



Additional Resources for Local Emergency Planning Committees

The excerpts and documents included in this resource are to provide reference to Local Emergency Planning Committees (LEPCs) on the responsibility and roles of LEPCs in Alaska.

If you have questions on items included in this document or Alaska's LEPCs, please contact

State of Alaska
Department of Military and Veterans Affairs
Division of Homeland Security and Emergency Management
PO Box 5750
Ft. Richardson, Alaska 99505-5750

Phone: (907) 428-7000
Toll Free: (800) 478-2337
Fax: (907) 428-7009

mva.grants@alaska.gov

Contents

Responsibilities, Policies and Procedures of the Alaska State Emergency Response Commission (SERC) and Local Emergency Planning Committees, Section II, Local Emergency Planning Committee Responsibilities.....	3
Alaska Statute 26.23.071 through 26.23.075, Regarding the Alaska State Emergency Response Commission, Emergency Planning Districts and Committees, Emergency Plans, and Plan review; Incident Command Systems.	8
National Association of Superfund Amendments and Reauthorization Act (SARA) Title III Program Officials (NASTTPO), White Paper on “The Practical Evaluation of Local Emergency Planning and Preparedness”	13

Responsibilities, Policies and Procedures of the Alaska State Emergency Response Commission (SERC) and Local Emergency Planning Committees, Section II, Local Emergency Planning Committee Responsibilities

(Full document is available at <http://ready.alaska.gov/SERC/>)

Responsibilities, Policies and Procedures of the Alaska State Emergency Response Commission and Local Emergency Planning Committees

SERC Approved on May 14, 2009

II. Local Emergency Planning Committee Responsibilities

A. OVERVIEW OF LEPCs

1. Statutory Responsibilities

LEPCs have statutory responsibilities established by federal law (42 U.S.C. 11001-11005) and state law (AS 26.23.073(g)). Essentially, they must: (1) establish procedures for receiving and processing requests for information under the Community-Right-to-Know Act; (2) appoint a chair and establish rules for functioning; (3) prepare and annually review an emergency plan in accordance with 11 U.S.C. 11003 (dealing with hazardous substances); (4) evaluate resources needed to develop, implement, and exercise the emergency plan, and submitting recommendations to political subdivisions in the LEPC regarding resource needs; (5) making recommendations to other agencies and entities about the preparation of local, state, and inter-jurisdictional plans; and (6) serving as an advisory committee to the political subdivisions or the inter-jurisdictional planning and service area.

2. LEPC Powers and Functions

Local Emergency Planning Committees are planning entities and generally cannot commit manpower or resources. (An Attorney General's opinion concluded that LEPCs are state agencies; however, they are not authorized to hire employees as state employees.) Local governments, which can commit manpower and resources, should work with their LEPC, which can apply its members' expertise, to help their communities be prepared for, mitigate, and respond to disasters and emergencies. LEPCs help involve citizens in the discussion about what an appropriate emergency response is for each community, where public funds are spent, and whether and how much of those funds should go for additional responder training, training local government officials, or purchasing response equipment.

3. Assistance from Other Agencies

Alaska law requires that state agencies represented on the commission, upon request, provide technical assistance to an LEPC in the performance of its duties. AS 26.23.073(h). Alaska law also requires the SERC to supervise and coordinate the activities of LEPCs. AS 26.23.071(e)(6). It is the intent of the SERC that the Department of Military and Veterans Affairs (DMVA) coordinate the technical assistance which may be requested by LEPCs, as well as political subdivisions and federal representatives, in complying with 42 U.S.C. 11001 et seq. and AS 26.23.

4. Coordination and Cooperation With Political Subdivisions in LEPC

Alaska law also requires each LEPC to prepare and periodically review its emergency plan in coordination with political subdivisions covered by the plan; to submit recommendations to the political subdivisions concerning the plan and resources needed to develop, implement, and exercise the plan; and to serve as an advisory

committee to the political subdivisions in the LEPC AS 26.23.073(g)(3), (4), (6) and (7). Each Local Emergency Planning Committee, through its chair, must enter into a cooperative relationship with the political subdivisions in the LEPC serves. By cooperative relationship, the SERC intends that planning efforts are not duplicated between the LEPC and the political subdivision, emergency preparedness and response are enhanced by cooperative planning efforts, that the political subdivision administer any grant amounts for the LEPC, and that the LEPC advertise vacancies on the LEPC with the political subdivision(s) making recommendations from those who respond to the advertisements.

B. PERFORMANCE OF LEPC DUTIES

1. Maintain Necessary Representation on Committee

An LEPC should work with each political subdivision in the LEPC to maintain committee representation and membership that satisfies statutory requirements (AS 26.23.073(d) and 42 U.S.C. 11001(c), discussed above) and that maximizes the expertise on the LEPC. The LEPC is responsible for advertising openings on the LEPC and submitting names of candidates for membership to the appropriate principal executive officer(s) within the LEPC for recommendation to the SERC.

2. Adopt LEPC Rules of Operation

Each LEPC is required by law (AS 26.23.073(g)(2) and 42 U.S.C. 11001(c)) to appoint a chair and establish rules by which the committee shall function, including provisions for public notification of committee activities, public advertising of positions available on the committee, public meetings to discuss the emergency plan, public comments, response to the comments by the committee, distribution of the emergency plan, and designation of an official to serve as coordinator for information. In establishing their rules of operation, each LEPC should consider how it will perform its required duties listed in AS 26.23.073(g). To assist an LEPC, upon request SERC staff will provide example bylaws and/or rules of operation adopted by other LEPCs and assistance in adopting appropriate rules of operation.

3. Establish Procedures for Handling Community Right-to-Know Information Requests.

Each LEPC is required by law (AS 23.23.073(g)(1) and 42 U.S.C. 11001(c)) to establish procedures for receiving and processing requests from the public for information under the Community Right-to-Know Act (42 U.S.C. 11044, which deals with extremely hazardous substances) including (a) Emergency Planning Notification, (b) Emergency Release Notification and Follow up Emergency Notice, (c) Material Safety Data Sheets, (d) Emergency and Hazardous Chemical Inventory Forms including Tier II forms, and (e) Toxic Chemical Release Forms.

4. Annually Publish Notice of Public Availability of CRTK Data

Each LEPC is required by law (42 U.S.C. 11044) to publish an annual notice in local newspapers that the emergency response plan, material safety data sheets and emergency and hazardous chemical inventory forms are available for public review. The notice must say that follow up emergency notices may later be issued. LEPCs may designate the times and place when the public may view the documents.

5. Emergency Plan Preparation and Annual Review

Each LEPC is required by federal and state law (42 U.S.C. 11003 and AS 26.23.073(g) (3)) to prepare an emergency plan that meets the requirements of federal law for Extremely Hazardous Substance release planning (at 42 U.S.C. 11003(c)). A list of Extremely Hazardous Substances (EHS) and their threshold planning quantities (TPQ) is found at 40 CFR 355. The operator of each facility that has an extremely hazardous substance present at the TPQ level is to notify the SERC. Each facility with EHS present above the

threshold planning quantity also is required to designate a representative, a “facility emergency coordinator,” to participate in developing the LEPCs emergency response plan.

The LEPC is required to prepare the emergency plan in coordination with local political subdivisions. It is required by federal law to review the plan once a year or more frequently as changed circumstances in a community or at a facility may require. An LEPC may also, but is not required by law to, plan for response to other hazardous substances and response to other disasters and emergencies (all-hazards planning) within the LEPC.

6. Emergency Plan Minimum Requirements

The minimum requirements for the plan are summarized as follows. However, LEPCs must be sure to review the federal and state statutes (especially 42 U.S.C. 11003(c) and AS 26.23.075) for the specific current requirements rather than relying on this summary. The plan must:

- Identify facilities that have extremely hazardous substances (as listed by federal Environmental Protection Agency) present, facilities contributing to or subject to additional risk due to their proximity to these facilities (such as hospitals or natural gas facilities), and routes likely to be used for the transportation of extremely substances.
- Describe methods and procedures to be followed by facility owners and operators and local emergency and medical personnel to respond to a release of an extremely hazardous substance.
- Designate an emergency coordinator and facility emergency coordinators who make determinations necessary to implement the plan.
- Describe procedures for reliable, effective, timely notification by facility emergency coordinators and the community emergency coordinator to persons designated in the plan, and to the public that a release has occurred, consistent with the notice requirements of 42 U.S.C. 11004 which depend in part on the substance released.
- Describe methods for determining the occurrence of a release and the area or population likely to be affected by such a release.
- Describe emergency equipment and facilities in the LEPC and at each applicable facility in the LEPC and identify the persons responsible for the equipment or facilities.
- Evacuation plans, including provisions for a precautionary evacuation and alternative traffic routes.
- Describe training programs, including schedules for training of local emergency response and medical personnel.
- Describe methods and schedules for exercising the emergency plan.

Local Emergency Response Plans will include notification procedures to be followed by facility emergency coordinators in notifying the community emergency coordinator. Further, Alaska law requires that each plan incorporate an incident command system.

7. All-Hazards Emergency Planning

The LEPC should consider planning for all realistic hazardous situations in the LEPC. To accomplish this task, the LEPC works cooperatively with the political subdivisions in the LEPC. The decision for an LEPC to plan for

all hazards must be made with cooperation and support of the local political subdivisions. Many procedures for warning, evacuation, communications, etc., are similar to procedures used for a hazardous substance plan.

8. Guidelines for Plan Development

LEPCs work with businesses, emergency responders, political subdivisions and other community members in developing local emergency response plans. Other than those specifically exempt by federal law, federal law requires each facility that has extremely hazardous substances present in an amount in excess of the threshold planning quantity to designate a facility emergency coordinator to participate in local planning and to provide any information needed by the LEPC for developing and implementing the plan. AS 26.23.073 requires LEPCs to prepare emergency response plans in cooperation with the political subdivisions covered by the plan. The LEPC and political subdivision should decide whether the LEPC plan will encompass only oil and hazardous substances or will encompass all possible hazards to the LEPC. State agencies represented on the SERC are available to give technical assistance to LEPCs in performing their duties (AS 26.23.073 (h)). In developing their plans, LEPCs should be aware that the final product will be reviewed for consistency with the state emergency operations plan, other local emergency plans, the federal/state sub-area regional contingency plans, the federal/state preparedness plan for response to oil and hazardous substance discharges/releases, and inter-jurisdictional, regional and emergency plans prepared by state and federal agencies and by industry. LEPCs should use the following reference documents in developing their plans:

- Local ordinances
- 42 U.S.C. 11001 et seq.
- FEMA Guide for the Development of State and Local Emergency Operations plans 108 (CPG 1–8)
- FEMA Guide for the Review of State and Local Emergency Operations Plans 1–8 (CPG 1–8)
- Hazardous Materials Emergency Planning Guide (NRT-1)
- Criteria for Review of Hazardous Materials Emergency Plans (NRT–1A)
- Alaska Disaster Act (AS 26.23)
- Alaska State Emergency Response Commission (AS 26.23)

At any time prior to submitting the plan for local approval, the LEPC and/or local government may submit the plan or portions of the plan to appropriate state agencies for technical review.

9. Municipal Review and Approval of Plan

Upon completing the plan, the LEPC will submit the plan for review and approval to the principal executive officer(s) of the political subdivision within the LEPC. The political subdivision will follow its own procedures for public review of the plan. Upon obtaining the proper signatures indicating approval, commitment to support and acceptance of the plan or other appropriate action, the principal executive officer(s) will forward the plan to the SERC for its review and recommendations and will notify the LEPC that it has forwarded the plan to the SERC. Each municipality will provide the LEPC with a copy of any comments it makes to the SERC regarding the plan, and will notify the LEPC if any questions or concerns prevent it from approving the plan. The LEPC will follow up with the municipalities to make sure they have acted on the plan.

10. Evaluate and Make Recommendations on Resources Needed to Develop, Implement, and Exercise the Plan

State law and federal law (42 U.S.C. 11003(b) and AS 26.23.073(g)(4)) require each LEPC to “evaluate the need for resources necessary to develop, implement, and exercise the emergency plan, and submit recommendations to the political subdivisions in the emergency planning district with respect to the resources that may be required and the means for providing the resources.”

11. Make Recommendations to Municipal and State Agencies

State law requires that each LEPC shall “to the extent considered advisable by the committee, make recommendations to political subdivisions, representatives of inter-jurisdictional disaster planning and service areas, and state agencies about the preparation of local, state, and inter-jurisdictional plans” AS 26.23.073(g)(6).

12. Serve as Advisory Committee to Political Subdivisions

State law requires that each LEPC shall “serve as an advisory committee to the political subdivisions within the emergency planning district or the inter-jurisdictional planning and service area established under AS 26.23.070 with respect to emergency planning, training, and response” AS 26.23.073(g)(7).

C. MISCELLANEOUS LEPC POLICIES AND PROCEDURES

1. Compliance with Alaska Ethics Act

A 1994 Attorney General’s opinion states that the Alaska Executive Branch Ethics Act applies to LEPCs, and concludes that an LEPC member may not remain a member and enter into or participate in a contract that is awarded, executed, or administered by the LEPC (AG File No. 663-95-0001 (August 15, 1994)). This would include SERC grants requested or recommended by the LEPC, and also applies to a contract proposed to be awarded to the LEPC member’s employer or immediate family member. The LEPC member may not simply abstain from voting on the contract; he or she must first resign from the LEPC in order to participate in the contract. The opinion also notes that when an LEPC member resigns, there are restrictions on employment after leaving state service relating to potential conflicts of interest, under AS 39.52. A copy of the opinion is available on request. Appendix 1 provides ethics information for members of boards and commissions. LEPC members are considered members of a board.

AS 26.23.071 through 26.23.075, Regarding the Alaska State Emergency Response Commission, Emergency planning districts and committees, Emergency Plans, and Plan review; incident command systems.

Sec. 26.23.071. Alaska State Emergency Response Commission.

(a) The Alaska State Emergency Response Commission is established in the Department of Military and Veterans Affairs.

(b) The commission consists of the commissioners of commerce, community, and economic development, environmental conservation, fish and game, health and social services, labor and workforce development, natural resources, public safety, and transportation and public facilities, or the designees of the commissioners, the adjutant general of the Department of Military and Veterans Affairs or a designee, and seven members of the public appointed by the governor, two of whom must be members of a local emergency planning committee for an emergency planning district that is predominantly rural in character and two of whom must be members of a local emergency planning committee for an emergency planning district that is predominantly urban in character. Two of the other three members of the public who are appointed to the commission must be members of the governing body of, or the mayor of, a political subdivision that has a local emergency planning committee or a person who, in the opinion of the governor, is otherwise appropriate to represent the political subdivision. The United States Department of Defense – Alaska Command, the Federal Emergency Management Agency, the United States Environmental Protection Agency, and the United States Coast Guard may each appoint a representative to serve on the commission in an ex-officio, nonvoting capacity. To the extent practicable, the commission must include members with expertise in the emergency response field.

(c) The adjutant general of the Department of Military and Veterans Affairs, or the adjutant general's designee, and the commissioner of environmental conservation, or the commissioner's designee, shall co-chair the commission. The Department of Military and Veterans Affairs shall provide staff support to the commission.

(d) Members of the commission other than those from the designated state departments serve at the pleasure of the governor for staggered terms of three years. Members of the commission serve without compensation but are entitled to per diem and travel expenses authorized for members of boards and commissions under AS 39.20.180 .

(e) The commission shall

(1) serve as the state emergency response commission required under 42 U.S.C. 11001 – 11005;

(2) facilitate the preparation and implementation of all emergency plans prepared by state agencies under other authorities; the statewide, inter-jurisdictional, and local plans prepared under this chapter; and the state and regional plans prepared under AS 46.04.200 – 46.04.210;

(3) review the plans described in (2) of this subsection according to the criteria established in AS 26.23.077;

(4) designate, and revise as necessary, the boundaries of emergency planning districts under AS 26.23.073;

(5) establish a local emergency planning committee under AS 26.23.073(d) for each emergency planning district;

(6) supervise and coordinate the activities of local emergency planning committees;

(7) establish procedures for receiving and processing requests from the public for information under 42 U.S.C. 11044, including Tier II information under 42 U.S.C. 11022; procedures established under this paragraph shall designate the Department of Environmental Conservation as the state agency to receive and process these requests on behalf of the commission;

(8) review reports about responses to disaster emergencies and make recommendations to the appropriate parties involved in the response concerning improved prevention and preparedness;

(9) perform other coordinating, advisory, or planning tasks related to emergency planning and preparedness for all types of hazards, community right-to-know reporting, toxic chemical release reporting, or management of hazardous substances;

(10) recommend procedures to integrate, as appropriate, hazardous substance response planning under 42 U.S.C. 11001 – 11005, federal contingency planning under 33 U.S.C. 1321 and other federal laws applicable to hazardous substance discharges, and state, regional, and local planning under this chapter and AS 46.04.200 – 46.04.210;

(11) to the extent consistent with the constitution and law of the state, perform all other functions prescribed for state emergency response commissions under 42 U.S.C. 11001 – 11005; and

(12) adopt regulations necessary to carry out the purposes of AS 26.23.071 – 26.23.077 and 42 U.S.C. 11001 – 11005.

Sec. 26.23.073. Emergency planning districts and committees.

(a) The commission shall set the boundaries of local emergency planning districts. The commission shall set the boundaries of a district so that they are coextensive with the boundaries of a single political subdivision except when it would be more appropriate, based on findings of the commission, for the district to include more than one political subdivision or some area that is not contained within a political subdivision. Before the commission sets the boundaries for a district under this subsection so that it includes more than one political subdivision or some area that is not within a political subdivision, the commission shall consult the emergency response organizations and the political subdivisions in the proposed district.

(b) If, after the commission sets boundaries for districts under (a) of this section, there remain areas of the state that are not included in any district, those areas constitute a local emergency planning district.

(c) If the commission sets boundaries for a district under this section that includes more than one political subdivision, the commission shall recommend to the governor the designation of an inter-jurisdictional disaster planning and service area under AS 26.23.070 whose boundaries are coextensive with the boundaries of the local emergency planning district established under this section.

(d) The commission shall appoint the members of a local emergency planning committee for each emergency planning district established under (a) and (b) of this section. In making appointments for a district that contains only one political subdivision, the commission shall follow the recommendations of the political subdivision if those recommendations would constitute a committee that meets the requirements of this subsection. In making appointments for a district that contains more than one political subdivision, the commission shall consider the recommendations of each political subdivision and follow the recommendations to the extent that the political subdivisions are in agreement and their recommendations would constitute a

committee that meets the requirements of this subsection. To the extent required under regulations that may be adopted by the commission, the political subdivisions in a district that includes more than one political subdivision shall follow a process under which they develop coordinated recommendations to submit to the commission under this subsection. In making appointments for a district that includes some area that is not contained within a political subdivision, the commission shall consider the recommendations of emergency response organizations in the district. In making appointments for the district formed under (b) of this section, the commission shall attempt to achieve equitable geographical representation on the committee. Except as provided in (e) of this section, each committee must include, at a minimum, representatives of each of the following seven categories:

(1) elected local officials;

(2) law enforcement, civil defense, fire fighting, first aid, health, local environmental, hospital, and transportation personnel;

(3) broadcast or print media;

(4) community groups;

(5) owners and operators of facilities subject to the requirements of 42 U.S.C. 11001 – 11005;

(6) representatives of a local or inter-jurisdictional disaster planning and service area if one has been established that includes part of the district; and

(7) members of the public that are not described in (1) – (6) of this subsection.

(e) If advertisement and the commission's own initiative do not result in the acceptance of appointment to a committee by at least one person from a category under (d)(1) – (7) of this section, the requirement of (d) of this section that there be representation of that category on that committee is suspended until sufficient willing appointees become available.

(f) A person may request the commission to change the membership of a local emergency planning committee.

(g) Each local emergency planning committee shall

(1) establish procedures for receiving and processing requests from the public for information under 42 U.S.C. 11044, including Tier II information under 42 U.S.C. 11022;

(2) appoint a chair and establish rules by which the committee shall function, including provisions for public notification of committee activities, public advertising of positions available on the committee, public meetings to discuss the emergency plan, public comments, response to the comments by the committee, distribution of the emergency plan, and designation of an official to serve as coordinator for information;

(3) prepare and periodically review an emergency plan in accordance with 42 U.S.C. 11003(a) in a manner that includes coordination with the political subdivisions covered by the plan;

(4) evaluate the need for resources necessary to develop, implement, and exercise the emergency plan, and submit recommendations to the political subdivisions in the emergency planning district with respect to the resources that may be required and the means for providing the resources;

(5) to the extent consistent with the constitution and law of the state, perform all other functions prescribed for emergency planning committees in 42 U.S.C. 11001 – 11005;

(6) to the extent considered advisable by the committee, make recommendations to political subdivisions, representatives of inter-jurisdictional disaster planning and service areas, and state agencies about the preparation of local, state, and inter-jurisdictional plans; and

(7) serve as an advisory committee to the political subdivisions within the emergency planning district or the inter-jurisdictional planning and service area established under AS 26.23.070 with respect to emergency planning, training, and response.

(h) A state agency represented on the commission shall, upon request, provide technical assistance to a Local Emergency Planning Committee in the performance of its duties under this section.

Sec. 26.23.075. Emergency plans.

(a) An emergency plan prepared under AS 26.23.073 must include

(1) identification of facilities subject to the requirements of 42 U.S.C. 11001 – 11005 that are within the emergency planning district, identification of routes likely to be used for the transportation of substances on the list of extremely hazardous substances referred to in 42 U.S.C. 11002(a), and identification of additional facilities contributing or subjected to additional risk due to their proximity to facilities subject to the requirements of 42 U.S.C. 11001 – 11005 such as hospitals or natural gas facilities;

(2) methods and procedures to be followed by facility owners and operators and local emergency and medical personnel to respond to a release of hazardous substances or a release of substances on the list of extremely hazardous substances referred to in 42 U.S.C. 11002(a);

(3) designation of an emergency coordinator, as required under AS 26.23.060(d), and facility emergency coordinators, who shall make determinations necessary to implement the emergency plan;

(4) procedures providing reliable, effective, and timely notification by the facility emergency coordinators to persons designated in the emergency plan, and to the public, that a release has occurred, consistent with the emergency notification requirements of 42 U.S.C. 11004;

(5) methods for determining the occurrence of a release and the area or population likely to be affected by that release;

(6) a description of emergency equipment and facilities in the community and at each facility in the community subject to the requirements of 42 U.S.C. 11001 – 11005, and an identification of the persons responsible for the equipment and facilities;

(7) evacuation plans, including provisions for a precautionary evacuation and alternative traffic routes;

(8) training programs, including schedules for training of local emergency response and medical personnel; and

(9) methods and schedules for exercising the emergency plan.

(b) An emergency plan prepared under AS 26.23.073 may include descriptions, procedures, and programs related to disasters other than those caused by releases of hazardous substances.

(c) Each emergency plan prepared under AS 26.23.073 must incorporate within it an incident command system. The incident command system must be substantially equivalent in relevant respects to the incident command systems established under AS 46.04.200 – 46.04.210 and meet the requirements of AS 26.23.077.

Sec. 26.23.077. Plan review; incident command systems.

(a) The commission shall review and make recommendations about local, inter-jurisdictional, regional, and state emergency plans, including plans prepared under this chapter and AS 46.04.200 – 46.04.210 and all emergency plans prepared by state agencies under other authorities.

(b) When making recommendations about a plan, the commission shall suggest changes that ensure that the plan includes an incident command system that describes the respective roles of affected persons and agencies in a clear and specific manner and that the respective roles of state agencies are consistent with their statutory duties. The commission shall also suggest changes that ensure that the plans are well integrated with related plans.

(c) To the extent consistent with other law, an incident command system recommended under this section or included in a plan reviewed under this section must provide that the Department of Military and Veterans Affairs has a major role in mobilization of personnel and resources, communications, transportation planning, and other logistics involved in a state response to a disaster or other emergency.

National Association of *Superfund Amendments and Reauthorization Act (SARA)* Title III Program Officials (NASTTPO), White Paper on “The Practical Evaluation of Local Emergency Planning and Preparedness” !

National Association of SARA Title III Program Officials

WHITE PAPER

“The Practical Evaluation of Local Emergency Planning and Preparedness”

by Tim Gablehouse, NASTTPO President, July 2007

The objective of this paper is not to simply restate the requirements of the Emergency Planning and Community Right-to-Know Act (EPCRA). Rather it is intended to make observations on the practical aspects of local emergency planning and preparedness. It is assumed that the reader has some background in the provisions of EPCRA and those will not be restated here.

Local Emergency Planning Committees (LEPCs) are the backbone of EPCRA. They are typically a collection of volunteers made up of local government employees, first response agencies, facility representatives and members of the public. While EPCRA does contain a list of desired membership background and representation, most LEPCs do not have members in all those categories. Rarely will an LEPC have a staff and even less often will that staff be either paid or applied to LEPC functions on a full-time basis.

The typical LEPC functions without a budget or with only a small amount of money frequently in the form of grants from the State Emergency Planning Commission (SERC). The chair and LEPC members often provide support from their own pockets or with discretionary funds from their employer’s budgets.

LEPCs are frequently organized within the offices of a first response agency or local government office of emergency management. In such cases it can be difficult to identify where the parent agency’s activities end and the LEPC’s begin. The functions are obviously complementary and therefore that distinction is frequently misleading or of little importance in the day-to-day planning and preparedness of the community.

Planning

A limited reading of EPCRA gives the impression that the LEPCs are supposed to develop emergency response plans for hazardous substances. This can create a conflict if it is routine for such plans to already exist within first response agencies and local emergency management offices. An LEPC that is housed within one of these agencies will have typically been involved in its planning activities. More independent LEPCs will frequently be active in providing information and input to these agencies in order to help them improve the plans.

In some communities the LEPC has become a broader all-hazards emergency planning agency within the community. This happens when the cooperation and resources available within the LEPC make this the most efficient approach for that community. While not all SERCs have adopted policies on the coordination between LEPCs and other planning agencies, most encourage whatever arrangement is most productive for the community.

Most LEPCs consider and adopt projects based upon core missions they feel are important in the community. These may involve any variety of matters, but are generally focused on a desire to protect first responders and the public through better information and awareness of risks in the community. Consideration must be given to the resources available and the interests of the members. Most SERCs will support a vast range of LEPC activities as long as they have some relationship to the intent of EPCRA.

The greatest tool available to an LEPC is its very substantial information gathering power. However, most SERCs encourage LEPCs to do more than just collect boxes of paper. Many LEPCs focus their activities on information requests that bring facilities into closer cooperation with the first responder community. Examples are fire department approval of contingency plans, exercise organization and public awareness of expected behavior during an emergency.

LEPCs also perform a generalized role in community-wide efforts to improve public awareness of risks and preparedness for emergencies. They will encourage the very basic things such as 72-hour emergency kits, first aid training, and household safety. Often they will work on projects such as household hazardous waste collection, school lab chemical safety and the hazards of methamphetamine labs.

Most SERCs will encourage LEPCs to think expansively as there are a myriad of other activities that may be useful in a community. The late Jim Makris – widely called the “father” of EPCRA once said that it’s best to think of LEPCs as local “environmental” protection committees as he saw them working more broadly to improve conditions in their communities.

Organization and Membership

LEPC membership is approved by the SERCs. Once an LEPC is established, SERCs will have some procedure or policy by which the committees are responsible for advising the SERCs of their membership changes and seeking approval. Whether or not an LEPC has “officers” beyond a chair is a matter of state practice and policy. The chair typically functions as the point of contact for the SERC, the public and for regulated facilities.

Broad membership is encouraged. While there is a list of membership types in EPCRA, SERCs recognize that it is not realistic to find all of those types of people in every community. On the other hand, membership should not be limited. Anyone with an interest, a desire to assist with projects, and good manners should be encouraged to join and participate.

By-laws are not required in most states, but they are commonly used. The function of by-laws is primarily to provide some structure to membership decisions and the election of the chair. As a practical matter LEPCs tend to function in a consensus fashion rather than using a formal vote process. Exceptions would be the rare event when the LEPC intends to pursue legal enforcement of its information requests under EPCRA.

Dealing with Facilities

The power of LEPCs is to obtain information relevant to emergency planning. Both owners and operators of facilities are responsible for providing this information. While some reports, Tier II for example, are automatic under EPCRA and state laws, the real power in LEPC information requests is the ability to focus the request on the specific facility and community involved.

LEPCs should articulate why they are asking for information beyond the routine Tier II form. There are, of course, many potential reasons. The point is that when asking a facility for additional information it should be clear to that facility that the information is important to the community.

LEPCs will often look to provide facilities with the opportunity to demonstrate their good corporate citizenship. Many facilities try hard to reduce risks and support first responders. Through exercises, public meetings, and other activities it is important for LEPCs to recognize and reward these activities.

Dealing with the Public

As a general rule, all EPCRA–related information in the possession of an LEPC is publically available. Requests for information, such as Tier II data and CAA Sec. 112r Risk Management Plans, can come to an LEPC. They should have procedures in place to notify the public that this information is available and instructions on how it can be obtained.

LEPCs should encourage the public to participate with the LEPC. If members of the public have questions about preparedness or facility safety, it is always appropriate to ask the public to attend a meeting to discuss their concerns. Often an LEPC will refer facility–specific inquiries directly to the facility. While this can be effective in improving facility/public relations in many cases, it is equally true that the involvement of the LEPC will be useful in creating some context for the discussion.

Accident prevention is primarily the responsibility of facilities. Nonetheless, LEPCs and first responder organizations are just as responsible to the public as the facility when it comes to community preparedness. Assurances of accident prevention programs only address part of the overarching community planning and preparedness equation. Effective preparedness involves the facility, the community, and individuals merging answers to these three key questions:

What are the accident risks of this facility and how are they being prevented? What are the plans and capabilities of the community should an accident happen? What do I do to protect myself and those I am responsible for during an emergency?

The Broader Mission

One of the most difficult tasks faced by an LEPC is creating a public awareness of risks and improving community preparedness. LEPCs should look for opportunities through the schools, civic groups, youth programs, churches, and any other organization active in the community to accomplish this mission.

This means that LEPCs must embrace a broader sense of community responsibility for accident prevention and preparedness. It is not appropriate to be a passive collector of information. With this in mind the following “Golden Rules” are proposed for the broader community.

Preferably it is the LEPCs that should lead the process of addressing the goals stated in the Golden Rules, but that really is not the complete point. Whether or not an LEPC exists, leadership within a community needs to be focused on these issues. Leadership comes from various places depending upon the community it may be elected leadership, first response agencies or community groups. Whether or not called an LEPC, the functions must exist or no community will be adequately involved in accident prevention or preparedness.

State and federal agencies along with facilities should have an expectation that communities will address these issues. They cannot be passive in this regard. The risk is shared and the responsibility is equally shared. Preparedness cannot be imposed on a community nor can it be provided from outside. All stakeholders have a responsibility to find and encourage appropriate leadership within the community.

The era of passivity in accident prevention and community preparedness is gone. Whether facility, government, first response agency, or members of the public, all are connected and all have a role. The best examples of local emergency planning and preparedness focused on trying to follow the Golden Rules will have the following attributes:

- A close relationship between emergency planners and first response agencies.
- A close relationship between facilities and these agencies and the public.
- Information sharing on hazards, accident prevention efforts and emergency response.
- Public involvement in developing expectations for public behavior during an emergency.
- Repeated exercises of emergency response plans including public education.
- Generalized all-hazards preparedness efforts developed with public involvement.

We are mindful that in the past the regulatory environment has tended to create an adversary relationship between communities and facilities. From topics as diverse as land use planning and environmental permitting through emergency response, the relationship is often confrontational. LEPCs are not regulatory agencies. They have the capacity to break through this barrier for the greater good of their communities.

Golden Rules for Communities

- While the primary responsibilities lie with the industry, there are important responsibilities for stakeholders at the local level. An important aspect of making the facilities safer to the community in which they exist is the communities' involvement with prevention and preparedness objectives.
- Be aware of the risks in your community and know what to do in the event of an accident. Members of communities near hazardous installations, and others that might be affected in the event of an accident should make sure that they understand the risks they face and what to do in the event of an accident to mitigate possible adverse effects on health, the environment and property (e.g., understand the warning signals and what actions are appropriate). This involves reading and maintaining any information they receive, sharing this information with others, and seeking additional information as appropriate.
- Communicate and co-operate with other stakeholders on all aspects of accident prevention, preparedness, and response. The community should not pressure the industry, but instead there should be an open policy between the community and the industry, and a shared objective of reducing the likelihood of accidents. The potentially affected public should receive information needed to support prevention and preparedness objectives, and should participate in decision making related to hazardous installations, as appropriate.
- Participate in decision-making relating to hazardous installations. The laws in many communities provide opportunities for members of the public to participate in decision-making related to hazardous installations, for example by commenting on proposed regulations or zoning decisions, or providing input for procedures concerning licensing or siting of specific installations. Members of the public should take advantage of these opportunities to present the perspective of the community. They should work towards ensuring that such opportunities exist whenever appropriate, and that the public has the information necessary for effective participation.
- Know the hazards and risks at installations in your community where there are hazardous substances. The community should undertake, in co-operation with other stakeholders, the hazard identification and risk assessments needed for a complete understanding of the risks to the public, the environment, and property in the event of an accident. Hazard identification and risk assessments should be undertaken from the earliest stages of design and construction, throughout operation and maintenance, and should address the possibilities of human or technological failures, as well as releases resulting from natural disasters or deliberate acts (such

as terrorism, sabotage, vandalism, or theft). Such assessments should be repeated periodically and whenever there are significant modifications to the installation.

- Prepare for any accidents that occur. It is important to recognize that it is not possible to totally eliminate the risk of an accident. Therefore, it is critical to have appropriate preparedness planning in order to minimize the likelihood and extent of any adverse effects on health, the environment, or property. The community should conduct, in cooperation with other stakeholders, any off-site planning including provision of information to the potentially affected public.

- Co-operate with local authorities, and industry, in emergency planning and response. Representatives of the community should take advantage of opportunities to provide input into the emergency planning process, both with respect to on-site and off-site plans. In addition, members of the public should co-operate with any tests or exercises of emergency plans, following directions and providing feedback, as appropriate.

- Assist other stakeholders to carry out their respective roles and responsibilities. The community should co-operate with management and employee representatives and public authorities in order to promote communication and involvement from all stakeholders involved.