

State Emergency Response Commission
for
Hazardous Materials

Department of Environmental Protection
Carr Building
3800 Commonwealth Boulevard, Room 170 - M
Tallahassee, Florida 32399

July 11, 2008 @ 10:00 a.m.

The State Emergency Response Commission (SERC) for Hazardous Materials met July 11, 2008 in Tallahassee, Florida. Those members present were:

Craig Fugate, Alternate Chairman	Nancy Stephens
Greg Lee	David Rogers
Ken Carr	Rickard Ward
Terry Joseph	George Danz
Gary Weiss	Michael Jacobs
Mark Tumlin	Ozzie Morris
Eric Hamilton	John Sherry
Richard Smith	Michael Murphy

Also, in attendance was Mr. Art Johnstone for Mr. Steven Dwinell, of Florida Department of Agriculture and Consumer Services.

Mr. Craig Fugate called the meeting to order with the Pledge of Allegiance and introductions of the Commission. Mr. Fugate then addressed the first item on the agenda, the approval of the April 4, 2008 meeting minutes. A motion was made to approve the minutes as presented, seconded and passed unanimously.

Second item on the agenda was the approval of the new member and alternate member appointments to the Local Emergency Planning Committees and Biennial Appointments. Mr. Tim Date referred the Commission to Memorandum #17-08 and all related materials which started on Page 1. He stated that all nominees met the Commission's guidelines and approval was recommended. A motion was made that all nominations be approved; the motion was seconded and passed unanimously.

The third item on the agenda was the Guidelines for Granting and Terminating access to E-Plan in the State of Florida. Mr. Date stated at the April 4, 2008 meeting, the State Emergency Response Commission approved a policy for hazardous materials data sharing between the Florida State Emergency Response Commission and the University of Texas at Dallas. Mr. Date explained that the Florida data in the E-Plan will consist of hazardous materials information received from facilities reporting under the Emergency Planning and Community Right-To-Know Act and specific sections of the Risk Management Planning program.

Mr. Date further explained that the Commission also approved procedures for requesting, approving and granting and terminating access to E-Plan for Florida public sector hazardous materials first responders and planners. He explained that the options were discussed at length during the April meeting. There were two options recommended for consideration. The first option presented was to grant access to E-Plan to all approved first response and planning agencies. The second option presented was to grant approval authority to access E-Plan in a phased approach with limited number of approved first response and planning agencies to begin with and phase-in other participants. Both options would require the individual or department/agency head to submit a request to the County's Emergency Management Director or the Local Emergency Planning Committee Chairperson. The Local Emergency Planning Committee Chair or the County's Emergency Management Director would verify the requestor's information, and then approve the request and submit it to the State Administrator, in the Division of Emergency Management, to grant access to E-Plan.

Mr. Fugate then stated that the floor was open to other discussion about E-Plan. The Commission members expressed concerns about how to grant and terminating access to E-Plan. The LEPC Chair noted that the day before recommended approval of the guidelines. Motion was carried. Richard Smith expressed his concern that there should be a single point of contact for attaining access to E-Plan, recommended LEPC's be the point of contact who then forwards it to the State Administrator. Discussion continued about phasing it in and that the State Administrator be required to review the list of those who can have access per Mike Murphy. Mr. Fugate recommended that the granting access to E-Plan be limited to the Local Emergency Planning Committees notifying the Hazardous Materials Teams as a phased-in approach and seeking recommendations as to who to expand future access other participants. A consensus was reached by the Commission to use a phased-in approach limiting access to E-Plan with an annual review of participants. Staff was directed to update guidelines for the use of E-Plan to be brought forward to the SERC at the next meeting. Mr. Date inquired as to who should be granted access to E-Plan database. He also advised that all of the teams will receive a letter advising them of the access and their respective LEPC chair person will be cc'ed on the letter. Mr. Fugate noted that at the next CIEM E-Plan could be introduced to the county emergency managers in an introductory capacity. Mr. Date asked whether access is limited to the 35 HAZMAT teams Chief or designee. Mr. Fugate responded that the HAZMAT team leader is responsible to sign individuals. Mr. Michael Murphy pointed out that the Division of Emergency Management (DEM) staff will be working to have a Geographic Information System (GIS) overlay with the coordinates of the facilities. Mr. Fugate noted that DEM will be looking to map the facilities' coordinates on the National Grid.

The fourth item on the agenda was the Creation of a Task Force/Committee by the SERC. Mr. Date referred Committee to Memorandum #19-08 at the April meeting the State Emergency Response Commission approved pursuing an amendment to the Executive Order that would authorize the Commission to create the Training Task Force to establish procedures/guidelines governing conduct of its own business and membership criteria. Also, the amendment would have the State Emergency Response Commission re-evaluate the need for the Training Task Force on a periodic basis (annually) and take official action to re-establish the Training Task Force.

Mr. Fugate noted that the Florida Statutes allows for the creation of Training Task Force; however, the Executive Order #05-122 which confers powers and duties on the State Emergency Response Commission including those in the Federal Emergency Planning and Community Right-to-Know Act (EPCRA) does not allow for the creation of a Training Task Force. Mr. Fugate mentioned that changing the name of the Training Task Force to the State Working Group would not warrant any changes in Executive Order #05-122. Mr. Fugate noted that using the term "State Working Group" would avoid any problems that may arise with authorization to create a Task Force. A motion was made the Director of the Division of Emergency Management execute a memorandum appointing the State Emergency Response Commission Working Group with the members of the current Training Task Force as the core group. The motion was seconded and approved unanimously. Mr. Date noted that the State Working Group is still subject to the Sunshine Law.

The fifth item on the agenda, Mr. Doug Wolfe gave an update from the Training Task Force meeting. The Training Task Force continues working on the projects outlined on the flow chart provided to the SERC. Mr. Wolfe then stated much of the Training Task Force work is being done through conference calls. The next conference call is scheduled for July 31, 2008.

Mr. Wolfe then stated four documents were completed and ready to bring forward to the State Emergency Response Commission (SERC) for approval.

1. Medical Surveillance of Hazardous Materials Response Personnel Policies
2. District Hazmat Team Level of Service Policies
3. Hazardous Materials Annual Technician Refresher Certification Check-Off Lists
4. Capabilities Assessment Tools for Type II and Type III Hazardous Materials Response Resources

A motion was made that the SERC approve the Medical Surveillance Policies, District Hazmat Team Level of Service Policies, Hazardous Materials Annual Technician Refresher Certification check-Off Lists, and Capabilities Assessment Tools for Type II and Type III Hazardous Materials Response Resources. A motion was made and seconded and approved unanimously. Mr. Fugate noted it was excellent work.

Mr. Wolfe called attention to several of the Strategic Items boxes:

1. Public Sector Guidelines: These are to be revised in accordance with the newly revised NFPA 472 and 473 documents. Mr. Wolfe briefed the Commission on the development, purpose and application of the National Fire Protection Association (NFPA) 472 and 473 guidelines and the revisions to those guidelines. Mr. Wolfe mentioned that changes would be necessary to the SERC approved Florida Hazardous Materials Training Guidelines due to the revisions of NFPA 472 Mr. Wolfe recommends the SERC sent a letter Emergency Management Institute (EMI) requesting to work on the Hazardous Materials Training Guideline. Mr. Wolfe requested that an individual from the Training Task Force go the National Fire Academy to provide input into the development of the Hazardous Materials Emergency Preparedness Guidelines. Ms. Nancy Stephens requested that member of the private sector be included in the SERC Working Group.

Mr. Fugate requested Ms. Stephens submit names to the Division of Emergency Management staff of individuals she would like to have included in the group.

2. The Training Task Force is still working to define “Tox-Medic” in order to comply with requirements for its instruction. Mr. Wolfe then stated the biggest need for this program is to recognize a separated track from Emergency Management Services and Emergency Management Teams for medics who have special toxicology training.

The next item on the agenda, Mr. Tim Date presented the Financial Status Report on the Emergency Planning and Community Right-to-Know Act (EPCRA) and the Risk Management Planning (RMP) Programs for the fiscal year. Mr. Date then stated the program basically is in good standing and referred everyone to Memorandum #21-08 and the accompanying Table I provides a breakdown of the revenue received under the two programs through May 31, 2008 compared with the receipts during Fiscal Year 2006-2007. Mr. Date noted that Table II and Table III of the Financial Status Report should reflect the period of May, 2008 instead of February, 2008. Mr. Fugate stated that there were budget cuts; but, there was no loss of staff positions or diminished level of service to the public. Mr. Fugate noted that there would be an increase in EMPG funds to the counties and that the legislature did pass that on. However, there is a four percent holdback on state revenue dollars for next year programs but this does not apply to federal pass through dollars.

The next item on the agenda, Mr. Parrish Barwick referred to Memorandum #22-08 and the Hazardous Materials Incidents Reports. The following tables and graphs provided reflect the hazardous materials incidents reports received by the State Warning Point. The incident reports are reviewed by Hazardous Materials Planning staff on a daily basis for compliance verification purpose. The information is used for identifying potential Section 304 violators and facilities which may have an obligation to report under other sections of the Emergency Planning and Community Right-to-Know Act (EPCRA) and the Risk Management Planning (RMP) programs.

Mr. Barwick then stated Table I provides information that’s broken out by the Local Emergency Planning Committee (LEPC) Districts and has potential for investigation by staff. The Table I also, break down the total number of hazardous materials incidents (Section 304 included) reported to the State Warning Point. Table II provides a breakdown of all hazardous materials accidents for which evacuations, injuries and deaths were reported. Mr. Michael Jacobs requested clarification on the breakdown of hazardous materials accidents which causes death. Mr. Jacobs inquired whether the death was transportation related accident as a posed to hazardous materials related accident. Mr. Barwick stated that the Division of Emergency Management staff will investigate the numbers of accidents caused by hazardous materials. Mr. Fugate recommended that when there is a fatality to coordinate with the Florida Department of Law Enforcement (FLDE) to get the Medical Examiner Report to determine the cause of death. Mr. Fugate further recommended that the Medical Examiner Report be attached to the attached to the Hazardous Materials Incidents Report to reflect the truth cause of death. Ms. Stephens noted that the information provided in this report is valuable to industries in their public outreach programs. Mr. Barwick mentioned that Table III provides the breakdown of hazardous materials accidents (Section 304) reported to the State Warning Point and list the number of petroleum-related incidents to non-petroleum incidents. Table IV gives the breakdown of incidents

occurring at fixed facilities to transportation related incidents hazardous materials releases that occurred from leaking and unidentified sources.

Next on the agenda, Mr. Sam Brackett referred everyone to Memorandum #23-08, an update of Staff Activities and stated there are various activities, charts, and reports listed. Mr. Brackett then stated March 1, 2008 was the deadline for the Emergency Planning and Community Right-to-Know Act (EPCRA) and April 1, 2008 would be the deadline for the Risk Management (RMP) program. Mr. Brackett noted that a correction needed to be made on the update of Staff Activities and Reports by Section on page 132 to reflect activities through May 31, 2008.

Mr. Brackett then introduces, Mr. Gene Davis and Ms. Isabell Parker, who is now working with Mr. Date, of the Technological Hazards unit. Mr. Brackett then introduces Ms. Paula Shea, who is now working with Mr. Barwick, the Florida Accidental Release Prevention and Risk Management Planning program. Also, Mr. Brackett mentioned that the Community Program Administrator position has been filled. Ms. Stephens requested a new list of DEM staff due to recent personnel changes.

Next item on the agenda was a report on the Local Emergency Planning Committee activities. Mr. George Danz informed the Commission that the Local Emergency Planning Committee (LEPC) chairs and staff contacts attended the Training Task Force (TTF) meeting as well as the Local Emergency Planning Committee (LEPC) meeting and had a considerable discussion about the E-Plan and the Training Task Force (TTF) Membership Guidelines and the procedures that Mr. Doug Wolfe outlined. There were no recommendations for SERC from the Staff and Chairs Meeting other than the support of those issues being brought up by the Training Task Force. Mr. Danz mentioned that Mr. Milton Hill and Mr. Bill Lofgren are retiring.

Other Discussion

Mr. Richard Smith requested that the SERC express their appreciation to Ms. Sheri Powers by presentation of a plaque for the years of service from the Chairman of the SERC.

Mr. Wolfe reported that the Interagency Board for U.S. Department of Homeland Security has recent published the annual report for Inoperable Equipment. Mr. Wolfe noted that the publication is available for distribution to the LEPCs.

Mr. Ozzie Morris reported that the U.S. Department of Transportation is sponsoring a roundtable discussion on Pipeline Safety the last week in August.

NEXT SCHEDULED SERC MEETING

The next meeting will be held on October 4, 2008. Location is the Department of Environmental Protection, Carr Building, 3800 Commonwealth Boulevard, Tallahassee, Florida. Mr. Fugate noted that the January meeting will most likely be held in Tallahassee due to cutting of travel expenses.

ADJOURNMENT

There were no further business or discussion the meeting was adjourned.