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<b>Rescinds Directive Number:</b>	<b>D2014-02</b>

**PEMA Directive**

**Subject:**  
Hazardous Materials Response Team Certification/Recertification Program Requirements

**Scope:**  
Current and Potential Hazardous Materials Response Elements in the Commonwealth of Pennsylvania

- Distribution:**
- County Emergency Management Coordinators
  - Commanders, State-Certified Hazardous Materials Response Teams
  - Chairs, County Local Emergency Planning Committees
  - [www.pema.pa.gov](http://www.pema.pa.gov)

**By Direction of:**



David R. Padfield, Director  
PA Emergency Management Agency

**I. INTRODUCTION**

The Pennsylvania Hazardous Materials Emergency Planning and Response Act, Act 165 of 1990, 35 P.S. § 6022.101 *et seq.* was passed to follow the provisions established in the federal Emergency Planning and Community Right-to-Know Act of 1986 (Title III of Public Law 99-499, 42 U.S.C. § 11001 & 11002, *et seq.*), also referred to as SARA, Title III. This Directive addresses the mandate in Act 165 to develop and implement the requirements for qualification as a Commonwealth of Pennsylvania Certified Hazardous Materials Response Team (HMRT) and provides guidance on the training requirements and operational deployment of a certified HMRT. The Pennsylvania Emergency Management Agency (PEMA) is directed to establish and maintain a comprehensive hazardous materials (HAZMAT) safety program for the Commonwealth and its counties, and prescribe standards for HMRT training, equipment, health, safety, operations, and administration. PEMA's Bureau of Technological Hazards (BTH), is responsible for management of the state's HAZMAT safety program and HMRT Certification Program.

**II. HAZARDOUS MATERIALS RESPONSE MISSION**

The mission of HAZMAT response elements in the Commonwealth of Pennsylvania is to provide advice, guidance, a defensive, and/or an offensive capability to assist in the containment, control, and neutralization of the HAZMAT release in support of the Authority Having Jurisdiction (AHJ), so as to aid in the protection of the citizens, environment, and property within the Commonwealth from death, injury, and continuing damage or exposure.

**Comments and Questions Regarding this Directive Should be Directed to:**  
PEMA, Bureau of Technological Hazards, Hazardous Materials Division at 717-651-7076

### **III. PURPOSE**

The purpose of this Directive is to:

- A. Develop a program for certifying, maintaining, and operating state-certified HMRTs in the Commonwealth of Pennsylvania. The certification program shall include, but not be limited to:
  - 1. Establishing criteria for initial certification and recertification and their administrative requirements; to include the application process, assessment procedures, minimum training requirements, personal protective equipment (PPE) program, medical surveillance program, and exercise requirements.
  - 2. Establishing the framework for basic response requirements to include minimum requirements for a team response/capability, implementation of the National Incident Management System (NIMS), and the development of an Emergency Response Plan and reporting process.
  - 3. Certifying HMRTs with preparedness levels (Resource Types), which meet the standards established by the National Incident Management System (NIMS) and the United States Occupational Safety and Health Administration (OSHA) at 29 CFR Part 1910.120.A to enhance Commonwealth resource management at both the local, state, and federal levels.
  - 4. Describing the procedures to request a certification or recertification assessment, and for crediting training and certification under the HAZMAT safety program.
  - 5. Describing the requirements for maintaining and operating a state-certified HMRT after the certification process is complete.
- B. Provide guidance to government, volunteer, and privately-owned organizations (except for private industry sponsored on-site emergency response teams) to prepare for a state assessment. Examples of guidance would be the development of programs, plans, and response capabilities which fulfill the standards for certification and response.
- C. Allow counties to develop a tiered response capability which reflect regional need and requirements to confront HAZMAT incidents in the most expedient manner using qualified personnel and state-certified response elements.
- D. Provide a comprehensive set of administrative and technical requirements for current and potential HMRTs and other First Responders who respond to HAZMAT incidents in the Commonwealth of Pennsylvania. These requirements set standards for HAZMAT response in accordance with federal NIMS Team Typing Standards, National Fire Protection Association (NFPA) Standards,

OSHA regulations, EPA regulations, and Act 165.

#### **IV. SCOPE**

This Directive provides a comprehensive set of administrative and technical requirements for current and potential HMRTs and other First Responders who respond to HAZMAT incidents in the Commonwealth of Pennsylvania. These requirements set standards for HAZMAT response in accordance with federal NIMS Team Typing Standards, National Fire Protection Association (NFPA) Standards, OSHA regulations, EPA regulations, and Act 165.

#### **V. AUTHORITY AND REFERENCES**

- A. United States Environmental Protection Agency (EPA), Subchapter 1, Solid Wastes, 40 Code of Federal Regulations (CFR) Part 261 through 263, Parts 302, 311, 355, and 370
- B. United States Department of Transportation (DOT), Pipeline and Hazardous Materials Safety Administration (PHMSA), Subchapter C, Hazardous Materials Regulations, 49 CFR, Part 171-178
- C. Federal Emergency Management Agency's (FEMA) National Preparedness Directorate, United States Department of Homeland Security (DHS): Homeland Security Exercise and Evaluation Program (HSEEP)
- D. Homeland Security Presidential Directive (HSPD)-5, Management of Domestic Incidents, National Incident Management System (NIMS)
- E. Pennsylvania's Emergency Management Services Code, Title 35 Pa. C.S. § 7101 *et seq.*
- F. Pennsylvania Hazardous Materials Emergency Planning and Response Act, Act 1990-165, as amended (Act 165)
- G. NFPA 472 Standard for Competence of Responders to Hazardous Materials/Weapons of Mass Destruction Incidents, Most Current Edition
- H. NFPA 473 Standard for Competencies for EMS Personnel Responding to Hazardous Materials/Weapons of Mass Destruction Incidents, Most Current Edition
- I. NFPA 475 Organizing, Managing, and Sustaining a Hazardous Materials/Weapons of Mass Destruction Response Program, Most Current Edition
- J. NFPA 1072 Standard for Hazardous Materials/Weapons of Mass Destruction Emergency Response Personnel Professional Qualifications, Most Current Edition
- K. NFPA 1981 Standard on Open Circuit Self Contained Breathing Apparatus

(SCBA) for Emergency Services, Most Current Edition

- L. NFPA 1991 Standard for Vapor-Protective Ensembles for Hazardous Materials Emergencies, Most Current Edition
- M. NFPA 1992 Standard for Liquid Splash-Protective Ensembles and Clothing for Hazardous Materials Emergencies, Most Current Edition
- N. NFPA 1994 Standard for Protective Ensembles for First Responders for Hazardous Materials Emergencies and Chemical, Biological, Radiological, and Nuclear (CBRN) Incidents, Most Current Edition
- O. EPA Worker Protection 40 CFR Part 311
- P. OSHA Standard for Hazardous Waste Operations and Emergency Response, 29 CFR Part 1910.120
- Q. OSHA Standard for Respiratory Protection, 29 CFR Part 1910.134
- R. SARA Title III - Federal Emergency Planning and Community Right-to-Know, 42 U.S.C. § 11001 & 11002
- S. PEMA Directive D2016-01 National Incident Management System (NIMS) Implementation, Compliance, and Improvement or Most Current Revision
- T. Terrorism Incident Law Enforcement and Investigation Annex of the National Response Plan, Most Current Revision
- U. Presidential Policy Directive (PPD) 25, Guideline for U.S. Government Interagency Response to Terrorist Threats or Incidents in the U.S. and Overseas
- V. FEMA, NIMS 508: Hazardous Materials Response Team
- W. FEMA, NIMS 509: Hazardous Materials Technician

## **VI. PROGRAM OVERVIEW**

### **A. County Requirements:**

Per Act 165, all counties in the Commonwealth of Pennsylvania are required to retain an HMRT which is responsible for hazardous materials incident response in their jurisdictions.

1. **Minimum Response Capability.** Each county must sponsor or contract with at least one (1) NIMS Type 2 state-certified HMRT, which meets the requirements for certification outlined in this Directive (See Section VIII HMRT certification/recertification). Counties may have an unlimited number of additional state-certified HMRTs, which meet the requirements

outlined in this Directive including NIMS Type 1, Type 2, and Type 3 HMRTs; as certified by PEMA and the Commonwealth of Pennsylvania.

2. Regionalization. For purposes of Mutual Aid, it is acceptable for counties and Regional Task Forces to certify both NIMS Type 1 and Type 2 HMRTs by combining state-certified NIMS Type 2 and Type 3 HMRTs to achieve a higher NIMS Typing certification level.

**Example 1.** A county may combine two or more NIMS Type 3 HMRTs through Mutual Aid to certify a NIMS Type 2 HMRT for the purposes of meeting the minimum response capability requirements outlined in this Directive (VI.A.1.); but may only conduct offensive operations at these incidents with complete requirement of both teams with the minimum required personnel and equipment of a NIMS Type 2 HMRT. If combined HMRTs respond and mitigate an incident without the complete combined element which meets the PA State Typing standard for that incident, the NIMS Type 2 Certification for this HMRT will be rescinded.

**Example 2.** Multiple counties and/or Regional Task Forces may combine multiple NIMS Type 2 HMRTs to certify a NIMS Type 1 HMRT for the purposes of establishing a Weapons of Mass Destruction (WMD) response capability. As discussed in the above example, this combined element must conduct offensive operations with the minimum required personnel and equipment for a NIMS Type 1 HMRT.

B. HAZMAT Response Standards:

When HAZMAT incidents occur in the Commonwealth of Pennsylvania, a specific standard must be applied for each response based on the incident type. Each HAZMAT incident requires a specific response capability. This response capability must be adhered to for the safety of the citizens of the Commonwealth and the safety of the first responders conducting incident response. All first response organizations in all jurisdictions in the Commonwealth of Pennsylvania must adhere to the requirements for HAZMAT incident response (offensive operations) in accordance with this Directive and the following requirements.

1. NIMS Team Resource Typing. In order to respond to and mitigate a HAZMAT incident, HMRTs must apply for and then be certified in accordance with the Commonwealth of Pennsylvania requirements for certification as outlined in this Directive. In addition, each HMRT will be "Typed" in accordance with FEMA's *NIMS Resource Typing Definition for Environmental Response/Health and Safety/Fire/Hazardous Materials for HMRTs* (NIMS 508). Each NIMS Type has specific response capabilities and levels of response which are acceptable based on this specific capability and PEMA state-certification level. Certification requirements for each NIMS Type HMRT is in Section VIII of this Directive and the minimum requirements are outlined in the FEMA, NIMS 508 guidance document (*see Appendix 1*).

**NOTE:** The FEMA, NIMS 508 HMRT Resource Typing document in Appendix 1 is considered a minimum set of requirements for Pennsylvania state certification. In some cases, the requirements for Pennsylvania state certification will meet or exceed those outlined in the NIMS Resource Typing requirement. PEMA reserves the right to require standards above the federal standard in order to insure the certification program meets state requirements which the NIMS Typing standard does not reflect.

- a. NIMS Type 1. This HMRT Type may conduct offensive operations at all HAZMAT incidents, known and unknown chemical hazards, and WMD incidents.

NIMS Type 1 HMRTs support multiple entries into HAZMAT/WMD environments requiring protective ensembles consistent with the following NFPA standards:

- i. NFPA 1991: Standard on Vapor-Protective Ensembles for Hazardous Materials Emergencies and CBRN Terrorism Incidents.
- ii. NFPA 1992: Standard on Liquid Splash-Protective Ensembles and Clothing for Hazardous Materials Emergencies.
- iii. NFPA 1994: Standard on Protective Ensembles for First Responders to Hazardous Materials Emergencies and CBRN Terrorism Incidents.

**NOTE:** In the event of a WMD Incident, a Type 1 HMRT must follow the guidelines for WMD response outlined in VI.B.2.

- b. NIMS Type 2. This HMRT Type may conduct offensive operations at all HAZMAT incidents, known and unknown chemical hazards, *except* those which are known or suspected WMD incidents.

A NIMS Type 2 HMRT is one that meets all Type 3 requirements and is appropriately equipped and trained to handle and can function in all categories for all unknown industrial chemical hazards, in liquid, aerosol, powder, solids, and vapor/gas forms. They are not expected to be fully equipped to intervene and handle incidents involving WMD chemical and biological substances.

NIMS Type 2 teams support entries into environments with unknown/known and classified hazards requiring protective ensembles consistent with NFPA 1991, 1992, or 1994 standards.

**NOTE:** In the event of a WMD Incident, a Type 2 HMRT must

follow the guidelines for WMD response outlined in VI.B.2.

- c. NIMS Type 3. This HMRT Type may conduct offensive operations at known chemical hazard incidents only.

A NIMS Type 3 HMRT is one that is appropriately equipped and trained to handle, and can function in all categories, for all known industrial chemical hazards, in liquid, aerosol, powder and solid forms. They are not expected to be fully equipped to intervene and handle vapor/gas emergencies, nor incidents involving WMD chemical and biological substances.

NIMS Type 3 HMRTs support entries into environments with known and classified hazards requiring protective ensembles consistent with NFPA standards 1992 or 1994.

**NOTE:** In the event of an unknown chemical or vapor/gas incident, a NIMS Type 3 HMRT may respond and provide defensive operational support but must request assistance from a NIMS Type 2 HMRT in order to mitigate/conduct offensive operations at this type of incident.

- d. Only NIMS Type 1, 2, and 3 HMRTs may be officially dispatched to a HAZMAT incident (as stated in the requirements above) and conduct offensive (mitigation) operations in the Commonwealth of Pennsylvania. NFPA 472 Operations Level responders can only assist with offensive operations (NFPA 472 Technician Level Tasks) while under the direct supervision of a state-certified NIMS Hazardous Materials Technician Level responder. This is in accordance with the NFPA 472/1072 guidance but adds the state certification requirements as per this Directive.

## 2. WMD Response

- a. When a WMD incident is suspected, ONLY state-certified Type 1 HMRTs may respond to and conduct mitigating actions. These actions are limited to those which are deemed critical in nature to prevent the loss of life, critical infrastructure, to preserve public safety, and/or in support of federal level assets as described below.
- b. Federal, state and local, territorial, and tribal authorities who detect or discover potential WMD or terrorist activity are required to contact their nearest Federal Bureau of Investigation (FBI) field office immediately to resolve the threat. The FBI will then conduct an immediate Threat Credibility Evaluation (TCE) to assess the threat and consider appropriate WMD search and response protocols *as per PPD-25*.

- c. Mitigating actions for a WMD incident are only to be conducted in coordination and conjunction with the FBI Technological Hazards Response Unit (or FBI Incident Command) *unless* required to alleviate an immediate threat to public safety.
- d. If assistance is required in identifying a possible WMD incident, please contact one of the two regional FBI WMD Coordinators in the state. Pennsylvania's FBI WMD Coordinators are based at the Philadelphia (east) and Pittsburgh (west) FBI field offices. All suspected WMD incidents must be reported to the FBI immediately, regardless if a state-certified Type 1 HMRT has responded to the incident. All WMD incidents are considered to fall under the jurisdiction of the federal government and are considered crime scenes.
- e. If Civil Support Team (CST) support is required for a complex incident or suspected WMD incident, resource requests must be submitted to the Commonwealth Resource Coordination Center (CRCC) from the AHJ. PEMA Logistics will coordinate CST Support after receiving the request.

**NOTE:** Not all WMD incidents can or will be identified properly as a WMD incident during the initial response. It is the responsibility of the Incident Commander to take the appropriate actions based on what is identified during the incident regardless of the HMRT "Type" which initially responds to the incident.

### 3. HMRT Dispatch

- a. Section 210(b) of Act 165 states that an HMRT must be dispatched by only the "legally constituted authority." To support this requirement, this Directive empowers only certain individuals within county government to authorize the dispatch of a county's state-certified HMRT. A legally constituted authority, also known as the AHJ, is the county Emergency Management Coordinator (EMC).
- b. The AHJ may, in its absence or at its convenience, delegate the authority to dispatch the HMRT. This responsibility is normally assigned to emergency management employees or 9-1-1 supervisors who have a strong background in HAZMAT responses and can "obligate" county funds. Conversely, no fire chief or police chief shall have the legal authority to dispatch the HMRT unless delegated to do so by the county EMC. Such individuals may make a request that a certified HMRT be dispatched to the site of an actual or potential HAZMAT incident, but they cannot themselves dispatch the HMRT. All Delegations of Authority must be in writing and cannot be verbal delegations. Delegations

of Authority to dispatch a state-certified HMRT are inspectable items during the Assessment phase of the certification process.

- c. Mutual Aid agreements made between counties from contiguous states must be coordinated through the county solicitor's office and approved by the county commissioners or county executive, and then submitted for review by PEMA. The HMRTs with whom Mutual Aid agreements are made must receive state certification prior to performing HAZMAT response operations within the Commonwealth of Pennsylvania.
- d. Official Dispatch. Only those procedures approved by the AHJ shall be implemented by the county 9-1-1 center, resulting in the authorization of a certified team to respond to an actual or potential HAZMAT incident. The site of the incident does not necessarily have to be within the jurisdiction of the legally constituted authority, as in the case of Mutual Aid support. However, an "official dispatch" is still required in these situations. The AHJ or its designees shall not dispatch a state-certified HMRT with whom they do not have a contract or Statement of Agreement.
- e. The AHJ may develop dispatch procedures for an automatic dispatch of the HMRT for those scenarios or facilities identified through the local planning process as having a high probability of involving HAZMAT, such as a SARA planning facility. This plan must include a specific Delegation of Authority in writing from the county EMC.
- f. Whenever a county 9-1-1 center dispatches a certified HMRT to an incident, the 9-1-1 center effecting the dispatch shall immediately report the dispatch to PEMA via Pennsylvania Emergency Incident Reporting System (PEIRS), to the Commonwealth Watch and Warning Center (CWWC) via the 24-hour telephone number (1-800-424-7362 or 717-651-2001), or through available online reporting systems which are integrated with the CWWC, such as Knowledge Center or WebEOC.
- g. The county's 9-1-1 center shall dispatch only state-certified HMRTs to the initial response. If additional assets are required, the 9-1-1 center may make the request by calling the CWWC or making the request directly to contiguous counties/states with which Mutual Aid agreements are already in place. As a state-certified and resource typed HMRT, all HMRTs are subject to statewide Mutual Aid in the instance of an incident which goes beyond the scope of pre-existing Mutual Aid Agreements and/or state Task Force capabilities.
- h. Under normal weather and driving conditions, an HMRT must be

able to arrive on the scene of an incident, in the county or region in which the Statement of Agreement is signed, within two hours of dispatch. The two-hour response time starts from the time that the team receives notification from the county's 9-1-1 center (official dispatch) and ends upon the team's arrival at the site of the incident.

**NOTE:** The two-hour window for initial response requirement can be waived due to circumstances which may include remote locations with minimal road networks or challenging terrain. This waiver can be obtained by submitting a signed request for exception to PEMA's BTH.

4. HMRT Response Criteria

- a. All counties must conduct HAZMAT incident response in accordance with the requirements outlined in this Directive.
- b. A HAZMAT Incident is defined as an incident which meets the minimum requirements set by Act 165, this Directive, the Pennsylvania Department of Environmental Protection (DEP), and the EPA. If a HAZMAT incident does not meet the minimum requirements for quantity, type or classification of Materials, and/or threat to the public, life safety, and/or critical infrastructure, the dispatch of a state-certified HMRT is not required. This statement does not limit the HMRT's ability to respond to assess potential threats or situations where the overall threat is undetermined and/or the HMRTs knowledge, skills, and abilities are required to mitigate an incident.

C. Emergency Response Plan

1. All certified HMRTs shall adopt and implement an emergency response plan as stated by OSHA in 29 CFR Part 1910.120 (p)(8). HMRTs should also incorporate the recommended practices established in the NFPA Standard 475, *Organizing, Managing and Sustaining a Hazardous Materials/Weapons of Mass Destruction Response Program*. These emergency response plans and procedures shall meet the requirements of both 29 CFR Part 1910.120(q) and Act 165.
2. As part of the Emergency Response Plan, the EMC shall provide copies and/or access to each SARA Title III emergency off-site response plan in their county to the HMRT(s) responsible for their county.
3. The Emergency Response Plan is required under 29 CFR Part 1910.120(q) and its contents must be approved by the HMRT Team Chief (Hazardous Materials Incident Commander [HMIC]) prior to implementation. The emergency plan and standard operating procedures shall address a

minimum of the following elements: pre-emergency planning; coordination with outside parties; personnel roles; training; communication; and lines of authority, to include communications linkage to applicable emergency operations centers and elected officials. Team preparation for response to incidents involving HAZMAT should include the following:

- a. Dispatch procedures
- b. PPE
- c. Emergency recognition and prevention
- d. Safe distances and places of refuge
- e. Site security and control
- f. Evacuation routes and procedures
- g. Decontamination procedures
- h. Emergency medical treatment and first aid
- i. Emergency notification and response procedures
- j. Critique of response and follow-up

## VII. HMRT CERTIFICATION/RECERTIFICATION

### A. Guidance

Act 165 requires PEMA to establish and maintain a state certification program for HMRTs. This section covers the process and requirements for state certification/recertification and the duties and responsibilities of all parties involved.

1. HMRT certification provides protections in accordance with Act 165, and the initial certification is effective for four years.
2. All counties must either sponsor or contract with a state-certified HMRT with the minimum of a NIMS Type 2 capability that is approved by the county commissioners/executive.
3. HMRTs must recertify every four years to remain current as per this Directive.
4. PEMA and the Commonwealth of Pennsylvania certifies all HMRTs in accordance with FEMA NIMS Resource Typing (see Appendix 1) and will certify HMRTs as Type 1, 2, or 3, based on the HMRT's ability to meet the requirements for each outlined in this Directive and the *NIMS Resource Typing Definition for Environmental Response/Health and Safety/Fire/Hazardous Materials – Hazardous Materials Response Team* document (see Appendix 1).

- ### B. Administration.
- The following individuals administer the HMRT certification program and/or are responsible for providing subject matter expertise as

assessment and exercise evaluators for the program as well as overall assistance and guidance.

1. PEMA BTH, Hazardous Materials Division Representative
  - a. Overall Administrator of the HMRT certification program.
  - b. Responsible for all Application, Assessment, and Exercise evaluations and processing.
  - c. Responsible for record keeping and all administrative tasks.
  - d. Responsible for monitoring and enforcement of all certification requirements outlined in this Directive.
  - e. Can delegate responsibility to PEMA Area Office representatives.
  
2. PEMA Area Office Representative
  - a. Each PEMA Area Office (Central, Eastern, and Western) must provide a designated representative to have overall responsibility for administering the HMRT certification program at the Area Office level.
  - b. Responsible for coordinating and scheduling the HMRT Assessment and Certification Exercise, along with aiding, advising, and monitoring counties and county LEPC's regarding the HMRT certification program.
  - c. Accepts responsibilities and duties of PEMA BTH HAZMAT Division Representative, as required.
  - d. Responsible for attending both on-site Assessments and Exercises as an inspector and evaluator.
  - e. Responsible for inspecting and recommending approval/disapproval of HMRT certification/recertification as per requirements given by PEMA BTH HAZMAT Division Representative.
  
3. Office of the State Fire Commissioner (OSFC) Area Representative
  - a. The OSFC must provide a designated representative to be responsible for advising and assisting the PEMA BTH HAZMAT Division Representative.
  - b. Responsible for attending both on-site Assessments and Exercises as an inspector and evaluator.
  - c. Responsible for inspecting and recommending approval/disapproval of HMRT certification/recertification as per requirements given by the PEMA BTH HAZMAT Division Representative.

4. Department of Environmental Protection (DEP) Area Representative
  - a. DEP must provide a designated representative to be responsible for advising and assisting the PEMA BTH HAZMAT Division Representative.
  - b. Responsible for attending both on-site Assessments and Exercises as an inspector and evaluator.
  - c. Responsible for inspecting and recommending approval/disapproval of HMRT certification/recertification as per requirements given by the PEMA BTH HAZMAT Division Representative.
  
5. Department of Health (DOH) Area Representative
  - a. DOH must provide a designated representative to be responsible for advising and assisting the PEMA BTH HAZMAT Division Representative.
  - b. Responsible for attending both on-site Assessments and Exercises as an inspector and evaluator.
  - c. Responsible for inspecting and recommending approval/disapproval of HMRT certification/recertification as per requirements given by the PEMA BTH HAZMAT Division Representative.

**NOTE:** The five individual representatives listed above comprise the Exercise and Assessment Team (EAT). The EAT jointly assesses and evaluates all HMRTs during the certification/recertification process.

C. Certification/Recertification Process

1. Application for Certification/Recertification

- a. The Application for Certification/Recertification, which includes Attachments 2-4 of this Directive, must be submitted to the appropriate Area Office and approved by PEMA no later than 150 days (five months) prior to the expected certification date or current certification expiration date. The Application will include:
  1. Attachment 2A: *Application for Certification/Recertification.*
  2. Attachment 3 (A or B as required) for each county sponsor (notarized).
  3. Attachment 4: HMRT Personnel Roster, completed with all required information (Individual Qualifications,

Criminal History Checks, Baseline and Annual Physical information).

4. Mutual Aid Agreement(s) which details the process by which HAZMAT incidents will be responded to for the represented jurisdictions (if required).
  5. Self-Evaluated Exercise After Action Review (AAR) and Improvement Plan (IP) (see Section VII.C.3.b.).
  6. The "Assessment Preparation Binder" (see Section VII.C.1.g.) and Appendix 4 for detailed requirements.
- b. HMRTs must be sponsored as a Primary or Secondary HMRT by a county in the Commonwealth of Pennsylvania and approved by the county commissioners/county executive of the county. A formal written agreement between the HMRT and the county must be executed in the event the HMRT is contracted from outside the county.
  - c. In order to submit an application for certification/recertification, an HMRT must meet the minimum requirements outlined in this Directive, its appendices, and attachments. All HMRT personnel must meet the minimum requirements as outlined in Appendix 1, the HMRT Training Directive (D2019-03), Attachment 10: Medical Surveillance of this Directive, and have a current Criminal Background Check, as per Attachment 4.
  - d. HMRTs must specify the NIMS Type (1, 2, or 3) for which they are requesting certification on Attachment 2. Each county must have a Primary HMRT which has the minimum of a NIMS Type 2 state-certification. Unlimited Typed Teams may be certified to include NIMS Type 3 HMRTs as Secondary and/or Tertiary HMRTs in each county.
  - e. Applications must be signed, dated, and notarized, with approval and associated signatures from the county commissioners/county executive and HMRT leadership.
  - f. The application must be reviewed and approved by the PEMA BTH representative prior to scheduling and conduct of the On-Site Assessment Inspection.
  - g. Each HMRT must submit a binder (physical or electronic) prior to the Assessment inspection. This binder will include the training program, all SOGs, equipment calibration records, the Respiratory Protection Program, and Medical Surveillance Program (see

Appendix 4 for the detailed list of binder requirements and submission instructions).

**NOTE:** This may be submitted in **digital** form using any type of transportable digital media storage.

- h. See Attachments 2-4 for detailed application requirements and application forms. The entire certification/recertification process is outlined in Appendix 2: *The HMRT Certification Preparation Guide*.
- i. All HMRTs are required to complete the online HMRT Readiness Survey prior to the Assessment Inspection. The survey link will be supplied to the HMRT leadership after the application for certification/recertification has been received.

**NOTE:** Notarization of the *Application for Certification/Recertification* is required.

## 2. On-Site Assessment Inspection

- a. The On-Site Assessment Inspection is required within 30 days after the submission of the *Application for Certification/Recertification*. HMRTs are assessed on their written policies, procedures, and equipment inventory using federal and state standards as specified in this Directive, and the provided Assessment Checklists (*See Attachments 5-9*). HMRTs must meet all requirements in Attachments 5-9 to complete the certification/recertification process.
- b. The HMRT will coordinate with PEMA through the associated Area Office to coordinate and schedule the Assessment Inspection. If the appropriate Area Office personnel is unavailable, then the HMRT should coordinate directly with PEMA BTH. The Assessment Inspection will be conducted by all members of the EAT in accordance with their individual subject matter expertise.
- c. The EAT will conduct the Assessment and recommend corrections to the PEMA BTH representative for approval/disapproval of the HMRT's certification.
- d. Once the Assessment has been conducted, the HMRT will have 30 days to address and respond to the required corrections report issued by the PEMA BTH representative (if required).

**NOTE:** This report will be issued to the HMRT within 10 working days after the On-Site Assessment has been completed. Additional

follow-up inspections may be required to ensure all assessment criteria have been met.

- f. The EAT will then provide the final recommendation for approval/disapproval and Pennsylvania State Team Type for which the HMRT qualifies. This recommendation is submitted by the EAT to the PEMA BTH representative for final approval.

**NOTE:** The process outlined above (along with any required corrections identified during the Assessment) must be conducted prior to the Evaluated Exercise. The Evaluated Exercise cannot be conducted while outstanding capability-related issues exist with the HMRT. The PEMA BTH representative will determine if the HMRT has met the requirements to conduct the exercise prior to scheduling.

- g. The representative of PEMA's BTH will act as the Assessment Team Leader and ensure assessments are completed in accordance with this Directive. (If that person is not available, a PEMA Area Office representative will assume that role).

#### D. Evaluated Exercises

Initial and established applicants shall participate in an Evaluated Exercise prior to certification and/or recertification. The Evaluated Exercise will be based on HSEEP concepts in which members of the EAT and the county EMA will participate as evaluators/observers. An Evaluated Exercise will have a scenario approved by the county EMC, which fully demonstrates the capabilities of the HMRT. This Evaluated Exercise will include identification of a substance, entry into a hot zone, offensive control operations, exit from the hot zone, decontamination, and scene safety in accordance with NFPA 472 Standards and Competencies. The HMRT will also document any corrective actions and/or training improvement plans. Exercises not observed by at least part of the EAT will not be accepted for certification purposes. The HMRT shall provide both PEMA and the county EMA with exercise information and the hazardous materials related objectives no less than 30 days prior to the exercise date or immediately following the Initial Planning Conference (IPC) to allow for a review of the scenario and the objectives, as well as the scheduling of observers and evaluators.

**NOTE:** The Evaluated Exercise is an evaluation of the HMRTs individual capability to respond to, mitigate, recover, and terminate an incident. The Evaluated Exercise may not be held in conjunction with another external training event which would keep the EAT from evaluating all aspects of the HMRT's ability to independently showcase its individual capability to respond to and mitigate a HAZMAT incident. External assets which do not have a habitual relationship (through Mutual Aid or routine operations) with the HMRT may not participate in the exercise.

1. Two Full-Scale HAZMAT exercises are required for certification/recertification: one Self-Evaluated Exercise and one PEMA (EAT) Evaluated Exercise. Requirements for the Evaluated Exercise and evaluation criteria can be found in Attachment 10.
2. The Self-Evaluated Exercise may be completed at any time within the current four-year certification period. An AAR/IP must be submitted by the HMRT to the PEMA Area Office representative within 30 days of completing the exercise. The exercise schedule must be submitted to PEMA. Representatives from the EAT may attend and provide critique if requested by the HMRT. (See Section VII.F. for more details).
3. The Evaluated Exercise may be conducted any time after the On-Site Assessment has been completed and all required corrections have been evaluated and approved by the EAT. The exercise must be conducted no later than 30 days prior to expiration of the current certification to allow for processing of the final certification packet and approval by the Director of PEMA.
4. The Evaluated Exercise will be evaluated by the five-member EAT. If all five evaluators cannot attend, a minimum of three evaluators can provide an adequate evaluation for certification. This three evaluator minimum must consist of a PEMA BTH representative when conducting evaluation with less than the full complement of evaluators.
5. If the HMRT does not meet the minimum requirements as outlined in Attachment 10, the HMRT will be required to conduct a second/follow-up Evaluated Exercise. If a second exercise does not correct identified deficiencies, the certification process may be suspended until adequate training has been conducted by the HMRT to resolve all identified issues.

**NOTE:** An Exercise Evaluation Report will be issued to the HMRT if corrective actions or a follow-up exercise is required.

6. The HMRT must submit an AAR and IP if sufficient issues are identified during the Evaluated Exercise. These must be submitted for review and approval prior to final certification/recertification approval.

**NOTE:** If there are minimal or no issues identified during the Evaluated Exercise, an AAR or IP will not be required.

#### **E. Evaluated Exercise Requirements**

1. The Evaluated Exercise is an independent evaluation of the HMRT's individual capability to respond to a HAZMAT incident. Therefore, only the HMRT's current rostered personnel who meet the requirements outlined in this Directive and in the HMRT Training Requirements Directive (D2019-03) may participate in the exercise. Exceptions to this

requirement include Mutual Aid support personnel who have a habitual relationship with the HMRT and provide support in the conduct of NFPA 472 Operations level tasks such as decontamination or medical support (provided by a local EMS unit or service).

**NOTE:** Joint exercises between HMRTs are not authorized unless two similar NIMS Typed HMRTs are attempting to certify at a higher level. For example, two (2) NIMS Type 3 HMRTs apply to become a NIMS Type 2 HMRT and are required to conduct a joint exercise in order to certify at the higher level.

2. Evaluated Exercise scenarios must be based on the level of NIMS Typing for which the individual HMRT is attempting certification.
  - a. NIMS Type 1 and Type 2 HMRTs must conduct exercise scenarios where the chemical hazard requires protective ensembles consistent with NFPA 1991 Standards (Level A Personal Protective Ensembles (PPE)).
  - b. NIMS Type 3 HMRTs must conduct exercise scenarios where the chemical hazard requires protective ensembles consistent with NFPA standards 1992 or 1994 (Level B) PPE. NIMS Type 3 HMRTs cannot mitigate incidents which require NFPA 1991 (Level A) PPE. A NIMS Type 1 or Type 2 HMRT is required for any chemical hazard which requires NFPA 1991 (Level A) PPE in order to protect HMRT personnel during hazard mitigation.
3. Evaluated Exercise scenarios must be submitted via email through the appropriate PEMA Area Office and approved by a PEMA BTH representative before the execution of the exercise. Pre-Approved Exercise scenarios include, but *are not limited to*:
  - a. Given a pressure vessel, select the materials or equipment and demonstrate a method(s) to contain leaks.
  - b. Given a 55-gallon (208 L) drum and applicable tools and materials, demonstrate the ability to contain a leak, and demonstrate the ability to place the 55-gallon (208 L) drum into an overpack drum.
4. Objectives for the HAZMAT aspects of the exercise shall be consistent with the core competencies as indicated in NFPA 472, and shall include the following as a minimum:
  - a. Analyze a HAZMAT/WMD incident to determine the scope of the problem and potential outcomes by completing the following tasks:
    - i. Survey a HAZMAT/WMD incident to identify the containers and Materials involved, determine whether

- HAZMAT/WMD have been released, and evaluate the surrounding conditions.
- ii. Collect hazard and response information from sources including SDS; CHEMTREC/CAMEO/WISER; local, state, and federal authorities; and shipper/manufacturer contacts.
- b. Plan an initial response to a HAZMAT/WMD incident within the capabilities and competencies of available personnel and PPE.
  - c. Respond to HAZMAT/WMD incidents using a risk-based response process, based on the systematic process by which responders analyze a problem involving HAZMAT/WMD: assess the hazards, evaluate the potential consequences, and determine the appropriate response actions based upon facts, science, and the circumstances of the incident, and:
    - i. Utilize and follow the policies and procedures of the HMRT.
    - ii. Utilize the Incident Command System (ICS).
    - iii. Don, work in, and doff appropriate PPE equipment, including, but not limited to, liquid splash and vapor protective clothing with approved respiratory protection.
    - iv. Select and demonstrate appropriate decontamination procedures.
    - v. Control a release using specialized PPE equipment and control equipment.
    - vi. Demonstrate additional competencies specific to the response mission, expected tasks, and equipment and training as determined by the AHJ.
    - vii. Demonstrate safety processes and protocols.
  - d. Conduct pre- and post-medical monitoring and surveillance.
  - e. Terminate the response with appropriate transfer of information.
5. Evaluated Exercises are assessed based on the following criteria. HMRTs must achieve the following in order to successfully meet the requirements of the Evaluated Exercise:
- a. 70 % completion of all required tasks

- b. 100 % completion of all critical tasks
- c. No more than three minor safety violations
- d. No major safety violations

The Evaluated Exercise required tasks, critical tasks, and safety guidelines can be found in Attachment 10 of this Directive. HMRTs must complete the Evaluated Exercise to this standard in order to meet the minimum requirements of certification/recertification.

- 6. PEMA-generated incident scenarios for exercise evaluations will begin **July 1, 2020**. HMRTs will be required to provide a location where the EAT can set up the Exercise Evaluation incident site. HMRTs which are attempting to certify or recertify will receive their incident scenario packet the day of the Exercise Evaluation and will then be required to respond accordingly. **This Directive will be amended to reflect this change as required.**

**NOTE:** Please review Attachment 10, *Exercise Evaluation Checklist*, prior to planning for or conducting the Evaluated Exercise.

#### F. Self-Evaluated Exercises

The HMRT seeking recertification shall provide evidence of participation in a Self-Evaluated Exercise based on HSEEP concepts conducted with at least one county having jurisdiction over the HMRT within the four (4) year period after certification/recertification. The HMRT shall provide the following information regarding the exercise with their application for recertification:

- a. A copy of the minutes of either the IPC or Final Planning Conference (FPC), indicating that the HMRT was included in the planning of the exercise.
- b. A copy of the exercise objectives, including those specifically related to the HMRT.
- c. A copy of the AAR, including an IP.
- d. An Executive Summary of the scenario.
- e. County EMA/LEPC approval of the Self-Evaluated Exercise.

#### G. Final Report

- 1. Using the criteria established for certifying HMRTs in this Directive, representatives of the EAT will prepare a Final Report. The report will contain a recommendation for the Bureau Director of PEMA's BTH to

approve/disapprove the HMRT for state certification and the NIMS Typing associated with the certification. The final report describes management practices in the five critical areas of responsibility: Management, Operations, Training, Equipment, and Health and Safety. The final report also recommends best practices.

2. Copies of each document will be mailed to the HMRT Administrator, the county EMC, the Chairman of the Board of Commissioners or the County Executive, and the PEMA Area Office Director. Copies will also be mailed to each county EMA in which the applicant has a signed Statement of Agreement. PEMA maintains a hard copy in the master file.

#### H. Recertification Date Adjustments and Extensions

1. Upon completion of HMRT recertification, an HMRT may request a change of their recertification date of up to 90 days before or after their current recertification date.
2. If an HMRT wants to change the recertification date to a time which exceeds the 90-day limit shown above, they must recertify before the requested date. HMRTs may recertify at any time and are not required to wait until the prescribed recertification timeline.
3. HMRTs may submit a formal request for up to a 60-day extension of their current certification if unforeseen circumstances (natural disasters, flood events, etc.) do not allow the HMRT to follow the requirements outlined in this Directive.

#### I. Regionalization - Combining Multiple Certified Typed HMRTs

1. State-certified NIMS Type 2 and Type 3 HMRTs may apply for a joint certification at the next higher level to achieve a regional HAZMAT response capability. Multiple (2 or more) NIMS Type 3 HMRTs may apply to become a NIMS Type 2 HMRT and multiple (2 or more) NIMS Type 2 HMRTs may apply to become a NIMS Type 1 HMRT.
2. In order to certify as a Regional Typed HMRT, HMRTs must already be state-certified as either a NIMS Type 2 or Type 3 HMRT.
3. Regional HMRTs are required to apply for and complete the certification/recertification process outlined in Section VII.C. If Regional HMRTs have already met the combined requirements outlined in Attachments 5-9 for the next higher level of NIMS Typing during their initial certification, then the Regional HMRT will only be required to conduct the Evaluated Exercise and not the Assessment portion of the certification process.

4. In addition to the requirements outlined above, Regional HMRTs must provide a Mutual Aid agreement between elements/counties and specific dispatching procedures for the Regional HMRT, along with a Standard Operating Procedure (SOP), which displays the capability of the Regional HMRT to respond to hazardous Materials incidents within the region as a single entity (HMRT) according to their NIMS Typing and parameters of this Directive.
5. PEMA reserves the right to evaluate the validity of all Regional HMRT Applications and deny them based on the validity of the response plan, region covered, dispatch procedures, and ability to utilize joint assets for a response.
6. Regional HMRTs must provide the following documents in order to complete the Application for certification/recertification for a higher level of NIMS Typing in the Commonwealth of Pennsylvania:
  - a. Attachment 2B: *Regional HMRT Application for Certification/Recertification.*
  - b. Attachment 3 (A or B as required) for each county sponsor.
  - c. Attachment 4 for each Typed HMRT which is applying for Regional Certification/Recertification.
  - d. Mutual Aid Agreement(s) which details the process by which HAZMAT incidents will be responded to for the represented jurisdictions.
  - e. Dispatch SOP which details the process, procedure, and authority for dispatch of the Regional Typed HMRT.

## VIII. HMRT EVALUATION CRITERIA

- A. The following section explains the methodology used in evaluating HMRTs in support of Act 165. Assessments are used by PEMA to establish the level of capability of an HMRT's preparedness for emergency response. The evaluation process has evolved over the years in format, but the basis remains the same.
- B. The basis and standards for the Hazardous Materials Safety Program are addressed in 29 CFR Parts 1910.120 and 1910.134, the NFPA Standard 472, 475, 1072, and Act 165. Multiple categories were derived from the guidance that will be used as a reference for the assessment and exercise program as detailed in Attachments 5-10. The evaluation areas are:
  1. Management
  2. Operations
  3. Training

4. Specialized Equipment
5. PPE
6. Air Monitoring
7. Medical Surveillance
8. NIMS
9. Health and Safety

## **IX. CERTIFICATION AND APPROVAL**

- A. The PEMA Director will award certification to the HMRT Administrator upon successful completion of the requirements established in this Directive and upon the recommendation of the EAT.
- B. Certification shall be for a period of four years. The expiration date will be the last day of the month in which the certification expired and will be noted on the formal Certificate and Official Letter of Certification.
- C. Upon successful recertification, HMRTs may request to adjust the date of the subsequent recertification up to 90 days before or after the current recertification date. (*See Attachment 2*)

## **X. REQUIREMENTS FOR CERTIFIED HMRTs**

- A. HMRTs must obtain certification through the process described in this Directive and maintain these certification requirements throughout the certification period. The HMRT must maintain proficiency, document training, and submit reports (periodic and emergent) as required by Act 165 and this Directive.
- B. It is recommended, though not required, that the teams seek training programs that offer International Fire Service Accreditation Congress (IFSAC) and the National Board on Fire Service Professional Qualifications (Pro Board) certifications (*See Directive D2019-03, Hazardous Materials Response Team (HMRT) Training Requirements*).
- C. All government or private contractors who own or manage response resources in Pennsylvania for the primary purpose of providing emergency HAZMAT services as required by section 209 of Act 165 must apply for, and receive, state certification for their response area. PEMA will determine the response district if there is any uncertainty. Each HMRT must meet the requirements established in this Directive, independent of other HMRTs. If the HMRT has resources which are staged at a satellite location (within the response district), they are to be simultaneously dispatched. If simultaneous dispatch or a habitual relationship between elements is not established; these elements must certify independently of each other. For example, an HMRT located in Harrisburg may not automatically certify another element located in Scranton, even if owned by the same company or county. These elements must certify independently of each other if there is not a habitual relationship between the elements; they do not routinely dispatch as a single entity; or if they have a significant geographic distance between them.

- D. Each Commonwealth department and agency; local agency; regional HAZMAT organization; volunteer service organization; HAZMAT transporter, manufacturer, supplier or user; or other entity that organizes a certified HMRT as identified on the team certification, shall be responsible for providing, directly or by agreement with a third-party provider, public liability insurance for its certified HMRT. The Commonwealth, county, or municipality may self-insure to meet this obligation to the extent authorized by state law.

**NOTE:** The State Workers Insurance Fund (SWIF) can be used to meet this requirement.

- E. From the time of dispatch, a certified HMRT must respond to any location within the county to which it provides response service within two-hours. A certified HMRT that is unable to provide this level of response shall immediately notify the EMC in each of the counties it serves. The county EMC will notify the appropriate PEMA Area Office.
- F. Only state-certified HMRTs with which the county has a signed Agreement are authorized to be dispatched initially by the county EMC/AHJ to releases, or potential releases, that have the potential to harm people, the environment, or property.
- G. The AHJ may develop Mutual Aid Agreements with other state-certified HMRTs to serve as additional teams for coverage purposes. Additionally, NIMS Type 3 HMRTs may be combined via Mutual Aid to fulfill and create a NIMS Type 2 capable HMRT, and NIMS Type 2 HMRTs may be combined via Mutual Aid to fulfill and create a NIMS Type 1 capable HMRT.
- H. If an HMRT changes leadership, administrative contacts, location, address, title, organizational structure, or ownership, this update notification must be submitted to the appropriate PEMA Area Office and PEMA BTH within 10 business days of the change. Changes may be submitted by email with supporting documentation if required. Substantial organizational changes may require recertification depending on the scope and effect of the change as evaluated by the BTH Director.
- I. If an HMRT changes, adds, or is removed from its responsibility with any county or counties, the HMRT must report this change to the appropriate Area Office and PEMA's BTH representative within 10 days. If a new county has selected the HMRT as a Primary and/or Secondary HMRT, this change must be first approved by PEMA and then approved by the county's commissioners or county executive and confirmed with signatures using Attachments 3A or 3B of this Directive.
- J. HMRTs are required to submit reports of all dispatched HAZMAT incident responses in accordance with PEMA reporting requirements and Act 165 to PEMA within 24 hours of the response. This report must include the location, duration, HAZMAT threat, situation, and end result of the response. This may be

done through normal reporting channels such as the CWWC (PEIRS, Knowledge Center, WebEOC, etc.) and does not require a direct report to PEMA BTH.

**K. Medical Surveillance**

1. All HMRTs must follow the Medical Surveillance requirements outlined in Attachment 9 of this Directive and as required by OSHA 1910.120 and 1910.134.
2. All rostered HMRT personnel (Attachment 4) are required to receive Baseline and Annual Physical Examinations in accordance with Attachment 9 of this Directive and OSHA 1910.120.
3. Exceptions to the Annual Physical Examination requirement listed above can only be made by the attending physician on an individual, case by case basis, in agreement with the individual being examined and in accordance with the requirements set forth in Attachment 9 of this Directive and OSHA 1910.120. This exception can only change the Annual Physical requirement to that of a Biannual Physical Examination requirement. The attending physician is required to base their decision on the current physical condition of the HMRT personnel's current examination, on the HMRT personnel's exposures (or likely exposures), as well as the HMRT personnel's duties and responsibilities. The HMRT personnel's individual medical and health history must also be taken into consideration. If there is a pre-existing condition which could possibly affect the HMRT personnel's ability to be Fit for Duty, even if not related to the duties related to the HMRT, the HMRT personnel must receive an annual physical exam.
4. All HMRT personnel must have a post-physical examination Fit for Duty document, signed by the attending physician after completion of all HMRT-sponsored physical examinations. This document must include approval or disapproval of the wear and use of a respirator, the HMRT personnel's Fit for Duty status, and details regarding the HMRT personnel's specific health requirements or job limitations in accordance with Attachment 9 of this Directive, OSHA 1910.120, and 1910.134.

**XI. DECERTIFICATION/REVOCAION OF CERTIFICATION/CORRECTIVE ACTIONS**

- A. If a certified HMRT fails to comply with the actions noted in the Preliminary/Corrective Actions Report for recertification by the suspense date listed in Section VIII above, PEMA may revoke the HMRT's certification. Requests to extend the time to complete the actions past the suspense date must be coordinated through the appropriate PEMA Area Office for PEMA's approval. Extension of certification may be granted if circumstances prevent the HMRT from completing the certification process on time with the approval of the PEMA Director or the Director's designee but may not exceed 60 days.

- B. If an HMRT's certification expires and the HMRT has not performed the actions necessary to be recertified, PEMA will consider the certification to be revoked.
- C. Non-Compliance
  - 1. Representatives from PEMA's BTH will investigate all allegations of non-compliance. After review of the circumstances, a report will be submitted to the PEMA Director for resolution concerning the future status of the HMRT's certification. If the PEMA Director authorizes the action, the results of the inquiry will be mailed to the authorized official, the county commissioners/county executives, and EMC of the affected county(ies). The affected county(ies) must establish other means of HAZMAT response coverage and notify PEMA of its plans as per Section X.J. above.
  - 2. Certifications may be revoked if at any time the applicant is found to be non-compliant with any of the terms, conditions, or requirements of this Directive.
  - 3. If certification is revoked, the affected counties will be notified by PEMA and will be required to make alternate arrangements to meet the requirements of Act 165. An HMRT which is suspended or has its certification revoked for any reason may request a meeting with PEMA's BTH to discuss the future status of the HMRT. Non-certified HMRTs cannot be dispatched to a HAZMAT incident within the Commonwealth of Pennsylvania.
  - 4. If a county does not have a certified HMRT for more than 90 days, PEMA's BTH and the appropriate PEMA Area Office will review the conditions within the county that prevents the county from complying with the requirements of Act 165. The review will consist of, but not be limited to, an evaluation of the good-faith efforts of the county to obtain coverage by a certified HMRT and the availability of a certified HMRT to cover the county. After the review, PEMA BTH may recommend action through PEMA's Legal Counsel to initiate fines as prescribed in Act 165 for non-compliance. These fines may be levied on a daily, weekly, and/or monthly basis until the county complies with this Directive as required by Act 165.
  - 5. Non-compliance or violations of this Directive or Act 165 which reduce the capability of any HMRT to respond in accordance with their state-certified NIMS Type will result in the HMRTs certification status being reduced to the appropriate NIMS Type for which they qualify, and the HMRT will then not be able to respond to incidents which exceed the NIMS Type response capabilities outlined in this Directive.
  - 6. PEMA reserves the right to reinspect an HMRT at any time. The minimum requirements outlined in this Directive must be maintained at all

times. If PEMA determines there is a probability that these requirements are not being met or if there has been a reported violation; a reinspection will be scheduled with the HMRT to determine if the HMRT meets the requirements outlined in this Directive.

- D. Regional NIMS Typed HMRTs must adhere to the above-listed requirements in this section. In addition, if any individual state-certified HMRT which is a part of a Regional NIMS Typed HMRT is suspended or decertified for any reason, the Regional NIMS Typed HMRT must recertify within 90 days, or the Regional NIMS Typed HMRT will be required to decertify. This will not affect individual HMRT certifications other than those not meeting the requirements specified above.

## XII. TEAM STRUCTURE AND TRAINING REQUIREMENTS

- A. See Appendix 1, *NIMS Resource Typing Definition for Environmental Response/Health and Safety/Fire/Hazardous Materials – Hazardous Materials Response Team* for the minimum team structure and capability requirements for a state-certified HMRT. \*Please note that while a NIMS Type 1 and 2 HMRT only requires eight personnel, the Commonwealth of Pennsylvania requires NIMS Type 1 and 2 HMRTs to have a minimum of 10 personnel.
- B. HMRTs must be able to be dispatched as a single entity. This means multiple locations, fire departments, etc. may be considered a single HMRT if there is a habitual relationship as a single HMRT. If HMRT elements are not routinely dispatched together as a single HMRT, they must certify as a state-certified HMRT independently from one another. If an HMRT does not work, train, and/or dispatch together, then it is not a valid state-certified HMRT.
- C. All HMRT Members must meet the training requirements outlined in PEMA Directive D2019-03, *Hazardous Materials Response Team Member Training Requirements*. This Directive details both NIMS training requirements and NFPA 472/1072 training requirements for all HMRT Members.
- D. All HMRT Personnel must meet the minimum requirements outlined in this Directive in order to be considered for Operational status. HMRTs dispatched with personnel who do not meet these requirements will be suspended as per Section XI above.
- E. In order to be considered for dispatch to a HAZMAT incident as a part of a state-certified HMRT, all HMRT personnel must be on the HMRT's official roster and:
  - 1. Meet the minimum NIMS training requirements outlined in Directive D2019-03, *Hazardous Materials Response Team Member Training Requirements*.
  - 2. Meet the minimum NFPA 472 Standard Training requirements outlined in Directive D2019-03, *Hazardous Materials Response Team Member*

*Training Requirements.*

3. Have completed and have a current Criminal History Check, meeting the minimum requirements as outlined in Section XIII below.
4. Have a current physical examination and Fit for Duty approval from the HMRT's approved Physician, as outlined in Attachment 9 of this Directive, OSHA 1910.120, and OSHA 1910.134.

**XIII. CRIMINAL HISTORY CHECK**

- A. All members (volunteer, full, or part-time) are required to have a Criminal History Check conducted prior to their employment and prior to each team recertification. The criteria for employment will be based upon current, county-established human resources policies. Documentation shall be maintained by the Administrative Officer. Under no circumstances will a state-certified HMRT employ, or continue to employ, an individual who has been convicted of an offense graded a felony or its equivalent in another jurisdiction, state, territory, or country.
- B. This service is now offered free for volunteer organizations via an online request or Form SP-164A. Note from PSP's website: "This response is based on a comparison of data provided by the requester in Part I of the form against the information contained in the files of the Pennsylvania State Police Central Repository only, and does not preclude the existence of criminal records which might be contained in the repositories of other local, state, or federal criminal justice agencies."

**XIV. GLOSSARY OF TERMS**

- A. Act 165: Hazardous Materials Emergency Planning and Response Act, 35 P.S. §§ 6022.101- 6022.307 (Act 165 of 1990).
- B. ADMINISTRATIVE OFFICER: The individual responsible for maintaining records and who has control over the administrative requirements for the HMRT.
- C. AUTHORIZED OFFICIAL: The individual responsible for the proper management and administration of the HMRT.
- D. AUTHORITY HAVING JURISDICTION: The organization, office, or individual responsible for approving equipment, Materials, and installation or a procedure.
- E. CERTIFIED HAZARDOUS MATERIALS RESPONSE TEAM: A team of individuals who are certified by the Commonwealth of Pennsylvania and organized by a Commonwealth department or agency, county, local agency, regional HAZMAT organization, transporter, manufacturer, supplier, user of HAZMATs, volunteer service organization, or a private contractor for the primary purpose of providing emergency services to mitigate actual or potential immediate

threats to public health and the environment in response to the release or threat of a release of a HAZMAT. Such a team is certified, trained, and equipped in accordance with Act 165.

- F. **CERTIFIED:** Successfully completed training and/or field experience required to meet the following training levels: Awareness, Operations, Technician, HAZMAT Specialist, HAZMAT Safety Officer, and HAZMAT Incident Commander. It is highly recommended that HMRTs strive towards having all team members Pro Board Certified, but at a minimum will be certified to the OSHA 1910.120 standard.
- G. **COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION AND LIABILITY ACT (CERCLA),** 42 U.S.C. §§ 9601 - 9675, Federal law which addresses hazardous substance releases into the environment and the cleanup of inactive hazardous waste disposal sites.
- H. **EMERGENCY:** Sudden unforeseen event needing prompt action, without which public health and safety may be jeopardized.
- I. **RESPOND:** A coordinated response effort by HMRT members from outside the immediate release area or by other designated responders to an occurrence which has resulted in, or is likely to result in, an uncontrolled release of a hazardous substance.
- J. **EXTREMELY HAZARDOUS SUBSTANCE:** A substance appearing on the list of extremely hazardous substances published by the administrator of the Federal Environmental Protection Agency under the authority of Section 302 of the Federal Emergency Planning and Community Right-to-Know Act, 42 U.S.C. § 11002, promulgated in 40 CFR Part 355, Appendix A, or appearing on any successor list of extremely hazardous substances published by the Administrator of the EPA.
- K. **FACILITY:** All buildings, structures, and other stationary items which are located on a single site, contiguous, or adjacent site which are owned or operated by the same person and which manufacture, produce, use, transfer, store, supply, or distribute any HAZMAT. The term includes railroad yards and truck terminals, but does not include individual trucks, rolling stock, water vessels, airplanes, or other transportation vehicles.
- L. **HAZARDOUS MATERIALS:** For the purposes of this Directive and related references, it is important to understand that the definition of this term is dependent upon its usage. It is defined in Pennsylvania's Act 165 and in the 49 CFR Part 171.8.
- M. **HAZARDOUS MATERIALS OFFICER:** The person who is responsible for directing and coordinating all operations involving HAZMAT/WMD as assigned by the incident commander. The position is defined in NFPA 472 and is mandatory at all HAZMAT incidents.

- N. **HAZARDOUS MATERIALS SAFETY OFFICER:** The person who works within the NIMS to ensure that recognized safe practices are followed within the HAZMAT branch. The position is defined in NFPA 472 and is mandatory at all HAZMAT incidents.
- O. **HAZARDOUS SUBSTANCE Act 165:** For the purposes of this Directive and related references, it is important to understand that the definition of this term is dependent upon its usage. It is defined in Pennsylvania's Act 165, by the 40 CFR Part 302.3, and in the 49 CFR Part 171.8.
- P. **HAZARDOUS WASTE as it relates to the definition of HAZMAT:** For the purposes of this Directive and related references, it is important to understand that the definition of this term is dependent upon its usage. It is defined in the 40 CFR Part 261.3.
- Q. **HEALTH HAZARD as it relates to the definition of HAZMAT in 29 CFR Part 1910.1200:** A chemical for which there is statistically significant evidence based on at least one study conducted in accordance with established scientific principles that acute or chronic health effects may occur in exposed employees. The term "health hazard" includes chemicals which are carcinogens; toxic or highly toxic agents; reproductive toxins; irritants; corrosives; sensitizers; hepatotoxins; nephrotoxins; neurotoxins; agents which act on the hematopoietic system; and agents which damage the lungs, skin, eyes, or mucous membranes.
- R. **INCIDENT:** An occurrence or event, natural or human caused, that requires an emergency response to protect life or property. Incidents can, for example, include major disasters, emergencies, terrorist attacks, terrorist threats, wildland and urban fires, floods, HAZMAT spills, nuclear accidents, aircraft accidents, earthquakes, hurricanes, tornadoes, tropical storms, war-related disasters, public health and medical emergencies, and other occurrences requiring an emergency response.
- S. **INCIDENT COMMANDER:** The individual responsible for all incident activities, including the development of strategies, tactics, and the ordering and releasing of resources. The Incident Commander has overall authority and responsibility for conducting incident operations and is responsible for the management of all incident operations at the incident site.
- T. **NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS):** A system mandated by HSPD-5 that provides a consistent, nationwide approach for federal, state, local, and tribal governments, the private sector, and NGOs to work effectively and efficiently together to prepare for, respond to, and recover from domestic incidents, regardless of cause, size, or complexity. See December 2004 National Response Plan | 69 70.
- U. **PERSON (ACT 165):** An individual; corporation; firm; association; public utility; trust; estate; public or private institution; group, Commonwealth or local agency; political subdivision; and any legal successor, representative, or agency of the

foregoing. This term is also defined in another manner by the EPA and PHMSA.

- V. PHMSA: United States Department of Transportation Pipeline and Hazardous Materials Safety Administration.
- W. REFRESHER TRAINING: Current members shall receive refresher training annually. The training for members who are currently certified shall be of sufficient content and duration to maintain their competencies or they shall demonstrate competency in those areas.
- X. RELEASE (*ACT 165*): The Act defines release as any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment of a HAZMAT, including, but not limited to, the abandonment or discarding of barrels, containers, and other receptacles containing a HAZMAT.
- Y. RELEASE (*CERCLA*): Section 101(22) defines release as any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant).
- Z. RELEASE (*DEP, Title 25, Chapter 245.1*): Spilling, leaking, emitting, discharging, escaping, leaching, or disposing of a contaminant into surface waters and ground waters of this Commonwealth or soils or subsurface soils in an amount equal to, or greater than, the reportable release quantity determined under section 102 of CERCLA (42 U.S.C.A. § 9602), and regulations promulgated thereunder, or an amount equal to or greater than a discharge as defined in section 311 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1321) and regulations promulgated thereunder. Release also includes spilling, leaking, emitting, discharging, escaping, leaching, or disposing into a containment structure or facility that poses an immediate threat of contamination of the soils, subsurface soils, surface water, groundwater, or air contaminants emitted into the outdoor atmosphere.
- AA. RELEASE (*40 CFR Part 302.3*): Any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant), but excludes:
  - 1. Any release which results in exposure to persons solely within a workplace, with respect to a claim which such persons may assert against the employer of such persons;
  - 2. Emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel, or pipeline pumping station engine;
  - 3. Release of source, byproduct, or special nuclear material from a nuclear incident, as those terms are defined in the Atomic Energy Act of 1954, if

such release is subject to requirements with respect to financial protection established by the Nuclear Regulatory Commission under section 170 of such Act, or for the purposes of section 104 of CERCLA or any other response action, any release of source, byproduct, or special nuclear Materials from any processing site designated under section 102(a)(1) or 302(a) of the Uranium Mill Tailings Radiation Control Act of 1978; and

4. The normal application of fertilizer.
- BB. **REPORTABLE QUANTITY (RQ):** The quantity of a hazardous substance that, if released into the environment, may present substantial danger to the public health or welfare, or the environment and must be reported to the National Response Center. RQs are set forth in 40 CFR Part 302 and in the 49 CFR Part 172.102, Appendix A, and were established under CERCLA Section 102 as a trigger for notification of the federal government when hazardous substances are released. The release of a hazardous substance that equals or exceeds its RQ must be reported immediately to the National Response Center and PEMA as required by Act 165.
- CC. **RESPONSE DISTRICT:** The distance the HMRT shall travel in two hours, under normal conditions, to arrive at the incident site. In most cases, this can be extended to a 100-mile radius from the base station.
- DD. **REGIONAL HAZARDOUS MATERIALS ORGANIZATION:** A for-profit corporation, nonprofit corporation, joint venture, or authority formed under the laws of this Commonwealth, which either contracts with, or is organized by, one or more Commonwealth departments and/or agencies, local agencies, or volunteer service organizations for the purpose of creating, training, equipping, maintaining, and providing one or more HMRTs to serve any specific geographic area as approved by the Pennsylvania Emergency Management Council, within but not limited to, the Commonwealth under this Act.
- EE. **SARA TITLE III: Federal Emergency Planning and Community Right-to-Know,** 42 U.S.C. § 11002, promulgated in 40 CFR Part 355, Appendix A, specifies requirements for an organizing and planning process at state and local levels for specified extremely hazardous substances, minimum plan content, requirements for fixed facility owners, and operators to inform officials about extremely hazardous substances present at the facility, and mechanisms for making information about extremely hazardous substances available to citizens.
- FF. **ROLLING STOCK:** Any railroad tank car, railroad boxcar, intermodal units, or other railroad freight car as defined in 49 CFR Part 215, or its successor, that contains an extremely hazardous substance in excess of the threshold planning quantity established for such substance and is used as a storage site for such substance.
- GG. **TECHNICAL ASSISTANCE:** Personnel, agencies to include shippers, manufacturers, or printed Materials that provide technical information on handling HAZMATs.

- HH. **TOXIC CHEMICAL** (as it relates to the definition of HAZMAT): A substance appearing on the list of chemicals described in section 313 of SARA (Title III, Public Law 99-499, 42 U.S.C. § 11023), as set forth at 40 CFR Part 372, or appearing on any successor list of chemicals set forth in the Code of Federal Regulations under the authority of section 313 of SARA, Title III.
- II. **WEAPONS OF MASS DESTRUCTION (WMD)**: Weapons--nuclear, biological, chemical, and radiological--and their means of delivery that are capable of a high order of destruction and/or of being used in such a manner as to destroy large numbers of people or cause significant infrastructure damage.

## **XV. DIRECTIVE IMPLEMENTATION PERIOD**

- A. This Directive is subject to annual review. This review will be conducted in June of each year with changes, if any, submitted for review and approval by July 1.
- B. All training or equipment changes outlined in this Directive will not go into effect for one year following the Effective Date or latest date of revision (unless otherwise specified).
- C. Changes to the Evaluated Exercise process outlined in this Directive will go into effect immediately upon issuance of this Directive.
- D. HMRTs are not required to recertify as a NIMS Typed HMRT until their current certification period expires.

## **XVI. INFORMATION**

For additional information, please contact the Bureau of Technological Hazards, at 717-651-7076.

Attachment (1)	Addresses of PEMA Headquarters and PEMA Area Offices
Attachment (2A)	Application for Initial/Recertification of a HMRT
Attachment (2B)	Regional HMRT Application for Certification/Recertification
Attachment (3A)	County Agreement for Counties with County Commissioners
Attachment (3B)	County Agreement for Home Rule Counties
Attachment (4)	HMRT Application Roster
Attachment (5)	Management, Operations, and Training Inspection Checklist
Attachment (6)	Personal Protective Equipment (PPE) Inspection Checklist
Attachment (7)	Specialized Equipment and Reference Material Inspection Checklist
Attachment (8)	Air Monitoring and Detection Inspection Checklist
Attachment (9)	Medical Surveillance Program Inspection Checklist
Attachment (10)	Exercise Evaluation Checklist
Appendix (1)	FEMA, NIMS 508: Hazardous Materials Response Team
Appendix (2)	HMRT Certification Preparation Guide
Appendix (3)	Medical Exclusion Criteria
Appendix (4)	Pre-Assessment Binder Requirements

**PEMA Directive:**  
**Effective Date:**  
**Page Number:**

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**September 13, 2019**  
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Office of the Director  
Office of the State Fire Commissioner  
Deputy Director for Administration  
Deputy Director for Response  
Deputy Director for Preparedness  
Deputy Director for 9-1-1  
Special Assistant to the Director  
External Affairs Office  
Communications Office