

**HSERC MEMBERS OR THE VOTING REPRESENTATIVES'
SIGN-IN SHEET FOR SEPTEMBER 20, 2007**

Robert A. Boesch
Pesticides Program Manager
Pesticides Branch, Dept. of Agriculture
Board of Agriculture

Robert Boesch

Tin Shing Chao
Manager

Occupational Safety and Health Division
Department of Labor and Industrial Relations

Phillip Arbitrario

John Ross
Hawaii Representative/LEPC Chairperson

John Pearl for John Ross

John Pearl

for Captain Carter Davis
Honolulu Representative/LEPC Chairperson
Honolulu Fire Department

[Signature]

Clifford Ikeda
Kauai Representative/LEPC Chairperson
Kauai Civil Defense

Scott Kekuewa
Maui Representative/LEPC Chairperson
Maui Fire Department

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Laurence K. Lau
Deputy Director, Environmental Health
Department of Health

Maria Lutz
Manager, Disaster Services
American Red Cross

Gary Moniz
Chief of Enforcement
Department of Land and Natural Resources

Director
Environmental Quality Control Ofc.

[Signature]

[Signature]

**HSERC MEMBERS OR THE VOTING REPRESENTATIVES' SIGN-IN
SHEET FOR SEPTEMBER 20, 2007**

Thomas J. Smyth
Business Services Division
Dept. of Business, Econo Dev. & Tourism



Edward Teixeira
Vice Director
State Civil Defense
Department of Defense



KEN LESPERANCE
BY PROXY

Chris Takeno
Hazardous Materials Officer
Department of Transportation

Jay Maddock, Ph.D.
Director
Office of Public Health Studies
University of Hawaii at Manoa

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*Hawaii
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LINDA LINGLE
GOVERNOR OF HAWAII

CHIYOME L. FUKINO, M.D.
DIRECTOR OF HEALTH

STATE OF HAWAII
DEPARTMENT OF HEALTH

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In reply, please refer to:
HEER OFFICE

HAWAII STATE EMERGENCY RESPONSE COMMISSION
MEETING #66

Thursday, March 22, 2007 from 9:02 a.m. to 10:37 a.m.

Department of Health
919 Ala Moana Boulevard, Room 215
Honolulu, Hawaii 96814

Final Meeting Summary
Attendees

Voting

Carter Davis, Honolulu LEPC
Edward Teixeira, Department of Defense, Civil Defense Division
Laurence Lau, Department of Health
Scott Kekuewa, Maui LEPC
Genevieve Salmonson, Environmental Quality Control Office
Gary Moniz, Department of Land and Natural Resources
Tin Shing Chao, Department of Labor and Industrial Relations
John Ross, Hawaii County LEPC
Elton Ushio, Kauai LEPC
Maria Lutz, American Red Cross

Non-Voting

Sharon Leonida, Department of Health, Hazard Evaluation and Emergency Response Office
Curtis Martin, Department of Health, Hazard Evaluation and Emergency Response Office
Beryl Ekimoto, Department of Health, Hazard Evaluation and Emergency Response Office
Paul Chong, Department of Health, Hazard Evaluation and Emergency Response Office
Shirley Zhai, Brewer Environmental Industries of Hawaii
Cynthia Pang, U.S. Navy
Alan Sugihara, U.S. Navy
Leland Nakai, Honolulu LEPC
Ken Lesperance, Department of Defense, Civil Defense Division
Earl Nishikawa, Chevron USA Products Company
Keith Kawaoka, Department of Health, Hazard Evaluation and Emergency Response Office

1) Larry Lau called the meeting to order at approximately 9:02am

1.1 Opening remarks by Larry Lau.
Anniversary of Remembrance of Koloko Dam failure.

This Saturday will be the one (1) year anniversary of the Ala Wai Sewage Spill. We learned a lot, need to keep learning and monitoring.

October 2006 Earthquake and power outage, we need to work on Continuity Of Operations Plan and keep on top of things.

Taking Agenda out of ordering, Item #6, Budget. Some people have to leave early.

1.2 Introduction of attendees

1.3 A motion was made to accept the minutes from meeting #65, John, seconded by Gary.

6) FY 08 Budget from Tier II Collections (Handout)

Curtis: March 20, 2007 Draft FY08 LEPC Funds Distribution. After deduction of HSERC operational expenses, balance of Tier II funds to be distributed. Base of \$2,000 used, \$40,301 divided on the percentage of Tier II reporting facilities in each LEPC district.

Larry: This is for July 01, 2007?

Curtis: Yes

Carter: Discussion with LEPC before meeting. Agreed to \$2,000 base, 3 agreed, one opposed.

Ken: Who opposed?

Carter: Kauai. Clifford wants larger base.

Larry: Motion to accept? 1. Carter, 2. John. Motion passed

Jenny: Why do they want more funds?

Several responded: Use for expenses, operations.

2) Local Planning Committee (LEPC) Updates

2.1 Hawaii

John Ross:

1) Reviewing ERP

2) Receiving hard Copies of Tier II. Wants any help that DOH can give regarding Electronic version.

3) One (1) person to NASTTPO Conference.

4) Working with Coast Guard and Region 9 to get ICS 300 training in May. Contacted Captain Honda to try and get ICS 400.

2.2 Kauai:

Elton Ushio for Clifford Ikeda:

1) Elton was not sure what to do, requested to do his report last.

2) Beryl mentioned that Clifford had told her about concerns for payment of the HMEP project.

Elton remembered that Clifford wanted funding switched from Continuing Challenge to Haz Tech Training.

Ken responded that the check for project had been mailed. He needed to check if seminar would be accepted as training.

John commented that a seminar is legal to fund. Discussion between Ken, John, Carter.

They talked about what can be covered by HMEP.

Ken used other State Civil Defense fund to pay last year's Tech course, \$45,000.

Carter stated Tech Training is high priority training for first responders.

Ken would like to give money to training, if he had any.

John asked Ken if he was going to conference in April.

Ken does not know if he can go.

2.3 Maui

Scott Kekuewa:

1) LEPC meeting held March 15, 2007, last Thursday.

2) Possibility of having website using Honolulu LEPC model. Can e-mail be used to report hazardous chemical dumping? Can it be done anonymous? Discussion between Carter, Scott, John.

Scott discussed creating the website with the county.

John wanted to know who did Honolulu's. Is it informative or interactive? Amount of cost?

Leland started site, explained website, other people do it now. He is still the web master.

3) Chris wanted to know if e-mail is legal form of notification.

Carter advised him to check with federal if its legal.

Curtis stated in 128D, e-mail is not notification, phone calls are. Discussion between Curtis, Larry and Jenny

Curtis advised that if we find out about anyone not notifying us, we would go after them.

Larry said we could use State status and tap funds to use the Environmental Crime Unit.

Jenny asked about the money limit, is it a small amount?

Larry commented it was not the money, if hazardous release, danger to environment, not just paper work, but environmental pollution for profit, this would be illegal. Examples are solid waste dumping, things in storm drains, others.

Carter added the city handles these things also.

2.4 Oahu

Carter Davis

1) LEPC meeting held March 14, 2007. Discussed budget concerns.

2) Presentation by Aircraft Fueling Facilities, handout. New name is: Aircraft Service International Group. All airlines grouped together to share fueling services. There is a problem on the outer islands with running out of fuel. Not enough storage available. Pipelines for fuel regularly checked to prevent spills.

3) CLEAN update. Five,(5), Firefighters to go to Continuing Challenge. Campbell Industrial Park, (CIP), evacuation plan is being completed. Examples of "Critical Incidents" were given.

A. Imperium Bio-diesel Plant at Kalaeloa with 100 million gallons annually imported vegetable oil, and three, (3), million gallons Methanol. No appropriate extinguishing agent right now. In addition, one (1), million gallons of Sodium Methanol. What plans need to be made for fire prevention?

B. A scenario where Grace Pacific has 9,000 gallons hot Asphalt spilled on highway. Impact on traffic flow would be similar to when overpass was knocked down. Trying to get plans in place before incidents occur.

HECO also moves hot fuel oil around similar to Grace Pacific. There is a need to coordinate these businesses together. Find the best way to handle situation.

Mike Cripps was asked to plan a field exercise to get everyone together to prepare a plan. Mainland has examples. Best to be pro-active, before situation occurs.

Curtis added that Barbers Point has asphalt plant that ships to outer islands. Intermodal tanks that can be up to 9,000 gallons. They can ship 30 tanks a week.

Chris from DOT noted that transport on roads have 5,000 gallon capability.

4) Janis Witul did workshop on January 23rd on EPCRA for outer islands and CIP, Campbell Industrial Park.

5) HMEP Planning Grant Project. Started on Kailua-Kaneohe Area, doing letter survey.

6) President's Executive Order 13423, Federal facilities still have to report to HEPCRA.

7) LSU, Louisiana State University, doing a Weapons of Mass Destruction class. It will be April 11-13 at HPD Training Center.

Carter mentioned chemicals bombs, made with plastic bottles and Chlorine.

7) Honolulu Emergency Plan was revised. On January 12, 2007, General Lee approved Emergency

Operating Plan.

John asked if any seats available for Bio-Terrorism training.

Leland said Firefighters have first priority, John to give him names for a waiting list.

3) EPA Update

Mike Ardito was not able to be here. Handouts on table.

4) HMEP Training Classes and Exercises

Ken Lesperance:

1) Running behind in training classes. Refresher class must be done by June. Maui is next for hosting Chemical And Tactics Course. Their list has less than 5 approved personnel, would like to increase the list.

Scott still wants to host class, it won't start till June. He is using Haz Mat Tech class to have certified personnel.

Ken is listing 15 seats for Maui, 5 each for the other counties. Does not want to have the class close to the deadline. Discussion on money for travel, expenses between Ken, Carter, Curtis, John.

Ken will use what money is left over for expenses. If a local teacher is used it will lower cost. No other money available for traveling.

John was hoping for help on travel expenses. Commented that class is two weeks apart.

1) Department of Agriculture half-day class workshop, Ken has course information. He received it late.

He will e-mail to others.

1) Discussion on status of next years grant.

Ken announced that grant applications are due on July 1, 2007. This has to be done online.

John noted that Ken has to be proactive. Needs to go to the conference to learn online application.

Curtis mentioned \$43,000 as amount available.

Carter reminded meeting that grant could be up to 70% more then before. State can adjust it for more training then planning funding. Discussion with Ken, John, Carter.

Ken can see changing and using more for training then planning. Try to do the best to have application by July 1, 2007.

5) Redistribution of Unused Planning Monies for HMEP Projects.

Ken Lesperance: asked if anyone had any grant proposals.

John wanted to know what's available.

Ken has about \$20,000 left. Discussion between Scott, Ken, Larry.

Scott's website concerns reporting requirements. Would it fall under planning? Scott needs to give information to Ken and make it planning related.

7) Revised MOA between SCD and DOH

Curtis Martin:

MOA was signed, distributed February 12, 2007. HEER has a 20% match of funds.

Larry wants Ken to work with Curtis and report to him later.

Ken talked about Grant Process – HMEP Planning. Discussion between Ken and Larry.

Ken states that refunds did not arrive until late. Will work on that problem. Documents need to be in by October 30, this is not mentioned in the contracts. New MOA needs to address what documents needed and when they are due. New documents can be requested later. His office will be handling this.

Larry asked Ken to work it out and e-mail him.

Ken to meet after meeting with LEPCs.
John concerned about losing money because of this problem.
Ken said the new MOA would explain.
Larry wants to meet with Keith and Curtis.

8) SOSOC's Island Swapping

Curtis Martin:
Curtis explained OSC's will change Islands in September of 2007.
Paul will have Kauai.
Liz will have Maui.
Terry will have Big Island – Hawaii.
Mike will have Honolulu – Oahu.

9) EPA's Visit in January and February '07

Beryl Ekimoto:
Beryl and Janice Witul visited RMP facilities. Two facilities on the Big Island were given as examples. One facility was not following their regulations. The seconded was late in filing their Tier II. EPA will do follow up enforcement.
Larry asked Beryl to pass this on to the LEPC.

10) Other Business

10.1) Curtis Martin:

HazKat Kits, Manuals, CD available. It will be distributed to units.
Carter noted that the vendor is doing training next week.

10.2) Shirley Zhai, Brewer Environmental Industries.

Chlorine Training will be in April, fliers available.

10.3) Carter Davis:

HEPCRA 128-E not interpreted, it can cause questions, challenges by people filing Tier II. LEPC's are feeling the lack of Administrative Rules. Too many interpretations from different people and no rules can cause shortcomings. Discussion between John, Leland and Curtis.

John was doing research; it would be easier for HEER Office if there were Administrative Rules for 128-E. No problems at present time. It could develop later.

Leland added that when complaints come in, it would help if rules were in place.

Curtis stated that for enforcement we use EPA. For Administrative Rules we would need to have Public Meetings.

Keith supplied that the Attorney General would need to give written interpretation of the Administrative Rules.

Discussions between Larry, John, Curtis, Carter.

Larry's staff was asked to go over their rules. He suggested that other Island's talk and come up with a committee. Department's should do a review of their rules.

John wants to ask other states about their rules.

Larry and Curtis agree with John.

Larry said enforcement is big, should be important. It should be talked about.

Carter will talk to Keith and Curtis.

Larry wants the issues to be listed at the next meeting.

10.4) Keith Kawaoka

Super Ferry is coming in July. Is there anything about operations, feedback from Counties? Discussion with Larry, Carter, John, Chris, Tom, Shirley, Maria.

Carter has traffic, emergency response issues. Will the ferry be carrying any hazardous substance?

John questioned what happens if munitions are being transferred from barge to land on Big Island. Will ferry be allowed in Harbor?

Shirley said ferry has priority.

Tom stated that if explosives were on barge, they wouldn't move the barge.

Larry knows Honolulu has plans, how to deal with emergencies.

Maria Lutz, American Red Cross suggested that since there was so much concern about the Super Ferry that we invite a representative from the Super Ferry to the next meeting.

Chris will check with DOT Harbors, they must have a plan. Other cruise ships involved must have a schedule, he will check up on that. He will give information at the next meeting.

Larry would like someone from the Super Ferry at the next meeting.

10.5) Larry:

Depleted Uranium, not taking time to talk about it in meeting. See him after meeting. Welcomed Ed Teixeira.

10.6) Ed Teixeira:

Talked about Civil Defense and earthquake. It has been a busy year. Upcoming FEMA Hurricane Exercise in May. Training for April is set for the 14-19, April 20-24 is the Tabletop and April 25 is the wrap-up.

John has Big Island wide exercise going on at the same time. Will sent dates to Ed later.

Ed informed meeting that City and County and Joint Taskforce do workshops on Debris Management.

John asked if Ed could fund off island training.

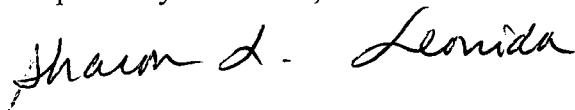
Larry thanked everyone and gave comments on taking stairs, copy double-sided, conserve resources. Stay if anyone wants to talk about Depleted Uranium.

11) Schedule next HSERC meeting

The next HSERC meeting will be tentatively held on Thursday, June 21, 2007.

The meeting was adjourned at 10:37 a.m.

Respectively Submitted,



Sharon L. Leonida

Environmental Health Specialist II

[§128E-6] Reporting requirements. (a) The owner or operator of a facility in the State that stores, uses, or manufactures any hazardous substance shall comply with the following requirements:

- (1) Each owner or operator of a facility in the State shall comply with the emergency planning and notification requirements of sections 302 and 303 of the Emergency Planning and Community Right-to-Know Act of 1986, 42 U.S.C. §§11002 and 11003, if an extremely hazardous substance is present at the facility in an amount in excess of the threshold planning quantity established for the substance;
- (2) Each owner or operator of a facility in this State that is required to prepare or have available a material safety data sheet for a hazardous chemical under the Occupational Safety and Health Act of 1970, as amended, 15 U.S.C. §651 et seq., and regulations promulgated under that Act, for all hazardous substances present at the facility in amounts not less than 10,000 pounds, and extremely hazardous substances present at the facility in amounts not less than 500 pounds, or the threshold planning quantity for that substance, whichever is less, shall comply with the following reporting requirements:
 - (A) Complete a chemical list by March 1 of each year and submit material safety data sheets not more than thirty days after a request;
 - (B) Complete the state chemical inventory form by March 1 of each year, provided that a Tier II list shall be used until a state form is available;
 - (C) Submit facility diagrams and location area maps by March 1 of each year, and update the maps annually as needed; and
 - (D) Upon request, submit emergency response plans required under state or federal law.

The information described in subparagraphs (A) through (D) shall be submitted to the commission, the respective committee, and the fire department upon request by the same:

- (3) Each owner or operator of a facility in this State that is subject to section 313 of the Emergency Planning and Community Right-to-Know Act of 1986, 42 U.S.C. §11023, shall comply with the toxic chemical release form requirements of section 323 of the Emergency Planning and Community Right-to-Know Act of 1986 by July 1 of each year; and
 - (4) Each owner or operator of a facility in this State covered under section 304 of the Emergency Planning and Community Right-to-Know Act of 1986, 42 U.S.C. §11004, shall comply with the notification requirements of section 304 of the Emergency Planning and Community Right-to-Know Act of 1986, and section 128E-7, if a release of an extremely hazardous substance occurs from the facility.
- (b) The commission shall adopt rules in accordance with chapter 91 establishing the specific information required on the state chemical inventory form. The chemical inventory form shall facilitate ease in complying with the requirements of [this chapter] by consolidating the necessary information into one form. The chemical inventory form may include, but is not limited to:
- (1) The chemical name;
 - (2) Quantity stored on the site;
 - (3) Hazardous components;
 - (4) Health and physical hazards; and
 - (5) Storage information. [L 1993, c 300, pt of §1]

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(A) for all hazardous substances present at the facility in amounts not less than 10,000 pounds, and

(B) extremely hazardous substances present at the facility in amounts not less than 500 pounds, or the threshold planning quantity for that substance, whichever is less shall comply with the following reporting requirements:

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- [(C)] Submit facility diagrams and location area maps by March 1 of each year, and update the maps annually as needed; and
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(iii) Submit facility diagrams and location area maps by March 1 of each year, and update the maps annually as needed; and

(iv) Upon request, submit emergency response plans required under state or federal law.

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- (2) Quantity stored on the site;
- (3) Hazardous components;

- (4) Health and physical hazards; and
- (5) Storage information. [L 1993, c 300, pt of §1]

LINDA LINGLE
GOVERNOR

MAJOR GENERAL ROBERT G. F. LEE
DIRECTOR OF CIVIL DEFENSE

EDWARD T. TEIXEIRA
VICE DIRECTOR OF CIVIL DEFENSE

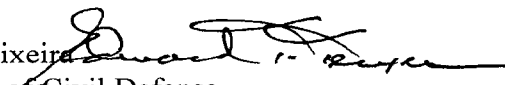


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STATE OF HAWAII
DEPARTMENT OF DEFENSE
OFFICE OF THE DIRECTOR OF CIVIL DEFENSE
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September 20, 2007

TO: Mr. Laurence K. Lau, Chair
Hawaii State Emergency Response Commission

FROM: Edward T. Teixeira 
Vice Director of Civil Defense

SUBJECT: SEPTEMBER 2007 HSERC MEETING

I am unable to attend the September 20, 2007, HSERC meeting due to a conflicting schedule.

I hereby appoint Ken Lesperance from State Civil Defense to represent me at the above meeting with all the rights as a voting member.

LINDA LINGLE
GOVERNOR OF HAWAII



CHIYOME L. FUKINO, M.D.
DIRECTOR OF HEALTH

STATE OF HAWAII
DEPARTMENT OF HEALTH

P.O. BOX 3378
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In reply, please refer to:
HEER OFFICE

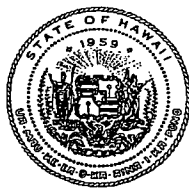
HAWAII STATE EMERGENCY RESPONSE COMMISSION
MEETING #68

Thursday, September 20, 2007 from 9:00 a.m. to 12:00 p.m.

Department of Health
919 Ala Moana Boulevard, 5th Floor
Honolulu, Hawaii 96814

AGENDA

- 1) 9:00 Call to Order
Opening Remarks
Approval of Minutes from Mtg #67
Thomas J. Smyth, Department of Business, Economic Dev. & Tourism
- 2) 9:15 LEPC Updates
John Ross, Hawaii LEPC Representative
Clifford Ikeda, Kauai LEPC Representative
Scott Kekuewa, Maui LEPC Representative
Carter Davis, Oahu LEPC Representative
- 3) 9:45 EPA Update
Mike Ardito, USEPA Region 9
- 4) 10:00 HMEP Update
Ken Lesperance, SCD
- 5) 10:15 HSERC Financial Report
Tier II Reallocation of Funds
HEER
- 6) 10:30 Break
- 7) 10:45 HEPCRA
128-E Statutory Changes Update
LEPC Chairs, HEER
- 8) 11:00 HEPCRA
128-E Administrative Rules Update
LEPC Chairs, HEER
- 9) 11:15 Super Ferry
Jeff Conners
- 10) 11:30 Other Business
Glove Bag
Mike Cripps, HEER
- 11) 11:45 Schedule next HSERC meeting



LINDA LINGLE
GOVERNOR OF HAWAII

CHIYOME L. FUKINO, M.D.
DIRECTOR OF HEALTH

STATE OF HAWAII
DEPARTMENT OF HEALTH

In reply, please refer to:
HEER OFFICE

P.O. BOX 3378
HONOLULU, HAWAII 96801

HAWAII STATE EMERGENCY RESPONSE COMMISSION
MEETING #67

Thursday, June 28, 2007 from 9:05 a.m. to 10:38 a.m.

Department of Health
919 Ala Moana Boulevard, Room 206
Honolulu, Hawaii 96814

Draft Meeting Summary
Attendees

Voting

Carter Davis, Honolulu LEPC
Ken Lesperance, Department of Defense, Civil Defense Division
Laurence Lau, Department of Health
Gary Moniz, Department of Land and Natural Resources
Tin Shing Chao, Department of Labor and Industrial Relations
John Ross, Hawaii County LEPC
Clifford Ikeda, Kauai LEPC
Robert A. Boesch, Pesticides Branch, Department of Agriculture
Thomas J. Smyth, Department of Business, Economic Dev. & Tourism
Chris Takeno, Department of Transportation

Non-Voting

Sharon Leonida, Department of Health, Hazard Evaluation and Emergency Response Office
Curtis Martin, Department of Health, Hazard Evaluation and Emergency Response Office
Beryl Ekimoto, Department of Health, Hazard Evaluation and Emergency Response Office
Paul Chong, Department of Health, Hazard Evaluation and Emergency Response Office
Elizabeth Galvez, Department of Health, Hazard Evaluation and Emergency Response Office
Michael Cripps, Department of Health, Hazard Evaluation and Emergency Response Office
Leland Nakai, Honolulu LEPC
Keith Kawaoka, Department of Health, Hazard Evaluation and Emergency Response Office

- 1) Larry Lau called the meeting to order at approximately 9:05 am
Introduction of attendees.

1.1 Opening remarks by Larry Lau.

Legislature items are being looked at start thinking about it. Process is year round. 1. Supplemental budget. 2. Need to start working on status about Administrative Rules.

1.2 A motion was made to accept the minutes from meeting #66, Clifford moved, Carter seconded. The motion was carried.

Taking Agenda out of ordering, Item #8, HEPCRA, 128-E Administrative Rules. Some people have to leave early. Kathy Ho is here from Attorney General Office.

8) HEPCRA, 128-E Administrative Rules

Carter requested to speak about 128-E. Referred to letter signed by LEPC's and addressed to Larry. Handout. Went over concerns about not having rules for 128-E. Some reasons had been stated previously. Law requires rules to be adopted.

Larry asked if anyone had thought about who would be drafting the rules, how to work it out. Kathy advised that a committee has to keep in mind the Sunshine law when they meet. Any two committee members get together to talk about commission business, notice must be given to the public. John asked if this meant no Internet communication. Kathy said it depended on the subject matter.

Tom Smyth gave a suggestion about Permitted Interactive Group, or PIG. This is a way of meeting informally to discuss changes in status and to draft rules. He has experience with boards and businesses and will help us to start drafting changes. He explained no quorum needed, meeting can occur outside of office, non-HSERC members can be present, discussion on changes, draft items can be done and presented to committee.

Kathy explained alternative methods of doing draft. Staff does first draft and reports to commission for their review. Status provides for rule making, may adopt rules. If you want to enforce rules, you need to make rules. Larry remarked that LEPC's want rules that can be beneficial. On that basis it would be worth pursuing. John Ross commented he has no Corporate Counsel anywhere. Attorney General representative stated she won't support counties, but will support HSERC. Corporate Counsel Hawaii won't support LEPC because not a county committee, but state entity.

Larry noted that is a big issue; it has to be dealt with. Thinking how we should go through process. John suggested if we go through rule making process, stipulation could be put in that Corporate Council function can be handed down to county.

Larry would like the lawyers to see if rules or status would be able to provide that.

Carter asked that the state provide staff to adopt or developed rules. LEPC's can do review; have discussion on areas of concern. This can be why rules are necessary, list items, and see if state can address those issues.

Larry advised that committee needs to meet with attorney and staff to determine what these issues are. Need to clarify points on what is intended in order to do drafting. Attorney has to go through and see how much would be covered by rules and what would be covered by statute change. A major drafting approach to rules can be to what extent do you want detail, definitiveness. Do you want to have more leeway, retain some discretion? Because of experience, would like to have these things discussed. Is a motion needed?

Keith mentioned that the HEER office is doing the MethLab rules, Act 170, now. LEPC's need to assist us with these changes to 128-E, because office is shorthanded.

Tom noted the HSERC should use PIG to create process to start. This needs to be voted on at meeting of the parent body. It can be done now because Administrative rules are on the agenda. This is the proper action to take. Explained what to do concerning members, meetings, and method of communication, Look into need and develop concepts before drafting. Don't wait for another quarterly meeting to start. Group would be permanent, could be chartered to look further into what is needed, things that should be included and doing preliminary language to report back every quorum, or how often committee would like.

Larry noted that the LEPC's have taken lead; do other commissioners have interest to serve on this PIG? Sharon and Beryl will be involved from HEER.

John stated that because of LEPCs interaction with the HEER office and comments from the office that they don't have firm answers to questions that come into their office about 128-E, two people from HEER should be assigned to committee.

Larry invited a motion to establish HSREC Rules using Permitted Interactive Group, PIG, to initially be composed of the representative for the LEPC and HEER office; request Attorney General support for this effort. Ask other commissioners to participate within the limits of the PIG. Discussion between Larry, Tom, John, Ken. John and Tom advised that HSERC committee members must be named by position or name in the motion. Staff and Corporate Counsel would not have to be named.

Ken concerned about unnamed people meeting together. Discussion between Tom, Carter, Ken, John, Larry. Tom gave more examples of who could be in PIG meetings. He agreed to be on committee to help. Larry again invited a motion to form HSERC Rules PIG composed of members of the four (4), county LEPCs, representative from Department of Economic, Development and Tourism. These will be the members supported by HEER staff and Attorney General office. We will request support from Attorney General office. Tom answered Chris Takeno's questions on number of people who can meet together and under what conditions they can do so.

Kathy explained that rules would be put before HSERC and comments could be made.

Tom commented how difficult it is to draft rules in a meeting setting. Better to have a committee put together draft with help from Attorney General and HEER office and then submit draft.

Larry asked if other commission members have questions could they write to staff.

Tom agreed it would be okay.

Kathy suggested sending it to HEER office staff; they can be the holder of all comments.

Larry noted that the Environmental Council has a number of sub-committees, including one on rules. Members come from other islands. They schedule committee meetings ahead of the full council meeting. They make committee decisions then bring it to the full council. KEEP RULES AS A STANDING ITEM ON THE AGENDA. If we need to discuss them, it's already there. Discussion between John, Tom, Larry.

Tom said the Internet can be used to send out draft to others and comments can be received. Work can be done on draft this way without having to meet. This will be a very significant set of rules.

John added that whoever is in the committee could see what is received. This can be put in a separate folder on the computer and keep accumulating comments. No paper work to worry about.

Tom suggested a draft document could be put on the computer. People can look at it, while someone else can work on a section and add their input.

Larry wants to call for a motion.

Ken feels that State Civil Defense does not have to be on the committee. Only the bottom item on LEPC letter affects them. If any questions on HMEP sent them to SCD staff.

Larry wants to remove himself from committee. Rule making is a big deal to him. Does not want to offend anyone during the rule making process. Inviting a motion to form a HSERC Rules Permitted Interactive Group. To be composed of the four (4), counties LEPC representative, DBED representative, and vice chair. HEER staff will support it and we will request support from AG's office. Tom moves, Gary seconded motion. Voted, motion carried.

It was acknowledged that Keith has to adopt rules for Methlab Cleanup before the end of the year. It will take us a while to get a first draft for our rules. It's good we started the process. Question for Kathy. To distinguish between what we can do by rules and when do we have to fix the statute. Something's are not within our rule making power. This needs to be fixed or clarified. If it needs a statutory change, we want to identify it as early as possible and talk about that. Ask staff to also put on agenda with or after item for Administrative Rules, Statutory changes.

Kathy advised that while thinking about formulating rules, as an example, Statutes in the law is like a map and all the streets on road map are the rules. Rules help you interpret the statutes. Anything outside of the statutes does not fall within the rules. It needs to have statutory authority. When revising the statutes, if there is anything else that falls outside of that, you might want to think about changing or drafting further statutory changes. Larry asked for other items on agenda that raise legal issues.

Gary asked that the first and second bullet item on LEPC's letter, relative to the rules, require AG's opinion as to what is the status of the LEPCs. He suggests writing a request or opinion to clear this up. He is making this a recommendation.

Kathy just got a copy of the letter, needs to draft a reply and sent it to us.

Larry wants to hold off on a motion until we get this advice. Return to the regular agenda.

2) Local Emergency Planning Committee (LEPC) Updates

2.1 Hawaii

John Ross:

1) Meeting held June 21; list of new members will be sent with minutes.

2) In the process of reviewing and updating by-laws and ERP. Funded by Civil Defense with a grant.

3) Coast Guard held ICS 300 course in May. County is doing ICS courses for employees and offering extra seats to other people. ICS 100 and 200 will be in June, 300 in July, 400 in August.

4) At NASTTPO Conference LEPC's were told to submit their count now for ERG. This is from USDOT, so they know how much to do for the initial printing.

5) Rebuilding their HAZMAT Tech's, lost 50% of members due to different causes. Situation is bad. County Fire has contracted to have the Chemical and Tech courses provided on island. The class is full all are new recruits.

6) LEPC is funding four HAZMAT Techs to Continuing Challenge. A letter will be drafted to Fire One. Person must be HAZMAT Tech in that position to go to the conference. Two from East side and two from West side of island, no deviation, or they won't be sent. HAZMZT EXPO is not conducive on Tech aspect, Continuing Challenge is. Will support the Techs with Continuing Challenge every year.

7) Next meeting will be in the middle of August. Discussion between Ken, Larry, John.

8) Ken got in touch with the USDOT branch that handles education; they will be doing the printing. USDOT gave notice at conference so they can have a count. He is still waiting for final guidance.

John will put in request for 1,000 copies, 25% increase.

Ken thinks that is a good idea. Put in amount now and if the request does not change it will be fine. Four years ago, they were told to add in training. These were pulled out people were stuck. He wants to wait for the final guidance, and then ask for final count.

Larry stated that Ken is saying that he is still waiting for final guidance. Everyone should get their count in now and finalize later.

Ken will be going to the state agencies for their count.

John stated that Ken will be going to the state agencies and LEPC will cover counties and below.

2.2 Kauai:

Clifford Ikeda:

1) Quite and mellow, had meeting for last quarter. Next meeting is August 29, 2007.

2) Had annual CST exercise. Doing NIM and ICS training, trying to come into compliance with Federal regulations.

3) Sending as much people as possible to HAZMAT EXPO. Clifford won't be there.

2.3 Maui

Scott Kekuewa:

Not able to attend.

2.4 Oahu

Carter Davis:

1) Oahu's Department of Emergency Management, DEM, sending out inquires to all Oahu departments for their ERP numbers, gathering data now.

2) LEPC meeting held on June 12. CLEAN help send five, (5) Firefighters to go to Continuing Challenge. HFD will send six, (6) personnel, total of 11 people to Continuing Challenge. Captain Sunny McGuire is one of them. He is now part of the staff of Continuing Challenge, Master of Ceremonies last year and this year. He has taken numerous trips back and forth to help with coordinating. CLEAN has helped him with the trips, great support from Campbell Local Emergency Action Network.

3) Bringing in businesses to speak about their companies, they are members of LEPC or business partner in the community. They talk about their businesses, their infrastructure and how it impacts the community. Last meeting Hawaii Fueling Association explained about how fuel is moved around the islands. Gasco gave a presentation on their company, handout available. Honolulu LEPC planning to bring in different businesses at every meeting. Tesoro presentation at next meeting.

4) CLEAN update. Fire Pal given to Elementary Schools, total of five thousand copies. Other school districts are showing interest in Fire Pal interactive CD.

5) Case Study for HFD.

A. City facility had odor similar to Beauty Saloon. Rat urine was found to be the source. After cleanup odor stopped. Larry suggested using Vector Control.

B. Paul Chong, State OSC from HEER Office did presentation on Ocean Fresh Seafood facility at Waiiau. Excellent presentation and pictures that showed the issues on the case. Investigation has gone on to Federal level.

6) Leland Nakai on NASTTPO Conference. Talked to Charly Rogoff, 70% increase in HMEP is held up in appropriation side. If and when it comes, the states will have option to change formula, more to training then planning. Original formula can't be changed. Charles Rogoff will provide funding on obligation. When you sent in request for drawn down, he would pay. He won't get involve with state's internal fiscal policies. Just submit invoice and he will pay.

7) Chemical facilities have a new anti-terrorism standard being implemented. Law was passed last October 2006. It may affect up to a quarter of a million facilities nation wide. They have gone through rule making process and have a chemical listing. He has not seen a finally chemical list. Chemical on list includes Vikane at low quantities. This means pesticide companies here would be burdened by planning and security procedures. Small businesses may not be able to stay in business if Homeland Security enforces law. Lots of people at conference voiced opinions because they come from agricultural states. When finally chemical list is published, program should go forth. State and local government cut out of process. They are putting up a need to know access under the Chemical Terrorism Vulnerability Information Program. This is special access, EPA working with Homeland Security to get LEPCs access. We will be able to get an idea of what facilities here are covered under this law. This won't affect HEPCRA.

8)EPA update. Survey will be sent out this summer to LEPCs about a number of issues. Parking lots, shopping centers, car lots, will be required to report because of Sulfuric Acid. Discussion between Carter, Larry, Leland, Tom. Questions on who would do reporting, would it be under Tier II?

Carter gave example of how to do calculating to do reporting.

Leland said EPA Headquarter said no exception. According to Sicy Jacobs. These discussions held at a national level. He has sent a formal request to clarify if HSERC LEPCs need to enforce.

Larry is going to speak to Regional Administer about another matter, will ask about this.

Carter advised the need to attend meetings and try to stop these topics before it becomes a big issue.

John mentioned that people at meetings represent EPA, DOT, are high ranking people who make things happen. They put it out to a national committee.

Leland added another issue is that farmers are not exempt from reporting under HEPCRA. Chemical on property that exceed Threshold Planning Quantity fall under HEPCRA requirements. He has asked for clarification from EPA Region 9 in writing, from Janice Witul. No reply received yet. Presentation is not up on website.

9) Case Study. Large chemical fire at Kansas City. Fifty mile smoke plume went over Kansas City. Ash and other things that had been drawn up into fire falling out of smoke plume. One regional office from EPA was there doing lots of testing. No exceedances of allowable hazards were detected. Fly through with aircrafts were done. One finding was that the Incident Commander was burdened with lots of contractor visitors. They said they were LEPC responders, however they just wanted to see if they could get some business from the responsible parties. Too many people were let in.

10) FEMA update on NIMS. Doing fifth reorganization in FEMA, grant managers are moving to different regions. FEMA is opening office in Hawaii. Doing NIMS document rewrites. Draft of NRPA is held up. Lots of people upset about the structure of ESF.

Tom asked for new date for NRPA. Can't update his work until it comes out.

IC 700 and 800 training on line, 5.6 million people have completed course. Reinstating The CHERCAP program, Comprehensive Hazardous Materials Emergency Response Capability and Assessment Program.

Kalaeloa Exercise was done under this program. Ken added the money from this program had a broad use, no match needed.

ERG update. Pat Romero from DOT gave an interpretation of Hazmat Transit Based Cargo. When in a transport facility for 72 hours, cargo is not required to report under HEPCRA.

LSU WMD Beginning Cameo Course will be held from November 19-21. It is a three-day course.

John wanted to add that the list for the Chemical Vulnerability Terrorism Program, which is waiting for approval, would probably come out after the law goes into effect on July 1. Hard to report when you're not sure what to report.

Carter added that thirty-four people attended from the state.

3) EPA Update

Mike Ardito was not able to be here. Handouts are on the table.

Larry was concerned about the article on page 2, High Risk Chemical Facilities. This is what Leland had talked about earlier. Larry will check with Mr. Nastri on this.

Tom asked how many facilities are in Hawaii under these criteria.

Leland thinks it covers all the critical infrastructure that has been identified. Depending on the chemical list, it may expand the numbers. Battery acid item is not part of this.

Larry wanted to know if we are expecting a change in number of facilities.

Leland expects it will because of lower chemical goals. Depends on kind of chemicals and quantity you have.

Facilities will fall under different Tiers. Top Tier is the most critical. They need huge lists of planning and security requirements that they are expected to have in place.

Larry inquired who informs the facility.

Leland said letter would come from Homeland Security.

John added the facilities report directly to Homeland Security, not state.

Tom wanted to know who enforces this. Homeland Security will.

Tom wondered if someone comes to check. Discussion between Tom, Larry, John, Carter, Ken. Speculation as to who will do it and how this will be done. State will not see plans. If facility does not report for Tier II, we won't know who they are. Background checks would need to be done for employees.

Tom mentioned that we wouldn't have access to information. Can we get access to it?

Leland referred to Chemical Vulnerability Program Access. EPA is working with DHS to get LEPCs access.

Once we get access we can see what facilities are on program.

Larry related that Drinking Water Program has a similar program. He is going to ask Kathy if by state law we can get copies of information.

Tom commented that getting access would allow on scene personnel to check to see if facility on list.

Larry expressed these are big issues, regarding Department of Homeland Security requirements.

4) HMEP Project Proposal

Carter Davis:

1) Study of Waipahu area. From Leeward Community College to Kunia Road, see what is in that area. Project was proposed before and accepted.

Ken explained how projects were presented and approved. Is dollar amount \$24,000, does it include match?

Carter verified amount, anything over \$25,000 changes process. John made motion to accept, Ken seconded motion was carried.

5) Status of MOA

Larry Lau:

1) Curtis not here, asked Ken about MOA.

Ken said MOA signed since last meeting. Only concern was whether funds could be forwarded. Charley Rogoff said it was not a problem. Recommend that within the project, write your MOA. Whether doing study or sending someone to NASTTPO using HMEP funds, stipulate payment process. When Vice Director of SCD signs, everyone at SCD will have to follow it. Their attorney always reviews this so it will be legal and signed.

6) Break.

7) Re-distribution of Unused Tier II Funds

Leland Nakai:

1) Explained that matching funds from Tier II that were not used were returned. What is happening to that money?

Sharon answered funds should be there.

John asked could these funds be carried over for next year's distribution to counties.

Sharon will talk to Curtis.

John is concerned about money that he has not submitted for. Discussion between John, Larry, Carter.

Carter explained about the 20% match and that money is left over from not being used. What happens to unused money and can it be divided between LEPCs.

Larry clarified about funds to LEPC and 20% match. Needs a process to identify amounts and act on it. Do we need a financial report?

John suggests an update towards end of year to see how much is left in the 20% match. Can be determined whether to roll over into next year operating fund, added to base or percentage.

Larry does not want to make it an agenda item, yet. Think about process to keep track and make sure it's brought up in a timely manner to reallocate spending so funds are used. Will ask staff to let him know what it takes to process quarterly report.

John would like reports towards end of year, whether State fiscal year or revolving. Just a time we decide on and remaining funds can be decided on also.

Larry wants everyone to keep this in mind for next meeting, important issue. Item 8 was done earlier

9) Super Ferry.

No one available from company to attend.

10) Other Business

1) John asked Ken which county would be supported for NASTTPO this past year? Should be revolving?

Ken said no one came forward.

Carter said Honolulu volunteered to go last, to give opportunity to neighbor islands.

Ken wants to leave it to LEPCs to figure it out. Don't need to vote on it.

John stated Hawaii County funded their person to go to NASTTPO this past conference. Can they recoup funds?

Ken will find out if they can get it back. If it needs to be voted on, will put it on next meeting agenda.

John asked if HMEP grant did not support anyone this year, could a county apply toward grant fund. Discussion on applying for funds by John, Ken, Clifford. In the minutes from previous years, possible one to two years ago, voted on rotation.

Ken has put \$10,000 in next years grant towards travel. This is for 20 people, from the planning side of grant.

Last time he requested to go to conference and supervisor denied him. He will ask to go again.

John notified meeting the next conference is first week in November, Hazmat Expo.

do correction from 20 to 2

2) Leland wanted to ask about reimbursement for completed projects. Two projects still outstanding, update of EHS and Harbors project. Funds were coming from Homeland Security side.

Ken advised Leland to mail it to Dee Cook. He can't make anything happen. He will tell her about it.

Carter wondered about status of next years HMEP application.

Ken completed on line, one week ago he received guidance from USDOT. Contractor he didn't meet before said he needed to also do a complete written copy, separated from on line. Just doing on line did not satisfy the requirement. He did complete it. He asked Carter for progress report on project, he is the only one with a current project. A paragraph is fine. Deadline for doing grant is August 1, he will complete it tomorrow.

3) Larry has a question on a proposal to built a 100 million gallon plant and storage facility for Bio-fuel at Kalaeloa. Does either the ingredients or waste products qualify as hazardous?

Leland said that was an issue brought up at NASTTPO Conference. It is under review, Bio-fuel falls under HEPCRA.

Larry asked Keith about draft that was sent to him. He asked Mike Cripps about Bio-fuel. Ingredients would be stored as waste product, would it trigger reporting?

Mike said they are composting the by-product. Glycerin by product is not clean enough to be sold to cosmetic or soap industry.

Larry asked Gary why he was quiet. Asked him if he was getting more staff.

Gary doesn't understand politics. Governor gave 50 new positions; Legislature cut that amount in half. He will be getting more staff. He is putting into supplemental Budget a request for Emergency Response Planner position. Can't keep up with all the training.

11) Schedule next HSERC meeting

The next HSERC meeting will be tentatively held on Thursday, September 20, 2007.

John asked if we could look to set a date for December, before the holiday season. Don't need to vote on.

Larry said December 6, tentative.

The meeting was adjourned at 10:38 a.m.

Leonida, Sharon L

From: Chao, Tin - OSHA State (HI-SP) [Chao.Tin@dol.gov]
Sent: Wednesday, September 19, 2007 9:54 AM
To: Leonida, Sharon L
Cc: Arbitrario, Phillip - OSHA State (HI-SP)
Subject: RE: please distribute this for tomorrow's HSERC meeting
Importance: High

Sharon:

Philip and I just finished attending the OSHA's preparedness conference call for all 50 states and I believed we need to ask you to print this Emergency Response and preparedness Federal Register for distribution in tomorrow's HSERC meeting. As you know, I can't make it tomorrow and I have an authorization letter for Philip to attend and to vote for me.

I am sorry, it is last minute but I believe it is important to our State to get some input before making of the OSHA standards. OSHA has published this emergency response Federal register on 9/11/07 and ask for information and comments from local emergency management communities the attached document should be widely distributed to all state and local levels who involved in emergency management functions for comment prior to rule making. Please print copies and help distribute this to everyone. There is also a link for the National Response Framework everyone can check it out it is about 101 pages and a draft copy of the Safety and Health support Annex which is 8 pages. Thank you.

National Response Framework (<http://www.fema.gov/nrf>, and <http://www.fema.gov/pdf/emergency/nrf/nrf-support-wsh.pdf>)

Tin Shing Chao

From: Leonida, Sharon L [mailto:sharon.leonida@doh.hawaii.gov]
Sent: Tuesday, September 18, 2007 7:10 AM
To: Carter Davis; Chris Takeno; Clifford Ikeda; Ed Teixeira; Gary D. Moniz; Jan Hasegawa; Joe Blackburn; John Ross; Ken Lesperance (Standin); Lau, Laurence K.; Leland Nakai; Maria Lutz; Robert A. Boesch; Scott Kekuewa; Thomas J. Smyth; Chao, Tin - OSHA State (HI-SP)
Subject: Sending Minutes for meeting # 67

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9/19/2007

27 CFR Part 7

Advertising, Beer, Customs duties and inspection, Imports, Labeling, Reporting and recordkeeping requirements, Trade practices.

Amendment to the Regulations

For the reasons discussed in the preamble, TTB proposes to amend 27 CFR, parts 4, 5, and 7, as follows:

PART 4—LABELING AND ADVERTISING OF WINE

1. The authority citation for part 4 continues to read as follows:

Authority: 27 U.S.C. 205, unless otherwise noted.

2. In § 4.32:

a. Paragraph (a)(3) is removed and reserved; and

b. A new paragraph (b)(3) is added to read as follows:

§ 4.32 Mandatory label information.

* * * * *

(b) * * *

(3) Alcohol content, in accordance with § 4.36.

* * * * *

PART 5—LABELING AND ADVERTISING OF DISTILLED SPIRITS

3. The authority citation for part 5 continues to read as follows:

Authority: 26 U.S.C. 5301, 7805, 27 U.S.C. 205.

4. In § 5.32:

a. Paragraph (a)(3) is removed and reserved; and

b. Paragraph (b)(6) is added to read as follows:

§ 5.32 Mandatory label information.

* * * * *

(b) * * *

(6) Alcohol content, in accordance with § 5.37.

* * * * *

PART 7—LABELING AND ADVERTISING OF MALT BEVERAGES

5. The authority citation for part 7 continues to read as follows:

Authority: 27 U.S.C. 205.

6. In § 7.22:

a. Paragraph (a)(5) is removed and reserved; and

b. Paragraph (b)(3) is revised to read as follows:

§ 7.22 Mandatory label information.

* * * * *

(b) * * *

(3) Alcohol content, in accordance with § 7.71, when required by State law or for malt beverages that contain any

alcohol derived from added flavors or other added nonbeverage ingredients (other than hops extract) containing alcohol.

* * * * *

Signed: January 8, 2007.

John J. Manfreda,
Administrator.

Approved: May 21, 2007.

Timothy E. Skud,
Deputy Assistant Secretary (Tax, Trade, and Tariff Policy).

Editorial Note: This document was received at the Office of the Federal Register on September 6, 2007.

[FR Doc. E7-17909 Filed 9-10-07; 8:45 am]

BILLING CODE 4810-31-P

DEPARTMENT OF LABOR**Occupational Safety and Health Administration****29 CFR Part 1910**

[Docket No. H-010]

RIN 1218-AC17

Emergency Response and Preparedness

AGENCY: Occupational Safety and Health Administration (OSHA), Department of Labor.

ACTION: Request for information.

SUMMARY: Elements of emergency responder health and safety are currently regulated by OSHA primarily under the following standards: The Hazardous Waste Operations and Emergency Response Standard; the personal protective equipment general requirements standard; the respiratory protection standard; the permit-required confined space standard; the fire brigade standard; and the bloodborne pathogens standard. Some of these standards were promulgated decades ago, and none was designed as a comprehensive emergency response standard. Consequently, they do not address the full range of hazards or concerns currently facing emergency responders, nor do they reflect major changes in performance specifications for protective clothing and equipment. Current OSHA standards also do not reflect all the major improvements in safety and health practices that have already been accepted by the emergency response community and incorporated into industry consensus standards.

OSHA is requesting information and comment from the public to evaluate what action, if any, the Agency should take to further address emergency

response and preparedness. The Agency will be considering emergency response and preparedness at common emergencies (e.g., fires or emergency medical and other rescue situations), as well as large scale emergencies (e.g., natural and intentional disasters). OSHA's areas of interest are primarily: personal protective equipment; training and qualifications; medical evaluation and health monitoring; and safety management. The agency will also be evaluating the types of personnel who would constitute either emergency responders or skilled support employees at such events, as well as the range of activities that might constitute emergency response and preparedness.

DATES: Comments must be submitted by the following dates:

Hard copy: Your comments must be submitted (postmarked or sent) by December 10, 2007.

Facsimile and electronic transmission: Your comments must be sent by December 10, 2007.

ADDRESSES: You may submit comments, requests for hearings and additional materials by any of the following methods:

Electronically: You may submit comments, requests for hearings, and attachments electronically at <http://www.regulations.gov>, which is the Federal eRulemaking Portal. Follow the instructions on-line for making electronic submissions.

Fax: If your submissions, including attachments, are not longer than 10 pages, you may fax them to the OSHA Docket Office at (202) 693-1648.

Mail, hand delivery, express mail, messenger or courier service: You must submit three copies of your comments, requests for hearings and attachments to the OSHA Docket Office, Docket No. S-023B, U.S. Department of Labor, Room N-2625, 200 Constitution Avenue, NW., Washington, DC 20210. Deliveries (hand, express mail, messenger and courier service) are accepted during the Department of Labor's and Docket Office's normal business hours, 8:15 a.m.-4:45 p.m., e.t.

Instructions: All submissions must include the Agency name and the OSHA docket number for this rulemaking (OSHA Docket No. S-023B). Submissions, including any personal information you provide, are placed in the public docket without change and may be made available online at <http://www.regulations.gov>.

Docket: To read or download submissions or other material in the docket, go to <http://www.regulations.gov> or the OSHA Docket Office at the address above. All documents in the

docket are listed in the <http://www.regulations.gov> index, however, some information (e.g., copyrighted material) is not publicly available to read or download through the Web site. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office.

FOR FURTHER INFORMATION CONTACT:

Press Inquiries: Kevin Ropp, Director, OSHA Office of Communications, Room N-3647, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210; telephone: (202) 693-1999.

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SUPPLEMENTARY INFORMATION:

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I. Background

There were more than 21 million emergency response incidents in 2002 (see Table 1): Emergency responders include: Firefighters, emergency medical service personnel, hazardous material employees, and technical rescue specialists. Law enforcement officers are also usually considered emergency responders and are often called to assist in emergency response incidents. OSHA notes, however, that it has not promulgated standards specifically addressing occupational hazards that are inherently and uniquely related to law enforcement activities. Many emergency responders are cross-trained and may serve in multiple roles depending upon the nature of the emergency incident. The hazards that emergency responders face will also vary depending upon the type of incident. In addition to emergency responders, skilled support employees can also play an important role in emergency response. Skilled support employees are not emergency responders, but nonetheless have specialized training that can be important to the safe and successful resolution of an emergency incident, such as operating heavy equipment or

shutting down electrical power or natural gas.

Emergency response, which includes firefighting, is one of the most hazardous occupations in America. The United States Fire Administration has recently reported that 111 firefighters died in 2003, and that, on average, 100 firefighters have died each year for the last ten years (excluding the fatalities attributable to the terrorist attacks of September 11, 2001) (Ex. 1-2). Furthermore, the National Fire Protection Association (NFPA) reported that during the 10-year period of 1993-2002, approximately 594,000 firefighters were injured in the line of duty at emergency response incidents. The average annual rate of firefighter injuries is more than 59,000 per year for this period (Ex. 1-2).

TABLE 1.—DISTRIBUTION OF 2002 U.S. EMERGENCY INCIDENTS AS REPORTED BY THE NATIONAL FIRE PROTECTION ASSOCIATION

| Emergency response | Number |
|--|-------------------|
| Fires | 1,687,500 |
| Medical Aid | 12,903,000 |
| False Alarms | 2,116,000 |
| Mutual Aid/Assistance | 888,500 |
| Hazmat | 361,000 |
| Other Hazardous (Arcing wires, bomb removal, etc.) | 603,500 |
| All Other (Smoke scares, lock-outs, etc.) | 2,744,000 |
| Total | 21,303,500 |

(Source: Ex. 1-3)

While the preceding statistics concern firefighters, this Request for Information is intended to gather information about all emergency responders and skilled support employees. However, injury and illness rates for other facets of emergency response are difficult to determine due to the multiple roles of some responders (e.g., many firefighters are also EMTs) and a lack of specific data (e.g., injury and illness rates of skilled support employees, such as heavy equipment operators, arising directly from emergency response activities). OSHA is interested in receiving information about the number and types of responder fatalities, injuries, and illnesses incurred during emergency incidents.

A recent report by the U.S. Fire Administration, *A Needs Assessment of the U.S. Fire Service*, examined the condition of the fire service and its ability to respond to incidents, both large and small (Ex. 1-4). The report found that fire departments of all sizes have unmet needs relating to both their traditional firefighting responsibilities

and their new homeland security-related responsibilities. In addition, another report by the U.S. Fire Administration and the National Fallen Firefighters Foundation, *Firefighter Life Safety Summit Initial Report*, found that there are many significant health and safety concerns among the fire service (Ex. 1-5). The report recognized the need for national standards on training, qualifications, medical and physical fitness, as well as for emergency response policies and procedures. A series of three joint reports by the National Institute for Occupational Safety and Health (NIOSH) and the RAND Corporation (RAND) have also recognized a need for further standards in order to improve the operational response to terrorist attacks and better protect the health and safety of emergency responders (*Protecting Emergency Responders: Lessons Learned from Terrorist Attacks; Protecting Emergency Responders (Ex. 1-6); Volume 2: Community Views of Safety and Health Risks and Personal Protection Needs; and Protecting Emergency Responders (Ex. 1-7); Volume 3: Safety Management in Disaster and Terrorism Response (Ex. 1-8)*).

Furthermore, the Homeland Security Act of 2002 (6 U.S.C. 101) and Homeland Security Presidential Directive #8 (HSPD#8), which were established to strengthen the preparedness of the United States to prevent and respond to threatened or actual domestic terrorist attacks, major disasters, and other emergencies, have changed the Federal approach to emergency response and preparedness capabilities at Federal, State, and local entities (Ex. 1-9). In March of 2004, the Department of Homeland Security published the National Incident Management System (NIMS) (Ex. 1-10). This system provides a consistent nationwide approach for Federal, State, local and tribal governments to work effectively and efficiently together to prepare for, prevent, respond to, and recover from domestic incidents, regardless of cause, size, or complexity. Homeland Security Presidential Directive #5 (HSPD#5) requires all Federal agencies to implement NIMS, and also requires Federal agencies to make the NIMS a required element for receiving State and local preparedness grant funding (Ex. 1-11). Additionally, in January 2005, the Department of Homeland Security released the National Response Plan (NRP), which establishes a comprehensive all-hazards approach to enhance the ability of the United States to manage domestic

incidents (Ex. 1–12). The NRP incorporates best practices and procedures from incident management disciplines—homeland security, emergency management, law enforcement, firefighting, public works, public health, responder and recovery worker health and safety, emergency medical services, and the private sector—and integrates them into a unified structure. The NRP forms the basis of how Federal departments and agencies will work together and how the Federal government will coordinate with State, local, and tribal governments and the private sector during incidents. In addition, the NRP establishes protocols that are applicable to emergency responders and skilled support employees in order to help protect the nation from terrorist attacks and other natural and manmade hazards; save lives; protect public health, safety, property, and the environment; and reduce adverse psychological consequences and disruptions to the American way of life.

OSHA addresses the elements of emergency responder health and safety primarily by the following OSHA standards: The hazardous waste operations and emergency response standard (29 CFR 1910.120); the personal protective equipment general requirements standard (29 CFR 1910.132); the respiratory protection standard (29 CFR 1910.134); the permit-required confined space standard (29 CFR 1910.146); the fire brigade standard (29 CFR 1910.156); and the bloodborne pathogens standard (29 CFR 1910.1030). These standards were designed to address the health and safety needs of employees over a broad cross-section of industries and workplaces. None of these standards was designed as a comprehensive emergency response standard, and as a result, specific hazards are addressed in a piecemeal manner, and important concepts in emergency management are not addressed at all.

In addition, the OSHA standards do not address the full range of hazards or concerns currently facing emergency responders. Some of these standards rely on outdated performance specifications for protective equipment. For example, the current standard on firefighters' protective clothing is based on the 1975 edition of the NFPA 1971 standard. Current OSHA standards do not reflect many of the major developments in safety and health practices that have already been accepted by the emergency response community and incorporated into the consensus standards promulgated by the NFPA and other standards development

organizations. For example, the use of an incident management system is currently required only by the Hazardous Waste Operations and Emergency Response Standard (29 CFR 1910.120). While the Hazardous Waste Operations and Emergency Response Standard does cover hazardous materials incidents, it does not cover most types of emergency incidents (e.g., fires, technical rescue, structural collapse or natural disasters).

In addition, coverage issues impact the Agency's activities in these areas. Many emergency responders are state and local government employees who are covered by requirements in State or local laws, either under the authority of an OSHA-approved state plan or through voluntarily established State protection programs rather than under Federal rules. In the case of the Hazardous Waste Operations and Emergency Response Standard, State and local employees in States without an OSHA-approved plan are also covered under an Environmental Protection Agency standard (40 CFR 311) that incorporates the OSHA requirements by reference.

State and local government employees are excluded from OSHA coverage under the Occupational Safety and Health Act of 1970 (the "OSH Act"). However, pursuant to Section 18 of the OSH Act, there are 26 States and territories operating their own workplace safety and health programs under plans approved by OSHA ("State plans"), which are required to extend their coverage to public sector (State and local government) employees and employers in those jurisdictions, including many emergency responders.

The 21 States and one territory covering both private sector and State and local government employment have primary responsibility for the OSHA program in their jurisdictions. All State plans, including the 4 covering only State and local government, are responsible for adopting and enforcing standards which are "at least as effective as" Federal OSHA standards, and for providing compliance assistance to employers and employees under their jurisdiction. Some State plans have adopted different or supplemental standards or guidance regarding emergency response and preparedness that exceed the existing Federal OSHA standards. Some States have established public employer employee protection programs without OSHA State Plan approval and funding. Many other public sector employers still rely on the OSHA standards as an important guide in safety and health matters, even

though they are not legally required to do so.

OSHA has significant experience and expertise on matters related to emergency responder health and safety. OSHA personnel, as well as personnel from the OSHA-approved State plans, routinely respond to emergencies to provide technical assistance and assure employee safety. Following the terrorist attacks at the World Trade Center on September 11, 2001, OSHA helped establish a strong and effective public-private partnership to help ensure protection for the employees at the site. At the national level, the Department of Labor, OSHA, has been designated the coordinating agency for employee safety and health under the National Response Plan (NRP). Additionally, many of the OSHA-approved State plans are working to establish a parallel role within their State emergency response structure and have implemented or assisted in the development of emergency preparedness and homeland security related initiatives and guidance materials at the State level.

The Agency has developed a wide range of technical assistance and guidance documents about the issue of emergency response as well as emergency responder health and safety (<http://www.osha.gov/SLTC/emergencypreparedness/index.html>). The OSHA Training Institute offers a variety of courses on topics essential to the safety and health of both uniformed emergency responders and skilled support employees (<http://www.osha.gov/dcsp/ote/index.html>). In addition, OSHA, in collaboration with the National Institute of Environmental Health Sciences (NIEHS), has developed a pre-event hazards awareness course for Disaster Site Workers who may respond as skilled support employees to natural or man-made emergencies (e.g., heavy equipment operators, construction workers, and electrical power or natural gas utility employees). This course is taught by OSHA Training Institute Education Centers and OSHA-authorized trainers.

On August 29, 2005, Hurricane Katrina devastated the Gulf Coast of the southeastern United States; the City of New Orleans was particularly affected. The emergency response to Hurricane Katrina underscored the importance of planning and preparedness, as well as the multidisciplinary nature of emergency response. OSHA expects that the lessons learned from this incident will be represented in the responses to this Request for Information alongside the lessons learned from both more common events as well as other events of national significance.

OSHA is requesting information and comment from the public to evaluate what action, if any, the Agency should take to further address emergency response and preparedness.

II. Request for Data, Information and Comments

The following questions have been provided to facilitate the collection of the needed information and to make it easier for the public to comment on relevant issues. The questions are grouped into five broad categories: The scope of emergency response; personal protective equipment; training and qualifications; medical evaluation and health monitoring; and safety. However, commenters are encouraged to address any aspect of emergency response and preparedness that they feel would assist the Agency in considering appropriate action on the matter. The Agency is particularly interested in ways to incorporate flexibility into its standards to make them more suited to the demands of emergency response activities. A detailed response to questions, as well as your rationale or reasoning for the position, rather than simply replying "yes" or "no," is requested. Also, relevant data that may be useful to OSHA's deliberations, or in conducting an analysis of impacts of future Agency actions, should be submitted. In order to assess the costs, benefits or feasibility of any possible regulatory intervention, the Agency needs specific quantitative information on various safety measures being discussed. Therefore, for those instances where you recommend a specific intervention, any data in terms of costs and benefits that helps form the recommendation would be valuable. The usefulness of your response will be increased if they are tied to the categories and sections. Please label your responses with the lettered category and question number.

A. The Scope of Emergency Response

The terms "emergency response" and "emergency responder" have been defined and used differently in various government laws and regulations as well as industry consensus standards and reports. Additionally, emergency response work is unlike many other types of employment, in that the actual work site and hazards will vary based upon the location and nature of the incident. As the Agency considers the issue of emergency response, it is important to define the scope and nature of work activities that might be called emergency response and preparedness, as well as the types of employees and work activities that

might be associated with emergency response and preparedness.

1. Emergency response and preparedness activities occur at both common incidents (e.g., fires, car accidents, or structural collapses) and rare or unexpected incidents (e.g., natural disasters, terrorist attacks, or special events that require enhanced preparedness). If the Agency takes action on emergency response and preparedness, should it consider either all types of emergency incidents (e.g., both common and rare events) or should certain types of incidents be excluded? If you believe a limited range is appropriate, what types of incidents or activities should be included or excluded?

2. Emergency response and preparedness activities have historically included a range of events from pre-planning for an emergency, to the actual emergency response, and, ultimately, to remediation/recovery. Should OSHA consider the full continuum of activities to be considered "emergency response and preparedness"? If not, what is an appropriate range of activities for the Agency to consider, and why?

3. What are the factors that should indicate when the emergency response to an event has fully transitioned into remediation/recovery?

4. What types of work tasks (e.g., interior structural firefighting, exterior firefighting, pre-hospital emergency medical work, technical rescue, heavy equipment operation) should be considered emergency response or skilled support work? What are the hazards associated with each type of work task? Are there any specific work tasks that should be excluded from consideration (e.g., work that is inherently and exclusively performed by law enforcement officers)?

5. Are there any new data that describe the nature, magnitude, or impact of emergency response and preparedness operations (e.g., type and number of incidents, type and quantity of employees considered emergency responders, financial costs, or occupational injuries, illnesses, and fatalities) that OSHA should consider when evaluating the issue of emergency response and preparedness? In particular, are there relevant data on skilled support employees at emergency incidents or during preparedness activities?

6. Many emergency responders are State, county or municipal employees in States with OSHA-approved safety and health plans who are subject to the requirements of the State Plan-equivalent of the current OSHA standards in the same manner as private

sector employees. As OSHA considers the necessity for further action on the safety and health of emergency responders, are there issues or concerns that are specific to such employers or employees that the Agency should consider? If your State has promulgated standards or issued guidance on emergency response and preparedness that differs from the existing OSHA standards and guidance, please describe the action taken as well as the impact and effect on the user community. Are there any concerns specific to the State agencies administering OSHA approved safety and health plans regarding OSHA's consideration of action in this area?

7. In States that do not have OSHA-approved workplace safety and health plans, to what extent are OSHA standards used as guidance for emergency responders who are public sector employees or as guidance for voluntary State public sector protection programs (e.g., personal protective clothing and equipment, training, and safety procedures)?

B. Personal Protective Equipment

Since a great deal of emergency response work occurs in an uncontrolled and dynamic work environment, personal protective equipment is a particularly important aspect of assuring the responding employees' health and safety. This section addresses a variety of types of personal protective equipment that emergency responders might use, depending on the nature of the hazards they face. The Agency is particularly interested in determining appropriate national consensus standards on the design and construction of such equipment as it considers the issue of emergency response and preparedness.

8. The current OSHA standard for firefighters' protective clothing is based upon the 1975 edition of "NFPA 1971, *Standard on Protective Ensemble for Structural Fire Fighting*." The NFPA standard specifies the minimum design, performance, and certification requirements, and test methods for structural firefighting protective ensembles that include protective coats, protective trousers, protective coveralls, helmets, gloves, footwear, and interface components. The OSHA standard still allows treated fabrics as an acceptable outer shell material in firefighters' protective clothing, rather than fabrics that are inherently flame resistant. More recent editions of NFPA 1971, recently renamed the *Standard on Protective Ensemble for Structural Fire Fighting and Proximity Fire Fighting*, require the use of fabrics that are inherently flame

resistant. Inherently flame resistant fabrics are made from fibers where the flame resistance is an intrinsic property of the material, whereas treated materials are only made flame resistant by the application of a secondary chemical that can wear off or wash off over time (Ex. 1–13). Is the 1975 edition of NFPA 1971 still an appropriate standard for firefighters' protective clothing? Is the current edition of the NFPA standard, including the requirement for inherently flame resistant material, appropriate to consider? Should OSHA consider other standards, such as those issued by the International Standards Organization (ISO)?

9. With the exception of the shipyard fire protection standard (29 CFR 1915.505), OSHA standards do not require the use of a personal alert safety system (PASS) device by firefighters in order to help locate missing, trapped, or incapacitated firefighters. Is such a device necessary and appropriate for firefighters' safety in non-shipyard situations? If so, under what circumstances is it to be used? Is the current edition of "NFPA 1982, *Standard on Personal Alert Safety Systems (PASS)*" an appropriate standard to consider (Ex. 1–14)? This standard specifies the NFPA minimum design, performance, and certification requirements and test methods for all PASS to be used by firefighters and other emergency services personnel who engage in rescue, firefighting, and other hazardous duties. Are there additional features of a personnel accountability system, other than these safety devices, that should be an element of an emergency response system? Are there emergency response situations, other than firefighting, that should necessitate the use of a PASS device? Are emergency responders at your workplace provided with PASS devices? What are the costs of PASS devices or an alternate system? What is the expected service life of such a device in your work environment? Are there any data on their effectiveness?

10. It has been OSHA policy to enforce the use of "NFPA 1976, *Standard on Protective Ensemble for Proximity Fire Fighting*" compliant protective clothing and equipment for proximity firefighting (e.g., jet fuel fires) (*Standard Interpretations 04/03/1997—Appropriate protective clothing for aircraft firefighting*) The NFPA 1976 standard has recently been subsumed in the NFPA 1971 standard on firefighter's protective clothing (Ex. 1–13). This standard contains the NFPA minimum design, performance, and certification requirements and the test methods for

proximity protective ensembles, including protective coats, protective trousers, protective coveralls, helmets, gloves, footwear, and interface components. Does the NFPA 1971 standard adequately protect employees performing such proximity firefighting tasks? If not, what other standards should OSHA consider?

11. Under the respiratory protection standard (29 CFR 1910.134), OSHA requires that all self-contained breathing apparatus (SCBA) be certified by the National Institute for Occupational Safety and Health (NIOSH) (42 CFR part 84). Because NIOSH does not test SCBA for exposure to heat and flame, is this certification adequate? Would it be appropriate for all SCBAs used for firefighting or emergency response to be certified by NIOSH and also certified as compliant with the current edition of "NFPA 1981, *Standard on Open-Circuit Self-Contained Breathing Apparatus (SCBA) Emergency Services*" (Ex. 1–15)? NFPA 1981 specifies the minimum requirements for the design, performance, testing, and certification of open-circuit SCBA and combination open-circuit self-contained breathing apparatus and supplied air respirators (SCBA/SAR) for fire and emergency services personnel and includes tests for heat and flame resistance. NIOSH requires this in its new Chemical, Biological, Radiological, and Nuclear (CBRN) certification (42 CFR part 84). Are the SCBA currently used in your workplace compliant with the NFPA 1981 standard?

12. Emergency response to weapons of mass destruction such as chemical, biological, radiological, or nuclear (CBRN) agents has increasingly become viewed as a component of a local emergency response. The U.S. Department of Homeland Security (DHS) has adopted NIOSH and NFPA standards for CBRN personal protective equipment (PPE). For example, DHS requires CBRN chemical protective clothing to meet "NFPA 1994, *Standard on Protective Ensembles for CBRN Terrorism Incidents*" (Ex. 1–16). This standard specifies the NFPA minimum requirements for the design, performance, testing, documentation, and certification of protective ensembles designed to protect fire and emergency services personnel from chemical/biological terrorism agents. These standards provide more detailed and stringent performance testing requirements for PPE than the OSHA Hazardous Waste Operations and Emergency Response Standard (29 CFR 1910.120), which requires only minimal testing for chemical resistance and garment integrity. Under what

circumstances is protective clothing tested to meet the NIOSH and NFPA standards necessary (e.g., all emergency responses, or emergency response to a known or suspected CBRN agent, or only during remediation or recovery)? Similarly, the Department of Homeland Security has adopted "NFPA 1991, *Standard on Vapor-Protective Ensembles for Hazardous Materials Emergencies*" for use against toxic industrial chemical (TICs) and toxic industrial materials (TIMs) (Ex. 1–17). Are there emergency response situations that would necessitate the use of chemical protective clothing that was certified to NFPA chemical protective clothing standards, which involves more thorough testing than chemical protective clothing currently specified under the Hazardous Waste Operations and Emergency Response Standard? Are there any other standards on chemical protective clothing that OSHA should consider?

13. Emergency medical service providers may be exposed to hazards not common to other employees that have exposure to blood or body fluids (e.g., jagged metal or broken glass from motor vehicle accidents). Currently, OSHA's bloodborne pathogens standard (29 CFR 1910.1030) and respiratory protection standard (29 CFR 1910.134) require personal protective equipment such as gloves, gowns, eye protection, respirators, and surgical masks. Is there any PPE for pre-hospital emergency medical service personnel (EMS), not currently required by the bloodborne pathogens standard or the respiratory protection standard (29 CFR 1910.134), which may be necessary to protect EMS employees (e.g., "NFPA 1999, *Standard on Protective Clothing for Emergency Medical Operations*") (Ex. 1–18)? NFPA 1999 specifies the NFPA minimum design, performance, testing, and certification requirements for emergency medical clothing used by fire and EMS personnel during EMS operations. Is such equipment currently used in your workplace? What would such PPE cost and what is the expected life of the equipment?

14. Is there any PPE for emergency responders providing technical rescue services (e.g., vehicle extrication, high-angle rescue, swift-water rescue) that may be necessary for protecting employees providing such services? If so, under what circumstances should the use of such equipment be considered necessary? Please describe specific tasks and associated equipment that OSHA should consider. What would such PPE cost and what is the expected life of the equipment?

15. Employees performing urban search and rescue (USAR) tasks may be exposed to a variety of physical hazards from building debris as well as incidental exposure to thermal, chemical, or biological hazards. The Department of Homeland Security has adopted "NFPA 1951, *Standard on Protective Ensemble for Technical Rescue Incidents*" for emergency responders conducting USAR operations (Ex. 1-19). NFPA 1951 establishes the NFPA minimum requirements for garments, head protection, gloves, and footwear, for fire and emergency services personnel operating at technical rescue incidents involving building or structural collapse, vehicle/person extrication, confined space entry, trench/cave-in rescue, rope rescue, and similar incidents. What PPE may be necessary for protecting these emergency responders? Is NFPA 1951 an appropriate standard for OSHA to consider on the subject? Are there other standards that OSHA should consider? What equipment is being used currently in your workplace? What does the PPE cost, and how many responders are equipped with it? What is the expected life of the equipment?

16. Is there any other PPE, not already identified, that may be necessary for emergency responders or skilled support personnel? What is the equipment, what would it cost, and how many responders would need to be equipped with it? What is the expected life of the equipment?

C. Training and Qualifications

The knowledge, skills and abilities of emergency responders and skilled support employees will depend largely on the training and qualifications for required work tasks. Training and qualifications typically include both initial training as well as any periodic training (e.g., annual refresher training) that may be necessary to maintain an appropriate level of functional capability.

17. The OSHA Fire Brigade standard (29 CFR 1910.156(c)) contains broadly worded requirements on training and education and requires the quality of such training to be "similar to" a number of State fire training schools. Is this standard adequate to ensure firefighters are appropriately trained to perform required tasks safely? If not, what level of initial training and qualification is necessary to safely perform fire fighting tasks? Is "NFPA 1001, *Standard for Fire Fighter Professional Qualifications*" an appropriate standard to consider (Ex. 1-20)? NFPA 1001 identifies the minimum

job performance requirements for two levels of progression of firefighters whose duties are primarily structural in nature. Are there other standards or recommendations that OSHA should consider? What amount and type of periodic refresher training should be considered the minimum necessary for firefighters? What is the appropriate format for acquiring this training? What are the training practices in your workplace?

18. The U.S. Department of Transportation (DOT), National Highway Traffic Safety Administration (NHTSA), develops the National Standard Curricula for all levels of EMS personnel. What level of initial occupational health and safety training and qualification is necessary to safely perform emergency medical services? Are there any additional initial training requirements beyond the NHTSA standards appropriate for OSHA to consider (e.g., training on emergency vehicle operation or incident scene safety)? What amount and type of periodic refresher training is necessary for EMS personnel? What are the current training practices in your workplace?

19. OSHA does not currently require any specific training for rescue technicians. What level of initial training and qualification is necessary to safely perform technical rescue tasks? Is "NFPA 1006, *Standard for Rescue Technician Professional Qualifications*" an appropriate standard to consider (Ex. 1-21)? NFPA 1006 establishes the NFPA minimum requirements necessary for fire service and other emergency response personnel who perform technical rescue operations. These include rope rescue, surface water rescue, vehicle and machinery rescue, confined space rescue, structural collapse rescue, and trench rescue. Are there other standards or recommendations that OSHA should consider? What amount and type of annual refresher training should be considered the minimum necessary for such emergency responders? What is the appropriate format for acquiring this training (e.g., does this require travel to a specialized training facility)? What are the current training practices in your workplace?

20. Skilled support work at emergency incidents is work that is not performed by an emergency responder (e.g., firefighter or EMS provider) but is nonetheless a critical element of a safe and successful emergency response, such as heavy equipment operation, utility shut-off, and cutting and removal of iron work. The role of skilled support employees at emergency incidents is

only directly addressed in the Hazardous Waste Operations and Emergency Response Standard (HAZWOPER) (29 CFR 1910.120), which does not apply to all types of emergency incidents. The standard requires skilled support employees that are needed on a temporary basis for immediate emergency support work to be given an initial briefing on necessary information but does not require them to receive the full training provisions of the standard (29 CFR 1910.120(q)(4)). What level of initial training and qualification is necessary to safely perform skilled support jobs? Should specific training for skilled support personnel, other than the initial briefing, be considered? Should refresher training on an annual or other basis for such responders be considered? The OSHA Training Institute has developed a 16-hour Disaster Site Worker Course (#7600) which emphasizes knowledge, precautions and personal protection essential to maintaining an employee's personal safety and health at a disaster site. Should skilled support personnel take the OSHA Disaster Site Worker training course, or something similar, before responding to a disaster or is just-in-time training sufficient and appropriate? What are the current training practices in your workplace?

21. OSHA standards do not address the training or qualifications for either emergency responders who operate emergency apparatus or those personnel who may have to work on an active roadway during an emergency response (e.g., responding to a car crash). Traffic accidents involving emergency apparatus, as well as incidents where emergency responders are struck by passing vehicles at incident scenes, constitute a major source of injuries for emergency responders (Ex. 1-22). Is there any training or qualifications on emergency vehicle safety or incident scene safety (e.g., "NFPA 1002, *Standard for Fire Apparatus Driver/Operator Professional Qualifications*") that should be considered for emergency responders as a whole or for individual groups of emergency responders, such as emergency vehicle drivers (Ex. 1-23)? What is the appropriate format for acquiring this training? What are the current training practices in your workplace?

22. The Hazardous Waste Operations and Emergency Response Standard (29 CFR 1910.120), which does not apply to all types of emergency incidents, requires that incident commanders have specialized training beyond that of other employees. However, the Fire Brigade standard (29 CFR 1910.156) does not

require any additional or specialized training for fire officers that will manage or supervise the emergency response incident. Should the training and qualifications for fire officers be different than for firefighters? If so, what level of training is appropriate for officers? Is "NFPA 1021, *Standard for Fire Officer Professional Qualifications*," an appropriate standard to consider in evaluating this issue (Ex. 1–24)? NFPA 1021 identifies the performance requirements necessary to perform the duties of a fire officer and specifically identifies four levels of training that progress with increasing rank and increasing responsibility. Are there other standards or recommendations OSHA should consider? What are the current training practices in your workplace?

23. OSHA's Fire Brigade standard (29 CFR 1910.156) does not distinguish between industrial fire brigades and other types of fire departments that may respond to a wider range of emergency incidents at a variety of locations. Should the minimum training and qualifications for industrial fire brigade members be different than for other firefighters? If so, what is an appropriate training standard for OSHA to consider (e.g., "NFPA 1081, *Standard for Industrial Fire Brigade Member Professional Qualifications*") (Ex. 1–25)? NFPA 1081 identifies the NFPA minimum job performance requirements necessary to carry out the duties of an individual who is a member of an organized industrial fire brigade providing services at a specific facility or site. Are there other standards or recommendations for fire brigades OSHA should consider? What are the current training practices in your workplace?

24. During an emergency response the Hazardous Waste Operations and Emergency Response Standard (29 CFR 1910.120), which does not cover all emergency incidents, requires that the individual in charge of the incident command system (ICS) designate a safety official. The safety official has the authority to alter, suspend, or terminate any activities that are deemed to be an imminent danger to employees. The Hazardous Waste Operations and Emergency Response Standard does not establish minimum training and qualifications for a safety official, but the person must be knowledgeable in the operations being implemented and able to identify and evaluate hazards with respect to the operational safety. While the Hazardous Waste Operations and Emergency Response Standard uses the term "safety official," the National Response Plan (NRP) and National

Incident Management System (NIMS) use the term "safety officer." In practical application, is there a distinction between these two individuals or do they essentially perform the same function? The NIMS describes the duties and functions of the safety officer at an emergency incident as monitoring incident operations and advising the Incident Commander on all matters relating to operational safety, including the health and safety of emergency responder personnel. The NIMS also does not specify the minimum training and qualifications to assume the role of safety officer. What are the minimum training and qualifications that a safety officer needs? Aside from responsibilities at an emergency incident, should a safety officer have a role in the management of an emergency response and preparedness program? If so, what should be a safety officer's non-emergency duties and functions and how would they relate to emergency response and preparedness?

25. Recently, there has been a greater emphasis on assuring continuity of incident management from the local and state responder level to the national level at incidents of national significance managed under the National Response Plan (e.g., large natural disasters). What training at the state and local level, if any, is necessary to facilitate seamless emergency operations at a joint field office (JFO) or area field office (AFO)?

26. What is the best way for OSHA to specify training for a given emergency response role? For example:

- By specifying a minimum number of hours of training;
 - By specifying training content based on job tasks;
 - By specifying that training be adequate to demonstrate specified competencies;
 - By a combination of these methods;
- or
- By some other method.

Additionally, the Federal Emergency Management Agency has been working on a national credentialing system to verify training and qualifications. Should the Agency consider credentialing systems in its evaluation of training and qualifications?

D. Medical Evaluation/Health Monitoring

Emergency responders work in an environment where they may be exposed to a variety of physical, chemical, or biological hazards. The personal protective clothing and equipment that they use, as well as the inherent nature of their work, can pose

an additional physiologic burden on emergency responders. Medical evaluation and health monitoring is an important factor in assuring the health and safety of emergency responders.

27. OSHA requires that hepatitis B vaccinations be made available to employees potentially occupationally exposed to blood or other body fluids in its bloodborne pathogen standard (29 CFR 1910.1030). Are other vaccinations necessary for emergency responders? If so, which vaccinations? What would these vaccinations cost? Would they need to be repeated at some point? Would they be recommended for all emergency responders or a particular subset? What are the current vaccination practices in your workplace?

28. There are currently available vaccinations for anthrax and smallpox, and other vaccinations could be developed in the future for diseases such as hepatitis C. Employers can determine, based upon their own risk assessment, if such vaccines are necessary and should be offered to their employees. If vaccines other than the hepatitis B vaccination are determined by the employer to be necessary for emergency responders, should OSHA consider non-disease specific administrative and recordkeeping procedures similar to those required for the hepatitis B vaccine (29 CFR 1910.1030(f))? These procedures could include requirements that the vaccine be made available at no cost to the employee, available to the employee at a reasonable time and place, and subject to appropriate medical screening. Are there any elements of an assessment process that should be implemented before an employer can determine that a vaccine is necessary, for example, a determination by the Centers for Disease Control and Prevention's Advisory Committee on Immunization Practices (ACIP) or other appropriate medical recommendation?

29. Medical evaluations for emergency responders are currently regulated under the Fire Brigade (29 CFR 1910.156), Respiratory Protection (29 CFR 1910.134), and Hazardous Waste Operations and Emergency Response (29 CFR 1910.120) standards. The Fire Brigade Standard requires that employers not permit employees with known heart disease, epilepsy, or emphysema to perform emergency response work unless approved by a physician. The respiratory protection standard requires that a physician or other licensed health care professional evaluate an employees' ability to use a respirator. Such an evaluation may consist solely of a medical questionnaire. The Hazardous Waste

Operations and Emergency Response Standard has more extensive requirements for an annual medical evaluation. Is "NFPA 1582, *Comprehensive Occupational Medical Program for Fire Departments*" an appropriate medical evaluation for firefighters (Ex. 1–26)? NFPA 1582 contains descriptive requirements for a comprehensive occupational medical program to ensure that fire department members are medically capable of performing their required duties. Are there other medical evaluation standards that are appropriate for either firefighters or emergency responders who perform tasks other than firefighting? For emergency responders who do not perform firefighting tasks, what elements of a medical evaluation are necessary to assure that they are physically capable of performing essential job tasks while wearing an array of possibly physically burdensome personal protective clothing and equipment? How often should a medical evaluation for emergency responders be conducted? Please address the following types of medical evaluation: Pre-placement, return-to-work, annual fitness for duty evaluation, and periodic medical surveillance. What is the cost to the employer of these recommended medical evaluations for emergency responders? How is the medical evaluation of emergency responders addressed in your workplace?

30. The physiologic burden caused by performing emergency response activities and wearing PPE can be extreme (e.g., over-exertion, heat stress or dehydration). Additionally, cardiovascular fatalities represent a large percentage of firefighters' fatalities. Is on-scene rehabilitation and providing appropriate assistance (e.g., monitoring workers' temperature, blood pressure, hydration levels) an appropriate method of preventing or reducing the number of these injuries and fatalities? Is "NFPA 1584, *Rehabilitation of Members Operating at Incident Scene Operations and Training Exercises*" an appropriate standard for such practices (Ex. 1–27)? NFPA 1584 describes recommended practices for developing and implementing an incident scene rehabilitation program, including: Medical evaluations, re-hydration, and protection from environmental conditions. Are there other methods of protection that are available, such as adjusting work/rest regimens or physical training? Are there other standards or recommendations that OSHA should consider? Should defibrillators (either a defibrillator or an automated external defibrillator (AED))

be available at emergency incident scenes in case an emergency responder or skilled support worker has a cardiac event? Do you currently have a defibrillator or AED at emergency events?

E. Safety

The safety of emergency responders and skilled support employees is affected by the employer's policies and procedures established to govern emergency response operations. Also, the tools and equipment used by emergency responders may affect their ability to detect and monitor hazards as well as communicate those hazards to others at the emergency scene.

31. The use of an incident management system as a means to assure the health and safety of employees is required by the OSHA Hazardous Waste Operations and Emergency Response Standard (29 CFR 1910.120) for emergency response to hazardous materials incidents and OSHA's Fire Brigades in Shipyards standard (29 CFR 1915.505). Is an incident management system appropriate for managing all other emergency incidents?

32. The NIMS specifies that a unified command structure be employed for all employees at an incident when there are multiple jurisdictions and agencies involved. Since each employer is responsible for the health and safety of his or her employees at emergency incidents and may affect the safety and health of other employers' employees, how can a safety management structure be developed that incorporates a multi-employer response that is commanded within a single incident command system for all types of incidents?

33. The NIMS describes the duties and functions of the safety officer at an emergency incident. However, the NIMS does not address non-emergency functions for the safety officer that may be necessary to assure the health and safety of emergency responders and skilled support personnel when an emergency does occur (e.g., assuring training requirements are met, assuring that protective clothing and equipment is adequately maintained, or reviewing and updating standard operating procedures). What are the non-emergency duties and functions that are necessary to assure the proper management of an emergency response and preparedness program? Is a designated safety program manager or administrator needed?

34. Do emergency responders need hazard detection and monitoring equipment capabilities, such as 4-gas monitors, thermal imaging cameras, or

chemical, biological, and radiological detection equipment? If so, for each type of job task what abilities and equipment are needed? How much would these devices typically cost to own and operate? What are the devices' expected service life?

35. Should emergency response organizations establish written standard operating procedures (SOPs) or standard operating guidelines (SOGs) for expected emergency response activities? If so, what types of issues should be addressed in the SOPs or SOGs? How should employers determine what activities are within the expected range of operations and what activities might be outside the range of expected planning? How should employers plan and prepare for special hazards within their area of operations (e.g., high-rise buildings, industrial facilities, or open-pit mines)?

36. How can communication at emergency incidents be maintained? Is a certain type of communications hardware, such as radio systems, or handheld radios, needed by all emergency responders? What training in communications is needed? Is there evidence that portable radios are necessary for either each individual emergency responder or each team of emergency responders? If new equipment and training would be necessary, how much would they cost?

37. The Hazardous Waste Operations and Emergency Response Standard (29 CFR 1910.120) gives the incident commander broad authority in managing risk by determining the scope of operations possible at a given incident. The "two in/two out" provision of the Respiratory Protection Standard (29 CFR 1910.134 (g)(4)) for interior structural firefighting implies, but does not directly address, the concept of risk management. How can OSHA more thoroughly address the concept of risk management at emergency incidents? What guidance should be given in weighing the health and safety of emergency responders against victim's lives, against property loss, or in situations where concerns about immediate safety may have negative consequences for long-term health, such as lung damage? How should risk management guidelines address the various phases of an emergency response from rescue, incident stabilization, through remediation/recovery? How does your workplace address the concept of risk management during emergency response and preparedness activities?

38. Are there specific features of an occupational health and safety program not addressed in previous questions that

are necessary for emergency responder health and safety (e.g., any elements contained in "NFPA 1500, *Fire Department Occupational Safety and Health Program*" such as life-safety rope systems) (Ex. 1-28)? NFPA 1500 provides the NFPA requirements for a fire service occupational safety and health program for fire departments. The Hazardous Waste Operations and Emergency Response Standard (29 CFR 1910.120(b)) requires that employers develop and implement a written safety and health program for their employees involved in hazardous waste operations (e.g., safety and health training, medical surveillance, necessary interface between general program and site specific activities). Would a health and safety program similar to that required in 29 CFR 1910.120(b) be appropriate for emergency response activities?

39. Are there any other issues or concerns related to the health or safety of all emergency responders, or any particular group of emergency responders, that should be considered? Are there any issues related to the health and safety of skilled support personnel at emergency incidents that should be considered?

F. Additional Information

40. In addition to the specific questions above, the Agency is seeking general information on the cost of safety and health measures undertaken by municipal emergency response agencies (e.g., fire departments) and any other first responders or skilled support employees. From what levels of government are revenues derived to support emergency response and preparedness? What other sources of revenue are available? How are increased costs of operation dealt with (e.g., reduction in service, increase in response time, or increased revenue sources)? How are these issues different for smaller emergency response operations or rural areas than for larger or mid-sized operations? How often are emergency response operations contracted out to specialists, either by companies or communities?

41. Are there any existing OSHA standards, guidelines, or recommendations that, when viewed in conjunction with other Federal, State or local codes and/or the recommendation of consensus standards organizations such as, but not limited to NFPA, ANSI or ASTM, create conflict or uncertainty in the practice of emergency responding, safety and health planning,

in the selection of protective equipment, in the procurement of emergency response equipment, or in the provision of training? If so, what could OSHA do to remedy these situations?

III. Public Participation

You may submit comments in response to this document by (1) hard copy, (2) fax transmission (facsimile), or (3) electronically through the Federal Rulemaking Portal. Because of security-related problems, there may be a significant delay in the receipt of comments by regular mail. Contact the OSHA Docket Office at (202) 693-2350 for information about security procedures concerning the delivery of materials by express delivery, hand delivery and messenger service.

All comments and submissions are available for inspection and copying at the OSHA Docket Office at the above address. Comments and submissions are also available at <http://www.regulations.gov>. OSHA cautions you about submitting personal information such as social security numbers and birth dates. Contact the OSHA Docket Office at (202) 693-2350 for information about accessing materials in the docket.

Electronic copies of this **Federal Register** notice, as well as news releases and other relevant documents, are available at OSHA's Web page: <http://www.osha.gov/index.html>.

IV. Authority and Signature

This document was prepared under the direction of Edwin G. Foulke, Jr., Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor. It is issued pursuant to sections 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657), 29 CFR 1911, and Secretary's Order 5-2002 (67 FR 65008).

Signed at Washington, DC, this 4th day of September, 2007.

Edwin G. Foulke, Jr.,

Assistant Secretary of Labor for Occupational Safety and Health.

Table of Exhibits

- 1-1 Emergency Response and Preparedness Request for Information
- 1-2 Fire Fighter Fatalities in the United States in 2003, U.S. Fire Administration Report FA-283, August 2004
- 1-3 NFPA Report: Fire Loss in the United States During 2002 and U.S. Fire Department Profile Through 2002)
- 1-4 U.S. Fire Administration, A Needs Assessment of the U.S. Fire Service,

(USFA Report FA-240, December 2002 authorized by U.S. Public Law 106-398, Sec. 33(b))

- 1-5 U.S. Fire Administration and the National Fallen Firefighters Foundation, Firefighter Life Safety Summit Initial Report (April 2004)
- 1-6 NIOSH/RAND Protecting Emergency Responders: Lessons Learned from Terrorist Attacks; Protecting Emergency Responders
- 1-7 NIOSH / RAND Volume 2: Community Views of Safety and Health Risks and Personal Protection Needs
- 1-8 NIOSH / RAND Volume 3: Safety Management in Disaster and Terrorism Response
- 1-9 Homeland Security Presidential Directive #8 (HSPD#8)
- 1-10 The National Incident Management System (NIMS)
- 1-11 Homeland Security Presidential Directive #5 (HSPD#5)
- 1-12 National Response Plan
- 1-13 NFPA 1971, Standard on Protective Ensemble for Structural Fire Fighting and Proximity Fire Fighting
- 1-14 NFPA 1982, Standard on Personal Alert Safety Systems (PASS)
- 1-15 NFPA 1981, Standard on Open-Circuit Self-Contained Breathing Apparatus (SCBA) Emergency Services
- 1-16 NFPA 1994, Standard on Protective Ensembles for First Responders to CBRN Terrorism Incidents
- 1-17 NFPA 1991, Standard on Vapor-Protective Ensembles for Hazardous Materials Emergencies
- 1-18 NFPA 1999, Standard on Protective Clothing for Emergency Medical Operations
- 1-19 NFPA 1951, Standard on Protective Ensemble for Technical Rescue Incidents
- 1-20 NFPA 1001, Standard for Fire Fighter Professional Qualifications
- 1-21 NFPA 1006, Standard for Rescue Technician Professional Qualifications
- 1-22 U.S. Fire Administration, Firefighter Fatality Retrospective Study. April 2002 FA-220
- 1-23 NFPA 1002, Standard for Fire Apparatus Driver/Operator Professional Qualifications
- 1-24 NFPA 1021, Standard for Fire Officer Professional Qualifications
- 1-25 NFPA 1081, Standard for Industrial Fire Brigade Member Professional Qualifications
- 1-26 NFPA 1582, Comprehensive Occupational Medical Program for Fire Departments
- 1-27 NFPA 1584, Rehabilitation of Members Operating at Incident Scene Operations and Training Exercises
- 1-28 NFPA 1500, Fire Department Occupational Safety and Health Program

[FR Doc. E7-17771 Filed 9-10-07; 8:45 am]

BILLING CODE 4510-26-P

Leonida, Sharon L

From: Clifford Ikeda [ciked@kauai.gov]
Sent: Tuesday, September 18, 2007 1:11 PM
To: Leonida, Sharon L
Subject: RE: Meeting #67 minutes & Agenda meeting #68

No one from Kauai will be at the meeting. We have a full week of multi-site first responder training and a full-scaled exercise on 19/20-September with a hotwash on Friday. Also pretty much pre-occupied with other issues (Super Ferry).

-----Original Message-----

From: Leonida, Sharon L [mailto:sharon.leonida@doh.hawaii.gov]
Sent: Monday, September 17, 2007 3:03 PM
To: Carter Davis; Chris Takeno; Clifford Ikeda; Ed Teixeira; Gary D. Moniz; Jan Hasegawa; Joe Blackburn; John Ross; Ken Lesperance (Standin); Lau, Laurence K.; Leland Nakai; Maria Lutz; Robert A. Boesch; Scott Kekuewa; Thomas J. Smyth; TinShing Chao
Subject: Meeting #67 minutes & Agenda meeting #68

<<67AGENDA.DOC>> <<68AGENDA.DOC>>

Leonida, Sharon L

From: Jay Maddock [jmaddock@hawaii.edu]
Sent: Wednesday, September 12, 2007 12:18 PM
To: Leonida, Sharon L
Subject: RE: HSERC meeting

Hi Sharon,

Unfortunately, I am leaving ton today and will not be back until the 20th. Please let me know when the next week is and I will save it on my calendar.

Jay

Jay Maddock, Ph.D.
Director
Office of Public Health Studies
University of Hawaii at Manoa
1960 East-West Rd. D209
Honolulu, HI 96822
Phone: (808) 956-5779
www.hawaii.edu/publichealth

From: Leonida, Sharon L [mailto:sharon.leonida@doh.hawaii.gov]
Sent: Tuesday, September 11, 2007 3:03 PM
To: jmaddock@hawaii.edu
Subject: HSERC meeting

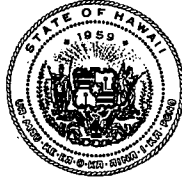
Thank you for getting back to me. Our next meeting will be on Sept. 20, 2007, next week Thursday. It will be held in our building at 919 Ala Moana Blvd, on the fifth floor. Parking is behind our building. I am able to give you a parking pass for the metered parking area. We are on the West, or Ewa side of Fishermans Wharf. Our building is a sand color, 4 story building. The fifth is a conference room and does not look like another floor. The meeting starts at 9:00 am until 12:00. We usually finish before 12:00.

I also need to inform you that you will be receiving a letter from the State Ethics Commission. Possibly a person named Donna.

Thank you again for getting in touch with me. I hope to see you at the meeting.

Sharon

LINDA LINGLE
GOVERNOR OF HAWAII



CHIYOME L. FUKINO, M.D.
DIRECTOR OF HEALTH

STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. BOX 3378
HONOLULU, HI 96801-3378

In reply, please refer to:
File:

September 7, 2007

To: Tom Smyth
Department of Business, Economic Development & Tourism

From: Laurence K. Lau *Laurence K. Lau*
Vice-Chairperson
Hawaii State Emergency Response Commission

Re: Temporary appointment as Acting Chair to the Hawaii State
Emergency Response Commission (HSERC) on September 20, 2007

Pursuant to Chapter 128E-2 (c), I hereby designate you as the Acting Chair for the September 20, 2007 meeting.

Mahalo.

c: HSERC



Hawai'i County Local Emergency Planning Committee

*c/o Hawai'i District Health Office
1582 Kamehameha Avenue
Hilo, Hawai'i 96720*

20 September 2007

Hawaii State Emergency Response Commission
c/o Hazard Evaluation And Emergency Response
Hawaii State Department Of Health
919 Ala Moana Boulevard – Room 206
Honolulu, Hawaii 96814

Mr. Chairman,

Mr. John Peard will be attending the 20 September 2007, HSERC meeting on behalf of Hawaii County LEPC. He is granted full voting rights and representation of the LEPC for this HSERC meeting.

R/

John S. Ross
Chairman, Hawaii County LEPC

Phillip Arbitrario for Tin Chao

Clifford Ikeda not here because of training on Kauai.

John Peard for John Ross

Jeff Conners for Super Ferry

Curtis

Hope this is what you need.

MBP453-B ***** OPTION: 2 ***** STATE OF HAWAII FINANCIAL ACCOUNTING & MANAGEMENT INFORMATION SYSTEM ***** DEPT: H
 07/02/07 (18:18)***** PRIOR MONTH ***** SOURCE OF RECEIPT LEDGER STATUS ***** AS OF 06/30/07 ***** DEPT PAGE: 287
 H -HEALTH ***** RUN PAGE: 6,973

HTH 849

S-SPECIAL FUNDS APPN S-07-342

| F SRCE DESCRIPTION | BALANCES | | ESTIMATES | | | |
|-------------------------|--------------|--------------|----------------|----------------|---------------|---------------|
| | UNCOLLECTED | COLLECTED | CURR FISCAL YR | ENSU FISCAL YR | CURR BIENNIUM | ENSU BIENNIUM |
| S 0023 ENVIRONMENTAL R | 201,081.68 | 1,598,918.32 | 1,800,000.00 | 1,800,000.00 | .00 | .00 |
| S 0288 INVESTMENT POOL | 185,150.01 | 239,150.01 | 54,000.00 | 54,000.00 | .00 | 3,600,000.00 |
| S 0484 SPECIAL PUBLIC | 1,400.00 | 1,400.00 | .00 | .00 | .00 | 108,000.00 |
| S 1115 FEES, FILING OF | 23,100.00 | 62,100.00 | 42,000.00 | 42,000.00 | .00 | .00 |
| S 1129 FEES, VOLUNTARY | 25,050.00 | 25,050.00 | .00 | .00 | .00 | 84,000.00 |
| S 1364 REFUND/REINBURS | 24,881.79 | 24,881.79 | .00 | .00 | .00 | .00 |
| S 1545 VIOLATIONS OF A | 45,400.00 | 145,400.00 | .00 | .00 | .00 | .00 |
| S 1556 VIOLATIONS OF H | 120,769.05 | 79,230.95 | 100,000.00 | 100,000.00 | .00 | .00 |
| S 1559 VIOLATION OF MA | 1,091,055.00 | 1,356,055.00 | 200,000.00 | 200,000.00 | .00 | 200,000.00 |
| S 1560 VIOLATION OF SO | 2,000.00 | 2,000.00 | 265,000.00 | 265,000.00 | .00 | 400,000.00 |
| S 1568 FINES - SAFE DR | 75,000.00 | .00 | .00 | .00 | .00 | 530,000.00 |
| S 1569 RESTITUTIONS | 768.80 | 768.80 | 75,000.00 | 75,000.00 | .00 | .00 |
| S 1599 COMMUNITY NOISE | 36,525.00 | 38,525.00 | .00 | .00 | .00 | 150,000.00 |
| S 1992 TRANSFERS FROM | 66,463.82 | 66,463.82 | 2,000.00 | 2,000.00 | .00 | .00 |
| **APPROPRIATION TOTAL** | 1,104,943.69 | 3,642,943.69 | 2,538,000.00 | 2,538,000.00 | .00 | 5,076,000.00 |



LINDA LINGLE
GOVERNOR OF HAWAII

CHIYOME L. FUKINO, M.D.
DIRECTOR OF HEALTH

STATE OF HAWAII
DEPARTMENT OF HEALTH

P.O. BOX 3378
HONOLULU, HAWAII 96801

In reply, please refer to:
HEER OFFICE

HAWAII STATE EMERGENCY RESPONSE COMMISSION
MEETING #68

Thursday, September 20, 2007 from 9:13 a.m. to 10:55 a.m.

Department of Health
919 Ala Moana Boulevard, 5th Floor
Honolulu, Hawaii 96814

Draft Meeting Summary
Attendees

Voting

Ken Lesperance, Department of Defense, Civil Defense Division
Gary Moniz, Department of Land and Natural Resources
Phillip Arbitrario, Department of Labor and Industrial Relations
(John Peard)John Ross, Hawaii County LEPC
Robert A. Boesch, Pesticides Branch, Department of Agriculture
Thomas J. Smyth, Department of Business, Economic Dev. & Tourism
Leland Nakai, Honolulu LEPC
Scott Kekukewa, Maui County LEPC

Non-Voting

Sharon Leonida, Department of Health, Hazard Evaluation and Emergency Response Office
Paul Chong, Department of Health, Hazard Evaluation and Emergency Response Office
Michael Cripps, Department of Health, Hazard Evaluation and Emergency Response Office
Keith Kawaoka, Department of Health, Hazard Evaluation and Emergency Response Office
Kathy Ho, Attorney Generals Office

1) Tom Smyth called the meeting to order at approximately 9:13 am. Larry not here, asked Tom to chair meeting.

1.1 Opening remarks by Tom Smyth

Remarks on being healthy, use the stairs, healthy snacks that were available. Larry had no comments to pass on. Introduction of attendees.

1.2 Review of minutes from meeting 67.

Ken: Corrections to the minutes, under Other Business, page 6 referring to money put aside for travel, it should be 2 people not 20.

Tom: Asked for show of hands to accept minutes. Minutes were accepted.

2) Local Emergency Planning Committee (LEPC) Updates

2.1 Hawaii

John Peard in for John Ross:

1) Last meeting held August 29, 2007. It was changed from August 22. November 14 will be the next meeting.

2) Main Agenda item was using LEPC resources to send people to training events, conferences. Discussing the merits of different trainings. Getting feedback from Hazmat personnel on priority to have people on Hazmat units to get training. In the past, some people were not from Hazmat units.

3) Beginning to review and update the Hawaii Planning Emergency Response Plan. Original patterned after Oahu's plan. Needed to be tailored to Hawaii County, on hold at the moment, waiting for Hawaii County Civil Defense to update their plan. Would like the LEPC plan to be compatible. Tom asked about Hurricane Flossie.

John: Lots of preparation, hurricane backed off at the last minute. People took it seriously, made preparations. Downtown boarded up, people stocked up. Shortage of food and gas before hurricane due to arrive. Boats removed from the water. Mentioned the earthquake, not much damage.

Tom: This was the best hurricane exercise that could happen. Communication improved, beneficial effects, no damage from the hurricane. Could have used the rain.

John: HELCO activated their Emergency Response Plan, got training from this incident.

Tom: Asked about release of State, City and County employees. Did they get the message out?

John: Everyone was notified.

Tom: There was a problem about who would be reporting. First time he heard the term, "Disaster Response People". Notification of personnel was not practiced much. Glad they worked this problem out.

Ken: Advised John Peard that planning money is available from HMEP. When they are ready this money can be used to help them to hire someone to help with planning.

2.2 Kauai:

Clifford Ikeda:

Not able to attend.

2.3 Maui

Scott Kekuewa:

1) Meeting held September 19, 2007. MECO had a oil spill.

2) On Site Coordinator from EPA, Jancie Yokam, gave informative talk on what resources she can provide. Both Technical and Response help from EPA in a disaster.

3) Maui has a full time Hazmat company. Captain and driver right now, should be fully staffed by November.

Tom: How does this compare to previous Hazmat structure?

Scott: Hazmat was designated to Rescue Company they were doing both. Having a Hazmat unit takes the burden off of rescue and allows more responses a day. Blessed the truck the week before. Received the truck, cost was \$670,000.

4) Next meeting December 12.

2.4 Oahu

Leland in for Carter Davis:

- 1) Meeting held September 12, 2007, 33 people attended.
- 2) Reporting on old business. Clarification on EPA guidance.

Last HSERC meeting reported back from NASTTPO Conference. Reporting requirements for Parking Lots and Farms. Clarification came from EPA stating the reporting requirement was for initial notification to SERC and LEPC that these places fall under EPCRA. Does not apply to the annual Tier II reports. This falls under section 302 of EPCRA. If parking lot or farms have sufficient amount of Extremely Hazardous Substance, under the Threshold Planning Quantity, then they are required to report that initially to SERC and LEPCs. Stating that they fall under EPCRA. If they have changes later, they are required to report these changes. No annual Tier II report to respective agencies. Discussion between Tom and Leland.

Tom: Does this include existing places as well as new places? Is there an initial phase for places to log in?

Leland: Yes, for existing places, if they are not aware. When EPCRA and HEPSCRA were instituted, initial letters were sent out to businesses outlining requirements. Don't know what the distribution of the letters was. Many people don't know the reporting requirements under the law. On the mainland many business people don't believe parking lot notification is enforceable or good. Any parking lot with "X" number of cars with batteries would qualify.

Tom: If there were a size standard, would church that only have cars on Sunday need to report?

Leland: He did some calculations; it would be under 100 cars. Technically speaking, Churches, Condominiums, Hotels, Shopping Malls, Used cars lots, State, City and County buildings, all have to report. But, this is not being enforced.

Tom: Wondered about penalty for not filing all these years. Who's responsible for publicizing, to notify the public to do the filing, so there would be a record of filing? Is it LEPC responsibly?

Leland: It maybe a State and local county issue.

Bob Boesch: There may be a provision in EPCRA about citizen's suits. If not in compliance, citizen may file an action suit.

Tom: Sounds like a harassment suit. Is there a certain amount of cars, total spaces? Recognizes Kathy Ho.

Kathy: Has EPA sent guidance documents or other things?

Leland: EPA just said there would be no exceptions to Section 302 reporting requirements and left it at that. Everyone in business said basically it's not enforceable.

Keith: What about farms?

Leland: Gave examples of chemicals used in farming, what is reportable.

Tom: Suggested putting this on agenda for next meeting. What prompted this now and is CFR going to coming out?

Leland: This is a standing requirement for EPA; there are always questions about interpretations on that, like questions on parking lots and farms. Report on this at last NASTTPO meeting. Questions on this same issue for several years, EPA trying to provide interpretation that there is no exception.

Tom: Questions about how different places would be able to figure out if they need to report. Where would they go to look up requirements? Some type of letter to the public to provide information is needed.

Leland: Should this be an issue that HSERC and LEPC should address and enforce? We know about parking lots and batteries. For responses, this is not a big deal.

Kathy: Both HSERC and LEPC created from 128-E. Our enforcement comes from 128-E. See if this issue extends to LEPC, HSERC or just a federal issue.

Tom: Talked about citizen lawsuits, concerned about notification of public. If someone didn't know about requirement because we had not managed to get the requirements out to everyone, does it increase liability of the person who did not know? This is our responsibility to raise awareness, so they should know.

Kathy: Referred back to where do we draw our authority from. They're drawn from 128-E and rules that we are

about to embark on. Responsible is to 128-E, anything outside of that, EPA authority. Can't advise everyone about every law. We can advise people as to what our authority is. Suggest we go to 128-E to see if this issue falls within 128-E, or is this a federal issue.

Tom: This is simple compared to Tier II where changes are made about amounts and chemicals. It will be easy to get information out to public.

Kathy: We should just check to see if this issue is within 128-E.

Tom: Put this on for next agenda. Now that we are aware of this, see what we want to do about it.

Mike Cripps: TPQ is over a 24-hour period?

Tom: That is why he used church as an example, difference between places.

Mike: Based on 24 hour period would make a difference between used car lots, Wal-Mart, church.

Bob: Gas or battery triggers it?

Leland: Sulfuric acid triggers it.

3) Hazmat's Captain McGuire did presentation at 2007 Continuing Challenge in September. LEPC sponsored six Firefighters, CLEAN sponsored 5 more, total of 11 people. There were 1,000 participants this year. Carter Davis received Responder of the Year award.

Tom: Did the city do a press release? Information should be sent to Bill Branden.

Leland: Honolulu Fire has the information, Leland will put in on the website. Mike Ardito from EPA has included it in his newsletter.

4) Invited business partners in to give presentations on their business operations. Tesoro did a presentation on Pipelines, Pipeline Operations, Terminals, Trucking and Barge Operations.

5) Clean Update: They now have 18 member companies. Main concern is about preparedness of the Campbell Industrial area. Fire Pal CD was purchased in partnership with LEPC. Distribution of 4,000 copies will made to Leeward area schools. Captain McGuire was on the planning committee and Master of Ceremonies at this years Continuing Challenge. CLEAN supported his travel to go up for planning meetings.

6) Kailua-Kaneohe Project, under HMEP Planning Grant, should be finished shortly. Next year's project will focus on Waipahu area. It is now under review by State Civil Defense. Once signed, we will find a contractor.

7) Andy Keith from Hawaiian Electric conducted tours of their facilities for members of the LEPC. Seventeen people attended, Leland would recommend this tour. Offered once a year.

8) LEPC sponsoring Beginning Cameo Course, from LSU. This is in the third week of November.

3) EPA Update

Mike Ardito was not able to be here. Handouts are on the table, along with calendars.

4) HMEP Update

Ken Lesperance:

1) Only proposal for planning side for next year is in for review. He has a call into USDOT for questions. Latest question is, can we get all previous questions in on one page. He has been going back and forth with questions from USDOT and his Administrative Officer. He started process three weeks before. Does not know where the hang-up is. He has not been able to get hold of USDOT. Left his cell number and message to call him back.

Leland: In spring of this year, MOA was signed. Attached to this was a draft type of MOA that any HMEP project could use. This was the MOA he used for the project that is up for review at State Civil Defense. This does not require a receipt when you invoice for payment.

Ken: When he heard about this MOA, he thought it went against the fiscal practice. He talked to Ed Teixeira, Ed told him to check with USDOT. He did and Charles Rogoff said, "It looks OK to me". Ken considered this acceptable after Leland turned it in. His Administrative Officer said it was not acceptable. She asked for more, he sent it back to USDOT. They said it was good. This is the third time it has gone to USDOT. He is 100% in agreement this is being done right. The fiscal people have to be satisfied. If not able to fine resolution with him, Leland is more than welcome to speak with Ed Teixeira.

Leland: Understands the issues, concern is for the timeline. Need that to be able to go forward with contracting process with the city. That takes time. When we start the project, if we get too far behind on the timeline, project would be in jeopardy.

Ken: Agrees with Leland. Tomorrow would be good as a deadline. Try again today to reach USDOT, after meeting. If unable to reach them today, will try again tomorrow. If this does not work, he recommend going elsewhere. MOA exists; Honolulu LEPC signed it, sent it through. Continue doing what was previous advised.

2) Current year, only project outstanding is Honolulu LEPC current project. Encourage LEPCs to get paper work, invoice, in to him by September 03. That is when its due.

Leland: Do you want the invoice?

Ken: Yes, will work be completed?

Leland: Yes, draft copy of report will be ready.

Ken: Draft report not needed, just invoice. As long as work is completed and you have certification it is completed. That is what is needed. By December 30, proof needed, draft report is fine to close out.

3) This current year of the grant, all training money was spent. It was \$45,914 plus \$5,000 of operating funds to make up the difference. Hazmat Technicians Course, the one that we want in Hawaii, is expensive, \$50,000. This is for 80 hours of Chemistry, 80 hours of Technical. Unless more HMEP funding is coming or other funds found, only one Hazmat Technicians Course a year. Next year is the Big Island.

Leland: Next years Tech Course grant, will it be able the same level?

Ken: Same dollar amount as last time. He has heard, from other people, that the amount of the grant would be raised. And, that there would be no dividing line between planning and training.

Leland: The new raised amount would have the dividing line removed, not the current grant. But, no indication yet that the new amount will be released. Last he heard it was held-up in appropriations.

Ken: Amounts were, \$45,914 for training, \$43,006 for planning. Federal is 80%, State match; he can do a soft match. That is what is done almost every year.

5) HSERC Financial Report: Tier II Reallocation of Funds.

Sharon Leonida:

1) Bad news is, I couldn't get any information. Curtis asked our fiscal office, ERO, and got a small slip of paper. The yellow marked portion is ours. Figures do not match; I have no idea where some of the figures came from. They are working on the supplementary budget that is due tomorrow. I don't want to put pressure on the clerk that can help us. I will check with her on Monday and ask her to check on the year-to-year amount and where it is located. Right now this is the only information I have.

Tom: Is it a big difference?

Sharon: Yes, every year it seems to come down to zero.

Bob: Gave information on Data Mark, explained how it works.

Sharon: We don't have that Curtis got information yesterday afternoon.

Tom: You can get information from Femis system, also labor, cost.

Bob: Data Mark checks on summary using the appropriation.

Sharon: Every year funds not used for 20% should be left in the account.

Tom: It should be in a special or revolving fund.

Keith: Explained about what type of fund it is. Discrepancies between what we put in and finding what we have left.

Tom: Is it primarily being carried over from previous years, is it not being carried over? Discuss it next time, important issue.

Leland: Whatever money leftover from Tier II all these years can be used now. It would be nice if we could identify the amount.

Tom: This is an important issue. Asked Leland if his money is in a special fund so he doesn't need to use it all in one year. Should be double checked to see that none is lost, see how it is accounted for.

6) Break.

7) and 8) HEPCRA 128E Statutory Changes Update and 128-E Administrative Rules Update

Leland Nakai:

1) Members of working group, PIG, met soon after last meeting. Looked at letter that LEPC Chairs signed and looked at it point by point. Tom Smyth, Keith Kawaoka, Leland Nakai from LEPC, HEER staff, Sharon and Beryl, Kathy Ho were present. Clifford Ikeda was on with conference call, John Bowen offered information during the meeting. Went through the list discussing points in the letter. Talked about issues involved with law and the process, also idea of coming up with administrative rules. Consensus is that administrative rules are required because HEPCRA requires it in at least two instances. We need rules to further the program, for example, enforcement. Talked about issues involved, process of writing those rules, lots of details and procedures that need to be followed. After discussing basic strategies, we looked at 128-E and decided what to present to HSERC. We first looked at minor housekeeping, changes to 128-E law. Examples in handout, try to clarify 128-E-6-a2. Long sentence that has been misinterpreted many times and caused HEER Office to try and clarify it to a number of people. We will do a simple house keeping change to clarify a point in the law. Example on handout, it shows what the change would be. Intent is to amend the law next Legislative session. Putting packet together to present to up coming Legislature. Once this is done, we can begin rule-making process in with 2009 Legislative session. There is no exact tie to Legislative time schedule. During session people tied up, we hope to have a draft set of rules available for review, once the new changes have been signed into law. This will be about July of 2008. By starting rulemaking process this year, drafting rules, it will be available for people to discuss and review. We don't know how long it will take to get rules into place. We are not required to get rules in place by a certain time line. We will take as long as we have to in order to get rules in place. Issues of parking lots, farms, could be addressed in rules. See if state wants to address these issues. We have already met initially to look at time line to prepare rules. Planning to begin process to put pen to paper. Hope to provide our ideas to contractor or consultant to help with process of getting draft set of rules prepared by next summer.

Tom: Is Legislation part of DOH Administrative package?

Leland: Yes

Tom: So it will go in as part of Governor's List of Bills that the Speaker and President will introduce? I assume it will go to Health Committees, no moneys involved?

Keith: No fiscal budget involved.

Tom: Language change is word for word, just semicolons and breakouts. Doesn't change anything.

Administrative rules will have budget issues; create different reporting things in gap areas that don't have administrative rules. This is straightforward, shouldn't have any problems.

Gary: Do you need Statutory Amendment to write the rules? You could write the rules tomorrow morning.

Leland: We could, basically the law is the same content; just trying to clarify one issue, so people won't misinterpret. Begin the process and have it in place. We want a solid law in place to present the rules package.

John Peard: Leland are you the chair for the 2009 package of changes? John Ross sent Sharon Arizona's State Rules, with some suggestions. He wanted to address the problem he has on the Big Island. Can't get support from county even for storage space. There is a provision in Arizona's rules, John quoted the section. John Ross wanted us to be aware of how we could include something to help Big Island in the rules.

Tom: This is rules not Statutes, correct? Rules are at your own pace. He explains how long it can take to have rules done. Public hearing interest could cost about \$3,000. Notice in papers, hearings on different islands, mentions people who may attend.

Keith: HEER Office staff will basically be involved along with support from the HSERC and LEPCs. There is a lot of outreach to be done. Not just public hearings, there is a need to contact various outlets and organizations that may be affected by this. We need to present what these rules are. This is probably the main part of HEPCRA; hopefully by the time we get to public hearings, everything's been said.

Tom: New rules like these, law are old, but using law for rules. Have informational meetings, have draft ready, but leave room for flexibly. Have people give comments. Tom gave example of informational and rules meetings.

People rely too much on public hearings, hard to make changes at that point. Suggestion to allow written comments on the rule to be sent in, up to fifteen days after hearing.

Keith: Commented on contractors and money needed. Used Act 170, Met lab, as an example of how to do it and what people we used for that project. We need to see what kind of budget will be needed for technical and legal contractors.

Tom: Using contractors are good idea, fairly complex rules, especially in environmental area.

Leland: Initial we wanted to break away from 128-D. We sorted through the definition of what a hazardous substance is. Too many linkages to 128-D, this would bring down the process to get a clean HEPCRA package ready for next Legislative session. Rules for 128-D are stuck in time. People question what years list the OSC's use for releases. Because of these links with 128-D, we just went with clarification of that one long paragraph sentence that has been misinterpreted many times in the past.

Tom: Important and complex issues, important if it helps the LEPCs relationship with the counties, make coordination better.

9) Super Ferry.

Jeff Conner did not come to the meeting.

10) Other Business

Phillip Arbitrario for Tin Shing Chao:

1) Explained about Preparedness Conference put on by Federal OSHA that they attended. Federal OSHA is requesting information from Emergency Responders. This could be for modifying rules and regulations for the Federal. Asking for day-to-day emergency response training for responders. Series of questions in back of DUL register. Those are the questions that they want answered. In front is the address where you can send it to and phone numbers. Several things coming out this month from DHS. Framework, which is a good guideline for responsibilities for state government, National Guard, shows where they would fit in for emergency responses. National Preparedness Guidelines has to do with grants, money. It shows what goals have to be met before we can receive money.

Tom: He saw it in June, disappointed not much substance, lessons learned from past incidents. Trying to pattern State responded Plan. Ask Ken if they talked about this.

Ken: He and Clem Jung have been working on pieces of it. ESF 9 has been rewritten, not with the existing NRP

Clem doing it possibly fulltime.

Tom: There is a thirty-day response period on National Response Framework document. Is State Civil Defense going to coordinate the responses from State agencies? He was going to call Clem and ask him.

Ken: It would be better to call Clem. Ken does not have anything to do with it.

Tom: Different from CFR on OSHA portion and different time line also. It does relate to emergency response.

Ken: Put into NRP initially in 2005.

Phillip: Initial Response left a lot of questions. That's why this Framework came out to fill in the blanks.

Ken: Phillip is talking about Homeland Security guidance for grants. That is different.

Tom: It's a Blue document; I have three sitting on my desk. Deciding whether to comment or not. It's not about money, but what we are supposed to do to carry out state responsible. That document states what the Federal Government does, and what agencies are in charge.

Ken: If anyone has comments on NRP, the state responses will be coming through SCD. Clem or Dick will do it.

Phillip: Commented about Department of Labor, OSHA is disappointed that structure did not address the safety of the responders; Safety Officer was part of Administrative Section. No safety person to look out for the responder. Gave examples of 911 and how firemen got respiratory problems from not wearing proper equipment.

Keith: Has questions about safety in the ESF.

Ken: He explained about Safety Officer Position in ICS. This is an example of Safety Officer Position going out in the field and whom they would report to. This was done at the World Trade Center and the Pentagon. Rescues were told to put on masks and they refused, they made the choices.

Phillip: Should we pay for their healthcare?

Tom: Problems with the unexpected. Do the right thing or follow process. Most people would do the right thing.

Ken: Function of ESF is to coordinate state assistance to people on the scene. Nothing to do with response, just help them get what they need.

Tom: Is HIOSHA going to submit comments on this? Would they ask LEPCs for comments?

Phillip: This is just for emergency responders; Feds would call us if they want us to respond. Most of the time who wants OSHA to show up and tell them what to do. We are usually after the fact thing. We have a safety person in the Fire Department. That is the person who would show up. We usually give recommendations, consultations, mostly for compliance.

Tom: Ask about questions on the handout.

Phillip: He gave examples of what to do and what would happen.

Tom: He has concerns about First Responders and impacts it would have on them. Not sure how these questions relate to them.

Phillip: We do everything that OSHA does, basically. They are asking questions before they put out the regulations. Asking for information so they can modify or be friendly to responders. This is what it is about.

Tom: Biggest difficulty is what the situation will be for First Responders. Training can be done, but unexpected things can happen.

Phillip: Request is for the day-to-day type of response. They are also asking Utilities Companies, Police Departments for things like traffic, regular daily things that happen.

Tom: Thanked Phillip for bringing this to our attention. Doesn't know if LEPCs knew about this. They can get back to you or Tin. This is a national issue, applies to all of us. Tom gave example of Flossie and how federal personnel were here.

2) Glove Bag

Mike Cripps:

Display of Glove Bag, Mike gave report of white powder incidents that happened in 2002. He gave an example of a person mailing white powder to the Governor's Office and Police Department; how the incident was handled, and the long procedures that were followed. He consulted with the FBI and was referred to Paul Keller at Quantico. Paul was tasked to develop the Glove Bag. Mike gave the background on the idea that the bag was developed from. This product comes with a power point training program. The cost is \$364 dollars for each unit,

this is for single use only. Total of 12 units were purchased, one for each Hazmat unit and one for the 193rd CST.

He has asked the FBI if they would like to help with training. He has not received any response back.

Tom: Should civilians have access to it?

Mike: Other cheaper things available to them, this is meant for sampling. This is expensive, can't afford to waste any units. This example is going to be used for training and passed around for that purpose.

Tom: Why don't we see any white powder incidents now? It just stopped like a fad.

Mike: He does not have an answer.

Tom: Some letters arrived in his office, he explained what they did to check out the contents.

Mike: Post Office still has procedures in place for white powder. They try to trace where letter came from. It was a paranoia. Examples of a clerk that worked at Radio Shack and unpacked a box, also a Dentist that had received a magazine that he feared was tainted.

3) ERG

Ken:

ERG have been ordered, we should have plenty. They should arrive sometime next year, last time they arrived in November of 2004. Second shipment arrived in March 2005. If anyone wants some of the 2004 for training, Ken has some available.

11) Schedule next meeting

Sharon: Larry is not available on December 6. Jan said December 13 is open.

Tom: OK, December 13 is the next meeting. Thanks for the snacks.

The meeting was adjourned at 10:55 a.m.

Leonida, Sharon L

From: Jay Maddock [jmaddock@hawaii.edu]
Sent: Monday, September 10, 2007 2:21 PM
To: Leonida, Sharon L
Subject: RE: Hawaii Revised Statues

Hi Sharon,

This does appear to be me. The Dean of Medicine and I discussed and he felt that I would be the better person for the committee. Let me know when you meet.

Jay

Jay Maddock, Ph.D.
Director
Office of Public Health Studies
University of Hawaii at Manoa
1960 East-West Rd. D209
Honolulu, HI 96822
Phone: (808) 956-5779
www.hawaii.edu/publichealth

From: Leonida, Sharon L [mailto:sharon.leonida@doh.hawaii.gov]
Sent: Thursday, September 06, 2007 12:14 PM
To: skyi@hawaii.edu
Subject: Hawaii Revised Statues

Thank you for helping me out. I am in the Hazard Evaluation and Emergency Response Office, Dept of Health for the State of Hawaii. This is my job that is part of this office program, HEPCRA. We have a committee, HSERC, that meets once every 3 months. The pages that I have included show where Dr. Maddock maybe a part of the commission that makes up the committee. I know it sounds confusing. Prima Melon, (I know that is not the spelling, sorry), was the representative about 5-6 years ago. If you could have him look at the pages I would be very grateful.

Thanks Sharon <<20070906114705949.pdf>>

Leonida, Sharon L

From: Nakai, Leland A [LNakai@honolulu.gov]
Sent: Thursday, September 13, 2007 11:08 AM
To: Leonida, Sharon L
Subject: RE: phone call to beryl

Since we aren't going to address a change to the definition, just a copy of the paragraph change to HEPCRA – 128E-6 (a).

From: Leonida, Sharon L [mailto:sharon.leonida@doh.hawaii.gov]
Sent: Thursday, September 13, 2007 11:06 AM
To: Nakai, Leland A
Subject: phone call to beryl

What do you want me to print out? Just the HEPCRA Haz Chemical definition, or just 11-451-5 (a,b,c)?

Leonida, Sharon L

From: Nakai, Leland A [LNakai@honolulu.gov]
Sent: Thursday, September 13, 2007 10:48 AM
To: Ekimoto, Beryl Y; Leonida, Sharon L
Subject: CERCLA Definitions

Beryl & Sharon,

See http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=browse_usc&docid=Cite:+42USC9601. CERCLA defines a hazardous substance as including hazardous wastes, & excludes oil, etc.

It looks like 128D was written with the CERCLA definition in mind. Although we agreed on a strategy concerning the definition this AM, it now looks like the issue is LARGE & a potential "show stopper" if we want to amend HEPCRA in the next leg session. I would therefore recommend that we just address the one paragraph change, and not address the definition issue right now.

Please let me know what you think.

Leland

9/13/2007

Leonida, Sharon L

From: Nakai, Leland A [LNakai@honolulu.gov]
Sent: Friday, August 31, 2007 8:19 AM
To: Leonida, Sharon L; Ekimoto, Beryl Y
Cc: Davis, Carter W
Subject: HSERC Meeting

Sharon,

Minutes & agenda for next HSERC meeting? Recommend adding agenda item – HSERC Financial Report (report to LEPCs on how much \$\$ are in the fund & not distributed).

Leland

Leonida, Sharon L

From: Ken Lesperance [klesperance@scd.hawaii.gov]
Sent: Thursday, September 13, 2007 7:43 AM
To: Leonida, Sharon L
Subject: RE: Topic heading

Sharon,

Since I am doing the Planning side too, you can just put "HMEP update."

Ken

From: Leonida, Sharon L [mailto:sharon.leonida@doh.hawaii.gov]
Sent: Wednesday, September 12, 2007 11:40 AM
To: Ken Lesperance
Subject: Topic heading

Hey Ken, on the agenda how would you like your portion to be labeled? I have enclosed two examples or I can leave it as HMEP Training classes. Can you let me know as soon as possible? Thank you.

Sharon



**STATE OF HAWAII
DEPARTMENT OF HEALTH**

**HAZARD EVALUATION AND EMERGENCY RESPONSE
OFFICE**

DATE: Sept 11, 2007

NO. OF PAGES: 2

TO: Donna

COMPANY: _____

TELEPHONE: _____

FAX: 587-0470

FROM: Sharon

TELEPHONE: (808) 586-4249

FAX: (808) 586-7537

COMMENTS:

I will tell him to expect your letter.

Leonida, Sharon L

From: Maria Lutz [lutzm@hawaiiredcross.org]
Sent: Tuesday, September 18, 2007 8:15 AM
To: Leonida, Sharon L
Subject: RE: Sending Minutes for meeting # 67

I will be unable to make it to the meeting on Thursday.

Maria Lutz
Director of Disaster Services
American Red Cross

From: Leonida, Sharon L [mailto:sharon.leonida@doh.hawaii.gov]
Sent: Tue 9/18/2007 7:10 AM
To: Carter Davis; Chris Takeno; Clifford Ikeda; Ed Teixeira; Gary D. Moniz; Jan Hasegawa; Joe Blackburn; John Ross; Ken Lesperance (Standin); Lau, Laurence K.; Leland Nakai; Maria Lutz; Robert A. Boesch; Scott Kekuewa; Thomas J. Smyth; TinShing Chao
Subject: Sending Minutes for meeting # 67

Leonida, Sharon L

From: Chris.Takeno@hawaii.gov
Sent: Friday, June 22, 2007 3:25 PM
To: Leonida, Sharon L
Subject: Fw: Agenda for June 28, 2007 meeting

Sharon,
The name of the speaker for the SuperFerry is Terry White, VP of Operations. Please contact his assistant Sandra Tsuruda at 853-4135 and provide details.

Thank you,

Chris Takeno
Office of Special Compliance
State of Hawaii, Department of Transportation
Phone: (808) 587-2164
Fax: (808) 587-6306

----- Forwarded by Chris Takeno/ADMIN/HIDOT on 06/22/2007 03:20 PM -----

Yvonne Solorio
<yvonne.solorio@hawaiisuperferry.com>

To Chris Takeno <Chris.Takeno@hawaii.gov>

cc

Subject Re: Agenda for June 28, 2007 meeting

06/20/2007 06:00 PM

Aloha Chris,

Thanks for the detailed back-ground. According to the attached agenda looks like you are really looking for a Q&A session rather than a "Presentation." Please clarify this for me before we can proceed.

Mahalo!

Yvonne Solorio
Business Development
Yvonne.Solorio@HawaiiSuperferry.com
office 808.853.4025 | fax 808.531.7410

One Waterfront Plaza
500 Ala Moana Blvd., Suite 300 | Honolulu, HI 96813
HawaiiSuperferry.com

----- Original Message -----

From: "Chris Takeno" <Chris.Takeno@hawaii.gov>
To: "yvonne solorio" <yvonne.solorio@hawaiisuperferry.com>
Sent: Wednesday, June 20, 2007 3:09:04 PM (GMT-1000) Pacific/Honolulu
Subject: Fw: Agenda for June 28, 2007 meeting

Sorry for the short notice, but I am contacting you on behalf of the Hawaii State Emergency Response Commission (HSERC) to speak at our next meeting on Thursday, June, 28, 2007.

The HSERC is a body created under the Hawaii Emergency Planning and Community Right to Know Act, and comprises of federal, state and county emergency response personnel within the State. We have quarterly meetings, and since the last meeting, there was a strong interest in the superferry and in particular the commission wanted to know more about any coordination that has been taken place with regard to emergency planning. An agenda is attached below for your review.

7/3/2007

Please contact me if a representative can attend the meeting.

Thank you,

Chris Takeno
Office of Special Compliance
State of Hawaii, Department of Transportation
Phone: (808) 587-2164
Fax: (808) 587-6306

----- Forwarded by Chris Takeno/ADMIN/HIDOT on 06/20/2007 03:00 PM -----
"Leonida, Sharon L" < sharon.leonida@doh.hawaii.gov >

06/19/2007 02:17 PM

To "Carter Davis" < hazmat@hawaii.rr.com >, "Chris Takeno" < chris.takeno@hawaii.gov >, "Clifford Ikeda" < cikeda@kauai.gov >, "Ed Teixeira" < eteixeira@scd.hawaii.gov >, "Gary D. Moniz" < gary.d.moniz@hawaii.gov >, "Jan Hasegawa" < jan.hasegawa@doh.hawaii.gov >, "Joe Blackburn" < Blackburj001@hawaii.rr.com >, "John Ross" < rossjohns@netscape.net >, "Ken Lesperance \ (Standin\)" < Klesperance@scd.hawaii.gov >, "Lau, Laurence K." < laurence.lau@doh.hawaii.gov >, "Leland Nakai" < lnakai@honolulu.gov >, "Maria Lutz" < lutzm@hawaiiredcross.org >, "Robert A. Boesch" < robert.a.boesch@hawaii.gov >, "Salmonson, Genevieve K. Y." < g.salmonson@doh.hawaii.gov >, "Scott Kekuewa" < scott.kekuewa@co.maui.hi.us >, "Thomas J. Smyth" < tsmyth@dbedt.hawaii.gov >, "TinShing Chao" < chao.tin@dol.gov >

cc

Subject Agenda for June 28, 2007 meeting

Please let me know if there are any changes or additions to be made. <<67AGENDA.DOC>>

7/3/2007



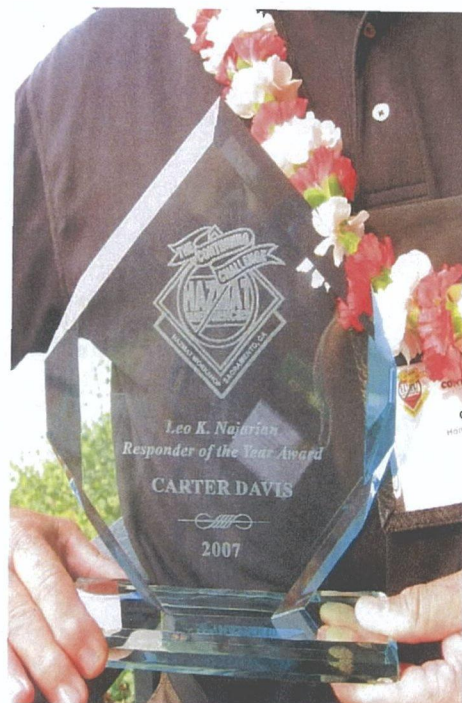
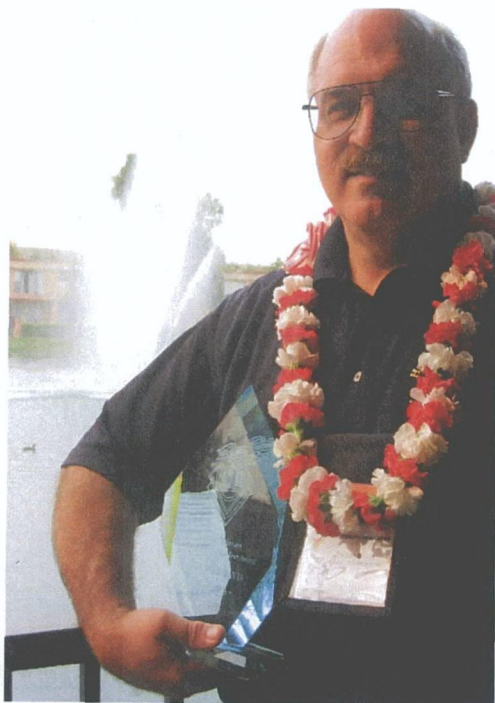
United States
Environmental Protection Agency
Pacific Southwest Region



**EMERGENCY PREVENTION, PREPAREDNESS, AND RESPONSE
PROGRAM UPDATE FOR HAWAII SERC
MEETING IN HONOLULU ON SEPTEMBER 20, 2007**

PREVENTION, PREPAREDNESS AND RESPONSE ACTIVITIES

Carter Davis Receives Responder of the Year Award from Continuing Challenge
The Honolulu Fire Department's Captain Carter Davis (and chair of the Honolulu LEPC) on Sept. 5 in Sacramento received the 2007 Continuing Challenge HazMat Emergency Response Workshop's "Responder of the Year" award sponsored by the California State Fire Fighters' Association. Davis was honored for being instrumental in the establishment of HFD's hazardous materials response teams. Captain Sonny Maguire of the HFD said, "Captain Carter Davis represents the highest level of achievement, leadership, enthusiasm, commitment, professionalism and courage in the Honolulu Fire Department's Hazardous Materials Response Operations Teams." With 25 years of service, Davis is well-versed in hazmat response and is HFD's lead instructor for various certification classes for hazmat responders and recruit trainees. Davis is the co-author of many of the HFD's Standard of Operational Procedures. Currently, Davis is a representative to the State Urban Search and Rescue teams as a Communication Supervisor.



- **Annual HazMat Explo**

This year, the 11th annual HazMat Explo will be held at the Tuscany Hotel and Conference Center in Las Vegas, Nevada from November 5 – 8. Concurrent with HazMat Explo, the “mid-year” meeting for the National Association of SARA Title Three Program Officials (NASTTPO) -- combined with the annual EPA Western Regions’ Emergency Prevention and Preparedness conference -- is scheduled to be held Tuesday, November 6 through Thursday, November 8 at the Tuscany. Registration and agenda information can be found via the Web sites for NASTTPO at www.NASTTPO.org and/or for HazMat Explo at www.hazmatexplo.org.

- **The EPA & NOAA Receive Innovation and Technology Award for CAMEO**

The U.S. EPA and the National Oceanic and Atmospheric Administration (NOAA) on Sept. 5 in Sacramento, Calif. received the 2007 Continuing Challenge HazMat Emergency Response Workshop’s Innovation and Technology award for the development and promotion of Computer-Aided Management of Emergency Operations (CAMEO). The CAMEO Team of EPA and NOAA was nominated for the award by Deputy Fire Marshal Kevin Smith from the Chino Valley Fire District in Calif. He said, “The CAMEO Team was nominated for this award because of the excellence of the CAMEO software ... and the CAMEO Team’s continued support to upgrade and improve the capabilities of the CAMEO suite of programs. CAMEO is indeed one of the best information tools available to emergency planners and responders in a hazardous materials event.”

- **National Response Framework**

The Department of Homeland Security’s Federal Emergency Management Agency recently completed an extensive review of the National Response Plan. Over the last year, more than 700 individuals representing federal, tribal, state, territory, and local governments, non-governmental agencies, and the private sector participated in the review process. As a result, the NRP was renamed the National Response Framework and changes were made to the document to better align with the framework concept. The draft NRF is available for a 30-day review and comment period concluding on October 10, 2007. The comment form and instructions for submission are available online at www.fema.gov/nrf.

- **EPA Emergency Contact Calendar Cards for 2008**

The EPA is providing to the Hawai’i SERC a small stack of EPA’s updated emergency contact calendar cards for 2008 -- sized to fit into a wallet or pocket.

- **EPA’s Office of Emergency Management (OEM) Web site**

The EPA’s new Web site for its Office of Emergency Management is expected to be launched by Oct. 1.

- **EPA’s LEPC Survey Delayed**

The EPA’s survey of approximately 50 questions for each Local Emergency Planning Committee was originally scheduled for the summer of 2007, but has been delayed until further notice. The survey is still under review at the Office of Management and Budget.

- **EPA Pacific Southwest EPP Program Contact**

For more information about the U.S. EPA’s Emergency Prevention and Preparedness program for Hawai’i, you may contact the liaison, Mike Ardito, at (415) 972-3081 or by email at ardito.michael@epa.gov.

June 28, 2007
9:05 A.
↑

Lang Lan - working call to order

Intros. -

Opening Remarks - End of fiscal yr.

Working on Supplemental Budget -

Good Idea to talk about it now.

If want to change statutes - do it in summer.

Approval of Minutes -

Cliff move, Carter End

Move #8 to New since atty it
present.

Carter D. - Re: letter from Lege.

Request for rulemaking for HRS
128E.

Several reasons for
adopting rules.

Kathy H. - fall under Sunshine Law.

Thomas Swartz - P.I.G. - committee -

Neighbor hood commission doing
it now.

(Permitted
Interactive
Group)

Allow 1 less for quorum & others
to wait at ex. Starbucks

Kenley Ho -

Alternative - Statutes do rules -

K. Ho -

to enforce - you need rules

Larry - Legc wants rules -

So it's good to pursue.

John - C.C. cannot support Legc - Hawaii -
because of not having rules.

Carla - Intent - State provide statutes -

review by Legc. - aware of
concern why rules are
necessary.

Larry - Legc. / Statutes / Others - need to
discussion - need clarification on
reasons.

Keith - doing for 170 - natural
rules.

Tom - PIG - need to vote on at HSev - others announced
later.

Group is perpetual - meeting is on-going.

Sharon - Bang + I will be in on

Discussion -

Larry

Wishes to establish

Interactive Group for

Admin Rules -

4 legs, Ross of HEER ofc,

also Atty ~~Gen~~
Genl
Support.

~~at~~ also allows
in committees,
Staff.

Support by HEER staff
& request support
from Atty Genl.

— Discussion between
members. —

T. Squirt -

Larry + keep rules as standing item on agenda!

Larry - replace himself.

Tom moves Larry second.

Master copy -

Lamy - will take awhile to start on draft because

lady - Statutory Δ -

lady to Statutory Δ - is law.

↳ interprets the law -

if things fall outside -
need to adjust statutes.

Gray - 1 + 2 - requires A.G.'s opinion.

21st of June - legal mtg.

New Membership list - lost
couple of members.

C.G. ICS 300 course.

100 + 200 courses offered to
workers. - County.

Erh - At NASTPO Conf - ^{DOT.} read now.

Hawaii County - Harriet Tech. - all give

Hazmat Expo - → ~~that~~ does not provide much.
Continuing Challenge for ~~training~~ training is good!
Middle of August, next meeting.

Discussion between John + Ken.

Clifford - Hand quarterly meeting.
Next meeting - Aug 29
Will get info to Ken.

CST exercise

Sending as many individuals
to Hazmat Expo -
not Clifford.

Scott - no present.

Dan - DEM? -

June 12 - Cape meeting.

~~that~~ look at Handout -

6 for personal - sending Cape.

5 - sponsored by CLEW

→ Sacramento

Invited -

Business - Gas Co. to speak about their op.

Next meeting - Tesoro - valuation + distribution

CLEAR update - dist. Fire Pol.

Interest in CD ~~among~~^{among} schools.

Bell St. incident - rat urine - ~~and~~
odor nuisance.

Paul Cherry - Ocean Fresh Seafood Pur.
in Waian

Leland - NASTPO curb in Kansas City.

Clayton R. Goff - 70% increase -
is pinkey - in
appropriation - state
can't A formula!

Original is fixed by
law -
can't A penny +
fraying 90's.

SCD requests - will provide \$\$.

Ken - Just submit your bill.

DHS - 1/4 million facilities affected.
Vikane on list. - Pesticid Co.
used to be in Compliance
w/ Rule.

CEI - Vulnerability
* Exempt Not affected by this
Program.

from EPA Section Survey to LEPCs - regarding
headquarters batteries to report. (Tier 2
report)

Discussion - on Topic
(Tony Lang, Carter, Leeland, John)

Farmers are not exempt from reporting
For Tier 2.

- Case Study of large fire in Kansas City.

FEMA updates of NIKES - 5th org.

Opening ofc. in Hawaii

Online training - ISA 7007 800

Revitalizing Chem-cap. prog.

Pat Romero - Transit facility -
less than 12 hrs. - do not need to
in prog. request Tier 2.

John Ross - bill comes out after law -
law in effect July 1st.

Mike Ardito - not present. - handout.
DAS discussion

4) Atmap - proposal -
all + motion
John names, Ken second

5) MOA -

You had concerns - Leland

Ken it was signed

Ken - when your project MOA -

in MOA stipulate request
process.

7) ~~Atmap~~

Couple \$ 1000 - returned from Humboldt.
appropriately divided among LEAs.

- Allot. -

Need to know how much is still left.

Lang. Treasurers report?

John - can roll into next year's funds?

- Need to bring up to Curtis -

9) rescheduled!

10) ~~John~~ John + Ken -

Country ~~to~~ to be sent to
NASTTpo.

Ken - leave to Lepe to decide.

Lepe - funded person. if can

can - will ask - ~~to~~

\$10,000 for next year's grant -
~~planning~~
planning

~~1st Week~~ Hazard Explor - Nov '07

Local

Outstanding - HDS - didn't get paid yet.

~~Red~~ Dee Cook - send email too.

Status - of HWS grant ap. -

Completed on line -

also heard completed
written copy.

August 1st
is now
deadline.

Larry - Biofuel - 100 million gallon
plant

Liquid or Waste Prod. -

is Hazardous. - falls
under ~~REACTA~~ REACTA?

Gang are in getting me still.
request an emergency ~~response~~ ^{response plan} position.

① Sept 20th +
* ~~Sept. 20th~~ Next HSec mtg.

② Dec 6th →

Adjourned 10:38 A.