



Playbook for an Effective All-Hazards Chemical Sector Response

A Publication developed by the Chemical Sector Coordinating Council in partnership with the U.S. Department of Homeland Security

Fourth Edition, October 2016



Homeland
Security



CHEMICAL SECTOR
COORDINATING COUNCIL

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Emergency Contact List

It is important to identify response agencies and stakeholders in your community and geographic region and to build relationships with these groups before an incident occurs.

Resource	Contact	Phone Number
Facility Security Officer		
Facility Safety Officer		
Facility Information Technology Manager		
City Law Enforcement		
County Law Enforcement		
State Law Enforcement		
Local Fire Service		
City Emergency Management		
County Emergency Management		
State Emergency Management		
Local Federal Bureau of Investigation (FBI) and Joint Terrorism Task Force	www.fbi.gov/contact/fo/fo.htm	
FBI Weapons of Mass Destruction (WMD) Coordinator at local FBI office		
U.S. Department of Homeland Security (DHS) Protective Security Adviser for this State/District	PSCDOperations@hq.dhs.gov	703-235-9349
Captain of the Port (if applicable)		
DOT Emergency Preparedness, Response and Recovery Website	www.dot.gov/emergency	
Chief of Regulatory Compliance (if applicable)		
DHS Chemical Facility Anti-Terrorism Standards (CFATS) Tip Line	CFATSTips@hq.dhs.gov	877-394-4347
CFATS Helpdesk (if applicable)	CFATS@hq.dhs.gov	866-323-2957
DHS United States Computer Emergency Readiness Team (US-CERT)	soc@us-cert.gov	888-282-0870
National Cybersecurity and Communication Integration Center (NCCIC)	nccic@hq.dhs.gov	888-282-0807
Chemical Sector-Specific Agency (SSA)	ChemicalSector@hq.dhs.gov	
U.S. Coast Guard National Response Center (if applicable)	www.nrc.uscg.mil	800-424-8802
National Infrastructure Coordinating Center (NICC)	NICC@hq.dhs.gov	202-282-9201

Acknowledgments

The development of the *Playbook for an Effective All-Hazards Chemical Sector Response* was led by the Chemical Sector Coordinating Council (SCC) in conjunction with the U.S. Department of Homeland Security (DHS), National Protection and Programs Directorate (NPPD), Office of Infrastructure Protection (IP) as the Chemical Sector-Specific Agency (SSA).

Distribution

This document is available on the Homeland Security Information Network – Critical Infrastructure (HSIN-CI) Chemical Sector. The HSIN-CI Chemical Sector within HSIN allows for information sharing among Federal, State, and local agencies and private sector owners and operators. For additional distribution information and access requirements for the HSIN-CI Chemical Sector Portal, contact Chemicalsector@hq.dhs.gov.

Notice

This Handbook does not constitute a regulatory requirement nor is it intended to conflict, replace, or supersede existing regulatory requirements or create any enforcement standard. The information in this document is intended solely as guidance. This document is not intended for, nor can it be utilized for the purpose of creating any rights enforceable by any party in litigation.

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INTRODUCTION

This Handbook provides a Standard Operating Procedure (SOP) to assist the chemical sector¹ in preparing for, responding to, and recovering from an all-hazards emergency. The intended audience for this SOP is the Chemical Sector Coordinating Council (SCC) membership and the U.S. Department of Homeland Security (DHS) as the Chemical Sector-Specific Agency (SSA).

This SOP is developed pursuant to the sector partnership model described in the National Infrastructure Protection Plan (NIPP) and is designed to implement the concept of operations described in the Critical Infrastructure and Key Resources (CIKR) Support Annex to the National Response Framework (NRF).² This SOP defines the respective roles and responsibilities of the Chemical SCC and the Chemical SSA as well as their interaction in support of a coordinated public-private sector response to an all-hazards emergency.³

This SOP also describes actions intended to assist the Chemical SSA in support of its responsibility to inform and make recommendations to senior government officials regarding chemical sector impacts and needs requirements as part of the Federal response to an all-hazards emergency.⁴ For purposes of this SOP, all-hazards emergencies can be classified as either a forecasted (advance-notice) or a non-forecasted (no-notice) event. The specific nature of the emergency will determine the appropriate course of action as outlined in this SOP.

This SOP was developed as a collaborative effort between the Chemical SCC and the Chemical SSA. Contents reflect many of the lessons learned over years of experience with joint exercise activities and real world emergencies that required a coordinated public-private sector response. While it is designed to provide as much specific guidance as possible, this SOP is also intended

¹ The “Chemical Sector” is characterized in the 2010 Chemical Sector-Specific Plan and includes five major segments: (1) basic chemistry, (2) specialty chemicals, (3) agricultural chemicals, (4) pharmaceuticals, and (5) consumer products. All in all, several hundred thousand facilities in the United States use, manufacture, store, transport, or deliver chemicals, encompassing everything from petroleum refineries, pharmaceutical manufacturers, to hardware stores. The facilities that make up the Chemical Sector typically belong to one of four key functional areas: (1) manufacturing plants, (2) transport systems, (3) warehousing and storage systems, and (4) chemical end users.

² As the CIKR Support Annex explains: “The processes described herein are detailed further in standard operating procedures...and other related guidance developed collaboratively by DHS and the cooperating agencies to this annex.” See pp. CIKR-5 to CIKR-8. The various sector coordinating councils under the NIPP framework, through the Partnership for Critical Infrastructure Security, are cooperating agencies to the annex. See p. CIKR-29. <http://www.fema.gov/media-library/assets/documents/32261?id=7386> (accessed October 2016).

³ In the context of this SOP, an “all-hazards emergency” can include a natural disaster or a severe weather event, such as a hurricane, tornado, flood or earthquake, or a naturally occurring event, such as a pandemic influenza outbreak. It can also include a manmade intentional act, such as a physical terrorist attack or cyberattack, or an unintentional manmade act, such as a hazardous materials release, an industrial accident, or catastrophic technology failure.

⁴ It should be noted this SOP is not intended to be all-inclusive of the roles and responsibilities of the Chemical SSA during an all-hazards response. The Chemical SSA has numerous internal obligations that outline its additional interagency roles and responsibilities regarding incident response.

to be dynamic, flexible, and tailored in its application to accommodate the unique aspects of an emergency scenario; as well as the unique authorities, capabilities, and decision-making processes of the various partner organizations that must work together to effect a well-coordinated response.

Finally, this SOP is intended to support the close communication and coordination between the leadership of the Chemical SCC and the Chemical SSA that is absolutely critical to the effectiveness of an all-hazards response.

Target Audience

This Handbook was developed specifically to help communication between members of the Chemical Sector Coordinating Council and the DHS Chemical Sector-Specific Agency.

SECTION 1: PURPOSE

This Standard Operating Procedure (SOP) is intended to:

- Assist the Chemical Sector in preparing for, responding to, and recovering from all-hazards emergencies that require a coordinated response between government and the organizations that comprise the Chemical SCC.
- Establish a protocol providing for effective two-way incident communication and coordination and establishing situational awareness between the Chemical Sector (via the Chemical SCC) and the Federal Government (via IP as the Chemical SSA).
- Define the respective roles and responsibilities and the interaction required between the Chemical SCC and the Chemical SSA in the context of an emergent threat or incident in progress—in alignment with the National Incident Management System (NIMS), NRF, and the NRF CIKR Support Annex.
- Identify key elements of information and assistance needed by the Chemical Sector in all-hazards emergency situations to provide timely, accurate, and actionable information to Chemical SCC members.
- Provide the Chemical SSA with national- and regional-level chemical sector-specific information and situational awareness during all-hazards emergencies.
- Enable the communication and coordination of specific prevention, protection and mitigation, response, and recovery actions pertinent to the chemical sector during all-hazards emergencies via the partnership between the Chemical SSA and Chemical SCC.

SECTION 2: SCOPE

The scope of this SOP includes forecasted (advance-notice) and non-forecasted (no-notice) all-hazards emergency events that trigger a coordinated government/Chemical SCC response.

- The processes described in this SOP utilize the unified risk-based approach and partnership model for "steady-state" protection detailed in the NIPP.
- Chemical Sector requirements generated by the threat or incident at hand are coordinated through NRF and NIMS organizational structures. This applies to activities in the local incident area, as well as response and recovery activities outside the local incident area, regionally or nationally.

SECTION 3: ROLES AND RESPONSIBILITIES

This section describes the respective general roles and responsibilities of the various public and private Chemical Sector partners in the context of an all-hazards emergency event that triggers a coordinated government/Chemical SCC response.

Chemical Sector Coordinating Council

- Establish and maintain communications with members/employees regarding preparedness actions prior to an event.
- Gather information on impacts, requests for information (RFIs), and requests for assistance (RFAs) during the response to and recovery from an event.⁵
- Encourage members to establish and maintain contact with State, local, tribal, and territorial (SLTT) agencies prior to incidents and submit RFIs/RFAs best handled locally to the appropriate SLTT agency.
- Forward information from DHS regarding the scheduling/convening of sector-specific and cross-sector calls and situational awareness updates posted on HSIN-CI to the Chemical SCC membership and owner/operator community.
- Provide the Chemical SSA and the Chemical SCC leadership (generally via e-mail) with a synopsis of event impacts on their members/employees and corresponding response actions, as well as any RFIs/RFAs made by SCC members (whether made to local authorities, the National Infrastructure Coordination Center (NICC), or elsewhere).
- Chemical SCC leadership co-chairs sector-specific teleconference calls.
- Chemical SCC leadership provides a synopsis of event preparedness prior to impact, subsequent impacts on their members/employees, and corresponding response actions, as well as any RFIs/RFAs made by SCC members (whether made to local authorities, the NICC, or elsewhere), during cross-sector incident teleconference calls sponsored by IP.

Chemical Sector-Specific Agency

- Manage and make available emergency event-related information on HSIN-CI Chemical Sector.
- Maintain communication with the Chemical SCC, Government Coordinating Council (GCC), and other stakeholders during all phases of an all-hazards emergency event, including preparedness, response, and recovery.
- Collect information from Chemical Sector stakeholders (including SCC member organizations) regarding sector impacts and corresponding prevention, protection, mitigation, response, and recovery actions, and report these to the NICC via the National Level Reporting (NLR) tool and to the Chemical SCC leadership.

⁵ Refer to Appendix C for standard forms used to collect emergency event-related RFIs/RFAs.

- Facilitate chemical sector access to Federally-produced pre- and post-event impact analysis and modeling.
- Ensure that requests for information and assistance from the Sector are properly submitted to the NICC, processed, responded to, and tracked.
- Coordinate with the SCC leadership on the need for and the scheduling/convening of sector-specific teleconferences to foster situational awareness.
- Co-chair sector-specific teleconferences along with the SCC leadership.
- Notify the SCC leadership of the scheduling/convening of cross-sector teleconference calls.
- Provide the SCC with information summaries regarding sector-specific and cross-sector teleconference calls.

SECTION 4: STANDARD OPERATING PROCEDURE (SOP)

Standard Operating Procedure (SOP)

This SOP applies to both forecasted (advance-notice) events as well as non-forecasted (no-notice) events that trigger a coordinated government/SCC response.⁶

A. Planning/Pre-Season & Pre-Cycle Preparations

The Chemical SCC and Chemical SSA should undertake various collaborative activities, including the conduct of joint communications drills and periodic joint refresher training and exercises for members of the SCC, prior to the onset of a regular hazard season/cycle. (*Note: Suggested by the end of March each year prior to hurricane season.*)

In addition to communications drills, training, and exercise activities, the Chemical SCC and Chemical SSA should collaborate to accomplish the following prior to the onset of a predictable hazard season/cycle:

- Update Chemical SCC, Chemical SSA, and other agency contact lists.
 - Key sector points of contact information.
 - Association and State Chemical Council contact information.
 - Individual Chemical SCC member organization/Chemical SSA call trees.
[Refer to [Appendix A](#) for a list of chemical sector contacts.]
- Review this SOP and solicit input on improvements/lessons learned.
- HSIN-CI reminder (update password).
[Refer to [Appendix F](#) regarding HSIN.]
- Anticipate potential incident management needs/issues.
- Review pre-season/pre-cycle impacts analysis and modeling provided by National Infrastructure Simulation and Analysis Center (NISAC) and hazard modeling provided by Federal Emergency Management Agency (FEMA), when available.⁷
- Enroll in Government Emergency Telecommunications Services (GETS) Program.
- Work with partners to identify critical facilities, assets, functions and interdependencies to reduce risk pre- and post-event.

⁶ Most forecasted events take the form of weather-related or seasonal/cyclical phenomena such as hurricanes, severe flooding, wild fires, ice storms, etc. The Chemical SCC leadership should be actively engaged with the Chemical SSA in determining whether a coordinated response to the event is needed based on the information available.

⁷ DHS NPPD National Infrastructure Simulation and Analysis Center (NISAC) provides advanced modeling and simulation capabilities for the analysis of critical infrastructure vulnerabilities; interdependencies; and the cascading effects of infrastructure loss, damage, or destruction over time. During emerging or actual incidents, the NISAC produces assessments that: 1) Integrate current situation data with pre-established infrastructure modeling, simulation, and analysis; 2) Project consequences of an incident, pre-incident, or post-incident; and 3) Inform response and recovery activities after an incident has occurred. In support of the incident response, the NISAC may conduct updates to existing assessments or perform new assessments to provide the most current situation data to decision-makers.

- Identify changes to relevant statutory and/or regulatory programs, potential capabilities, and/or limiting factors pertaining to recovery support for infrastructure systems.
- Review relevant changes to DHS (or other Federal, State, or local department/agency) policies, plans, and procedures with potential impact on sector information sharing and incident response capabilities/activities.
- Establish awareness of industry emergency shut-down processes and related needs.
[Refer to [Appendix G](#) for a list of actions supporting preparedness planning.]

B. Response

Trigger Point for Phase Increase of Advance-Notice Events:

- An advance-notice event is one that can be forecasted more than 72 hours prior to impact. Examples include a hurricane, a major winter storm, a forecasted major flood, or a wild fire encroaching into a populated area.
- For an advance-notice event, IP, in consultation with FEMA, will determine whether the event is sufficient to trigger activating this SOP. The Chemical SSA will notify the Chemical SCC leadership of the need to initiate this SOP at the Phase 1 level.

Trigger Point for Phase Increase for No-Notice Events:

- No-notice events are sudden with little-to-no warning, thus limiting the ability to prepare in advance. These types of events can take the form of a natural disaster, such as a tornado or earthquake; an industrial accident; or a manmade/intentional act of sabotage or terrorism resulting in a cyberattack and/or infrastructure failure. Response to a no-notice event at the Federal level will be incident-specific. Once notified by the NICC that the emergency response for the event is at the national level, the Chemical SSA would notify the Chemical SCC leadership of the need to implement this SOP at the Phase 3 level.
- The Chemical SCC leadership and the Chemical SSA need to be as proactive and responsive as possible. A false alarm is better than a poor response, especially when lives may be in danger.

Phase 1 — Awareness (More than 72-Hours to Impact for an Advance-Notice Event)

For severe weather or other like advance-notice events, activate Phase 1 (Awareness) when the weather forecast or other information source identifies an intense or rapidly strengthening low pressure storm system, high pressure storm (i.e., tropical storm/hurricane watch or warning), or like event that has the potential to or is projected to require a coordinated government/SCC response.

During Phase 1, the Chemical SSA and the Chemical SCC should:

- Establish detailed situational awareness on threats/hazards. By conducting more detailed information gathering, the Chemical SSA and the Chemical SCC acquire the necessary information to support decision-making and coordination activities in preparation for a transition to incident management activities.
- Review emergency plans and protocols and conduct communications checks.

- Review impacts, interdependencies, analysis, and modeling provided by NISAC and hazard modeling from FEMA, when available.
- Remind Chemical SCC members to update HSIN access information, including user name and password information. In turn, the Chemical SCC should alert its member organizations to do the same.
- Monitor HSIN-CI for situation updates and other relevant information.
- Establish a schedule for conference calls between the Chemical SSA and the Chemical SCC or provide maximum feasible notice of any unscheduled calls.

Phase 2 – Concern (Between 72 and 48 Hours to Impact for an Advance-Notice Event)

When IP makes the decision that the event is still likely to meet a critical threshold, the Chemical SSA shall notify Chemical SCC leadership of the initiation of Phase 2 activities:

- Chemical SCC leadership will notify SCC representatives of the phase level increase from Phase 1 (Awareness) to Phase 2 (Concern).
- Chemical SSA will contact Chemical SCC leadership to determine if a chemical sector-specific teleconference is necessary.
- Chemical SCC representatives will solicit feedback from their respective members regarding preparatory efforts underway in the potential impact zone.
- Chemical SSA will send an email to the Chemical SCC (and others, as appropriate, such as State Chemical Councils) inviting SCC organizations and their members to participate in a chemical sector-specific teleconference to discuss the impending threat and determine future actions.
- Chemical SSA will review impacts and interdependencies analysis and modeling provided by NISAC and hazard analysis from FEMA, when available.
- Chemical SSA and Chemical SCC will continue to monitor HSIN-CI for situation updates and other relevant information.

Chemical Sector-Specific Conference Call

Timing of Calls – The Chemical SSA and the Chemical SCC leadership will review the schedule of planning meetings and incident teleconferences scheduled by IP, available information on the regional incident teleconference, and the time zone of the impact area to determine an appropriate time for sector-specific teleconferences. The chemical sector-specific calls should be scheduled prior to cross-sector calls so that the latest outcomes of the sector-specific call and additional information gathered from sector representatives can be entered into the National Level Reporting System and reported out by the Chemical SCC leadership on the cross-sector call.

Topics typically discussed during the sector-specific calls include:

- Impact analysis and modeling from DHS (if available)
- Hazard modeling from FEMA (if available)
- Industry concerns/issues

- Industry RFIs/RFAs
 - Location of incident information on HSIN
 - How to reset HSIN passwords or request HSIN access
 - Timing for the next sector-specific call
- [Refer to [Appendix H](#) for a sector-specific conference call agenda.]**

Following the sector-specific call, the Chemical SSA will normally:

- E-mail a short recap of the sector-specific call to the Chemical SCC.
- Send RFIs/RFAs received during sector-specific call to the NICC/Critical Infrastructure Crisis Action Team (CI-CAT).

Phase 3 – Urgent (From 48 Hours Prior to Impact to Immediate Post-Impact for Advance-Notice Events; From Impact to Immediate Post-Impact for No-Notice Events)

Phase 3 activities include:

- Chemical SSA will coordinate with the Chemical SCC Chair and Vice-Chair, or designee, to assess the need for a sector-specific call and conduct call as determined.
- Chemical SSA will follow DRAFT agenda for call(s) and conduct post-call activities as described above.
- Chemical SSA will maintain open communications with the Chemical SCC to ensure they are receiving information and participating in the cross-sector calls initiated by DHS.
- Chemical SSA will discuss NISAC impacts/interdependencies analysis and modeling and FEMA hazards modeling with Chemical SCC (if available).
- Discuss Federal government plume modeling information and related public guidance with Chemical SCC (if applicable).⁸
- Chemical SCC will provide preliminary damage assessment information as soon as practicable to the Chemical SSA to support National Level Reporting.
[Refer to [Appendix E](#) for National Level Reporting.]
- Chemical SSA will coordinate with DHS/IP/Protective Security Coordination Division (PSCD) and PSAs to assess chemical critical infrastructure owners and operators’ needs in the impact area and ascertain emergency shutdown status.
- Chemical SSA will work with the NICC to catalog and provide follow-up on all sector RFIs/RFAs.
- Chemical SSA and Chemical SCC will continue to monitor HSIN-CI for situation updates and other relevant information.

⁸ Plume model information includes information resulting from a facility or transportation modality release, or malicious actor use of a weapon of mass destruction impacting the sector.

C. Recovery

Recovery activities take place following the immediate initial response to an event and extend through restoration of key critical infrastructure facilities, functions, systems, services, and supply chains. Termination of recovery-focused coordination and critical infrastructure partner activities will be decided jointly between the Chemical SSA and the Chemical SCC leadership. The following activities will be conducted during this phase:

- Chemical SCC will provide sector-specific knowledge and expertise to address sector needs and provide government decision-makers and sector partners with the information needed to plan and conduct recovery activities such as, but not limited to:
 - Security needs
 - Safe zones
 - Marshaling areas
 - Escorts (highway)
 - Reentry access
 - Critical needs
 - Electricity
 - Employees within impacted zones, industry, and responders
 - Essentials (food, water, and medical)
 - Emergency housing
 - Communications
 - Fuel⁹
 - Banking and finance
- Chemical SSA will collect follow-on damage assessment and status reports from the Chemical SCC and evaluate infrastructure restoration priorities.
[Refer to [Appendix D](#) for a list of crisis management status.]
- Chemical SSA will work with sector partners per the NRF to ensure that chemical sector infrastructure is recovered in a timely and efficient manner to minimize the impact of service disruptions.
- Sector partners will continue to coordinate, manage, and participate in sector-specific and cross-sector conference calls.
- Sector partners will continue to monitor HSIN-CI for situation updates and other relevant information.
- Chemical SSA will work with the NICC to monitor status of outstanding RFIs/RFAs and provide updates to the Chemical SCC, as appropriate.

⁹ See [Appendix I](#) for information on a comprehensive “checklist” developed by the Oil and Gas Sector Coordinating Council of all Federal regulatory waivers needed to ensure the most efficient functionality of the fuel distribution system possible during a state of emergency (i.e., hurricane, blizzard, etc.).

SECTION 5: INFORMATION SHARING AND INCIDENT REPORTING

DHS, in coordination with the SSAs, is responsible for coordinating incident notification and information sharing among Federal agencies, SLTT entities, and private sector owners and operators. DHS uses established systems, such as HSIN-CI, to create situational awareness in support of incident operations. Upon notification of a potential or actual incident, the NICC will coordinate with the SSAs, GCCs, SCCs, and other established information-sharing mechanisms to communicate pertinent information.

In support of National Level Reporting (NLR) requirements, the NICC will serve as the overall Federal focal point for critical infrastructure-related status reporting from the SSAs, SCCs, GCCs, owners and operators, and other information-sharing entities.

The following actions occur when incident reporting starts:

- The NICC alerts SSAs that the reporting process has begun via the IP Executive Notification Service.
- SSAs coordinate with SCCs, GCCs, and established information-sharing and analysis mechanisms in their sector to initiate status reporting and impact assessments.
- The NICC verifies reported information and compiles the Critical Infrastructure Situation Report, which is included in the National Common Operating Picture posted to HSIN-CI.
- SSAs are responsible for notifying the NICC when they receive threat or incident-related information from within their sectors. The NICC documents these reports, compiles additional details surrounding the incident, and disseminates reports to the sectors, the National Operations Center (NOC), the National Response Coordination Center (NRCC), NPPD Office of Cyber and Infrastructure Analysis (OCIA), and Federal Bureau of Investigation (FBI).

SECTION 6: REQUEST FOR INFORMATION (RFI) PROCEDURES

Most RFIs should be handled at the local level by the owner/operator in coordination with the appropriate SLTT agency. However, in some cases, the Chemical SCC may be able to help expedite and support these requests. This should be accomplished on an “as-needed” basis and will involve the Chemical SCC member organizations working in close collaboration with their respective members (owners/operators). The following are some basic guidelines on submitting RFIs/RFAs at the national level:

- Chemical SCC members and critical infrastructure owners/operators impacted by an advance-notice or no-notice event should send RFIs to the NICC per the contact information provided in Appendix C. The Chemical SSA will be copied on all RFIs sent to the NICC.
- The NICC maintains a master log of all RFIs submitted for action and is responsible for tracking all RFI submissions through task completion.
- Significant outstanding RFIs will be addressed with the Chemical SSA by the Chemical SCC leadership during sector-specific teleconference calls or directly with the SSA if the issue requires immediate attention outside the established conference call schedule.

SECTION 7: REQUEST FOR ASSISTANCE (RFA) PROCESS

Critical infrastructure-related protection, response, and recovery activities operate within a framework of mutual aid and assistance. Incident-related requirements can be addressed through direct actions by owners and operators, or with government assistance provided by SLTT and/or Federal authorities in certain specific circumstances. Requests for assistance from critical infrastructure owners and operators may relate to a variety of incident-related needs, such as requirements for security, impact area access, fuel, or accommodations for crews needed to perform critical repair/restoration of service work. Generally, SLTT authorities, SSAs, NRF Emergency Support Function (ESF) primary or supporting agencies, or other Federal government entities, to include those with regulatory responsibilities, provide primary entry points for these requests. At the Federal level, requests may be addressed through existing authorities of Federal departments or agencies or through application of the Stafford Act.

Robert T. Stafford Disaster Relief and Emergency Assistance Act

Disaster assistance programs generally offer support for incident-related repair, replacement, or emergency protective services needed for infrastructure owned and operated by government entities.

In addition, the Stafford Act permits consideration of private sector requests for assistance, but the application of Stafford Act legal principles does not guarantee that needs or requests from private sector entities will be met in all cases. A private sector owner or operator may receive direct or indirect assistance from Federal government sources when the need:

- Exceeds capabilities of the private sector and relevant SLTT or insular area governments;
- Relates to immediate threat to life and property;
- Is critical to disaster response or community safety; and
- Relates to essential Federal recovery measures.

Defense Production Act

The Defense Production Act (DPA) provides specific authority to expedite supply and strengthen production capabilities for critical infrastructure protection and restoration activities. This authority includes:

- Priority ratings in the Defense Priorities and Allocations System on contracts and orders for industrial resources;
- Financial incentives to expedite deliveries and expand supplies of materials and services;
- Agreements by the private sector to share information to coordinate management of critical supplies; and
- Private sector experts in government emergency protection, response, and recovery activities.

DHS/FEMA coordinates DPA authorities related to incident management before and during an incident, including:

- Providing priority ratings on contracts and orders for industrial resources in cooperation with the U.S. Department of Commerce or relevant SSAs;
- Developing guidance and procedures;
- Coordinating DPA plans and programs; and
- Providing technical assistance for all appropriate Federal agencies under the NRF and NIPP.

RFA Procedures

- Critical infrastructure owners/operators impacted by an advance-notice or no-notice event should first attempt to submit RFAs through the local SLTT emergency agency. To ensure awareness at the national level, owners/operators may also submit such RFAs to the NICC per the contact information provide in [Appendix C](#) and inform them of other submissions. The Chemical SSA will be copied on all RFAs sent to the NICC.
- Chemical SCC members may also send RFAs to the NICC per the contact information provided in [Appendix C](#). The Chemical SSA will be copied on all RFAs sent to the NICC.
- The NICC maintains an automated master log of all RFAs submitted for action and is responsible for tracking all RFA submissions through task completion.
- Significant outstanding RFAs should be addressed with the SSA by the Chemical SCC leadership during sector teleconference calls or directly with the SSA if the issue requires immediate attention outside the established conference call schedule.

SECTION 8: SOP MANAGEMENT AND MAINTENANCE

The Chemical SCC will coordinate with the Chemical SSA on the update, revision, maintenance, and distribution of this SOP. This SOP will be reviewed on an annual basis during the first quarter of each year, at a minimum, so it remains current and compliant with policy, process, and protocol changes. In addition, the Chemical SSA and the Chemical SCC will complete an After-Action Report following real-world incidents and exercises involving the chemical sector to ensure that the SOP is updated to reflect identified best practices, lessons learned, and areas for improvement. Proposed Continuity of Operations changes or revisions to the SOP will be jointly reviewed and approved by the Chemical SSA and the Chemical SCC. Copies of the revised SOP will be distributed to the Chemical SCC membership. The Chemical SSA will maintain the official copy of the approved SOP.

APPENDIX A: KEY CHEMICAL SECTOR AND STATE CHEMICAL ASSOCIATION CONTACT INFORMATION

Chemical Sector Contact Information

DHS		
NICC	nicc@hq.dhs.gov	202-282-9201
Chemical Sector-Specific Agency	ChemicalSector@hq.dhs.gov	N/A
Chemical SCC Leadership (2016-2017)		
Jeff Gage, Praxair (Chair)	jeff_gage@praxair.com	Cell: 203-300-8227
Kirsten Meskill, BASF (Vice Chair)	kirsten.meskill@basf.com	Cell: 973-610-3776
Bill Erny, ACC (Assistant Chair)	bill_erny@americanchemistry.com	Cell: 202-734-1240
24/7 Incident Support		
ChemTREC	chemtrec@chemtrec.com	800-262-8200 (within the USA) or +1-703-741-5500 (from anywhere in the world)
DHS CI-CAT	IP.CI.CAT@hq.dhs.gov	202-282-8535
DHS Chemical Security Analysis Center (CSAC)	csac.reachback@hq.dhs.gov	410-417-0910
DHS Priority Telecommunications Service Center	support@priority-info.com	866-627-2255 or 703-676-2255
HSIN Password Reset	HSIN.helpdesk@hq.dhs.gov	866-430-0162

State Chemical Association Contact Information

Manufacture Alabama Chemistry Council

Molly Cagle, Director of External Affairs

Phone: 334-386-3000

Fax: 334-386-3001

E-mail: molly@manufacturealabama.org

Website: <http://www.manufacturealabama.org/>

Chemical Industry Council of California

John R. Ulrich, Executive Director

Phone: 916-989-9692

Fax: 916-989-9694

E-mail: jrulrich@comcast.net

Website: <http://www.cicc.org>

Chemical Industry Council of Delaware

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Fax: 202-204-5816

E-mail: Josh_young@americanchemistry.com

Manufacturers Association of Florida

Nancy Stephens, CAE Executive Director

Phone: 850-402-2930

Fax: 850-402-0139

E-mail: nancy@mafmfg.com

Website: <http://www.fmcc.org>

Georgia Chemistry Council

Michael Power, Executive Director

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Chemical Industry Council of Illinois

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Louisiana Chemical Association

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Maryland Industrial Technology Alliance

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Massachusetts Chemistry & Technology Alliance

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Michigan Chemistry Council

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Chemistry Council of Missouri

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Chemistry Council of New Jersey

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North Carolina Manufacturers Alliance

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Ohio Chemistry Technology Council

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Pennsylvania Chemical Industry Council

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Website: <http://www.pcic.org>

South Carolina Chemistry Council,

Sara N. Hazzard, V.P. of Gov't. Relations

Phone: 803-799-9695

Fax: 803-771-8738

E-mail: hopper@myscma.com

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Chemical Industry Committee**Tennessee Chamber of Commerce & Industry**

Amy Martin, Vice President

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Texas Chemical Council

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West Virginia Manufacturers Association

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APPENDIX B: CHEMICAL SECTOR OWNER/OPERATOR AND STATE, LOCAL, TRIBAL, AND TERRITORIAL AGENCY RESPONSIBILITIES

For purposes of this SOP, chemical sector owners/operators and SLTT agencies have the following general responsibilities regarding incident management.

Chemical Sector Owners/Operators


- Direct local facilities to coordinate with SLTT authorities on preparedness and response activities and RFIs/RFAs.
- Inform respective Chemical SCC associations/organizations of preparedness and response activities, incident impacts, and RFIs/RFAs to allow the Chemical SCC and Chemical SSA to work collaboratively to monitor and ensure that RFIs/RFAs are captured in the National Level Reporting and implementation tracking system overseen by the NICC.

State, Local, Tribal, Territorial, and Insular Area Agencies

- Establish security and resilience partnerships, facilitate information sharing, and enable planning for critical infrastructure protection within their jurisdictions.
- Develop and implement statewide, local area, or regional critical infrastructure protection programs integrated into homeland security and incident management programs.
- Serve as crucial coordination hubs, bringing together prevention, protection, response, and recovery authorities, capacities, and resources among constituent jurisdictions, across sectors, and across regional entities.
- Act as conduits for RFAs when the threat or incident situation exceeds the capabilities of public and private sector partners in their jurisdictions.
- State and local governments usually are responsible for emergency services and first-level responses to incidents.
- In some critical infrastructure sectors, State and local governments own and operate critical infrastructure, such as water, wastewater, and storm water systems and electric utilities, and are responsible for initial prevention, response, recovery, and emergency services provision.

APPENDIX C: NICC REQUEST FOR INFORMATION/ASSISTANCE FORM

For information regarding the NICC RFI/RFA process, or to obtain official NICC RFI/RFA Forms, contact the NICC at NICC@hq.dhs.gov or call 202-282-9201.

For Official Use Only		
<h2 style="margin: 0;">National Infrastructure Coordinating Center</h2>		
<h3 style="margin: 0;">Request for Information</h3>		
<p>INSTRUCTIONS: Complete a separate form for each RFI submission. Submit completed forms to the National Infrastructure Coordinating Center (NICC) at NICC@hq.dhs.gov. Following submission, you will receive a notification e-mail acknowledging receipt of this form and a tracking number for your reference. Please note that a member of our team may call to ask follow-up questions or to clarify specific requirements.</p>		
<p>EVENT TITLE / INCIDENT NAME (If no event or incident name has been assigned, go to "Subject of Request.")</p>		
<ul style="list-style-type: none"> • TRACKER STATUS IS POSTED TO HSIN-CI BY THE NICC TO FACILITATE TRACKING BY THE CHEMICAL SSA, THE CHEMICAL SCC, AND OTHERS. 		
<p>SUBJECT OF REQUEST</p>		
<p>DETAILS OF REQUEST (Be specific as possible, for mapping or visualization products, include instructions about product scale, base (map or image), venue, data layers, etc.)</p>		
<p>TIMELINES (Due dates will be adjusted by the handling Division according to the nature of the request.)</p>		
Date Due Requested	Time Due Requested	Suspense Time
<p>REQUESTOR INFORMATION (Point of contact to receive response.)</p>		
Name (Last, First)	Organization	
Phone	E-mail	
<p>RESPONSE DETAILS (Please indicate the preferred method to receive response.)</p>		
<input type="checkbox"/> E-mail	<input type="checkbox"/> Phone	<input type="checkbox"/> HSIN-CS Posting
<input type="checkbox"/> Other (specify):		
<p>PRIORITY</p>		
<input type="checkbox"/> High	<input type="checkbox"/> Medium	<input type="checkbox"/> Low
<p>Office of Infrastructure Protection National Infrastructure Coordinating Center 202-282-9201 NICC@hq.dhs.gov</p>		
For Official Use Only		Page 1 of 3



National Infrastructure Coordinating Center

Request for Information

INFRASTRUCTURE SECTORS IMPACTED (Refer to the *Infrastructure Data Taxonomy*)

- | | | |
|--|---|---|
| <input type="checkbox"/> Agriculture & Food | <input type="checkbox"/> Banking & Finance | <input type="checkbox"/> Chemical & Hazmat Industry |
| <input type="checkbox"/> Commercial Facilities | <input type="checkbox"/> Communications | <input type="checkbox"/> Dams |
| <input type="checkbox"/> Defense Industrial Base | <input type="checkbox"/> Emergency Services | <input type="checkbox"/> Energy |
| <input type="checkbox"/> Government Facilities | <input type="checkbox"/> Healthcare & Public Health | <input type="checkbox"/> Information Technology |
| <input type="checkbox"/> Manufacturing | <input type="checkbox"/> National Monuments & Icons | <input type="checkbox"/> Nuclear |
| <input type="checkbox"/> Postal & Shipping | <input type="checkbox"/> Transportation | <input type="checkbox"/> Water |

CATEGORY (Please mark an "X" in the most appropriate field.)

- | | | |
|---|---|---|
| <input type="checkbox"/> Access or Distribution | <input type="checkbox"/> JFO Support | <input type="checkbox"/> Product |
| <input type="checkbox"/> Analysis | <input type="checkbox"/> Leadership Follow-up | <input type="checkbox"/> Status |
| <input type="checkbox"/> Clarification | <input type="checkbox"/> List | <input type="checkbox"/> Training / Instruction |
| <input type="checkbox"/> Contact Information Change | <input type="checkbox"/> NOC / CAT | <input type="checkbox"/> General |
| <input type="checkbox"/> IP Internal | <input type="checkbox"/> Geospatial (Imagery / Map) | <input type="checkbox"/> Private Sector |
| <input type="checkbox"/> Other: | | |

CLASSIFICATION (Please mark an "X" in the most appropriate field.)

- | | | |
|---------------------------------------|---------------------------------|-------------------------------|
| <input type="checkbox"/> Unclassified | <input type="checkbox"/> Secret | <input type="checkbox"/> FOUO |
|---------------------------------------|---------------------------------|-------------------------------|

PLEASE MARK HERE IF RESPONSE WILL BE SHARED OUTSIDE OF DHS:



National Infrastructure Coordinating Center

Request for Information (Imagery Only)

INSTRUCTIONS: This form is valid only if submitted in conjunction with the RFI form. Please ensure each field on this form is answered to the fullest extent possible and mark all boxes with an [X] as necessary. Submit all completed forms to the National Infrastructure Coordinating Center (NICC) at NICC@hq.dhs.gov.

Following submission, you will receive a notification via e-mail acknowledging receipt of this form and a tracking number for reference. Please note that a member of our team may call to ask follow-up questions or to clarify specific requirements.

TIMELINES	
Requested Due Date (year/month/day)	Requested Time of Delivery (24-hour time format)
EVENT TITLE / INCIDENT NAME (Please be as detailed and specific as possible.)	
{e.g., Hurricane Ike}	
SUBJECT OF REQUEST	
{e.g., ACME Oil Refinery}	
PLACE NAME	LATITUDE & LONGITUDE (Choose one or provide both.)
{e.g., La Porte, Texas}	{e.g., [29.663889 and -95.010556] or [29° 39' 50" N 95° 0' 38" W]}
U.S. NATIONAL GRID (Choose one or provide both.)	AREA OF INTEREST (For non-point and linear features.)
{e.g., 18SUJ2348306479}	{e.g., Natural boundaries, rail lines, roads, etc.}
PURPOSE AND JUSTIFICATION (Identify the product end user and why the information is need in support of the IP mission.)	
{e.g., (1) End user is the owner/operator of ACME Oil Refinery; (2) information required for situational awareness and to enable the private sector to implement timely response plans; (3) Steady State, Stafford Act Declaration, incident response}	
ESSENTIAL ELEMENTS OF INFORMATION (EEI) (What specific and/or additional information is required.)	
{e.g., (1) Close-up image of facility with damage/debris assessment using pre- and post-imagery, including road accessibility issues; (2) Image of facility and one mile surrounding area for overall situational awareness...}	
WHAT FINAL PRODUCT DO YOU REQUIRE? (Please check all that apply.)	WHAT TYPE OF PRODUCT DO YOU REQUIRE? (Please check all that apply.)
<input type="checkbox"/> Aerial image of specific asset	<input type="checkbox"/> PowerPoint slide(s)
<input type="checkbox"/> Aerial image of asset, including surrounding area of _____ miles	<input type="checkbox"/> PDF
<input type="checkbox"/> Pre- and post-imagery analysis of specific asset	<input type="checkbox"/> KML
<input type="checkbox"/> Other:	<input type="checkbox"/> Other:

DISCLAIMER: The Infrastructure Information Collection Division (IICD) is not liable to any party for direct, indirect, incidental, special, or consequential damages of any type related to or arising from any use or misuse of this product. Without limitation, IICD is not responsible for any business or systemic interruption, loss of goodwill, profit, savings, programs, data, and any other tangible and intangible loss that may result from any use of or misuse of this product. This notification and waiver of liability applies to all causes of action, whether based on contract, tort, or any other legal theories.

Office of Infrastructure Protection
National Infrastructure Coordinating Center
202-282-9201
NICC@hq.dhs.gov

RFI Form
Form last updated: 8/22/2016

APPENDIX D: CRISIS MANAGEMENT STATUS REPORT FOR CHEMICAL SECTOR

Business/Association:

Key Contact:

No Issues – Operational

Impacted

Number of Sites:

- **Physical**
 - Shutdown
 - Out-of-Service
 - Fire
 - Flood
 - Destroyed
 - Product Release
 - Spills
- **Infrastructure**
 - Communication
 - Phone
 - Cyber
 - Electric
 - Gas
 - Highway
 - Rail
 - Port
- **Employee**
 - No Impact
 - Impacted
 - Unknown Status
 - Missing
- **What are the immediate needs?**
 - Support
 - Information
 - Agency Contacts
 - Aerial Photos

Response

- **Return to Work – Access Control**
- **Government**
 - Exemptions
 - Highway
 - Rail
 - Fuel
 - Escorts
- **Additional Security**
 - Contractor
 - Local Law Enforcement Officer
 - State/National Guard

APPENDIX E: NATIONAL LEVEL REPORTING

When directed by the NICC, the Chemical SSA must provide information on impacts to the sector from an incident into a system referred to as the National Level Reporting (NLR) system. Information input into the NLR system is used by the NICC to prepare situation reports which are provided to senior levels in government, SCCs, and owners/operators via HSIN.

Information that must be provided under a data call includes:

- Impacts to national and/or regional critical infrastructure within the incident area
- Restoration Activities
- Key Current Actions (previous 24-48 hours)
- Key Future Actions (next 24-48 hours)
- Federal Resource Commitment (available/committed/requested/received)
- Loss or Degradation of Key Capabilities

APPENDIX F: HOMELAND SECURITY INFORMATION NETWORK – CRITICAL INFRASTRUCTURE (HSIN-CI) INFORMATION

Homeland Security Information Network – Critical Infrastructure

The Homeland Security Information Network – Critical Infrastructure (HSIN-CI) is a national, secure, trusted Web-based portal for information sharing and collaboration between Federal, State, local, tribal, territorial, private sector, and international partners engaged in the homeland security mission.

HSIN is a network of “Communities of Interest,” which are organized by state organizations, Federal organizations, or functional areas, such as emergency management, law enforcement, critical sectors, and intelligence. Users can securely share within their communities or reach out to other communities as needed. HSIN provides secure, real-time collaboration tools, including a virtual meeting space, instant messaging, and document sharing. HSIN also allows partners to work together instantly, regardless of their location, to communicate, collaborate, and coordinate.

The Community of Interest for the Critical Sectors is HSIN-CI. Within HSIN-CI, there are subportals available for each sector, with the subportal for the Chemical Sector referred to as HSIN-CI Chemical Sector. The NICC posts threat products, suspicious activity information, and incident information on HSIN-CI. The Chemical SSA posts information specific to the Chemical Sector on HSIN-CI.

Joining HSIN

Membership in HSIN is based on Community of Interest. Owners and operators of chemical manufacturing, storage, and transportation facilities, as well as Chemical SCC members, are eligible for access to HSIN-CI Chemical Sector. If you work in another critical infrastructure sector, visit the [Critical Infrastructure Sectors Page](#) to determine the most appropriate HSIN-CI site for you.

If you need more information, contact the HSIN Outreach Team e-mail at HSIN.Outreach@hq.dhs.gov.

To request access to HSIN-CI, submit the following to HSINCI@hq.dhs.gov:

- Name
- Employer
- Title
- Business email
- Brief written justification

Once nominated, the Community of Interest Validating Authority will review your membership application and approve or deny your admission to the Community of Interest. If the application is approved, an e-mail will be sent to you with instructions on how to log onto HSIN for the first time.

Although passwords can be reset online, current users can also request password help and other assistance on HSIN use by contacting the HSIN Help desk at 1-866-430-0162 or HSIN.helpdesk@hq.dhs.gov.

APPENDIX G: INDUSTRY/ASSOCIATIONS PREPAREDNESS CHECKLIST

Status Reporting

- Status Updates
- Impact Zone (ground zero & surround)
- General Overview (impacted area and specific sectors)

Critical Infrastructure or Support Zones

- Forecast
- Operational Status
- Employee Status (based on day & time)
- Time & Repeat Schedule (impact based)

Establish Primary Points of Contact (POCs)

- Government
- State
- Fusion Centers (Emergency Ops Center)
- Government Agencies
- Sector Contacts
- Impacted Industry(as warranted)

Chemical Sector Response

- Underway
- Scheduled
- Planned

Response Update

- Industry
- Government
- Security
- Safe Zones
- Marshaling Areas (response)
- Escorts (highway)

Critical Needs

- Credentialed Employees, Industry, and First Responders (within impact zones)
- Essentials (food, water, and medical)
- Emergency Housing
- Communications
- Fuel
- Banking

Status Update

- Responding and Start-ups
- Time and Schedule (based on impact)
- Impacted Zones (ground zero and surrounding area)

Regulatory Relief

- Permits, Exemptions, etc.
- Status
- How to Request

Reentry

- States/Local (Parish) data – review
- Business

APPENDIX H: DRAFT AGENDA FOR CHEMICAL SECTOR-SPECIFIC CALLS

Call Meeting to Order

- SSA provides short status recap (from current incident situation reports provided by NICC)
- Usually focused on power restoration, transportation, and port status

Impact Zone (Forecasted)

- General overview of impacted area and specific sectors
- Critical infrastructure or support zones
- Pre-planning – evacuations

Industry Activity

- Determine what actions, in general, industry is taking
- If any facility operator thinks they are a sole producer and their facility is down, ask them to contact the SSA separately
- Try to determine if the facility is a sole provider and evaluate cascading impacts

Reentry

- States/Local (Parish) data – review
- Business Continuity

Primary POC (Point of Contact) and Activation Status

- Emergency Operations Centers
- Fusion Centers
- SLTT Government Agencies
- Federal Joint Field Office
- Sector Contacts
- DHS IP Protective Security Advisors

Planning

- Develop a schedule and a hand-off process

APPENDIX I: REGULATORY RELIEF TO FACILITATE MOVEMENT OF SUPPLIES DURING AN EMERGENCY

The chemical industry operates under a myriad of regulations that dictate product quality and contribute to safe operations and environmental performance. The industry has a deep commitment to complying with all regulations, all of the time—this includes during emergency situations. The industry bears the responsibility for delivering chemicals to consumers and is adept at making adjustments to supply chains within the limits of applicable regulations to overcome day-to-day operational issues or issues that arise from natural disasters. Temporary relaxation of certain regulatory requirements can allow for expedited response and recovery from natural disasters. Prudently issued regulatory relief that appropriately balances competing concerns allows the government to temporarily suspend certain regulatory requirements so that companies can accelerate recovery to help alleviate the emergency and restore normal operating conditions to best serve the public interest.

This section includes a list of possible regulatory waivers that may be necessary during a state of emergency to help expedite recovery and explanations of when particular regulatory relief may be appropriate. Further information on regulatory relief can be found in the recent National Petroleum Council study on [“Enhancing Emergency Preparedness for Natural Disasters”](#)

Environmental Protection Agency (EPA)

1. RFG Requirements

Issue: Reformulated gasoline (RFG) is a cleaner burning gasoline blend required in areas that are not meeting certain air quality standards. During times of emergency, it is imperative that distributors have the flexibility to get any available fuel into the affected area in any way possible, regardless of whether or not it is RFG.

Waiver Needed: 40 CFR 80.78(a)(7), which prohibits persons from combining any reformulated gasoline blendstock for oxygenate blending with any other gasoline, blendstock, or oxygenate.

2. ULSD Requirements

Issue: Ultra Low Sulfur Diesel (ULSD) is a cleaner fuel, with a 15 parts per million (ppm) sulfur specification, required by EPA for vehicles and equipment. During times of emergency, it is imperative that distributors have the flexibility to get any available fuel into the affected area in any way possible, regardless of the sulfur content.

Waiver Needed: 40 CFR 80.510 and 80.520, which sets ULSD standards. This waiver would allow the use of high sulfur heating oil in model year 2006 and older vehicles, generators, and as home heating oil during the emergency.

3. Vapor Recovery Regulations

Issue: Fuel terminal loading and unloading systems and tank trucks that transport fuels are required to use specified vapor recovery equipment, which can differ from state to state. In the case of an emergency, it is imperative that fuel can move from jurisdiction to jurisdiction by any transport means available. The states include these regulations in their state implementations plans (SIPs) which are approved and enforced by the EPA.

Waiver Needed: 40 CFR Part 60 Subpart XX and Part 63 Subparts R, Y, and BBBBBB, which set the standards for loading applicable to bulk gasoline terminals, pipeline breakout stations, and marine tank vessel loading operations, respectively.

Department of Transportation (DOT)

To expedite oversized/overweight permitting and to assist with toll information, waivers and other transportation related issues, DOT developed a department wide DOT Emergency Preparedness, Response, and Recovery Information Website (www.dot.gov/emergency). During an emergency DOT will post information related to transportation permits, waivers, and other regulations and authorities that are applicable during an emergency to assist all public and private transportation organizations. The website contains links to each of the DOT Operating Administration's emergency websites and the Emergency Support Function – 1 (Transportation) Partner agencies.

For road closures, DOT will provide FEMA major interstate and other significant road closures, however FEMA and the private sector should access the State DOT 511 Websites (which are linked from DOT's emergency website) to obtain this information.

1. General Administrative Requirements

Issue: The DOT's Federal Motor Carrier Safety Administration (FMCSA) sets general standards and requirements that apply to vehicle labeling and record keeping, among others. They also require transporters to follow all applicable State and Federal requirements. This section needs to be waived in order to expedite shipments of fuel to recovery areas and to allow for other Federal and State waivers to be effective.

Waiver Required: 49 CFR 390, which provides the general basis for Federal motor carrier safety regulations.

2. Driver Qualification Regulations

Issue: The FMCSA has certain rules, such as requiring a driver's physical fitness, fluency in the English language, level of fatigue, the thorough inspection of cargo, lighting and cargo standards, and inspection repair and maintenance, that may be appropriate under regular operating circumstances, but hinder the effort to get as many loads into the disaster area as possible in a short amount of time.

Waiver Required: 49 CFR Parts 391-3 and 396, which set driver standards, load standards, inspection standards, etc.

3. Hours of Service Regulations

Issue: The FMCSA sets requirements on how many hours a truck driver can drive or be on duty in a given day and week. There are also certain rest time requirements between on-duty periods. These requirements, which may be appropriate under regular operating circumstances, hinder the effort to get as many loads into the disaster area as possible in a short amount of time.

Waiver Required: 49 CFR Part 395, which sets hours of service regulations.

4. Vehicles Not Meeting HazMat Specifications

Issue: DOT's Pipeline and Hazardous Materials Safety Administration sets strict specifications on which vehicles can carry gasoline and other hazardous materials and how they need to do it (i.e., shipping papers, markings, placarding, etc.). To get the needed quantities of fuel into the disaster area as quickly as possible, more vehicles are needed as long as they are fit to carry gasoline and diesel fuel, even if they do not meet the strict specifications.

Waivers Required: 49 CFR Parts 173.242 and 172 Subparts C, D, F, and I, which govern vehicle specifications and other shipping standards for tank trucks. These waivers will also affect 49 CFR Parts 106, 107, and 171-180.

5. Jones Act

Issue: The Merchant Marine Act, also called the Jones Act, requires that only U.S. built and flagged vessels can carry goods from U.S. ports to other U.S. ports. During times of emergency it is imperative that disaster relief items, including fuel, get to the disaster area as quickly as possible regardless of country of origin. More eligible vessels mean that more disaster relief supplies arrive in a more timely fashion. Coastwise waivers can be granted in two ways: (1) waivers shall be granted automatically on request of the Secretary of Defense to the extent considered necessary in the interest of national defense; and (2) when the "head of an agency responsible for the administration of the navigation or vessel-inspection laws" (in this case the Secretary of DHS) considers it necessary in the interest of national defense, if the Administrator of MARAD determines that no U.S.-flagged vessels are available for the proposed transportation. CBP has direct responsibility for enforcing the Jones Act and processes requests for waivers for the Secretary of DHS. Prior to granting the waiver, CBP must seek MARAD's advice regarding U.S.-flag vessel availability before the Secretary of DHS makes a decision by law (see 46 U.S.C. § 501).

Waiver Required: 46 USC 551, which codifies the restriction on non-U.S. flagged vessels delivering from U.S. ports to U.S. ports.

Internal Revenue Service (IRS)

1. Diesel Fuel Penalty

Issue: The IRS imposes 24.4 cents per gallon tax on diesel fuel sold for on-road use, while dyed diesel fuel, used for farming purposes, home heating use, etc., is not ordinarily subject to the tax. Typically, if a diesel fuel that was not subject to this excise tax was converted to use for on-road

purposes, the IRS would require that use to be reported and the tax paid accordingly. In the case of emergency, the goal is to get as much transportation fuel into the market as possible to make up for supply shortages, and, as such, this reporting and tax requirement becomes an impediment to bringing that fuel into the transportation mix.

Waiver Required: Requirements under Publication 510 of the Internal Revenue Code, which governs excise taxes.

Other Federal Government Assistance

1. Coast Guard: Vessel Movement Control

Issue: The Coast Guard has authority to control vessel traffic in areas subject to the jurisdiction of the United States that are determined to be hazardous or under other hazardous circumstances through enactment of safety and security zones. Coordination efforts with the U.S. Coast Guard to provide exclusive access to ports in the disaster area to those bringing fuel and other necessary supplies in an effort to expedite barge movement is necessary.

Waiver Required: Captain of the Port Order waiver under Ports and Waterways Safety Act (33 USC 1221 et. seq.).

2. DOD/DHS: Fuel Loans and Distribution Assistance – Assistance can be obtained through the Department of Defense’s Defense Logistics Agency and the Federal Emergency Management Administration.

3. DOE: Fuel Loans – Coordinate with the U.S. Department of Energy.

State Waivers that may be necessary to Transport Fuel/Chemicals Interstate

1. Reid Vapor Pressure (RVP) Requirements

Issue: Many states allow a variance, up to 1 lb. RVP, from the most recent version of ASTM D4814 for gasoline blended with ethanol. NIST Handbook 130 also provides for this variance.

Waiver Required: States that do not allow for an RVP variance should waive the applicable state law or regulation to allow fuel from states that do allow the variance to be used interchangeably across state lines during the emergency.

2. Biofuel Blending Requirements

Issue: Some states require a minimum amount of biofuels to be blended into all gasoline and/or diesel sold within the state.

Waiver Required: States with minimum biofuel blending requirements should waive the applicable law or regulation to allow fuel that does not contain the specified volume of biofuels to be carried across state lines and sold in the state during the emergency.

3. Stage I Vapor Recovery Requirements

Issue: Fuel terminal loading and unloading systems and tank trucks that transport fuels are required to use specified vapor recovery equipment, which can differ from state to state. In the case of emergency, it is imperative that fuel can get from jurisdiction to jurisdiction by any transport means available. The states include these regulations in their state implementations plans (SIPs), which are approved and enforced by EPA.

Waiver Required: During an emergency, if EPA provides a waiver (or no action assurance) during the emergency, each state requiring Stage I Vapor Recovery should waive the applicable law or regulation to allow trucks and terminals without vapor recovery equipment to operate and move fuel from the terminal to intrastate or interstate destinations.

4. Weight Limits

Issue: All states set weight restrictions (maximum weights allowable) for trucks that travel on their roadways. Because Federal law allows each state to set their own weight requirements, not all states set the limits at the same weight. In addition, these state-specific weight limits typically require fuel tankers to be filled at levels below their capacity in most, if not all, states.

Waiver Required: States should waive their typical weight limits and set temporary limits for trucks carrying emergency relief supplies (including fuel) to allow rapid movement of the greatest amount of fuel that can be moved safely intrastate and across state lines. A typical waiver may allow transport of 92,000 lbs. to 100,000 lbs.

5. Distributor License

Issue: Many states require a carrier to pay a fee and obtain a Distributor's License to transport motor fuel within the state.

Waiver Required: States should waive the applicable fees and license requirements to ensure that all drivers, trucks, and resources within the state or brought across state lines to provide support are available to contribute to the disaster relief effort.

6. Hours of Service

Issue: Some states have driver Hours-of-Service requirements that are more restrictive than DOT regulations.

Waiver Required: States with hours-of-service regulations that are more restrictive than the Federal government should waive those requirements in support of DOT's effort to deliver as many loads into the disaster area as possible in the shortest period of time.

7. Retail Gasoline Label Requirements

Issue: States that have specific biofuel blending requirements may require labels that say things like "contains 10% ethanol," while some fuel transported interstate may not have exactly 10 percent, but rather "up to 10% ethanol."

Waiver Required: States with content specific labeling requirements should waive those requirements to allow fuels that may not be blended with the exact volume depicted on the dispenser to be sold in the state during the emergency.

8. Importer/Exporter Licenses

Issue: State revenue departments require fuel importers and exporters to pay a fee and obtain a license from the State to move fuel across State lines. Without these licenses, the fuel merchant cannot legally buy gasoline from one State and move it to another.

Waiver Required: Each individual State within the disaster region should allow fuel to be bought and sold within or outside their State by any merchant, whether or not they have paid the proper fee and obtained an importer/exporter license. For example, States who have allowed a waiver in the past have taken different approaches: some expedite licenses during the emergency, while others waive the requirements entirely or require the merchant to remit taxes to the State despite not being properly licensed and registered.

9. IRP/IFTA

Issue: The International Registration Plan (IRP) is an agreement among States of the U.S., the District of Columbia, and provinces of Canada providing for payment of commercial motor carrier registration fees. To operate in multiple states or provinces, motor carriers must register in their base jurisdiction (State or province). The International Fuel Tax Agreement (IFTA) is an agreement among States to report fuel taxes by interstate motor carriers.

Waiver Required: These tax structures, which act as interstate fuel taxes, should be waived in agreement with all states that are affected by the emergency or that are participating in the emergency relief effort to ensure that fuel can move freely from one State to another without the time consuming tax bureaucracy process.

10. Anti-Price Gouging Requirements

Issue: Most States have regulations which prohibit retail gasoline stations from raising their prices more than a certain amount during a specified time period. While this is intended to protect the consumer, during a supply disruption it has the unintended effect of discouraging gasoline stations from engaging in extraordinary measures to acquire new inventory. Thus, shortages proliferate, and those who genuinely need fuel, and are willing to pay a premium, are unable to obtain it.

Waiver Required: These market constricting regulations should be waived or modified in order to ensure that retail stations are not discouraged from bringing in fuel from other states or regions due to the inability to earn reasonable profit and recover legitimate costs in doing so.

APPENDIX J: DEFINITIONS

Chemical Sector Coordinating Council (Chemical SCC)

The Chemical Sector Coordinating Council (SCC) is one of 16 critical infrastructure councils established under the protection afforded by the Critical Infrastructure Partnership Advisory Council. The NIPP sector partnership model encourages critical infrastructure owners and operators to create or identify a Sector Coordinating Council (SCC) as the principal entity for coordinating with government at various levels on a wide range of critical infrastructure-related activities and issues. The SCCs are self-organized, self-run, and self-governed to include a spokesperson designated by the sector membership. Specific membership varies from sector to sector, reflecting the unique composition of each sector. However, membership generally is representative of a broad base of owners, operators, associations, and other entities—both large and small—within a sector.

Critical Infrastructure and Key Resources (CIKR) Support Annex to the NRF

The CIKR annex to the NRF describes policies, roles and responsibilities and provides the concept of operations for assessing, prioritizing, protecting, and restoring critical infrastructure within the United States, its territories, and possessions during actual or potential domestic incidents. The annex details the processes to ensure coordination and integration of critical infrastructure-related activities among a wide array of public and private incident managers and security partners within immediate incident areas, as well as at the regional and national levels.

Government Coordinating Council (GCC)

Formed as the government counterpart to each SCC to enable interagency and cross-jurisdictional coordination, the GCC comprises representatives from across various levels of government (Federal, State, local, and tribal), as appropriate to the operating landscape of each individual sector. Each GCC is co-chaired by a representative from the designated SSA with responsibility for ensuring appropriate representation on the GCC and providing cross-sector coordination with State, local, and tribal governments. The GCC coordinates strategies, activities, policy, and communications across governmental entities within each sector.

Government Emergency Telecommunications Service (GETS)

A National Communications System (NCS) program, GETS enables users to prioritize calls over wireline networks through an access card (GETS card) that provides both a universal GETS access number and a Personal Identification Number (PIN) for critical personnel's use during significant incidents. For assistance setting up accounts contact DHS Priority Telecommunications Service Center 1-866-627-2255 or 1-703-676-2255

Homeland Security Information Network – Critical Infrastructure (HSIN-CI)

HSIN is a national, secure, and trusted Web-based portal for information sharing and collaboration between Federal, State, local, tribal, territorial, private sector, and international partners engaged in the homeland security mission. HSIN consists of a growing network of communities called “Communities of Interest,” which are organized by State organizations, Federal organizations, or mission areas, such as emergency management, law enforcement, critical sectors, intelligence, etc. The portal provides users the ability to securely share information within their communities or reach out to other communities as needed. HSIN provides threat and incident information and secure, real-time collaboration tools to include a virtual meeting space, instant messaging and document sharing. HSIN-CI also allows partners to work together instantly, regardless of their location, to communicate, collaborate, and coordinate. [Refer to [Appendix F](#) for HSIN-CI access and additional related information.]

National Disaster Recovery Framework (NDRF)

A framework describing the concepts and principles that promote effective Federal recovery assistance, the NDRF identifies scalable, flexible, and adaptable coordinating structures to align key roles and responsibilities. It also links Federal, State, local, and tribal governments; the private sector; and nongovernmental and community organizations that play vital roles in recovery.

National Incident Management System (NIMS)

NIMS is a framework that provides a systematic, proactive approach to guide departments and agencies at all levels of government, nongovernmental organizations, and the private sector to work seamlessly to prevent, protect against, respond to, recover from, and mitigate the effects of incidents, regardless of cause, size, location, or complexity, in order to reduce the loss of life, property, and harm to the environment. NIMS works hand-in-hand with the NRF. The NIMS provides the template for the management of incidents, while the NRF provides the structure and mechanisms for national-level policy for incident management.

National Infrastructure Coordination Center (NICC)

A 24/7 watch/operations center that maintains ongoing operational and situational awareness of the nation’s critical infrastructure sectors as an element of the National Operations Center (NOC), the NICC provides a centralized mechanism and process for information sharing and coordination among government and industry partners. The NICC receives situational, operational, and incident information from the sectors in accordance with the information-sharing protocols established in the NRF. The NICC also disseminates products that contain all-hazards warning, threat, risk, and critical infrastructure protection information.

National Infrastructure Protection Plan (NIPP)

The [NIPP](#) establishes the overall risk-based construct that defines the unified approach to protecting the nation's critical infrastructure in an all-hazards context and specifies procedures and activities to reduce risk to the nation's critical infrastructure, including:

- The risk management framework used to implement NIPP steady-state protection efforts and provide the critical infrastructure restoration dimension for incident management activities under the NRF.
- The sector partnership model that encourages the use of SCCs, GCCs, and cross-sector coordinating councils to create an integrated national framework for critical infrastructure protection and resilience across sectors.
- The networked approach to information sharing that provides for multidirectional exchanges of actionable intelligence, alerts, warnings, and other information between and among the various NIPP partners.

National Infrastructure Simulation and Analysis Center (NISAC)

The NISAC conducts modeling, simulation, and analysis of the nation's critical infrastructure, to include infrastructure risk, vulnerability, interdependencies, and event consequences. The Center's multidisciplinary expertise covers the full spectrum of the 16 critical infrastructure sectors while focusing on the challenges posed by interdependencies and the consequences of disruption. NISAC researchers and analysts conduct extensive modeling, simulation, and analysis to support risk mitigation and policy planning. They also provide real-time assistance to DHS decision-makers during response to such incidents as hurricanes, flooding, wildfires, and manmade events.

National Operations Center (NOC)

The primary national hub for situational awareness and operations coordination across the Federal government for incident management, the NOC is a continuously operating multiagency operations center that facilitates homeland security information sharing and operations coordination with other Federal, State, tribal, local, and nongovernmental partners. The NOC also provides the Secretary of Homeland Security and other principals with information necessary to make critical national-level incident management decisions.

National Response Framework (NRF)

A guide to how the nation responds to all types of disasters and emergencies, the [NRF](#) is built on scalable, flexible, and adaptable concepts identified in the NIMS to align key roles and responsibilities across the nation. The framework 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. The NRF also describes the principles, roles, responsibilities, and coordinating structures for delivering the

core capabilities required to respond to an incident, and further describes how response efforts integrate with those of the other mission areas defined in Presidential Policy Directive (PPD-8), National Preparedness.

Presidential Policy Directive (PPD) 8

PPD-8: National Preparedness was released in March 2011 with the goal of strengthening the security and resilience of the United States through systematic preparation for the threats that pose the greatest risk to the security of the Nation. [PPD-8 defines five preparedness mission areas—Prevention, Protection, Mitigation, Response, and Recovery](#)—and mandates the development of a series of policy and planning documents to explain and guide the Nation’s approach for ensuring and enhancing national preparedness.

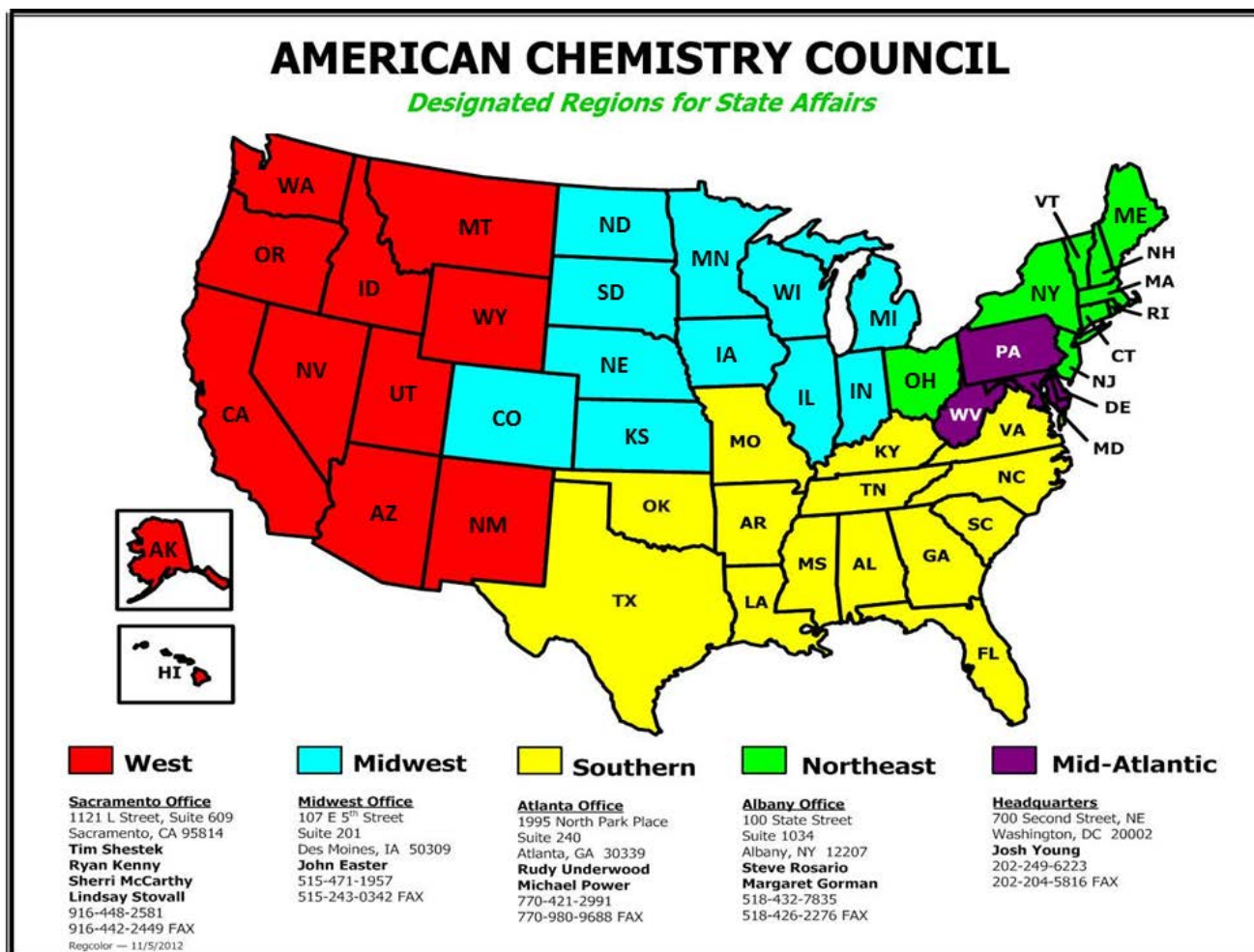
Sector-Specific Agency (SSA)

Recognizing that each critical infrastructure sector possesses its own unique characteristics, operating models, and risk landscapes, Presidential Policy Directive (PPD) 21 designates Federal government SSAs for each of the 16 critical infrastructure sectors. The SSAs are responsible for working to implement the sector partnership model and risk management framework; develop protective programs, resiliency strategies, and related requirements; and provide sector-level protection guidance in line with the overarching guidance established by DHS pursuant to PPD-21. The Secretary of Homeland Security has delegated the SSA responsibilities for the chemical sector to the DHS Office of Infrastructure Protection (IP). The Sector Outreach and Programs Division (SOPD) under IP, fulfills responsibility to implement voluntary chemical programs and the NIPP partnership model with the Chemical Sector.

APPENDIX K: AUTHORITIES

- *Defense Production Act, Public Law 81-744.* <http://www.gpo.gov/fdsys/pkg/PLAW-111publ67/html/PLAW-111publ67.htm> (accessed October 2016).
- *Homeland Security Act of 2002, Public Law 107-296, 107th Congress, November 25, 2002.* http://www.dhs.gov/xlibrary/assets/hr_5005_enr.pdf (accessed October 2016).
- *Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), Public Law 93-288.* http://www.fema.gov/pdf/about/stafford_act.pdf (accessed October 2016).
- *The White House, Homeland Security Presidential Directive 5, Management of Domestic Incidents,* Washington, D.C. February 28, 2003. <http://www.fas.org/irp/offdocs/nspd/hspd-5.html> (accessed October 2016).
- *The White House, Presidential Policy Directive 8, National Preparedness,* Washington, D.C. March 30, 2011. <http://www.dhs.gov/presidential-policy-directive-8-national-preparedness> (accessed October 2016).
- *The White House, Presidential Policy Directive 21, Critical Infrastructure Security and Resilience,* Washington, D.C. February 12, 2013. <http://www.whitehouse.gov/the-press-office/2013/02/12/presidential-policy-directive-critical-infrastructure-security-and-resil> (accessed October 2016).
- *U.S. Department of Homeland Security, Federal Emergency Management Agency, National Disaster Recovery Framework (Second Edition),* Washington, D.C. September 2011. <http://www.fema.gov/national-disaster-recovery-framework> (accessed October 2016).
- *U.S. Department of Homeland Security, Federal Emergency Management Agency, National Response Framework (Second Edition),* Washington, D.C. May 2013. <http://www.fema.gov/national-response-framework> (accessed October 2016).
- *U.S. Department of Homeland Security, Federal Emergency Management Agency, Critical Infrastructure and Key Resources Support Annex to the National Response Framework,* Washington, D.C. May 2013. <http://www.fema.gov/media-library/assets/documents/32261?id=7386> (accessed October 2016).
- *U.S. Department of Homeland Security, Office of Infrastructure Protection, Incident Management Base Plan,* Washington, D.C. 2009.

APPENDIX L: DESIGNATED REGIONS FOR STATE AFFAIRS



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E-mail questions regarding this pamphlet or questions about the Chemical Sector to Chemicalsector@hq.dhs.gov.

