

## **FIRE DEPARTMENT HAZARDOUS MATERIALS EMERGENCY PLANNING REQUIREMENTS**

### **INTRODUCTION**

Fire departments in Michigan have important responsibilities related to emergency planning for hazardous materials incidents.

Three primary emergency planning requirements apply to all Michigan fire departments:

- Firefighter Right-to-Know
- Hazardous Waste Operations and Emergency Response (HAZWOPER)
- Emergency Planning and Community Right-to-Know Act (EPCRA/SARA Title III)

Although these requirements have different regulatory origins and objectives, they share a common goal: ensuring that emergency responders have the information, training, and planning necessary to safely and effectively manage hazardous materials incidents.

### **FIREFIGHTER RIGHT-TO-KNOW**

Section 14i of the Michigan Occupational Safety and Health Act (MIOSHA) requires the Fire Chief of a fire department to develop and communicate plans addressing the department's responsibilities for facilities within its jurisdiction where hazardous chemicals are used, stored, manufactured, or produced. This requirement applies regardless of the quantity of hazardous chemicals present.

Upon request from the Fire Chief, facilities that handle hazardous chemicals must provide:

- A list of hazardous chemicals present at the facility;
- A Safety Data Sheet (SDS) for each hazardous chemical;
- Information regarding the quantity and location of hazardous chemicals identified by the Fire Chief as necessary for emergency planning purposes.

To comply with Firefighter Right-to-Know requirements, Fire Chiefs should:

- Identify facilities that use, store, manufacture, or process hazardous chemicals;
- Establish and maintain current records for those facilities;
- Regularly update facility information and records;
- Issue notices of noncompliance when facilities fail to provide requested information;
- Identify new facilities and changes in occupancy through coordination with building officials, zoning authorities, tax records, and other local resources;
- Distribute facility surveys and ensure completed surveys are maintained;
- Develop pre-incident plans for facilities presenting significant hazards;

- Ensure firefighters are aware of pre-incident plans and understand how to access them;
- Coordinate planning activities with the Local Emergency Planning Committee (LEPC) and other response partners.

MIOSHA may cite a fire department if required information about hazardous chemicals within its jurisdiction is missing or incomplete.

## **HAZARDOUS WASTE OPERATIONS AND EMERGENCY RESPONSE (HAZWOPER)**

Federal OSHA Regulation 29 CFR 1910.120 and corresponding MIOSHA standards establish training, planning, and operational requirements for personnel who may respond to hazardous materials emergencies.

Fire departments should:

- Determine and assign one of five competence and training levels based on each worker's anticipated response role during a hazardous material emergency, to include Awareness, Operations, Technician, Specialist, and Incident Commander;
- Train personnel to the anticipated response level appropriate for their assigned responsibilities;
- Maintain documentation of all required initial and refresher training;
- Develop and maintain a written Emergency Response Plan.

A written Emergency Response Plan should include:

- Coordination and planning with outside agencies and organizations;
- Defined personnel roles, responsibilities, lines of authority, and communication procedures;
- Incident command structure and operational management procedures;
- Emergency notification, alerting, and response procedures;
- Site security and scene control measures;
- Safe operating distances and designated places of refuge;
- Evacuation routes and evacuation procedures;
- Decontamination procedures;
- Emergency medical treatment and responder rehabilitation procedures;
- Emergency communications procedures;
- Personal protective equipment requirements and inspection programs;
- Post-incident critique and review processes;
- Documentation of initial and refresher training.

## **EPCRA/SARA TITLE III**

The Emergency Planning and Community Right-to-Know Act (EPCRA), commonly known as SARA Title III, establishes emergency planning and hazardous chemical reporting requirements for facilities, government agencies, and emergency response organizations.

LEPCs are responsible for developing site-specific emergency response plans for facilities that possess one or more Extremely Hazardous Substances above applicable planning thresholds.

The Fire Chief with jurisdiction over the facility should participate in the development of site-specific emergency procedures. While these requirements overlap with MIOSHA Firefighter Right-to-Know obligations, the primary focus of EPCRA planning is protection of the community.

Emergency response plans should address:

- Identification of facilities subject to emergency planning requirements;
- Identification of transportation routes commonly used for hazardous materials shipments;
- Procedures to be followed by facility personnel and emergency responders;
- Designation of both facility and community emergency coordinators;
- Emergency notification procedures for responders and the public;
- Methods for identifying hazardous materials releases and determining affected areas;
- Available emergency equipment and response resources within the community and at the facility;
- Evacuation planning;
- Training programs;
- Methods and schedules for exercising and validating the plan;
- Facilities that use, store, manufacture, or produce significant quantities of hazardous chemicals may require detailed site-specific pre-incident plans.

Facilities subject to emergency planning requirements must:

- Designate a Facility Emergency Coordinator;
- Cooperate in local emergency planning efforts;
- Provide information required for emergency planning activities;
- Submit hazardous chemical inventory information through Michigan's Tier II reporting system.

Emergency plans should not merely satisfy regulatory requirements but also provide practical, realistic guidance that can be implemented under actual field conditions.

In Michigan, EPCRA/SARA Title III reporting requirements are administered by the Department of Environment, Great Lakes, and Energy (EGLE).

Emergency planning and LEPC oversight are coordinated through the Michigan State Police Emergency Management and Homeland Security Division (EMHSD). LEPC members are generally appointed through local processes rather than by the State of Michigan.

Facilities that maintain hazardous chemicals below specified reporting thresholds may be incorporated into a general emergency response plan rather than requiring individual site-specific plans.

## **IMPLEMENTATION RECOMMENDATIONS**

Fire Chiefs should take proactive steps to ensure compliance with Firefighter Right-to-Know, HAZWOPER, and EPCRA/SARA Title III requirements.

Recommended activities include:

- Conducting facility surveys.
- Maintaining current pre-incident plans.
- Participating actively in LEPC activities.
- Reviewing Tier II hazardous chemical reports.
- Coordinating planning efforts with emergency management personnel.
- Conducting regular training and exercises.
- Reviewing plans annually and whenever significant facility changes occur.
- Coordinating these activities can be challenging; however, numerous resources are available to assist fire departments in meeting regulatory requirements and developing effective emergency response capabilities.

Additional guidance and assistance are available from:

- Michigan Occupational Safety and Health Administration (MIOSHA)
- Michigan Department of Environment, Great Lakes, and Energy (EGLE)
- Michigan State Police Emergency Management and Homeland Security Division (EMHSD) and related hazardous materials training programs.
- Local Emergency Planning Committees (LEPCs)

An effective emergency planning program addresses Firefighter Right-to-Know, HAZWOPER, and EPCRA/SARA Title III requirements through accurate facility information, responder training, coordinated planning, and current pre-incident plans. Regular review and continuous improvement help protect firefighters, improve community preparedness, and reduce organizational risk.

***Contact MML Risk Management Services Staff  
or your Loss Control Consultant for more information.***

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|  <b>Important Phone Numbers</b> |              |
| MML Risk Management Services                                                                                       | 800.653.2483 |
| Loss Control Services                                                                                              | 800.752.7477 |

***Note:***

***This document is not intended to be legal advice.  
It only identifies some of the issues surrounding this topic.  
Public agencies are encouraged to review their procedures with an expert  
or a competent attorney who is knowledgeable about the subject.***