



# Oil and Chemical Incident Annex

to the Response and Recovery Federal Interagency  
Operational Plans

*February 2021*



FEMA

## ***Use of this Document***

The *Oil and Chemical Incident Annex* (OCIA) to the Response and Recovery Federal Interagency Operational Plans (FIOPs) provide guidance and serves as a reference for federal departments and agencies (D/A) that are planning for oil and chemical incidents. Other stakeholders such as state, local, tribal, and territorial (SLTT) governments; nongovernmental organizations (NGOs); and the private sector will also find the OCIA to be a useful document that supports and complements their planning efforts in responding to and recovering from oil or chemical incidents.

Questions pertaining to the distribution, transmission, or destruction of this annex and requests for copies should be submitted to the Federal Emergency Management Agency Response Directorate, Planning and Exercise Division, National Planning Branch at [FEMA-Response-PED-NPB@fema.dhs.gov](mailto:FEMA-Response-PED-NPB@fema.dhs.gov).

## ***Rescission Notice***

Publication of the OCIA to the Response and Recovery FIOPs rescinds the following document: *Federal Interagency Operational Plans—Response and Recovery: Oil/Chemical Incident Annex* (June 2016).



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## Annex Overview

This version of the OCIA to the Response and Recovery FIOPs supersedes the previous OCIA (June 2016). The Response and Recovery FIOPs provide a coordination and communication framework for federal government efforts in response to and recovery from all types of incidents. The OCIA complements the FIOPs by providing additional federal guidance specific to oil/chemical incidents, including spills and releases (to air, ground, and water), along with major related fires and explosions. In addition, the OCIA mirrors the FIOPs by applying the same concept of operations for delivering response and recovery core capabilities but highlights the unique attributes of all types of oil/chemical incidents, including acts of terrorism. Although the OCIA provides guidance for the whole community, it intentionally focuses on the requirements of those delivering core capabilities at the federal level.

Appendix 2: Significant Impacts and Response Tasks (p. 36) describes potential significant impacts for each core capability from any type of oil/chemical incidents that differ from those identified in the Response and Recovery FIOPs. Additionally, it provides background information that may enhance situational awareness during oil/chemical incident response.

Oil spills and chemical incidents, including releases, fires, and explosions, can have serious environmental and public health consequences. The following examples illustrate how these incidents can be initiated by multiple causes and the impacts they have on public health, the environment, and national security.

- Union Carbide Bhopal disaster, 1984—On the night of December 2–3, 1984, the Union Carbide plant in Bhopal, India, accidentally released approximately 40 tons of toxic methyl isocyanate (MIC) gas, exposing more than 500,000 people. Thousands died immediately from the effects of the gas and many were trampled in the panic that ensued. Estimates of the initial deaths and the follow-on deaths from chronic diseases total more than 19,000.
- Exxon Valdez incident, 1989—The Exxon Valdez oil spill occurred in Prince William Sound, Alaska, March 24, 1989, when Exxon Valdez, an oil tanker, struck Bligh Reef and spilled 10.8 million U.S. gallons of crude oil. It is considered one of the worst human-caused environmental disasters. Prince William Sound's remote location, accessible only by helicopter, plane, or boat, made government and industry response efforts difficult and severely taxed existing response plans.
- Tokyo subway sarin attack, 1995—The Tokyo subway sarin attack was an act of domestic terrorism perpetrated on March 20, 1995, in Tokyo, Japan, by members of the Aum Shinrikyo cult. In five coordinated attacks, the perpetrators released sarin on three lines of the Tokyo Metro during rush hour, killing 13 people, severely injuring 50 (some of whom later died), and causing temporary vision problems for nearly 1,000 others.
- Deepwater Horizon incident, 2010—On April 20, 2010, during drilling at the Macondo Prospect in the Gulf of Mexico, a blowout caused an explosion on the oil rig that killed 11 crewmen and ignited a fireball visible from 40 miles away. The fire was inextinguishable and, two days later, on April 22, the Horizon sank, leaving the well

gushing at the seabed and causing the largest oil spill to ever occur in U.S. waters, discharging over 200 million gallons.

- Arkema chemical incident during Hurricane Harvey, 2017—The 2017 Arkema plant explosion was an industrial disaster that took place during Hurricane Harvey in Crosby, Texas. Flooding from the hurricane disabled the refrigeration system at the plant, which manufactured organic peroxides. Unrefrigerated organic peroxides decomposed and self-ignited. In addition to the explosions, two wastewater tanks overflowed during the storm, releasing more than 23,000 pounds of contaminants into the uncontrolled floodwaters.

The above-referenced incidents demonstrate some of the multiple causes and consequences of oil/chemical spills and releases. They also provide context for how cascading effects can occur across multiple types of critical infrastructure (CI). The OCIA identifies the interdependencies that are required between the affected CI sectors and provides a framework to coordinate a federal interagency response and assistance in recovery regardless of cause, size, location, or complexity of the incident.

The OCIA focuses on the Response and Recovery mission areas, commonly identified as “consequence management,” excluding law enforcement, criminal investigation, and capabilities that fall under the Prevention mission area.<sup>1</sup> The term “consequence management” includes protecting the population, providing medical aid, securing the incident site, containing and stopping the release, enhancing first responder capabilities, decontamination and site remediation, increasing the population’s resilience and recovery capabilities, and assessing and responding to environmental impacts.

Federal response to oil/chemical incidents should be well coordinated across the U.S. government and must be integrated with federal counterterrorism and law enforcement response, when appropriate. Coordination between consequence management and law enforcement/counterterrorism will help ensure an effective response and recovery through risk-informed decision making. References to law enforcement “crisis management” or criminal investigative activities and capabilities are clearly identified throughout the OCIA where criminal or terrorist acts are suspected or known to be the cause for oil/chemical incidents. In addition, Appendix 4: Response and Prevention Operations for Intentional Oil/Chemical Incidents (p. 46) focuses exclusively on suspected or actual intentional acts involving oil or chemicals.

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<sup>1</sup> The *National Preparedness Goal*’s Prevention mission area focuses on avoiding, preventing, or stopping an act of terrorism. The core capabilities that fall under it are Forensics and Attribution; Intelligence and Information Sharing; Interdiction and Disruption; and Screening, Search, and Detection.

## Situation

Oil and chemical incidents are very common and occur daily throughout the United States. While most oil/chemical events are small-scale with limited emergency response and environmental cleanup required, others can develop into multi-jurisdictional, catastrophic disasters with serious environmental and public health consequences. Such serious incidents require well-coordinated responses among Responsible Parties (RPs)<sup>2</sup>; state, local, tribal, and territorial (SLTT) governments; private-sector entities; nongovernmental organizations (NGOs); and the federal government.

Oil/chemical releases may occur from multiple sources including onshore and offshore facilities related to oil production, transportation infrastructure (including pipelines), manufacturing facilities, processing facilities, storage facilities, and end-use locations. Releases caused by human error or technological failure account for most oil/chemical incidents. Less common are releases caused by terrorist attacks or criminal acts of sabotage, such as deliberate contamination of the public water supply. In addition, natural disasters such as hurricanes and earthquakes can cause multiple oil/chemical incidents of various types over a broad area.

For most oil/chemical incidents, RPs and/or SLTT emergency responders begin response first because they are the first on scene. In addition, a federal on-scene coordinator (FOSC) may be dispatched to the scene to coordinate with SLTT and RP responders and to determine whether the incident can be managed with existing resources or additional federal resources are required. If the FOSC determines that there is a need for increased federal support, the level of federal assistance will vary based on the magnitude of the incident, potential or actual impacts to public health or the environment, and other factors.<sup>3</sup> An oil/chemical incident that triggers the need for federal assistance may have varying characteristics, including some or all of the following:

- The incident covers multiple states or Federal Emergency Management Agency (FEMA) Regions or is international in scope.
- A significant portion of the population in the affected area needs prolonged mass care and emergency assistance.
- A loss of critical lifeline services (such as energy, water, communication, and transportation) poses risks to health, personal safety, national security, and economic viability. (See Appendix 6: Community Lifelines as Applied to Oil/Chemical Incidents [p. 61] for further discussion of lifelines).
- Impacts to other critical infrastructure result in significant loss of services or functions for an extended period.

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<sup>2</sup> A Responsible Party is strictly liable, jointly and severally, for removal costs plus damages in connection with a discharge of oil or hazardous substances. An RP may be held responsible for government cleanup costs, damage to natural resources, costs of health assessments, and performing cleanup where the site may present imminent, substantial danger.

<sup>3</sup> The FOSC is required to direct the response for oil discharges that may pose a “substantial threat to the public health or welfare of the United States.”

- Impacts to natural, historical, or cultural resources require specialty services from a federal agency not normally involved in oil/chemical incident response (for example, Food and Drug Administration [FDA] conducting seafood safety testing).
- SLTT governments need sustained operational coordination to respond to the incident's effects.
- SLLT governments' capabilities are overwhelmed.
- The federal government has substantial authority related to oil and chemical incident response under laws described in Appendix 8: (p. 78), which are generally applied in coordination with SLTT governments.

“Concept of Operations” (p. 8) and Appendix 1: Federal Response Coordination Constructs (p. 22) provide additional details on federal response coordination to oil/chemical incidents and the different federal response constructs (levels of federal involvement) that may be required based on the characteristics listed above and other circumstances.

## **Purpose**

The *Oil and Chemical Incident Annex* (OCIA) focuses on consequence management. It supports the *Response and Recovery Federal Interagency Operational Plans* (FIOPs) and provides supplemental information specific to oil and chemical incidents. It describes the interagency coordination process and organizational constructs used by federal departments and agencies (D/A) for responding to and recovering from oil or chemical releases.

This annex describes how federal partners will respond to oil/chemical incidents in support of SLTT governments, to save lives, protect property, and preserve the environment.

## **Scope**

This annex applies to all federal responses, including multiagency responses, to oil/chemical incidents, regardless of size or complexity. It also applies to federal support for recovery from such incidents. The OCIA does not alter or impede the ability of any SLTT government or federal agency to execute authorities or meet responsibilities under applicable laws, executive orders, and directives. Federal D/A may take independent emergency actions pursuant to their own statutory authorities and actions described in national policy.

This annex applies to federal D/As responding to or supporting recovery from oil/chemical incidents under a wide range of legal authorities, including those listed in Appendix 8: Authorities and References (p. 78). This annex is intended to be consistent with U.S. laws, policies, and other related requirements.

## **Facts, Assumptions, and Critical Considerations**

The following facts, planning assumptions, and critical considerations contributed to the development of the OCIA and are supplemental to those given in the Response and Recovery FIOPs. For additional facts, assumptions, and considerations specific to an intentional incident, see Appendix 4: Response and Prevention Operations for Intentional Oil/Chemical Incidents (p. 46).

## Facts

- **Primary responsibilities:** SLTT governments may have primary responsibility and authority for emergency response to and recovery from oil/chemical incidents within their jurisdictions.
- **Communications capabilities:** The availability or shortage of redundant, accessible, and interoperable communications will affect response and recovery operations.
- **Oil and Hazardous Substance Response Equipment:** The private sector owns and operates almost all oil and hazardous material incident response equipment in the United States. The federal government has limited organic response equipment.
- **Incident implications:** The implications and duration of an oil/chemical spill or release may not be immediately known.
- **National effects:** The impact of an oil/chemical incident may cascade nationally or internationally, even for a localized event.

## Planning Assumptions

In absence of facts, planning assumptions are information presumed to be true and necessary to facilitate planning. Assumptions help establish a baseline for planning, and they do not dictate specific activities or decision points that would occur during an incident. During consequence management, assumptions may be validated as facts.

- **Situational awareness:** Full information about the oil/chemical incident will not be immediately available. Situational awareness largely depends on the type of release and its characteristics. Decisions will need to be made without complete information.
- **Responsible Parties:** All commercially regulated oil/chemical RPs, regardless of ownership, size, or structure, have emergency plans, contingency plans, and mutual-aid agreements for the spills and releases envisioned in this annex.
- **Protective actions:** Oil/chemical incidents will require actions to protect the population, ranging from sheltering in place to rapid and long-term evacuation and displacement from affected areas.
- **Healthcare impacts:** Oil/chemical incidents may cause mass casualties will strain local and regional healthcare capabilities.
- **Legal authorities:** Federal D/A will activate and use multiple legal authorities for the response to and recovery from an oil/chemical incident.
- **Incident cause:** The cause of an oil/chemical incident (intentional, accidental, or naturally occurring) will not be readily apparent and the response will consider the possibility that a criminal act caused the incident. An RP will may be readily identifiable.
- **Life-sustaining actions:** Life-sustaining and life-supporting actions are a strategic priority throughout the response.
- **Responder impacts:** Responders and first receivers may be disproportionately affected due to the chemical and the nature of the event.

- **Criminal investigations:** Any potentially intentional oil/chemical incident will require a joint criminal investigation. The Federal Bureau of Investigation (FBI) will coordinate criminal investigative activities with appropriate SLTT officials; with federal partner agencies such as the U.S. Department of Health and Human Services (HHS), U.S. Department of Homeland Security (DHS), EPA, and U.S. Department of Agriculture (USDA); and with other partners.
- **Significant resource shortfalls:** The size, scope, or complexity of an oil/chemical incident will overwhelm existing SLTT capabilities and resources, causing significant strain on the whole community.
- **Long-term recovery:** Recovery of the affected populations and environments will take many years.

### **Critical Considerations**

The following critical considerations supplement those outlined in the Response and Recovery FIOPs.

- **Coordinating structures:** If an oil/chemical incident affects both the environment and population, close coordination between the emergency management and environmental protection communities will be required throughout the incident. If an oil/chemical incident is caused by or suspected of having been caused by terrorism or other criminal activity, coordination with the counterterrorism and law enforcement communities must also be included.
- **Decision coordination:** Interdependent decisions of mission areas should be coordinated to avoid unintended consequences. Interdependent decisions include, but are not limited to, coordination and delivery of emergency-related resources, site security, interoperable communications, and protective actions for the public.
- **Legal and policy decisions:** During a response where federal or SLTT authorities conflict or intersect, critical legal and policy decisions will be required. Examples include movement restrictions and restoration and maintenance of civil order.
- **Public information:** Despite the initial lack of available incident information, the public will need authoritative and accurate information in a developing situation. For a suspected or actual terrorist threat or attack, the President of the United States will direct the Secretary of Homeland Security and the Attorney General to coordinate to provide public information and warning to the nation regarding the threat or attack.
- **International partners:** The United States engages in several international partnerships for preparedness and response for oil/chemical incidents. International partners may request information or assistance from the United States, and vice versa.<sup>4</sup>
- **Public safety:** Both federal and SLTT authorities must consider public safety and security during implementation of response and recovery measures.

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<sup>4</sup> See Appendix 5: International Response to Oil Spills (p. 53) for additional information.



- **Hazardous waste management:** The incident type can affect hazardous waste processing and disposal. Management of large quantities of hazardous waste may prove challenging and further drain resources.
- **Responder exposure:** Responders may be placed at risk if not adequately protected from exposure to toxic chemicals including those which may not be previously detected.
- **Fatality management:** Fatality management resources could be strained by oil/chemical incidents that cause mass fatalities. Systems for managing human remains may be overwhelmed because of unusually large numbers. The remains could be hazardous due to the presence of toxic chemicals. Law enforcement investigations may also necessitate that human remains be recovered and preserved as evidence.
- **Decontamination:** Some chemicals could require long-term or permanent closure of buildings or public spaces following wide-area dissemination. Decontamination and remediation may take an extended period, closing affected areas to individuals and businesses.
- **National and international markets:** An oil/chemical release may affect national and international markets. The resultant commercial disruptions (for example, on the supply chain) may challenge response and recovery actions.
- **Resource competition:** Resources may be constricted and competition among various governmental entities and the private sector should be anticipated. Responding organizations should coordinate to distribute resources appropriately.
- **Population displacement:** An oil/chemical incident may result in long-term displacement of affected individuals from their normal residences and/or places of business.

### **Primary Authorities and Relevant Declarations**

There are numerous federal authorities applicable to oil/chemical incidents. The primary agencies with authority to implement federal support to the Response mission area are the EPA and the U.S. Coast Guard (USCG). The EPA is the lead federal agency (LFA) for all inland oil/chemical incidents and the USCG is the LFA for all coastal oil/chemical incidents. The FBI is the LFA for any law enforcement investigation. Numerous other federal D/A may have significant support roles in response to an oil/chemical spill or release depending on the nature of the incident. Appendix 7: Roles and Responsibilities for Responding to Oil/Chemical Incidents (p. 65) discusses the roles and responsibilities of all federal D/A, SLTT governments, and NGOs involved with oil/chemical incident response and recovery..

### **Primary Authorities**

The federal government will respond to oil/chemical incidents in accordance with federal laws and authorities. Listed below are the primary authorities most often used in response to oil/chemical incidents. Appendix 8: Authorities and References (p. 78) gives a more comprehensive and detailed list.



- Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA)

CERCLA, commonly referred to as Superfund, establishes authorities for hazardous substances, excluding oil. CERCLA was enacted to authorize response to actual or potential releases of (1) hazardous substances or (2) pollutants or contaminants that may present an imminent and substantial danger to public health or welfare. For an actual or threatened release to the environment, CERCLA provides the EPA and the USCG with the authority to gather information, collect samples, and take action to contain and mitigate the threat. The EPA's and/or USCG's environmental assessment, decontamination, cleanup, and waste management activities may be conducted under CERCLA or, if there is a Stafford Act declaration, under a FEMA mission assignment to Emergency Support Function (ESF) #10.

- Clean Water Act of 1972 (CWA)

The CWA provides the basic statutory authority for pollution prevention, contingency planning, and response activities for pollutants affecting the waters of the United States.

- Oil Pollution Act of 1990 (OPA)

Signed into law in 1990 following the Exxon Valdez oil spill, OPA, which amended § 311 of the CWA, improved the federal government's ability to prevent oil spills and provide the money and resources necessary to respond to them. Under OPA, the owner or operator (RP) of a facility or vessel from which oil is discharged is liable for the costs associated with the containment, cleanup, and damages resulting from the spill.

These three laws give the federal government enforcement authority over the parties responsible for spills and require polluters to pay for cleanup. In addition, they have planning and preparedness components, and they establish trust funds that can pay for federal responses (and some other costs) when needed.

The implementing regulations for CERCLA and CWA § 311, as amended by OPA, are found in the National Oil and Hazardous Substances Pollution Contingency Plan, or NCP (40 Code of Federal Regulations [C.F.R.] Part 300). The NCP describes the organizational structure and procedures for "preparing for" and "responding to" an oil or hazardous substance incident; this system is called the National Response System (NRS).

### **Major Declarations of Relevance**

In an oil/chemical incident, the following declarations may be issued and may influence the response to and recovery from the incident. It is important to consider that many oil/chemical incidents have been addressed without any of the following declarations. States or territories can also issue their own emergency declarations at their discretion.

- Presidential Declaration of a National Emergency

Section 201 of the National Emergencies Act (NEA) authorizes the President to declare a national emergency. Under NEA § 301, statutory emergency authorities enabled by the national emergency declaration cannot be exercised until the President specifies the provisions of law under which the President or other officials will act. Such specification

may be made either in the declaration or in subsequent executive orders published in the *Federal Register* and transmitted to Congress.

- **Stafford Act Declaration**

The Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act) is less commonly used for oil/chemical incident responses, but it can be used in certain situations. If the President of the United States issues a Stafford Act declaration in response to an oil/chemical incident, the FEMA National Response Coordination Center (NRCC) or the Regional Response Coordination Center (RRCC) of the affected jurisdictions will coordinate interagency partners and issue mission assignments under this act's authorities.

- **Spills of National Significance**

A discharge may be classified as a spill of national significance (SONS) by the Administrator of EPA for discharges occurring in the inland zone and by the Commandant of the USCG for discharges occurring in the coastal zone.<sup>5</sup>

## **Mission**

### ***Mission Statement***

The mission of the federal government following an oil/chemical incident is to save lives, reduce human suffering, and protect property and the environment. Within the entire federal response and support for recovery, three distinct, ongoing, concurrent missions exist. They are:

1. To stop, contain, and remediate the harmful effects produced by the incident;
2. To implement consequence management by assisting survivors; and
3. If necessary, to conduct investigations according to the law enforcement protection mission.

Fulfilling these missions is contingent upon strong coordination and communication among federal D/A and SLTT officials.

### ***Desired End State***

The desired end state of federal response and recovery operations to an oil/chemical incident is achieved when:

- Federal lifesaving and life-sustaining assistance to SLTT and private-sector entities has been provided.
- SLTT governments can provide individuals and families with the means to recover from their losses in a manner that sustains their physical, emotional, social, and economic well-being.
- Critical infrastructure capability and capacity are restored.

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<sup>5</sup> 40 C.F.R. § 300.323, Spills of national significance.

- Public safety and health protection are reestablished.
- Safety and health protection for response and recovery workers have been reestablished.
- Commercial activity meets the demand of the population. Economic disruptions are minimized locally, nationally, and internationally.
- Affected populations are fully identified and have received appropriate medical care or other interventions to protect or restore health.
- Behavioral and mental health needs of survivors, responders, and other affected populations have been addressed.
- Affected areas have been assessed for environmental safety, need for decontamination, and appropriateness for re-occupancy. Results of the assessments have been made public.
- Appropriate care has been identified for dependents (such as the elderly and children), persons with access and functional needs, and animals without caretakers.
- All levels of communities have been addressed: elderly, children, people with access and functional needs, people with limited English proficiency, people with low literacy, and people with chronic conditions.
- Longer-term population displacement issues have been addressed.

## Execution

### *Concept of Operations*

#### Introduction

##### **Tiered Response**

This annex is founded on the principle of tiered response or the understanding that most incidents are handled at the lowest possible jurisdictional level. As resources and capabilities are exceeded, additional SLTT and federal assets are applied. In the case of the oil/chemical industry, restoration starts with the RPs. A key component of tiered response is mutual aid and assistance. Local communities and states have mutual aid compacts in place to share critical resources across jurisdictional boundaries in a timely manner. Likewise, companies in the oil/chemical industry have formal agreements with one another to share resources as the capabilities are exceeded.

The OCIA concept of operations (CONOPS) employs four constructs for coordinating federal response that are adaptable to the many sources, levels, and consequences of oil/chemical incidents. Due to the many different scenarios and response requirements that these incidents present, the four constructs are scalable, layered, and inclusive, and they enable coordination of federal resources deployed to an incident. For details, see “Federal Response Coordination Constructs” (p. 10) and Appendix 1: p. 22.

RPs (usually owners and operators) are required to make critical notifications to local, state, and federal government authorities for certain incidents.<sup>6</sup> The RP may also participate in initial response operations in coordination with local first responders. Many oil/chemical incidents do not require a response beyond this level. However, an FOSC will determine whether federal resources are required. Depending upon the FOSC's assessment of the incident, one or more of the four federal response coordination constructs, as illustrated in Figure 1 (p. 11), will be applied.

Federal and SLTT governments have obligations and responsibilities for public health, safety, and welfare; regulatory oversight; protection activities; and the law enforcement response to incidents. Interagency coordination at all levels is critical and must follow established structures for incident command and unified command. Each of the four federal response coordination constructs details response escalation if the incident increases in severity and complexity. This includes modified command structures, all of which are described in Appendix 1: Federal Response Coordination Constructs (p. 22).

Coordination among the RP, federal government, SLTT governments, NGOs, and other private-sector organizations extends beyond emergency response. Recovery from oil/chemical incidents can range from minor or moderate cleanup to wide ranging, multi-jurisdictional decontamination with long-term major cleanup and remediation. See "Recovery from Oil/Chemical Incidents" (p. 14) for additional details on recovery activities.

When an oil/chemical incident is suspected of having resulted from criminal activity or an act of terrorism, on-scene response activities will be conducted in coordination with the FBI on-scene commander and the FBI Joint Operations Center (JOC). The FBI leads and coordinates the law enforcement response, intelligence collection, and investigation into potential criminal incidents.<sup>7</sup> Appendix 4: Response and Prevention Operations for Intentional Oil/Chemical Incidents (p. 46) provides a detailed description on law enforcement activities including coordination with other federal and SLTT response organizations.

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<sup>6</sup> If there is a release of an extremely hazardous substance (EHS) at or above its applicable reportable quantity (RQ), the facility must notify the [State Emergency Response Commission \(SERC\)](#) and [Local Emergency Planning Committee \(LEPC\)](#) for any area(s) likely to be affected by the release. If there is a release of a hazardous substance equal to or exceeding an RQ listed under the CERCLA, the facility must notify the National Response Center (NRC), as well as the SERC and LEPC. Source: EPA, "EPCRA Section 304," accessed Sept. 2, 2020, <https://www.epa.gov/epcra/epcra-section-304>.

<sup>7</sup> Other federal agencies with law enforcement jurisdiction and expertise (such as Bureau of Alcohol, Tobacco, Firearms, and Explosives; Drug Enforcement Agency; Environmental Protection Agency) may respond and coordinate their activities with FBI.

## Response to Oil/Chemical Incidents

### *Federal Response Coordination Constructs*

The federal response to oil/chemical incidents is consistent with the authority of the federal government as described in the NCP,<sup>8</sup> *National Response Framework* (NRF),<sup>9</sup> and other national policy guidance and directives. In addition, the federal response must be well coordinated and may involve RPs, SLTT governments, NGOs, and private-sector organizations.

Oil/chemical incidents vary significantly in scope, consequences, and required resources. Most are managed at the local level, while others require the deployment of an FOOSC to assist RPs and SLTT responders to determine the need for federal support. The four federal coordination constructs identified in Figure 1 (p. 11) assist the FOOSC and other federal authorities in determining the level of federal support required, if any. These constructs are adaptable to escalating incidents that may require moving from lesser to greater federal response. Typically, as severity and complexity increase, a higher-level construct is implemented to manage the incident. Factors determining which federal construct applies to a given oil/chemical incident include the following:

- The ability of SLTT governments and RPs to manage the incident without federal assistance other than FOOSC oversight
- The ability of non-federal parties to undertake the response<sup>10</sup>
- The applicability of particular federal response authorities to a given incident
- The type and extent of incident impacts, including:
  - Environmental contamination
  - Damage to natural resources including recreational and cultural sites
  - Public health impacts, including number of fatalities and injuries
  - Property damage
  - Lifesaving and life-sustaining needs (including need for mass care)
  - Severity of impacts to critical infrastructure and key resources
  - General economic impacts

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<sup>8</sup> The NCP is the federal government's blueprint for responding to both oil spills and releases of hazardous substances. See Appendix 1: Federal Response Coordination Constructs (p. 22) and "National Oil and Hazardous Substances Pollution Contingency Plan" in Appendix 10: Glossary (p. 94) for more detail.

<sup>9</sup> The NRF is a guide to how the Nation responds to all types of disasters and emergencies. See "*National Response Framework*" in Appendix 10: Glossary (p. 94) for more detail.

<sup>10</sup> CERCLA and CWA/OPA (and their implementing regulations in the NCP) and the Stafford Act include provisions for evaluating the ability of non-federal parties to undertake the response. The NCP allows an FOOSC to decide to direct a response and requires the federal government to lead responses to oil/chemical incidents in certain situations, regardless of the capabilities of other parties. The NCP also requires the federal government to lead responses to certain oil or chemical discharges that pose a "substantial threat to public health or welfare." The Stafford Act also includes a provision allowing the President to declare an emergency without a request from a governor or tribal chief executive if the primary responsibility for response rests with the federal government.

- Whether the “incident” itself is broader than just an oil/chemical incident, as with a natural disaster that involves oil/chemical releases as well as other impacts and damages unrelated to the oil/chemical releases

Figure 1 illustrates the four constructs and displays how they increase from lowest to highest based on the level of federal coordination required in response to an oil/chemical incident.

[ SAO | Senior Agency Official NIC | National Incident Commander SONS | spill of national significance ••• These terms are explained in the NCP Response appendix. ]



**Figure 1. Federal Response Coordination Constructs**

### **FOSC Assessment**

The FOSC assesses the situation in collaboration with the SLTT authorities and RPs and determines that the oil/chemical incident can be managed by SLTT authorities, RPs, NGOs, and private-sector resources and that **no federal NCP response is required**.

### **NCP Unified Command Response**

The FOSC assesses the situation, in collaboration with SLTT authorities and RPs as appropriate, and determines that the oil/chemical incident **requires the NCP** to deliver the appropriate federal resources in support of the SLTT and RP response.

### **NCP Unified Command Response with Emergency Support Functions**

The FOSC or other federal official determines that the oil/chemical incident **requires federal resources beyond those that can be delivered through the NCP**. One or more ESFs, accessed through the NRF, are required to support the NCP response. In addition, a Federal Resource Coordinator (FRC) is designated to assist with coordinating federal D/A in support of the FOSC and SLTT governments.



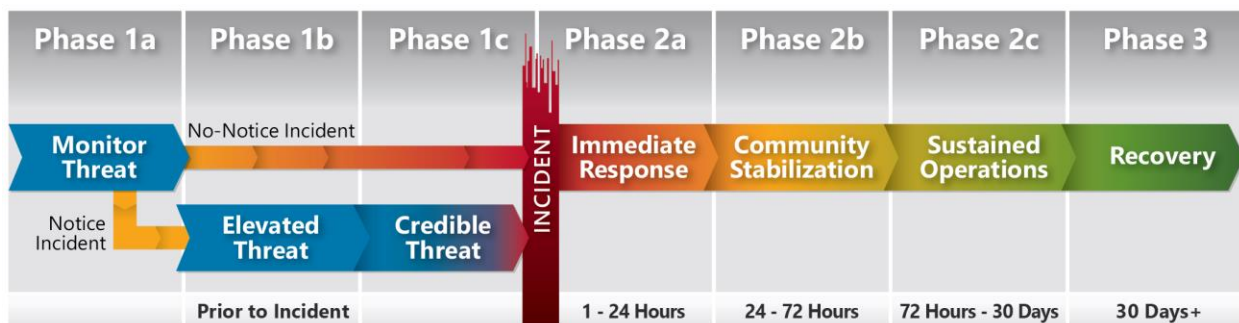
## Stafford Act Response

The President issues a **major disaster or emergency declaration under the Stafford Act** due to the magnitude of the oil/chemical incident. A Federal Coordinating Officer (FCO) is designated and a Joint Field Office (JFO) is established. ESF #10 (with EPA or USCG as LFA) coordinates with other appropriate ESFs, federal D/A, and officials in support of the SLTT response.

See Appendix 1: Federal Response Coordination Constructs (p. 22) for detailed descriptions of each of the four coordination constructs discussed and illustrated above.

## Operational Phases

This section summarizes operational phasing applicable to the OCIA. The Response and Recovery FIOPs provides a more detailed description of FEMA’s phased approach to federal operations. Other D/A may use different methods for operational phasing, but for the purposes of this document FEMA emergency management phasing applies. Figure 2 illustrates these phases. The timing and duration of each phase may vary depending on the incident.



**Figure 2. Emergency Management Operational Phases**

### Phase 1a—Monitor Threat

Appropriate federal D/A coordinate with each other, and with SLTT governments, NGOs, and private-sector stakeholders to plan for oil/chemical events and maintain situational awareness. See the Response and Recovery FIOPs for a more detailed description of all-hazards preparedness actions for the federal government in this phase.

### Phases 1b and 1c—Elevated and Credible Threat

Phase transitions differ for no-notice and notice events. Phases 1b and 1c pertain to notice events. Examples of notice events include an impending hurricane and a criminal or terrorist threat identified by law enforcement. Most oil/chemical events are accidental and therefore are no-notice incidents. In these instances, phases 1b and 1c are bypassed and the response moves directly to phase 2a.

During phases 1b and 1c, D/A will take the preliminary actions in preparation for a phase 2a response. Some key federal government activities that occur during phase 1b and 1c include:



- Analyzing and modeling the potential impacts to oil/chemical infrastructure, analyzing the market impacts to the economy, and determining the effect the disruption has on other critical infrastructure (CI)
- Conducting coordination calls among EPA, USCG, and other appropriate D/A and obtaining situational awareness with oil or chemical industry representatives and SLTT governments
- Determining through the FBI if the possible incident is related to crime or terrorism and sharing that information with SLTT law enforcement

### **Phases 2a and 2b—Immediate Response and Community Stabilization**

Immediate response and community stabilization include actions taken within 72 hours of an oil/chemical incident requiring federal support. Actions focus on saving lives, meeting basic human needs, protecting the environment, and supporting the transition to recovery. During these phases the federal government takes action including deployment of specialized teams and assets, conducting damage assessments, and sharing information.

### **Phase 2c—Sustained Operations**

Sustained response normally covers a period of approximately 3 to 30 days following the incident. Some key federal government activities include:

- Coordinating with SLTT governments, RPs, and other affected entities to identify potential cascading impacts
- Communicating critical information to the public including estimated time of response.
- Ensuring that public protective measures conform to environmental modeling and established protective action guidelines

### **Phase 3—Recovery**

Initial recovery actions begin during the response phases (phases 2a through 2c): preparing to support longer-term health and safety needs, assessing damages, and beginning to restore infrastructure. Recovery activities may last for an extended period. Each SLTT government defines its own goals for successful recovery based on its circumstances, challenges, vision, and priorities. In general, the goals of federal efforts to recover from an oil/chemical incident include ensuring the return of displaced survivors, reestablishment of essential services and the remediation of the environment. Actions during this phase include:

- Supporting and advising SLTT governments on recovery options
- Identifying and facilitating federal programs to expedite CI restoration
- Developing a Recovery Support Strategy, including a projected timeline detailing the levels, types, and durations of federal support
- Advising how to incorporate mitigation, sustainability, and resilience-building into recovery efforts

## **Recovery from Oil/Chemical Incidents**

For both NCP and Stafford Act oil/chemical incidents, recovery actions may be conducted as described in the NRF, *National Disaster Recovery Framework* (NDRF), and the Response and Recovery FIOPs.

### ***Recovery: NCP***

The NCP and its authorizing laws (CERCLA and CWA/OPA) generally focus on the response phase and do not establish general recovery programs. However, CERCLA and CWA/OPA contain provisions that address recovery actions including:

- Natural resource damage assessment and restoration
- Recovery of certain costs from RPs including expenses associated with the environmental cleanup of oil/chemical discharges and releases
- Claims under OPA for property damages (by individuals, businesses, and government agencies), loss of profits and income (by individuals and businesses), and loss of government revenue and increased public services (by SLTT governments)

Both CERCLA and CWA/OPA provide for federal, state, and tribal government agencies to be designated as trustees for natural resources. The federal agencies that typically serve as trustees for natural resources include the U.S. Department of the Interior (DOI), National Oceanic and Atmospheric Administration (NOAA), and USDA. The state agencies that serve as trustees for natural resources are typically those managing parks, wildlife, and sporting fish and game. These agencies are authorized to (1) assess the natural resource injuries and lost public and private uses and services caused by oil and chemical incidents, (2) determine the restoration needed to ensure compensation for these impacts, and (3) ensure that the RPs implement or fund the restoration activities.

Individuals, businesses, and SLTT governments may also make claims for damages from chemical releases and oil spills under other federal and state statutes. Under the NCP, the EPA or USCG FOSC leads the response to an incident, but the trustees for natural resources lead the assessment of damages to natural resources and their restoration. This work may be coordinated through an intergovernmental trustee council that may include both state and tribal trustees.<sup>11</sup> The USCG's National Pollution Funds Center (NPFC) administers the claims provisions for injured parties under OPA. The NPFC also administers the natural resource damage assessment and adjudicates claims by natural resource trustees and RPs for natural resource damages.<sup>12</sup>

Federal activities to recover from incidents under the NCP may also be conducted as described in the NRF, NDRF, and Response and Recovery FIOPs. A Federal Disaster Recovery Coordinator (FDRC) may be designated by the LFA or the White House. The FDRC coordinates federal recovery support through the six Recovery Support Functions (RSFs) established in the NDRF. Appendix 3: Recovery Tasks (p. 42) provides a table that highlights some of the enhanced recovery support that can be provided by RSFs following an oil/chemical incident. The President

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<sup>11</sup> In Executive Order 13626, the President designated EPA and USDA as trustees for natural resources for the Deepwater Horizon oil spill.

<sup>12</sup> See USCG, National Pollution Funds Center, "Natural Resource Damage Claims," accessed Oct. 21, 2020, <https://www.uscg.mil/Mariners/National-Pollution-Funds-Center/NRD/> and NOAA, "Damage Assessment, Remediation, and Restoration Program," revised Nov. 13, 2020, <https://darrp.noaa.gov/>.

and U.S. Congress have the authority to take additional action as needed to establish specific coordinating mechanisms and funds to address long-term recovery from significant incidents covered by the NCP.<sup>13</sup>

### ***Recovery: Stafford Act***

Recovery actions taken under the Stafford Act involving oil/chemical incidents may be conducted as described in the NRF, NDRF, and Response and Recovery FIOPs.<sup>14</sup> Large-scale Stafford Act disasters that involve oil/chemical incidents may require the following:

- An FDRC to be designated
- The recovery-related provisions of CERCLA and CWA/OPA to be applied to any oil/chemical discharges or releases involved in the incident
- The President and Congress to establish specific coordinating mechanisms and funds to address long-term recovery from significant Stafford Act incidents

### ***Key Federal Decisions***

The following key federal decisions will provide essential information that will enable federal managers to effectively respond to oil/chemical incidents:

- Consistent with the Stafford Act, the President of the United States will determine the need to issue a major disaster declaration or an emergency declaration.
- For oil discharges in the inland zone, the EPA Administrator will determine whether a discharge constitutes a SONS. For oil discharges in the coastal zone, the USCG Commandant will determine whether a discharge constitutes a SONS.
- Officials from EPA for the inland zone or USCG for the coastal zone will determine when ESF resources are needed to support an NCP response to an oil/chemical incident and request activation of appropriate ESFs. For federal ESF support outside the scope of the NCP, officials from the appropriate D/A will make support decisions.
- Federal emergency officials or decision makers will activate the Interagency Modeling and Atmospheric Assessment Center (IMAAC) if there is an atmospheric hazard. This provides a single point for the coordination and dissemination of federal dispersion modeling and hazard prediction products. State and local emergency officials may also request an IMAAC activation within the unified command structure if warranted by the situation.

A breakdown of key D/A and ESF roles and responsibilities is included in Appendix 7: Roles and Responsibilities for Responding to Oil/Chemical Incidents (p. 65).

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<sup>13</sup> Information about natural resource damage assessment and restoration can be found at DOI, “Restoration Program,” accessed Nov. 18, 2020, <http://www.doi.gov/restoration/index.cfm>.

<sup>14</sup> The Response and Recovery FIOPs describes general operations in recovery from incidents (which could involve oil/chemical incidents) declared as disasters or emergencies under the Stafford Act.

## **Administration, Resources, and Funding**

### **Administration**

Federal D/A are responsible for managing their own financial activities during all operational phases and across all mission areas using their established processes and resources. The Financial Management Support Annex<sup>15</sup> to the NRF provides guidance for all federal D/A that provide support for incidents that require a coordinated federal response.

### **Resources**

Federal D/A are responsible for augmenting personnel to support operations based on relevant authorities, policies, memoranda of understanding, and mutual-aid agreements. Federal D/A must ensure that their employees who are engaged in incident response and recovery are able to perform in accordance with standard resource-typing guidelines and operational requirements.

### **Funding**

Federal funding to support federal response operations will be consistent with applicable laws and authorities as detailed within the NRF Financial Management Support Annex. CERCLA and the CWA/OPA establish requirements for funding and cost recovery.<sup>16</sup> When the President declares a major disaster or emergency under the Stafford Act that involves an oil/chemical incident(s), a separate set of programs and frameworks for reimbursement applies. There are generally two types of federal funding available: Stafford Act and non-Stafford Act. Figure 3 displays funding sources for Stafford and non-Stafford Act incidents.

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<sup>15</sup> Available from FEMA, “National Preparedness Resources Library,” November 28, 2020, <https://www.fema.gov/emergency-managers/national-preparedness/resource-library>, under “National Response Framework Support Annexes.”

<sup>16</sup> CERCLA response authority (§ 104) applies to releases of hazardous substances, pollutants, and contaminants. CERCLA enforcement, liability, and cost recovery authorities (§§ 106 and 107) apply to hazardous substances. This annex applies only to the CERCLA subgroup “chemicals.”

	SOURCE OF FUNDS	ADMINISTERED BY	COVERAGE	CAP AMOUNTS
NON STAFFORD ACT	<b>Appropriated Funds</b>	Applicable Department/ Agency	All Spills or Releases	As established by Congress (most Federal agencies do not have disaster response appropriations and specific guidance from agency financial management offices should be obtained)
	<b>Responsible Party</b>	RP	All Spills or Releases	As specified in CERCLA and CWA/OPA
	<b>CERCLA (Superfund) Trust Fund</b>	EPA	Chemical Releases	\$2M in Total Costs or 12 Months in duration for Federally-funded "removal" responses unless certain statutory criteria are met
	<b>Oil Spill Liability Trust Fund</b>	USCG	Oil Discharges Only	\$1 billion per incident of which no more than \$500M may be expended for natural resource damage assessments and claims
STAFFORD ACT	<b>Disaster Relief Fund</b>	FEMA	Tasks initiated pursuant to ESF #10 or other ESF Mission Assignments	As established by Congress

**Figure 3. Funding Sources for Federal Response**

### Non-Stafford Act Funding

#### *Agency-Specific Appropriations*

Generally, the federal agency requesting assistance provides agency-appropriated funding for the incident consistent with provisions of the Economy Act, unless other statutory authorities exist. Federal departments and agencies may not have designated funds available to cover emergency or disaster operations; however, they are generally expected to respond if the requested operations fall within their statutory role and responsibility. For federal D/A requested through DHS and FEMA to respond to an oil/chemical incident, funding must occur through the departments' and agencies' existing funding streams. Additional funding to fulfill a specific federal-to-federal request may likely require implementation of the Economy Act or additional appropriations beyond those for existing department and agency programs.

Pursuant to Presidential directive, the Secretary of Homeland Security is the principal federal official for domestic incident management.<sup>17</sup> Federal D/A are expected to provide their full and prompt cooperation, resources, and support, as appropriate and consistent with their own responsibilities, to the Secretary.

#### *NCP-Related Funding Sources: Superfund and the Oil Spill Liability Trust Fund*

An RP may voluntarily, or under an enforcement order, directive, or agreement, respond to an incident using its own funding. Under CERCLA and CWA/OPA, the parties responsible for an oil/chemical incident are liable for the costs of responding to the release or discharge or the

<sup>17</sup> The Attorney General, generally acting through the Director of the FBI, leads and coordinates law enforcement response, on-scene law enforcement, and related investigative and intelligence activities related to terrorist threats and incidents. The incident management role does not interfere with the responsibility of the Attorney General or FBI Director to lead and coordinate law enforcement, investigative, and intelligence activities.

substantial threat of a release or discharge. OPA also allows specified parties to make claims: individuals, businesses, and government agencies can claim property damages, individuals and businesses can claim loss of profits, income, and subsistence. Government agencies can claim loss of government revenue and increased public services.

Congress established two funds to cover the costs of federal cleanup activities when the RP does not or cannot pay: the CERCLA (Superfund) Trust Fund and the Oil Spill Liability Trust Fund.

- **The Superfund Trust Fund** applies to releases of hazardous substances, pollutants, and contaminants as defined by CERCLA (which includes chemicals but generally excludes oil). This fund is administered by EPA and may be accessed by EPA and USCG FOSCs to fund federal responses. This fund also covers enforcement actions and actions to recover the costs of the federal response from RPs for releases of hazardous substances. CERCLA states federal removal activities may not exceed \$2 million in cost or 12 months in duration unless certain findings can be made. EPA has issued regulations (the Local Governments Reimbursement Program) that also allow local governments to seek reimbursement for up to \$25,000 per response to lighten financial burdens related to emergency response to hazardous substances. There is also an exception process for removals exceeding \$2 million. This reimbursement does not replace funding that local governments normally provide for emergency response. EPA and USCG FOSCs may use the Superfund at their discretion to pay for removal work on or from facilities and vessels under the jurisdiction, custody, or control of other federal departments and agencies, but under Executive Order 12580 those agencies must reimburse the Superfund.
- **The Oil Spill Liability Trust Fund (OSLTF)** This fund is administered by the USCG NPFC and may be accessed by EPA and USCG FOSCs to pay the cost of federal activities and reimburse other federal agencies' costs for activities pursuant to a Pollution Removal Funding Authorization (PRFA). The FOSC issues a PRFA to remove a discharge or to prevent or mitigate a substantial threat of discharge of oil to protected waters and shorelines under CWA § 311. The OSLTF is also available for the payment by NPFC of certain claims for removal costs and damages resulting from an oil discharge or substantial threat of discharge to waters and shorelines. In general claimants must present their claims to an RP under OPA before presenting them to the NPFC. States, however, may present claims for oil removal costs consistent with the NCP directly to the NPFC. OSLTF payments, including payments for federal oil-related activities under CWA § 311 and claims payments, are limited to \$1 billion per incident, of which no more than \$500 million may be expended for natural-resource damage assessments and claims.

Under both funds, other federal agencies can be reimbursed for activities directed or requested by the FOSC by entering into an interagency agreement with the EPA or USCG. For the OSLTF, such agreements are called Pollution Removal Funding Authorizations (PRFAs).

EPA or USCG can also issue OSLTF PRFAs to SLTT governments. In turn, SLTT governments may also enter into a cooperative agreement with EPA to conduct removal actions that have a planning period of six or more months; these would be funded by the Superfund Trust Fund.

### **Stafford Act Funding**

The President may direct any federal agency pursuant to the authorities outlined in the Stafford Act.



The Disaster Relief Fund (DRF), managed by FEMA, is the primary source of funding for the federal government's domestic general disaster relief programs. It is available only for activities that are (1) authorized by the Stafford Act and (2) outside other existing authorities and agency missions. For Stafford Act incidents, the EPA and USCG should coordinate with FEMA and other departments and agencies to ensure that appropriate funding is made available using FEMA's mission assignments.

The Stafford Act authorizes the President to provide financial and other disaster and emergency support to SLTT and insular-area governments, NGOs, and individuals to support response, recovery, and mitigation following a Presidential declaration of an emergency or major disaster.

Responsibility for management and oversight of all administrative and logistic requirements rests with the following:

- FEMA is the primary agency for funding associated with Stafford Act incidents.
- FEMA's Office of the Chief Financial Officer administers disaster funding to manage domestic incidents. This office also manages finances for the NRCC, RRCC, and JFO.
- The senior financial advisor of each multiagency coordination center (NRCC, RRCC, and JFO) manages the center's finances and monitors and tracks all federal costs at that center relating to the incident.
- FEMA issues mission assignments to other federal departments and agencies to support immediate, short-term emergency response. The two types of mission assignments are direct federal assistance and federal operations support. It is important to note that FEMA retains the authority, although rarely exercised, to issue mission assignments on a non-reimbursable basis.

As part of a Stafford Act declaration, the President specifies the cost-sharing requirements of the federal and affected state government. The minimum federal share for debris removal and repair, restoration, and replacement of damaged facilities during a Stafford Act major disaster is 75% of eligible costs. The President may establish a federal cost share between 75% and 100% through the declaration or in an amendment to the declaration. In a natural disaster response concurrent with an oil/chemical incident, government entities may seek to recover from RPs the costs of actions related to oil/chemical contamination as specified in CERCLA and CWA/OPA (described in "Recovery: NCP" on p. 14). In such cases, FEMA coordinates closely with the EPA or USCG to inform applicants and agencies of the requirements for tracking costs for reimbursement by the RP or FEMA. FEMA and EPA or USCG headquarters will coordinate to determine when such direction on cost tracking to applicants and agencies is appropriate. This process is not expected to be used on a routine basis during natural disasters and does not supersede FEMA Public Assistance Policy 9523.8, "Mission Assignments for ESF #10"<sup>18</sup> discussed immediately below.

Public Assistance Policy 9523.8 essentially consists of two agreements, one between FEMA and the EPA and the other between FEMA and the USCG, outlining which agency will pay for which expenses during an emergency or major disaster. FEMA and EPA signed an agreement

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<sup>18</sup> FEMA, "Response and Recovery Directorate Policy Number 9523.8: Mission Assignments for ESF #10," untitled compilation of Public Assistance policies, June 4, 2001, p. 79, <https://www.fema.gov/pdf/government/grant/pa/policy.pdf>.



(known as the Suiter/Makris memorandum) in 2001 that states that it is FEMA’s intent to utilize Stafford Act funds to reimburse EPA for specific emergency response activities related to hazardous materials (hazardous substances, pollutants, contaminants, and oil) under ESF #10 when there is an emergency or major disaster declaration.<sup>19</sup> Further, FEMA and USCG signed an agreement (known as the Penn/Tulis memorandum) in 2019 that states that FEMA has the ability and intent to directly assign the USCG for ESF #10 missions in the coastal zone.

## **Oversight, Coordinating Instructions, and Communications**

### ***Oversight***

The authorities that guide the structure, development, and implementation of the Response and Recovery FIOPs and this annex are statutes, executive orders, regulations, and Presidential directives. Congress has provided the broad statutory authority necessary for this plan, and the President has issued executive orders and Presidential directives to supply policy direction to departments and agencies of the executive branch.

FEMA, in close coordination with the DHS’s Office of the Secretary and with the U.S. Department of Justice’s Office of the Deputy Attorney General, is the executive agent for the Response and Recovery FIOPs and this annex and is responsible for management and maintenance. This annex will be updated periodically, as required, to incorporate new Presidential directives, legislative changes, and procedural changes based on lessons learned from exercises and actual incidents.

### ***Coordinating Instructions***

Consistent with the NRF and when required by with Homeland Security Presidential Directive 5 (HSPD-5), the Secretary of DHS, through the FEMA Administrator or other appropriate officials, will coordinate the federal government’s resources used in response to or recovery from an oil/chemical incident. For intentional acts or threats giving rise to an oil/chemical incident, the Secretary will coordinate as necessary with the Attorney General.

### ***Communications***

#### **General**

Immediate action should be taken to identify communication systems for public messaging to provide clear, factual, and timely guidance to the public. Communication systems for federal, state, and local agencies should be used to maintain situational awareness and permit timely assessments of critical services, resources, and infrastructure.

FEMA’s Integrated Public Alert and Warning System (IPAWS) provides significant capability for public messaging including:

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<sup>19</sup> FEMA, “9523.8—Mission Assignments for ESF-10,” 2001, [https://www.fema.gov/sites/default/files/2020-07/fema\\_9523.8\\_2001-mission-assignments-esf-10\\_2001.pdf](https://www.fema.gov/sites/default/files/2020-07/fema_9523.8_2001-mission-assignments-esf-10_2001.pdf).

- Capability to broadcast an alert message to all cellular phones in a specific area as a Wireless Emergency Alert
- Access to the Emergency Alert System
- Access to the NOAA Weather Radio All Hazards
- Internet-connected alerting tools

The LFA or designee serves as the primary spokesperson for the response, supported by subject-matter experts.

Maintenance and sharing of current and accurate information across the federal government is a priority during an oil/chemical incident. Multiple federal agencies support response to and recovery from an oil/chemical incident, and interagency information sharing will be imperative to coordinate federal teams and assets throughout a diverse environment under a range of different timelines and authorities.

Consideration of the early establishment of a Joint Information Center (JIC) is critical. In addition, the collection and dissemination of numerous data elements from across SLTT governments is critical.

Coordination of risk communications through a single federal spokesperson is critical. Federal response-related announcements to the public are coordinated by the Secretary of Homeland Security through the national JIC. DHS assumes the lead in media response for public health, coordinated with and through the JIC. Depending on the nature of the incident, DHS may designate one of the lead agencies (EPA or USCG) to take the lead on public affairs, consulting with DHS as they manage the incident communications. For a terrorist incident, the FBI shall be consulted before issuing sensitive news releases.

If the DHS national JIC is activated, the DHS National Operations Center (NOC) provides direct support through situational awareness, information sharing, and executive communications.

The appropriate spokesperson will be determined based on the nature of incident but may be from DHS, the White House National Security Council, an SLTT government, or elsewhere, in accordance with applicable Presidential policy directives.

### **Information Sharing for a Chemical Incident: ChemResponder Network**

The ChemResponder Network is a whole community software tool sponsored by the FEMA Chemical, Biological, Radiological, and Nuclear (CBRN) Office for the collection, management and sharing of chemical incident and preparedness information. It is fully integrated with the RadResponder Network, the national standard for radiological data management, to support multi-hazard event management. For more information, see

[https://www.fema.gov/sites/default/files/2020-07/fema\\_cbrn\\_chemresponder\\_fact-sheet.pdf](https://www.fema.gov/sites/default/files/2020-07/fema_cbrn_chemresponder_fact-sheet.pdf) and <https://www.fema.gov/emergency-managers/practitioners/hazardous-response-capabilities/cbrn-tools>.

## Appendix 1: Federal Response Coordination Constructs

### Introduction

This appendix expands on the discussion of the four federal response coordination constructs identified in “Response to Oil/Chemical Incidents” (p. 10) and Figure 1 (p. 11). The constructs are based upon a graduated scale that ranges from localized oil/chemical incidents requiring no additional federal resources to those that require a large-scale federal response.

Application of one of the four federal response coordination constructs is based upon the severity of the incident, its impact on the population and environment, and the resources required and available to respond to the incident. The federal on-scene coordinator (FOOSC) makes the initial assessment of which federal coordination construct is required to respond to an oil/chemical incident. If an incident escalates, the level of response may change from a lower to a higher construct.

The National Oil and Hazardous Substances Pollution Contingency Plan (NCP) is a federal regulation that implements the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) and the Clean Water Act of 1972 (CWA) §311 as amended by the Oil Pollution Act of 1990 (OPA). These three laws are key federal response authorities for oil/chemical incidents.<sup>20</sup> The NCP serves as an operational supplement to the *National Response Framework* (NRF).

- CERCLA authorizes response to releases or substantial threats of release to the environment of:
  - hazardous substances; and
  - pollutants or contaminants that may present an imminent and substantial danger to the public health or welfare.<sup>21</sup>

The U.S. Environmental Protection Agency (EPA) promulgates and maintains a list of hazardous substances.

- CWA/OPA authorizes response to discharges or threatened discharges of oil and CWA hazardous substances. Section 311(c) of the CWA further states that the response authority is for a discharge or substantial threat of discharge:
  - Into or on navigable waters;
  - On the adjoining shorelines to the navigable waters;

<sup>20</sup> NCP provisions are summarized in this appendix for purposes of brevity. The references in this annex to NCP provisions are not intended to change NCP requirements or interpretations. The NCP references do not constitute rulemaking by any agency and may not be relied upon to create any right or benefit, substantive or procedural, enforceable by law or in equity, for any person. The NCP addresses federal authorities for both removal and remedial actions. Because the NRF generally addresses oil and hazardous materials incidents that are considered “removal” response, the NCP provisions summarized in this annex focus on how the NCP operates for “removal” responses.

<sup>21</sup> CERCLA § 104. CERCLA authorities for enforcement and for liability and cost recovery (§§ 106 and 107) apply to hazardous substances.

- Into or on the waters of the exclusive economic zone; or
- That may affect natural resources belonging to, appertaining to, or under the exclusive management authority of the United States.
- CERCLA and CWA require that oil discharges and releases of reportable quantities of listed hazardous substances be reported to the National Response Center (NRC).<sup>22</sup> The NRC forwards these notifications to pre-designated FOSCs from the EPA and U.S. Coast Guard (USCG). In general, EPA provides the FOSC for incidents in the inland zone, and USCG provides the FOSC for incidents in the coastal zone.<sup>23</sup> FOSCs are stationed in EPA and USCG field offices throughout the United States.
- The pre-designated FOSC for the geographic area where the discharge or release occurred reviews all release notifications received from the NRC to determine the need for federal involvement under the NCP. FOSCs may also learn of releases through other sources.
  - The FOSC may determine that federal involvement is needed or may determine that the response is being adequately addressed by state, local, tribal, and territorial (SLTT) governments and/or the Responsible Party (RP).
  - Most oil/chemical incidents are addressed by SLTT governments and RPs. Under CERCLA and CWA/OPA, RPs are responsible for cleaning up their oil spills and chemical releases or paying for the cleanup. See Figure 1, Federal Response Coordination Constructs, (p. 11) and Figure 4, Federal On-Scene Coordinator Assessment (p. 24).

Following is a detailed breakdown of the four federal response coordination constructs including a description of each construct and the departments and agencies (D/A) and other organizations involved in coordination and response.

### ***FOSC Assessment***

Under this construct the FOSC has evaluated the situation and determined that RP and SLTT responders have enough resources to manage and control the response to an oil/chemical incident. The federal resources offered under the NCP are not required.

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<sup>22</sup>The NRC is a congressionally mandated communications center that serves as the sole federal point of contact for reporting releases of oil and listed hazardous material in the United States and its territories. It is staffed 24 hours a day, 7 days a week, by USCG employees and marine science technicians. Not all chemicals are listed hazardous substances, and for those listed, releases must be reported only if they are at or above quantities that are specified in the regulations, known as “reportable quantities.” For oil discharges, any person in charge of a vessel or of an onshore or offshore facility is subject to the reporting requirements of 40 Code of Federal Regulations (C.F.R.) § 110.3, as well as any other applicable reporting requirements.

<sup>23</sup>Under the NCP (40 C.F.R. § 300.120(c)), the U.S. Department of Defense (DOD) and U.S. Department of Energy (DOE) are required to provide FOSCs responsible for taking all response actions for releases of hazardous substances, pollutants, or contaminants when the release is on, or the sole source of the release is from, any facility or vessel under the jurisdiction, custody, or control of the DOD or DOE. DOD and DOE may use the NCP and other individual agency authorities and response plans to respond to chemical incidents on or from their facilities or vessels. For oil spills, EPA and USCG provide FOSCs, including for oil spills from or on DOD and DOE facilities and vessels.



<sup>1</sup>FOSC determines no Federal NCP response is required and ensures adequate surveillance of response led by SLTT authorities and RP

<sup>2</sup>Active in cases of terrorism or criminal activity

**Figure 4. Federal On-Scene Coordinator Assessment**

### ***NCP Unified Command Response***

The National Response System (NRS) is a multi-layered system of individuals and teams from SLTT and federal agencies, industry, and other organizations that share expertise and resources to ensure that response to an oil spill or chemical release is timely and efficient and that threats to human health and the environment are minimized.

Upon activation of the NCP, the NRS, established by the NCP, provides access to organizations that routinely and effectively prepare for and respond to a wide range of oil and hazardous-substance releases. Key federal response components of the NRS include the NRC, FOSCs, thirteen Regional Response Teams (RRTs), the National Response Team (NRT), and NCP federal special teams.<sup>24</sup> When an FOSC determines that a federal response is needed, the NRT, RRT, and special teams are available to the FOSC to support the response, which is coordinated as depicted in Figure 5 (p. 26). It is recognized that many federal agencies with different authorities may respond to oil/chemical incidents; however, most federal oil/chemical responses are conducted under the NCP. The EPA and the USCG conduct most of the federal NCP responses.

<sup>24</sup> For more on the FOSC, RRTs and NRT, see Table 11 (p. 73). As per 40 C.F.R. § 110, NRT includes representatives from EPA (chair) and USCG (vice chair), U.S. Department of Agriculture (USDA), U.S. Department of Commerce/National Oceanic and Atmospheric Administration (NOAA), DOD, DOE, U.S. Department of Health and Human Services (HHS), U.S. Department of the Interior (DOI), U.S. Department of Justice (DOJ), U.S. Department of Labor (DOL), U.S. Department of Transportation, Federal Emergency Management Agency (FEMA), General Services Administration, Nuclear Regulatory Commission, and U.S. Department of State. As per 40 C.F.R. § 115, RRTs include representatives from the same federal agencies and state representatives. Local governments may participate as provided by state law or as arranged by the state's representative. Tribal governments are also invited to participate. 40 C.F.R. § 300.145 describes NCP special teams.

## **Response Phases under the NCP**

The NCP contains two separate sections that describe response procedures for oil spills or chemical releases, but the general pattern of response actions described below is the same for both.

### ***Discovery or Notification***

EPA and USCG FOSCs may become aware of oil/chemical incidents from a variety of sources, including:

- Notifications made to the NRC under federal laws and regulations
- Reported observations from government agencies or the public, government patrols or investigations, or citizen petitions
- Operational coordination with federal law enforcement

### ***Preliminary Assessment and Initiation of Response Operations***

The FOSC makes a preliminary assessment of impacts to determine the appropriate level of federal response. The FOSC collects pertinent information, to the extent practicable, about the release such as:

- Magnitude and severity of the discharge or threat
- Identification of potential RPs
- Nature, amount, and location of materials released
- Probable direction and time of travel of materials released
- Pathways to human and environmental exposure
- Potential impact on human health, welfare, safety, and the environment
- Natural resources and property affected
- Impacts to critical infrastructure such as closure of waterways, ports, and locks; shutdown of water intakes; and disruptions to critical supply chains
- Priorities for protecting human health, welfare and the environment
- The need for lifesaving, life-sustaining, and protective measures such as evacuation, mass care, and health measures
- Description of responder and RP initial actions

The FOSC may collect information by telephone and may deploy to the incident scene. The FOSC typically coordinates with SLTT or insular governments on the need for a federal response, but in all cases the FOSC makes an independent evaluation of this need under the NCP. The FOSC also notifies the affected federal, state, and tribal trustees for natural resources of potential or actual damages to natural resources from oil/chemical incidents as specified in the NCP. The federal trustees for natural resources include the Secretaries of the U.S. Department of Commerce (DOC), U.S. Department of the Interior (DOI), National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Agriculture (USDA), U.S. Department of Defense



(DOD), and U.S. Department of Energy (DOE).<sup>25</sup> The state trustees for natural resources are typically the agencies managing parks, wildlife, and sporting fish and game.

One example of an incident that must be led by the federal government is an oil spill of national significance (SONS).<sup>26</sup> For a SONS in the inland zone, the EPA may name a senior Agency official (SAO) who assists the FOSC with certain functions, including communicating with affected parties and coordinating resources at the national level. For a SONS in the coastal zone, the USCG may name a National Incident Commander (NIC) who assumes the role of the FOSC for these specific functions. In both cases, the SAO or NIC works with the FOSC rather than replacing the FOSC. While Figure 5 shows the SAO/NIC together with the FOSC in the unified command structure, the SAO or NIC will likely be stationed in another location and coordinate with the FOSC virtually.

The NCP also requires the federal government to lead responses to certain oil or chemical discharges that pose a “substantial threat to public health or welfare.”



\* Active in cases of terrorism or criminal activity

**Figure 5. NCP Unified Command Response**

### **Development of a Site Safety Plan**

The Federal Emergency Management Agency (FEMA) requires development of a site safety plan (Incident Command System [ICS] Form 208 HM) and a safety briefing for responders before beginning operations within the exclusion zone for oil or hazardous materials.

### **Determination of Extent of Contamination**

An important step in the response to oil/chemical incidents is the identification and assessment of the nature and extent of the contamination. Figure 6 (p. 28) summarizes the assessment process. As noted above, it is most often achieved through environmental monitoring, sampling, and laboratory analysis of samples.

<sup>25</sup> As reflected in Executive Order 13626, the President designated the EPA and USDA as trustees for natural resources for the Deepwater Horizon oil spill.

<sup>26</sup> See U.S. National Response Team, “Spill of National Significance,” accessed Nov. 18, 2020, <https://nrt.org/sites/2/files/SONS.pdf>.

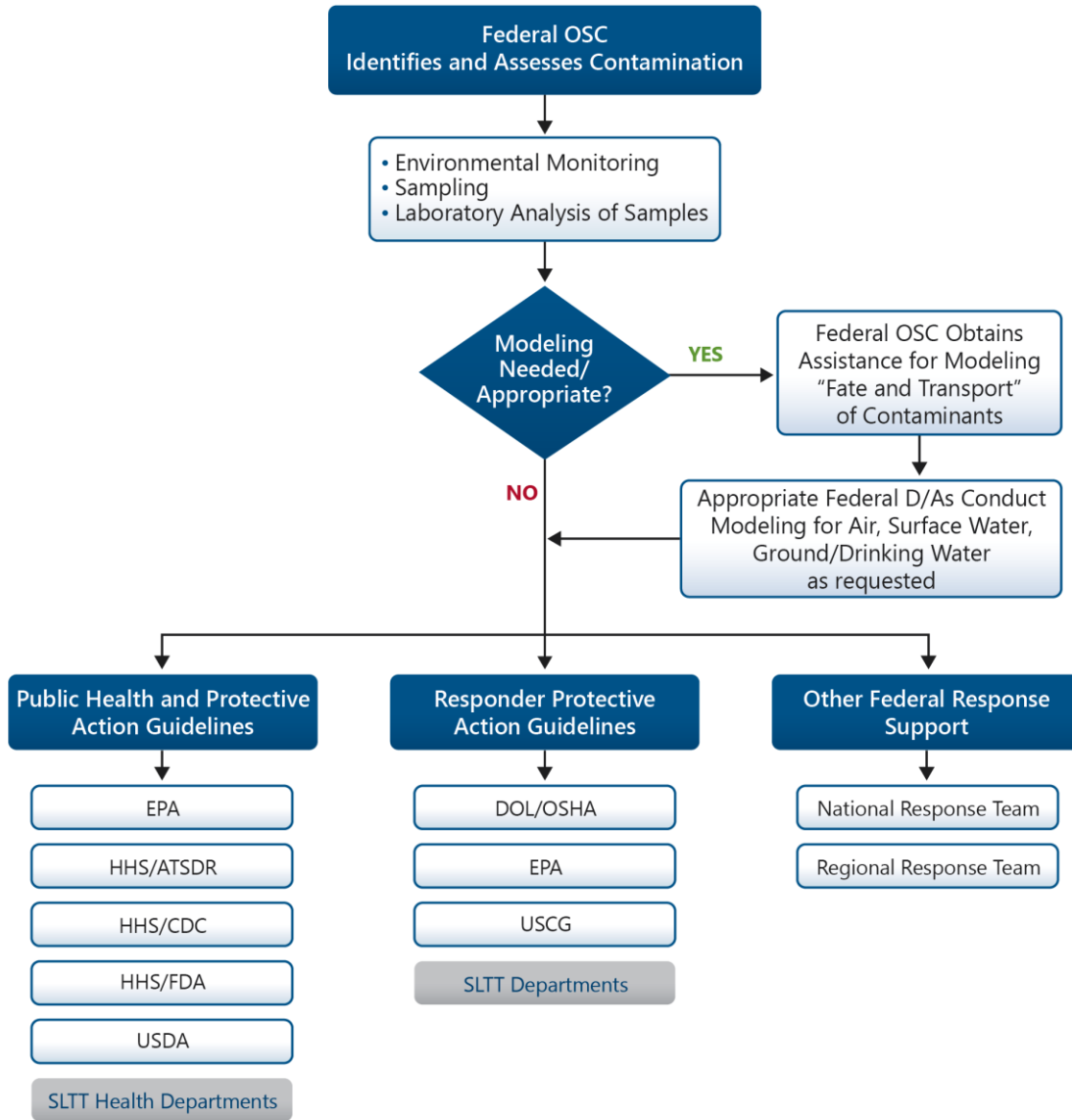
Contamination detection is most accurately provided through the collection of field data. If SLTT governments and an RP are also conducting environmental monitoring and sampling for a federally led response, their activities are typically coordinated under a unified command.

In some cases, models may also be used to help predict the “fate and transport” of environmental contaminants. Initial model predictions may be made using initial information and assumptions regarding the release. As more field data are collected, they may be used to improve the model and its results.

Several federal organizations typically contribute to modeling for federally led oil/chemical responses. The Interagency Modeling and Atmospheric Assessment Center (IMAAC) is the federal organization that projects the consequences of chemical releases into water or air. Led by FEMA, the IMAAC is a partnership among seven federal agencies, each with supporting capabilities and/or responsibilities for modeling. These agencies are:

- FEMA (lead agency)
- DOD
- DOE/National Nuclear Security Administration (NNSA)
- U.S. Department of Health and Human Services (HHS)
- EPA
- NOAA
- Nuclear Regulatory Commission

States may also create their own models for a state-led response. Where multiple parties are participating in a federally led response, the modeling activities are typically coordinated under a unified command.



**Figure 6. Federal Determination of Extent of Contamination and Protective Actions**

### ***Containment, Countermeasures, Cleanup, and Disposal***

The FOSC may choose any of the following.

- Allow an RP or SLTT government to conduct the response, with FOSC oversight. In this case, the RP is normally included in the incident command structure.
- Use federal and contractor resources to conduct the cleanup, or work in a unified command with other federal and SLTT agencies and/or RP(s).
- Provide technical assistance to a response led by an SLTT government.

The FOSC uses the ICS, which is an element of the National Incident Management System (NIMS), and designates either an on-site incident command or unified command to manage response. The FOSC maintains final decision-making authority over the environmental response.

The FOSC may request assistance from (1) the 15 federal agencies in the NRT and RRTs and (2) the federal special teams.

Consistent with the NCP, actions taken in response to an oil/chemical incident may include, but are not limited to, the following:

- Limiting access to the incident site, including safety zone designation, security fencing, and warning signs
- Requiring contaminant control zones, personal protective equipment, medical and air monitoring, exposure sampling, decontamination procedures, and site security
- Environmental monitoring, sampling, and analysis of contaminated media, and interpretation of collected data to determine type and extent of contamination
- Stopping, controlling, and stabilizing the release and preventing the spread of contamination
- Decontamination of people, buildings, structures, livestock, wildlife and other infrastructure
- Vessel salvage or removal
- Provision of an alternative water supply to reduce exposure to contaminated household water until local authorities can provide a permanent remedy
- Placement of physical barriers to protect natural resources and sensitive ecosystems
- Management of wastes from the response, including storage, recycling, treatment, transportation, and disposal
- Assistance to SLTT authorities for public alert and warning and public guidance
- Assistance to SLTT authorities in the coordination of population evacuation and mass care activities

### **Recommendations and Decision Making**

The FOSC leads the federal response and coordinates operational recommendations and decisions. For larger releases the FOSC coordinates with the RRT per the National Contingency Plan and the NRT as necessary. For less significant releases the NCP Scientific Support Coordinator or Planning Section Environmental Unit may support the FOSC. For nearly all

large-scale responses the FOSC will coordinate with SLTT officials, HHS/Agency for Toxic Substances and Disease Registry (ATSDR), EPA technical experts, and additional organizations as required.

Federal D/A provide recommendations or related technical support to SLTT governments for the following:

- Public sheltering in place or evacuation
- Responder protective actions
- Potable water, food safety, and other health and safety issues

SLTT governments typically decide sheltering and evacuation actions; however, various federal D/A have the expertise and authority to provide recommendations and technical assistance for incident response. In some cases, federal statutory and regulatory requirements may determine protective actions for the public and responders. The NCP provides information on the FOSC's decision-making process for response actions. FOSCs request ATSDR assistance primarily through the ATSDR regional offices, which are co-located with EPA's regional offices. As the federal agency concerned with the effects of hazardous substances on human health, ATSDR coordinates and liaises with experts across HHS components as needed. In some cases, SLTT health departments may request assistance directly from ATSDR or HHS/Centers for Disease Control and Prevention (CDC), even when an FOSC is responding.

FOSCs may request assistance from other federal departments and agencies through the RRT or NRT. The USDA, for example, provides federal recommendations on the safety of meat, poultry, and processed egg products. Depending on jurisdiction, the Occupational Safety and Health Administration (OSHA), states, or EPA recommends actions to protect response workers. (As indicated earlier, for a federally led response, the FOSC also develops a site safety plan for the oil/chemical response site.)

There are also several laws and executive orders that may apply to response actions, as provided in the NCP, to protect natural and cultural resources and historic properties and to ensure consultation with tribes.<sup>27</sup>

### **Coordination with Law Enforcement under the NCP**

If the incident involves a suspected or actual terrorist attack, or other federal crime under its jurisdiction, the Federal Bureau of Investigation (FBI) may establish a Joint Operations Center (JOC) to manage law enforcement and investigative operations. When such incidents affect multiple locations, additional Joint Field Offices (JFOs) and FBI JOCs may be established. JFO elements will liaise with the JOC Consequence Management Group and with the Consequence Management Coordination Unit (CMCU) in the FBI-led Weapons of Mass Destruction Strategic Group (WMDSG).

If an FOSC discovers evidence of suspected criminal activity associated with the incident, the FOSC will contact the EPA Criminal Investigation Division (CID) and/or the USCG Investigative Services (IS). For suspected terrorist activities, EPA CID or USCG IS, in

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<sup>27</sup> Some examples are the Endangered Species Act, National Historic Preservation Act, Native American Graves Protection and Repatriation Act, and Executive Order 13175: Consultation and Coordination with Indian Tribal Governments.

conjunction with the FOSC, will consult and coordinate with the local FBI field office and the FBI special agent in charge (SAC).

The primary coordination goal is to protect human health and safety (of both the public and responders) and to balance the needs of evidence preservation, documentation, and collection with the needs for environmental response.

If a law enforcement official discovers a chemical release or oil discharge while investigating potential criminal activity, the official should contact the EPA CID or USCG IS, the EPA or USCG emergency response program, or the National Response Center.

### ***NCP Unified Command Response with Emergency Support Functions***

When the effects of an oil/chemical incident require federal resources significantly beyond the usual scope of NCP support, the Secretary of Homeland Security may be asked to facilitate assistance from other D/A. Figure 7 illustrates the unified command structure that is typically followed in this scenario.



<sup>1</sup> Active in cases of terrorism or criminal activity

**Figure 7. NCP Unified Command Response with Emergency Support Functions**

Pursuant to the Homeland Security Act of 2002 and Homeland Security Presidential Directive 5 (HSPD-5), the Secretary of Homeland Security is the principal federal official for emergency planning and domestic incident management and is responsible for coordinating federal resources used to respond to and recover from terrorist attacks, major disasters, and other emergencies when any one of the following four conditions applies:<sup>28, 29</sup>

<sup>28</sup> The Attorney General, generally acting through the Director of the FBI, leads and coordinates law enforcement response, on-scene law enforcement, and related investigative and intelligence activities related to terrorist threats and incidents. The DHS Secretary's incident management role does not interfere with the responsibility of the Attorney General or FBI Director to lead and coordinate law enforcement, investigative, and intelligence activities.

<sup>29</sup> Nothing in this directive alters, or impedes the ability to carry out, the authorities of federal D/A to perform their responsibilities under law.



1. A federal department or agency acting under its own authority has requested the assistance of the Secretary of Homeland Security.
2. Resources of SLTT governments are overwhelmed, and federal assistance has been requested.
3. More than one federal department or agency has become substantially involved in responding to the incident.
4. The Secretary of Homeland Security has been directed to assume responsibility for managing the incident by the President of the United States.

### **Federal Resource Coordinator**

When the EPA or USCG requests the assistance of the Secretary of Homeland Security to obtain support from other federal D/A, the U.S. Department of Homeland Security (DHS), usually acting through the FEMA Administrator, may designate a Federal Resource Coordinator (FRC).<sup>30</sup> The FRC's responsibilities may include:

- Coordinating timely delivery of resources to the requesting agency using interagency agreements and memorandums of understanding (MOUs)
- Coordinating the Emergency Support Functions (ESFs) as necessary to support the FOSC or other senior EPA or USCG official and to address broader incident impacts that may be outside the scope of the NCP
- Providing support to the FOSC or other senior officials in the identification, deployment, and coordination of federal resources outside the scope of the NCP
- Tasking federal ESF lead agencies with providing needed federal-to-federal assistance

### **Coordination with Law Enforcement**

If an incident is a suspected or actual terrorist act, or another federal crime causes or contributes to the incident, the guidelines will be the same as for "Coordination with Law Enforcement under the NCP" (p. 30).

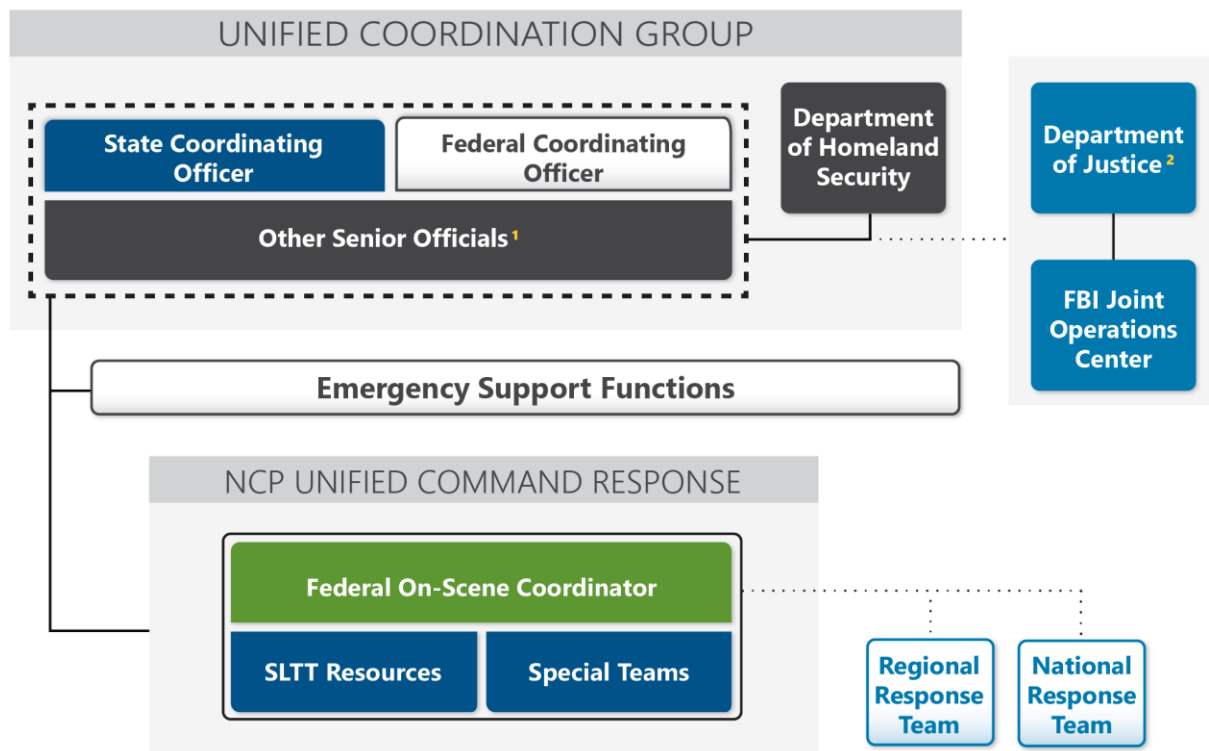
### **Response under Stafford Act Declaration**

When an oil/chemical incident has overwhelmed SLTT resources, the governor or chief executive of a federally recognized Indian tribe may request assistance under the Stafford Act. When the President approves a Stafford Act declaration request, federal financial and other support to SLTT governments is available for response and recovery. FEMA is the lead federal agency (LFA) during a Stafford Act mission and designates a Federal Coordinating Officer (FCO) to coordinate the overall federal response.

Figure 8 describes the relationship of the FCO to other responding entities. This figure expands on the summary given in Figure 1 (p. 11) of Stafford Act response.

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<sup>30</sup> DHS may select the FRC from the cadre of Federal Coordinating Officers (FCOs) or from others with equivalent knowledge, skills, and abilities.



<sup>1</sup> Other Senior Officials and D/As as described in Response: Actions under a Stafford Act Declaration below.

<sup>2</sup> Active in cases of terrorism or criminal activity

**Figure 8. Stafford Act Response**

### Stafford Act Federal Activities

The federal response under a Stafford Act declaration is described in the *Response and Recovery Federal Interagency Operational Plans* (FIOPs). After a Presidential declaration of a major disaster or emergency, a FEMA Regional Response Coordination Center (RRCC) will coordinate initial regional and field activities until a JFO is established.

A FEMA FCO will deploy to coordinate the overall federal response in support of the FOSC, operating from an Initial Operating Facility until the JFO is established. When established, the JFO provides a central location for the coordination of the efforts of the federal government, SLTT governments, and the private-sector and nongovernmental organizations (NGOs) with primary responsibility for response and recovery operations. The JFO is organized, staffed, and managed in a manner consistent with principles of NIMS.

Personnel from federal and state D/A, other jurisdictional entities, the private sector, and NGOs staff various positions at the JFO, depending on the requirements of the incident. These personnel constitute the Unified Coordination Staff (UCS). The UCS is led by the Unified Coordination Group (UCG), which is composed of an FCO, State Coordinating Officer, and other senior officials, as necessary. The Attorney General may appoint a Senior Federal Law Enforcement Official (SFLEO) to the UCG if it is determined the incident requires a coordinated response by federal law enforcement.

Although the UCS uses the structure of the Incident Command System, it does not manage on-scene operations. Instead, it focuses on providing support to on-scene efforts and conducting broader support operations that may extend beyond the incident site.

The FCO coordinates the overall federal response, and the FOSC conducts response actions with other federal D/A as described in the NRF’s “Emergency Support Function #10—Oil and Hazardous Materials Response Annex”<sup>31</sup> and in the Response and Recovery FIOPs (see Figure 8 above). During response, the FOSC (from EPA or USCG) retains the authority to take action following NCP procedures, including direction and oversight of RP responses. NCP response structures and coordination mechanisms remain in place, but responders also coordinate with NRF mechanisms.

Under a Stafford Act declaration, ESF #10 provides representatives to the RRCC, JFO, and FEMA National Response Coordinating Center (NRCC) when requested and may send liaisons to state and local emergency operations centers (EOCs). Where the oil or chemical response is a significant component of the overall response, the FCO may ask EPA and/or USCG to designate a senior official to be part of the UCG. If a SONS is the primary cause of a Stafford Act declaration or is a component of a broader disaster that leads to a Stafford Act declaration, the EPA SAO or USCG NIC designated for the SONS will coordinate with the UCG.

This schema is the highest level of the four response coordination constructs, all of which involve the implementation of the NCP. Table 1 below compares key elements included in the NCP with those in the Stafford Act.

**Table 1. Comparison of NCP and Stafford Act Key Elements<sup>32</sup>**

Key Element	NCP	Stafford Act
<b>Scope</b>	Removal of oil, hazardous materials	Statement of work (SOW) via mission assignment
<b>Lead Agency</b>	USCG or EPA	State or tribe
<b>Federal Funding</b>	Oil Spill Liability Trust Fund (OSLTF) and CERCLA	Stafford Act—cost share
<b>Applicability</b>	All private, state, and federal lands and waters except DOD and DOE facilities	Dependent on state law, regulation, and policy. Cannot be used on federal property
<b>Vessel Removal</b>	Approval by USCG Commandant of a memo requesting destruction	Approval of work outlined in mission assignment (may or may not be pre-scripted)
<b>Response Organization</b>	Incident command or unified command	Incident command or unified command.

<sup>31</sup> Available from FEMA, “National Response Framework,” July 31, 2020, <https://www.fema.gov/emergency-managers/national-preparedness/frameworks/response#esf>.

<sup>32</sup> Adapted from Table 3 of the Spills of National Significance Executive Reference Guide, available at <https://nrt.org/Main/Resources.aspx?ResourceType=Spill%20of%20National%20Significance&ResourceSection=2>.

### **Coordination with Law Enforcement under the Stafford Act**

As discussed above (p. 30), if the incident involves a suspected or actual terrorist threat, attack, or other serious federal crime under its jurisdiction, the FBI will establish a JOC to manage law enforcement and investigative operations. When such incidents affect multiple locations, additional JFOs and FBI JOCs may be established. JFO elements will liaise with the JOC Consequence Management Group and with the CMCU in the FBI-led WMDSG.

## Appendix 2: Significant Impacts and Response Tasks for an Oil/Chemical Incident

Table 2 in this appendix describes potential significant impacts for each core capability from oil/chemical incidents that may differ from the impacts identified in *Response and Recovery Federal Interagency Operational Plans*. Table 3 (p. 39) and Table 4 (p. 41) provide checklists of critical federal response tasks that may be needed for situations that warrant NCP Unified Command Response with Emergency Support Functions (p. 31) or Response under Stafford Act Declaration (p. 32). (The National Oil and Hazardous Substances Pollution Contingency Plan [NCP], which serves as an operational supplement to the *National Response Framework* [NRF], gives detailed NCP response tasks).

**Table 2. Projected Impacts by Core Capability**

Core Capability	Projected Impacts
<p>Planning</p>	<ul style="list-style-type: none"> <li>▪ Oil/chemical incident response plans may need to be adjusted based on the scale of the impact and the actions required to save lives and protect property and the environment, including natural and cultural resources.</li> <li>▪ National, regional, and area contingency plans may need to be revised to provide the organizational structure and procedures for preparing for and responding to discharges of oil or releases of hazardous chemical substances, pollutants, and contaminants.</li> </ul>
<p>Operational Coordination</p>	<ul style="list-style-type: none"> <li>▪ The establishment of unity of effort may be delayed, as well as the establishment of lines of communications and pathways for logistical support.</li> <li>▪ Multiple agency reporting methods and statutory authorities may apply across the incident site(s).</li> <li>▪ Maintaining a unity of effort and a common operating picture (COP) for efficient and effective response will require coordinating multiple jurisdictions.</li> <li>▪ If a link to terrorism exists, federal response activities will require coordination with the Federal Bureau of Investigation (FBI) through structures such as the FBI Strategic Information and Operations Center (SIOC) and FBI Joint Operations Centers (JOCs).</li> </ul>
<p>Operational Communications</p>	<ul style="list-style-type: none"> <li>▪ Communication synchronization may be delayed as agencies establish and maintain functional and interoperable communications systems for state, local, tribal, territorial (SLTT), and federal response teams—potentially across multiple states and Federal Emergency Management Agency (FEMA) Regions.</li> </ul>

Core Capability	Projected Impacts
Critical Transportation	<ul style="list-style-type: none"> <li>▪ Transportation infrastructure and routes may be contaminated, degraded, or unusable due to the oil/chemical incident. This could result in needs for expertise in hazardous materials, sampling data, monitoring data, and contaminant modeling predictions to identify safe evacuation and ingress/egress routes, potentially delaying their identification.</li> <li>▪ If key routes or infrastructure (such as airports) are not available due to damage or contamination, alternative transportation methods may need to be identified.</li> <li>▪ If hazardous material cannot be safely transported in accordance with the hazardous material regulations (HMR), an emergency special permit or waiver may be warranted to provide specific authority to transport the material.</li> </ul>
Environmental Response / Health and Safety	<ul style="list-style-type: none"> <li>▪ Release of oil or chemical materials may produce hazardous conditions for the populace and responders.</li> <li>▪ Significant chemical incidents contaminating environmental media could present challenges in finding appropriate means for decontamination and cleanup methods, adequate laboratory testing capacity, and adequate disposal capacity, especially for emerging chemical threat agents.</li> <li>▪ Large-scale oil incidents could also pose challenges for adequate and timely laboratory testing, waste disposal, and appropriate control and cleanup methods.</li> </ul>
Fatality Management Services	<ul style="list-style-type: none"> <li>▪ Local and state staff who manage fatalities could become overwhelmed or suffer from exposure to contaminated remains.</li> </ul>
Mass Care Services	<ul style="list-style-type: none"> <li>▪ Necessary life-sustaining resources and services (such as shelters, food, water, non-acute medical services, services for persons with disabilities and others with access and functional needs, and pet sheltering) may rapidly exceed local and state capabilities.</li> <li>▪ The level and extent of contamination may inhibit the ability of those who provide mass care and emergency assistance to meet the needs of disaster survivors. These services may be available only outside the contaminated area.</li> <li>▪ Expertise in hazardous materials, sampling data, and monitoring data may be needed to identify areas where mass care services can be safely located.</li> </ul>
Mass Search and Rescue Operations	<ul style="list-style-type: none"> <li>▪ Those locating and rescuing survivors may need to wear personal protective equipment.</li> <li>▪ Expertise in hazardous materials may be needed to determine appropriate personal protective equipment.</li> </ul>



**Oil and Chemical Incident Annex to the Response and Recovery Federal Interagency Operational Plans**  
**Appendix 2: Significant Impacts and Response Tasks for an Oil/Chemical Incident**

Core Capability	Projected Impacts
On-scene Security and Protection	<ul style="list-style-type: none"> <li>▪ If terrorism is suspected or confirmed, the FBI is responsible for on-scene security for its designated crime scenes.</li> <li>▪ Because a demand for public safety could conflict with investigating criminal activity, the FBI on-scene commander may coordinate local and state resources for this core capability.</li> <li>▪ Federal law enforcement resources may be required to augment local and state law enforcement personnel.</li> <li>▪ Federal assets may be called upon to protect responding personnel or assets, if local agencies are unable to do so.</li> <li>▪ If approved by the Attorney General, federal resources provided to augment exhausted or unavailable local and state resources may be prioritized by the Senior Federal Law Enforcement Official (SFLEO).</li> </ul>
Public Health, Healthcare, and Emergency Medical Services	<ul style="list-style-type: none"> <li>▪ Persons living in the affected areas will require guidance on issues such as decontaminating themselves and their service animals, livestock, and pets, evacuation, safety of food and water supplies, and keeping their food and water safe.</li> <li>▪ Healthcare facilities in the affected area may become contaminated and therefore require emergency evacuation or transporting patients to unaffected facilities.</li> <li>▪ Though most injuries and illnesses are projected to occur from direct contact or exposure during an incident, responders and citizens could become ill from removing contaminated material and debris during home or business repairs if they do not take protective actions.</li> <li>▪ Local and state medical systems coordinate with the U.S. Department of Health and Human Services (HHS) through the National Disaster Medical System to evacuate patients from affected medical facilities.</li> </ul>
Public Information and Warning	<ul style="list-style-type: none"> <li>▪ Multiple sources transmitting conflicting messages may strain the ability of emergency management officials to communicate effectively with the affected public.</li> <li>▪ It may be necessary for responders to communicate with the media and public about tactical operations and public health and safety directly from the scene, particularly during the early stages of the response.</li> <li>▪ For a terrorist attack, the White House, the Secretary of Homeland Security, and the Attorney General will coordinate the release of information.</li> </ul>
Situational Assessment	<ul style="list-style-type: none"> <li>▪ The federal response may begin without specific knowledge of the type of contaminant released (particularly for chemical incidents) or the cause of the release.</li> <li>▪ Assessments could change throughout the course of the response as new information becomes available.</li> <li>▪ New information and a maturing situation could affect response operations.</li> </ul>

Core Capability	Projected Impacts
Infrastructure Systems	<ul style="list-style-type: none"> <li>▪ Key infrastructure components may be contaminated by an oil/chemical incident.</li> <li>▪ Assessing the nature and extent of contamination and cleaning and/or decontaminating infrastructure could cause substantial delays in infrastructure restoration, leading to delays in full community recovery.</li> <li>▪ The timeline for restoration of essential infrastructure will be unknown until the severity of the contamination and any physical damage are assessed.</li> <li>▪ A shortage of resources to assess infrastructure may delay overall response.</li> <li>▪ Owners or operators of potentially contaminated public and private utilities may need to be integrated into the incident command.</li> </ul>

For a discussion of phases, see “Operational Phases” (p. 12).

**Table 3. Response Tasks for Operational Coordination**

Phase	Leader(s)	Task
All	<ul style="list-style-type: none"> <li>▪ FEMA</li> <li>▪ U. S. Environmental Protection Agency (EPA)</li> <li>▪ U. S. Coast Guard (USCG)</li> <li>▪ FBI</li> </ul>	Determine correct federal response coordination construct in line with annex.
1c	EPA	Coordinate with other federal agencies to determine whether EPA assistance is needed in the assessment of the potential threats.
		<i>EPA Criminal Investigation Division:</i> Coordinate response with FBI if a federal crime is suspected.
		Based on specificity of threat, evaluate and ready stockpiled equipment for deployment. Increase the frequency of readiness checks of critical response equipment.
		Pre-pack and ready critical response equipment for deployment.
		Based on specificity of threat, possibly pre-deploy some response equipment specific to threat. Possibly pre-position and mobilize specially trained teams and resources.
		Based on specificity of threat, convene National Response Team (NRT) to discuss threat conditions and take appropriate preparatory actions. Convene internal national incident coordination team for the same purpose.
		Alert Regional Response Team(s) (RRTs) as to the threat level and discuss RRT preparedness specific to the threat. Convene internal regional incident coordination team(s) for the same purpose.

**Oil and Chemical Incident Annex to the Response and Recovery Federal Interagency Operational Plans  
Appendix 2: Significant Impacts and Response Tasks for an Oil/Chemical Incident**

Phase	Leader(s)	Task
2a	FEMA	If required, activate Incident Management Assistance Team(s).
		If required, activate Regional Response Coordination Center(s) (RRCCs) and National Response Coordination Center (NRCC).
	U.S. Department of Homeland Security (DHS)	If required for NCP response with support from Emergency Support Functions (ESFs), appoint a Federal Resource Coordinator.
	FBI	If required for suspected terrorist threat or incident, establish FBI JOC and activate the Weapons of Mass Destruction Strategic Group (WMDSG) within SIOC.
	<ul style="list-style-type: none"> <li>▪ EPA</li> <li>▪ USCG</li> </ul>	Determine if additional ESF support is needed and, if so, request support through the Secretary of Homeland Security.
	EPA	For a spill of national significance (SONS) in the inland zone, the EPA Administrator may identify a senior agency official.
	USCG	For a SONS in the coastal zone, the USCG Commandant may identify a National Incident Commander (NIC).
	FBI	If suspected criminal activity, deploy FBI on-scene commander.
	<ul style="list-style-type: none"> <li>▪ FEMA</li> <li>▪ EPA</li> <li>▪ USCG</li> </ul>	When necessary, establish a Unified Coordination Group (UCG) and include EPA or USCG senior official when oil/chemical release is a significant component of the response.
	<ul style="list-style-type: none"> <li>▪ FEMA</li> <li>▪ EPA</li> <li>▪ USCG</li> </ul>	If applicable, determine and communicate scope and extent of NCP cost-recovery activities.
	<ul style="list-style-type: none"> <li>▪ FEMA</li> <li>▪ EPA</li> <li>▪ USCG</li> </ul>	Determine appropriate source(s) and administration of funds to support federal response and recovery activities.
	<ul style="list-style-type: none"> <li>▪ FEMA</li> <li>▪ EPA</li> <li>▪ USCG</li> </ul>	When applicable, coordinate single message to applicants and agencies on the process for debris removal, emergency protective measures, and requirements for tracking subsequent claims. Support SLTT public communications as required.
	2c	FEMA
When applicable, coordinate with EPA or USCG headquarters to determine approach for cost recovery.		

**Table 4. Response Tasks for Environmental Response/Health and Safety**

Phase	Leader(s)	Task
2a	<ul style="list-style-type: none"> <li>▪ EPA</li> <li>▪ USCG</li> </ul>	For oil spills, determine if incident is classified as a SONS.
	Occupational Safety and Health Administration (OSHA)	Issue guidance on personal protective equipment to federal responders (as per FEMA, “Worker Safety and Health Support Annex” [May 2013], <a href="https://www.fema.gov/sites/default/files/2020-07/fema_nrf_support-annex_worker-safety.pdf">https://www.fema.gov/sites/default/files/2020-07/fema_nrf_support-annex_worker-safety.pdf</a> ).
2a–2c	<a href="#">Pipeline and Hazardous Materials Safety Administration</a> (PHMSA)	<p>Determine if a special permit is required for commercial transportation of oil, hazardous materials, or hazardous waste.</p> <p>For a major disaster or emergency under the Stafford Act, or if requested by another agency, determine whether to issue an emergency waiver order for transportation of hazardous material.</p>

## Appendix 3: Recovery Tasks

This appendix identifies recovery tasks that federal departments and agencies will undertake as activities shift from response to recovery operations following an oil/chemical incident covered by a Stafford Act declaration.

**Table 5. Recovery Support Tasks by Core Capability**

Core Capability	Support Tasks
<p><b>Planning</b></p> <p><i>Lead Federal Agency:</i> Federal Emergency Management Agency (FEMA)</p> <p><i>Recovery Support Function (RSF):</i> Community Planning and Capacity Building</p>	<ul style="list-style-type: none"> <li>▪ Support response and recovery operational planning by creating crisis action plans.</li> <li>▪ Coordinate the Recovery Support Strategy with the Planning Section at the Joint Field Office (JFO).</li> <li>▪ Using geographic information systems (GIS), create mapping and analysis products to support recovery efforts.</li> <li>▪ Support the establishment of long-term recovery groups with the assistance of voluntary agency liaisons.</li> <li>▪ Create links to resources to aid in the long-term recovery of the community through private sector liaisons.</li> </ul>
<p><b>Economic Recovery</b></p> <p><i>Lead Federal Agency:</i> Department of Commerce</p> <p><i>Recovery Support Function:</i> Economic Recovery</p>	<ul style="list-style-type: none"> <li>▪ <i>Economic RSF:</i> Link to Emergency Support Functions (ESFs) #1 (Transportation), #2 (Communications), #3 (Public Works and Engineering), #10 (Oil and Hazardous Materials Response), and #12 (Energy); FEMA; and the Private Sector Coordinator. Linking to ESF #10 is especially important if its response actions are needed before residents and businesses can return to the affected area or if its response actions may otherwise affect the economy.</li> <li>▪ <i>All ESFs:</i> Determine how waivers granted by member agencies during the response phase may affect economic recovery.</li> <li>▪ <i>ESF #12:</i> Analyze and model potential impacts to infrastructure for electric power, oil, natural gas, and coal; analyze the impacts to the economy; and determine the effect the disruption will have on other critical infrastructure.</li> <li>▪ <i>Economic RSF:</i> Conduct quantitative and qualitative impact assessments to identify specific recovery issues and geographic patterns to target assistance.</li> <li>▪ <i>Economic RSF:</i> Provide technical assistance to align existing federal programs with local and regional recovery needs.</li> </ul>

Core Capability	Support Tasks
<p><b>Health and Social Services (H&amp;SS)</b></p> <p><i>Lead Federal Agency:</i> Department of Health and Human Services</p> <p><i>Recovery Support Function:</i> H&amp;SS</p>	<ul style="list-style-type: none"> <li>▪ <i>ESFs #3 (Public Works and Engineering), #6 (Mass Care, Emergency Assistance, Temporary Housing, and Human Services), #8 (Public Health and Medical Services), #10 (Oil and Hazardous Materials Response), and #11 (Agriculture and Natural Resources) and Regional Disability Integration Specialists:</i> Provide early situational awareness on H&amp;SS issues, ensure continuous support to meet H&amp;SS needs, and help define critical recovery strategies.</li> <li>▪ <i>H&amp;SS RSF:</i> Support medical surveillance and monitoring and evaluate the need for a longer-term epidemiological follow-up and medical monitoring.</li> <li>▪ <i>H&amp;SS RSF:</i> Assess health and safety hazards and disseminate guidance and resources as needed to inform environmental health and safety practices for recovery personnel and the affected population.</li> </ul>
<p><b>Housing</b></p> <p><i>Lead Federal Agency:</i> Department of Housing and Urban Development</p> <p><i>Recovery Support Function:</i> Housing</p>	<ul style="list-style-type: none"> <li>▪ <i>ESF #6 (Mass Care, Emergency Assistance, Temporary Housing, and Human Services):</i> Assist in smoothly relocating survivors from sheltering and interim housing to permanent housing as quickly as possible, and coordinate with ESF #10 if its response actions are needed before residents can return home.</li> <li>▪ <i>Housing RSF:</i> Identify strategies and options that address a broad range of disaster housing issues in conjunction with members of the state-led housing task force and provide input for the disaster housing plan developed at the JFO.</li> <li>▪ <i>Housing RSF:</i> Implement the <i>National Disaster Housing Strategy</i>.<sup>33</sup></li> <li>▪ <i>ESF #6:</i> Identify the requirements for direct housing, alternative housing options, and synchronizing government assistance programs.</li> <li>▪ <i>Housing RSF:</i> Assess the impact of the incident on the affordability of low- and moderate-income housing.</li> <li>▪ <i>Housing RSF:</i> Provide technical assistance to support local efforts in assisting residents displaced due to the incident itself or its secondary effects.</li> </ul>

<sup>33</sup> FEMA, *National Disaster Housing Strategy*, January 2009, [https://www.fema.gov/media-library-data/20130726-1819-25045-9288/ndhs\\_core.pdf](https://www.fema.gov/media-library-data/20130726-1819-25045-9288/ndhs_core.pdf).



Core Capability	Support Tasks
<p><b>Infrastructure Systems (IS)</b></p> <p><i>Lead Federal Agency:</i> U.S. Army Corps of Engineers</p> <p><i>Recovery Support Function:</i> Infrastructure Systems</p>	<ul style="list-style-type: none"> <li>▪ <i>IS RSF:</i> Prioritize requirements for restoring critical infrastructure during response with ESFs #1 (Transportation), #2 (Communications), #3 (Public Works and Engineering), #10 (Oil and Hazardous Materials Response), #12 (Energy), #13 (Public Safety and Security), and #14 (Cross-sector Business and Infrastructure).</li> <li>▪ <i>IS RSF:</i> Re-establish critical infrastructure within the affected areas to support recovery.</li> <li>▪ <i>ESF #3 and IS RSF:</i> Provide more detailed infrastructure analysis through the National Infrastructure Simulation and Analysis Center (NISAC). Gather information on the short-, intermediate-, and long-term impacts on critical infrastructure.</li> <li>▪ Re-establish sufficient communications and other infrastructure within the affected areas to support recovery.</li> <li>▪ Assist the private sector in restoring infrastructure by facilitating access and security with state authorities.</li> </ul>
<p><b>Natural and Cultural Resources (NCR)</b></p> <p><i>Lead Federal Agency:</i> Department of the Interior</p> <p><i>Recovery Support Function:</i> NCR</p>	<ul style="list-style-type: none"> <li>▪ <i>ESF #11 (Agriculture and Natural Resources):</i> Develop and applies measures and strategies to protect, preserve, conserve, rehabilitate, recover, and restore NCR. Coordinate with ESF #10 on status of any ESF #10 actions related to NCR.</li> <li>▪ <i>NCR RSF:</i> Coordinate activities and information with ESF #10 specific to environmental contamination, including collecting hazardous waste, monitoring disposal of debris containing oil or hazardous materials, and monitoring and protecting water and air quality.</li> <li>▪ <i>NCR RSF:</i> Support early protective measures that promote the long-term survival of delicate or sensitive cultural records and resources.</li> <li>▪ <i>NCR RSF:</i> Assess and map likely impacts to cultural resources. Work with states to map properties listed on the National Register or eligible for listing. Alert museums, archives, and owners of historic properties listed on or eligible for the National Register, and advise them on mitigation measures.</li> </ul>
<p><b>Public Information &amp; Warning</b></p> <p><i>Lead Federal Agency:</i> FEMA</p>	<ul style="list-style-type: none"> <li>▪ Inform state, local, tribal, and territorial (SLTT) officials of the availability of recovery programs.</li> <li>▪ Support SLTT governments in communicating with the public.</li> </ul>

Core Capability	Support Tasks
<p><b>Operational Coordination</b></p> <p><i>Lead Federal Agency:</i> FEMA</p>	<ul style="list-style-type: none"> <li>▪ Share resources and information with ESFs.</li> <li>▪ Provide senior-level decision makers with critical information related to long-term recovery and economic impacts.</li> <li>▪ Coordinate recovery operations with concurrent response operations, including the phase-out of response functions.</li> <li>▪ Provide issue-specific guidance to non-governmental organizations (NGOs) and private-sector organizations about serving those with disabilities or other access or functional needs; those from underserved religious, racial, or ethnic backgrounds; and people with limited English proficiency.</li> <li>▪ <i>Federal Disaster Recovery Coordinator (FDRC):</i> Coordinate creating the Recovery Support Strategy with the Planning Section at the JFO.</li> </ul>

## Appendix 4: Response and Prevention Operations for Intentional Oil/Chemical Incidents

### **Purpose**

This appendix supplements information about intentional incidents that is scattered throughout the base plan. Agencies of the federal government are prepared to respond either in a lead or support role to requests made by state, local, tribal, or territorial (SLTT) governments during oil/chemical events affecting their jurisdictions. This appendix specifically addresses those circumstances where there is a threat of or an intentional incident involving the release of oil or chemical agents.

This appendix to the *Oil and Chemical Incident Annex* (OCIA) integrates the mission areas of Protection, Response, and Recovery (including consequence management and protection of critical infrastructure) with the Prevention mission area (covering threats and imminent attacks). This integration involves coordination and timely information sharing to inform operations and decisions across the mission areas that will achieve unity of effort. Given the complexity of response across mission areas, unity of effort is critical to avoid unintended consequences of decisions. This increases the likelihood of saving lives, protecting property, and resolving threats.

The *Prevention Federal Interagency Operational Plan* describes the federal law enforcement investigative, intelligence, and operational response to a terrorist threat or attack. It also describes how federal law enforcement entities will coordinate with SLTT agencies and other federal agencies with law enforcement responsibilities.

### **Scope**

This appendix applies to federal responses to intentional or deliberate incidents that release oil or chemicals regardless of size or complexity. The focus of the appendix is on an intentional or deliberate incident where: (1) immediate federal support and assistance are required; (2) resource pre-positioning is not possible; and (3) the requirements for resources and support are not fully known.

### **Facts, Planning Assumptions, and Critical Considerations**

#### **Facts**

- An intentional oil/chemical incident could overwhelm SLTT resources.
- An intentional oil/chemical incident may require multiagency coordination at all levels of the response.
- Federal law enforcement operations may need to be conducted in contaminated environments.

- Response to a suspected or actual intentional oil/chemical incident may require integration and coordination among operations, including CI private entities to manage consequences, to protect critical infrastructure, and to enforce laws and prevent terrorism.
- Responders to an intentional oil/chemical incident can effectively conduct operations safely if risk is fully understood and appropriate personal protective equipment and resources are available.

## Planning Assumptions

The following supplement the assumptions listed on p. 3.

- **Law enforcement:** In all suspected intentional oil/chemical incidents, the Federal Bureau of Investigation (FBI) will lead and coordinate law enforcement, criminal investigation, and related intelligence activities.
  - An intentional incident will not be considered a single event; potential follow-on threats will be anticipated and will represent a drain on resources available to address the immediate incident.
- **Incident cause:** Every oil/chemical incident will be treated as intentional until otherwise determined.
- **Methods of incident detection:** There are many methods for detecting an oil/chemical incident. These include:
  - Information provided through intelligence sources
  - Criminal investigations
  - Environmental monitoring
  - Reports received by the National Response Center (NRC)
- **Response Delays:**
  - Adequate personnel, equipment, and materiel from Responsible Parties (RPs) and from SLTT and federal sources will require several hours to days of activation, staging, and deployment. This will delay the start of operations at the incident site.
- **Contamination Control:** Transit through the contaminated zones will spread contamination, increasing the size of the incident site.

## Critical Considerations

- **Intentional incidents:** An intentional oil/chemical incident could take many forms. Planning should account for a full range of possible incident scenarios.
- **Location as crime scene:** The site of a suspected intentional oil/chemical incident will be treated as a federal crime scene. It is important to ensure that response and recovery personnel respect any access restrictions to the scene.
- **Incident identification:** Initial indications of an intentional oil/chemical incident may be inconclusive. Responders' identification of and accurate reports about aspects of the incident and suspicious activity will be key for triggering a federal law enforcement operation.

- **Reporting requirements:** Threat-related information, including information about suspicious activity, is shared with the FBI Joint Terrorism Task Forces (JTTFs), U.S. Department of Homeland Security (DHS), and other partner agencies. This information sharing ensures that threats can be investigated and resolved as quickly as possible.

## **Mission: End State**

### **Mission Statement**

The mission of the federal government following an oil/chemical incident is to save lives, reduce human suffering, and protect property and the environment.

### **End State**

See base plan (p. 7). In addition to these criteria, the desired end state of response and recovery operations to an intentional oil/chemical incident occurs when the following conditions are met:

- State and local governments can meet the security needs of citizens.
- The oil/chemical threat is resolved, and attribution efforts are underway.

## **Execution**

### **Intent**

In case of a terrorist threat or attack, the federal government will work to save lives, protect property, resolve threats, and prevent further attacks. The involvement of senior levels of government in operational coordination, information sharing, and well-informed decision making will help ensure an effective response.

The Protection and Prevention mission areas include core capabilities necessary to prevent or stop an imminent or actual act of terrorism and follow-on attacks. This section integrates these two mission areas with those of Response and Recovery

The Attorney General, generally acting through the Director of the FBI, leads and coordinates the operational law enforcement response, on-scene law enforcement, and related investigative and intelligence activities related to terrorist threats and incidents.

### **Threat-Related Information Collection**

Information collected domestically about terrorist threats, including reports of suspicious activity involving suspected federal crimes of terrorism, will be shared comprehensively and immediately with the FBI-led JTTFs so that threats can be investigated and resolved as soon as practical. The JTTFs comprise federal and SLTT law enforcement personnel and are in about 200 cities nationwide. JTTFs investigate threats from weapons of mass destruction (WMDs) and other terrorism threats and also resolve reports of possible terrorism activity from all sources, including those submitted from the public.

When incidents occur as a result of suspected criminal activity or intentional acts of suspected terrorism, the Attorney General (AG) and FBI Director use the FBI Strategic Information and Operations Center (SIOC) and FBI field division Joint Operations Centers (JOCs). (Figure 9 on p. 52 shows the organization of a JOC.) The SIOC and JOCs ensure effective operational coordination and information sharing among federal and SLTT partners. They also enable the

FBI to manage the law enforcement, investigative, and intelligence domestic threat response. In addition, several other structures support coordination and information sharing to monitor terrorist threats. Other national-level coordinating structures include the DHS's National Operations Center (NOC), the National Counterterrorism Center belonging to the Office of the Director of National Intelligence, and the National Military Command Center belonging to the U.S. Department of Defense (DOD). Other field coordinating structures, such as state and major urban area fusion centers and state and local counterterrorism and intelligence units also play critical roles.

## **Operational Coordination**

At the national level, the FBI-led Weapons of Mass Destruction Strategic Group (WMDSG) coordinates operations at the FBI SIOC. The WMDSG is an interagency crisis-action team activated to successfully resolve WMD threats or incidents while simultaneously coordinating its information with the nationwide effort to save lives and protect property. The WMDSG includes a Consequence Management Coordination Unit (CMCU) led by the Federal Emergency Management Agency (FEMA) to ensure information is shared and coordinated among all partners. The WMDSG connects with the FBI JOCs and its WMD desk to support risk-informed decisions and operations.

Within the WMDSG, FEMA staffs and manages the CMCU. The CMCU provides a link between FBI-led operations and FEMA-coordinated consequence management. After FBI notification of a credible terrorist threat or actual incident, FEMA will activate the CMCU. This unit is also supported by federal technical capabilities provided through the National Nuclear Security Administration (NNSA) in the U.S. Department of Energy (DOE), the U.S. Department of Health and Human Services (HHS), DOD, and DHS. As the principal advisory unit for consequence management within the WMDSG, the CMCU recommends courses of action for ongoing and evolving operations.

WMDSG products inform incident response. The WMDSG give classified briefings to federal interagency senior leaders that provide a common operating picture (COP) of ongoing counterterrorism and related operations. This COP fuses real-time intelligence, information about investigations and law enforcement operations, technical information, and information about homeland protection and consequence-management activities. In addition, the WMDSG prepares broadly tailored and sharable WMD threat profiles. These provide intelligence and technical and investigative information from across the United States government. The CMCU disseminates the threat profiles to inform planning and operations, including those directed at public health, safety, and protecting borders and ports of entry.

At the field level, response activities should be coordinated with the FBI on-scene commander, who is managing protection and prevention activities through the JOC. The FBI on-scene commander retains the authority to enforce the law through all phases of the response. However, the FBI on-scene commander fulfills this responsibility concurrently with other activities led by other departments and agencies (D/A).

The location of a suspected or actual intentional oil or chemical incident will be treated as a federal crime scene. Preserving and collecting evidence is critical to determining the identity of culpable parties and obtaining information about additional planned attacks. Those engaged in response and recovery should establish joint priorities with those engaged in protection and

prevention within the JOC to save lives, protect property, resolve threats, and prevent further attacks.

### **Joint Operations Center Operations**

JOCs are command posts from which the FBI manages its law enforcement response, investigation, intelligence collection, and counterterrorism operations. A JOC complies with the National Incident Management System (NIMS). The JOC is led by the FBI on-scene commander and is staffed by federal and SLTT agencies. The JOC coordinates operations and shares information with other regional command and intelligence centers, including state Emergency Operations Centers (EOCs) and fusion centers. The JOC includes the following groups.

- **Command Group:** The multiagency Command Group, led by the FBI on-scene commander, ensures that conflicts are resolved and priorities and objectives are established. Members of the Command Group play an important role in ensuring information sharing and coordinating federal counterterrorism operations with consequence management. The Command Group provides strategic recommendations and advice to resolve the threat and save lives. It also approves the employment of law enforcement investigative and intelligence resources. The Command Group is composed of senior officials with decision-making authority from federal and SLTT agencies and private partners based upon the circumstances of the threat or incident. It is supported by federal and state prosecutors, legal counsel, and media representatives.
- **Operations Group:** This group manages all investigative, intelligence, and operational functions related to the imminent threat. The Operations Group usually consists of the following functions: (1) Intake, (2) Intelligence, and (3) Investigation. The Operations Group is staffed by subject-matter experts and specific operational components, such as tactical, negotiations, hazardous evidence, forensics, surveillance, and technical.
- **Operations Support Group:** This group is staffed by coordinators who provide advice and assistance within their areas of expertise, such as victim and witness coordination, communications, administration and logistics, liaison, and information management.
- **Consequence Management Group:** This group is staffed as needed by representatives from the FEMA region, DOD, SLTT governments, and private-sector partners. These agencies and organizations have expertise in consequence management, emergency management, and related technical matters. The group helps establish joint priorities that inform prevention operations and decision making.

The JOC is also augmented by the Domestic Emergency Support Team (DEST), a specialized, rapidly deployable interagency team that supports the FBI on-scene commander by recommending courses of action for consequence management. The DEST also provides the FBI on-scene commander with expert advice and guidance about crisis and consequence management capabilities during a credible threat of national significance. The DEST staffs a JOC WMD Desk and maintains connectivity with the JOC Consequence Management Group. DEST composition includes a ready roster from FEMA, FBI, DOD, HHS, DOE, U.S. Environmental Protection Agency (EPA), and others as appropriate. Based upon the threat and requirements, the FBI determines the composition of the DEST and maintains operational control throughout its activation. The FEMA Administrator is responsible for policies and planning governing the DEST and, with the FBI Director, approves its deployment.



Fusion centers are state-owned and -operated centers that serve as focal points in states and major urban centers for the receipt, analysis, gathering, and sharing of threat-related information among federal, SLTT, and private-sector partners. More information can be found at <http://www.dhs.gov/fusion-centers>.

### **ESF Integration**

Each Emergency Support Function (ESF) should review the tasks contained in the *Response and Recovery Federal Interagency Operational Plans* (FIOPs) for phases 2a (Immediate Response) and 2b (Community Stabilization) to identify tasks that may be required to support law enforcement in crisis operations. During this type of response, any pre-incident activity, including pre-staging, must be closely coordinated to avoid compromising law enforcement and intelligence operations. See also Appendix 2: Significant Impacts and Response Tasks for an Oil/Chemical Incident (p. 36).

### **Federal Coordinating Structures**

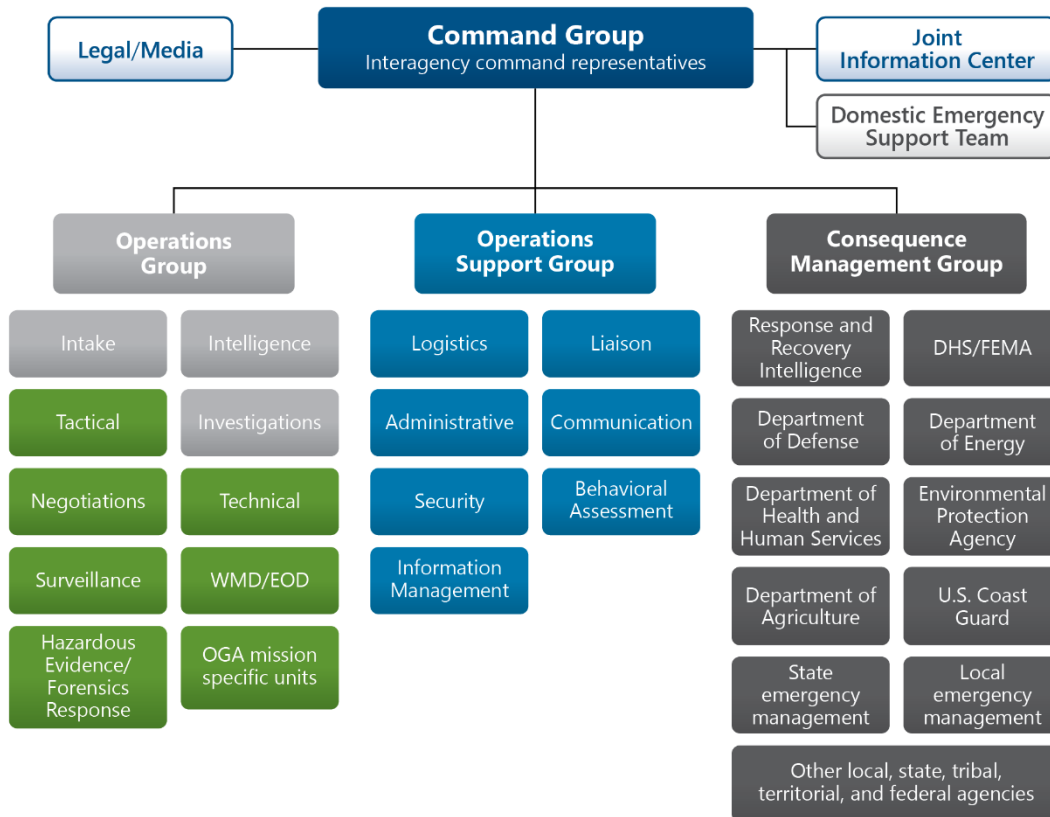
Imminent threat information will be communicated to the response community through coordinating structures identified in the *National Prevention Framework*<sup>34</sup> (such as the JOC shown in Figure 9 on p. 52). In certain rare instances, however, concerns for national security or law enforcement operational security may limit the release of certain information. Therefore, during any response to a threat involving criminal or terrorist activity, it is critical that federal D/A closely coordinate their activities to ensure that federal leadership is well informed for making decisions.

Federal coordinating structures are staffed with interagency partners and members from the community, as appropriate. Key federal coordinating structures used for terrorist threats or attacks include the Office of the Director of National Intelligence's National Counterterrorism Center, the FBI SIOC and JTTFs, DHS (NOC and component operations centers), and the DOD National Joint Operations and Intelligence Center. When appropriate, the FBI will establish a JOC. These coordinating structures are integrated through command groups, strategic groups of subject-matter experts, and/or liaison officers that support informed decision making, resourcing, and the development of a COP.

The Attorney General and FBI Director use the FBI SIOC and FBI field division JOCs (shown in Figure 9) to ensure effective operational coordination; to liaise with partner agencies; to develop strategic communications; and to manage law enforcement, investigations, and intelligence about domestic threats. Pre-staging notification will be formally made through the FBI SIOC at senior levels, as deemed appropriate.

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<sup>34</sup> Available from FEMA, "National Planning Frameworks," July 26, 2020, <https://www.fema.gov/emergency-managers/national-preparedness/frameworks>.



**Figure 9. FBI Joint Operations Center (JOC)**

The FBI also uses its field division JTTFs and the National JTTF (NJTTF) to share threat information. JTTFs and the NJTTF bring to bear the capabilities of law enforcement, homeland security, and the intelligence community to ensure that the whole community is ready to respond to threats when they emerge.

## Appendix 5: International Response to Oil Spills

### Introduction

International coordination and cooperation are critical elements in preparing for and responding to a maritime pollution incident. An oil spill that originates in the territorial waters of the United States can also affect the waters, territory, and natural resources of neighboring nations. Similarly, a spill that occurs in foreign waters may also affect the United States. Cooperation in preparation for and response to environmental disasters of international proportions is in the best interest of all parties. The United States and our international partners have therefore established a network of formal, cooperative mechanisms in the form of bilateral and multilateral agreements and international conventions.

This appendix provides details on existing bilateral contingency plans, regional multilateral arrangements, and international agreements and treaties that would come into effect after an oil spill that affects more than one country. Collaboration and sharing information through international partnerships demonstrate and promote readiness. International collaboration also improves responses to environmental incidents and assists in fostering communication that aids international pollution response.

The planning team used *2018 Spill of National Significance Executive Seminar: After Action Report*<sup>35</sup> and *Spill of National Significance: Executive Reference Guide*<sup>36</sup> to identify international response to oil spills and pollution. The contingency plans, treaties, international conventions, and agreements cited in this appendix guide discussion of each topic.

### Roles of the U.S. Environmental Protection Agency and U.S. Coast Guard in International Oil Spill Response

The United States developed and published the first National Oil and Hazardous Substances Pollution Contingency Plan (NCP) in 1968. The NCP is a plan for the coordinated response to oil spills and releases of hazardous substances. In 1989, Congress responded to the Exxon Valdez oil spill in Prince William Sound, Alaska, with the passage of the Oil Pollution Act of 1990 (OPA). OPA significantly increased requirements for preventing and responding to oil spills and provided a more robust federal authority for responding to oil spills.

Federal law establishes the authority and jurisdiction of the federal on-scene coordinator (FOSC). Following an oil/chemical release the FOSC:

- Provides access to federal resources and technical assistance

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<sup>35</sup> Available from U.S. National Response Team, “Training, Exercises & Lessons Learned,” accessed Sept. 22, 2020, <https://www.nrt.org/Main/Resources.aspx?ResourceType=Lessons%20Learned&ResourceSection=3>.

<sup>36</sup> SONS Communications Coordination Workgroup, *Spill of National Significance: Executive Reference Guide* (March 2019), accessed Sept. 22, 2020, <https://nrt.org/Main/Resources.aspx?ResourceType=Spill%20of%20National%20Significance&ResourceSection=2>.

- Coordinates all federal containment, removal, and disposal efforts and resources during an oil or chemical incident
- Serves as the point of contact for coordination of federal efforts with the local response community
- Coordinates, monitors, or directs response efforts

The U. S. Coast Guard (USCG) predesignates FOSCs in the coastal zone while the U.S. Environmental Protection Agency (EPA) predesignates FOSCs for the inland zone. Following a spill of national significance (SONS), the FOSC (or an EPA senior Agency official [SAO] or Coast Guard National Incident Commander [NIC] ) may request that the Secretary of Homeland Security provide the assistance of other departments and agencies or the implementation of other federal capabilities. The Secretary of Homeland Security may also designate a Federal Resource Coordinator (FRC) to coordinate Emergency Support Functions (ESFs), as necessary, to support the lead officials; however, the EPA or USCG still maintains leadership for the federal NCP response.

Federal law also allows an owner, operator, or other Responsible Party (RP) to participate in the removal actions in accordance with the NCP; however, the FOSC oversees these actions and is ultimately responsible for the response.

## ***International Joint Contingency Planning***

### ***Bilateral Contingency Plans***

#### ***Canada-United States Joint Marine Pollution Contingency Plan***

The United States and Canada have a long history of cooperation in preparing for and responding to releases of oil and hazardous substances under the auspices of the *Canada-United States Joint Marine Pollution Contingency Plan* (CANUS JCP). Under the JCP, the Canadian Coast Guard (CCG) is the lead Canadian agency while the USCG serves as the lead U.S. agency. The USCG and CCG established this coordinated system for planning for, preparing for, and responding to harmful substance incidents in the contiguous waters along shared marine borders. This joint plan, intended to provide non-binding guidance, supplements each country's national response systems and coordinates the interface of these systems for boundary areas. The JCP has five regional annexes that specify response procedures and are the responsibility of the CCG Assistant Commissioners and USCG District Commanders.

The JCP covers all potential sources of marine pollution (ships, offshore platforms, and mystery spills). The JCP enables Canada and the United States to meet their commitments under International Convention on Oil Pollution Preparedness, Response and Co-operation (OPRC), which states that countries should have agreements in place (1) to inform other nations of marine spills that may affect their waters and (2) to seek aid if a spill exceeds one nation's ability to respond.

#### ***Joint Contingency Plans between Mexico and the United States***

*The Joint Contingency Plan between the Secretariat of the Navy of the United Mexican States and the United States Coast Guard Regarding Pollution of the Marine Environment by*

*Discharges of Hydrocarbons or Other Hazardous Substance* (MEXUS Plan), signed in 2017, is the coordinating mechanism that establishes standard operating procedures to coordinate bilateral responses to pollution incidents that occur in, or threaten, coastal waters or areas of the border zones between Mexico and the United States that could affect or threaten the marine environment of both parties. The MEXUS Plan outlines the joint response system and identifies agencies from both Mexico and the United States that will provide varying levels of support in carrying out the objective and purpose of the Plan. The MEXUS Plan from the obligation set forth in Article I of the *Cooperation Agreement between the United Mexican States and the United States of America Regarding Pollution of the Marine Environment by Discharges of Hydrocarbons or Other Hazardous Substances*, signed in 1980, and was written to be consistent with OPRC, to which both the United States and Mexico are parties.

The MEXUS Plan promotes a coordinated system for regional preparedness, planning, and response to a pollution incident that may affect the coastal waters or marine environment of the other country. The MEXUS Plan has two legally non-binding regional annexes, MEXUSGULF and MEXUSPAC, which supplement the national plan. The respective Mexican Navy (SEMAR) Region/Zone Commanders and USCG District Commanders oversee and execute the regional annexes. The regional annexes provide additional guidance on the communication and coordination processes that SEMAR and the USCG must use.

Additionally, the *Mexico-United States Joint Contingency Plan for Preparedness for and Response to Emergencies and Contingencies Associated with Chemical Hazardous Substances in the Inland Border Area* (Inland Border Plan), signed November 17, 2017, provides a mechanism for cooperation between Mexico and the United States to provide response to a chemical hazardous substances contingency or emergency that may present a significant threat for both participants or that affects one of them in such a way that justifies the notification of the other participant or a request for assistance.

#### ***Bilateral Coordination Plan between the United States and Cuba***

In order to enhance bilateral maritime oil spill preparedness in response to Cuba's offshore development potential and to normalize relations between the U.S. and Cuba, the Department of State (DoS) led the drafting of a non-binding *Joint Statement between the United States of America and the Republic of Cuba on Cooperation on Environmental Protection*. Both countries signed the agreement on 23 November 2015. In 2017, the U.S. and Cuba signed the *Cooperation Agreement between the United States of America and the Republic of Cuba on Preparedness for and Response to Pollution Caused by Spills of Hydrocarbons and Other Noxious and Potentially Hazardous Substances in the Gulf of Mexico and the Straits of Florida*. These agreements directed the United States Coast Guard (USCG) and Cuba's Ministry of Transportation and National Civil Defense Headquarters to create a plan for responding to oil and hazardous substance spills that could affect the waters of the other country. The USCG finalized the *Bilateral Coordination Plan between the United States of America and the Republic of Cuba Regarding Marine or Coastal Environmental Pollution Events caused by Spills of Hydrocarbons and other Noxious and Potentially Hazardous Substances (CUBUS Plan)* in March 2019. The DoS and National Security Council approved the final version in June 2019. The USCG Deputy Commandant for Operations signed the CUBUS Plan in December 2019 and Cuban officials signed in March 2020.

The CUBUS Plan, while not legally binding, is intended to be applied in accordance with the national laws of Cuba and the U.S. The purpose of the Plan is to establish a coordinated system and operational guidelines for national preparedness, planning, mitigation, and response to pollution events that may affect the coastal waters/marine environment of Cuba and/or the U.S. The Plan designates national authorities and a Joint Planning Team, consisting of representatives from specified agencies in Cuba and the U.S., and allows for information exchanges, both operational and scientific, during the planning, preparedness, and response phases. The Plan also calls for the coordinating authorities to promote training opportunities and plan exercises on a four-year cycle (seminar, tabletop, functional, and full scale). Finally, the Plan outlines activation, response, operational, and administrative procedures for executing an oil spill response.

#### ***Joint Contingency Plan of the United States and Russia***

The Russian Federation and the United States established a cooperative bilateral agreement on transboundary marine pollution preparedness and response in 1989. (They are also signatories to several multilateral marine pollution agreements.) In November 2011, senior leaders from the USCG and the State Marine Pollution Control, Salvage and Rescue Administration (SMPCSRA) of the Russian Federation renewed the *Joint Contingency Plan of the United States of America and the Russian Federation on Combating Pollution in the Bering and Chukchi Seas* (RUSUS JCP). The Russian Federation's JCP role shifted to the Marine Rescue Service in 2016. RUSUS JCP provides for coordinated and combined responses to pollution incidents in the Bering and Chukchi Seas. It requires joint planning and trans-boundary exercises to be coordinated by a joint planning group as guided by a nonbinding two-year work plan, which provides for planning and preparedness through meetings and exercises, the coordination of joint pollution responses, and operational communications.

#### ***Agreement between the United States and the Panama Canal Authority***

On December 31, 1999, the United States turned over full operation of the Panama Canal to the Government of Panama. Following this turnover, in 2002, a new memorandum of understanding replaced a prior agreement between the National Response Team (NRT) and the Panama Canal Commission for pollution response support. The new memorandum is titled *Agreement between the United States Department of State, the United States Environmental Protection Agency, the United States Coast Guard, and the Autoridad del Canal de Panamá (Panama Canal Authority) Regarding Assistance with Respect to Certain Environmental Pollution Incidents in the Panama Canal Area*.

Recognizing the strategic importance of the Canal to the United States, this agreement facilitates assistance by member agencies of the NRT to the Autoridad del Canal de Panamá (ACP) for incidents involving oil, hazardous substances, or radiological material in the Panama Canal operating area. It does not obligate the NRT to provide assistance. To clarify procedures and processes, the NRT and the ACP developed an incident response guide (IRG). The IRG lists procedures to facilitate timely and appropriate supplemental assistance from U.S. agencies when requested by the ACP in the event of an oil spill, hazardous material release, or radiological incident. An annual exercise tests communications, planning, operations, and ACP funding of support from the NRT.



## **Regional Multilateral Plans**

### ***Arctic***

In May 2013, Canada, Denmark, Finland, Iceland, Norway, the Russian Federation, Sweden, and the United States entered into the *Agreement on Cooperation on Marine Oil Pollution Preparedness and Response in the Arctic* (MOSPA). The objective of MOSPA is to strengthen cooperation, coordination, and mutual assistance among the parties on preparedness for and response to oil pollution in the Arctic in order to protect the marine environment. The Government of Norway serves as the repository for this agreement.

The parties promote cooperation and coordination by endeavoring to carry out joint exercises and training, including alerting or call-out exercises, tabletop exercises, equipment deployment exercises, and other relevant activities. Joint exercises and training are designed to incorporate lessons learned. Where appropriate, the parties include stakeholders in the planning and execution of joint exercises and training. When conducting joint exercises and training, the parties apply the relevant provisions of MOSPA to the extent possible.

### ***Caribbean***

In 2014, the governments of the Bahamas, Jamaica, Cuba, Mexico, and the United States entered into a nonbinding set of procedures entitled *Wider Caribbean Region Multilateral Technical Operating Procedures for Offshore Oil Pollution Response* (MTO). This document complements and amplifies existing conventions and protocols for responding to an oil spill. These procedures are not an international agreement and do not give rise to legal rights or obligations.

MTO provides guidance on response procedures and each participating country's key organizational contacts. The procedures recognize the great value in regional cooperation in prevention, planning, and response. The intent is to build a responder-to-responder network so that participating countries can work effectively together to minimize environmental impacts of a large oil spill. This network and accompanying relationships are vital to the success of a regional response to an incident.

The participating countries recognize the direct tangible benefits in multilateral coordination for oil spill contingencies across the region. To verify these procedures and keep them updated, a multilateral coordination team includes representatives from participating countries. Other features of MTO include a method to notify members of upcoming exercises in which they can participate or observe, a process for notifying the points of contact of all classified actual or potential events, and recognition that coordination of international response should be implemented through coordination of response operations for each of the affected countries.

MTO also addresses various functional procedures including spill monitoring and trajectory, strategic communications, subsea operations, air and vessel coordination operations, chemical dispersant coordination, mechanical recovery, in-situ burning, and response logistics.

### ***Pacific Islands***

The United States, with the DOS's Office of Ocean and Polar Affairs as the Head of Delegation, is party to the Secretariat of the Pacific Regional Environment Programme (SPREP). SPREP is the South Pacific's key intergovernmental organization for environment and sustainable



development and is one of several intergovernmental agencies comprising the Council of Regional Organizations in the Pacific (CROP). SPREP comprises 14 independent and semi-independent Pacific island countries, 7 Pacific island territories, who are collectively referred to as the Pacific Island countries and territories (PICTs), and 5 Metropolitan Members. The five Metropolitan Members are the United States, Australia, New Zealand, the United Kingdom, and France. SPREP’s purposes are to promote cooperation in the South Pacific region, to protect and improve the environment, and to ensure sustainable development for present and future generations.

Through SPREP, the United States is also party to the *Pacific Islands Regional Marine Spill Contingency Plan (PACPLAN)*. PACPLAN provides the framework for cooperative regional responses to major marine spills in the Pacific Islands region. PACPLAN covers the response to spills in the marine environment of all forms of pollutants from a vessel or marine port facility and categorizes spills as tier 1, tier 2, and tier 3. Tier 1 is defined as a spill that is within the response capability of the polluter and the local response capabilities. Tier 2 is defined as a spill that is within the response capability of the SPREP PICT where the spill occurs. Tier 3 is defined as a spill that is beyond the response capability of the SPREP PICT where the spill occurs and/or a spill that affects, or threatens to affect, two or more SPREP PICTs.

PACPLAN assumes all spills will be managed according to each PICT’s relevant national plan and that tier 3 spills will then be supported by PACPLAN. Therefore, PACPLAN focuses solely on tier 3 spills. PACPLAN also assigns primary and secondary Metropolitan Members as sources of assistance to SPREP PICTs. For the United States, see Table 6.

**Table 6. Pacific Islands to Which the United States Provides Assistance**

Primary Source of Assistance	Secondary Source of Assistance
American Samoa	French Polynesia
Federated States of Micronesia (FSM)	Kiribati
Guam	Tokelau
Marshall Islands	Tuvalu
Northern Mariana Islands	Samoa
Palau	

## **Marine International Oil Pollution Agreements and Treaties**

### **Marine Treaty on Oil Pollution**

The International Maritime Organization (IMO) adopted the International Convention for the Prevention of Pollution by Ships in 1973 and modified it by protocol in 1978. The convention is widely known as MARPOL 73/78. Its objective is to limit ship-borne pollution by restricting operational pollution and reducing the possibility of accidental pollution. MARPOL specifies standards for stowing, handling, shipping, and transferring pollutant cargoes, as well as standards for discharge of ship-generated operational wastes. Acceptance of the convention by a national government obliges it to make the requirements part of domestic law. As of January 2018, 156 states have signed the treaty, representing 99.42% of the world's shipping tonnage.

MARPOL 73/78 consists of six separate annexes, each setting out regulations covering the various sources of ship-generated pollution. Annexes I and II are mandatory for all signatory nations to MARPOL while Annexes III, IV, V and VI are optional.

Currently, the United States is signatory to Annexes I, II, III, V and VI. Annexes I, II, V and VI have been incorporated into U.S. law by the Act to Prevent Pollution from Ships (APPS) (33 United States Code [U.S.C.] § 1901) and implemented in 33 Code of Federal Regulations [C.F.R.] § 151. The United States incorporates Annex III by the Hazardous Materials Transportation Act (HMTA) (46 U.S.C. § 2101 and 49 C.F.R. §§ 171–74 and 176). Although the United States has not ratified Annex IV, the United States has equivalent regulations for the treatment and discharge standards of shipboard sewage: the Federal Water Pollution Control Act (FWPCA) as amended by the Clean Water Act (33 U.S.C. § 1251 and 33 C.F.R. § 159).

### **Law of the Sea Convention**

The United Nations Convention on the Law of the Sea, also called the Law of the Sea Convention (LOSC), establishes a comprehensive legal framework that governs the uses of the world's oceans and largely reflects customary international law. The LOSC defines the rights and responsibilities of nations in their use of the world's oceans and establishes guidelines for business, the environment, and management of natural marine resources. The LOSC came into force in 1994. Currently, 167 countries and the European Union are party to the LOSC.

Part XII of LOSC contains special provisions for the protection of the marine environment, obligates all nations to collaborate in this matter, and places special obligations on flag states (jurisdictions under which commercial ships are licensed or registered) to ensure that ships under their flags adhere to international environmental regulations, often those adopted by the IMO. MARPOL is an example of such regulation. Part XII also confers broadened jurisdictional rights on coastal and port nations to enforce international environmental regulations within their territories and on the high seas. Individual provisions under Part XII of the LOSC include:

- Nations are obliged to protect and preserve the marine environment.
- Nations are obliged to take all measures needed to prevent, control, and reduce pollution of the marine environment.
- Nations are encouraged to cooperate globally to protect and preserve the marine environment.
- Nations are obliged to jointly develop and promote contingency plans for responding to pollution incidents in the marine environment.

Although the United States helped shape the LOSC and its subsequent revisions, it has not signed the convention in part due to objections related to Part XI relating to minerals on the seabed outside any state's territorial waters. The United States has formally expressed agreement with the remaining provisions of the convention.

### **International Convention on Oil Pollution Preparedness, Response, and Cooperation**

The International Convention on Oil Pollution Preparedness, Response and Cooperation (OPRC) of 1990 is the international framework establishing measures for dealing with marine oil pollution incidents nationally and in cooperation with other countries. OPRC requires that countries plan and prepare for these incidents by developing national response systems with adequate capacity and resources to address oil pollution emergencies.

As of November 2018, 112 nations are parties to the convention. OPRC was drafted within the framework of the IMO, was adopted in 1990, and entered into force in 1995.

The Protocol on Preparedness, Response and Cooperation to Pollution Incidents by Hazardous and Noxious Substances (OPRC-HNS Protocol) of 2000 extends this regulatory framework to address incidents involving hazardous and noxious substances. The protocol defines a hazardous or noxious substance (HNS) as any substance (other than oil) that, if introduced into the marine environment, is likely to create hazards to human health, to harm living resources and marine life, to damage amenities, or to interfere with other legitimate uses of the sea.

OPRC applies to:

- Vessels of any type operating in the marine environment including hydrofoil boats, air-cushion vehicles, submersibles, and floating craft of any type
- Fixed or floating offshore installations or structures engaged in gas or oil exploration, exploitation or production activities, or loading or unloading of oil
- Sea ports and oil handling facilities (those facilities that present a risk of an oil pollution incident, including seaports, oil terminals, pipelines and other oil handling facilities)

OPRC does not apply to warships, naval auxiliary, or other ships owned or operated by one of the parties and used only for government non-commercial service. However, parties ensure, by the adoption of appropriate measures, that such ships act in a manner consistent with the convention.

Nations that are parties to OPRC and OPRC-HNS Protocol must designate a national authority for preparedness and response, a national operational point of contact, and an authority who can request and give assistance. They must have a national contingency plan. They must maintain minimum levels of response equipment, communications plans, and training and exercises.

Ships are required to carry shipboard oil emergency plans. Operators of offshore units are also required to have oil pollution emergency plans or similar arrangements, which must be coordinated with national systems for responding promptly and effectively to oil pollution incidents.

Ships must report incidents to coastal authorities, and OPRC details the actions to be taken. The convention calls for stockpiles of equipment for combating oil spills, exercises, and detailed plans for dealing with pollution incidents. Parties must aid others in a pollution emergency, and provision is made for the reimbursement of any assistance provided.

## Appendix 6: Community Lifelines as Applied to Oil/Chemical Incidents

### Introduction

Community lifelines enable the continuous operation of critical government and business functions and are essential to human health and safety or economic security. Lifelines are the most fundamental services in the community that, when stabilized, enable all other aspects of society to function. Lifelines are the integrated network of assets, services, and capabilities that are used day to day to support the recurring needs of the community. When a lifeline is disrupted, decisive intervention (such as rapid service reestablishment or employment of contingency response solutions) is required to stabilize the situation. For an oil/chemical incident, the lifeline concept may be applied to prioritize the delivery of critical services that alleviate immediate threats to life and property.

Lifelines help to frame the way disaster impacts are identified, assessed, and addressed. Figure 10 illustrates the seven lifelines.



**Figure 10. Community Lifelines**

### Lifeline Stabilization and Condition Determination

When an oil/chemical incident disrupts lifeline services to the point that survivors and property are severely affected, stabilizing the lifelines becomes the highest priority. Lifelines provide a common focus for responders to use in assessing disruption to critical lifesaving and life-sustaining services. These services are assessed at each level of government.

#### Lifeline Stabilization

Assessing the status of lifelines enables decision makers to:

- Determine severity of impact on critical infrastructure
- Identify limiting factors and gaps to address those impacts
- Quickly prioritize solutions to alleviate threats to life and property
- Provide stabilization to survivors by rapidly reestablishing critical services

Stabilization may occur through the employment of a temporary solution in order to restore a lifeline until a permanent solution can be established. When a lifeline has been restored, follow-on events may lead to lifeline degradation. Therefore, lifelines must be continually resourced, and their condition monitored. For the hazardous materials lifeline, an example of a stabilization target could be the identification and securing of all affected areas from an oil/chemical incident as shown in Table 7.

**Table 7. Lifeline Stabilization**

Item	Examples for Hazardous Materials
<b>Planning factors</b>	<ul style="list-style-type: none"> <li>▪ Number of facilities damaged</li> <li>▪ Number of derelict vessels</li> </ul>
<b>Stabilization targets</b>	<ul style="list-style-type: none"> <li>▪ All affected areas are identified and secured</li> </ul>
<b>Related federal assistance</b>	<ul style="list-style-type: none"> <li>▪ Debris management</li> <li>▪ Environmental cleanup</li> </ul>

### Determining Lifeline Status

Once situational awareness is attained, leadership determines the status of the lifelines within the affected area. The status indicates the level of degradation of lifeline services and provides a snapshot for an operational period. Lifeline statuses should be determined collaboratively and continually as circumstances evolve over the course of a disaster. The Federal Emergency Management Agency’s (FEMA’s) reporting products use four colors (grey, red, yellow, and green) for operational reporting on lifelines as given in Table 8.

**Table 8. Lifeline Status Color Codes**

Status	Description
<b>Unknown: Grey</b>	Disruption and impacts to lifeline services are unknown
<b>Unstable: Red</b>	Lifeline services disrupted, with no solution identified or in progress
<b>Stabilizing: Yellow</b>	Lifeline services disrupted but solution in progress with estimated time to stabilization identified
<b>Stable: Green</b>	Lifeline services stabilized, reestablished, or not affected
<b>Administrative: Blue</b>	Administrative purposes only such as presentations and briefings

### **Hazardous Materials Lifeline and Oil/Chemical Incidents**

The Hazardous Materials lifeline includes facilities, hazardous materials, pollutants, and contaminants and incidents involving them. An oil spill or chemical release may disrupt multiple lifelines. For example, if an oil spill disrupts shipping, then response must stabilize both the Hazardous Materials lifeline and the Transportation lifeline. If a chemical release causes more people to seek medical care than local hospitals can handle, then response must stabilize both the Hazardous Materials lifeline and the Health and Medical lifeline.

The Hazardous Materials (HAZMAT) lifeline has two components: Facilities (infrastructure) and HAZMAT, Pollutants, Contaminants. Figure 11 shows the components and subcomponents.



**Figure 11. Hazardous Materials Lifeline Components & Subcomponents**

For the situation to be fully stabilized after an oil/chemical incident, all lifelines must be stable, including Hazardous Materials. Stabilization targets are developed for all components and subcomponents of every lifeline early in the response process—typically immediately following completion of component assessment. Initial stabilization targets should be revisited and refined periodically throughout the response. Stabilization targets drive key leadership decisions and prioritization of response resources and actions, including the development of strategies, operational priorities, and objectives. Examples of generic stabilization targets for the Hazardous Materials lifeline after an oil/chemical incident under include the following:

- All contaminated areas are identified and secured.
- Affected populations are evacuated or sheltered in place based on guidance and modeling.
- Decontamination of affected area has been completed.

### **Oil/Chemical Recovery Outcomes**

When stabilization of community lifelines is achieved, the focus of the mission shifts to achieving recovery outcomes. The outcome-driven recovery model is an approach that emphasizes long-term, resilient solutions across all lifelines and other aspects of a community and would be used following an oil/chemical incident. To the greatest extent possible, recovery operations will use reporting templates similar to those used during response but modified to reflect recovery outcomes by Recovery Support Function (RSF) rather than stabilization targets by lifeline.

Table 9 provides an example of recovery outcomes by RSF. These are the national-level outcomes as approved by Recovery Support Function Leadership Group (RSFLG) undersecretaries. State, local, tribal, and territorial (SLTT) leaders can use these as a reference point for tailoring their own recovery outcomes in circumstances such as an oil/chemical incident.

**Table 9. Recovery Outcomes by Recovery Support Function**

Recovery Support Function	Recovery Outcome
Community Planning and Capacity Building	Resilient recovery of SLTT communities
Economic	Sustainable, diversified, and resilient economy

***Oil and Chemical Incident Annex to the Response and Recovery Federal Interagency Operational Plans  
Appendix 6: Community Lifelines as Applied to Oil/Chemical Incidents***

<b>Recovery Support Function</b>	<b>Recovery Outcome</b>
Health and Social Services	Sustainable and resilient health, education, and social services systems
Housing	Adequate, resilient, and affordable housing
Infrastructure Systems	Restored, modernized, hardened and resilient systems
Natural and Cultural Resources	Restored, preserved, risk-resistant and resilient systems



## Appendix 7: Roles and Responsibilities for Responding to Oil/Chemical Incidents

This appendix includes four tables describing roles and responsibilities in the response to and recovery from an oil/chemical incident. Table 10 covers federal agencies. Table 11 (p. 73) covers individual federal officials. Table 12 (p. 74) covers Emergency Support Functions (ESFs). Table 13 (p. 77) covers nongovernmental organizations (NGOs). The tables are not exhaustive and merely represent the most prominent stakeholders and leaders; additional partners may be called upon for support depending on the situation.

**Table 10. Federal Agencies**

Agency	Roles and Responsibilities in Oil/Chemical Incident
<p><b>Department of Homeland Security (DHS)</b></p>	<p>The Secretary of Homeland Security is the principal federal official for domestic incident management and is responsible for coordinating federal operations within the United States to prepare for, respond to, and recover from terrorist attacks, major disasters, and other emergencies.</p> <ul style="list-style-type: none"> <li>▪ The <b>Cybersecurity and Infrastructure Security Agency (CISA)</b> is the Nation’s risk advisor, working with partners to defend against today’s threats and collaborating to build more secure and resilient infrastructure for the future. <ul style="list-style-type: none"> <li>• CISA works closely with public, private sector, and international partners, offering technical assistance, information security and education to protect our Nation’s critical infrastructure from a broad range of current cyber, communication, and physical threats.</li> <li>• A regional approach, in alignment with FEMA regions, is used to mitigate risk, enable a comprehensive response to critical infrastructure incidents, and deliver maximum value to our partners.</li> <li>• CISA Central is CISA’s hub for staying on top of threats and emerging risks to our Nation’s critical infrastructure, coordinating situational awareness and response to national cyber, communications, and physical incidents.</li> <li>• Contact: <a href="mailto:Central@CISA.gov">Central@CISA.gov</a></li> </ul> </li> </ul>

Agency	Roles and Responsibilities in Oil/Chemical Incident
<p><b>Federal Emergency Management Agency (FEMA)</b></p>	<p>The FEMA Administrator serves as the principal advisor to the President, the Secretary of Homeland Security, and the Homeland Security Council regarding emergency management. FEMA:</p> <ul style="list-style-type: none"> <li>▪ Is the coordinator for ESF #4—Firefighting; ESF #5—Information and Planning; ESF #6—Mass Care, Emergency Assistance, Temporary Housing, and Human Services; and ESF #9—Search and Rescue</li> <li>▪ Obtains the latest information on the status of the oil/chemical incident from U.S. Environmental Protection Agency (EPA) or U.S. Coast Guard (USCG) and disseminates risk assessments to all authorized government agencies</li> <li>▪ Deploys and provides resources as appropriate to collect data for information analysis and situational awareness to support operational decisions during an oil/chemical incident</li> <li>▪ Acquires material and resources to support local, state, tribal, and territorial (SLTT) response and recovery operations through existing contracts. Activates contracts that provide personnel, equipment, and supplies to support life-sustaining services (such as shelter, hydration, meals, food, emergency supplies, reunification services, durable medical equipment) required after an oil/chemical incident</li> <li>▪ Coordinates overall staffing of federal emergency management activities at multiagency coordination centers, including which ESFs and Recovery Support Functions (RSFs) are activated, the size and composition of the organizational structure, the level of staffing at multiagency coordination centers, and identification of required key positions</li> <li>▪ Develops and promulgates continuity guidance across the whole community to increase the resiliency of the nation for all threats and hazards</li> </ul> <p>FEMA can provide a Chemical Operations Support Specialist (COSS) to assist with response to a chemical incident. For more information, see the description of the COSS available from FEMA, “Chemical, Biological, Radiological and Nuclear (CBRN) Office” (October 23, 2020), <a href="https://www.fema.gov/about/offices/chemical-biological-radiological-and-nuclear">https://www.fema.gov/about/offices/chemical-biological-radiological-and-nuclear</a>.</p>

Agency	Roles and Responsibilities in Oil/Chemical Incident
<p><b>Environmental Protection Agency (EPA)</b></p>	<p>EPA is the lead federal agency (LFA) for all activities following an inland oil spill or release of hazardous material or a chemical. EPA:</p> <ul style="list-style-type: none"> <li>▪ Is the coordinator for ESF #10—Oil and Hazardous Materials Response—and primary agency for ESF #10 in the inland zone</li> <li>▪ Provides the federal on-scene coordinator (FOOSC) for inland releases</li> <li>▪ Determines whether a discharge constitutes a spill of national significance (SONS) in the inland zone</li> <li>▪ Maintains authority under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) and the Oil Pollution Act of 1990 (OPA) to gather information, collect samples, and contain and mitigate the threat</li> <li>▪ Maintains final decision-making authority over the environmental response effort</li> <li>▪ Conducts coordination calls and participates in situational reporting with oil or chemical industry representatives and state, local, tribal, and territorial (SLTT) officials</li> <li>▪ Determines the need for and extent of the federal response under the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) to an oil/chemical incident, including the need for resources from the National Response Team (NRT) and Regional Response Team (RRT)</li> <li>▪ Addresses the cleanup of any releases of oil and hazardous materials under an ESF #10 mission assignment or under the NCP</li> <li>▪ Leads federal decontamination efforts for contamination by oil or hazardous materials or chemical substances</li> <li>▪ Coordinates its Criminal Investigation Division (CID) with Federal Bureau of Investigation (FBI) for response</li> </ul> <p>EPA has available the following specialized services to assist with response to an oil/chemical incident:</p> <ul style="list-style-type: none"> <li>▪ EPA Environmental Response Team</li> <li>▪ EPA Chemical, Biological, Radiological, and Nuclear Consequence Management Advisory Team</li> <li>▪ EPA National Criminal Enforcement Response Team</li> </ul>

Agency	Roles and Responsibilities in Oil/Chemical Incident
<p><b>US Coast Guard (USCG)</b></p>	<p>USCG is the LFA for all activities in coastal and international waters following an oil spill or release of hazardous material or a chemical.</p> <p>USCG:</p> <ul style="list-style-type: none"> <li>▪ Is the primary agency for ESF #10—Oil and Hazardous Materials Response—in the coastal zone and international waters</li> <li>▪ Provides the FOSC for releases in coastal and international waters</li> <li>▪ Determines whether a discharge constitutes a SONS for the coastal zone and international waters</li> <li>▪ Maintains authority under CERCLA and OPA to gather information, collect samples, and contain and mitigate the threat</li> <li>▪ Conducts coordination calls and participates in situational reporting with oil industry representatives and SLTT officials</li> <li>▪ Determines the need for and extent of the federal NCP response to an oil/chemical incident, including the need for resources from NRT/RRT</li> <li>▪ Maintains final decision-making authority over the environmental response effort</li> <li>▪ Coordinates its Investigative Services (IS) with FBI for response</li> </ul> <p>USCG has available the following specialized services to assist with response to an oil/chemical incident:</p> <ul style="list-style-type: none"> <li>▪ USCG National Strike Force</li> <li>▪ USCG District Response Groups</li> <li>▪ USCG National Pollution Funds Center</li> </ul>
<p><b>Department of Justice (DOJ)/Federal Bureau of Investigation (FBI)</b></p>	<p>DOJ provides expert advice on legal questions arising during an oil/chemical incident. DOJ also represents the federal government in litigation relating to hazardous substance, oil, and chemical releases. The FBI is the LFA for any necessary federal law enforcement investigation related to oil/chemical incidents. FBI:</p> <ul style="list-style-type: none"> <li>▪ Is the coordinator for ESF #13—Public Safety and Security</li> <li>▪ Leads and coordinates the federal law enforcement response, on-scene law enforcement, and related investigative and intelligence activities related to terrorist threats and federal crimes</li> <li>▪ Employs Hazardous Evidence Response Teams trained, equipped, and authorized to collect chemical and other environmental evidence in hazardous environments. Provides expertise in crisis management, surveillance, mitigation of hazardous devices, behavioral analysis, strategic information dissemination, and tactical operations</li> </ul>

Agency	Roles and Responsibilities in Oil/Chemical Incident
<p><b>Department of Health &amp; Human Services (HHS)</b></p>	<p>HHS provides federal assets and capabilities to support time-sensitive, lifesaving, and life-sustaining public health and medical infrastructure to supplement SLTT response and recovery capabilities. HHS:</p> <ul style="list-style-type: none"> <li>▪ Is the coordinator for ESF #8—Public Health and Medical Services</li> <li>▪ National Institute for Occupational Safety and Health (NIOSH) within HHS’s Centers for Disease Control and Prevention (CDC) assesses occupational exposure and assists with mitigation.</li> <li>▪ Agency for Toxic Substances and Disease Registry (ATSDR) maintains a surveillance system to evaluate human health exposures to hazardous substances in emergencies.</li> <li>▪ CDC, National Institute of Environmental Health Sciences (NIEHS), and ATSDR also advise the FOSC on human health threats and the prevention or mitigation of exposure to hazardous substances.</li> <li>▪ Food and Drug Administration (FDA) administers mandatory safety programs for fish and fishery products and maintains and updates tolerance limits for suggested seafood consumption rates.</li> <li>▪ Responds to medical needs associated with mental health, behavioral health, and substance abuse of incident victims and response workers</li> <li>▪ NIEHS within HHS’s National Institutes of Health (NIH) provides worker health and safety training.</li> </ul>

Agency	Roles and Responsibilities in Oil/Chemical Incident
<p><b>Department of Transportation (DOT)</b></p>	<p>DOT through the Pipeline and Hazardous Materials Safety Administration (PHMSA) is responsible for regulating and ensuring the safe and secure movement of hazardous materials to industry and consumers by all modes of transportation, including pipelines.</p> <p>PHMSA:</p> <ul style="list-style-type: none"> <li>▪ Develops regulations and standards for classifying, handling, and packaging shipments of hazardous materials within the United States</li> <li>▪ Assigns responsibility to the shipper for complying with the proper packaging and transport of hazardous materials</li> <li>▪ Determines if a special permit is required for commercial transportation of oil, hazardous waste, or hazardous material within an area of major disaster or emergency</li> <li>▪ Publishes the DOT Emergency Response Guidebook</li> </ul> <p>Additional DOT capabilities include:</p> <ul style="list-style-type: none"> <li>▪ DOT is the coordinator for ESF #1—Transportation.</li> <li>▪ Federal Railroad Administration (FRA) has primary jurisdiction over railroad safety, including track, grade crossings, rail equipment, operating practices, and movement of hazardous materials, oil, and chemicals.</li> <li>▪ Maritime Administration (MARAD) serves the U.S. merchant marine and promotes the use of waterborne transportation and its integration with other segments of the transportation system. It works in many areas involving ships and shipping, shipbuilding, port operations, vessel operations, national security, environment, and safety.</li> </ul>
<p><b>Department of State (DOS)</b></p>	<p>DOS coordinates international response and notification when discharges or releases may affect international interests or extend beyond U.S. jurisdiction. DOS also coordinates requests for response assistance from foreign governments. DOS:</p> <ul style="list-style-type: none"> <li>▪ Acts as the formal diplomatic mechanism for all communication and coordination between the United States government and other nations in the response to a domestic crisis</li> <li>▪ Documents all offers of international assistance following a Stafford Act declaration and serves as the official medium of communication between the U.S. government and countries or international organizations making offers of assistance, officially notifying donor nations or organizations of U.S. government decisions. (See FEMA, <i>International Assistance System Concept of Operations</i> [2015], available from <a href="https://www.fema.gov/about/offices/policy-program/international-affairs/programs-activities">https://www.fema.gov/about/offices/policy-program/international-affairs/programs-activities</a>.)</li> <li>▪ Assists private industry by expediting specifically requested equipment, goods, or trained personnel to enter the United States</li> </ul>

<b>Agency</b>	<b>Roles and Responsibilities in Oil/Chemical Incident</b>
<b>Department of Energy (DOE)</b>	<p>DOE is the primary federal agency responsible for collaborating with the energy sector on emergency response. DOE:</p> <ul style="list-style-type: none"> <li>▪ Is the coordinator for ESF #12—Energy</li> <li>▪ Addresses disruptions in energy supplies whether caused by physical disruption of transmission and distribution systems, unexpected operational failure, or acts of terrorism or sabotage</li> <li>▪ Serves as a federal point of contact with the energy industry for sharing information and requests for assistance from private and public owners and operators</li> <li>▪ National Nuclear Security Administration responds to any type of nuclear/radiological accident or incident domestically or internationally. Capabilities include monitoring and assessment.</li> <li>▪ Coordinates with SLTT public utility commissions and energy offices</li> </ul>
<b>Department of Defense (DOD)</b>	<p>DOD assists with federal actions related to oil/chemical incidents in support of domestic infrastructure. The mission of the U.S. Army Corps of Engineers (USACE) is to deliver vital public and military engineering services. USACE:</p> <ul style="list-style-type: none"> <li>▪ Is the coordinator for ESF #3—Public Works and Engineering</li> <li>▪ Provides expertise in environmental containment, collection, and mitigation</li> <li>▪ Plans, designs, builds, and operates civil engineering projects including flood control, beach nourishment, and dredging for waterway navigation</li> <li>▪ Administers environmental regulation and undertakes ecosystem restoration</li> </ul> <p>Other DOD capabilities include:</p> <ul style="list-style-type: none"> <li>▪ U.S. Navy Supervisor of Salvage &amp; Diving</li> <li>▪ Chemical, Biological, Radiological, and Nuclear (CBRN) Response Enterprise</li> <li>▪ Providing elements of both the active and reserve components (including the National Guard)</li> </ul>
<b>Department of Agriculture (USDA)</b>	<p>USDA, through its Forest Service and Agricultural Research Service, provides personnel, laboratories, and field capabilities to evaluate, monitor, and control situations where natural resources, including soil, water, wildlife, and vegetation, have been affected by hazardous substances.</p> <ul style="list-style-type: none"> <li>▪ USDA is the coordinator for ESF #11—Agriculture and Natural Resources.</li> <li>▪ Forest Service is the coordinator for ESF #4—Firefighting.</li> <li>▪ Forest Service may offer additional equipment.</li> </ul> <p>USDA, through its Animal and Plant Health Inspection Service (APHIS) and Food Safety and Inspection Service (FSIS) provides personnel, laboratories, and field capabilities to ensure the health and care of animals and plants, and ensures the safety of the nation's meat, poultry and egg products.</p> <ul style="list-style-type: none"> <li>▪</li> </ul>



Agency	Roles and Responsibilities in Oil/Chemical Incident
<p><b>Department of Commerce, National Oceanic and Atmospheric Administration (NOAA)</b></p>	<p>NOAA’s National Ocean Service (NOS) provides a broad range of scientific, technical, and policy experts and modeling applications to support the response to an incident. NOS:</p> <ul style="list-style-type: none"> <li>▪ Provides the General NOAA Operational Modeling Environment (GNOME), a software modeling tool used to predict how oil and other pollutants might move and spread on the water</li> <li>▪ Provides the Environmental Response Management Application (ERMA), an online mapping tool integrating static and real-time data for use by environmental responders and decision-makers</li> <li>▪ NOAA scientific support coordinators (SSCs) provide scientific information and expertise to mitigate the impacts of releases of oil and hazardous substance on natural resources in coastal and navigable waters. NOAA SSCs provide expertise in areas including environmental chemistry, contaminant transport in air and water, weather forecasts, oceanographic conditions, marine fisheries, marine mammals, hydrographic surveys, geodetic positioning, satellite imagery, and high-resolution digital aerial photography.</li> </ul> <p>National Marine Fisheries Service (NMFS) is responsible for protecting, restoring, and managing species listed under the Endangered Species Act and Marine Mammal Protection Act. NMFS may also provide the FOSC with advice, tools, or scientific information regarding the listed species and designated critical habitat.</p>
<p><b>Department of the Interior (DOI)</b></p>	<p>Based on its extensive land and resource management responsibilities, DOI provides scientific expertise to FOSCs to help protect sensitive natural, recreational, and cultural resources and areas.</p> <ul style="list-style-type: none"> <li>▪ U.S. Fish and Wildlife Service (USFWS) provides technical expertise to the FOSC to minimize harm to threatened and endangered species, migratory birds, certain marine mammals, freshwater fish, and their supporting habitat.</li> <li>▪ The Bureau of Safety and Environmental Enforcement (BSEE) oversees oil spill preparedness for offshore U.S. facilities that handle, store, or transport oil. During a spill, BSEE provides the FOSC with subject-matter expertise and source control support on regulated offshore facilities.</li> <li>▪ The Bureau of Ocean Energy Management (BOEM) manages the development of the nation’s offshore conventional and renewable energy and marine mineral resources. BOEM oversees oil and gas assessments, inventories reserves, and conducts environmental reviews for planning energy development. BOEM can provide the FOSC with additional related information.</li> </ul>

<b>Agency</b>	<b>Roles and Responsibilities in Oil/Chemical Incident</b>
<b>Department of Labor (DOL)</b>	<p>During response to oil/chemical incidents, DOL's Occupational Safety and Health Administration (OSHA):</p> <ul style="list-style-type: none"> <li>▪ Ensures that response workers are protected and determines if response sites comply with safety and health standards</li> <li>▪ Provides consultation and enforcement to ensure adequate training, controls, and personal protective equipment for responder protection</li> </ul>
<b>General Services Administration (GSA)</b>	<ul style="list-style-type: none"> <li>▪ Is the coordinator, with FEMA, for ESF #7—Logistics</li> <li>▪ Leases facilities, obtains transportation services (air, sea, land), and enables agencies to secure lodging for responders through its Emergency Lodging Services program</li> <li>▪ Supports acquisition of emergency lodging, commodities and supplies, telecommunications services, and other needs as identified</li> </ul>
<b>Nuclear Regulatory Commission (NRC)</b>	<p>NRC regulates civilian nuclear facilities and nuclear materials.</p> <ul style="list-style-type: none"> <li>▪ Is the lead federal agency during radiological events involving its licensees and provides expertise during other radiological incidents</li> </ul>

**Table 11. Federal Response Officials**

<b>Title</b>	<b>Roles and Responsibilities in Oil/Chemical Incident</b>
<b>Federal On-Scene Coordinator (FOSC)</b>	<p>In accordance with the NCP, the FOSC directs response efforts and coordinates all efforts at the scene of an oil discharge or a hazardous substance release. The FOSC:</p> <ul style="list-style-type: none"> <li>▪ Is responsible for the overall management of the incident</li> <li>▪ Classifies the size of a spill or release and determines if it is coastal or inland</li> <li>▪ Serves as the Unified Area Commander</li> <li>▪ Directs all federal, state, local, tribal, and private actions to remove a discharge if it poses a substantial threat to public health and welfare</li> <li>▪ Has access to the Oil Spill Liability Trust Fund (OSLTF) for oil spills and the Superfund for hazardous substances to fund the activities of federal agencies and, in the absence of a Responsible Party (RP), to fund all removal actions</li> </ul>
<b>Federal Coordinating Officer (FCO)</b>	<p>During a Stafford Act emergency or disaster, FEMA appoints an FCO to coordinate the overall federal response.</p>
<b>Federal Resource Coordinator (FRC)</b>	<p>Upon request of the EPA or USCG FOSC, during non-Stafford Act incidents, the Secretary of Homeland Security designates an FRC. This position:</p> <ul style="list-style-type: none"> <li>▪ Provides support to the FOSC</li> <li>▪ Coordinates assistance of other federal departments and agencies or other federal capabilities in support of the FOSC</li> </ul>
<b>Federal Disaster Recovery Coordinator (FDRC)</b>	<p>The FDRC may be designated by the LFA or by the White House. The FDRC:</p> <ul style="list-style-type: none"> <li>▪ Coordinates federal recovery support through the six RSFs</li> </ul>

Title	Roles and Responsibilities in Oil/Chemical Incident
<b>National Incident Commander (NIC) (USCG) or Senior Agency Official (SAO) (EPA)</b>	<p>The NIC (from USCG) or SAO (from EPA) coordinates national resources and strategic policy with the White House and DHS leadership to support the FOSC during a SONS. The NIC or SAO:</p> <ul style="list-style-type: none"> <li>▪ Tracks overall incident spending and requests increases in the spending limits for each SONS</li> <li>▪ Assists the FOSC in communicating with affected parties and the public, and in coordinating federal, state, local, tribal, and international resources at the national level</li> </ul>
<b>National Response Team (NRT)</b>	<p>The NRT is activated to address interagency policy issues at the national level under any of the following conditions:</p> <ul style="list-style-type: none"> <li>▪ When a release exceeds the response capability of the region in which it occurs</li> <li>▪ The release crosses regional boundaries and/or involves a substantial threat to the public health or welfare of the United States or the environment, substantial amounts of property, or substantial threats to natural resources (such as a SONS). The role of the incident-specific team is determined by the operational requirements of the response to a specific discharge or release.</li> </ul>
<b>Regional Response Teams (RRTs)</b>	<p>Each RRT includes representatives from the same federal agencies as the NRT and SLTT representatives. An RRT:</p> <ul style="list-style-type: none"> <li>▪ Carries out regional planning and coordinates support for the oil/chemical response</li> <li>▪ Supports the FOSC in the unified area command and may also support the unified commands within its region</li> <li>▪ Provides guidance and assistance requested by the FOSC during an incident</li> <li>▪ Assists SLTT governments in preparing, planning, and training for emergency response</li> </ul>

**Table 12. Emergency Support Functions (ESFs)**

ESF	Roles and Responsibilities in Oil/Chemical Incident
<b>ESF #1— Transportation (Coordinated by Department of Transportation)</b>	<p>Assists in the management of transportation systems and infrastructure during domestic threats or in response to actual or potential incidents. Oil/chemical-related functions include:</p> <ul style="list-style-type: none"> <li>▪ Managing and controlling transportation modes</li> <li>▪ Ensuring transportation safety</li> <li>▪ Stabilizing and reestablishing transportation infrastructure</li> <li>▪ Restricting movement</li> <li>▪ Assessing damages and impacts</li> </ul>

<b>ESF</b>	<b>Roles and Responsibilities in Oil/Chemical Incident</b>
<b>ESF #2— Communications (Coordinated by DHS/ Cybersecurity and Infrastructure Security Agency (CISA)/ Emergency Communications Division (ECD)</b>	Supports the restoration of communications infrastructure. Coordinates communications support to response efforts. Oil/chemical-related functions include: <ul style="list-style-type: none"> <li>▪ Coordinating with telecommunications and information technology industries</li> <li>▪ Coordinating the reestablishment and provision of critical communications infrastructure</li> <li>▪ Protecting, reestablishing, and sustaining national cyber and information technology</li> <li>▪ Overseeing communications within the federal response structures</li> </ul>
<b>ESF #3—Public Works and Engineering (Coordinated by DOD/USACE)</b>	Coordinates and organizes the resources of the federal government to facilitate the delivery of multiple core capabilities. Oil/chemical-related functions include: <ul style="list-style-type: none"> <li>▪ Protecting infrastructure and making emergency repairs</li> <li>▪ Reestablishing critical infrastructure</li> <li>▪ Providing engineering services and managing construction</li> <li>▪ Executing emergency contracting support for lifesaving and life-sustaining services</li> </ul>
<b>ESF #4—Firefighting (Coordinated by USDA/Forest Service and DHS/FEMA/U.S. Fire Administration)</b>	Supports the detection and suppression of fires. Oil/chemical-related functions include: <ul style="list-style-type: none"> <li>▪ Supporting wildland, rural, and urban firefighting operations</li> </ul>
<b>ESF #5—Information and Planning (Coordinated by DHS/FEMA)</b>	Collects, analyzes, processes, and disseminates information about a potential or actual incident, and conducts deliberate and crisis action planning. Oil/chemical-related functions include: <ul style="list-style-type: none"> <li>▪ Creating incident action plans</li> <li>▪ Collecting, analyzing, and disseminating information</li> </ul>
<b>ESF #6—Mass Care, Emergency Assistance, Temporary Housing, and Human Services (Coordinated by DHS/FEMA)</b>	Coordinates and provides life-sustaining resources, essential services, and statutory programs. Oil/chemical-related functions include: <ul style="list-style-type: none"> <li>▪ Providing mass care</li> <li>▪ Providing emergency assistance</li> <li>▪ Ensuring survivors have temporary housing</li> <li>▪ Providing human services</li> </ul>
<b>ESF #7—Logistics (Coordinated by GSA and DHS/FEMA)</b>	Plans and supports delivery of supplies, equipment, services, and facilities to meet the needs of disaster survivors and responders. Oil/chemical-related functions include: <ul style="list-style-type: none"> <li>▪ Managing supply chains</li> <li>▪ Delivering resources (such as facility space, office equipment and supplies, contracting services)</li> </ul>

ESF	Roles and Responsibilities in Oil/Chemical Incident
<b>ESF #8—Public Health and Medical Services (Coordinated by HHS)</b>	Supplements medical resources in response to an incident that may lead to a public health, medical, behavioral, or human service emergency. Oil/chemical-related functions include: <ul style="list-style-type: none"> <li>▪ Augmenting public health functions</li> <li>▪ Providing medical surge support including patient movement</li> <li>▪ Augmenting behavioral health services</li> <li>▪ Managing mass fatalities</li> <li>▪ Disseminating public health information about protective actions against environmental threats (such as threats to potable water and food safety)</li> </ul>
<b>ESF #9—Search and Rescue (Coordinated by DHS/FEMA)</b>	Deploys federal search-and-rescue resources to provide lifesaving assistance. Oil/chemical related functions include: <ul style="list-style-type: none"> <li>▪ Conducting structural-collapse (urban) search and rescue</li> <li>▪ Conducting maritime, coastal, and waterborne search and rescue</li> <li>▪ Conducting land search and rescue</li> </ul>
<b>ESF #10—Oil and Hazardous Materials Response (Coordinated by EPA)</b>	Provides support in response to an actual or potential discharge and/or release of oil or hazardous materials. Oil/chemical-related functions include: <ul style="list-style-type: none"> <li>▪ Assessing the nature and extent of environmental contamination from oil and hazardous materials</li> <li>▪ Decontaminating and cleaning up the environment, buildings, and structures and managing contaminated waste</li> </ul>
<b>ESF #11—Agriculture and Natural Resources (Coordinated by USDA)</b>	Coordinates a variety of functions to protect the country’s food supply, responds to plant and animal pest and disease outbreaks, and protects natural and cultural resources. Oil/chemical-related functions include: <ul style="list-style-type: none"> <li>▪ Providing nutrition assistance</li> <li>▪ Responding to animal and agricultural health issues</li> <li>▪ Providing technical expertise in support of animal and agricultural emergency management</li> <li>▪ Protecting natural and cultural resources and historic properties</li> </ul>
<b>ESF #12—Energy (Coordinated by DOE)</b>	Facilitates the reestablishment of damaged energy systems and components and provides technical expertise during an incident involving radiological or nuclear materials. Oil/chemical-related functions include: <ul style="list-style-type: none"> <li>▪ Assessing, repairing, and reestablishing energy infrastructure</li> <li>▪ Coordinating with energy asset owners and operators</li> <li>▪ Coordinating with SLTT government public utility commissions and energy offices</li> </ul>
<b>ESF #13—Public Safety and Security (Coordinated by DOJ/Bureau of Alcohol, Tobacco, Firearms, and Explosives)</b>	Assists with public safety and security for an actual or anticipated disaster or act of terrorism. Oil/chemical-related functions include: <ul style="list-style-type: none"> <li>▪ Providing security for facilities and resources</li> <li>▪ Planning security</li> <li>▪ Assisting with public safety and security</li> <li>▪ Support to access, traffic, and crowd control</li> </ul>

<b>ESF</b>	<b>Roles and Responsibilities in Oil/Chemical Incident</b>
<b>ESF #14—Cross-Sector Business and Infrastructure (Coordinated by DHS/CISA)</b>	Facilitates coordination among infrastructure owners and operators, businesses, and their government partners to prevent or mitigate cascading failures and restore supply chains. Oil/chemical-related functions include: <ul style="list-style-type: none"> <li>▪ Identifying critical nodes and options for service restoration</li> <li>▪ Serving as the primary point of contact for businesses that are not aligned with another ESF</li> <li>▪ Enabling information sharing between the public and private sectors</li> <li>▪ Integrating potential industry solutions into response and recovery operations</li> </ul>
<b>ESF #15—External Affairs (Coordinated by DHS)</b>	Provides accurate, coordinated, timely, and accessible public information to affected audiences, including governments, media, the private sector, and the local populace. Works closely with state and local officials to ensure outreach to the whole community, including children, those with access and functional needs, and those with limited English proficiency. Oil/chemical-related functions include: <ul style="list-style-type: none"> <li>▪ Communicating information about the incident to the public</li> <li>▪ Delivering instructions to those directly affected about preparedness, protective measures, health, response, and recovery</li> </ul>

**Table 13. Non-Governmental Organizations (NGOs)**

<b>NGO</b>	<b>Roles and Responsibilities in Oil/Chemical Incident</b>
<b>American Red Cross</b>	Is the primary agency, along with FEMA, for ESF #6. Roles and responsibilities for the Red Cross are included in the ESF annexes* and the <i>Response and Recovery Federal Interagency Operational Plans</i> (FIOPs).†
<b>National Voluntary Organizations Active in Disasters (NVOAD)</b>	Roles and responsibilities for the NVOAD are included in the ESF annexes* and the Response and Recovery FIOPs.†

\* ESF annexes are available at FEMA, “National Response Framework,” last updated October 29, 2020, <https://www.fema.gov/emergency-managers/national-preparedness/frameworks/response#esf>.

† FIOPs are available at FEMA, “Federal Interagency Operational Plans,” last updated September 21, 2020, <https://www.fema.gov/emergency-managers/national-preparedness/frameworks/federal-interagency-operational-plans>.



## **Appendix 8: Authorities and References**

The *Oil and Chemical Incident Annex* applies to federal departments and agencies responding to an oil/chemical incident response or supporting response or recovery under the Stafford Act or other federal authority. It is intended to be consistent with U.S. laws, policies, and other requirements. The following, while not all-inclusive, are the primary authorities relied upon throughout this annex.

### **Laws**

- Homeland Security Act of 2002, Public Law (Pub. L.) 107–296 (codified as amended at 6 United States Code [U.S.C.] §§ 101–629)
- Robert T. Stafford Disaster Relief and Emergency Assistance Act, Pub. L. 93–288 (codified as amended primarily at 42 U.S.C. §§ 5121–207)
- Post-Katrina Emergency Management Reform Act of 2006, Pub. L. 109–295
- Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), Pub. L. 96–510 (codified as amended at 42 U.S.C. §§ 9601–75)
- Federal Water Pollution Control Act (Clean Water Act), Pub. L. 92–500, 62 Statute (Stat.) 1155 (codified as amended at 33 U.S.C. §§ 1251–387)
- Oil Pollution Act of 1990, Pub. L. 101–380 (codified as amended primarily at 33 U.S.C. § 2701 et seq.)
- Maritime Transportation Security Act of 2002, Pub. L. 107–295 (codified as amended at 46 U.S.C. § 70103)
- Occupational Safety and Health Act of 1970, Pub. L. 91–596 (codified as amended at 29 U.S.C. §§ 651–78)
- National Emergencies Act, Pub. L. 94–412, 90 Stat. 1255, enacted September 14, 1976 (codified at 50 U.S.C. § 1601–51)
- Emergency Planning and Community Right-To-Know Act of 1986, Pub. L. 99–499 (codified as amended at 42 U.S.C. §§ 11011–50)
- Resource Conservation and Recovery Act (RCRA), Pub. L. 94–580 (codified as amended at 42 U.S.C. §§ 6901 et seq.)
- Coastal Zone Management Act of 1972, Pub. L. 92–583 (codified as amended at 16 U.S.C. §§ 1451 et seq.)
- Occupational Safety and Health Act of 1970, Pub. L. 91–596 (codified as amended at 29 U.S.C. §§ 651 et seq.)
- Clean Air Act of 1963, Pub. L. 88–206 (codified as amended at 42 U.S.C. §§ 7401 et seq.)
- Hazardous Materials Transportation Act of 1975, Pub. L. 93–933 (codified as amended at 49 U.S.C. §§ 5101–27)



## ***Regulations***

- National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 Code of Federal Regulations (C.F.R.) Part 300

## ***Presidential Directives***

- Homeland Security Presidential Directive 5: Management of Domestic Incidents
- Presidential Policy Directive 8: National Preparedness
- Presidential Policy Directive 21: Critical Infrastructure Protection and Resilience
- Presidential Policy Directive 44: Enhancing Domestic Incident Response

## **Appendix 9: Acronyms and Abbreviations**

ACP.....	Area Contingency Plan
ACP.....	Autoridad del Canal de Panamá (Panama Canal Authority)
AG.....	Attorney General of the United States
APPS.....	Act to Prevent Pollution from Ships
ATSDR .....	Agency for Toxic Substances and Disease Registry
BOEM.....	Bureau of Ocean Energy Management
BSEE.....	Bureau of Safety and Environmental Enforcement
CANUS JCP...	<i>Canada-United States Joint Marine Pollution Contingency Plan</i>
CBRN.....	chemical, biological, radiological, and nuclear
CCG .....	Canadian Coast Guard
CDC .....	Centers for Disease Control and Prevention
CERCLA.....	Comprehensive Environmental Response, Compensation, and Liability Act of 1980
C.F.R. ....	Code of Federal Regulations
CI.....	critical infrastructure
CID.....	Criminal Investigative Division (Environmental Protection Agency)
CISA .....	Cybersecurity and Infrastructure Security Agency
CMCU.....	Consequence Management Coordination Unit
CONOPS.....	concept of operations
COP.....	common operating picture
COSS.....	Chemical Operations Support Specialist
CROP .....	Council of Regional Organizations in the Pacific
CUBUS Plan ..	<i>Bilateral Coordination Plan between the United States of America and the Republic of Cuba Regarding Marine or Coastal Environmental Pollution Events Caused by Spills of Hydrocarbons and Other Noxious and Potentially Hazardous Substances</i>
CWA .....	Clean Water Act of 1972
D/A.....	departments and agencies
DEST.....	Domestic Emergency Support Team
DHS.....	U.S. Department of Homeland Security
DOC .....	U.S. Department of Commerce
DOD .....	U.S. Department of Defense
DOE .....	U.S. Department of Energy
DOI .....	U.S. Department of the Interior
DOJ .....	U.S. Department of Justice
DOL .....	U.S. Department of Labor
DOS.....	U.S. Department of State
DOT .....	U.S. Department of Transportation
DRF.....	Disaster Relief Fund
ECD.....	Emergency Communications Division
EHS.....	extremely hazardous substance
EOC.....	emergency operations center
EPA.....	U.S. Environmental Protection Agency
ERMA.....	Environmental Response Management Application

ESF.....	Emergency Support Function
FBI .....	Federal Bureau of Investigation
FCO.....	Federal Coordinating Officer
FDA.....	Food and Drug Administration
FDRC .....	Federal Disaster Recovery Coordinator
FEMA .....	Federal Emergency Management Agency
FIOP .....	Federal Interagency Operational Plan
FOSC.....	federal on-scene coordinator
FRA.....	Federal Railroad Administration
FRC .....	Federal Resource Coordinator
FSM.....	Federated States of Micronesia
FWPCA.....	Federal Water Pollution Control Act
GIS .....	geographic information system(s)
GNOME.....	General NOAA Operational Modeling Environment
GSA.....	General Services Administration
H&SS .....	Health and Social Services
HAZMAT .....	hazardous material(s)
HHS.....	U.S. Department of Health and Human Services
HMR .....	hazardous material regulations
HMTA.....	Hazardous Materials Transportation Act
HNS.....	hazardous or noxious substance
HSPD .....	Homeland Security Presidential Directive
ICS .....	Incident Command System
IMAAC .....	Interagency Modelling and Atmospheric Assessment Center
IMO.....	International Maritime Organization
IPAWS .....	Integrated Public Alert and Warning System
IRG.....	incident response guide
IS .....	(1) Infrastructure Systems
	(2) Investigative Services (United States Coast Guard)
JCP .....	<i>see</i> CANUS JCP, RUSUS JCP
JFO.....	Joint Field Office
JIC .....	Joint Information Center
JOC .....	Joint Operations Center
JTTF.....	Joint Terrorism Task Force
LEPC.....	Local Emergency Planning Committee
LFA .....	lead federal agency
LOSC .....	Law of the Sea Convention
MARAD.....	Maritime Administration
MARPOL.....	International Convention for the Prevention of Pollution by Ships
MEXUS Plan	<i>Joint Contingency Plan between the Secretariat of the Navy of the United Mexican States and the United States Coast Guard Regarding Pollution of the Marine Environment by Discharges of Hydrocarbons or Other Hazardous Substance</i>
MIC .....	methyl isocyanate
MOSPA.....	<i>Agreement on Cooperation on Marine Oil Pollution Preparedness and Response in the Arctic</i>

MOU	.....	memorandum of understanding
MTOP	.....	<i>Wider Caribbean Region Multilateral Technical Operating Procedures for Offshore Oil Pollution Response</i>
MTSA	.....	Maritime Transportation Security Act of 2002
NCP	.....	National Oil and Hazardous Substances Pollution Contingency Plan
NCR	.....	Natural and Cultural Resources
NDRF	.....	<i>National Disaster Recovery Framework</i>
NEA	.....	National Emergencies Act
NGO	.....	nongovernmental organization
NIC	.....	National Incident Commander
NIEHS	.....	National Institute of Environmental Health Sciences
NIH	.....	National Institutes of Health
NIMS	.....	National Incident Management System
NIOSH	.....	National Institute for Occupational Safety and Health
NISAC	.....	National Infrastructure Simulation and Analysis Center
NJTTF	.....	National Joint Terrorism Task Force
NMFS	.....	National Marine Fisheries Service
NNSA	.....	National Nuclear Security Administration
NOAA	.....	National Oceanic and Atmospheric Administration
NOC	.....	National Operations Center
NOS	.....	National Ocean Service
NPFC	.....	National Pollution Funds Center
NRC	.....	(1) National Response Center (2) Nuclear Regulatory Commission
NRCC	.....	National Response Coordination Center
NRDAR	.....	natural resource damage assessments and restoration
NRF	.....	<i>National Response Framework</i>
NRS	.....	National Response System
NRT	.....	National Response Team
OCIA	.....	<i>Oil and Chemical Incident Annex</i>
OPA	.....	Oil Pollution Act of 1990
OPRC	.....	International Convention on Oil Pollution Preparedness, Response and Cooperation
OSHA	.....	Occupational Safety and Health Administration
OSLTF	.....	Oil Spill Liability Trust Fund
PACPLAN	.....	<i>Pacific Islands Regional Marine Spill Contingency Plan</i>
PHMSA	.....	Pipeline and Hazardous Materials Safety Administration
PICTs	.....	Pacific Island countries and territories
PPD	.....	Presidential Policy Directive
PRFA	.....	Pollution Removal Funding Authorization
Pub. L.	.....	Public Law
RP	.....	Responsible Party
RQ	.....	reportable quantity
RRCC	.....	Regional Response Coordination Center
RRT	.....	Regional Response Team
RSF	.....	Recovery Support Function

RSFLG	Recovery Support Function Leadership Group
RUSUS JCP	<i>Joint Contingency Plan of the United States of America and the Russian Federation on Combating Pollution in the Bering and Chukchi Seas</i>
SAC	special agent in charge
SAO	senior Agency official
SEMAR	Secretaría de Marina (Mexican Navy)
SERC	State Emergency Response Commission
SFLEO	Senior Federal Law Enforcement Official
SIOC	Strategic Information and Operations Center
SLTT	state, local, tribal, and territorial
SMPCSRA	State Marine Pollution Control, Salvage and Rescue Administration (Russian Federation)
SONS	spill of national significance
SOW	statement of work
SPREP	Secretariat of the Pacific Regional Environment Programme
SSC	scientific support coordinator
Stat.	statute
UCG	Unified Coordination Group
UCS	Unified Coordination Staff
USACE	U.S. Army Corps of Engineers
U.S.	United States
U.S.C.	United States Code
USCG	U. S. Coast Guard
USDA	U.S. Department of Agriculture
USFWS	U.S. Fish and Wildlife Service
WMD	weapon of mass destruction
WMDSG	Weapons of Mass Destruction Strategic Group

## Appendix 10: Glossary

**Assessment:** The process of acquiring, collecting, processing, examining, analyzing, evaluating, monitoring, and interpreting the data, evidence, objects, measurements, images, and sound, among others, whether tangible or intangible, to provide a basis for decision making.

**Clean Water Act of 1972 (CWA):** The CWA provides the basic statutory authority for pollution prevention, contingency planning, and response activities for pollutants affecting the waters of the United States.

**Coastal Waters:** All U.S. waters subject to the tide including U.S. waters of the Great Lakes, specified ports and harbors on the inland rivers, waters of the contiguous zone, or other waters of the high seas subject to discharges in connection with activities under the Outer Continental Shelf Lands Act (43 United States Code [U.S.C.] § 1331 et seq.) or the Deepwater Port Act of 1974 (33 U.S.C. § 1501 et seq.) or waters that may affect natural resources belonging to, appertaining to, or under the exclusive management authority of the United States (including resources under the Magnuson Fishery Conservation and Management Act [16 U.S.C. § 1801 et seq.]). These waters include those contained within the Exclusive Economic Zone declared by Presidential Proclamation 5030 on March 10, 1983 (43 Code of Federal Regulations [C.F.R.] § 10605). Under the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), the U.S. Coast Guard has the responsibility for providing an on-scene coordinator for coastal waters. Specific dividing lines between coastal and inland waters, and the identification of specified ports and harbors on inland rivers, are contained in Regional Contingency Plans prepared pursuant to the NCP.

**Community Lifeline:** A service that enables the continuous operation of critical government and business functions and is essential to human health and safety or economic security. The Federal Emergency Management Agency's (FEMA's) seven lifelines are: (1) safety and security; (2) food, water, shelter; (3) health and medical; (4) energy; (5) communications; (6) transportation; and (7) hazardous materials.

**Contaminated:** Having a hazardous material on a body surface, in the natural environment, or in clothes, bedding, toys, medical apparatus, or other inanimate articles or substances including water, milk, and food.

**Core Capabilities:** Distinct critical elements necessary to achieve the *National Preparedness Goal*.

**Critical Infrastructure (CI):** Systems and assets, whether physical or virtual, vital to the United States so that the incapacity or destruction of such systems and assets would have a debilitating impact on security, national economic security, national public health or safety, or any combination of those matters.

**Cybersecurity:** The prevention of damage to, unauthorized use of, or exploitation of electronic information and communications systems and the information contained therein and, if needed, the restoration of such systems to ensure confidentiality, integrity, and availability. This includes protection and restoration, when needed, of information networks, public safety answering points, and wireline, wireless, satellite, and 911 communications systems and control systems.

**Decontamination:** The process of making any person, animal, object, or area safe by absorbing, destroying, neutralizing, making harmless, or removing the hazardous material.

**Emergency Communications:** The means and methods for exchanging information necessary for successful incident management.

**Emergency Management Assistance Compact:** A congressionally ratified mutual-aid agreement that legally establishes a national system to facilitate moving resources across state lines during an emergency or disaster.

**Emergency Response Providers:** As defined in the Homeland Security Act of 2002, local, state, and federal governmental and nongovernmental emergency public safety, fire, law enforcement, emergency response, emergency medical (including hospital emergency facilities), and related personnel, agencies, and authorities.

**Emergency Support Function (ESF):** An organization used by the federal government and many state governments as the primary mechanism at the operational level to organize and provide assistance. ESFs align categories of resources and provide strategic objectives for their use. ESFs use standardized concepts of resource management such as typing, inventorying, and tracking to facilitate the dispatch, deployment, and recovery of resources before, during, and after an incident.

**Endangered Species Act (ESA):** A law under which (as related to oil spill planning and response) federal agencies are required to consult on actions that may affect listed species and/or habitat. To a similar end, the NCP provides for the U.S. Department of Interior (DOI) and U.S. Department of Commerce (DOC) to participate in developing Area Contingency Plans (ACPs), to provide technical expertise during a response, and to facilitate compliance with ESA.

**Energy Sector:** The group of industries that supplies fuels to the transportation industry, electricity to households and businesses, and other sources of energy to energy consumers. The sector is integral to growth and production across the nation. It is divided into three interrelated segments or subsectors—electricity, oil, and natural gas—and includes the production, refining, storage, and distribution of oil, gas, and electric power, except for hydroelectric and commercial nuclear power facilities and pipelines.

**Exposure:** Contact with hazardous substances in a manner that promotes and increases the likelihood of illness, morbidity and mortality

**Federal Interagency Operational Plan (FIOP):** A plan that describes how the federal government aligns resources and delivers core capabilities for the five preparedness mission areas. The FIOPs build on the national planning frameworks, which set the strategy and doctrine for how the whole community builds, sustains, and delivers core capabilities identified in the *National Preparedness Goal*.

**Federal On-Scene Coordinator (FOSC):** An official who directs response efforts and coordinates all efforts at the scene of a discharge or release of oil or hazardous material. Additionally, the FOSC, in conjunction with the other members in a unified command, is responsible for the overall management of the incident.

**Homeland Security Presidential Directive 5 (HSPD-5):** An instruction from the President of the United States that enhances the ability of the United States to execute a coordinated federal response to domestic incidents by establishing a national incident management system. It



designates the Secretary of Homeland Security as “the principal Federal official for domestic incident management” and authorizes the Secretary to coordinate the federal government’s resources used in response to or recovery from terrorist attacks, major disasters, or other emergencies under specified conditions.

**Interagency Modeling and Atmospheric Assessment Center (IMAAC):** The federal organization that predicts consequences of an airborne chemical release. Led by the Federal Emergency Management Agency, the IMAAC is a partnership among seven federal agencies. The other six partners are the U.S. Department of Defense, the U.S. Department of Energy, the U.S. Department of Health and Human Services, the U.S. Environmental Protection Agency, the National Oceanic and Atmospheric Administration, and the Nuclear Regulatory Commission.

**Inland Waters:** All waters of the United States not defined as *coastal waters*. Under the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), the Environmental Protection Agency has the responsibility for providing an on-scene coordinator for inland waters. Specific dividing lines between coastal and inland waters are contained in Regional Contingency Plans prepared pursuant to the NCP.

**Jurisdiction:** A range or sphere of authority. Public safety agencies have jurisdiction at an incident related to their legal responsibilities and authority. Jurisdictional authority at an incident can be political or geographical (for example, local, state, tribal, territorial, insular-area, and federal boundary lines) or functional (for example, law enforcement, public health, medical).

**Maritime Transportation Security Act of 2002 (MTSA):** A law to protect the nation’s ports and waterways from a terrorist attack. The act seeks to enhance maritime security in a manner that maximizes benefits while minimizing costs. It requires the cooperation of federal, state, local, tribal, and private law enforcement agencies in case of a terrorist attack. This act increased the security requirements for the U.S. and international marine industries.

**Mutual Aid Agreement or Assistance Agreement:** Written or oral commitment between and among agencies, organizations, or jurisdictions that provides a mechanism to quickly obtain emergency assistance in the form of personnel, equipment, materials, and other associated services. The primary objective is to facilitate rapid, short-term deployment of emergency support prior to, during, or after an incident.

**National Disaster Recovery Framework:** A document issued by the Federal Emergency Management Agency that defines how the whole community, including emergency managers, community development professionals, recovery practitioners, government agencies, the private sector, leaders of nongovernmental organizations, and the public will collaborate and coordinate to more effectively use existing resources to promote resilience and support the recovery of those affected by an incident.

**National Emergencies Act (NEA):** A law that terminated certain authorities with respect to national emergencies still in effect and provides for an orderly implementation and termination of future national emergencies.

**National Incident Commander (NIC) or Senior Agency Official (SAO):** The official, either NIC (from the U.S. Coast Guard) or SAO (from the U.S. Environmental Protection Agency), responsible for coordinating national policy on resources and strategy with the White House and leadership of the U.S. Department of Homeland Security to support the federal on-scene coordinator during a spill of national significance.

**National Incident Management System (NIMS):** A comprehensive, national approach to incident management that applies at all jurisdictional levels and across functional disciplines.

**National Oil and Hazardous Substances Pollution Contingency Plan (NCP):** The federal government's blueprint for responding to both oil spills and hazardous substance releases. The NCP provides the first comprehensive system of accident reporting, spill containment, and cleanup, and it establishes roles and responsibilities of the federal on-scene coordinator, unified command, National Response Team, and Regional Response Teams.

**National Preparedness Goal:** A document issued by the Federal Emergency Management Agency that is the cornerstone for the implementation of Presidential Policy Directive 8. It establishes the capabilities and outcomes for the Nation to accomplish across five mission areas (Prevention, Protection, Mitigation, Response, and Recovery) to be secure and resilient. The document establishes distinct core capabilities and corresponding target elements for each mission area.

**National Response Coordination Center (NRCC):** A multiagency coordination center located at the Headquarters of the Federal Emergency Management Agency (FEMA) that can be activated in anticipation of or during a disaster or emergency. Its staff coordinates (1) the overall federal support for major disasters and emergencies, including catastrophic incidents, and (2) implementation of emergency management programs. FEMA maintains the NRCC as a functional component of the National Operations Center for incident support operations.

**National Response Framework (NRF):** A document issued by the Federal Emergency Management Agency that guides how the Nation responds to all types of disasters and emergencies. It is built on scalable, flexible, and adaptable concepts identified in the National Incident Management System to align key roles and responsibilities across the Nation. It describes specific authorities and best practices for managing incidents that range from the serious but purely local to large-scale terrorist attacks or catastrophic natural disasters.

**National Response Team (NRT):** A multiagency body having authority for national strategic planning and coordination for oil spills and hazardous substance releases. The U.S. Environmental Protection Agency (EPA) chairs the NRT and the U.S. Coast Guard serves as vice-chair. For an inland spill of national significance (SONS), the EPA is the incident-specific chair of the NRT. For a coastal SONS, the Coast Guard is the incident-specific chair.

**Nongovernmental Organization (NGO):** Voluntary, racial, ethnic, faith-based, veteran-based, or not-for-profit organization that provides sheltering, emergency food supplies, or other essential support services. NGOs are inherently independent and committed to specific interests and values.

**Oil/Chemical Incident:** An occurrence, natural or human-caused, that requires emergency response involving the release of oil or a hazardous chemical. Oil and chemicals may be released from sources such as onshore and offshore oil production-related facilities, oil and chemical transportation modes (including pipelines), chemical manufacturing facilities, oil processing facilities, oil and chemical storage facilities, and end-use products containing oil and chemicals. An incident may result from natural, accidental, or intentional causes, including criminal or terrorist acts.

**Oil Pollution Act of 1990 (OPA):** A law signed in 1990 following the Exxon Valdez oil spill. OPA, which amended the Clean Water Act, improved the federal government's ability to prevent

oil spills and provide the money and resources necessary to respond to them. Under OPA, the owner or operator of a facility from which oil is discharged (Responsible Party) is liable for the costs associated with the containment or cleanup and any damages resulting from the spill.

**Oil Spill Liability Trust Fund (OSLTF):** A reserve of money administered by the U.S. Coast Guard's National Pollution Funds Center (NPFC) that can be used to cover removal costs and damages when the Responsible Party is unknown or refuses to pay. The OSLTF can provide up to \$1 billion for any one oil pollution incident, including up to \$500 million for natural resource damage assessments and restoration (NRDAR). The main uses of OSLTF expenditures are removal actions by the federal government; payments to federal, state, and tribal trustees to carry out NRDAR; payment of claims for uncompensated removal costs and damages; and specific appropriations.

**Private Sector Entity:** Any large, medium, or small business; commercial firm, private cultural or educational institution; or industry; or any public-private partnership that has been established specifically for emergency management.

**Protective Security Advisors (PSAs):** Security subject-matter experts who engage with local, state, tribal, territorial, and insular-area governments and the private sector to protect critical infrastructure. During incidents, PSAs provide infrastructure security and resilience expertise at the joint field officers, Regional Response Coordination Centers, and state and county emergency operations centers to assist with response and recovery.

**Recovery Support Functions (RSFs):** Coordinating structures for key functional areas of assistance during recovery operations. RSFs support local governments by facilitating problem solving, improving access to resources, and fostering coordination among state and federal agencies, nongovernmental partners, and stakeholders.

**Regional Response Coordination Center (RRCC):** A multiagency coordination center located in a Federal Emergency Management Agency (FEMA) Region that can be activated in anticipation of or during a disaster or emergency. An RRCC is generally staffed by Emergency Support Functions in anticipation of or immediately following an incident. Operating under the direction of the FEMA Regional Administrator, the staff within an RRCC coordinates federal regional response efforts and maintains connectivity with FEMA Headquarters and with state emergency operations centers and fusion centers.

**Regional Response Team (RRT):** A multiagency body responsible for regional planning and coordination of preparedness for and response to an oil spill or release of a hazardous substance. An RRT includes federal, state, local, and tribal representation. The U.S. Environmental Protection Agency and U.S. Coast Guard co-chair this group.

**Resources:** Personnel and major items of equipment, supplies, and facilities available or potentially available for assignment to incident operations and for which status is maintained. Resources are described by kind and type and may be used in operational support or supervisory capacities at an incident or at an emergency operations center.

**Responsible Party (RP):** An entity, generally the owner or operator, who is strictly, jointly, and severally liable for removal costs plus damages in connection with a discharge of oil or hazardous substances. An RP may be held responsible for government cleanup costs, damage to natural resources, costs of health assessments, and extra costs of performing cleanup where the site may present imminent, substantial danger.

**Sector-Specific Agency:** A federal department or agency designated by Presidential Policy Directive 21 as responsible for providing institutional knowledge and specialized expertise about its sector, as well as for leading, facilitating, or supporting the security and resilience programs and associated activities to protect the critical infrastructure of its designated sector against all hazards.

**Senior Agency Official (SAO):** see *National Incident Commander (NIC)* or *Senior Agency Official (SAO)*.

**Spill of National Significance (SONS):** An oil spill that, due to its severity, size, location, actual or potential impact on the public health and welfare or the environment, or the necessary response effort, is so complex that it requires extraordinary coordination of federal, state, local, and the Responsible Party's resources to contain and clean up the discharge.

**Stafford Act Declaration:** An official statement by the President of the United States, as authorized by the Stafford Act, that a "major disaster" or "emergency" exists, in anticipation of or following an incident that overwhelms the response capability of a state, tribal, or territorial government.

**Whole Community:** The entire range of people and institutions existing together in a place. Per the *National Preparedness Goal*, national preparedness requires the contributions of a wide range of players from the private and nonprofit sectors, including nongovernmental organizations and the general public, in conjunction with the contributions of local, state, tribal, territorial, insular-area, and federal governmental partners.