

The Role of Local Emergency Planning Committees (LEPCs) and Other Local Agencies in the Risk Management Program (RMP) of Clean Air Act (CAA) Section 112(r) -- Subgroup #7 Report

Introduction

Section 112(r) of the Clean Air Act (CAA) mandates that facilities with certain amounts of specific chemicals develop Risk Management Programs (RMPs) to prevent accidental chemical releases. Because the significant impact of an accident is local, effective accident prevention activities must also have a local focus.

Accordingly, Local Emergency Planning Committees (LEPCs) and other emergency management organizations have a pivotal role in productive implementation of the RMPs. CAA 112(r) expands the focus for LEPCs from primarily planning a response to releases to playing an active role in preventing releases.

1. Function of LEPCs

LEPCs provide a forum for emergency management agencies, responders, industry and the community to work together and achieve local solutions to risk management issues. LEPCs and other local agencies should play an active role in risk communication, public education, industry outreach, mitigation and emergency planning. The Emergency Planning and Community Right-to-Know Act (EPCRA) gives LEPCs the job of increasing community hazardous materials safety through public education, emergency planning, responder training, conducting exercises, and reviewing actual responses to releases. LEPCs can and will use their existing EPCRA authority to enhance and refine the information they receive under the RMP program

Indeed, the RMP rule requirements explicitly require coordination between industry and local emergency planning and management entities. For example, proactive LEPCs in Kanawha Valley and Augusta, Georgia have already helped present and explain RMPs to the public. Other LEPCs are helping to inform potentially regulated facilities that they may be required to submit an RMP to the EPA on or before June 21, 1999. Many facilities will find that LEPCs will move to integrate the RMP submittal with existing facility contingency plans using the "One-Plan Guidance."

1. Capabilities of LEPCs and other Local Agencies

LEPCs, other local agencies and regulated facilities exhibit a wide range of capabilities. In many rural areas, LEPCs exist in name only. On the other end of the spectrum, some LEPCs have integrated emergency response plans that are based on ongoing interactions between facilities and responders. Some opportunities presented by Section 112(r) will only be useful to active LEPCs. Obviously each LEPC will have differences in capability. Some have very high technical sophistication within a narrow range of skills. Others have limited computer knowledge and even preparation of correspondence strains their resources. This is not a reflection of desire. Many of these LEPCs have a high level of desire to improve all or some aspect of emergency planning and community awareness in their areas.

To be most relevant to the broadest range of LEPCs we must understand and anticipate the implications of limited financial, hardware and human resources. As discussed in the following section, LEPCs should be free to choose from an entire range of possible activities. This will allow LEPCs to best take advantage of the RMP program given local conditions and utilizing whatever resources they can muster.

1. Options for LEPCs and other Local Agencies

A primary factor that will impact options for LEPCs and other local agencies will be if the state seeks delegation of the program or defaults its implementation to the EPA. Typically an LEPC will not be the implementing agency and has a range of options regarding its involvement. LEPCs lacking technical sophistication may simply perform an information conduit role making certain that RMP information gets from the facility to response agencies and the public. Other LEPCs will view their role as focusing on risk communication attempting to improve communication between facilities and the public, including elected officials. The most sophisticated LEPCs will conduct some RMP review, selecting portions of the plan for review based upon areas in which they have technical skills.

These options may include a variety of activities, including:

- a. Handle requests from general public
 - i. Provide RMP information to requestor
 - ii. Defer request to Internet resources, EPA or implementing agency

- b. Identification of regulated facilities
 - i. Rely on existing EPCRA information
 - ii. Active search through inquiry, member surveys, etc.

- c. Support to regulated facilities
 - i. Defer to trade associations, EPA and state agencies
 - ii. Assist small businesses in obtaining assistance
 - iii. Actively assist regulated facilities

- a. Evaluation of RMPs
 - i. Rely on EPA and/or state agencies
 - ii. Take active role in determining completeness/data quality?

- b. Implementation of Risk Management Program
 - i. Provide comments to help assist the delegated agency
 - ii. Obtain authority for specific activities
 - iii. Obtain delegation for all or part of program

F. Integration of RMP Information into LEPC Emergency Plan

1. Use RMP information as EPCRA Section 302 hazards screening
2. Integrate release prevention into emergency response plan
3. Revise LEPC plan to follow Integrated Contingency Plan format

LEPCs will also face issues dealing with facilities in other planning districts with offsite consequence analysis scenarios that impact upon their districts. The converse situation is also likely. LEPCs will need to improve their relationships and communications with neighboring LEPCs in order to properly integrate this sort of information into their emergency response plans and risk communication activities.

LEPCs need to be aware that the final rule for 112(r) provides a potential role for the LEPC emergency plan as a substitute for a facility emergency plan. The rule provides relief for sources that are too small to respond to releases with their own employees. These facilities are not

required to develop emergency response plans only if procedures for notifying non-employee emergency responders have been adopted and that appropriate responses to their toxic hazards have been addressed in the LEPC emergency response plan.

LEPCs would have to ensure that its plan contained adequate responses to a release at the specific facility. Also, EPCRA Section 303(d)(3) provides the LEPC with the authority to request information necessary for developing and implementing the LEPC emergency plan. Facilities must promptly provide this information to the LEPC. This authority provides the LEPCs some leverage in requiring sites to develop their own emergency response plans and in collecting adequate information if the LEPC chooses to allow the substitution of its plan for a facility emergency response plan.

1. Identification of Guidance Needs

RMPs will include information useful for both right-to-know and emergency planning purposes. Recommendations to LEPCs should address a wide range of existing and potential LEPC activities, thereby providing incentives to all stakeholders to participate in LEPCs and to make them more active.

With any product, it must be emphasized that the needs of LEPCs and other local agencies will vary depending on their particular functions. First, LEPCs and other agencies, like other receptors of RMP information, will need to be able to understand and assimilate RMP information. Specific search tools may facilitate these needs. RMP data should be available to LEPCs in an xbase "dbf" format. Internet links should be provided to other resources, such as air modeling. For example, [requiring/requesting] facilities to identify the LEPCs/local agencies within whose jurisdiction the facility lies will enhance the ability to narrow data management to only those facilities of interest to the LEPC or local agency. Second, as a participant in accident prevention and response activities, LEPCs and other local agencies will need to use RMP information as an input for their roles in such activities. Third, as a source of information for the general public, LEPCs and other local agencies will need to be able to conduct appropriate risk communication. Given their range of needs, LEPCs and other local agencies consequently would benefit from a guidance on their role in the risk management program.

A threshold need is a guidance for LEPCs on the benefits and potential uses of RMP data, specifically as it pertains to their work and responsibilities. The guidance for LEPCs and other local agencies should outline their potential functions in the risk management program. Because the program has yet to be implemented, these agencies lack any experience with implementation that could be shared. However, a guidance that explains the anticipated functions of LEPCs and local agencies would help prepare them and give them a sense of the planning and resources necessary in their role as an RMP agent.

This guidance should identify both the usefulness of RMP in their EPCRA-related activities, as well as the importance of LEPCs and local agencies in reaching the risk management program goal of chemical accident prevention. Rather than providing a general profile of the role of these agencies, the guidance should elucidate the specific ways in which they can carry out their role. For example, the guidance could list potential uses of RMP data in emergency planning and risk communication with the public. Likewise, the guidance might describe possible uses of CAMEO for RMP, thereby allowing LEPCs and local agencies to optimize their utilization of this software. The more information and explicit scenarios that the guidance provides, the more useful it will be in integrating LEPCs and local agencies into RMP.

1. Identification of Technical Assistance Needs

LEPCs will also benefit from other products specifically tailored to their RMP functions. CAMEO for Windows should be able to import RMP data for emergency planning and response purposes. Emergency planners could then use CAMEO to integrate RMP with EPCRA data and other preparedness responsibilities. Once CAMEO is modified to include this capability, a fact sheet and/or guidance on the newly available uses of the software should be provided to LEPCs and local agencies. Until this time, LEPCs and other CAMEO users should be made aware of other means to highlight or connect RMP information with specific facilities. Supplementary to the guidance and CAMEO capability, LEPCs and other local agencies will require some means of sharing their experiences once RMP is in its actual implementation phase. A clearinghouse of some sort would provide a forum for discussion and information sharing among the local agencies. An electronic bulletin board is one such option. In addition, a publication reporting any case studies on LEPC activities in RMP implementation would provide an excellent source for information on "successful practices".

Conclusion

RMPs should be viewed by LEPCs and other agencies as an opportunity to increase community safety by reducing the chance of an accidental chemical release. This is a logical expansion of the LEPCs role in planning emergency response and providing community right-to-know information to the public. The LEPC also offers a forum to address local concerns at the local level, which is where they can be positively resolved.

Both facilities and local emergency planning and response agencies will benefit from a high level of interaction. Stakeholders in areas with inactive LEPCs should be informed of the potential benefits of this program and be encouraged to become active partners through the various options that are available.

Recommended products:

1. Guidance on integration of RMP into LEPC activities
2. CAMEO modifications
3. Bulletin board (this could possibly be the same as the peer exchange product under the implementing agencies subgroup)
4. "Successful practices" publication(s)

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