



Liability & Property Pool Workers' Compensation Fund

RISK CONTROL SOLUTIONS

A Service of the Michigan Municipal League Liability and Property Pool and
the Michigan Municipal League Workers' Compensation Fund

EMERGENCY PLANNING REQUIREMENTS FOR FIRE DEPARTMENTS

Overview

In Michigan, fire departments must meet three requirements for emergency planning. They are:

- 1) Firefighter Right-To-Know;
- 2) Hazardous Waste Operations and Emergency Response (HAZWOPER); and
- 3) Superfund Amendments and Reauthorization Act (SARA) Title III.

Firefighter Right-To-Know

The Michigan Occupational Safety and Health Act (Section 14I of Public Act 154, amended in 1994) promulgates specific requirements to assure **firefighter safety**. Under the Act, the Chief of an organized fire department must:

- Prepare a plan for executing the department's responsibilities regarding each site within its jurisdiction that produces or uses hazardous chemicals, regardless of the quantity of chemicals.
- Communicate the plan to each firefighter.

The Department of Labor and Public Health, Consumer and Industry Services, and the Department of Public Health, Division of Occupational Health have joint responsibility for administering and enforcing this provision.

The Michigan Fire Prevention Code (Act 207, Section 5p) requires that any firm handling hazardous chemicals provide the following information upon request of the Fire Chief:

- A list of the hazardous chemicals on site and a material safety data sheet (MSDS) for each chemical on the list.
- A description of the quantity and location of any hazardous chemical specified by the Fire Chief after a review of the list.

MIOSHA may cite you if chemical inventories from businesses within your jurisdiction are missing or incomplete. Note that the Fire Department is responsible for sending notices of non-compliance if a business within their jurisdiction does not respond to the first request for information.

MIOSHA's Hazardous Waste Operations and Emergency Response (HAZWOPER)

Both the federal and state governments have promulgated rules to assure the safety of firefighters and other emergency responders.

The Superfund Amendments and Reauthorization Act (SARA Title I) requires OSHA to promulgate rules governing employer emergency planning and training for hazardous material responders. Federal OSHA final rule 29 CFR 1910.120 was promulgated in March 1990. The MIOSHA regulations, which became effective October 31, 1991, mirror the federal rule. The Department of Public Health, Department of Consumer & Industry Services, handles enforcement.

Part of this rule requires employers to train all employees who may meet with or respond to a hazardous material incident. The Act requires specific levels of training depending upon the responder's anticipated level of

involvement in an incident. This would include specifying what types of personal protective equipment (PPE) would be required.

SARA Title III

Federal legislation, specifically SARA Title III, requires that a state commission establish Local Emergency Planning Committees (LEPCs). The LEPC must:

- Have members from a number of community organizations, including the fire service; and
- Develop site-specific emergency response plans for those sites within their jurisdiction that have one or more “extremely hazardous substances” above a given threshold quantity. These plans are population protection oriented.

To assist the LEPC, the law requires the site owner to cooperate in the development of these plans by:

- Appointing a facility emergency coordinator, and
- Providing any information the LEPC deems necessary to fulfill its planning responsibilities.

In Michigan, the Department of Natural Resources manages the reporting requirements and the appointment of LEPC members. The Emergency Management Division of the State Police manages the planning elements of the law.

IMPLEMENTATION

Fire Chiefs must take specific steps to implement the requirements of Firefighter Right-to-Know, HAZWOPER (SARA, Title I) and the Superfund Amendments and Reauthorization Act (SARA, Title III). Coordinating the various activities required by compliance with Firefighter Right-to-Know, SARA, Title I and SARA, Title III can be challenging. Fortunately, there are many resources available to fire departments.

RESOURCES:

For information on Firefighter Right-to-Know, contact the Michigan Department of Consumer & Industry Services, General Industry Safety Division (517/322-1831) or Occupational Health Division (517/335-8250).

Contact your local LEPC to obtain a copy of the HAZ/MAT Response Planning Workbook (Department of State Police, Emergency Management Division, Publication 301, dated 1991 or later).

Call the Occupational Health Division at 517/335-8250 to obtain information on HAZWOPER.

Information on SARA, Title III is available from either the Department of Natural Resources, Environmental Response Division at 517/373-8481 or the Department of State Police, Emergency Management Division at 517/334-5107

For more information on firefighter training requirements, refer to MIOSHA Safety Standard Part 74 (Fire Fighting) and MIOSHA Hazardous Waste Operations and Emergency Response Standard. The Michigan Hazardous Materials Training Center at the Emergency Management Division of the Michigan State Police offers a variety of courses to meet the needs of departments as they work to comply with the various emergency response requirements. Call 517/322-1942 for general information and to obtain a catalog of courses.

Note: This document is not intended to be legal advice. It does not identify all the issues surrounding the particular topic. Public agencies are encouraged to review their procedures with an expert or a competent attorney who is knowledgeable about the topic.



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EMERGENCY PLANNING REQUIREMENTS FOR FIRE DEPARTMENTS A CHECKLIST

RIGHT-TO-KNOW

Fire Chief

1. Surveys all sites within the jurisdiction that may produce or use hazardous chemicals. The survey should provide information about the types and quantities of chemicals at the site.
2. Refers a site that fails to cooperate with the survey, even after repeated requests, to the Department of Labor, MIOSHA.
3. Retains copy of each completed survey. Creates a file for sites with few or no chemicals as well as a file for "no responses."
4. Monitors files to assure that surveys are no more than five years old. While the Act requires sites to submit updated information as conditions change at their sites, the Chief is responsible for assuring that information on file is current.
5. Identifies new or changed sites as they occur with the assistance of the building inspector, zoning authority, tax rolls, etc., and distributes surveys to them for completion.
6. Separates surveys as sites return them by those that produce or use hazardous chemicals and those that do not.
7. Further separates the surveys for chemical users or producers into two groups:
 1. Those that will require a site specific plan because they use or produce chemicals at or above the specified quantities. These sites require the Chief's attention first.
 2. Those that use or produce chemicals below the specified quantities.

SITE PLANS FOR USERS OR PRODUCERS OF LARGE QUANTITIES OF HAZARDOUS CHEMICALS

8. Obtains more information about each site identified in the survey process to address the requirements for site-specific plans. The six requirements of site-specific plans are:
 - An emergency call list.
 - A site map. Larger sites may require maps for specific sections in addition to the general site map.
 - A list of the chemicals on-site and their quantities.
 - A response data information sheet listing specific information about each chemical.
 - Specific response procedures for the site.
 - A description of the training necessary to respond to an incident at the site.
9. Develops the plan for each site. Where site plans are the responsibility of the LEPC and the Fire Department, the Chief should work with the Commission to avoid duplication of effort.

10. Informs firefighters of the existence of the Firefighter Right-to-Know plans and their location. This should be done on a regular, periodic basis with current firefighters and as soon as possible with all new firefighters. Plan should be available to firefighters upon request.
11. Provides training for all potentially affected firefighters in the procedures developed for responding to specific sites. The Chief should prepare the procedures in cooperation with site personnel. The procedures should be commensurate with the training firefighters have accomplished.

SITE PLANS FOR USERS OR PRODUCERS OF LESSER QUANTITIES OF HAZARDOUS CHEMICALS

The Fire Chief can combine those sites that use or produce hazardous chemicals below the specified quantities into a general plan. Firefighter Right-To-Know requires the Chief to:

1. Maintain a current copy of all survey forms in a systematic manner.
2. Inform firefighters of the existence of these forms and their location. Make them available upon request.
3. Train firefighters for initial operational response, informing them of procedures found in the DOT Emergency Response Guidebook or in other response plans the community has developed.

NOTE: If the department calls in a material response team through mutual aid, the host fire district must provide site information to the team while it is on its way or or upon arrival at the scene.

MIOSHA HAZWOPER

The department must develop an emergency response plan. The plan must include the following:

- Planning and coordination with outside parties.
- Delineation of personnel roles, lines of authority, and communication.
- Emergency recognition and prevention.
- Safe distances and a place of refuge.
- Site security and control.
- Evacuation routes and procedures.
- Decontamination procedures.
- Emergency medical treatment and first aid.
- Emergency alerting and response procedures.
- Critique of response and follow-up.
- Personal protection equipment and emergency equipment.

SARA TITLE III

Local Emergency Planning Committees have responsibility to develop site specific emergency response plans for those sites with their jurisdiction that have one or more “extremely hazardous” substances above a given threshold. The committees must include representation by the local fire service.

The Fire Chief of the department in whose jurisdiction the site is located must participate with the LEPC in developing site-specific operating procedures. This requirement overlaps with requirements of MIOSHA’s Firefighter Right-to-Know. However, the orientation of the LEPC plan and procedures is protection of the community. The plan must have the following components:

- Identification of facilities subject to the emergency planning requirements and identification of transportation routes likely to be used in transporting hazardous substances.
- Methods and procedures that facility owners and first responders must follow.
- Designation of a facility emergency coordinator and a community emergency coordinator.
- Procedures that the facility and community emergency coordinators will use to notify emergency personnel and the public of an incident.
- Methods for determining the occurrence of a release and the area likely to be affected.

- A description of emergency equipment and facilities in the community as well as at the facility.
- Evacuation plans.
- Training programs.
- Methods and schedules for exercising the plan.

Obviously there are substantial mandatory requirements in emergency planning. The Fire Chief should also try, to the best of their ability, to insure that the planned response is practical and will work under field conditions i.e., a common sense response to the release that protects their employees as well as the public.

Conclusions



If your department's plan addresses all three requirements for emergency planning and your organization follows most or all of the suggested practices, then your organization has reduced its exposure to future claims. You should congratulate yourself.



If a review of your department's current plan reveals omissions or weaknesses, your organization may have an exposure to claims. Missing components within one or more of the three emergency planning requirements may also indicate a deficiency in your current program. You should take one or more of the following actions:

- Correct any deficiency that may exist;
- Contact the Michigan Department of Consumer & Industry Services, General Industry Safety Division (517/322-1831) or Occupational Health Division (517/335-8250);
- Contact your local LEPC to obtain a copy of the HAZ/MAT Response Planning Workbook (Department of State Police, Emergency Management Division, Publication 301, dated 1991 or later);
- Call the Occupational Health Division at 517/335-8250 to obtain information on HAZWOPER;
- Contact the Department of Natural Resources, Environmental Response Division at 517/373-8481 or the department of State Police, Emergency Management Division at 517/334-5107 to obtain information on SARA, Title III;
- Contact the Michigan Hazardous Materials Training Center at the Emergency Management Division of the Michigan State Police for information about training courses. Call 517/322-1942 for general information and to obtain a catalog of courses;



Important Telephone Numbers

MML Risk Management Services	734/662-3246 or 800/653-2483
Loss Control Services	800/482-2726

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