

# HAZ-CHEM NEWS

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## IMPORTANT DATES

### March 1, 2009

Deadline for Tier II Reports for RY2008

### July 1, 2009

Deadline for Toxic Release inventory Report for RY2008

For questions or further information about this newsletter, please contact Ray DeBoer at 701.328.8112 or rdeboer@nd.gov.

**A big thank you to the Arizona Emergency Response Commission for providing the content for this newsletter.**



## State program helps fund local emergency management efforts

The Hazardous Chemicals Preparedness and Response Program, administered by the North Dakota Department of Emergency Services (NDDDES) collected more than \$126,000 in chemical storage fees during reporting year 2007. These fees are divided equally between NDDDES to cover program expenses and Local Emergency Planning Commissions (LEPCs) located in each county. The LEPCs may use the money to enhance emergency management capabilities in areas such as training, exercising, equipment, response and salaries.

"This program has experienced steady

growth over the past few years," said Greg Wilz, ND Homeland Security Director. "Its expansion is mostly due to changes in agriculture, manufacturing, and the energy industries."

On a yearly basis, facility owners and operators are required to report the inventory of hazardous and toxic chemicals stored across North Dakota. Typical facilities reporting are bulk fuel plants, anhydrous ammonia plants, propane plants, agricultural processing plants and energy and oil producing sites.

"An increase in hazardous materials increases risk to the communities in which the materials are stored," said Wilz. "This program is a great example of state and

*(Continued on page 10)*

## New hazardous waste regulations for academic entities - first responders need to pay attention

Information provided by Timothy Gablehouse.

The Environmental Protection Agency is finalizing an alternative set of generator requirements applicable to laboratories

owned by eligible academic entities, as defined in this final rule. The rule provides a flexible and protective set of regulations that address the specific nature of hazardous waste generation and accumulation in laboratories at colleges and universities, as well as other eligible academic entities formally affiliated with colleges and universities. This final rule is optional and colleges and universities and other eligible academic entities formally affiliated with a college or university have the choice of managing their hazardous wastes in accordance with the new alternative regulations as set forth in this final regulation or remaining subject to the

existing generator regulations.

40 CFR Parts 261 and 262 [EPA-HQ-RCRA-2003-0012; FRL-8743-9] RIN 2050-AG18

Standards Applicable to Generators of Hazardous Waste; Alternative Requirements for Hazardous Waste Determination and Accumulation of Unwanted Material at Laboratories Owned by Colleges and Universities and Other Eligible Academic Entities Formally Affiliated With Colleges and Universities

**AGENCY:** Environmental Protection Agency (EPA).  
**ACTION:** Final rule.

## ***EPA takes action against Nevada Onion for failing to protect workers from pesticide exposure***

The U.S. Environmental Protection Agency today fined a Yerington, Nev., agricultural establishment \$56,320 for allegedly misusing pesticides and failing to comply with pesticide worker safety laws.

Nevada Onion, located at 61 Bowman Ln., misused the pesticides Lannate LV, Champ Dry Prill, Dithane DF, Thiosperse, Thiolut, and Diatec II during numerous applications throughout 2007. Nevada Onion failed to comply with label directions that require the company to minimize

the risk of exposure by notifying workers of recent pesticide applications on particular fields, and failed to have decontamination supplies available to workers in case of exposure.

"EPA takes seriously the protection of agricultural workers," said Katherine Taylor, associate director of the EPA's Communities and Ecosystems Division for the Pacific Southwest region. "And it's a serious violation of the law when employers don't provide their agricultural workers with information and protections that minimize the risk of potential exposure to pesticides."

The Nevada Department of Agriculture discovered the violations after it inspected the facility in August 2007 following reports that field workers were seeking medical attention for significant injuries allegedly resulting from pesticide exposure.

The Worker Protection Standard, part of the Federal Insecticide, Fungicide, and Rodenticide Act, aims to protect workers from occupational exposure to pesticides through the strict enforcement of labeling requirements. The standard contains requirements for the provision of pesticide safety training, decontamination supplies, and emergency medical assistance, as well as the notification of recent pesticide applications, the use of protective equipment, and restrictions on reentry into fields where pesticides have been applied.

For more information on the federal regulation and enforcement of pesticides, please visit <http://www.epa.gov/compliance/civil/fifra/index.html>. For further information on the Worker Protection Standard, please visit <http://www.epa.gov/pesticides/health/worker.htm>

## ***ER shutdown after decontaminated patient injured in concentrated fertilizer explosion***

A highly concentrated fertilizer explosion injured a Greenville, Michigan man, and the United Memorial Hospital was contaminated when he visited the emergency room. Spectrum Health United Memorial-United Hospital in Greenville experienced a contamination issue after a local man opened a package that exploded on his driveway. The package contained a highly concentrated fertilizer that blew into his face and ate away at his clothes.

Twenty-six people in the emergency department - patients and staff members - were exposed to the unknown substance and a decontamination tent was set up outside. The emergency department was shut down and the hospital's surgical area was transformed into an emergency room to help with the situation.

The Montcalm County, Michigan, sheriff said he does not think they have handled anything like this before. All Montcalm County hospitals were put on standby, including Carson City Hospital, Spectrum Health United Memorial Kelsey Hospital in Lakeview, and Sheridan Community

Hospital and ambulances were diverted from Greenville to those hospitals since Greenville's emergency department was shut down.

Police are investigating the explosion as possibly a criminal act and Greenville Public Safety Director Michael Stuck said he believed the FBI was involved.

The injured man's condition was not known, although hospital officials said he suffered burns to his face and arms. Because police and hospital staff could not immediately identify the substance that splattered on his body, hospital staff decontaminated him before he entered the hospital.

But the emergency department was "breached" through an accident that hospital officials did not explain, causing 26 patients and staff to go through a decontamination process. There were three patients and their families in the emergency department and all were released from the hospital in the early afternoon hours.

The emergency department was reopened about 3:45 p.m. after officials determined the substance was not hazardous, hospital spokesman Bruce Rossman said.

Source: <http://www.rockfordindependent.com/main.asp?SectionID=11&SubSectionID=11&ArticleID=1525&TM=55745.88>

## ***DHS issues final regulation for handling of protected critical infrastructure information***

The Department of Homeland Security has filed "Procedures for Handling Protected Critical Infrastructure Information" with the Federal Register for publication. This final rule, which became effective upon publication in the Federal

Register September 1, 2006, amends Homeland Security regulations establishing uniform procedures to implement the Critical Infrastructure Information Act of 2002.

These procedures govern the receipt, validation, handling, storage, marking and use of critical infrastructure information voluntarily submitted to the Department of Homeland Security.

This rule applies to all Federal agencies, all United States Government contractors, and State, local and other governmental entities that handle, use, store, or have access to critical infrastructure

information that enjoys protection under the Critical Infrastructure Information Act of 2002.

Read the full text of the Final Rule at [http://www.dhs.gov/xlibrary/assets/pcii\\_final\\_rule\\_federal\\_register9-1-06-2.pdf](http://www.dhs.gov/xlibrary/assets/pcii_final_rule_federal_register9-1-06-2.pdf) (Federal Register).

## ***Environmental fugitives get own most-wanted list***

WASHINGTON – The government is starting a different kind of most-wanted list — for environmental fugitives accused of assaulting nature.

These fugitives allegedly smuggled chemicals that eat away the Earth's protective ozone layer, dumped hazardous waste into oceans and rivers and trafficked in polluting cars.

And now the government wants help in tracking them down.

In its own version of the FBI most-wanted list, and the first to focus on environmental crimes, the Environmental Protection Agency is unveiling a roster of 23 fugitives, complete with mug shots and descriptions of the charges on its Web site at <http://www.epa.gov/fugitives>.

A top EPA enforcement official said the people on the list represent the "brazen universe of people that are evading the law." Many face years in prison and some charges could result in hundreds of thousands of dollars in fines. "They are charged with environmental crimes and they should be brought before the criminal justice system and have their day in court," said Pete Rosenberg, a director in the agency's criminal enforcement division.

On display will be John Karayannides, who allegedly helped orchestrate the dumping of 487 tons of wheat tainted with diesel fuel into the South China Sea in 1998. Karayannides is believed to have fled to Athens, Greece. Also at large are the father and son team of Carlos and Allesandro Giordano, who were arrested in 2003 as the owners of Autodelta USA, a company that was illegally

importing and selling Alfa Romeos that did not meet U.S. emission or safety standards. The two men are believed to be hiding out in Italy.

Raul Chavez-Beltran, another fugitive on the list, ran an environmental cleanup company in El Paso, Texas, that is accused of transporting hazardous waste from factories along the Mexican border and improperly disposing and storing it in the U.S. In one case, he allegedly stockpiled mercury-laced soil from an environmental spill in a warehouse.

The launch of the most-wanted list comes as EPA's criminal enforcement has ebbed. In fiscal 2008, the EPA opened 319 criminal enforcement cases, down from 425 in fiscal 2004. And criminal prosecutors charged only 176 defendants with environmental crimes, the fewest in five years.

EPA officials defend the agency's record, saying the agency has focused on bigger cases with larger environmental benefits.

But Walter D. James III, an environmental attorney based in Grapevine, Texas, says the EPA is critically understaffed to investigate environmental crimes. While the budget for the division has increased by \$11 million since 2000, there are still only 185 criminal investigators. Congress authorized the EPA to hire 200 investigators in 1990.

James said that while the list could prompt the public to turn people in, he questioned whether it would deter others from committing environmental crimes.

"It's like telling John Gotti he is a bad man," James said. "Is that going to matter to John Gotti?"

## ***EPA launches new chemical assessment and management efforts***

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(Washington, D.C. - Sept. 24, 2008) As part of the EPA's Chemical Assessment and Management Program (ChAMP), EPA today announced its intent to update the current Toxic Substances Control Act (TSCA) Inventory of industrial chemicals by "resetting" it to more accurately reflect the chemicals in commerce. EPA also plans to develop a program to challenge the U.S. chemical industry to provide health and safety information on inorganic high-production volume (HPV) chemicals. These efforts will enhance the agency's efforts to assess and manage the chemicals presently in commerce and are based on feedback from a broad group of stakeholders.

"Chemicals are used every day in all types of settings - from science labs to our homes," said EPA Administrator Stephen L. Johnson. "The more we know about the chemicals we use today, the more we can ensure a

## ***Oil spill prevention, control, and countermeasure rule gains new amendments***

New amendments to the SPCC rule will clarify regulatory requirements, tailor requirements to particular industry sectors, and streamline certain requirements for facility owners or operators subject to the rule. With these changes, EPA expects to encourage greater compliance with the SPCC regulations, thus resulting in increased protection of human health and the environment.

The amendments do not remove any regulatory requirement for owners or operators of facilities in operation before August 16, 2002 to develop, implement and maintain an SPCC plan in accordance with the SPCC regulations then in effect. Such facilities continue to be required to maintain their plans during the interim until the applicable date for revising and implementing their plans under the new amendments.

EPA also is announcing a proposed rule to extend the

healthier, safer tomorrow."

EPA will seek additional stakeholder and public input on specific plans for resetting the TSCA Inventory and for developing a phased, multi-year approach for challenging the chemical industry to provide EPA with health and safety information on high-production volume (HPV) inorganic chemicals. Of the more than 83,000 chemicals on the TSCA Inventory, many are no longer manufactured or imported. EPA has already collected information on 2,200 organic chemical HPV chemicals. HPV chemicals account for more than 90 percent of the production volume on the TSCA Inventory.

These new efforts are in addition to EPA's ongoing work to assess and manage 6,750 high and moderate volume chemicals. To date, EPA has posted assessments on more than 100 high production volume chemicals, which are manufactured or imported above one million pounds a year. Today the agency posted assessments on an initial set of moderate volume chemicals – those manufactured or imported between 25,000 and one million pounds a year.

For additional information on the ChAMP program, including the new assessments generated by EPA, plans for the TSCA Inventory reset and the Inorganic HPV program, visit: <http://www.epa.gov/champ/>

compliance dates for all facilities to November 2009 and to establish new compliance dates for farms (November 2009), certain qualified farms (November 2010) and marginal oil production facilities (November 2013) subject to SPCC. These revised compliance dates will provide owners or operators of the various kinds of facilities the opportunity to fully understand the regulatory amendments offered by revisions to the SPCC rule from 2006 and 2008.

Finally, EPA is announcing a final rule that vacates the July 17, 2002 definition of "navigable waters" and restores the definition of "navigable waters" that EPA promulgated in 1973. This is in accordance with an order issued by the United States District Court for the District of Columbia (D.D.C) in *American Petroleum Institute v. Johnson*, 571 F. Supp.2d 165 (D.D.C. 2008). This final rule does not amend the definition of "navigable waters" in any other regulation that EPA has promulgated.

Information about the SPCC Rule: <http://www.epa.gov/oilspill>.

Contact: Latisha Petteway, (202) 564-4355 / [petteway.latisha@epa.gov](mailto:petteway.latisha@epa.gov)

## ***Pesticide news release: New partnership grants demonstrate integrated pest management***

Grants totaling nearly \$1 million have been awarded for projects that use Integrated Pest Management (IPM) approaches to reduce pesticide risk. The grants will support the demonstration of innovative IPM practices, technologies, outreach and education.

IPM is an effective and environmentally sensitive approach to pest management that relies on a combination of common-sense practices. In selecting grant awards, EPA emphasized projects that address:

- alternatives to soil fumigants and azinphos methyl, a pesticide used on orchard fruit, nuts and other crops

## ***First DOD domestic rapid reaction force ready***

Pentagon to detail troops to bolster domestic security. The U.S. military expects to have 20,000 uniformed troops inside the United States by 2011 trained to help state and local officials respond to a nuclear terrorist attack or other domestic catastrophe, according to Pentagon officials.

The Pentagon's plan calls for three rapid-reaction forces to be ready for emergency response by September 2011. The first 4,700-person unit, built around an active-duty combat brigade based at Fort Stewart, Georgia, was available as of October 1, said the

- IPM strategies for watersheds with pesticides in surface waters
- IPM in schools, daycare, and hospitals
- adoption of biopesticides or reduced-risk pesticides
- methods for measuring IPM adoption or the reduction of risks associated with pesticide use
- business cases for implementing IPM

The funding for these grants was authorized by the Pesticide Registration Improvement Renewal Act. Grants were awarded for a two-year period of performance of two years for the first four of the following five organizations, and a one-year period of performance for the last:

- California Department of Pesticide Regulation (Sacramento, Calif.): \$159,494 for "Reducing Volatile Organic Compound Emissions from Pesticide Use in Nuts and Tree Fruit Orchards in California's San Joaquin Valley."
- Central Coast Vineyard Team (Paso Robles, Calif.): \$225,000 for "Reducing Pesticide Risk

commander of the U.S. Northern Command.

If funding continues, two additional teams will join nearly 80 smaller National Guard and reserve units made up of about 6,000 troops in supporting local and state officials nationwide. All would be trained to respond to a domestic chemical, biological, radiological, nuclear, or high-yield explosive attack.

Last month, the assistant defense secretary for homeland defense said, authorities agreed to begin a \$1.8 million pilot project funded by the Federal Emergency Management Agency through which civilian authorities in five states could tap military planners to develop disaster response plans.

through the Adoption of Integrated Farming Practices in Central Coast Vineyards and Marketing Certified Sustainable Products."

- PM Institute of North America (Madison, Wis.): \$250,000 for "High-level IPM in All U.S. Schools by 2015."
- University of Florida, College of Agriculture and Life Sciences (Gainesville, Fla.): \$246,418 for "Reduced Pesticide Use for "Bermisia tabaci" and Greenhouse Whiteflies on Greenhouse Tomato using Protected Culture, IPM Techniques, Parasitic Wasps, and Papaya Banker Plants."
- Michigan State University (East Lansing, Mich.): \$91,508 for "Increasing Adoption of Reduced-Risk Pest Management Practices in Midwest Blueberries to Prepare for FQPA Implementation."

For more information about these grants, please visit <http://www.epa.gov/pesp/pria2grants.htm>

Hawaii, Massachusetts, South Carolina, Washington, and West Virginia will each focus on a particular threat - pandemic flu, a terrorist attack, hurricane, earthquake, and catastrophic chemical release, respectively - speeding up federal and state emergency planning begun in 2003.

Last Monday, the U.S. Defense Secretary ordered defense officials to review whether the military, Guard, and reserves can respond adequately to domestic disasters. He gave commanders 25 days to propose changes and cost estimates.

Source:  
[www.washingtonpost.com](http://www.washingtonpost.com)

# INDUSTRY NEWS

## ***Amendment to the SPCC regulation for aboveground storage tanks***

US EPA has made an amendment to the SPCC regulation for aboveground storage tanks, designed to facilitate compliance for tank operators. The change eliminates the July 2002 rule that requires tanks to undergo a visual inspection as well as some other form of testing; operators will now be allowed to determine the frequency and type of integrity testing and inspection that are appropriate, taking into account relevant integrity testing standards. Although the use of standards, such as STI SP001, is voluntary, if they are incorporated into an SPCC Plan, then adherence to that standard is mandatory for implementing the plan.

## ***Oil SPCC rule revised again***

The EPA has published new amendments to the SPCC rule to clarify regulatory requirements, tailor requirements to particular industry sectors, and streamline certain requirements for facility owners or operators subject to the rule. With these changes, EPA expects to encourage greater compliance with the Spill Prevention, Control, and Countermeasure (SPCC) regulations, thus resulting in increased protection of human health and the environment.

The amendments do not remove any regulatory requirement for owners or operators of facilities in operation before Aug. 16, 2002, to develop, implement, and maintain an SPCC plan in accordance with the regulations in effect then. These facilities must continue to maintain their existing plans until revisions are due under the new amendments.

EPA also announced a proposed rule to extend the compliance dates for all facilities to November 2009 and to establish new compliance dates for farms (November 2009), certain qualified farms (November 2010), and marginal oil production facilities (November 2013) subject to SPCC. These revised compliance dates will provide facility owners or operators the opportunity to fully understand the regulatory amendments offered by the SPCC revisions from 2006 to 2008.

Additionally, EPA has announced a final rule that vacates the July 17, 2002, definition of navigable waters

and restores the definition of navigable waters that EPA promulgated in 1973. This final rule does not amend the definition of “navigable waters” in any other regulation that EPA has promulgated.

Thanks to the Environmental Resource Center [www.ercweb.com](http://www.ercweb.com)

## ***Commercial laundering: Chemical-related injuries can be avoided with proper training and protection***

Richard Warren, Linen King of Central Arkansas, Conway, Arkansas said, “I’m concerned that we’re not doing all we can to handle our laundry chemicals safely. What chemicals pose the greatest hazards? How should they be stored? Are there records we should be keeping? What kind of personal protective equipment is recommended?”

This can be scary sometimes, but there is really no good reason for facilities or personnel to be worried. All of the chemicals have MSDS — Material Data Safety Sheets. If you don’t have them, get them. Many suppliers have them available online. If they don’t, or if you’re not connected, call your representative or call the company directly and request them.

The MSDS will describe to you what you’re dealing with, what interactions are dangerous, and what to do if exposed. Since wash chemicals are handled so much, I prefer to keep an additional copy of the first aid procedures in the same area where these chemicals are stored. MSDS are required to be in at least two worker-accessible locations in the plant.

Positioning the emergency shower and eyewash station near the laundry chemicals is a good idea. Goggles, gloves and an apron that covers the worker’s clothing are a must. Training your employees in the desired method of handling the laundry chemicals is mandatory. Documentation and records of incidents need to be retained *forever*, just in case.

To read the whole article go to: <http://www.americanlaundrynews.com/article.cfm?articleID=17990>

*(Continued on page 7)*

# TRIBAL CORNER

## ***\$1.75 million grant to strengthen tribal partnerships***

Contact: Latisha Petteway, (202) 564-4355 / [petteway.latisha@epa.gov](mailto:petteway.latisha@epa.gov)

Northern Arizona University's Institute for Tribal Environmental Professionals received a \$1.75 million grant to support a steering committee of tribal co-regulators to work with EPA on solid and hazardous waste cleanup issues. EPA is also releasing a tribal strategy to advance the protection and restoration of land in Indian country. The new strategy provides a detailed plan of how EPA will strengthen its partnership with tribes to advance the shared goal of protecting public health and land resources in Indian country.

"This tribal strategy and grant award represent a new and stronger commitment from EPA and the tribes to work together on these important issues," said Susan Bodine, assistant administrator for EPA's Office of Solid Waste and Emergency Response. "Over the next five years, EPA and the tribes will work closely together to prevent land contamination and bring contaminated land back to productive use."

The grant money will be used by the steering committee to advise and assist with federal policy formulation on protecting and restoring land in Indian country; develop and provide training; provide technical assistance and research on hazardous substances throughout Indian country; and conduct outreach for program development and service delivery to ascertain evolving needs and tribal priorities.

The tribal strategy includes steps that EPA will take to strengthen tribal management of solid and hazardous waste to advance cleanup and reuse of contaminated properties, Superfund sites that affect tribal lands, and leaking underground storage tanks. EPA will support an annual tribal forum to discuss progress and potential modifications to the tribal strategy.

More information on the tribal strategy: <http://www.epa.gov/oswer/tribal/>

## ***EPA guidance on state/tribal response program grants***

Visit <https://www.azserc.org/GateKeeperNewsletter/TribalNews/tabid/147/Default.aspx> to read the document.

## ***United States Department of Justice Office of Justice Programs Bureau of Justice Assistance BJA FY 09 Tribal Courts Assistance Program Grant***

<http://www07.grants.gov/search/search.do?&mode=VIEW&flag2006=false&oppld=43286>

## ***National Science Foundation Tribal Colleges and Universities Program Grant***

<http://www.grants.gov/search/search.do?&mode=VIEW&flag2006=true&oppld=18569>

## ***Emergency managers want FEMA out of DHS***

The International Association of Emergency Managers is pushing the Obama administration to remove the Federal Emergency Management Agency from the auspices of the Department of Homeland Security.

In an article on the Congressional Quarterly website, Daniel Fowler says the International Association of Emergency Managers (IAEM) has formally stated that it wants the Obama administration to pull FEMA out of the DHS and restore the head of FEMA to cabinet level status. Larry J. Gispert, president of IAEM told Fowler that this has been IAEM's "informal position all along," but the board of directors formalized the stance at the group's annual meeting last week.

"They have an opportunity with the change of administration to . . . do it right, which is to have FEMA be

## ***Federal Register / Vol. 73, No. 235 / Friday, December 5, 2008 / Rules and regulations***

**SUMMARY:** The Environmental Protection Agency (EPA or the Agency) is amending the Spill Prevention, Control, and Countermeasure (SPCC) rule in order to provide increased clarity, to tailor requirements to particular industry sectors, and to streamline certain requirements for those facility owners or operators subject to the rule, which should result in greater protection to human health and the environment.

**Specifically, this final rule:** Exempts hot-mix asphalt (HMA), pesticide application equipment and related mix containers, and heating oil containers at single-family residences from the SPCC rule; amends the definition of "facility" to clarify the existing flexibility associated with describing a

facility's boundaries; amends the facility diagram requirement to provide additional flexibility; defines "loading/unloading rack" to clarify the equipment subject to the provisions for facility tank car and tank truck loading/unloading racks, as well as amends the provisions for this equipment; provides streamlined requirements for a subset of qualified facilities; amends the general secondary containment requirement to provide more clarity; exempts nontransportation-related tank trucks from the sized secondary containment requirements; amends the security requirements; amends the integrity testing requirements to allow greater flexibility in the use of industry standards; amends the integrity testing requirements for containers that store animal fats or vegetable oils and meet certain criteria; streamlines a number of requirements for onshore oil production facilities; and exempts underground oil storage tanks at nuclear power generation facilities.

EPA is also providing clarification in the preamble to this final rule on additional issues raised by the

a stand-alone agency reporting directly to the president and the administrator of FEMA sitting in the cabinet," Gispert told Fowler. "That's the James Lee Witt model."

However, not everyone is in agreement. Homeland Security Chairman Bennie Thompson told Fowler that FEMA should stay where it is.

"The FEMA that we knew during Hurricanes Katrina and Rita is no more," Thompson told him. "FEMA has thrived within the department since its reorganization by Congress and that proof can be measured by its stellar response to the Midwest floods, wildfires, tornados and the many hurricanes this past season."

Obama's transition team declined to comment to Fowler, so there is no word yet on whether or not the new administration will consider the move.

To read the full article, click here: <http://www.cqpolitics.com/wmspage.cfm?docID=hsnews-000002988269>

regulated community and, in a separate action in the Federal Register of November 26, 2008, (73 FR 72016), the Agency is proposing a new compliance date for farms.

**DATES:** This final rule is effective February 3, 2009.

**ADDRESSES:** The public docket for this rulemaking, Docket ID No. EPA-HQ-OPA-2007-0584, contains the information related to this rulemaking, including the response to comment document. All documents in the docket are listed in index at the <http://www.regulations.gov>.

Although listed in the index, some information may not be publicly available, such as Confidential Business Information (CBI) or other information the disclosure of which is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically at <http://www.regulations.gov>

## **News nubs**

### ***Pennsylvania battery manufacturer pays for storm water discharges***

A Pennsylvania lead acid and nickel cadmium battery manufacturer will pay a \$15,000 fine and reduce the amount of lead washed into a nearby creek under a consent order with the Pennsylvania Department of Environmental Protection.

### ***Glass manufacturers vow to use 50% recycled materials***

Glass manufacturers have agreed to pursue a goal of using at least 50% recycled material in bottles and jars by 2013.

### ***Shintech, K-Bin to spend \$4.8 million to settle violations***

Shintech Inc. and its subsidiary K-Bin Inc. will spend \$4.8 million to comply with air pollution and hazardous waste laws at their manufacturing facilities in Freeport, Texas.

### ***EPA administrator to meet with Chinese officials in Beijing***

EPA Administrator Stephen L. Johnson is joining other Bush administration cabinet members for meetings with senior Chinese officials during the fifth session of the

## ***U.S. EPA takes action against catalytic coating manufacturer for not providing toxic chemical information needed by first responders, community***

### ***Catalytic Solutions, Inc., fined nearly \$17,000***

The U.S. Environmental Protection Agency has fined Oxnard, California-based Catalytic Solutions, Inc., \$16,970 for failing to submit toxic chemical reports detailing the amount of nitrates it released, a violation of

### ***U.S.-China Strategic Economic Dialogue Dec. 4-5 in Beijing. Projects to reduce emissions by 24 million metric tons***

United States-supported Methane to Markets projects currently under development will reduce carbon dioxide emissions by more than 24 million metric tons, according to a recent government report. Certified

### ***Coatings to remove paint from fleet in California***

Certified Coatings Co., of Concord, Calif., received a federal contract to remove and contain exfoliating paint from ships in the National Defense Reserve Fleet at Suisun Bay, California.

### ***EPA discovers wastewater violations at Navy Base Guam***

The U.S. Navy Base Guam violated its permits under the federal Clean Water Act regarding the operation of wastewater treatment plants and other activities, according to the U.S. EPA.

### ***Clean Harbors creates property development business***

Clean Harbors Inc., a company known for its environmental and hazardous waste management services, is getting into the property development business.

the Emergency Planning and Community Right-to-Know Act.

Located at 1641 Fiske Place, Catalytic Solutions, Inc., manufactures catalysts for motor vehicle and energy applications.

"This penalty against Catalytic Solutions, Inc., demonstrates that we closely watch over chemical reporting practices and are serious about enforcing community right-to-know laws," said Enrique Manzanilla, Communities and Ecosystems Division director for EPA's Pacific Southwest region. "Because exposure to high levels of nitrates causes a wide range of illnesses and environmental damage, communities need to know when these chemicals have been released."

According to the EPA, Catalytic Solutions Inc. processed over 55,000 pounds of nitrate compounds in 2005, and over 65,000 pounds in 2006. However, as required by federal emergency planning and right-to-

know laws, Catalytic Solutions Inc. failed to submit reports to the EPA listing the amount of these processed chemicals released to the environment. EPA became aware of these violations when Catalytic Solutions, Inc., self-reported its failure to file a report for 2005.

Each year the EPA compiles the information submitted to it from the previous year regarding toxic chemical releases, producing a national Toxics Release Inventory (TRI) database for public availability. The TRI database estimates the amount of each toxic chemical released to the environment, treated or recycled on-site, or transferred off-site for waste management.

For more information on the TRI program, please visit <http://www.epa.gov/tri> . The EPA's TRI program data, as well as other environmental databases, can be accessed at <http://www.epa.gov/enviro>

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local officials working in partnership to keep our citizens safe."

Staff conducted approximately 60 site visits at Tier II and Toxic Release Inventory (TRI) facilities throughout the state. In 2008, visits took place at Minot AFB, the cities of Minot, Williston, Valley City, Fargo, Grand Forks, and

Grand Forks County. The visits allow DES personnel the opportunity to provide information to facility operators, to check for proper storage procedures and to examine emergency response plans.

For more information about this program, please visit <http://www.nd.gov/des/documents/saratitle3.html>.

## ***U.S. EPA awards \$1 million to reduce pesticide risk, promote natural pest solutions***

### ***California grants will promote effective and environmentally sensitive approaches to pest management.***

The U.S. Environmental Protection Agency is awarding grants totaling nearly \$1 million nationwide to fund five innovative projects that will use integrated pest management approaches aimed at successfully reducing pesticide risk.

Integrated pest management promotes natural pest solutions -- creating a healthier environment able to sustain itself with less reliance on chemicals. It's an effective and environmentally sensitive approach to pest management that relies on a combination of common-sense practices.

The California 2008 Pesticide Registration Improvement Renewal Act Partnership Grant recipients are:

- California Department of Pesticide Regulation (Sacramento): \$159,494 for "Reducing Volatile Organic Compound Emissions from Pesticide Use in Nuts and Tree Fruit Orchards in California's San Joaquin Valley."

This project will reduce surface water runoff and volatile organic compound emissions from pesticide use in almond, peach, and walnut (nut and tree fruit) orchards in California's northern San Joaquin Valley. Almond, walnut, and peach orchards encompass 324,000 acres and contribute \$1.1 billion to the agricultural economy. Pesticides used to produce these crops are found in surface water, and VOCs from pesticide applications contribute to reduced air quality in the project area.

- Central Coast Vineyard Team (Paso Robles): \$225,000 for "Reducing Pesticide Risk through the Adoption of Integrated Farming Practices in Central Coast Vineyards and Marketing Certified Sustainable Products."

This project will support in-field research and demonstration of alternatives to high-risk pesticides used in vineyards, outreach and education programs, and marketing and distribution programs for wines made with Certified Sustainable Grown grapes.

The project will also educate and guide growers towards reduced risk farming alternatives, increase the use of integrated farming systems through the implementation of self-assessment using "Certified Sustainable Standards," and educate the public and trade on the environmental and economic benefits of products that are "Certified Sustainable."

Both grants will support the demonstration of innovative IPM practices, technologies, outreach and education.

In selecting grant awards, EPA emphasized projects that address:

- Alternatives to soil fumigants and azinphos methyl, a pesticide used on orchard fruit, nuts and other crops
- IPM strategies for watersheds with pesticides in surface waters
- IPM in schools, daycare, and hospitals
- Adoption of biopesticides or reduced-risk pesticides
- Methods for measuring IPM adoption or the reduction of risks associated with pesticide use
- Business cases for implementing IPM

The funding for these grants was authorized by the Pesticide Registration Improvement Renewal Act.

For more information and a full list of all the grant recipients, please visit <http://www.epa.gov/pepp/pria2grants.htm>

## **California to merge emergency Services and homeland security**

California's [AB 38](#) -- signed by Gov. Schwarzenegger in September -- established the California Emergency Management Agency as a Cabinet-level entity responsible for emergency management and homeland security operations and set the deadline for appointing a secretary at January 1, 2009.

Schwarzenegger has less than a month to decide on a plan to merge the Governor's Office of Emergency Services and the Governor's Office of Homeland Security into the new agency.

"While serving as chair of the joint committee on emergency services and homeland security we heard from first responders over and over again how they wanted to see the two agencies merge into one," said Pedro Nava, assemblyman from the 35th district and chairman of the Joint Committee on Emergency Preparedness and Homeland Security.

The bill gives the merged agency the responsibility of overseeing and coordinating emergency preparedness, response, recovery and homeland security activities in the state.

## **Safety concerns drive seven in ten Rochester residents to oppose increased freight traffic through the city**

ROCHESTER, Minn., -- Safety, potential accidents and quality of life concerns are prompting nearly 70 percent of Rochester residents to oppose plans to increase freight train traffic through their city, a new survey shows. The survey of more than 500 Rochester residents, conducted October 8-16, also shows strong public sentiment for area elected officials to resist plans to expand freight rail traffic in the city.

The Canadian Pacific Railway (CP) recently acquired the Dakota, Minnesota and Eastern Railroad (DM&E) and associated tracks through downtown Rochester. During the acquisition, CP officials outlined plans to upgrade

"The merger demonstrates the Governor's ongoing commitment to an all-hazards preparedness, response, recovery and mitigation approach," Henry Renteria, director of the Governor's Office of Emergency Services said in a statement.

No word yet as to what the new agency would look like or who the secretary might be. But Nava did say, in that same press conference, that the merger has been in the works for two years. "I have to tell you the governor's staff and the two agencies, OES and OHS, worked seamlessly. They set aside any personal differences they may have had about merging the two agencies. Because of that, California is now going to be better equipped to respond to disasters, to emergencies-to help protect the people of the state of California," Nava said.

"Combining the years of emergency management experience at the Office of Emergency Services with the vital role that the Office of Homeland Security plays in the state creates a comprehensive agency that will serve the needs of local communities for years to come," said Renteria in a statement.

Many other states have already consolidated their emergency management and homeland security operations into an overarching state emergency management agency, while some have called for the Federal Emergency Management Agency to be split off from the U.S. Department of Homeland Security in order to be more effective.

tracks through Rochester in anticipation of increasing the frequency and speed of trains through the city. Currently, only two to three trains a day traveling 10 miles per hour move through Rochester.

"This survey clearly demonstrates what city officials have been emphasizing all along: that the citizens of Rochester are concerned about public safety and oppose plans to increase freight traffic," said Ardell Brede, Rochester Mayor. "The poll also finds that nearly 87 percent of our community rates the quality of life in Rochester as excellent or good. We have been trying to work with rail officials for almost a decade to make them realize that high-speed freight trains, some that may be carrying hazardous materials, will be detrimental to public safety, emergency response and our quality of life in many ways."

To read the article in its entirety go to: <http://www.marketwatch.com/news/story/Safety-Concerns-Drive-Seven-Ten/story.aspx?guid=%7B2CF4D7C1-4988-4BDC-A731-6EB09373D839%7D>

## **State, local governments get more say in federal environmental decision-making**

Answering the call of state and local governments to give them more involvement in the development of federal environmental rules, EPA has a new policy to broaden its consulting efforts with intergovernmental partners when new regulations and policies cost more than \$25 million each. This is a significant lowering of the previous consultation threshold of \$100 million.

"State and local officials often serve as the 'front line' managers of federally mandated environmental regulations," said EPA Deputy Administrator Marcus Peacock. "If we want good rules, early consultation with these partners is crucial."

EPA's new policy updates existing policy that was put in place to carry out Executive Order 13132, Federalism. The order requires the federal government to consult with elected state and local government officials before proposing regulations or actions that have substantial direct effects below the national level, either by virtue of their implementation costs or their preemption of state or local authority.

When the order was first issued in 1999, EPA and other federal agencies adopted an interpretation of "substantial direct effects" consistent with the Unfunded Mandates Reform Act (UMRA), a 1995 law that set the state and local consultation threshold at \$100 million per rule. Based

## **DOT/PHMSA adopts final regulations on railroad hazmat transport routing**

The Pipeline and Hazardous Materials Safety Administration, in coordination with the Federal Railroad Administration (FRA) and the Transportation Security Administration (TSA), is improving safety by revising the current requirements in the Hazardous Materials Regulations applicable to the safe and secure transportation of

hazardous materials by rail.

We are requiring rail carriers to compile annual data on certain shipments of explosive, toxic by inhalation, and radioactive materials; use the data to analyze safety and security risks along rail routes where those materials are transported; assess alternative routing options; and make routing decisions based on those assessments.

We are also clarifying rail carriers' responsibility to address in their security plans issues related to en route storage and delays in transit.

In addition, we are adopting a new requirement for rail carriers to inspect

on its experience in conducting rulemakings over the last several years, EPA has determined a need for state and local input on a wider range of regulations and is lowering the consultation threshold to \$25 million.

EPA's action comes at a time when state and local officials are calling for a stronger working relationship with their federal partners in solving many of today's major environmental challenges. The National Governors Association, the National Conference of State Legislatures, the Council of State Governments, the National Association of Counties, the National League of Cities, the International City/County Management Association and the U.S. Conference of Mayors recently issued a joint statement urging the incoming Administration to "adopt a policy of constructive engagement" and to "cooperate and consult with state and local leaders."

These seven associations, along with three others (National Association of Towns and Townships, County Executives of America, and Environmental Council of the States), constitute the group of 10 organizations with whom EPA will consult under its new Federalism policy.

More information on how EPA develops regulations: <http://www.epa.gov/lawsregs/index.html>

To view Executive Order 13132: Federalism: <http://www.epa.gov/fedreg/eo/eo13132.htm>

Contact: Dave Ryan, (202) 564-4355 / [ryan.dave@epa.gov](mailto:ryan.dave@epa.gov)

placarded hazardous materials rail cars for signs of tampering or the presence of suspicious items, including improvised explosive devices.

We adopted these requirements in an interim final rule published April 16, 2008. This final rule fulfills requirements in Section 1551 of the Implementing Recommendations of the 9/11 Commission Act of 2007. Also, in today's edition of the Federal Register, both FRA and TSA are publishing final rules adopting requirements and procedures that promote rail transportation security.

Thanks to Timothy Gablehouse.

## **AP story regarding biological weapon attack likely**

The United States can expect a terrorist attack using nuclear or more likely biological weapons before 2013, reports a bipartisan commission in a study briefed Tuesday to Vice President-elect Joe Biden.

More:  
<http://www.azcentral.com/news/articles/2008/12/01/20081201wmd-study1201-ON.html>

## **Noxious acid vapors in Tarrytown YMCA sicken up to 18 people**

TARRYTOWN - As many as 18 people had to seek medical treatment yesterday after noxious fumes of acid were sent wafting through the air of the Main Street YMCA building, fire officials said.

The incident, which began as maintenance workers were trying to adjust the pH of the swimming pool, led firefighters and other officials to evacuate the building shortly after 3 p.m., including people who live in apartments at the YMCA.

"You could smell it right here," said Tarrytown Fire Chief Patrick Derivan as he stood near the YMCA's side entrance. "It was a noxious odor."

Eight to 10 people were taken to Phelps Memorial Hospital Center in Sleepy Hollow and Westchester Medical Center in Valhalla while another eight were treated at the scene, Derivan said.

None of the injuries, which included breathing problems, nausea and throat and eye irritation, appeared life-threatening, officials said.

Authorities used the Tarrytown firehouse next door as a staging area for triage.

A maintenance worker was adding muriatic or hydrochloric acid into a pump used to adjust the the pH of the YMCA's swimming pool when the equipment appeared to malfunction, sending vapors of the acid into the air, said Gerry Riera, chief executive officer of the YMCA, who was in the locker room at the time of the incident. He was among the people treated for exposure to the acid.

## **Suspicious envelope left on Toledo police car**

Toledo police investigated a bizarre incident on Saturday afternoon.

Hazmat and bomb experts were called after a suspicious envelope was left on a city police car.

Crews shut down the area around Jackson and Erie in front of the safety building to check it out.

Police say the envelope was bulky and addressed to Toledo police.

"We had to evacuate the building instantly," he said. "It went from normal conditions to knowing that you had to get out of the building."

Katie MacKay, 20, a YMCA lifeguard who helped evacuate people from the pool, said the smell spread quickly.

"You couldn't be in there and breath," she said. "It just tasted bad in my mouth."

In another part of the building where there are apartments, Walter Haynes, 52, was sitting in front of his computer when he heard a knock on the door and call for all residents to leave their homes.

"I didn't smell anything," said Haynes, who was among the several people who stood outside the YMCA for hours waiting to be allowed back into their homes.

Riera credited emergency responders from Tarrytown, Sleepy Hollow, Elmsford, Ardsley and Irvington with responding quickly, helping to evacuate and treating the injured. High-pressure fans were brought in to clear the acid vapors. Officials from Westchester County Health Department and hazardous materials team and Occupational Safety and Health Administration also responded to investigate the incident.

As of 6 p.m. officials declared the air quality in the building to be safe enough for people to return to the building, Riera said. The pool will remain closed until the YMCA purchases a new acid pump for the pool, which Riera said will fix the problem.

"To the best of my knowledge, this is a freak accident," he said. "We will invest in a new pump."

Reach Hoa Nguyen at [nguyen7@lohud.com](mailto:nguyen7@lohud.com) or 914-696-8570.

There was no return address. Crews using an x-ray looked inside and determined nothing dangerous was inside before opening it.

Inside officers found a three and a half inch computer disk. The disk was handed over to detectives who are looking into the incident.

## ***Planning for infrastructure interdependencies***

Catastrophic events in the United States often create cascading disruptions in essential services that support life, health, safety, security, economic stability, and public morale, according to a recent strategic assessment by the National Infrastructure Advisory Council (NIAC).

Because of the cross-sector interdependencies among America's critical infrastructures as demonstrated in past disasters, the NIAC recommends more attention be given to the importance of these interdependencies in ensuring protected and/or resilient infrastructures.

Having studied the relationship between the Emergency Services Sector (ESS) and other sectors (e.g., water, communications, transportation, electrical, and fuel), the Emergency Management and Response\*Information Sharing and

## ***Formaldehyde emissions from pressed-wood products to be investigated***

What are the possible risks of formaldehyde emissions from pressed-wood products? The U.S. Environmental Protection Agency wants to find out and is asking interested parties to submit comments, information and data to determine the extent of the problem and what to do about it. In addition to the 60-day public comment period, EPA has scheduled five public meetings to obtain more input.

Through this process, EPA will develop a risk assessment on potential adverse-health effects, evaluate the costs and benefits of possible control technologies and approaches, and determine whether EPA action is needed to address any identified risks. The call for comments follows a citizens' petition received under the Toxic Substances

Analysis Center (EMR-ISAC) acknowledges the findings of the NIAC, and the necessity to identify and comprehend the critical infrastructure linkages essential to the survivability and continuity of emergency response operations.

Recognizing how infrastructure sectors are entwined, local sector leaders (including those of the ESS) can mitigate future cascading disruptions and the potential curtailment of vital services by actively participating in planning meetings with municipal governing authorities.

The possible degradation of any one or more community infrastructure sectors resulting from a disaster could be alleviated by emergency plans that synergize and exercise the strengths and weaknesses within each sector infrastructure.

The following questions are examples (not inclusive) for emergency planners when considering how to compensate for infrastructure interdependencies and shortfalls:

- What has been planned and tested for wide-spread electrical outages?

- What has been planned and tested for when public and private water systems stop working?
- What has been planned and tested for when communication nodes cease operating?
- What has been planned and tested for when key roads, highways, and bridges become impassable?
- What has been planned and tested for when gasoline and diesel sources and supplies disappear?

See this link:

[http://www.dhs.gov/xlibrary/assets/niac/niac\\_critical\\_infrastructure\\_partnership\\_strategic\\_assessment.pdf](http://www.dhs.gov/xlibrary/assets/niac/niac_critical_infrastructure_partnership_strategic_assessment.pdf) to review the NIAC Strategic Assessment Study.

Control Act in March 2008 from organizations and individuals concerned about risks from exposure to formaldehyde.

Formaldehyde is commonly used as a preservative and is found in certain pressed-wood products, where it is a component of glues and adhesives. It adds permanent-press qualities to clothing and draperies and helps preserve some paints and coating products.

Formaldehyde is both an irritant and a probable human carcinogen. Attention to the formaldehyde issue significantly increased after Hurricane Katrina when temporary housing for dislocated families in New Orleans allegedly caused illness in many people from formaldehyde emissions in pressed-wood components.

More information and a list of the scheduled public meetings: <http://www.epa.gov/opptintr/chemtest/formaldehyde/index.htm>

Contact Information: Dale Kemery (202) [564-4355](tel:564-4355)/  
[kemery.dale@epa.gov](mailto:kemery.dale@epa.gov)

# ***Environmental policies affecting communities***

The Emergency Planning and Community Right-To-Know Act is called EPCRA or the Community Right-To-Know law. EPCRA was passed in 1986 by the United States Congress after a chemical disaster in Bhopal, India, which caused widespread death and illness, and raised concerns about a lack of planning and preparation for a similar accident in America. EPCRA is designed to:

- inform communities about chemicals and chemical hazards present and transported in the community,
- involve communities in developing emergency planning and response,
- help identify facilities that might be subject to the law, and
- assure implementation of the EPCRA law.

Facilities that have spilled hazardous substances, or that store, use, or release certain chemicals, are subject to various reporting requirements. All of this information is made publicly available so that interested parties may become informed about potentially dangerous chemicals in their community.

## **Questions for Communities**

- If there were a cloud of poisonous chemical gases coming at you or your home right now, would you know how to protect yourself, your loved ones, and your property?
- Have the necessary steps been taken by government to plan and protect you and your family in such an event?
- Are the facilities near you in compliance with this law?
- Do the firefighters know what hazardous chemicals are present at facilities near your neighborhood, and their amounts and locations, so they can effectively respond in case of an accident?

A chemical accident is reported in the United States an average of 21 times a day. One in 20 of the chemical accidents that occur in the United States resulted in immediate injuries, evacuations, or deaths. Anhydrous ammonia, chlorine, sulfuric acid, sulfur dioxide, and hydrochloric acid were the chemicals most frequently involved in accidents including immediate injury, evacuation, and death.

## **What is EPCRA information?**

This EPCRA law gives the public the explicit right to know about this chemical information. Anyone has a right to see and get copies of the Tier Two reports (chemical storage reports), facility emergency plans, written follow up reports, regional emergency plans, and Material Safety Data Sheets [MSDS] (chemical properties) with chemical information that a facility has provided to the Local Emergency Planning Committee (LEPC) and State Emergency Response Commission (SERC).

Generally, the LEPC or SERC will already have the MSDS if there are sufficient quantities of a chemical onsite to trigger EPCRA reporting requirements. The public will want to ask in writing for MSDSs, facility emergency plans, written follow up reports, regional emergency plans, or Tier Two reports from the LEPC or SERC.

## **How Communities Can Use EPCRA Information**

- Become aware and acquainted with chemical hazards in the community.
- Make better informed decisions about what chemical hazards are present in the community, and what the public's role is in an emergency situation.
- Determine if the facilities near them are complying with EPCRA.
- Make sure there is an adequate regional emergency plan that will protect communities in the event of a chemical spill or hazardous materials incident.
- Increase public awareness of the regional plan for chemical emergencies where residents live, travel, and work. Without proper preparations and emergency planning, hazardous materials incidents can overwhelm unprepared emergency response teams.
- Find out how much of a chemical or chemicals are stored onsite at a facility. The public can find out this information about all the facilities in the community and determine the aggregate amounts by totaling all chemicals stored at the facilities in their community. This can help the public determine its relative risk or hazard from a chemical spill.
- Determine how far away from a facility a spill of chemicals could reach or affect. Just because a facility has reportable quantities of a hazardous chemical does not mean that a spill would affect others beyond property boundaries. In other instances, there may be a risk to people several miles away from the facility.

*(Continued on page 16)*

(Continued from page 15)

- Assess the risk of encountering a transportation incident involving a "hazardous materials incident" and whether a routine commute is along higher risk routes.
- Become aware of whether the local fire department has implemented use of EPCRA information. If the local fire department is not using this EPCRA information at the scene of chemical incidents or fires at facilities that have chemicals stored onsite, then the community needs to bring pressure immediately to have use of this EPCRA information implemented. By not using the EPCRA information, fire departments put firefighters, emergency responders, facility owners, facility workers, other businesses, communities, and passersby at a heightened, and unneeded, risk. By using the EPCRA information, fire departments will have more efficient, informed, and timely responses to chemical incidents.
- Be aware of shelter-in-place and evacuation strategies for the community. Be sure local schools, hospitals,

## ***Nation's fire departments face challenges in staffing, water access***

Most U.S. fire departments call on neighboring communities to help them fight fires and the most significant reason for that is the need for more firefighters.

Also, nearly one in six departments either has no water service for firefighting or must rely on sources other than hydrants, possibly leading to critical delays.

Those are some of the major findings of a recent independent survey of fire chiefs conducted by Opinion Research Corp. (ORC) of Princeton, N.J.

More than half (54 percent) of the chiefs in the survey said their departments "always or almost always" call on neighboring

day care centers, nursing homes and care facilities, and other vulnerable facilities have shelter-in-place and evacuation plans in place.

### **Further EPCRA Resources**

- <http://www.chemicalspill.org/>

### **Further Environmental Justice Resources**

- <http://www.epa.gov/region7/ej/index.htm>

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Visit <http://www.engg.ksu.edu/chsr/outreach/resources/docs/EPCRA.pdf> to read the whole article.

departments to respond to the initial alarm for a structure fire. Another 28 percent reported that they sometimes call on neighboring departments.

Among the chiefs who call on neighboring departments on the first alarm, 74 percent said a very significant reason for doing so is the need for more responders; 29 percent said a need for specialized apparatus or equipment is very significant; and 25 percent cited as very significant the fact that a neighboring fire station is closer to the response area than any station in their own district.

Fully one-third of the chiefs in the survey (33 percent) reported that their response areas have populated sections that are closer to a fire station in a neighboring fire district than to any fire station in their own district. But of those chiefs, 39 percent said the closer neighboring fire department does not respond on automatic aid to fires in their districts.

The survey, commissioned by ISO and conducted by ORC, includes responses from a random sample of 500 chiefs and other ranking fire department officials representing

jurisdictions of all sizes across the United States. The margin of error is plus or minus four percentage points.

"The survey helps ISO — along with property/casualty insurance companies and the firefighting community — gain further insights into key issues in fire departments across the country," said Mike Waters, ISO's vice president, Risk Decision Services. "We hope the results of the study will highlight the critical challenges facing fire chiefs as they manage their limited resources."

Nearly all of the chiefs (98 percent) indicated that their departments have the capacity to communicate by radio directly with fire departments of neighboring communities. Most said they can also communicate directly with local emergency medical services (95 percent) and local police (84 percent).

Read the rest of the article at:  
<http://www.insurancejournal.com/news/national/2008/12/02/95955.htm>

## **DHS issues rule to strengthen rail security**

Last week, the [U.S. Department of Homeland Security \(DHS\)](#) issued a final rule aimed at strengthening the security of the nation's freight and passenger railroads and reducing risks associated with transporting security-sensitive materials.

The "Rail Security" rule will require freight and passenger railroads to designate rail security coordinators and report security concerns to the

[Transportation Security Administration \(TSA\)](#). The rule also will codify TSA's broad inspection authority.

Freight railroads will need to ensure a "positive hand-off" of security-sensitive materials and establish security protocols for transfers of rail cars carrying the materials between receivers — especially those located in high-threat urban areas — chemical shippers and other railroads. Freight railroads also will be required to secure car transfer areas and report shipment locations to TSA.

"By striking a sensible balance of security guidelines with certain regulatory requirements, we're

enabling the rail and chemical industries to be stronger partners," said DHS Secretary Michael Chertoff in a prepared statement. "The results are sound security measures without excessively burdening owners and operators."

In conjunction with the freight-rail industry, DHS and TSA recently developed security action items to reduce risks associated with the transportation of Poisonous by Inhalation (PIH) materials, such as chlorine and anhydrous ammonia. So far, the measures have reduced PIH shipment risks more than 60 percent — well above a target reduction of 50 percent, DHS said.

## **OSHA's top 10 violations and fines for 2008**

Sure, OSHA has been more "business-friendly" in the last eight years. But it hasn't been a paper tiger. New statistics on the agency's citations and penalties for fiscal year 2008 show just the opposite. And with a new administration in

January, OSHA is set to issue even more fines.

What's tripping up companies when OSHA inspectors visit?

To find out visit: <http://www.safetynewsalert.com/oshas-top-10-violations-hit-list-and-highest-penalties-for-2008/>

## **The Emergency Response Guidebook training video can be downloaded at this link:**

Overview: <http://phmsa.dot.gov/hazmat/library/erg>

**Video:** [http://mfile.akamai.com/59289/wmv/phmsa.download.akamai.com/59289/media/ERG\\_2008.asx](http://mfile.akamai.com/59289/wmv/phmsa.download.akamai.com/59289/media/ERG_2008.asx)

## **NIOSH bans certain N95 respirators**

The National Institute for Occupational Safety and Health (NIOSH) is informing respirator users that the NIOSH certificate of approvals TC-84A-4404 and TC-84A-4405 for JTN models MVP-TR1 and MVP-TR2 N95 Filtering Face pieces have been revoked as of Dec. 4, 2008.

These models are being sold by various distributors as NIOSH-approved Silver Shield™ N95 Antimicrobial Masks.

Complete details concerning the revocation of TC-84A-4404 and TC-84A-4405 can be found at <http://www.cdc.gov/niosh/npptl/usernotices/default.html>.

## **Websites to make note of:**

**Chemical Facility Anti-Terrorism Standards:**  
[http://www.dhs.gov/xprevprot/laws/gc\\_1166796969417.shtm](http://www.dhs.gov/xprevprot/laws/gc_1166796969417.shtm)

**Finding Your Latitude & Longitude:**  
<http://teraserver-usa.com/>

**Latitude/Longitude- Decimal to Degree Conversion:**  
<http://www.fcc.gov/mb/audio/bickel/DDDMSS-decimal.html>

## ***Recession effects on emergency services***

It is common knowledge that numerous Emergency Services Sector (ESS) departments and agencies have experienced shrinking budgets resulting from the economic downturn. However, the current recession has prompted even more direct challenges for first responders. For example, spiraling foreclosures have triggered a significant increase in abandoned properties, which have always been dangerous environments for emergency personnel.

The Emergency Management and Response-Information Sharing and Analysis Center (EMR-ISAC) learned from National Fire Protection Association (NFPA) reports that the adverse effects of the recession have become problematic for the operations and safety of ESS organizations for the following reasons in addition to other causes:

- More homeless people have surreptitiously occupied vacant structures.
- The structural integrity of empty buildings has often been compromised by squatters.
- Abandoned houses have increasingly been the source of criminal activities including arson.
- Destitute individuals have moved in with family or friends causing perilous overcrowding conditions.

- More basements and attics have been occupied and heated with unsafe appliances.

A 19 November FireRescue1 article discussed a strategy that can be implemented to mitigate the foreclosure problem. The article suggested ESS departments should partner with lending institutions as well as housing and community organizations to develop methods to prevent home foreclosures and the abandonment of homes.

"It's about working with organizations, letting them know the concerns of the fire department and how foreclosures and vacant homes generally may affect fire and arson rates," said the NFPA director of high-risk outreach programs.

Additionally, the chief of the Columbus Fire Department in Ohio recommended categorizing buildings certified as abandoned and vacant, and arranging for them to be tagged with appropriate signage. "This action should help to eliminate the risk of injury to responders unless they have reason to believe a rescue is necessary."

The complete FireRescue1 article can be seen at the following link:

<http://www.firerescue1.com/Firefighter-Training/articles/439214-Foreclosures-challenge> .

Thanks to Timothy Gablehouse [tgablehouse@att.net](mailto:tgablehouse@att.net)

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## Let's Hear From You!

Send us your inputs and feedback on the newsletter; including, exercises and other LEPC related activities in which you've been involved. Let us know what you'd like to see in future editions. Talk to us!

We appreciate your input and look forward to hearing from you!

### Ray DeBoer

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*Help us reduce "snail" mail. Send us your email address and tell us to switch you to electronic notification.*

## UPCOMING EVENTS ■■■

### Web-Based EPCRA Training/ Webinar

Contact Ray DeBoer for details no  
later than February 12, 2009.

### March 18, 2009, 1:30 p.m.

87<sup>th</sup> State Emergency Response  
Commission (SERC) Meeting.

### July 15 & 16, 2009

EPA Region VIII Regional Response  
Team (RRT) Meeting, Comfort Inn –  
Bismarck.

## OUR VISION ■■■

A respected team investing in and contributing to a safe and secure homeland through coordinated emergency services.

## OUR MISSION ■■■

The ND Department of Emergency Services (NDDDES) conducts planning, coordination, communications, and operations for the safety and security of all citizens in North Dakota.

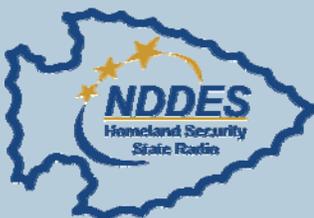
## OUR VALUES ■■■

**Integrity** - Our words match our actions, we will strive to do what is right.

**Respect** - We will treat others as we want to be treated.

**Honesty** - We will truthfully communicate our thoughts and feelings.

**Excellence** - We will perform professional to the best of our ability.



# ND Department of Emergency Services

*Ensuring a safe and secure homeland for all North Dakotans*