

CLIENT ALERT

EO 13650 Working Group Urges Coordination With Local Emergency Responders

March 7, 2014

On March 5, 2014, the multiagency working group tasked with improving chemical facility safety and security issued a progress update focusing on local emergency response and urging greater coordination among stakeholders, including between the regulated community and first responders. Significantly, the Group seeks to "[e]xpand engagement of the chemical regulated community in the local emergency planning process." President Obama created the Chemical Facility Safety and Security Working Group in Executive Order 13650, issued in the wake of the April 2013 ammonium-nitrate explosion in West, Texas. The Working Group includes, among others, the Occupational Safety and Health Administration, the Department of Homeland Security, the Environmental Protection Agency, and the Department of Justice.

The Working Group issued its first progress report last December, focusing on how to improve coordination among governmental agencies at the local, tribal, state, and federal levels. The March 5 progress report follows the Working Group's January 3 request for stakeholder input. Interested stakeholders may submit comments until March 31, 2014, through the Group's online docket or by email to eo.chemical@hq.dhs.gov. (Please note that the January request for stakeholder input is different from OSHA's December "request for information" on suggested revisions to its Process Safety Management (PSM) standard. The comment period for that RFI closes on Monday, March 10, 2014.)

After considering stakeholder input, the Working Group has developed a series of "actions to improve stakeholder coordination." These actions are organized into six categories:

- Expand engagement of the chemical regulated community in the local emergency planning process.
- Improve training and protection for first responders, including a comprehensive implementation and compliance strategy for Hazardous Waste Operations and Emergency Response regulations.
- Provide further technical assistance to State Emergency Response Commissions (SERCs), Tribal Emergency Response Commissions (TERCs), Local Emergency Planning Committees (LEPCs), and Tribal Emergency Planning Committees (TEPCs) preparedness activities.
- Identify and coordinate funding sources for LEPCs and TEPCs to sustain planning activities.
- Increase use of electronic reporting and data management.
- Improve public participation in LEPCs' and TEPCs' emergency response planning and access to information about chemical facility risks.

The regulated community should take particular note of the first category, which includes actions to expand the community's engagement in local emergency planning. By the end of 2014, the Working Group seeks to expand engagement through the following actions:

- Verify that facilities regulated under DHS's Chemical Facility Antiterrorism Standards (CFATS) have developed emergency plans and coordinated with first responders in accordance with CFATS requirements.

- Disseminate information explaining industry members' responsibilities regarding emergency response planning and facility safety and security.
- Assess whether to revive the Federal Integrated Contingency Plan, which would allow "One Plan" facility reporting to decrease duplication and streamline information collection.
- Develop guidance for LEPCs and TEPCs to engage facilities in the emergency planning process and also to explain their authority to conduct onsite inspections.
- Identify opportunities to schedule chemical response exercises with regulated facilities and local responders.

The Working Group also set action items to be completed after 2014. These include determining whether to require facilities to coordinate with local responders through changes to OSHA's PSM Standard and Emergency Action Plan Standard, including LEPCs in federal safety inspections, and developing protocols for sharing facility inspection information and results with LEPCs and TEPCs.

The remaining five categories focus on helping local responders by providing information, training, funding, and technical assistance. The regulated community should be aware that the Working Group has developed several action items touching on local responders' access to information about chemicals held onsite, particularly up-to-date quantities and locations. One action item contemplates sharing with first responders "chemical facility security information that is not sensitive but is essential for response planning."

Entities involved in chemical production, chemical storage, or agricultural supply activities should stay current on the Working Group's progress by consulting its [website](#).

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