



Designation: E3241 – 20

Standard Guide for Coordination and Cooperation between Facilities, Local Emergency Planning Committees, and Emergency Responders¹

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1. Scope

1.1 This guide covers new and anticipated state and federal regulatory programs that create an obligation to “coordinate and cooperate” on emergency preparedness planning between regulated facilities, local emergency planning committees (“LEPCs”) and emergency responders. The goal of this increased coordination and cooperation is to develop better community preparedness for potential accidents involving hazardous chemicals and hazardous waste. Currently, existing regulations do not adequately describe the expectations for the “coordinate and cooperate” process, that apply to each party working on emergency preparedness. This guide is intended to assist facilities, LEPCs, emergency responders, and other stakeholders in performing the coordinate and cooperate function at a community preparedness level.

1.1.1 As the outcome of the “coordinate and cooperate” process is community driven, it would be extremely difficult to create these expectations in regulation. Without further guidance or standards, these obligations could easily be misconstrued or ignored. The absence of standards for “coordination and cooperation” potentially subjects facilities to enforcement for noncompliance and, more concerning, fails to inform LEPCs, emergency responders and community members generally so they can identify opportunities for better preparedness in their communities.

1.1.2 *Preparedness Planning versus Response*—Emergency response activities are a specialized field involving programs of training, hazard awareness and specific types of equipment. Coordination and cooperation on emergency preparedness planning is not about emergency response. Instead, it is a whole-of-community process of awareness and education. The broad objective is that all community members ultimately understand the actions they should take to protect themselves, their families and property. All community members are

stakeholders in the preparedness planning process and each community needs to think expansively when inviting participants to the process.

1.2 *This standard does not purport to address all of the safety concerns, if any, associated with its use. It is the responsibility of the user of this standard to establish appropriate safety, health, and environmental practices and determine the applicability of regulatory limitations prior to use.*

1.3 *This international standard was developed in accordance with internationally recognized principles on standardization established in the Decision on Principles for the Development of International Standards, Guides and Recommendations issued by the World Trade Organization Technical Barriers to Trade (TBT) Committee.*

2. Referenced Documents

2.1 *Code of Federal Regulations:*²

40 CFR Part 68 Chemical Accident Prevention Provisions (“Risk Management Program”)

40 CFR Part 68.93 Emergency response coordination activities

40 CFR Part 112 Oil Pollution Prevention (“SPCC” Program)

49 CFR 130 Oil Spill Prevention and Response Plans

49 CFR Part 194 - Response Plans for Onshore Oil Pipelines

40 CFR § 262.250 Applicability.

40 CFR § 262.265 Emergency procedures.

40 CFR Parts 350 – 372 Regulations under the Emergency Planning, Community Right-to-Know Act

42 U.S. Code § 6921 Identification and listing of hazardous waste

42 U.S. Code § 7412 Hazardous air pollutants

42 U.S. Code § 7601 (a)(1) Administration—Regulations; delegation of powers and duties; regional officers and employees

¹ This guide is under the jurisdiction of ASTM Committee E50 on Environmental Assessment, Risk Management and Corrective Action and is the direct responsibility of Subcommittee E50.05 on Environmental Risk Management.

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² Available from U.S. Government Printing Office, Superintendent of Documents, 732 N. Capitol St., NW, Washington, DC 20401-0001, <http://www.access.gpo.gov>.

42 U.S. Code § 7661f Small business stationary source technical and environmental compliance assistance program

2.2 *Federal Emergency Management Agency (FEMA)*:³

FEMA Comprehensive Preparedness Guide (CPG) 101

FEMA Comprehensive Preparedness Guide (CPG) 201: Threat and Hazard Identification and Risk Assessment (THIRA) and Stakeholder Preparedness Review (SPR) Guide

FEMA Continuity Guidance Circular (CGC)

FEMA National Response Framework, Fourth Edition

FEMA The National Incident Management System (NIMS)

2.3 *National Fire Protection Association (NFPA)* :⁴

NFPA 1600 Standard on Disaster/Emergency Management and Business Continuity Programs

2.4 *UN Environment Programme*:⁵

United Nations Environmental Program’s APELL Handbook : Awareness and Preparedness for Emergencies at the Local Level, 2015 ⁶

2.5 *Environmental Protection Agency (EPA)*:⁷

DHS/EPA Regional Resilience Toolkit⁸

Emergency Planning and Community Right-to-Know Act. 42 USC 11001 – 11050

NRT-1 : Hazardous Materials Planning Guide, National Response Team

Resource Conservation and Recovery Act EPA’s Analysis⁹

2.6 *America’s Water Infrastructure Act (AWIA)*:¹⁰

America’s Water Infrastructure Act (AWIA) Pub. L. 115-270, Oct. 23, 2018.

3.3 *Resource Conservation and Recovery Act*. 42 USC 6921 et seq. and specifically the regulations governing emergency preparedness by hazardous waste generators. 40 CFR 262.250 – 262.265.

NOTE 1—State or tribal hazardous waste regulations may require additional emergency preparedness plans and training for regulated entities.

3.3.1 Hazardous waste generators regulated under these provisions are required to “make arrangements” regarding emergency services, create a contingency plan and identify emergency coordinators.

3.4 *Risk Management Plans under the Clean Air Act*. 42 USC 7412(r), 7601(a)(1), 7661– 7661(f) and 40 CFR Part 68.

3.4.1 These regulations are new and it is anticipated that they will be changing further in 2019. Facilities regulated under these provisions are required to coordinate response actions and planning with local emergency planning and response agencies (see 40 CFR 68.93).

3.5 *PHMSA’s Comprehensive Oil Spill Response Plans for Rail Transportation*. 49 USC 5101 et seq. 49 CFR Part 130.

3.5.1 See 3.7 below. This program was revised in 2019. Railroads regulated under these provisions must create comprehensive oil spill response plans that identify steps that will be taken to coordinate with local responders until specialized resources arrive on scene.

3.6 EPA’s Spill Prevention, Control, and Countermeasure (SPCC) Planning requirements in 40 CFR Part 112.

3.6.1 Requires facility response plans to be prepared and submitted to EPA.

NOTE 2—Some states have statutes or regulations that require the facility to prepare response plans, similar to an SPCC Plan, which is subsequently submitted to state or local regulatory agencies for review and approval. While these plans may require, that in the event of a spill, nearby commercial interests and schools be notified, these and other stakeholders may not be adequately informed of the quantity and types of hazardous materials used or stored at the facility.

3.7 PHMSA’s Response Plans for Onshore Oil Pipelines and Spill response plans for Transportation of Oil and Hazardous Materials by Motor Vehicles (see 49 CFR Part 130 and 49 CFR Part 194).

3.7.1 49 CFR 130, Subpart C requires the preparation of comprehensive oil spill response plans for hazardous materials transported by rail. These plans must describe the means by which non-railroad response entities are contacted and how these entities should effectively integrate their response actions. Many states have adopted similar or identical programs for intrastate activities. The response plans for onshore oil pipelines (prepared in accordance with 49 CFR 194 et seq.) and state regulations, if applicable, should also fully discuss the roles and responsibilities of public and private-sector entities that may be called upon to respond to the worst-case scenario event.

3.8 *Community Water System Risk and Resilience*. 42 USC 300i-2.

3.8.1 This is a new statutory requirement under the America’s Water Infrastructure Act (AWIA). Community water systems serving more than 3300 people are required to develop

3. Applicable Regulatory Programs

3.1 This is not an exhaustive review of the regulatory programs but is intended only as a survey of the various programs containing coordination and cooperation in emergency planning among their compliance requirements.

3.2 Emergency Planning and Community Right-to-Know Act. 42 USC 11001 – 11050, and regulations at 40 CFR Parts 350 – 372.

3.2.1 Facilities regulated under this Act must designate a facility representative who will participate in the local emergency planning process as a facility emergency response coordinator, notify the LEPC about the chemicals they store and otherwise provide information relevant to emergency planning.

³ Available from Federal Emergency Management Agency (FEMA), 500 C St., SW, Washington, DC 20472, <http://www.fema.gov>.

⁴ Available from National Fire Protection Association (NFPA), 1 Batterymarch Park, Quincy, MA 02169-7471, <http://www.nfpa.org>.

⁵ Available from United Nations Environment Programme Economy Division Resources and Markets Branch 1 rue Miollis 75015 Paris, France

⁶ <https://wedocs.unep.org/handle/20.500.11822/8051>

⁷ Available from United States Environmental Protection Agency (EPA), William Jefferson Clinton Bldg., 1200 Pennsylvania Ave., NW, Washington, DC 20460, <http://www.epa.gov>.

⁸ https://www.epa.gov/sites/production/files/2019-7/documents/regional_resilience_toolkit.pdf

⁹ <https://www.epa.gov/rcra/resource-conservation-and-recovery-act-rcra-overview>

¹⁰ <https://www.congress.gov/115/bills/s3021/BILLS-115s3021enr.pdf>