

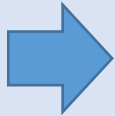
# **Oil/Chemical Incident Annex of the National Response Framework**

October 2016

**PPD-8 National Planning System**

**National Preparedness Goal**

Core Capabilities for 5 Mission Areas



**National Planning Frameworks**  
-whole community-

National Mitigation Framework

National Protection Framework

National Prevention Framework

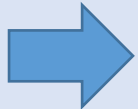
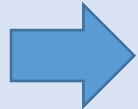
**National Response Framework (NRF)**

Emergency Support Functions (ESFs)

Support Annexes

**National Disaster Recovery Framework (NDRF)**

Recovery Support Functions (RSFs)



**Federal Interagency Operational Plans (FIOPs)**

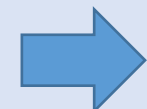
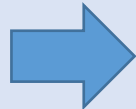
Mitigation FIOP

Protection FIOP

Prevention FIOP

**Response FIOP**

**Recovery FIOP**



- Other Incident Annexes
- Biological Incident Annex
- Nuclear/Radiological Incident Annex
- Oil/Chemical Incident Annex**

## National Response Framework (NRF)

- High-level, “*whole community*” response to domestic all-hazard incidents
  - Roles of Fed-state-local-tribal gov’t, private sector, NGOs, communities
- Recognizes federal gov’t can respond under various federal authorities, including Stafford Act and National Oil & Hazardous Substances Pollution Contingency Plan (NCP)

ESFs

Support Annexes

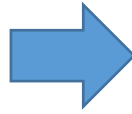
## ESF #10 – Oil and Hazardous Materials Response

ESF #10 can be activated for:

- Stafford Act response
- Federal-to-Federal support

Example: ESF #10 activated for EPA to support USDA for avian flu response and USDA pays

ESF #10 also explains that some incidents are responded under solely under NCP, *not* under ESF #10. The NCP serves as operational supplement to NRF.

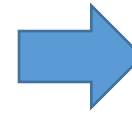


## Response FIOF

Detailed *federal ops* plan

Primary focus on catastrophic Stafford response (planning assumption), but recognizes there are other non-Stafford federal authorities

So, FIOF is a detailed *federal* Stafford response ops plan, but doesn’t represent the only type of federal response



## Oil/Chemical Incident Annex

Incident Annexes can provide additional/unique details on how federal gov’t responds to a particular incident type & allow more discussion of non-Stafford responses

Oil/Chemical Incident Annex describes primary federal authorities and response approaches for oil/chemical incidents, including FBI role for terrorism incidents

Describes 3 response approaches:

- NCP
- NCP with ESF Support
- Stafford Act/ ESF #10

Describes how “recovery” addressed under NCP and Stafford Act

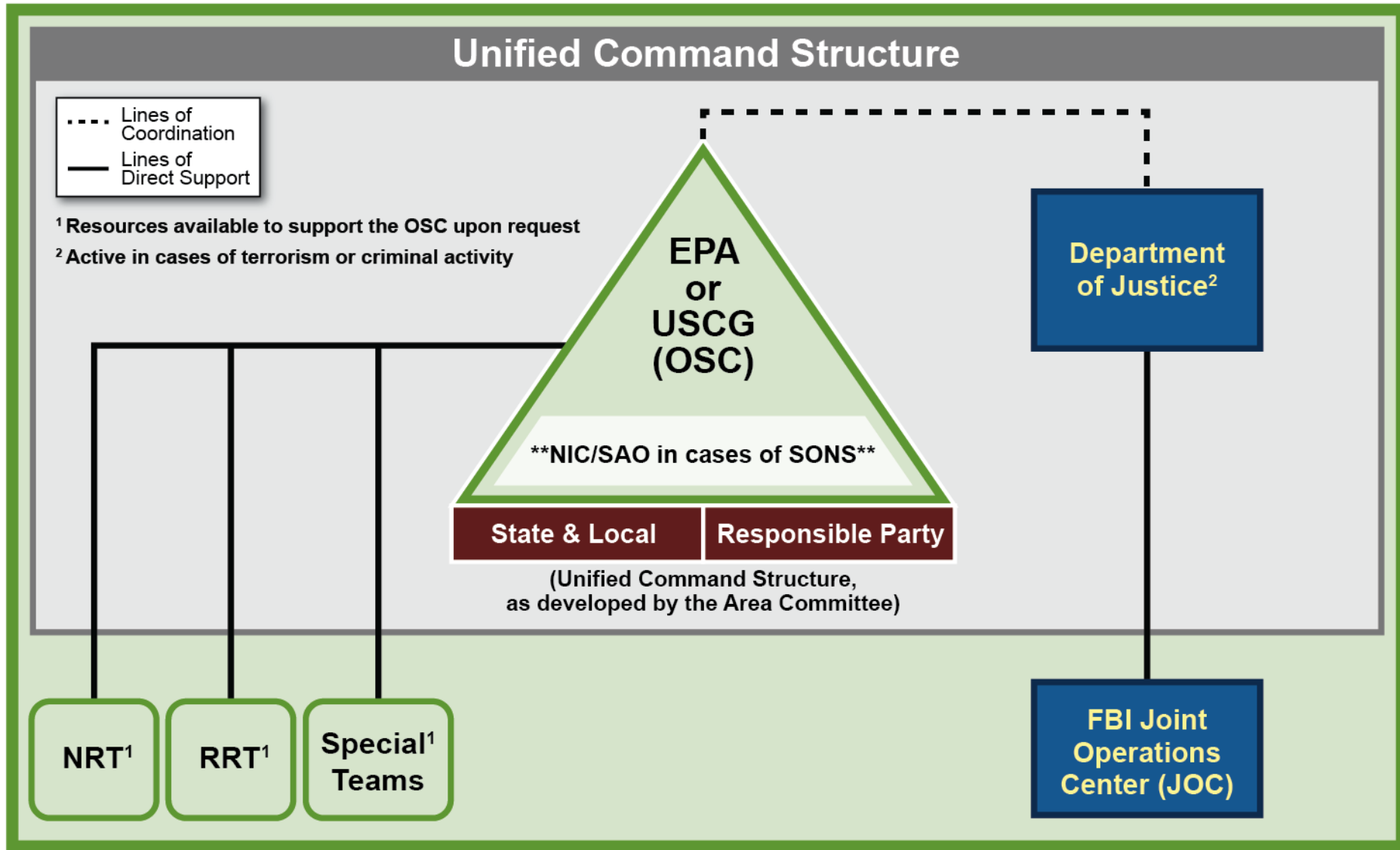
# **Oil/Chemical Incident Annex**

- **Purpose is to supplement Response/Recovery FIOPs with information specific to oil/chemical incidents**
- **Describes primary federal response approaches:**
  - **National Oil & Hazardous Substances Pollution Contingency Plan (NCP) response**
  - **NCP + Emergency Support Function (ESF) support response**
  - **Stafford Act response**
- **Also describes FBI involvement for oil/chemical incidents involving terrorism/crimes**

# NCP Response

- **NCP is regulation (40 CFR part 300) that implements the response authorities in:**
  - Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA, aka Superfund law)
  - Clean Water Act, as amended by Oil Pollution Act of 1990
- **Federal On-Scene Coordinator (OSC) determines when federal response is needed**
  - EPA provides OSCs for incidents in inland zone
  - USCG provides OSCs for incidents in coastal zone
- **OSC is supported by 15 federal agencies with oil/chemical expertise and/or authorities:**
  - Federal “Special Teams”
  - 13 Regional Response Teams (RRTs)
  - National Response Team (NRT)

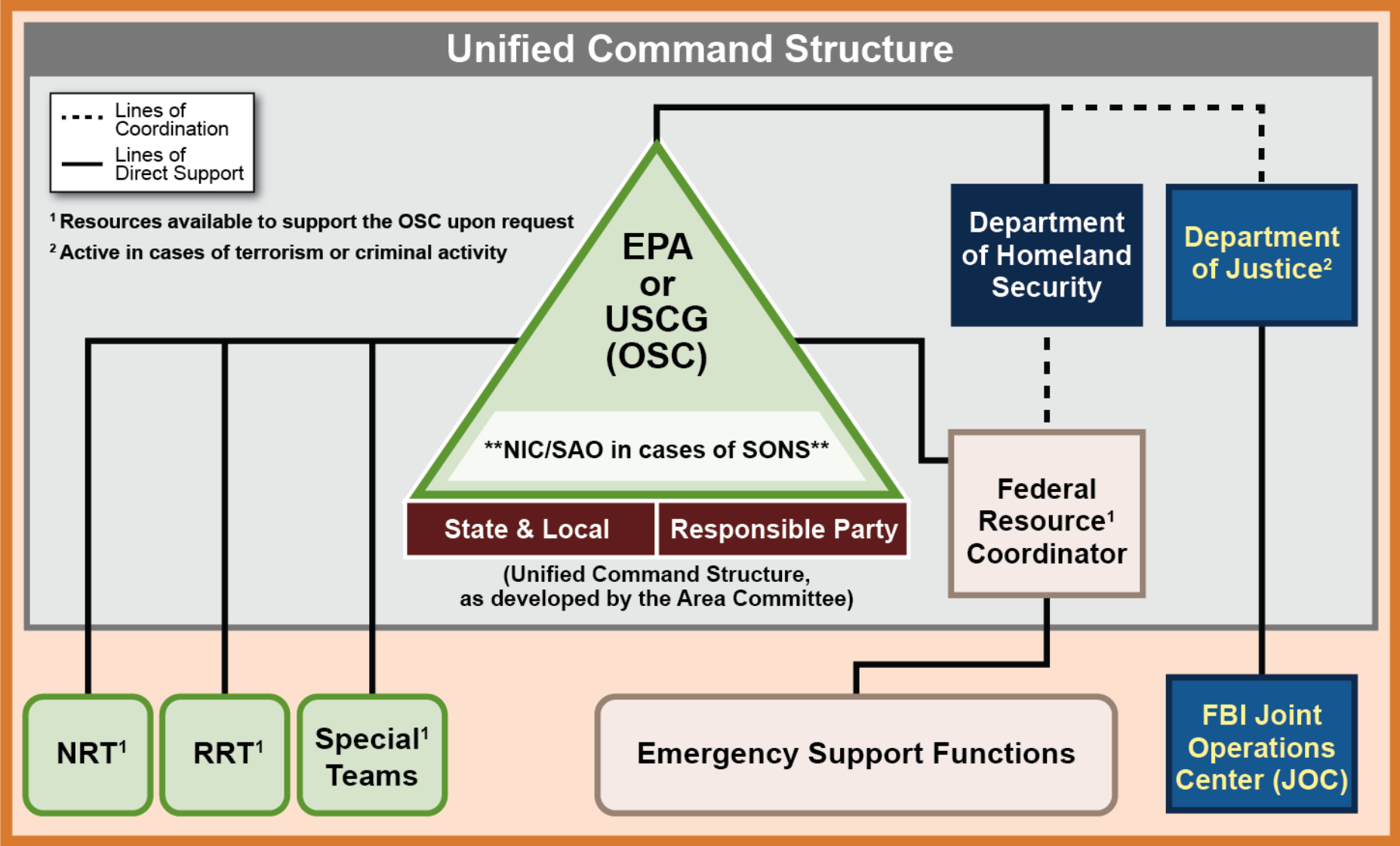
# NCP Response



# **NCP Response with ESF Support**

- **Newer approach built on NRF concept of Fed-to-Fed support, based on Deepwater Horizon lessons learned**
- **Available when EPA/USCG OSC needs federal assistance outside usual scope of NCP federal support**
- **EPA or USCG request assistance from DHS Secretary**
  - **DHS/Sec, usually thru FEMA, would assign Federal Resource Coordinator to coordinate ESF support**
- **Expected to be used rarely - but is another available response tool**

# NCP Response with ESF Support

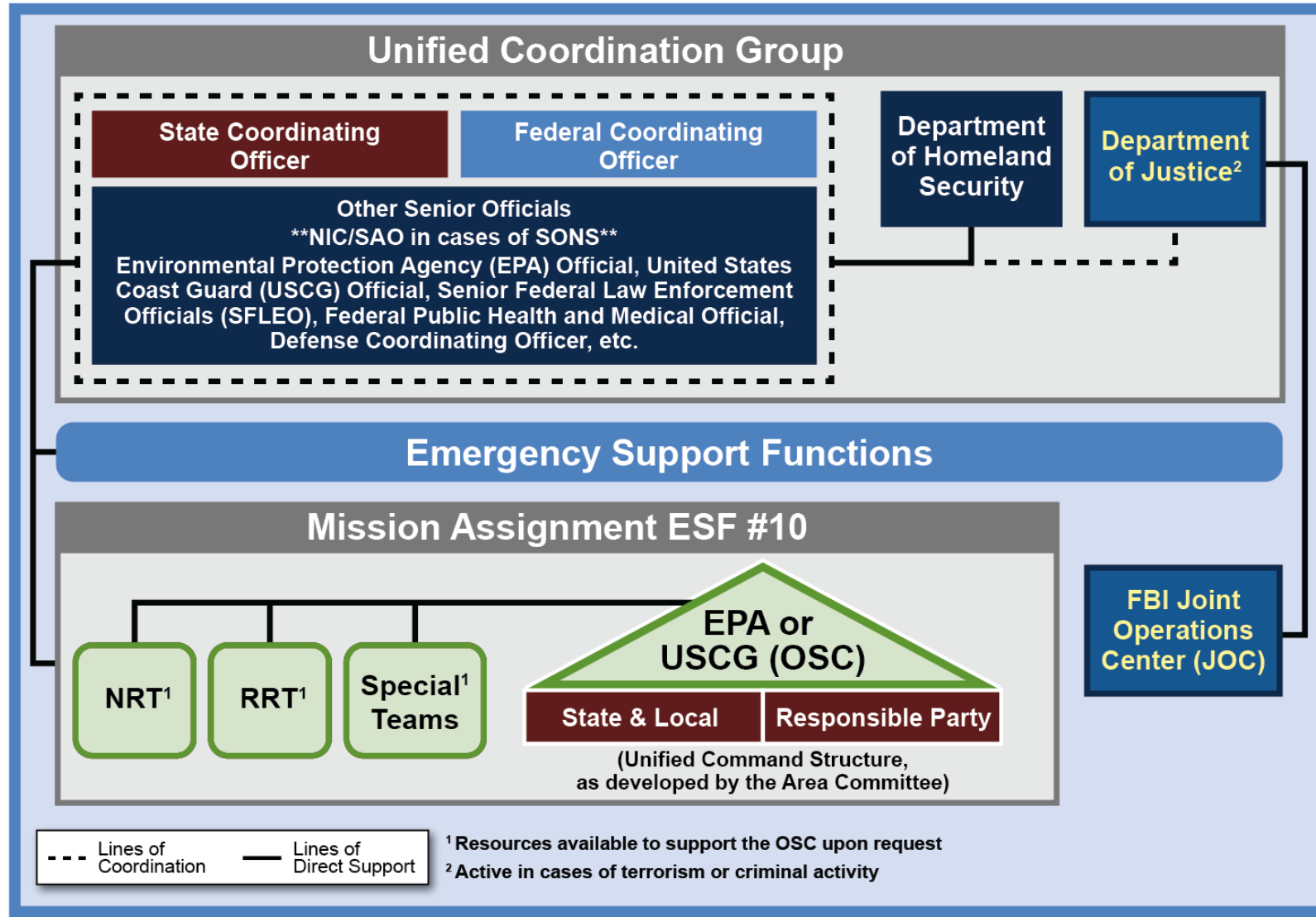




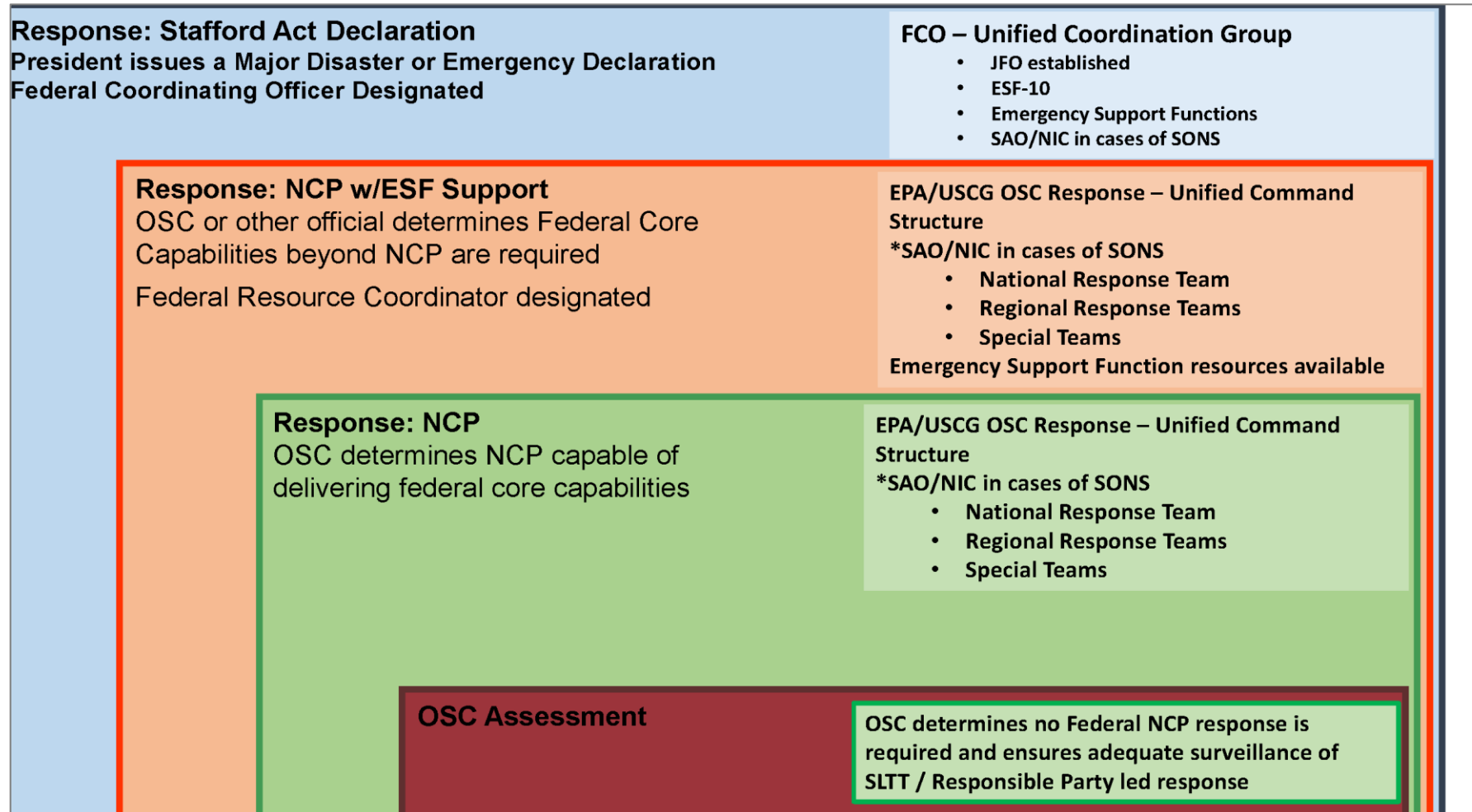
# Stafford Act

- **Presidential declarations of “emergencies” or “major disasters”**
- **Federal Emergency Management Agency (FEMA) provides Federal Coordinating Officer (FCO) to coordinate Federal response**
- **Other Federal agencies provide support through activation of ESFs (or through independent authorities)**
- **Environmental oil/hazmat cleanup typically done through ESF #10 – Oil and Hazardous Materials Response**
  - **ESF #10 brings in NCP assets and uses NCP response/coordination structures**
  - **OSCs maintain ability to use NCP authorities if needed**

# Stafford Act Response



# Summary: Federal Response Approaches



# Major factors in determining which approach applies

- **Ability of non-Federal parties to respond**
- **Applicability of particular Federal response authorities**
- **Type and extent of incident impacts, such as:**
  - **Environmental contamination**
  - **Public health impacts**
  - **Property damage**
  - **Need for lifesaving/mass care**
  - **Impacts to critical infrastructure**
  - **Economic impacts**

# Key Differences Between Stafford Act and NCP

Stafford Act	NCP
Lead agency: FEMA	Lead agency: EPA or USCG <ul style="list-style-type: none"> <li>- DOE and DOD also have OSC emergency response authority for their CERCLA incidents</li> </ul>
Request for federal support must be made by state (Governor) or tribe (Chief Executive) <ul style="list-style-type: none"> <li>- Except for certain emergencies involving primary federal responsibility</li> </ul>	<ul style="list-style-type: none"> <li>- Federal gov't makes independent evaluation of need for federal response</li> <li>- State/tribal requests for help do not have to come from Governor/Chief Executive level</li> </ul>
Federal role is to support states/tribes	<ul style="list-style-type: none"> <li>- Federal gov't may, and in some cases must, lead the response</li> <li>- Federal gov't has on-scene, tactical command authority</li> </ul>
N/A	Federal gov't has enforcement authorities over responsible parties
State cost share may be required	No state cost share for emergency responses
Broad scope of federal assistance	Scope of federal response as defined in CERCLA and CWA/OPA – may not be as broad as Stafford

# Recovery from Oil/Chemical Incidents

## NCP

- Generally doesn't establish "recovery" program
- Does have:
  - Natural resource damage assessment and restoration
  - Responsible Party cost recovery
- National Disaster Recovery Framework (NDRF) may be used

## Stafford Act

- NDRF may be used
- NCP recovery-related provisions may also apply