



Department of Energy, Labor and Economic Growth
Bureau of Fire Services

Fire Marshal Bulletin – 9

Fire Department Hazardous Material Emergency Planning Responsibilities

This document replaces, expands, and provides in one document a summary of the three requirements regarding emergency planning for a hazardous material incident. This bulletin was jointly developed by the Department of State Police, and former Departments of Labor and Public Health in 1987 and was revised in 1994 as a result of an Attorney General Opinion.

The three emergency planning requirements that fire departments and/or the communities they serve must meet are: 1) Firefighter Right-to-Know, 2) Hazardous Waste Operations and Emergency Response (HAZWOPER), and 3) Superfund Amendments and Reauthorization Act (SARA) Title III.

Each of these requirements is explained in detail below.

A. Firefighter Right-to-Know

Background:

Section 14i of Act 154, as amended, the Michigan Occupational Safety and Health Act requires that the chief of an organized fire department prepare and disseminate to each firefighter a plan for executing the department's responsibilities with respect to each site within their jurisdiction where hazardous chemicals are used or produced. There are no exemptions based on the quantity of chemical at the site. The purpose of this act is to ensure firefighter safety.

The administration and enforcement of this provision is under the jurisdiction of the Department of Energy, Labor & Economic Growth (DELEG), Michigan Occupational Safety and Health Administration (MIOSHA), General Industry Safety Division (GISHD), (517) 322-1831.

Section 5p of the Michigan Fire Prevention Code (Act 207, as amended) requires that a 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.

Steps for Implementation:

1. As a first step, the fire chief surveys all sites within the fire jurisdiction which may have hazardous chemicals on site. The purpose of the survey is to gather information on the chemicals at each site and to determine whether the site uses or produces hazardous chemicals. The survey is used as a tool for gathering the information the chief is authorized to obtain under Act 207 as described above. A suggested letter which the chief may send to each site, along with the survey form, is included as Attachment A. The survey form is included as Attachment B. Site location information, mailing addresses, etc., may be obtained from tax rolls, building inspectors, etc.
2. The survey form lists the chemical types and specifies quantities for each. Even though a plan is required at a site which uses or produces hazardous chemicals, regardless of quantity, the quantities at a site will determine if a site-specific plan must be developed or if the site can be addressed in a general plan. This is explained in further detail below.
3. The fire chief must make every effort to obtain completed surveys from each site. If a site refuses to cooperate, the chief should follow up with a second letter of request. A sample follow up letter is included as Attachment C.
4. If the site continues to be uncooperative, the chief may refer the case to the Department of Labor & Economic Growth, MIOSHA. The referral form to be used by the fire chief is included as Attachment D. MIOSHA may cite the location for failure to be in compliance with the MIOSHA Hazard Communication Standard.
5. The fire chief should keep a copy of each completed survey, even those returned showing that few or no hazardous chemicals are present at the site. In addition, the chief must keep a file of "no responses" and a file of the follow up correspondence written in an attempt to obtain a response.
6. The fire chief should have surveys on file that are not older than five years. Sites are requested to update their survey form as conditions change on the site. However, if no update has been submitted within the last five years, the chief must solicit an updated survey. Current information must be kept on file to fulfill the requirements of the law.
7. In addition, the fire chief must survey new or changed sites (change of ownership, expanded, conducting new business, etc.) as they occur. Information on new sites and additions to sites may be obtained with the assistance of the building inspector, zoning authority, tax rolls, etc.
8. When the surveys are returned, the fire chief must first separate those sites which use or produce hazardous chemicals from all others. These are the sites for which a plan (either site-specific or general) is required.
9. The chief must further separate the user and producer sites according to hazardous chemical quantity. For those sites which use or produce hazardous

chemicals at or above the specified quantities, the fire chief must develop a site-specific plan. See #10 below. Other sites with hazardous chemicals under the specified quantities can be addressed by a general plan. See #11 below.

10. For those sites which use or produce hazardous chemicals at or above the specified quantities, the fire chief must develop a site-specific plan. This should be the chief's planning priority. To comply with the Firefighter Right-to-Know requirements:

- a. Develop a site-specific plan for each site. See Attachment E for the list of planning elements which should be included in this plan.
- b. Obtain more detailed information about each site as necessary to address the elements in Attachment E. (The survey form is used to determine the sites for which site-specific plans are necessary. Now additional information needs to be obtained for planning purposes.) The chief may request additional information under the authority of Act 207 as described above in the introduction. The chief may also use the information which is provided through the Superfund Amendments and Reauthorization Act (SARA) Title III reporting requirements. (See Section C below, starting on page 5.)
- c. The Department of State Police, Emergency Management and Homeland Security Division publication 308, Guidance for Community Hazmat Response Plans, contains worksheets which may be used in developing site-specific plans. Refer to Attachment F for a matrix of the planning elements cross referenced to pages in the workbook. Copies of this workbook are available through Local Emergency Planning Committees (LEPCs) or the Michigan State Police, Emergency Management and Homeland Security Division. (See Section C starting on page 5.)
- d. The fire chief should work with the Local Emergency Planning Committees (LEPCs) which exist within each county and in many larger municipalities. The LEPC must develop hazardous material emergency response plans for certain sites. The fire chief and the LEPC should cooperate in the development of these plans. Appropriate portions of these plans as listed in Attachment F will satisfy the Firefighter Right-to-Know requirements. (See Section C starting on page 5 for more information on LEPC requirements.)
- e. Inform all firefighters of the existence of the Firefighter Right-To Know plans and their location. Make them available upon request.
- f. Train all potentially affected firefighters in the procedures developed for responding to the specific site. These procedures should have been developed in conjunction with site personnel and commensurate with the level of training accomplished by firefighters. In addition, the fire chief should be aware that there are other firefighter training requirements in MIOSHA Safety Standards Parts 73 and 74 (Firefighting) and MIOSHA Hazardous Waste Operations and Emergency Response Standard (HAZWOPER).

11. The fire chief can incorporate those sites which use or produce hazardous chemicals below the specified quantities into a general plan. To comply with the Firefighter Right-to-Know requirements:
 - a. Maintain a current copy of all survey forms in a systematic manner.
 - b. Inform firefighters of the existence of these forms and their location. Make them available upon request.
 - c. Train firefighters for initial operational response, informing them of procedures found in the DOT Emergency Response Guidebook or other response plan the community has developed. In addition, the fire chief should be aware that there are other firefighter training requirements in MIOSHA Safety Standard Parts 73 and 74 (Firefighting) and MIOSHA Hazardous Waste Operations and Emergency Response Standard (HAZWOPER).
12. If a hazardous material response team is called in through a mutual aid agreement, the host fire district is obligated to provide site information to the team while en route or upon arrival at the scene. Plans do not need to be distributed to mutual aid agencies prior to response.
13. Through these steps the fire chief has developed a plan (either general or site-specific) for those sites which use or produce hazardous chemicals as required by law. The other survey forms which show that the site is neither a user nor a producer must be retained as evidence of response. They may also be used for other local planning needs as the chief sees fit.
14. The preceding steps show how to comply with the Michigan Firefighter Right-to-Know law. (See Attachment G for a flow chart of this process.) It is not mandatory that these steps be followed. The fire chief may choose another method to comply. However, all of the elements discussed above must be included in Firefighter Right-to-Know plans.

B. MIOSHA Hazardous Waste Operations And Emergency Response (HAZWOPER)

Background:

Since the enactment of the Firefighters Right-to-Know legislation which was described above, the state and federal governments have also promulgated rules to ensure firefighter and other emergency responder safety. The Superfund Amendments and Reauthorization Act (SARA) Title I requires the Occupational Safety and Health Administration (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. Since Michigan is a state plan state, MIOSHA must also promulgate rules which are at least as strict as the federal rule. These Michigan regulations became effective October 31, 1991. They mirror the federal rule. The enforcement of this requirement is handled by DELEG, MIOSHA, GISHD (517) 322-1831. Part of this rule requires employers to train all employees who may encounter or respond to a hazardous material incident. Certain levels of training are required depending upon the anticipated level of involvement. A uniform training curriculum has been developed and is being offered statewide. Information on

these training requirements is not within the scope of this Bulletin. Contact the DELEG, MIOSHA, GISHD for more information on this topic.

The following is a summary of the planning requirements.

Steps for Implementation:

1. The rules state that any employer who may involve its personnel in a hazardous material incident must develop an emergency response plan.
2. See Attachment E for the list of planning elements which must be included in the MIOSHA plan.
3. The plan required under the MIOSHA rules and the plan required under Firefighter Right-to-Know requirements described above in Section A are both to ensure emergency responder safety. Therefore, one plan for each site can be developed to satisfy both requirements, assuming the required planning elements are included.
4. Some elements that are required in MIOSHA plans are generic and do not need to be included in site-specific plans. These general planning elements should be included in the department's internal standard operating procedures. Internal procedures should include detailed incident command system information, information on decontamination, use of personal protective gear, etc.
5. Site-specific plans and procedures must be available to firefighters through CAMEO or some other computer or microfiche system or they must be available in a hard copy file at the workstation.
6. The Michigan State Police, Emergency Management and Homeland Security Division's Planning Guidance described above in Section A may be used in developing site-specific plans. Refer to Attachment F for a matrix of the planning items cross referenced to pages in the workbook.

C. Superfund Amendments and Reauthorization Act (SARA) Title III

Background:

SARA Title III federal legislation mandates that Local Emergency Planning Committees (LEPCs) be established by a state commission. The LEPC must be made up of a number of community organizations, including the fire service. These LEPCs are required to develop site-specific emergency response plans for those sites within their jurisdiction which have one or more "extremely hazardous substance" above a given threshold quantity. These plans are population protection oriented. The law states that the site owner must cooperate in the development of the plans by appointing a facility emergency coordinator and providing any information the LEPC deems is necessary in order to fulfill its planning responsibilities. Another part of the law requires the reporting of chemical inventories and the submission of MSDSs to fire departments and LEPCs. Emergency release notification requirements are also part of the law as well as community right-to-know provisions.

In Michigan, the Department of Environmental Quality (DEQ) manages the reporting and notification requirements of SARA Title III. The Department of State Police, Emergency Management and Homeland Security Division, manages the planning elements of the law and chairs the State Emergency Response Commission (SERC), otherwise known as the Michigan Citizens Community Emergency Response Coordinating Council (MCCERCC). The MCCERCC appoints LEPC members who are recommended by their local jurisdiction. For more information on SARA Title III contact the Department of Environmental Quality, Michigan SARA Title III Program at (517) 373-8481 or the Department of State Police, Emergency Management and Homeland Security Division at (517) 333-2749.

Steps for Implementation:

1. The fire chief of the department which has jurisdiction over the site should participate with the LEPC in the development of these site-specific standard operating procedures.
2. See Attachment E for the list of planning elements which must be included in the LEPC plan.
3. By completing these procedures and distributing appropriate portions to firefighters the chief's firefighter safety requirements as described under Sections A and B above are partially satisfied. (Internal procedures and training must still be completed to fully satisfy firefighter safety requirements.)
4. The Michigan State Police, Emergency Management and Homeland Security Division's guidance, described above was developed to assist LEPCs in developing these site-specific plans. These workbooks have been distributed to LEPCs. See Attachment F for a matrix of planning items cross referenced to pages in the workbook.
5. The site-specific plans should be considered part of the all-hazard Emergency Operations Plan developed for each jurisdiction. The Emergency Operations Plan should reflect the overall policy the jurisdiction will follow in responding to an incident. All other plans and procedures should be consistent with the Emergency Operations Plan. The Emergency Management Coordinator for each jurisdiction maintains this plan.
6. The Emergency Management Coordinator appointed for each jurisdiction is also part of the LEPC and is responsible for assisting in the development of the off-site response plans.

Conclusion:

There are three emergency planning requirements: Firefighter Right-to-Know, MIOSHA rules, and SARA Title III. Each of these has been explained in the sections above. Each requires that specific items be included in plans. However, many of the required planning elements are similar or duplicated. Attachment E provides a specific listing of planning elements required under each law for informational purposes. Attachment F is a summary of the required items cross referenced to a page in the workbook on how to satisfy that item.

The fire chief can meet these requirements by developing the following documents and ensuring the required planning elements are incorporated:

1. Site-specific firefighter safety plans for all sites within the fire district which use or produce hazardous chemicals at or above the quantity specified on the survey form.
2. Good internal standard operating procedures for the department.
3. Participate with the Local Emergency Planning Committee (LEPC) in the development and completion of site-specific procedures for Title III sites.
4. Ensure that all plans are consistent with the overall policy for responding to a hazardous material incident as described in the jurisdiction's Emergency Operations Plan.
5. Retain on file a copy of the survey form for all other sites.

For additional information or questions contact the Bureau of Fire Services
(517)-241-8847

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