RIGHTS AND RESPONSIBILITIES

Module 2

Hazardous Materials Awareness

Terminal Learning Objective:
At the conclusion of this module, the student will explain the influences that laws, regulations, and standards have on the management of hazardous materials/WMD incidents

RELATIONSHIP OF LAWS AND REGULATIONS

- LAWS - Enacted through legislation
- REGULATIONS - Mandated by law - Tools to implement law
Law

Superfund Amendments and Reauthorization Act (SARA)

RIGHTS AND RESPONSIBILITIES
Superfund Amendments and Reauthorization Act (SARA)

- Standard of Care
- Title I and III of the Superfund
- Local Emergency Response Plan

RIGHTS AND RESPONSIBILITIES
Superfund Amendments and Reauthorization Act (SARA)

- Levels of Response
- Incident Command System
DEFINITION OF STANDARD OF CARE

The level of competency anticipated or mandated in the performance of a service or duty

STANDARD OF CARE IS INFLUENCED BY:

- Laws and Regulations
- Standards and Guidance
- Knowledge and Experience

BASIS FOR STANDARD OF CARE

- The principle of toxicology and industrial hygiene
- Incident histories such as Bhopal, India; Kingman, AZ; and September 11th
- Local government and first responder roles in planning, preparedness, and training
LEGAL IMPLICATIONS OF THE STANDARD OF CARE

- Liability
- Negligence
- Gross Negligence

Assigning responsibility does not necessarily imply liability. The primary concern is with Negligence.

Negligence is the failure to perform one's duty or responsibility with reasonable regard for foreseeable harm to another.
LEGAL IMPLICATIONS OF THE STANDARD OF CARE

In order to establish Neglect, a party must prove:

- A duty or responsibility was owed
- Failure to perform the duty within the realm of the standard
- Damage occurred
- Failure to perform the duty or responsibility resulted in the damage

Gross Negligence is the willful or almost willful failure to perform one's duty or responsibility.

SUPERFUND AMENDMENTS & REAUTHORIZATION ACT (SARA):

- Title I
  Worker Protection Standards
- Title III
  Emergency Planning and Community Right-to-Know Act
Emergency Planning and Community Right-to-Know Act: Title I

Title I
Worker Protection Standards
The Final Rule became effective March 6, 1990

Worker Protection Standards: Title I

Worker protection rules published by the Occupational Safety and Health Administration (OSHA) and adopted by the United States Environmental Protection Agency (EPA)

Worker Protection Standards: Title I

Requires all states to address the risk of injury to government employees by mandating specialized training and planning for any personnel involved in hazardous waste operations or emergency response activities.
Emergency Planning and Community Right-to-Know Act: Title III

Title III
Emergency Planning and Community Right-to-Know Act of 1986

Functions of the State Emergency Response Commission

Illinois Emergency Management Agency (IEMA) was designated the State Emergency Response Commission (SERC) on January 27, 1987 by the Governor of Illinois.
Functions of the Local Emergency Planning Committee

The Local Emergency Planning Committee (LEPC) has responsibility to:

- Develop emergency plans for the jurisdiction they serve
- Process requests from the public regarding hazardous materials

Regulation

OSHA 29 CFR 1910.120
EPA 40 CFR Part 311

Hazardous Waste Operation and Emergency Response

- Are identical regulations
- OSHA regulations apply in states which have their own state OSHA
- EPA regulations apply in all states
- In short, these regulations apply to everyone, whether you are in an OSHA state or not

The Five Levels of Emergency Response Training Are:
- First Responder Awareness
- First Responder Operations
- Hazardous Materials Technician
- Hazardous Materials Specialist
- On-Scene Incident Commander

Awareness Level Training

Personnel at the Awareness Level are individuals who are likely to witness or discover a release and would take no further action beyond notifying the authorities of the release.

Awareness Level Training

Personnel at the Awareness Level should be trained to:
- Understand what hazardous materials are and the risks associated with them in an incident
- Understand the potential outcomes of an emergency created when hazardous materials are present
- Recognize presence of hazardous materials in an emergency
Awareness Level Training

Personnel at the Awareness Level should be trained to:

- Identify hazardous materials
- Understand the role of the Awareness trained individual in the employer’s emergency response plan
- Realize the need for additional resources and make appropriate notifications

Other Rights & Responsibilities Afforded by Law

- Medical Surveillance
- The Illinois Department of Labor (IDOL) has jurisdiction for enforcing OSHA rules for government employees.

Incident Command System (ICS)

- Awareness Level personnel start the ICS process by notifying Emergency Response Agencies of an incident
- Incident Commanders must have completed:
  - Awareness Training
  - First Responder Operations Training
  - On-Scene Incident Commander Training
Incident Command System (ICS)

A safety officer knowledgeable in the operations being performed must be assigned to identify and evaluate hazards and to assure the safe conduct of the operation.

National Incident Management System (NIMS)


Standards

National Fire Protection Association (NFPA)
Consensus Standards

- Standards are adopted to reach a consensus on how to produce, perform, or specify professional performance
- Standards are developed by representatives of a specific industry, trade, professional organization, etc.

Consensus Standards

Standards:
- Peer groups reach agreement to the specifications of a standard
- Must be considered and properly implemented
- Provide considerable weight in legal matters

National Fire Protection Association 472:

Standard for Professional Competence of Responders to Hazardous Materials Incidents

Establishes specific knowledge and competence levels that response personnel need in order to safely and effectively respond to hazardous materials incidents

Classifies response personnel into eight levels:

- Awareness Level Personnel
- Operations Level Responder
- Hazardous Materials Technician
- Hazardous Materials Incident Commander
- Hazardous Materials Officer
- Hazardous Materials Safety Officer
- Specialist Employee
- Hazardous Materials Technician w/Specialty

National Fire Protection Association 473: Emergency Medical Services Competency in Hazardous Material Emergencies

Specific competencies needed by Emergency Medical Services (EMS) personnel for the management of responders and victims at hazardous materials incidents

Module 2 Summary