

## Emergency Response Coordination: Questions and Answers (40 CFR Part 68.93)

### Who is required to coordinate emergency response plans?

- [40 CFR 68.12\(b\)](#) – Prevention Program 1: Ensure that response actions have been coordinated with local emergency planning and response agencies
- [40 CFR 68.12\(c\)](#) – Prevention Program 2: Coordinate response actions with local emergency planning and response agencies as provided in [§ 68.93](#); and implement an emergency response program, conduct exercises, as provided in [§§ 68.90 to 68.96](#).
- [40 CFR 68.12\(d\)](#) – Prevention Program 3: Same as Item 2 above.

### Why is coordinating emergency response plans important?

[40 CFR 68.93](#) – ... To determine how the facility is addressed in the community emergency response plan and to ensure that local response organizations are aware of the regulated substances at the facility, their quantities, the risks presented by covered processes, and the resources and capabilities at the facility to respond to an accidental release of a regulated substance.

### What must be included in a facility's emergency response plans?

- [40 CFR 68.90\(b\)](#) – **Program 2 or 3 Processes, non-responding facility**: ... whose employees **will not** respond to accidental releases shall:
  - (1) [§ 68.90\(b\)\(1\)](#) – Toxic substances: Coordinated with community plan ([42 U.S.C. 11003](#));
  - (2) [§ 68.90\(b\)\(2\)](#) – Flammable substances: Coordinated with the local fire department;
  - (3) [§ 68.90\(b\)\(3\)](#) – E.R. procedures: Notify community emergency responders;
  - (4) [§ 68.90\(b\)\(4\)](#) – E.R. coordination activity: Coordinate response needs; [§ 68.93](#);
  - (5) [§ 68.90\(b\)\(5\)](#) – Notification exercises: Test notification mechanisms. [§ 68.96\(a\)](#); and
  - (6) [§ 68.90\(b\)\(6\)](#) – Public notice: Notify public and Federal, State, and local E.R. agencies.
- [40 CFR 68.90\(a\)](#) – **Program 2 or 3 Processes, responding facility**: ...whose employees **will** respond to accidental releases shall:
  - (1) [§ 68.93](#) – Emergency response coordination activity: Coordinate response needs;
  - (2) [§ 68.95](#) – Emergency response program (ERP): Develop plans to protect public health and the environment to include:
    - i. [§ 68.95\(a\)\(1\)\(i\)](#) – Public notice: Procedures for informing the public;
    - ii. [§ 68.95\(a\)\(1\)\(ii\)](#) – First-aid: Document proper medical treatment for exposures;
    - iii. [§ 68.95\(a\)\(1\)\(iii\)](#) – Response: Procedures for responding to accidental releases;
    - iv. [§ 68.95\(a\)\(2\)](#) – Equipment: Procedures for inspection, testing, maintaining;
    - v. [§ 68.95\(a\)\(3\)](#) – Training: Train employees in relevant procedures; and
    - vi. [§ 68.95\(a\)\(4\)](#) – Update: Procedures to review and update the ERP.
  - (3) [§ 68.96](#) – Emergency response exercise program: Develop plans to test the source's emergency response program to include:
    - i. [§ 68.96\(a\)](#) – Notification exercises: Shall test notification mechanisms.

- ii. [§ 68.96\(b\)](#) – Emergency response exercise program: Implement E.R. exercise plan.
  - a. [§ 68.96\(b\)\(2\)](#) – Tabletop exercises: Discuss source’s E.R. plan.
  - b. [§ 68.96\(b\)\(1\)](#) – Field exercises: Test source’s E.R. plan.

**NOTE:** “**Responding**” has the same meaning as OSHA’s HAZWOPER Standard, “a response effort by employees from outside the immediate release area to an occurrence which results, or is likely to result, in an uncontrolled release of the regulated substance.”

### When is coordinating emergency response plans required?

- 1) [40 CFR 68.10\(a\)\(3\)](#) – § 68.90(a) responding or § 68.90(b) non-responding E.R. Plans: The date on which a regulated substance is first present above a threshold quantity in a process.
- 2) [40 CFR 68.10\(b\)](#) – Annual emergency response coordination: By March 14, 2018 and annually thereafter, ... shall comply with the emergency response coordination activities in [§ 68.93](#).
- 3) [40 CFR 68.10\(d\)](#) – Emergency response exercise program: By December 19, 2023, ...shall developed plans for E.R. exercises in accordance with provisions of [§ 68.96](#), as applicable.
  - i) Notification exercises – Before December 19, 2024 and annually thereafter.
  - ii) **(Responding Only)** Tabletop exercises – Before December 21, 2026, and every three years.
  - iii) **(Responding Only)** Field exercises: - Before March 15, 2027, and every ten years.

### How to coordinate emergency response plans?

[Chapter 8: Emergency Response](#) – The forum for coordination meetings is left up to the discretion of the owner or operator and local response authorities. You may choose to hold a meeting specifically for this purpose, or combine the coordination meeting with another appropriate meeting, such as a regularly scheduled LEPC meeting, if both parties agree to the arrangement. Although EPA recommends meetings in person, where necessary, may hold meetings remotely (e.g., via conference call or webinar).

### What must be documented when coordinating emergency response plans?

- 1) [40 CFR 68.93\(c\)](#) – E.R. coordination activities: ... Shall document coordination with local authorities, including: The names of individuals involved and their contact information (phone number, email address, and organizational affiliations); dates of coordination activities; and nature of coordination activities.
- 2) [40 CFR 68.96\(a\)](#) – Notification exercises: ... Shall maintain a written record of each notification exercise conducted over the last five years.
- 3) [40 CFR 68.96\(b\)\(3\)](#) – Emergency response exercise program: ... Shall prepare an evaluation report within 90 days of each field and tabletop exercise. The report shall include a description of the exercise scenario, names and organizations of each participant, an evaluation of the exercise results including lessons learned, recommendations for improvement or revisions to the emergency response exercise program and emergency response program, and a schedule to promptly address and resolve recommendations.
- 4) [40 CFR 68.96\(c\)](#) – Alternatives: ... may satisfy the requirement to conduct notification, field and/or tabletop exercises through:
  - (1) Exercises conducted to meet other Federal, state or local exercise requirements.
  - (2) Response to an actual accidental release (requires after-action report).