chemical Safety and Security Workgroup

U.S. Department of Labor/OSHA • U.S. Department of Homeland Security • U.S. Environmental Protection Agency

FINAL Standard Operating Procedure (1): Administration of the Region 6 Chemical Facility Safety and Security Workgroup

1. **Purpose:** This SOP establishes the process by which the Region 6 Executive Order 13650 Chemical Facility Safety and Security Workgroup (Region 6 E.O. Workgroup) will operate, including development and implementation of other SOPs, meetings, and work products.

2. **Scope:** This SOP is intended for the members of the Workgroup and their respective agencies within Region 6: the U.S. Environmental Protection Agency (EPA), the U.S. Department of Homeland Security (DHS) Critical Infrastructure Program, and the U.S. Department of Labor / Occupational Safety and Health Administration (OSHA).

3. **Prerequisites:** General knowledge of work group practices and SOPs.

4. **Responsibilities:** The Region 6 E.O. Workgroup has the responsibility of developing and implementing SOPs which will increase chemical hazard prevention and preparedness at the federal, state, and local level. This responsibility is the result of the Presidential Executive Order 13650 on Chemical Facility Safety and Security, as well as the report to the White House, developed by the National Chemical Facility Safety and Security Working Group. The report committed "each Regional Response Team (RRT) develop SOPs tailored to their respective regions," based on the templates developed by the Region 2 Working Group. The RRTs will develop their SOPs within 1 year.

5. **Procedures:** The Workgroup adopts the following procedures to ensure consistency, sustainability, and effectiveness of the work products and efforts:

   a) Workgroup will meet on a regular basis (face-to-face or teleconference) to draft, review, finalize, and implement SOPs, as agreed upon by the Workgroup.
   b) Work products from the Workgroup will be posted at www.epaosc.org/r6chemworkgroup. Items will be posted as exclusive (only members of the Workgroup have access) until determined by the Workgroup to make the items public.
   c) Workgroup will report out at each Region 6 RRT semi-annual meeting on the progress of the Workgroup in developing and implementing SOPs.
   d) All drafts of SOPs shall be reviewed/commented on by members of the workgroup, as well as our State partners, and agency personnel, as appropriate, before the SOP becomes final.

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e) If implementation or development of an SOP will include the RRT, the workgroup will submit the proposal to the RRT, to follow the established RRT process.

6. References:

a) Executive Order 13650: Actions to Improve Chemical Facility Safety and Security – A Shared Commitment: Report for the President, May, 2014.
b) Executive Order 13650: Improving Chemical Facility Safety and Security, August 1, 2013
c) Region 6 Regional Contingency Plan – Volume 1, May 29, 2013

Completed: January 28, 2015

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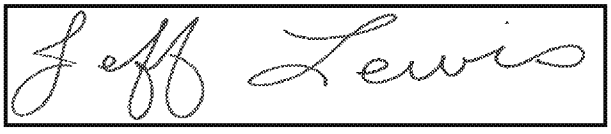

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Region 6 Executive Order 13650 – Chemical Safety and Security Workgroup

U.S. Department of Labor/OSHA • U.S. Department of Homeland Security • U.S. Environmental Protection Agency

FINAL Standard Operating Procedure (2): Incident Commander Standard for Senior Fire Department Personnel / HAZMAT Training for First Responders

1. **Purpose:** This SOP develops efforts to coordinate with State Training Officers, State LEPC/HAZMAT Coordinators, and State Training Academies (TEEX / LSU/ OSU / UTA etc.) to provide assistance with ensuring local response officials, and personnel responding to an incident (Fire Chiefs / First Responders) have the appropriate ICS/NIMS training (ICS 100/200 and NIMS 700/800) as well as advanced ICS training programs. Additionally, the SOP will describe efforts to coordinate with federal and state partners to work toward ensuring responders have the appropriate level of HAZMAT training for the position and duties they occupy. This will include outreach including Region 6 HAZWOPER Awareness training and the Region 2 Chemical Safety training, as well as ensuring responders understand the OSHA 29 CFR 1910.120 and EPA 40 CFR 311 requirements.

2. **Scope:** This SOP will aim to reach Fire Chiefs, First Responders and other local response officials in fire departments which have responsibilities for response to chemical incidents within their jurisdiction.

3. **Prerequisites:** The Region 6 EO 13650 Working Group will engage State Training Officers and State LEPC/HAZMAT Coordinators, as well as other stakeholders required to enable the success of this SOP. Not all fire department personnel are subject to HAZWOPER training requirements, although there is potential for encountering hazardous materials as 1st responders with a broad range of potential response scenarios. Each employer (city/county/parish) must determine the need for such training of their employees. Such a threshold may be based upon the number and type of facilities within the jurisdiction, or the amount and type of hazardous material which is transported through the jurisdiction.

4. **Responsibilities:** The EO 13650 working group, comprised of OSHA, EPA and DHS, will work together to ensure implementation of this SOP. The working group will, when it is identified that additional Federal/State agencies are required to ensure completion of this SOP, discuss the inclusion of the applicable Federal/State agency.

5. **Procedure:** The EO 13650 working group aims to utilize the resources of our Region 6 Response Team (RRT) as a means to address issues and solicit feedback during the development and administration of this SOP. The working group will utilize the Local Emergency Planning Committees (LEPCs) to disseminate, share and solicit information to employers, stakeholders and industry. The E0 13650 working group will meet on a regular basis and solicit assistance from the RRT 6 Co-chairs as required addressing items that require support. The EO 13650 working group's goal will be to engage each LEPC, provide information regarding 29 CFR 1910.120 training requirements for fire-fighting operations, and to offer outreach assistance. Additionally, we will provide information regarding training assistance on the RRT 6 website, under the EO 13650 working group tab.

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6. **Region 6 EO 13650 Working Group Developmental Objectives:**

   a. **Objective 1:** Solicit information from State LEPC/HAZMAT Coordinators and State Training Officers regarding the current training and certification requirements (hazardous material response/chemical safety//ICS100/200/NIMS 700/800) for their first responders and request feedback to the EO 13650 working group.

   b. **Objective 2:** Using the current Region 6 LEPC Newsletter and other avenues of outreach, provide a fact sheet to all LEPCs, tribes, and local emergency managers on the requirements under HAZWOPER for emergency response to hazardous materials incidents, as well as requirements for Incident Commanders to lead such a response.

   c. **Objective 3:** Region 6 EO 13650 working group begins dialogue with the State LEPC/HAZMAT Coordinators and State Training Officers to identify States needs for federal or other assistance regarding training and certification of their first responders.

7. **References:** National Incident Management Systems (NIMS):

   a. **29 CFR 1926.65 –** Hazardous waste operations and emergency response.

   b. **29 CFR 1910.120(q)(6)**: Training: Training shall be based on the duties and function to be performed by each responder of an emergency response organization. The skill and knowledge levels required for all new responders, those hired after the effective date of this standard, shall be conveyed to them through training before they are permitted to take part in actual emergency operations on an incident. Employees who participate, or are expected to participate, in emergency response, shall be given training in accordance with the following paragraphs:
      i. ***First responder awareness level.*** First responders at the awareness level are individuals who are likely to witness or discover a hazardous substance release and who have been trained to initiate an emergency response sequence by notifying the proper authorities of the release. They would take no further action beyond notifying the authorities of the release.
      ii. ***First responder operations level.*** First responders at the operations level are individuals who respond to releases or potential releases of hazardous substances as part of the initial response to the site for the purpose of protecting nearby persons, property, or the environment from the effects of the release. They are trained to respond in a defensive fashion without actually trying to stop the release. Their function is to contain the release from a safe distance, keep it from spreading, and prevent exposures.
      iii. ***Hazardous materials technician.*** Hazardous materials technicians are individuals who respond to releases or potential releases for the purpose of stopping the release. They assume a more aggressive role than a first responder at the operations level in that they will approach the point of release in order to plug, patch or otherwise stop the release of a hazardous substance.
      iv. ***Hazardous materials specialist.*** Hazardous materials specialists are individuals who respond with and provide support to hazardous materials technicians. Their duties parallel those of the hazardous materials technician, however, those duties require a more directed or specific knowledge of the various substances they may be called upon to contain. The hazardous materials specialist would also act as the site liaison with Federal, state, local and other government authorities in regards to site activities.

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Completed: May 27, 2015

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Region 6 Executive Order 13650 – Chemical Safety and Security Workgroup

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FINAL Standard Operating Procedure (3): Appropriate Representation on the Region 6 Regional Response Team (RRT)

1. **Purpose:** This SOP describes efforts of the RRT to ensure agencies, at the federal and state level, which have chemical safety and security responsibilities, are appropriately represented on the Region 6 RRT. This would include State health agencies, emergency management agencies and Poison Control Centers.

2. **Scope:** This SOP is intended for the members of the Workgroup and their respective agencies within Region 6, as well as the Regional Response Team for Region 6.

3. **Prerequisites:** The National Response System (NRS), National Contingency Plan (NCP), and Regional Contingency Plan (RCP).

4. **Responsibilities:** The RRT ensures that the multi-agency resources and expertise of the NRS are available to support the On-Scene Coordinators, at the state and federal level, as needed during a hazardous substances release or oil spill.

5. **Procedures:** Under the NCP and RCP, the RRT is responsible for the membership on the Regional Response Team. In Region 6, the Executive Committee has continually supported inclusion of all agencies (federal or state) having chemical safety and security responsibilities to meet the responsibilities of the RRT. The workgroup will work with the RRT Executive Committee to identify any additional agencies which should be included as members and work to involve those agencies into the RRT membership.

6. **References:**
   a) 40 CFR 300 – National Oil and Hazardous Substances Pollution Contingency Plan (NCP)
   b) Region 6 Regional Contingency Plan – Volume 1, May 29, 2013

7. **Definitions:**
   a) The National Response System (NRS) – The NRS is a multi-layered system of local, state, and federal agencies, industry, and other organizations that share expertise and resources to ensure that threats to human health and the environment from oil and hazardous materials spills are minimized. At the heart of the system is the National Oil and Hazardous Substances Pollution Contingency Plan (the "National Contingency Plan" or NCP), which ensures that the resources and expertise of the federal government are available immediately for oil or hazardous substance releases that are beyond the capabilities of local and state responders. The NCP provides the framework for the NRS and establishes how it works.

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b) Regional Response Teams (RRT) - The RRT ensures that the multi-agency resources and expertise of the NRS are available to support the OSC as needed during a pollution incident. The RRTs are comprised of representatives from the 15 federal NRS member agencies, plus state representatives, and are co-chaired by the EPA and USCG. Each RRT develops a RCP that describes the policies and procedures for a quick and effective response to pollution incidents. More detailed plans are developed at the sub-regional level by Area Committees and at the local level by Local Emergency Planning Committees (LEPCs). The State Emergency Response Commission (SERC) supervises and appoints members to the LEPCs. Together, RRTs, SERCs, LEPCs, and Area Committees ensure effective preparedness among all levels of government and between private sector and public response efforts.

Completed: April 07, 2015

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Region 6 Executive Order 13650 – Chemical Safety And Security Workgroup

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FINAL Standard Operating Procedure (4): Improving Coordination with Federal and State Agencies on Programs, Roles and Contacts - Getting to Know You

1. **Purpose**. To provide local emergency planning committees and other local officials, as well as state and federal partners on the Regional Response Team with a basic understanding of the roles, responsibilities, limitations, and practices of each other member agency involved with chemical safety and security.

2. **Scope**. This SOP is intended to reach all Region 6 Regional Response Team (RRT6) member agencies, and Local Emergency Planning Committees (LEPCs). The Region 6 EO 13650 Workgroup consists of the U.S. Environmental Protection Agency (US EPA), the U.S Department of Homeland Security (DHS), and the U.S. Department of Labor / Occupational Safety and Health Administration (OSHA). The EO 13650 Workgroup will evaluate the need for, and include additional agencies as required to ensure the development of this SOP.

3. **Prerequisites**. None

4. **Responsibilities**. The Region 6 Executive Order (EO) 13650 Workgroup will coordinate with RRT 6 member agencies, to ensure the development of a one page summary for each agency that will communicate the mission of each respective agency as it relates to chemical safety and security. The EO 13650 Workgroup has identified the following member agencies that it will work with to ensure the completion of the goals of this SOP:
   - All federal and state agencies on the Region 6 RRT
   - Other federal agencies which have chemical safety and security programs that assist state and local preparedness / response programs (i.e. U.S. ATF)

5. **Procedure:** With the assistance of the RRT6, the EO 13650 Workgroup will strive to improve coordination between RRT6 member agencies (state and federal), including other agencies that may have authority over chemical safety, and to develop a one page summary consisting of their regulatory programs regarding chemical safety and security. The Workgroup will coordinate with agencies to solicit feedback and ensure the flow of information regarding each agencies roles and responsibilities. Additionally, the Workgroup will work to ensure the development of any public databases and public websites, with the ultimate goal of improving chemical safety and security.

6. **References**. None

7. **Definitions**.

United States Environmental Protection Agency (US EPA):

The EPA has responsibility for assuring the safety of human health as well as protection of the environment. EPA provides environmental training and conducts research to solve environmental problems. EPA provides the Co-Chair of the Region 6 standing RRT and provides pre-designated OSCs for the inland zone. EPA is responsible for providing expertise regarding ecological and environmental effects of pollution releases and environmental pollution control techniques. As described in the NCP, EPA is required to prepare for and respond to any release or threat of release of oil, hazardous substances, pollutants, or contaminants into the environment that may present an imminent and substantial threat to public health or welfare and the environment.

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Department of Labor/Occupational Safety and Health Administration (OSHA):

OSHA is responsible for assuring safe and healthful workplace conditions by setting and enforcing standards and by providing training, outreach, and education and compliance assistance. OSHA's Process Safety Management (PSM) standard sets requirements for the management of highly hazardous substances to prevent and mitigate the catastrophic releases of flammable, explosive, reactive, and toxic chemicals that may endanger workers. OSHA's Hazard Communication standard which was recently updated, and now aligned with Globally Harmonized System of Classification and Labeling, contains requirements to ensure that the hazards of all chemicals produced or imported are classified, and that information concerning the classified hazards is transmitted to employers and employees. OSHA's Hazardous Waste Operations and Emergency Response (HAZWOPER) standard, which includes paragraph 29 CFR 1910.120(q), Emergency Response Program to Hazardous Substance Releases; contains requirements for employers whose employees are engaged in emergency response.

Department of Homeland Security (DHS):

The DHS missions include preventing terrorism and enhancing security; managing our borders; administering immigration laws; securing cyberspace; and ensuring disaster resilience. DHS works with industry and state, local, tribal and territorial governments to secure critical infrastructure and information systems. DHS also analyzes and reduces threats and distributes warnings. DHS has the responsibility of facilitating legal immigration and enforcing laws. DHS additionally supports legal employment by offering information and expanding E-Verify program. DHS also has responsibilities in ensuring security of our borders, using technology, manpower and physical infrastructure.

Completed: April 08, 2015

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Region 6 Executive Order 13650 – Chemical Safety And Security Workgroup

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FINAL Standard Operating Procedure (5): EPCRA / Facility Outreach

1. **Purpose**. This SOP develops outreach to regulated facilities under the Emergency Planning and Community Right-to-Know Act (EPCRA) on the appropriate selection of emergency contacts on the Tier II form submitted to local and state officials (should be a local contact). Through the Region 6 LEPC newsletter, encourage local officials to verify contacts, during drills, exercises or other events.

2. **Scope**. First responders have expressed concern that during an emergency response, many times it is very difficult to reach the appropriate facility representatives, who can provide critical information about facility chemical inventories, processes, and safety procedures. Additionally, it is important to have the most current information on chemicals stored and used at a facility.

3. **Prerequisites**. None

4. **Responsibilities**. The Region 6 Executive Order (EO) 13650 Workgroup will coordinate with RRT 6 State agencies, to ensure the development of outreach information to covered facilities in each state about the importance of current chemical information, as well the appropriate facility contact information.

5. **Procedure.** Using the Region 6 LEPC Update, the Workgroup, working with our State partners, will inform industry about the purpose of the "emergency contact" information on the EPCRA Tier II chemical inventory report forms, and the importance of providing the appropriate facility contact information to local planning and response officials. The Workgroup will work with our State partners to provide language to remind regulated facilities about the requirements under EPCRA Section 311 to report newly added chemicals to a facility within the stated timeframes.

   Additionally, the Workgroup, working with our State partners will inform industry on ensuring an appropriate contact (name and phone number) is provided during an emergency release notification to the National Response Center (NRC) under CERCLA 103 and the State Emergency Response Commission (SERC) and the Local Emergency Planning Committee (LEPC) under EPCRA 304.

6. **References**. None

7. **Definitions**.

EPCRA requires that facilities which must prepare or have available a Material Safety Data Sheet (MSDS) for a hazardous chemical under the Occupational Safety and Health Act of 1970 must submit a MSDS and Tier I/II inventory form for each such chemical to the appropriate Local Emergency Planning Committee (LEPC), the Fire Department with jurisdiction over the facility, and the State Emergency Response Commission (SERC).

Section 311 requires a one-time submittal of the MSDSs or a list thereof and Section 312 requires annual reporting of chemical inventories. Theses submittals are required annually by March 1st if an Extremely Hazardous Substance (EHS) is stored on site at any one time during the prior calendar year at or above 500 pounds or at that chemical's Threshold Planning Quantity (TPQ) – whichever is lower.

For all other hazardous chemicals (non-EHSs) the threshold amount is 10,000 pounds.

Under the requirements for reporting on the Tier II form, it states, "Enter the name, title, phone number and email address of at least one local person or office that can act as a referral if emergency responders need assistance

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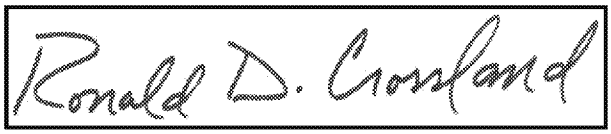
in responding to a chemical accident at the facility. If there is more than one person assigned to this duty, provide the same information for that person."

Section 304 of EPCRA requires facilities to report accidental releases of certain chemicals, when released above a "reportable quantity" to the SERC and LEPC in which the release occurred.

Section 103 of CERCLA requires facilities to report accidental releases of certain chemicals, when released above a "reportable quantity" to the NRC.

Completed: May 27, 2015



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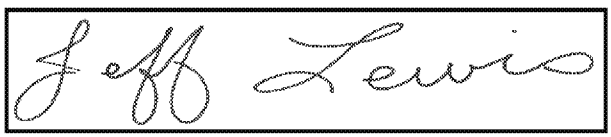

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v. ***On scene incident commander.*** Incident commanders, who will assume control of the incident scene beyond the first responder awareness level, shall receive at least 24 hours of training equal to the first responder operations level and in addition will know and understand: how to implement the employer's incident command system; how to implement the employer's emergency response plan; the hazards and risks associated with employees working in chemical protective clothing; how to implement the local emergency response plan; the state emergency response plan and of the RRT; and the importance of decontamination procedures.

c. **Trainers.** Trainers who teach any of the above training subjects shall have satisfactorily completed a training course for teaching the subjects they are expected to teach, such as the courses offered by the U.S. National Fire Academy, or they shall have the training and/or academic credentials and instructional experience necessary to demonstrate competent instructional skills and a good command of the subject matter of the courses they are to teach.

d. **Refresher training.** Those employees who are trained in accordance with paragraph (q)(6) of this section shall receive annual refresher training of sufficient content and duration to maintain their competencies, or shall demonstrate competency in those areas at least yearly. A statement shall be made of the training or competency, and if a statement of competency is made, the employer shall keep a record of the methodology used to demonstrate competency.

Completed: March 16, 2015

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Region 6 Executive Order 13650 – Chemical Safety and Security Workgroup

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FINAL Standard Operating Procedure (6): Contact Guide for Chemical Information for First Responders

1. **Purpose:** To ensure local planning and response officials, including fire service personnel, have access to technical resources needed for planning purposes, and to respond optimally to a fixed facility or transportation related hazardous materials incident.

2. **Scope:** Develop a simple contacts reference card which will allow first responders ability to reach back to the appropriate State or federal agency officials who can provide chemical specific data and response information concerning the chemicals involved in an emergency response and interpret that chemical data, if necessary.

3. **Prerequisites:** None.

4. **Responsibilities:** Coordinate with appropriate State representatives in Region 6 (AR, LA, NM, OK, and TX), DHS, OSHA, EPA and other participating entities to provide contact names and numbers for development of a simple contact reference card.

5. **Procedure:** The contact reference card will contain phone numbers for "subject matter experts" or organizations with access to chemical response information. For emergency response purposes it is recommended each State will utilize the 24 hour chemical spill line for support. Coordination for all emergencies should be routed through State level authorities and then the National Response Center.

6. **References:** Emergency Planning Community Right to Know Act of 1986 (EPCRA)
   National Incident Management Systems (NIMS)
   29 CFR 1910.120 – Hazardous waste operations and emergency response (HAZWOPER).

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Region 6 Executive Order 13650 – Chemical Safety And Security Workgroup

U.S. Department of Labor/OSHA • U.S. Department of Homeland Security • U.S. Environmental Protection Agency

FINAL – REVISED Standard Operating Procedure (7): EPCRA / LEPC Outreach

1. **Purpose**. This SOP develops new, and continues existing, practices to support LEPCs, including those who need assistance to continue or increase their activity.

2. **Scope**. The scope of this SOP is to provide information on best practices, new programs or regulations, and other valuable information which would be useful to LEPCs and local planning/response officials.

3. **Prerequisites**. None

4. **Responsibilities**. The Region 6 Executive Order (EO) 13650 Workgroup will coordinate with RRT 6 State agencies, to assist in the development of outreach information to LEPCs in each state.

5. **Procedure.** Working with our State partners, continue existing LEPC outreach activities, such as the bi-monthly LEPC Update, the Region 6 LEPC handbook, LEPC workshops, and the HOTZONE Conference. Work with our State partners to identify potential new outreach activities. Outreach should prioritize assistance to inactive LEPCs, or LEPCs looking to become more active. LEPC Online training (being developed by EPA HQ) and CAMEO training are two such activities.

   Additionally, the member agencies of the Regional Workgroup will coordinate with State partners to identify opportunities to participate in local- or State- led exercises. This will include exercises conducted by facilities involving local resources.

6. **References**. None

7. **Definitions**.

EPCRA requires each emergency planning district, as established by the State, have an active LEPC, which includes collecting and disseminating facility information, developing and maintaining an emergency response plan, and consider other activities to promote chemical safety and preparedness within their community.

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Region 6 Executive Order 13650 – Chemical Safety And Security Workgroup

U.S. Department of Labor/OSHA • U.S. Department of Homeland Security • U.S. Environmental Protection Agency

FINAL Standard Operating Procedure (8): Interagency Inspection and Enforcement Procedures

1. **Purpose.** To establish ongoing and continuous communication between inspecting agencies, the Interagency Workgroup (OSHA, EPA, DHS), regarding inspection plans and enforcement activities for the purpose of conducting more informed and comprehensive inspections; ultimately reducing the number and severity of chemical accidents region-wide. This standard operating procedure (SOP) intends to:

   a. identify procedures that delineates how workgroup inspection coordination and referrals will be achieved;
   b. delineate how interagency inspection information, data requests, and database access will be achieved among federal agency stakeholders;
   c. increase the knowledge base of the inspection staff of the interagency workgroup members and other federal agency subgroups, thereby increasing their ability to identify multi-disciplinary hazards;
   d. ensure the future sustainability of work products and efforts of the interagency workgroup.

2. **Scope.** This goal is to be achieved by discussions of agency inspection plans and histories, providing and exchanging facility information and by conducting interagency training for field inspection staff. Workgroup members acknowledge that increased interagency referrals will help ensure that the appropriate governmental agencies are notified of potential compliance matters, unsafe conditions, security matters, and other factors which may contribute to a catastrophic release of hazardous chemicals.

3. **Prerequisites.** General knowledge of work group practices and headquarters (HQ) information sharing capabilities and requirements.

4. **Responsibilities.** DHS, EPA and OSHA have the statutory responsibility to ensure the security, safety and health of the public and America's workforce through the timely and effective implementation of a number of federal laws and implementing regulations. In some areas, the responsibilities of the Agencies are separate and distinct; for others, they are complementary. DHS, EPA and OSHA will work together to maximize their efforts to ensure the efficient and effective protection of workers, the public, and the environment. Interagency workgroup members conduct routine regulatory facility inspections and take actions to correct violations.

   The Interagency workgroup members, as established by Executive Order 13650, include:

   - U.S. Environmental Protection Agency (EPA) Region 6
   - U.S. Department of Homeland Security (DHS) VI
   - U.S. DOL - Occupational Safety and Health Administration (OSHA) Region VI

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The Sub-workgroup is comprised of the following federal agencies that conduct routine regulatory facility inspections and take actions to correct violations:

- DHS - U.S. Coast Guard (USCG) (partial activity on subgroups)
- U.S. DOJ - Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)
- U.S. Food and Drug Administration
- U.S. Department of Agriculture
- U.S. DOT – Pipeline and Hazardous Material Safety Administration (PHMSA)

5. **Procedure**. Inspection Coordination: This goal is to be achieved by exchanging inspection targets at the beginning of each fiscal year so that workgroup members are aware of the targets for the coming year. Between, September 15- October 15 of each year OSHA/EPA/DHS will meet for the purpose of sharing inspection targets for the new fiscal year. Workgroup members will provide available facility information gathered during inspections as requested. Workgroup members will discuss inspection histories and provide pre-inspection information for targeted facilities as requested and authorized by respective HQ sharing protocols. Coordinated inspections will be performed on a case-by-case basis as deemed necessary.

   Each fiscal year, the group will review accident histories and trends to identify industrial sectors for focused inspections where the frequency or the potential for chemical accidents warrant a group effort or collaboration among agencies. This will include industrial sectors both regulated by either EPA's RMP or OSHA's PSM regulations, and those industrial sectors that may not be regulated by PSM or RMP.

   Routine Inspection Collaboration-Workgroup members are expected to continue coordinating their routine inspection efforts throughout the year. Coordination and inspection input from other agencies will improve the quality of facility inspections by allowing inspectors to more effectively focus on non-compliance matters.

   Workgroup members will share information gathered during inspections. Federal inspection agencies will make inspection staff available as necessary to discuss current and past inspections and will provide case files/inspection reports as requested; in coordination with their Regional Office.

   Inspection Referrals: When an inspection is conducted, the inspecting agency should consider which other agencies or offices might have regulatory and jurisdictional concerns regarding specific facility operations observed. Based on the inspecting agency's knowledge of the regulatory requirements of the other workgroup members, the inspecting agency may choose to discuss inspection details with agencies or offices that might have a vested interest.

   Each party may evaluate referrals from other workgroup members concerning potential violations of the agency requirements, and when appropriate and when resources allow, conduct investigations and inspections. Each workgroup member will determine at what level the authority for a referral will occur. A list of contacts for referrals will be developed and implemented. All referrals will be directed to the appropriate person indicated in the "Contacts List". Potential referrals may also be brought up during the quarterly meeting or during RRT meetings. A referral form will be developed for use and

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transmission. The members intend to report back to each other in a timely manner regarding the results of these referrals.

Information Sharing: Increased communication and collaboration between agencies is essential to the success of the interagency workgroup. Workgroup members have public access information regarding inspection information which can often be used for general information gathering.

However, member agencies also have limitations in sharing information. FOIA, security, and confidential business information concerns can affect the ability for agencies to share information. Sharing of sensitive information will be done in accordance with the policies and procedures of each participating workgroup member. For example, OSHA uses a "Sharing Letter" to transfer information from one federal agency to another. Also, a clear procedure needs to be established to identify key personnel that have access to the limited or confidential information.

A list of workgroup member, public access websites and useful links will be prepared and maintained. Interagency workgroup members will be provided the necessary permissions and passwords necessary to use the available protected or confidential databases. Information to be shared will include, but not limited to the following: EPA's Risk Management Program Data, EPA's Chemical Release Database, EPA and OSHA inspection/case files OSHA interpretation letters, and DHS covered facilities. The "One Page Summaries" and the available links will be included in the protocol.

The workgroup has stressed the value of verbal communication as a necessary tool to overcome certain information sharing limitations that would otherwise result in formal requests and time delays.

Training: EPA, OSHA and DHS are expected to cooperate in developing and conducting periodic training programs in the respective laws, regulations, and compliance requirements of each Agency, as appropriate. This will be achieved by conducting cross-training of federal agency personnel so that they become cognizant of potential hazards and violations relevant to other regulatory requirements.

Technical training will be provided to increase the knowledge base of the inspection staff of the interagency workgroup members and other federal agency subgroups. Training may include a review of the mission and jurisdiction of member enforcement agencies and an overview of the regulatory requirements and inspection procedures of the workgroup members. Training will also be provided to inspection staff to increase their knowledge related to process safety (e.g. mechanical integrity, process hazard analysis, relief systems, management of change, operating procedures) to control hazards related to fires and explosions at chemical facilities. Offers will be extended to other federal enforcement agencies to participate in this training when there is availability.

Training provided for PSM, RMP, and CFATs inspection staff will help ensure that valid and effective referrals are made when potential violations are found and to support joint enforcement and inspection initiatives when feasible.

There shall be exchanges of appropriate training materials and information and development of specialized training activities. DHS, OSHA and EPA intend to make each other aware of local training opportunities that could be useful for enhancing the effectiveness of the field staff. For example,

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knowledge based training on the API standards presented for OSHA will also be offered to EPA and DHS staff.

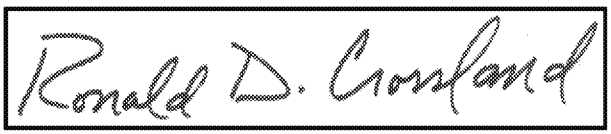
Sustainability: Quarterly meeting of the interagency workgroup members will be used to discuss information sharing, inspection coordination efforts, regulatory jurisdictional matters, and stationary facility concerns. Specific agency-to-agency coordination efforts and initiatives should be handled off-line between the partnering agencies. Updates to the Contact Person List and other workgroup products will also be addressed as necessary.

Phone calls will be conducted, as needed, when significant events occur such as explosions, fatalities, catastrophes, etc., to discuss coordination and response strategies.

6. **References.** Coordinated inspection lists, referral contact list, one page summary.

7. **Definitions.** None

Completed: June 24, 2015



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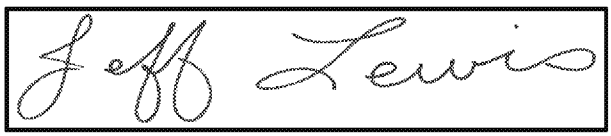

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