



Effective Emergency Response Planning & the Consequences of an Incident

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This paper will look at the various aspects of effectively determining types of potential incidents that need to be addressed and how to plan, train and equip for such events.

It will address the potential consequences of an incident, the impact of continuing operations, the effect on customer relationships, the response from the regulatory agencies and your relationship with the community.

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Introduction

There are 868,500 facilities that manufacture, use or store hazardous materials at or above threshold planning and reporting requirements that require the development of emergency response plans and have mandatory reporting requirements under the Emergency Planning and Community Right to Know Act (E.P.C.R.A). Of the close to one million facilities that meet these thresholds, it is estimated that there is an additional thirty to fifty percent that are unaware or chose not to comply with the regulations.

The facilities that have E.P.C.R.A. reporting are a subset of a larger 3,000,000 facilities that have planning and reporting requirements under the local fire department with jurisdiction and/or through the Occupational Safety and Health Administration.

Industry Perspective

Emergency response planning and reporting is not a revenue generator. To the contrary, it draws upon resources and expertise that may be limited to plan for events that may never occur. Further, it requires time for development, training and testing that pulls critical staff and in some cases all employees (drills) away from the primary revenue generating activities.

The regulations themselves are convoluted, redundant and difficult to interpret. Differences in the planning and reporting requirements by agencies with jurisdiction as well as subtle differences in state-by-state requirements for corporations with multiple locations require a constant review of the federal, state and local regulations to remain in compliance. The regulatory requirements are not leveraged, requiring duplicate efforts to complete similar plans and reports. Factors such as size, number of employees and type of occupation may require a facility to develop *multiple* emergency response plans to comply with the following sets of regulatory requirements:

- OSHA Emergency Action and Process Safety Plans
- OSHA Hazardous Waste Operations
- EPA Resource Conservation and Recover Act
- Department of Transportation Facility Response Plan
- EPA Clean Air Act Risk Management Plan
- U.S. Coast Guard – Facility Response Plan
- Department of Security Mineral Management Services – Facility Response Plan
- EPA Oil Pollution Prevention Regulations

Probably the two most dangerous reasons for noncompliance are, one the attitude “it will never happen to my company” and two the prevailing attitude that the agencies will not inspect and consequently enforce the requirements.

Compliance

Why comply? The first most compelling reason is your customers, your employees and your investors or stockholders expect you to be in business tomorrow. Your insurance carrier expects you to have in place policies and procedures that will help mitigate the risk of property or a liability loss.

The second compelling reason, is should you have an incident, it will only be the start of your problems with your customers, insurance carrier, your suppliers, the agencies, your employees, investors/stockholders and the community. Should you have an incident and you cannot resume operations within two weeks there is a 60% likelihood you will *go out of business within two years*. *Further you could be criminally liable as the owner or manager*. Most businesses are complex operations; how many processes do you have that are critical to your operation and would have a catastrophic impact if lost?

Scope

First and foremost you must have management buy-in and support; without it you will fail in creating an effective emergency response plan and fail when it needs to be implemented.

Your emergency response plan should be approached by answering the following; what, who, when and how. No, I didn't forget the why. Why only becomes glaring when you are unprepared and things go very, very wrong. Why were you not prepared? Why did you impact the community? Why did response agencies have to evacuate the day care center? The preschool? The hospital?

What – do you intend to address? If you have an occurrence of natural disasters, earthquakes, tornados, floods, etc, then you need to prepare for them. Terrorism sadly is a reality in our country. It couldn't possibly happen to you? Think again; the theft or utilization of chemicals for weapons is very compelling and as we make it more difficult for terrorist to import weapons they will lean more and more toward improvising with what's at hand. Chemical spills, medial emergencies and fires should be a given.

Who – Every one who has responsibilities for responding during an incident and for that matter, post-incident, needs to understand their responsibilities. Do they *know* what is expected of them? Have they been trained? Do they have the authority for what is expected of them? Do they have the “right stuff” for the job?

When – Do you know when you have a incident developing? Do you do inspections of all areas on a regular basis? When was the last time you inspected remote areas (chemical storage areas, fume hoods, areas above false ceilings)? When was the last time you inspected your fire extinguishers? If you expect your employees to use them, have they been trained? Your emergency response gear; did you guess or did you get some expert advise?

How – Do you expect to prevent or deal with an incident? How do you know you are prepared for an incident? How do you plan to manage an incident? How do you expect to clean up and repair your facilities after an incident? How do you expect to deal with the news media? How do you expect to deal with your customer's expectations that you will continue operations? Your insurance carrier; did you keep them abreast of your changes? The community; how do you intend to address the long term exposure issues and the long term effects on the community (read this as un-insurability, increased rates, limited coverage, read this as short term liability, long term liability, etc)

What your plan should encompass

- Emergency Response Planning is all about People and Operations
 - Scope
 - Hazard Assessment
 - Prevention and Detection
 - Facility/On-site Responder Information
 - Incident Preparedness Planning
 - Equipment and Training
 - Employee, Agency and Community Notification
 - Incident Mitigation
 - Recordkeeping, Assessment and Reporting

Scope – What potential incidents will your plan address?

Hazard Assessment – How will you determine potential problems?

Prevention and Detection – How will you prevent incidents from happening and how will you detect you are having an incident?

Facility/On-site Responder Information – What do responders know about your facility? Do they have maps and floor plans? Do they know what you do and what hazardous materials are on site? Do they know what your capabilities are?

Incident Preparedness Planning – Are your employees prepared to deal with incidents?

Equipment and Training – Do you have the right type of equipment to respond to and clean up an incident? Are your employees trained to deal with the types of incidents that can occur at your facility? Do they understand what is expected of them?

Employee, Agency and Community Notification – Do your employees know how and when to evacuate? Who will notify the agencies? How will you deal with the potential impact on the community?

Incident Mitigation – Are you prepared to deal with an incident from discovery, notification, evacuation, mitigation, cleanup, resumption of business and reporting updating?

Recordkeeping, Assessment and Reporting – Have you learned from you past incidents and have you updated your response plan accordingly?

Why companies fail during an incident

Companies fail to effectively deal with an incident because:

- Failure to develop an emergency response plan.
- Failure to develop a comprehensive emergency response plan that addresses all the potential incidents.
- Failure to learn from prior incidents and amend the emergency response plan.
- Failure to clearly outline employee responsibilities.
- Non-existent, poor or ineffective training.
- Ineffective fire suppression controls.
- Incorrect or insufficient emergency response and cleanup equipment.
- Failure to effectively implement the emergency response plan.
- Failure to follow up the agencies with mandatory reports and notifications.

Post Incident

Having an incident is only the beginning of your problems. After an incident you can expect:

- Concerns by your customers about your ability to deliver.
- Questions from your suppliers about your ability to pay your bills.
- Unannounced inspections by regulatory agencies.
- Fines and citations.
- Workers' Compensation claims.
- Third party liability claims from your neighbors and the community.
- Increases in premiums or cancellation of your insurance policies.
- Long-term environmental liabilities that will have to be declared to investors.
- Possible criminal or civil charges.

Conclusion

Here are some key things to ask about your emergency response plan:

- Does your plan have the buy-in and support of management?
- Does your plan address the questions posed in this paper?
- Does it address the sections outlined under “What your plan should encompass”?
- Have you learned and improved from your past incidents?
- Are your employees properly trained to deal with an incident?

- Do you have the right equipment to deal with an incident?
- Is the fire department aware of your facility and what you do?
- Have you stayed current on your planning and reporting requirements?

Remember – In an incident you may have only ONE opportunity to get it right!