Federal Interagency Operational Plan – Response and Recovery

Oil/Chemical Incident Annex

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Purpose

This annex supports and provides hazard-specific supplemental information to the Response Federal Interagency Operational Plan (FIOP) and the Recovery FIOP. It is in line with the FIOPs for the Prevention, Protection, and Mitigation mission areas. This annex describes the process and organizational constructs that will be utilized by federal departments and agencies for responding to threats or incidents causing oil spills or chemical releases (oil/chemical), whether resulting from deliberate acts of terrorism or crime, accidents, or natural disasters.

This annex describes how federal interagency partners will respond and transition to recovery from oil/chemical incidents under federal authorities in a lead role or in support of state, local, tribal, territorial (SLTT)[1], and insular-area governments to save lives, protect property and the environment, and meet basic human needs when there is a threat or an actual oil/chemical incident.

Situation

Oil and chemicals may be released from sources such as onshore and offshore oil production-related facilities, oil and chemical transportation modes (including pipelines), chemical manufacturing facilities, oil processing facilities, oil and chemical storage facilities, and end use products containing oil and chemicals. Additionally, some oil is released from natural seepage. Oil spills and chemical releases can have serious environmental and public health consequences.

Oil/chemical incidents may range considerably in size and magnitude of the impact upon public health and the environment. They may range from minor incidents such as clandestine dumping of intact drums of oil or hazardous chemicals to more severe incidents such as transportation accidents involving large amounts of oil or hazardous chemicals or fires at chemical facilities or to catastrophic incidents such as a large-scale oil spill or chemical release, including those caused by terrorist attacks or criminal acts of sabotage. In addition, multiple oil/chemical incidents of various types can occur over a broad area after natural disasters such as hurricanes and earthquakes.

The Strategic National Risk Assessment in Support of Presidential Policy Directive (PPD)–8 identified the types of incidents that pose the greatest threat to the nation's security.[2] These risks include large releases of chemicals acutely toxic to humans from a chemical plant, storage facility, or transportation mode significantly impacting a population. Also identified were those instances wherein a hostile non-state actor(s) acquires and releases a chemical agent directed at a concentration of people or into the food supply.

Scope

This annex applies to all federal responses to oil/chemical incidents, regardless of size or complexity, and includes accidental and deliberate releases.[3] This annex does not alter or impede the ability of any SLTT and insular-area government or Federal departments and agencies to exercise their authorities or to perform their responsibilities under the law. Federal departments and agencies may take appropriate

[1] This annex discusses several key federal authorities that can apply to the federal response to oil/chemical incidents. Each of these authorities may have its own definition of SLTT and insular-area governments that would apply when that specific authority is invoked. As used in this annex, the term "local, state, tribal, territorial, and insular-area governments" is used in a general sense and reflects the amalgamation of the definition of these and related terms under these individual authorities.
[2] The Strategic National Risk Assessment in Support of PPD-8: A Comprehensive Risk-Based Approach toward a Secure and Resilient Nation – (December 21) Table 1: Strategic National Risk Assessment (SNRA) National Level Events.
[3] The federal response to oil/chemical incidents involving the United States food supply and agricultural sector will be described in the Food and Agriculture Incident Annex to the Response FIOP.

independent emergency actions pursuant to their own statutory authorities and those described in national policy.

This annex applies to federal departments and agencies responding to oil/chemical incidents under a wide range of legal authorities, including but not limited to those listed in the Authorities and References section of this annex. This annex is intended to be consistent with U.S. laws, policies, and other related requirements.

Planning Assumptions and Critical Considerations

The following planning assumptions and operational considerations necessary to aid in the response to an oil/chemical incident are supplemental to those outlined in the Response FIOP.

- **Multiple Legal Authorities May Be Activated**: Several legal authorities may be activated or used by federal departments/agencies for the prevention of or response to or recovery from an oil/chemical incident.
- **Incident Cause**: For some oil/chemical incidents, it will not be immediately clear if there is a criminal/terrorism nexus. It is the policy of the United States that, until otherwise determined, any possible terrorist incident will be treated as an actual terrorist incident. The Attorney General (AG), generally acting through the Federal Bureau of Investigation (FBI) Director, will determine whether a particular situation is to be treated as an actual terrorist incident.
- **Life sustaining and life supporting actions are a strategic priority throughout the response**. Response activities will be coordinated with counterterrorism investigations, intelligence operations, and law enforcement activities related to an incident.
- **Reporting Requirements**: Terrorist threat-related information that is collected domestically, including suspicious activity reports will be shared with the FBI Joint Terrorism Task Forces (JTTFs) so that threats can be resolved as soon as possible.

Concept of Operations

Owners and operators bear the primary responsibility for the security and safe operations of their oil and chemical facilities, vessels, and conveyances, including for cleaning up their oil spills and chemical releases. In addition, the federal and SLTT governments have obligations and responsibilities for public health, safety, and welfare; regulatory oversight; protection activities; and the law enforcement response to incidents. Governmental entities work with owners and operators to ensure the safe operation through regulations, inspections, and planning and prevention activities. Owners and operators bear a critical notification and first-response obligation in the event of an oil/chemical incident involving their facilities, vessels, and conveyances. The Federal Government may also conduct prevention activities to stop ongoing criminal or terrorist acts, or prevent follow on criminal or terrorist acts associated with oil and chemical incidents, concurrent with the response to save lives and protect property. This concept of operations is foundational to the fusion of interdependent actions and decisions across Response, Recovery, Prevention, and Protection missions.

Along with the owners and operators, SLTT and insular-area governments are generally responsible for managing the response to oil/chemical incidents in their jurisdictions to save lives and to protect property and the environment. The Federal Government may also respond in accordance with Federal laws and authorities. Key Federal response authorities include but are not limited to the following: The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and section 311

of the Clean Water Act (CWA) as amended by the Oil Pollution Act of 1990 (OPA), including their implementing regulations, the National Oil and Hazardous Substances Pollution Contingency Plan (NCP)[4], and the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), as described further in this annex. While this annex focuses on these key authorities, it is important to note that other Federal and state laws may apply to responses under these authorities or instead of them where they do not apply.

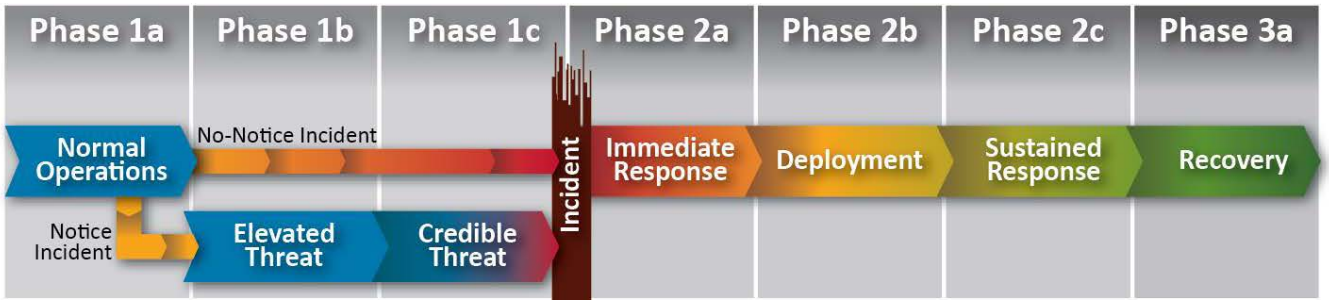
When such incidents occur as a result of suspected criminal activity or an act of terrorism, these on-scene response activities will be conducted in coordination with the FBI On-Scene Commander and the FBI Joint Operations Center (JOC). During such incidents, joint priorities will be established and the activities will be integrated in support of the set priorities. This will ensure swift integration of response and protection activities with prevention activities. The FBI leads and coordinates the law enforcement response, intelligence collection, and criminal investigation to prevent acts of terrorism and follow on attacks, and those other acts under its criminal jurisdiction that involve oil or chemical facilities.[5]

Operational Phases

The majority of oil/chemical emergencies have occurred as a result of accidents; however, they may also occur as a result of deliberate acts or as a result of a natural disaster. While most response operations begin with discovery or notification of the incident, information may become available to law enforcement that a deliberate criminal or terrorist act is being planned. In the case of the latter, this may require pre-incident staging activity.

A phased approach to federal response operations is executed, as illustrated in **Figure 1** and as described in the Response FIOP. The timing and duration of each phase may vary depending on the incident. Some federal departments and agencies utilize different phase terminology to describe their response activities under other authorities. These phases are provided for a general understanding of the types of activities that can be associated with oil/chemical incidents and may not apply to a federal agency responding under non-Stafford authorities.

Figure 1. Operational Phases



[4] National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 Code of Federal Regulations (CFR) Part 300.

[5] Other federal agencies with law enforcement jurisdiction and expertise (e.g., Bureau of Alcohol, Tobacco, Firearms, and Explosives; Drug Enforcement Agency; Environmental Protection Agency) may respond and coordinate their activities with FBI.

Integration of Response and Prevention Operations for Suspected or Actual Deliberate Oil/Chemical Incidents

In the case of a terrorist threat or attack, the Federal Government will conduct response and prevention operations to save lives, protect property, resolve threats, and prevent further attacks. This will involve operational coordination, information sharing, and well-informed decision making at senior levels of government to ensure an effective response.

The Protection and Prevention mission areas include core capabilities necessary to prevent or stop an imminent or actual act of terrorism and follow on attacks. This section is intended to integrate the Response and Prevention missions. These missions will therefore require timely threat reporting from Protection and Prevention to inform decisions and operations.

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

Terrorist threat-related information collected domestically, including suspicious activity reporting involving suspected Federal crimes of terrorism, will be shared comprehensively and immediately with the FBI-led JTTFs so that threats can be investigated and resolved as soon as possible. The JTTFs are comprised of federal and SLTT law enforcement personnel and are located in over 100 cities nationwide. JTTFs respond to weapons of mass destruction (WMD) and other terrorism threats and also resolve reports of possible terrorism activity from all sources, to include those submitted from the public.

All suspected terrorist threat information concerning chemical/oil material or infrastructure will be assessed through a timely Threat Credibility Evaluation (TCE). The TCE assesses the credibility of the threat and associated adversarial intent, operational practicability, and technical feasibility. The FBI may contact various federal and SLTT subject matter experts (SMEs) to assist in assessing threat credibility. The TCE results inform the Protection and Prevention response.

When incidents occur as a result of suspected criminal activity or act of terrorism, the AG and FBI Director utilize FBI Strategic Information and Operations Center (SIOC) and FBI field division JOCs (see **Figure 2**) to ensure effective operational coordination and information sharing with federal and SLTT partners and to manage the law enforcement, investigative, and intelligence domestic threat response. In addition, a number of other coordinating structures support coordination and information sharing to prevent terrorist threats, including WMD threats. Other mission related national-level coordinating structures include the Department of Homeland Security (DHS) National Operations Center (NOC), the Office of the Director of National Intelligence National Counterterrorism Center, and the Department of Defense (DOD) National Military Command Center. Other mission related field coordinating structures, such as state and major urban area fusion centers, state and local counterterrorism and intelligence units, and others also play a critical role.

At the national level, Protection and Prevention operations are coordinated within the FBI-led Weapons of Mass Destruction Strategic Group (WMDSG) at the FBI SIOC. The WMDSG is an interagency crisis action team activated to support efforts to successfully resolve imminent WMD terrorist threats or incidents while simultaneously coordinating its information with the nationwide effort to save lives and protect property. The WMDSG includes a Federal Emergency Management Agency (FEMA)–led Consequence Management Coordination Unit (CMCU) to ensure information is shared and coordinated across the Response, Protection Prevention, Mitigation, and Recovery mission areas. The WMDSG

connects with the FBI field division JOCs and its WMD desk to support risk informed operations and decision making.

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

The Response mission area is informed through WMDSG products. The WMDSG provides classified situational awareness briefings for federal interagency senior leaders that provides a WMD common operating picture (COP) of ongoing counterterrorism and related operations. This COP fuses real-time investigative and intelligence information, law enforcement operations, technical information, homeland protection, and consequence management activities. In addition, the WMDSG prepares broadly tailored and sharable WMD Threat Profile products. These provide technical, investigative and intelligence information from across the United States Government. Response, Protection and Prevention planning and operations, to include public health, safety, and boarder and ports-of-entry protection, may be informed by the CMCU through these tailored Threat Profile products.

At the field level, Response activities should be coordinated with the FBI On-Scene Commander (OSC), who is managing Protection and Prevention activities through the FBI field division JOC. The FBI OSC retains the authority to take appropriate law-enforcement actions at all times during the response and has responsibility to conduct, direct, and oversee crime scenes, including those involving WMD, their security, and evidence management through all phases of the response. These responsibilities, however, are conducted concurrently with other department and agency lead authorities within the Response, Protection, Prevention, and Recovery missions.

The location of a suspected or actual deliberate oil or chemical incident will be treated as a federal crime scene. The preservation and collection of evidence is critical to determine the identity of culpable parties or information of additional planned attacks. Therefore, it is important to ensure that Response and Recovery personnel understand and recognize possible access restrictions to crime scenes. Further, the Response and Recovery missions should collaborate with the Protection and Prevention missions within the JOC to establish joint priorities to save lives, protect property, and conduct Protection and Prevention activities.

JOCs are National Incident Management System (NIMS)–compliant command posts from which the FBI manages its operational law enforcement response, investigation, intelligence collection activities, and counterterrorism operations. The JOC is led by the FBI OSC and is staffed by federal and SLTT agencies. The JOC maintains operational coordination and information sharing with other regional command and intelligence centers, to include state Emergency Operations Centers (EOCs) and state and major urban area fusion centers. The JOC includes the following functional groups: Command, Operations, Admin/Logistics, and Consequence Management.

The JOC is composed of the following groups:

- **Command Group**: The multi-agency Command Group, led by the FBI OSC, ensures that conflicts are resolved, and priorities and objectives are established. Members of the Command Group play an important role in ensuring information sharing and the coordination of federal

counterterrorism operations with consequence management functions. The Command Group provides recommendations and advice regarding strategic decision making to resolve the threat and save lives. It is also responsible for approving the employment of law enforcement investigative and intelligence resources. The Command Group is composed of senior officials with decision-making authority from federal and SLTT agencies and private industry partners based upon the circumstances of the threat or incident. It is supported by federal and state prosecutors, legal counsel, and media representatives.

Six state and major urban area fusion centers (fusion centers) serve as focal points within the state and local environment for the receipt, analysis, gathering, and sharing of threat-related information between the federal, SLTT and private sector partners. More information can be found at http://www.dhs.gov/state-and-major-urban-area-fusion-centers.

- **Operations Group**: Responsible for managing all investigative, intelligence, and operational functions related to the imminent threat. The Operations Group usually consists of the following: 1) Intake; (2) Intelligence; and (3) Investigation. The JOC is staffed by subject matter experts and specific operational components, e.g., tactical, negotiations, hazardous evidence, forensics, surveillance, and technical.

- **Operations Support Group**: This group is staffed by coordinators who provide advice and assistance within their respective areas of expertise, such as victim/witness coordinators, communications, administrative/logistics, liaison and information management.

- **Consequence Management Group**: This group is staffed, as needed, by representatives from the FEMA region, DoD, state, local, and private sector agencies and organizations with expertise in consequence management, emergency management, and related technical matters to help establish joint priorities and to inform Prevention operations and decision-making.

The JOC is also augmented by the Domestic Emergency Support Team (DEST), a specialized, rapidly deployable interagency team that, as part of its mission, supports the FBI OSC to integrate and prioritize consequence management decisions within the Prevention mission. The DEST also provides the FBI OSC with expert advice and guidance to shape Prevention operations in order to save lives and protect property. The DEST supports the FBI OSC through a JOC WMD Desk and maintains connectivity with the JOC Consequence Management Group. DEST composition includes a ready roster from FEMA, FBI, DOD, HHS, DOE, Environmental Protection Agency (EPA), and others as may be appropriate. Based upon the threat and requirements, the FBI determines the composition of the DEST and maintains operational control throughout its activation. The FEMA Administrator is responsible for policies and planning governing the DEST and for obtaining approval for its deployment.

Each Emergency Support Function (ESF) should review the tasks contained in the Response FIOP for Phases 2a (Immediate Response) and 2b (Deployment) to identify response tasks that may be required to support law enforcement during the prevention operations. During this type of response, any pre-incident activity to include pre-staging must be closely coordinated to avoid compromise of ongoing law enforcement and intelligence operations that are intended to resolve imminent threat, prevent attacks or follow-on attacks, save lives, and prevent damage to critical infrastructure and property. A list of critical tasks for federal departments and agencies not already covered in the Response FIOP that may be needed for credible threat incidents involving a potential oil/chemical release or in the initial phase of response to certain types of oil/chemical incidents is contained in Appendix 2 Response Tasks.

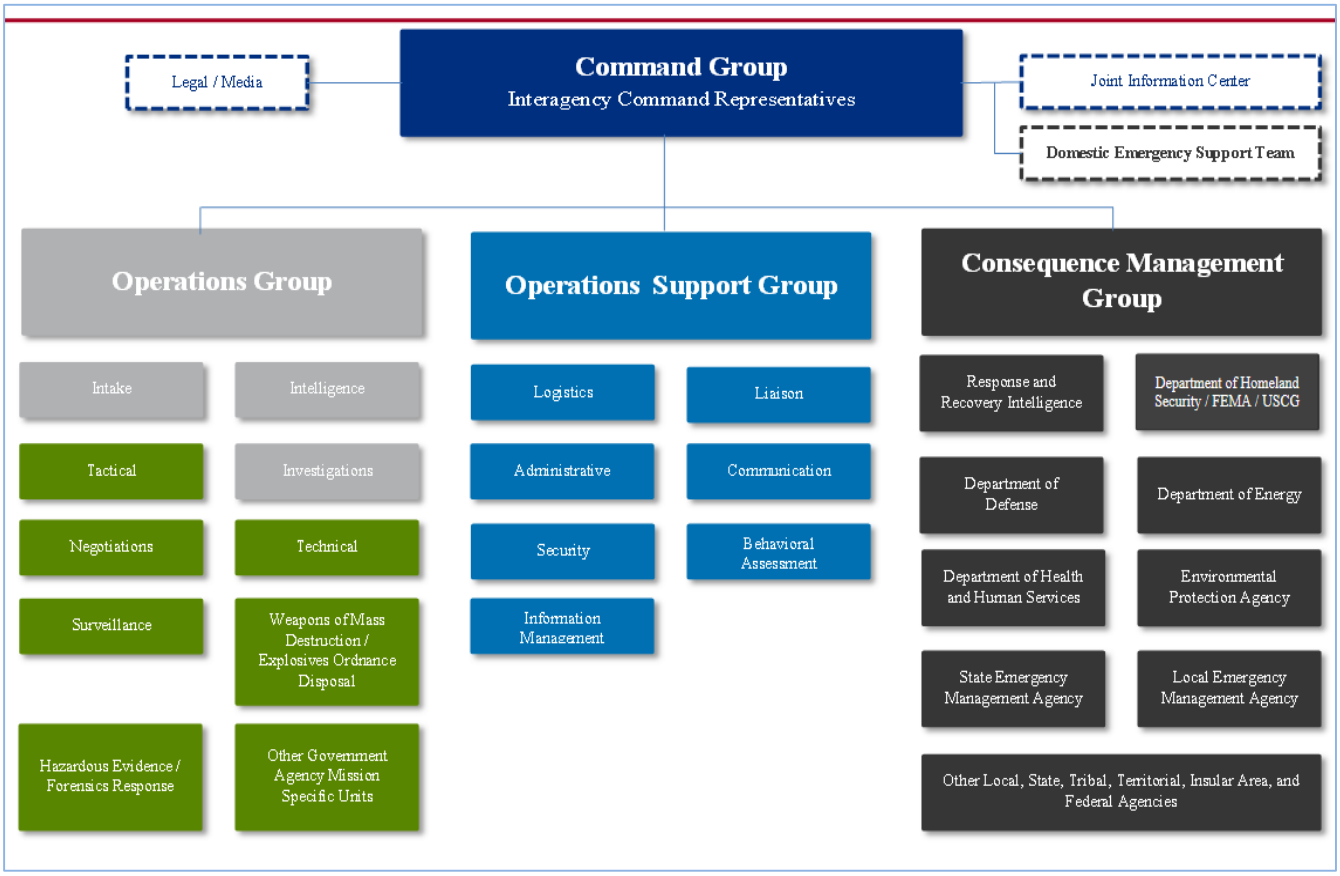
Imminent threat information will be communicated to the response community through those operational coordination centers identified in the Prevention Framework e.g., FBI JOC, see Figure 2). In

certain rare instances, however, national security or law enforcement operational security concerns may limit the release of certain information. Therefore, during any response to a threat involving criminal/terrorist activity, it is critical that federal departments/agencies closely coordinate their activities to ensure that leadership of the Federal Government is well informed for decision making.

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

The AG and FBI Director utilize FBI SIOC and FBI field division JOCs (see **Figure 2**) to ensure effective operational coordination and liaison with partner agencies and strategic communications and to manage the law enforcement, investigative, and intelligence domestic threat response. As such, pre-staging notification will be formally made through the FBI SIOC at senior levels, as deemed appropriate.

Figure 2. FBI Joint Operations Center (JOC)



Throughout the incident operation, the DEST prioritizes and integrates federal consequence management decisions within the Prevention mission area. The interagency team of experts supports the FBI Special Agent in Charge (SAC). In support of the FBI, and acting through the FEMA Administrator, FEMA has the lead responsibility for policies and plans governing the use of the DEST.

FEMA works with the FBI to recommend DEST deployment to senior federal leadership based upon the FBI's recommended composition.

The FBI also utilizes its field division JTTFs and the National JTTFs (NJTTF) for the sharing of threat information as appropriate. FBI JTTFs are comprised of federal and SLTT agencies who conduct terrorism-related investigations, related intelligence collection activities, and counterterrorism response operations in 103 cities nationwide. JTTFs and the NJTTF bring to bear the law enforcement, homeland security, and intelligence communities' capabilities by ensuring that the whole community is ready to respond to threats if/when they emerge. This involves the development of comprehensive plans and policy at the strategic and operational levels that inform leaders, decision makers, and counterterrorism professionals about specific responsibilities and courses of action.

Response to Oil/Chemical Incidents

The federal response to oil/chemical incidents will be consistent with the authority of the federal departments and agencies as described in the National Response Framework (NRF) and national policy. The federal response coordination constructs used in oil/chemical incidents are scalable, layered, and inclusive and enable effective coordination of the federal resources required for and deployed to an incident.

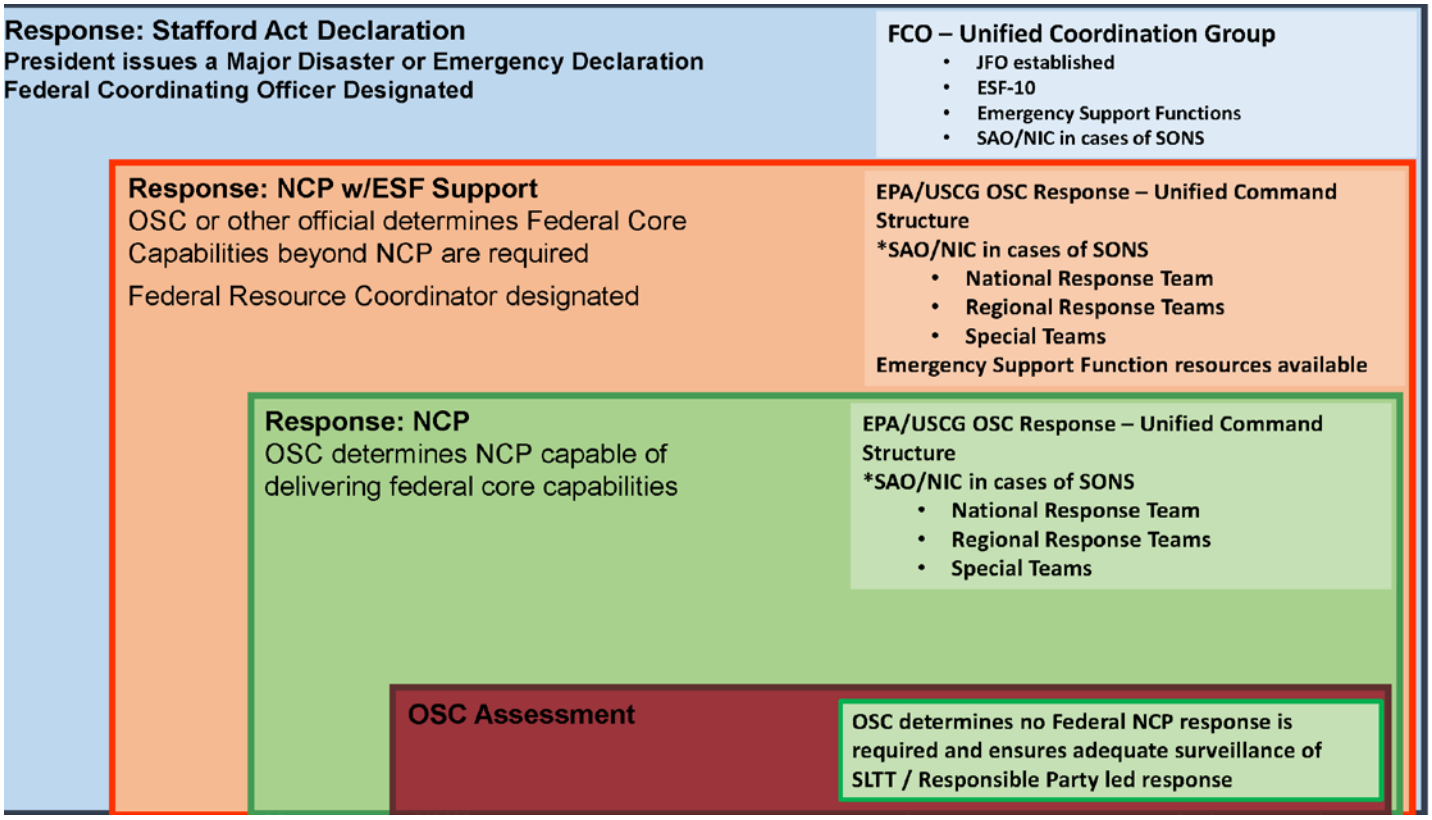
The types of response actions conducted by federal departments and agencies for major oil/chemical incidents, particularly under the Stafford Act, are described in the Response FIOP.

Appendix 1 in this annex (Oil/Chemical Incident-Specific Information) describes potential significant impacts for the threats from oil/chemical incidents that may differ from those identified in the Response FIOP. These impacts may occur for any type of oil/chemical incident. Appendix 1 provides background information that will provide situational awareness for emergency managers. For instance, oil/chemical incidents may cause contamination of transportation infrastructure; therefore, agencies supporting the Critical Transportation Core Capability should be aware that for oil/chemical incidents, identification of alternate non-contaminated transportation routes may be necessary. Since contaminated survivors can potentially pose increased hazards to medical personnel, facilities, and medical evacuation systems, a similar impact for the Public Health and Medical Services Core Capability may be that survivors require decontamination prior to receiving emergency medical assistance. The extent to which a survivor requires decontamination is dependent on the contaminant and its characteristics (like persistent versus relatively non-stable agents and overall severity of effects), the conditions of the release, and/or the resulting exposure (such as liquid versus vapor only).

Major Federal Response Constructs

The response to oil/chemical incidents may involve many different governmental and private organizations. **Figure 3** provides a brief outline of the major federal response coordination constructs that may be used to effectively respond to oil/chemical incidents that range from the less serious incidents to those that may have catastrophic impacts. These constructs present an escalating federal department/agency response to an oil/chemical incident. Typically, but not always, smaller incidents are managed under the constructs lower in **Figure 3** and larger incidents under the constructs higher in **Figure 3**.

Figure 3. Federal Response Coordination Constructs



* SAO = Senior Agency Official. NIC = National Incident Commander. SONS = Spill of National Significance. OSC = On-Scene Coordinator. These terms are explained in the NCP section below.

Major factors that help determine which federal construct applies to a given oil/chemical incident, and the need for and level of federal involvement under those constructs, include the following:

- The ability of non-federal parties to undertake the response. CERCLA and CWA/OPA (and their implementing regulations in the NCP) and the Stafford Act include provisions for evaluating the ability of non-federal parties to undertake the response. The NCP allows an OSC to decide to direct a response and also requires the Federal Government to lead responses to oil/chemical incidents in certain situations, regardless of the capability of other parties. The Stafford Act also includes a provision allowing the President to declare an emergency without a request from a governor or tribal chief executive if the primary responsibility for response rests with the Federal Government.

- The applicability of particular federal response authorities to a given incident.

- The type and extent of incident impacts, including:

  - Type and extent of environmental contamination.

  - Injury to natural resources including recreational and cultural services.

  - Public health impacts, including number of fatalities and injuries.

  - Amount of property damage.

- Need for lifesaving/life sustaining requirements (including need for mass care).
- Severity of impacts to Critical Infrastructure/Key Resources.
- General economic impacts.
- Whether the "incident" itself is broader than just an oil/chemical incident such as a natural disaster that involves some oil/chemical releases but also other types of impacts and damages unrelated to the oil/chemical releases.

Each of the four constructs is described in more detail in the following sections of the annex. The first three sections describe how a response under the NCP is conducted when there is no Stafford Act declaration, while the fourth section describes how an oil/hazmat response is conducted when there is a Stafford Act declaration.

OSC Assessment under the NCP

The NCP is a federal regulation that implements the CERCLA and CWA section 311/OPA, key federal response authorities for oil/chemical incidents.[6] The NCP serves as an operational supplement to the NRF.

CERCLA authorizes response to releases or substantial threats of releases to the environment of (1) hazardous substances and (2) pollutants or contaminants which may present an imminent and substantial danger to the public health or welfare.[7] EPA promulgates and maintains a list of hazardous substances. Pollutants or contaminants include substances that upon exposure will or may reasonably be anticipated to cause certain specified harmful health effects.

The CWA/OPA authorizes response to discharges or threatened discharges of oil and CWA hazardous substances. Section 311 (c) of the CWA further states that the response authority is for a discharge or substantial threat of discharge (1) into or on navigable waters, (2) on the adjoining shorelines to the navigable waters, (3) into or on the waters of the exclusive economic zone, or (4) that may affect natural resources belonging to, appertaining to, or under the exclusive management authority of the United States.

The CERCLA and CWA require that oil discharges and releases of reportable quantities of listed hazardous substances be reported to the National Response Center (NRC).[8] The NRC forwards these notifications to pre-designated OSCs from the EPA and United States Coast Guard (USCG). In general,

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

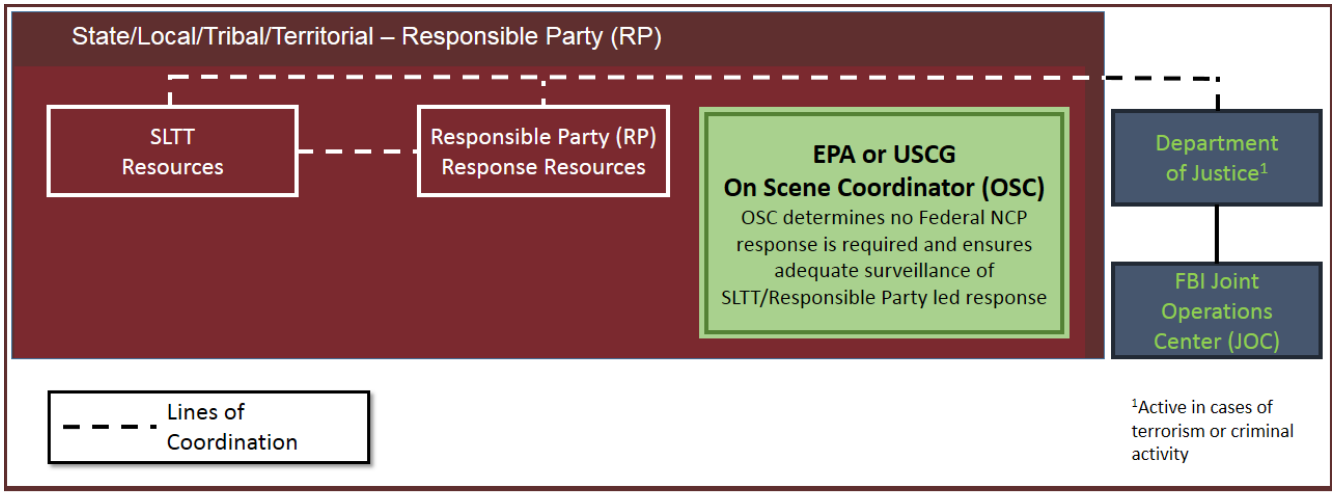
[7] CERCLA section 104. CERCLA enforcement and liability/cost recovery authorities (sections 106 and 107) apply to hazardous substances.

[8] The NRC is the sole Federal point of contact for reporting oil spills and releases of listed hazardous substances. It is staffed 24 hours a day by USCG officers and marine science technicians. Not all chemicals are listed hazardous substances, and for those listed, releases only have to be reported if they are at or above quantities that are specified in the regulations, known as "reportable quantities." For oil discharges, any person in charge of a vessel or of an onshore or off shore facility is subject to the reporting requirements of 40 CFR 110.3, as well as any other applicable reporting requirements.

EPA provides the OSC for incidents in the inland zone, and USCG provides the OSC for incidents in the coastal zone.[9] OSCs are stationed in EPA and USCG field offices throughout the United States.

The pre-designated EPA or USCG OSC for the geographic area where the discharge or release occurred reviews all release notifications received from the NRC to determine the need for federal involvement under the NCP. EPA and USCG OSCs may also learn of releases through other sources. The OSC may determine that federal involvement is needed, or may determine that the response is being adequately addressed by SLTT governments and/or the Responsible Party (RP). Most oil/chemical incidents are addressed by SLTT governments and responsible parties (RPs). Under CERCLA and CWA/OPA, RPs are responsible for cleaning up their oil spills and chemical releases and/or paying for the cleanup. This situation is depicted in **Figure 3** (Federal Response Coordination Constructs), and in **Figure 4** (OSC Assessment) on the right side of the figure.

Figure 4. OSC Assessment



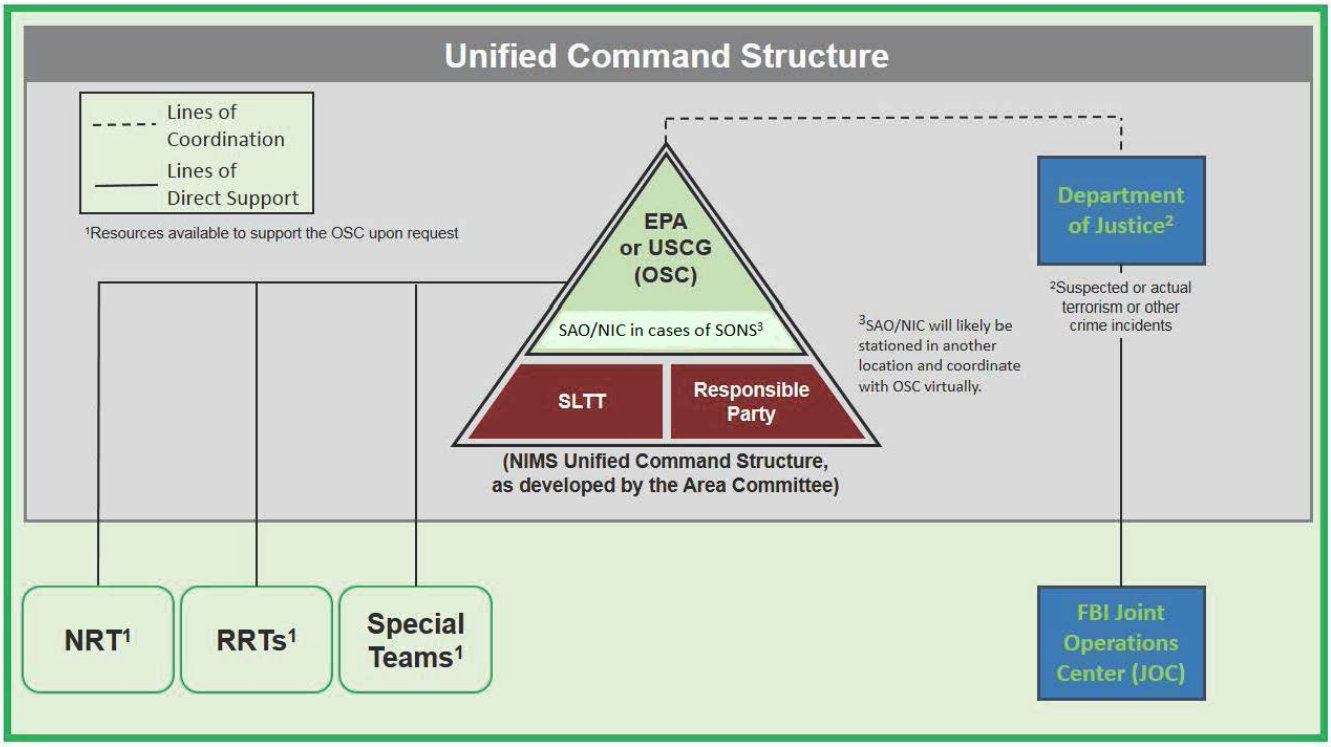
Response: NCP

The National Response System (NRS), established by the NCP, is comprised of organizations that routinely and effectively prepare for and respond to a wide range of oil and hazardous substance releases. The NRS is a multi-layered system of individuals and teams from SLTT and federal agencies, industry, and other organizations that share expertise and resources to ensure that oil spill and chemical release response activities are timely and efficient and that they minimize threats to human health and the environment.

Key federal response components of the NRS include the NRC, OSCs, thirteen Regional Response Teams (RRTs), the National Response Team (NRT), and NCP federal special teams. When an OSC determines that a federal response is needed, the NRT, RRT, and special teams are available to the OSC to support the response, which is coordinated as depicted in **Figure 5**.

[9] Under the NCP, DOD, and DOE are required to provide OSCs responsible for taking all response actions for releases of hazardous substances, pollutants, or contaminants when the release is on, or the sole source of the release is from, any facility or vessel under the jurisdiction, custody, or control of the DOD or DOE in accordance with 40 CFR §300.120. DOD and DOE may use the NCP and other individual agency authorities and response plans to respond to chemical incidents on or from their facilities or vessels. For oil spills, EPA and USCG provide OSCs, including for oil spills from or on DOD and DOE facilities and vessels.

Figure 5.[10] Response: NCP



It is recognized that many federal agencies with different authorities may respond to oil/chemical incidents; however, the majority of federal oil/chemical responses are conducted under the NCP. The EPA and the USCG conduct most of the federal NCP responses.

Response Phases under the NCP

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

Discovery or Notification

EPA and USCG OSCs may become aware of oil/chemical incidents from a variety of sources, including notifications made to the NRC under federal laws and regulations; reported observations from government agencies or the public, government patrols or investigations, and citizen petitions; or through operational coordination with federal law enforcement.

Preliminary Assessment and Initiation of Response Operations

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

- Magnitude and severity of the discharge or threat.
- Identification of potential RPs.

[10] Suspected or actual terrorism or other crime incidents

- Nature, amount, and location of materials released.
- Probable direction and time of travel of materials released.
- Pathways to human and environmental exposure.
- Potential impact on human health, welfare, and safety and the environment, including natural resources and property affected.
- Impacts to critical infrastructure such as closure of waterways, ports, and locks; shutdown of water intakes; and critical supply chain disruptions.
- Priorities for protecting human health and welfare and the environment.
- The need for lifesaving/life sustainment and protective measures such as evacuation, mass care, and health measures.
- Description of responder and RP initial actions.

The OSC may collect such information telephonically and/or may deploy to the incident scene. The OSC typically coordinates with SLTT or insular governments on the need for a federal response, but in all cases, the OSC makes an independent evaluation of the need for federal response under the NCP. The OSC also notifies the affected federal/state/tribal trustees for natural resources of potential or actual natural resource damages from oil/chemical incidents as specified in the NCP. The federal trustees for natural resources include the Department of the Interior (DOI), National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Agriculture (USDA), DOD, DOE,[11] and the state agencies that serve as trustees for natural resources that are typically those managing parks, wildlife, and sporting fish and game.

One example of an incident type that must be led by the Federal Government is an oil "spill of national significance" or SONS.[12] In the event the EPA or USCG classify an oil spill as a SONS, the NCP provides that for a SONS in the inland zone, the EPA may name a Senior Agency Official (SAO) who assists the OSC with certain functions (e.g., communicating with affected parties and public, coordinating resources at the national level), and for a SONS in the coastal zone, the USCG may name a National Incident Commander (NIC) who assumes the role of the OSC for these specific functions. In both cases, the SAO/NIC works with the OSC rather than replacing the OSC. While **Figure 5** shows the SAO/NIC within the OSC Unified Command structure, the SAO/NIC will likely be stationed in another location and coordinate with the OSC virtually. The NCP also requires the Federal Government to lead responses to certain oil or chemical discharges that pose a "substantial threat to public health or welfare."

[11] As reflected in Executive Order 13626, the President designated the EPA and USDA as trustees for natural resources for the Deepwater Horizon oil spill.

[12] The Deepwater Horizon oil spill that began in April 2010 in the Gulf of Mexico was the first incident designated a Spill of National Significance (SONS). Under the NCP, a SONS can be declared when an oil spill that due to its severity, size, location, actual or potential impact on the public health and welfare of the environment, or the response effort, is so complex that it requires extraordinary coordination of Federal, tribal, state, and local government, and RP resources to contain and clean up the discharge.

Containment, Countermeasures, Cleanup, and Disposal

The OSC may choose to:

- Allow an RP or SLTT or insular government to conduct the response, with OSC oversight.
- Use federal and contractor resources to conduct the cleanup, or work in a unified command with other federal, SLTT, or insular government agencies and/or RP.
- Provide technical assistance to SLTT or insular government-led responses.

OSCs use the NIMS Incident Command System (ICS) for emergency responses and establish, as needed and appropriate, an on-site incident command or unified command to manage response actions that minimize the consequences of the incident. When overseeing a response by an RP, that RP may be included in the incident command structure, but the EPA or USCG OSC maintains final decision-making authority over the environmental response effort.

As noted earlier, the OSC may call upon the 15 federal agencies who participate on the NRT and RRTs for support, including federal special teams.[13] EPA and USCG OSCs may also be supported by their regional, district, and headquarters EOCs.

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

- Actions to limit access such as establishment of safety zones, security fencing, and warning signs.
- Development of a site safety plan for workers at the oil/hazmat response site, which may include, but is not limited to, delineation of contaminant control zones, identification of personal protective equipment, medical monitoring, air monitoring and sampling for exposure, response personnel decontamination procedures, and site security.
- Environmental monitoring, sampling, and analysis of contaminated media, such as air, water, soils, sediments, buildings, and structures, and interpretation of the collected data to determine the type and extent of contamination, as described further below.
- Actions to stop, control, and stabilize the release and prevent the spread of contamination such as use of physical barriers (e.g., boom) and drainage controls; stabilization of berms, dikes, and impoundments; application of substances that retard the spread of contamination and mitigate its effects; excavation of contaminated soils; removal of drums, barrels, tanks and other oil/chemical containers; and decontamination of buildings and structures (including infrastructure).
- Vessel salvage or removal operations.

[13] 40 CFR § 300.145 describes NCP special teams. NRT is comprised of EPA (Chair) and USCG (Vice-Chair), USDA, Department of Commerce/NOAA, DOD, DOE, HHS, DOI, Department of Justice (DOJ), Department of Labor (DOL), Department of Transportation, FEMA, General Services Administration, Nuclear Regulatory Commission, and Department of State. RRTs are comprised of the same Federal agencies and state representatives. Local governments may participate as provided by state law or as arranged by the state's representative and tribal governments are also invited to participate.

- Provision of an alternative water supply where necessary immediately to reduce exposure to contaminated household water and continuing until local authorities can provide a permanent remedy.
- Placement of physical barriers to protect natural resources and sensitive ecosystems.
- Actions to manage wastes from such responses, including waste storage, recycling, treatment, transportation, and disposal.

Natural resource trustees also begin assessment of natural resource damages, an important step in restoration, during the response phase through pre-assessment collection of ephemeral data that might otherwise be lost.

Determine Extent of Contamination

An important step in the response to oil/chemical incidents is the identification and assessment of the nature and extent of the oil/chemical contamination. (**Figure 6** provides a summary of the assessment process). As noted above, this is most often achieved through the following:

- Environmental monitoring
- Sampling
- Laboratory analysis of samples

Collection of field data provides the most accurate map of the contamination. If SLTT governments and an RP are also conducting environmental monitoring and sampling for a federally led response, their activities are typically coordinated under a Unified Command.

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

Modeling capabilities are typically provided by the following organizations for federally led oil/hazmat responses:

- Significant air releases – Interagency Modeling and Atmospheric Assessment Center (IMAAC) is the interagency modeling center that provides federal consequence predictions for an airborne chemical release.
- Surface water releases – EPA, NOAA, and USGS.[14]
- Subsurface and groundwater releases—EPA and USGS.
- Surface and groundwater releases that enter drinking water treatment and distribution systems (to estimate the extent of contamination in the system)—EPA and USGS (Some water utilities may also have modeling capabilities for contamination in their water distribution systems).

[14] USCG OSCs rely on NOAA for modeling support for coastal zone responses. NOAA may also provide modeling support for responses on inland lakes and rivers.

States may also have modeling capabilities in these areas that they may use for a state-led response. Where multiple parties are participating in a federally led response, the modeling activities are typically coordinated under a Unified Command.

Recommendations and Decision Making:

Federal departments and agencies may also provide recommendations or related technical support to SLTT governments regarding public and responder protective actions (e.g., need for sheltering/evacuation, whether water can be used for drinking or other purposes, whether food/garden produce/crops can be eaten). SLTT governments typically make decisions regarding sheltering and evacuation and lead these activities, and may have regulatory jurisdiction for making decisions for other public and responder protective actions. Some federal regulatory programs related to public and responder protective actions may be delegated to state and tribal governments.

Various federal departments and agencies have the expertise and jurisdiction to provide federal recommendations, technical assistance, and decisions related to protective actions. In some cases, protective actions for the public and responders may be determined by federal statutory and regulatory requirements. For example, EPA has established Maximum Contaminant Levels (MCLs) for certain regulated contaminants, which must be met in public drinking water systems. Where regulatory standards have not been set, federal departments and agencies may have established other types of advisory and action levels that may be used to guide public protective action recommendations and decisions, considering site-specific circumstances. If neither standards nor advisory levels exist for a given contaminant in the affected media, the appropriate scientific experts are consulted to review the existing scientific information and provide advice on appropriate site-specific actions. The NCP provides additional information on how the OSC includes consideration of applicable, relevant, and appropriate requirements in determining appropriate response actions.

When OSCs need assistance in assessing risks to public health and determining appropriate public protective actions, they most often request assistance from EPA scientific experts, HHS/Agency for Toxic Substances and Disease Registry (ATSDR), and SLTT health departments. OSCs request HHS/ATSDR assistance primarily through the HHS/ATSDR regional offices, which are co-located with EPA's regional offices. As the federal agency concerned with the effects of hazardous substances on human health, HHS/ATSDR coordinates and liaises with experts across HHS components as needed. In some cases, SLTT health departments may request assistance directly from HHS/ATSDR or HHS/Centers for Disease Control and Prevention (CDC), even when an OSC is responding.

OSCs may request assistance from other federal departments and agencies through the RRT or NRT. The USDA, for example, provides federal recommendations related to the safety of meat, poultry, and processed egg products that it regulates. For response workers, depending on jurisdiction, the Occupational Safety and Health Administration (OSHA), states, or EPA provide federal protective action recommendations. (As indicated earlier, for federally led responses, OSCs also develop site safety plans for the oil/hazmat response site.)

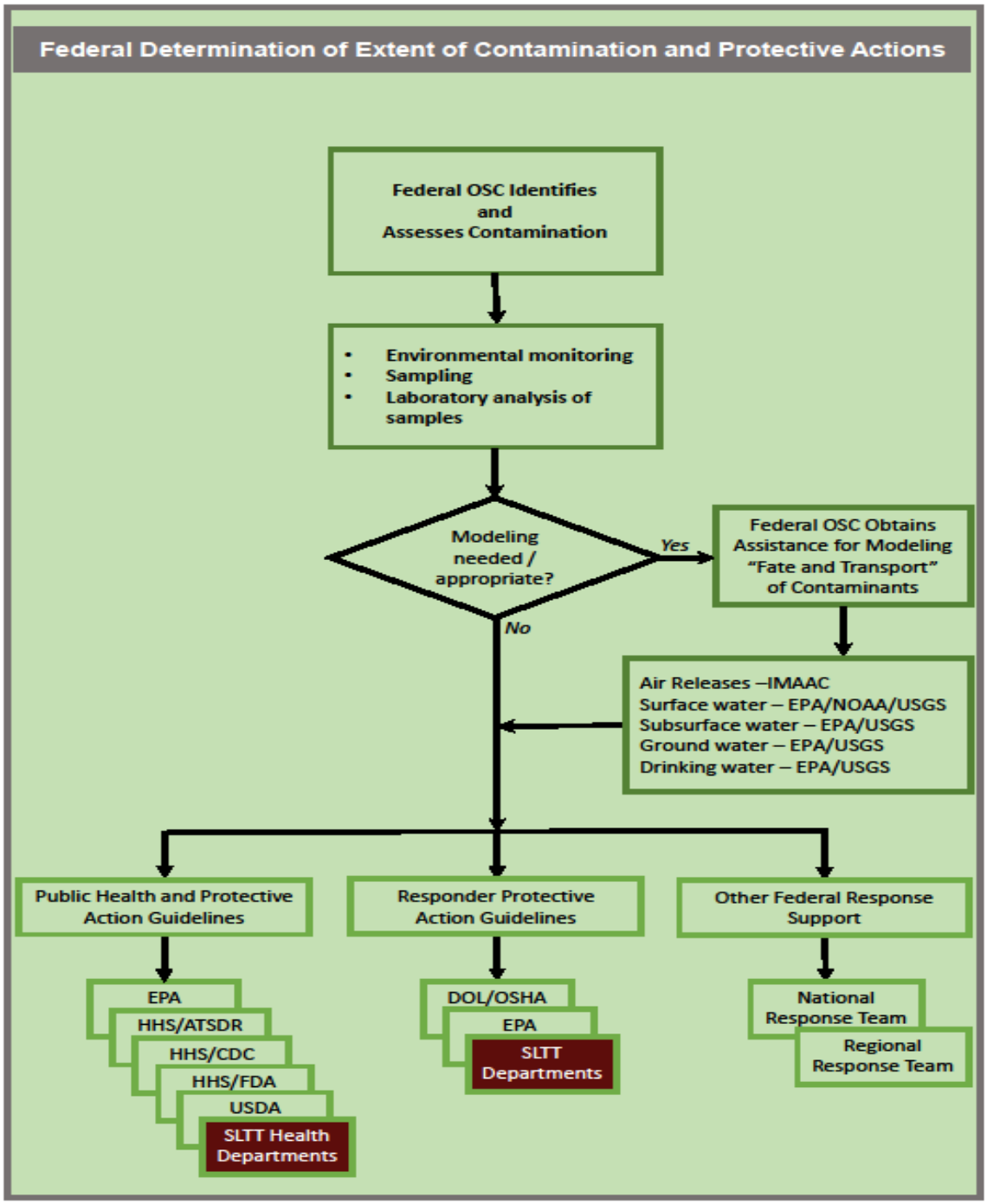
There are also a number of laws and Executive Orders that may apply to response actions, as provided in the NCP, regarding the protection of natural and cultural resources and historic properties and consultation with tribes.[15]

The coordination of federal protective action recommendations and decisions for federally led responses may be conducted by the OSC or under the OSC command by an NCP Scientific Support Coordinator or

[15] These include the Endangered Species Act, National Historic Preservation Act, Native American Graves Protection and Repatriation Act, and Executive Order 13175: Consultation and Coordination with Indian Tribal Governments.

Planning Section Environmental Unit or for significant releases, through NRT coordination mechanisms at EPA/USCG headquarters. For most responses, the process is accomplished by the OSC coordinating with EPA experts, HHS/ATSDR, and/or SLTT health departments.

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



Coordination with Law Enforcement under the NCP

If an OSC makes an initial discovery of suspected criminal activity associated with a discharge or release, the OSC generally contacts the EPA Criminal Investigation Division (CID) or USCG

Investigative Services (IS). For suspected terrorist activities, EPA CID/USCG IS, in conjunction with the OSC, will consult and coordinate with the local FBI field office. However, coordination can occur directly between the OSC and the FBI SAC depending on the nature and urgency of the incident. The primary coordination goal is to protect human health and safety (including the public and responders) and to balance the needs of evidence preservation, documentation, and collection with environmental response actions.

Conversely, if a law enforcement official discovers a chemical release or oil discharge while investigating potential criminal activity, the law enforcement official can reach out to EPA or USCG for assistance with the oil or hazardous substance response portion of the incident by contacting EPA CID/USCG IS or the EPA/USCG emergency response program, or by reporting the incident to the National Response Center.

Response: NCP with ESF Support

When the impacts of an oil/chemical incident require the addition of significant federal resources outside the usual scope of NCP support, the OSC or other senior EPA or USCG officials (in accordance with agency policy), while continuing to lead the federal NCP response (see **Figure 7**), may request the DHS Secretary to provide the assistance of other departments and agencies or other federal capabilities.

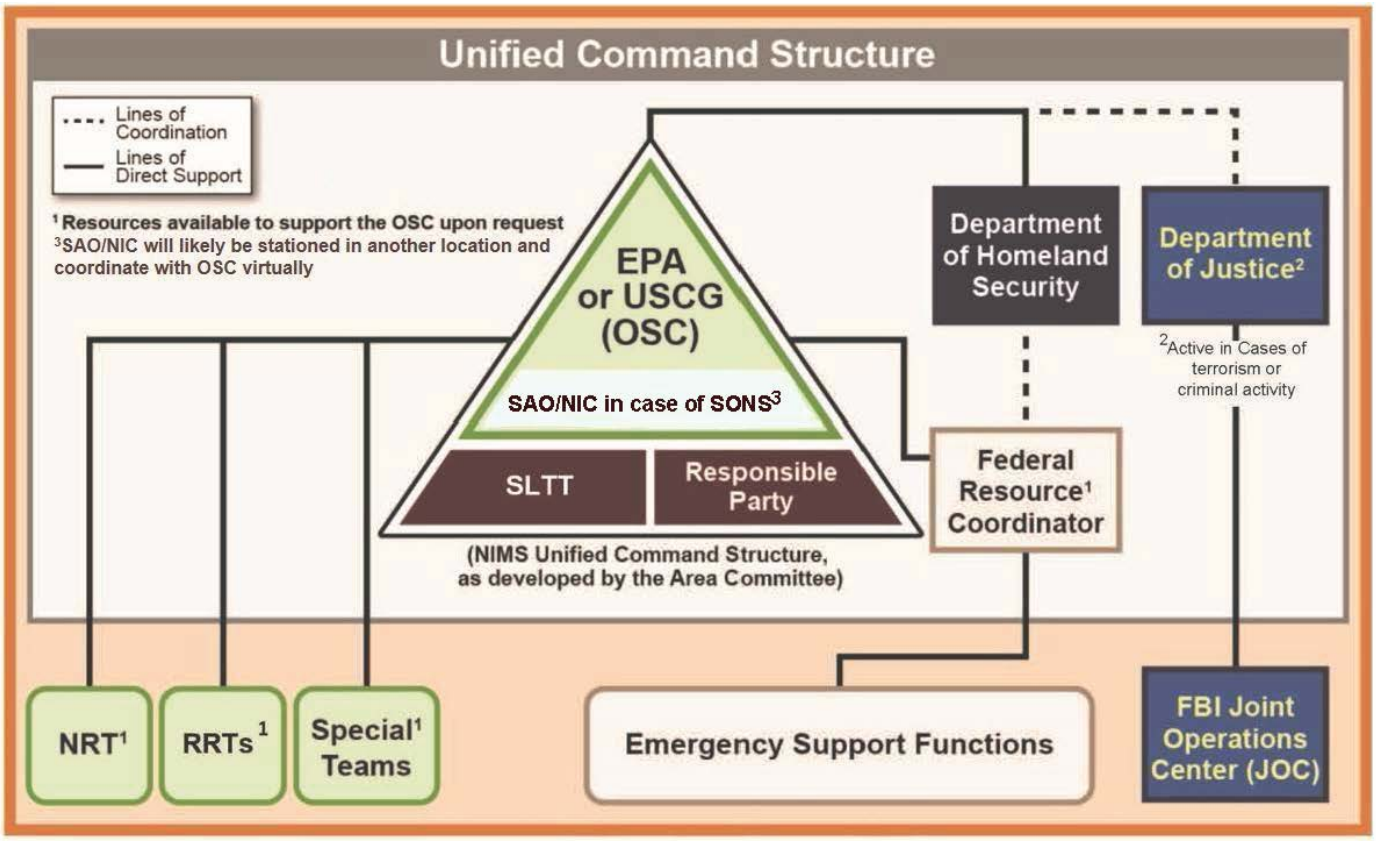
Pursuant to the Homeland Security Act of 2002 and Homeland Security Presidential Directive (HSPD)–5, the DHS Secretary is the focal point and principal federal official for emergency planning and domestic incident management and is responsible for coordinating federal resources utilized in response to and recovery from terrorist attacks, major disasters, and other emergencies if and when any one of the following four conditions applies: [16]

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

Nothing in this directive alters, or impedes the ability to carry out, the authorities of federal departments and agencies to perform their responsibilities under law.

[16] The Attorney General, generally acting through the Director of the FBI, leads and coordinates the operational law enforcement response, on-scene law enforcement, and related investigative and appropriate intelligence activities related to terrorist threats and incidents. The Incident Management role does not interfere with the Attorneys General or FBI Director's responsibility to lead and coordinate the law enforcement, investigative and intelligence activities within the Prevention mission.

Fig 7. Response: NCP with ESF Support



Federal Resource Coordinator

When the EPA or USCG request the assistance of the DHS Secretary to obtain support from other federal departments and agencies, DHS, usually acting through the FEMA Administrator, may designate a Federal Resource Coordinator (FRC). DHS may select the FRC from the Federal Coordinating Officer (FCO) cadre or other personnel with equivalent knowledge, skills, and abilities. The FRC is responsible for coordinating timely delivery of resources to the requesting agency. In these situations, the FRC coordinates support through interagency agreements and memorandums of understanding. The FRC may assist by coordinating the ESFs as necessary to support the OSC or other senior EPA or USCG official and to address broader incident impacts that may be outside the scope of the NCP.

The FRC will generally act in support of the OSC, or EPA Senior Agency Official or USCG NIC in the case of a SONS, or other EPA or USCG senior official in the identification, deployment, and coordination of federal resources. The FRC will selectively and appropriately task the Federal ESF lead agencies to bring to bear needed federal-to-federal assistance capabilities. The FRC may also coordinate federal response assistance that is outside the scope of the NCP but will coordinate any such assistance with the lead EPA or USCG official. The EPA or USCG will maintain leadership for the federal NCP response and the FRC will report to the OSC or other senior official from EPA or USCG for assistance provided in support of the NCP response as shown in **Figure 7**.

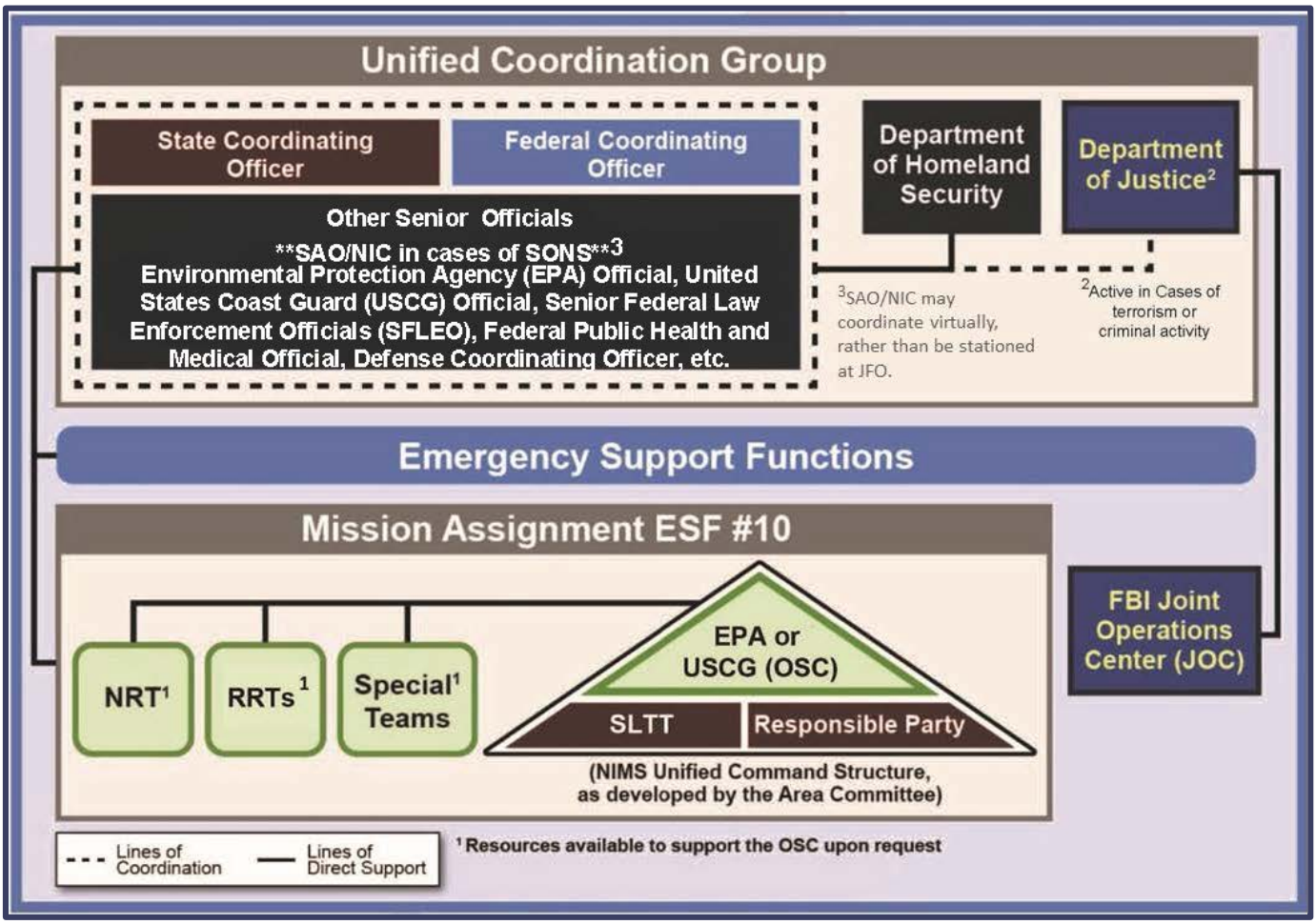
Response: Stafford Act Declaration

When an oil/chemical incident either alone or as part of a broader incident, such as a natural disaster or large-scale terrorist attack, has or is anticipated to exceed SLTT or insular-area resources, a request for

assistance under the Stafford Act may be made by the governor or chief executive of a federally recognized Indian tribe. If the President declares a Major Disaster or Emergency, federal financial and other support to SLTT and insular-area governments will be made available in accordance with the Stafford Act to support Response, Recovery, and Mitigation efforts. FEMA is the lead agency for carrying out the Stafford Act and designates a FCO to coordinate the federal response when a declaration is made.

Figure 8 describes the relationship of the FCO to other federal agencies, and represents the federal coordinating constructs depicted as the Stafford Act Response outlined in **Figure 3**.

Figure 8. Response: Stafford Declaration Process



Response: Actions under a Stafford Act Declaration

The federal response under a Stafford Act declaration is described in the Response FIOP. After a Presidential Declaration of a Major Disaster or Emergency, a FEMA Regional Response Coordination Center (RRCC) will coordinate initial regional and field activities until a JFO is established.

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

Personnel from Federal and state departments and agencies, other jurisdictional entities, the private sector, and NGOs may be requested to staff various levels of the JFO and are referred to as the Unified Coordination Staff (UCS), depending on the requirements of the incident. The UCS is led by the Unified Coordination Group (UCG), which is composed of an FCO, State Coordinating Officer, a DOD coordinating officer, and other senior officials, as necessary. The AG may appoint a Senior Federal Law Enforcement Official (SFLEO) to the UCG if it is determined the incident requires a coordinated federal law enforcement response.

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

The FCO coordinates the overall federal response, and the OSC conducts the environmental response to oil/hazmat releases with other federal support departments/agencies as described in the NRF's ESF #10, "Oil and Hazardous Materials Response Annex," and the Response FIOP (see **Figure 8**). During these responses, EPA and USCG OSCs retain their authority to take action following NCP procedures if appropriate, including direction and oversight of RP responses.

NCP response structures and coordination mechanisms are used as the framework for ESF #10 response actions but are now coordinated through the FCO. ESF #10 provides representatives to the RRCC, JFO, and FEMA National Response Coordinating Center (NRCC) when requested, and may send liaisons to state/local EOCs. Where the oil or chemical incident is a significant component of the response, the FCO may ask EPA and/or USCG to designate a senior official to be part of the UCG. If a SONS is the primary cause of a Stafford Act declaration, or a component of a broader disaster that leads to a Stafford Act declaration, the EPA SAO or USCG NIC designated for the SONS will coordinate with the UCG. The EPA SAO or USCG NIC may conduct that coordination virtually, however, rather than be stationed at the JFO.

Coordination with Law Enforcement under the Stafford Act

As discussed above, if the incident involves a suspected or actual terrorist threat, attack, or other serious federal crime under its jurisdiction, the FBI will establish a JOC, to manage Prevention operations and coordinate with the Response, Recovery, and Protection missions. When such incidents impact multiple localities, states, or the entire nation, multiple JFOs and FBI JOCs may be established. JFO elements will liaise with the JOC Consequence Management Group previously depicted in **Figure 2**, and with the CMCU in the FBI-led WMDSG.

Recovery from Oil/Chemical Incidents

For non-Stafford Act oil/chemical incidents in general, recovery actions will be conducted in accordance with the laws applicable to the incident and, as appropriate, the NRF, National Disaster Recovery Framework (NDRF), and Recovery FIOP.

Recovery: NCP

The NCP and its authorizing laws (CERCLA and CWA/OPA) are generally focused on the "response" phase and do not establish general "recovery" programs. However, CERCLA and CWA/OPA do contain provisions that may address certain types of recovery actions: (1) natural resource damage assessment and restoration and (2) procedures to recover certain costs from the parties responsible for the incident.

Both CERCLA and CWA/OPA provide for federal, state, and tribal government agencies to be designated as trustees for natural resources. The federal agencies that typically serve as trustees for

natural resource include DOI, NOAA, and USDA, and the state agencies that serve as trustees for natural resources are typically those managing parks, wildlife, and sporting fish and game.[17] These agencies are authorized to assess the natural resource injuries and lost public and private uses/services caused by oil and chemical incidents; determine the restoration needed to ensure compensation for these impacts; and ensure that the RPs implement or fund the restoration activities.

As previously mentioned, under CERCLA and CWA/OPA, the parties responsible for an oil/chemical incident are liable for the costs of cleaning up the release or discharge. OPA also allows specified parties to make claims for property damages (for individuals, businesses, and government agencies), loss of profits and income (for individuals and businesses), and loss of government revenue and increased public services (for government agencies).

Individuals, businesses, and governments may also be able to make claims for damages from chemical releases and oil spills under other federal and state statutes (e.g., tort laws).

Under the NCP, the EPA, or USCG OSC leads the "response" phase of an incident, but the trustees for natural resources lead the natural resource damage assessment and restoration phase/work. This may be coordinated through an intergovernmental trustee council that may include both state and tribal trustees.[18] Individuals, businesses, and government agencies are responsible for the submission of natural resource damage claims or the initiation of cost recovery or contribution actions. Under OPA, the USCG/National Pollution Funds Center (NPFC) administers the natural resource damage assessment/restoration claims process to recover unresolved claims for compensation for public and private entities.

Recovery actions from NCP incidents may also be conducted as appropriate as described in the NRF, NDRF, and Recovery FIOP. A Federal Disaster Recovery Coordinator (FDRC) may be designated from the lead Federal agency or designated by the White House and coordinate Federal recovery support through the six Recovery Support Functions (RSFs) established in the NDRF. Appendix 3 provides a table that highlights some of the enhanced recovery support that can be provided by RSFs that may be involved in recovery from an oil/chemical incident. It is also possible that the President and U.S. Congress could take additional action to establish specific coordinating mechanisms and funds to address long-term recovery from significant NCP incidents.

Recovery: Stafford Act

Recovery actions taken under the Stafford Act involving oil/chemical incidents may be conducted as described in the NRF, NDRF, and Recovery FIOP. (For some Stafford Act incidents that involve oil/chemical incidents, such as large-scale natural disasters, the primary long-term impacts may be due to other types of damage from the incident, rather than any resulting oil/chemical discharges or releases). A Federal Disaster Recovery Coordinator (FDRC) may be designated. The recovery-related provisions of CERCLA and CWA/OPA may also be applicable to any oil/chemical discharges or releases involved in the incident. It is also possible that the President and Congress could take action to establish specific coordinating mechanisms and funds to address long-term recovery from significant Stafford Act incidents. The general operations regarding recovery from Stafford Act declared incidents (which could involve oil/chemical incidents) are contained in the Recovery FIOP.

[17] Natural resource damage assessment and restoration information can be found at http://www.doi.gov/restoration/index.cfm.
[18] As reflected in Executive Order 13626, the President designated EPA and USDA as trustees for natural resources for the Deepwater Horizon oil spill.

Appendix 4 identifies appropriate recovery tasks that may be conducted by federal departments and agencies to transition from response to recovery operations during oil/chemical incidents that are conducted under Stafford declarations.

Concept of Support

The Federal Government will provide support to SLTT or insular-area governments consistent with statutory authorities and regulations outlined in this annex and the Response FIOP's Concept of Support section in the base plan.

Key Federal Decisions

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

- Consistent with the Stafford Act, the President of the United States will determine the need to issue a Major Disaster Declaration or an Emergency Declaration if permitted by the Stafford Act.
- An EPA or USCG OSC, in accordance with agency-specific delegations of authority, will determine the need for and extent of the federal NCP response to an oil/chemical incident, including the need for resources from NRT/RRT member agencies and determining when the response is completed. Officials of federal departments and agencies with statutory authority for oil/chemical support operations will determine the need to activate and deploy resources and teams to the impacted area in anticipation of or in response to an oil/chemical incident in accordance with agency-specific delegations of authority.
- For oil discharges in the inland zone, the EPA Administrator will determine whether a discharge constitutes a SONS. For oil discharges in the coastal zone, the USCG Commandant will determine whether a discharge constitutes a SONS.
- Officials from EPA for the inland zone or USCG for the coastal zone will determine when ESF resources are needed to support an NCP response to an oil/chemical incident and request activation of appropriate ESFs. For federal ESF support that may be provided that is outside the scope of the NCP, officials from the department or agency providing such support will make decisions regarding the support provided.
- If necessary, federal emergency officials or decision makers activate the IMAAC if there is an atmospheric hazard, to provide a single point for the coordination and dissemination of federal dispersion modeling and hazard prediction products representing the federal position during actual or potential incidents involving hazardous atmospheric releases. (State and local emergency officials may also request an IMAAC activation.)

Critical Information Requirements

Critical Information Requirements (CIRs) facilitate timely command, control, and coordination decisions during disaster operations and provide insight into important details that response personnel need to know to effectively manage and execute their operations. CIRs are determined through the acquisition and assembly of one or more Essential Elements of Information (EEIs).

The Response FIOP provides a complete list of CIRs and EEIs that support CIRs.[19] The Response FIOP assumes a Stafford Act declaration. For NCP responses, the NCP has various key decision points, and the NCP specifies the appropriate information to inform those decisions.

Whether there is a Stafford Act declaration or not, federal decision makers will generally need information about the following as appropriate for the incident and authorities being used:

- Potential impact on the operation of critical infrastructure including but not limited to:
  - Water intakes for potable and industrial use (manufacturing, cooling);
  - Commercial vessel traffic and port and lock operations due to potential waterway closures; and
  - Critical supply chain disruptions as well as impacts on manufacturing, agriculture, and energy facilities' operations including distribution of their products (e.g., electric power, fuels).
- Oil/chemical incident profile:
  - Identification of oil or chemical material (if possible)
  - Geographic location of incident
  - Amount of oil/chemical released and actual/projected release pathways
- Information on which environmental requirements apply to the material released and if applicable, to the facility from which the release or discharge occurred, as well as other facility information such as environmental compliance history.
- Potential hazards (e.g., chemical, physical, or natural hazards) that may affect the safety and health of the impacted community and responders.
- Displacement of individuals, including self-evacuating or through evacuation orders and areas of high social vulnerability (e.g., low socioeconomic, lack of transportation, social and age characteristics, persons with limited English proficiency, individuals with disabilities, and others with access and functional needs).
- Number of injured as well as fatalities and the effect on the local health resources.
- Need for mass care, population-level and individual-level health surveillance, and bio-monitoring.
- Number of, and information on, individuals with access and functional needs.
- Number of individuals at risk, displaced and those self-evacuating.
- Potential impacts on the environment, natural and historic/cultural resources, and property.

[19] The complete listing of CIRs can be found in the Concept of Operations – Critical Information Requirements section of the Response FIOP. More information regarding the EEIs that support CIRs is available in Appendix 2 to Annex B of the Response FIOP.

- Current weather and short- and long-term weather forecast.
- Available and needed resources.
- Long term recovery issues per the recovery core capabilities.

Coordinating Instructions

The coordinating instructions for this annex will follow those instructions outlined within the Response FIOP for the appropriate incident type:

1. Incidents responded to by EPA or USCG under the NCP will be coordinated by either EPA or USCG as the OSC.[20]
2. When a state, or territorial governor or federally recognized Indian tribe requests and receives a Presidential Declaration of Emergency or Major Disaster that is for or includes an oil/chemical release(s), the federal support in preparation for or in response to the incident will be coordinated by the FCO, using ESF #10 for oil and chemical response activities and other ESFs as needed. EPA and USCG OSCs retain their authority to take action under the NCP if appropriate, including direction and oversight of RP responses.
3. In accordance with HSPD-5, the Secretary of DHS, usually acting through the FEMA Administrator, coordinates federal emergency management operations and coordinates Response and Recovery operations with the AG in the case of a suspected or actual deliberate act that caused the incident.
4. For oil/chemical incidents with catastrophic impacts,[21] the default assumption is that the President will issue a Major Disaster or Emergency Declaration. (*This assumption does not relieve any party of its responsibilities under existing law, including CERCLA or CWA/OPA, nor alter existing authorities.)*

In all cases, the FBI maintains the federal lead for the law enforcement response to terrorist threats or attacks.

Administration, Resources, and Funding

Administration

Federal departments and agencies are responsible for managing their own financial activities during all operational phases and across all mission areas within their established processes and resources. The Financial Management Support Annex to the NRF provides basic financial management guidance for all federal departments and agencies that provide support for incidents that require a coordinated federal response.

Resources

Federal departments and agencies are responsible for personnel augmentation to support operations under this plan. Each federal department and agency possesses individual policies for personnel

[20] As noted earlier for SONS, an EPA SAO or USCG NIC may also have a role in the response.
[21] The NRF defines a catastrophic incident as any "natural or manmade incident, including terrorism that results in extraordinary levels of mass casualties, damage, or disruption severely affecting the population, infrastructure, environment, economy, national morale, or government functions."

augmentation that are predicated on its authorities, various policies, memorandums of understanding, and mutual aid agreements. Federal departments and agencies must ensure that their employees who are engaged in incident response activities are able to perform in accordance with standard resource typing guidelines and operational requirements.

Funding

Federal funding to support federal response operations will be consistent with applicable laws and authorities as detailed within the NRF Financial Management Support Annex. CERCLA and the CWA/OPA establish requirements regarding funding and cost recovery.[22] When a Major Disaster or Emergency under the Stafford Act is declared by the President that involves an oil/chemical incident(s), a separate set of programs and frameworks for cost reimbursement applies. As such, there are generally two types of funding available for the coordination of federal resources: *Stafford Act and non-Stafford Act funding*. **Figure 9** displays funding sources for Stafford and Non- Stafford Act incidents.

Figure 9. Funding Sources for Federal Response

	Source of Funds	Administered By:	Coverage:	Cap Amounts:
Non-Stafford Act	**Appropriated Funds**	Applicable Department/ Agency	All Discharges or Releases[23]	As established by Congress(most federal agencies do not have disaster response appropriations and specific guidance from agency financial management offices should be obtained)
Non-Stafford Act	**Responsible Party**	RP	All Discharges or Releases as defined in CERCLA and CWA/OPA	As specified in CERCLA and CWA/OPA
Non-Stafford Act	**CERCLA (Superfund) Trust Fund**	EPA	Chemical Releases	$2M in Total Costs or 12 months in duration for federally funded "removal" responses unless certain statutory criteria are met
Non-Stafford Act	**Oil Spill Liability Trust Fund**	USCG	Oil discharges Only	$1 billion per incident of which no more than $500M may be expended for natural resource damage assessments and claims
Stafford Act	**Disaster Relief Fund**	FEMA	Tasks initiated pursuant to ESF #10 or other ESF Mission Assignments	As established by Congress

[22] CERCLA response authority (Section 104) applies to releases of hazardous substances, pollutants, and contaminants. CERCLA enforcement and liability/cost recovery authorities (Sections 106 and 107) apply to hazardous substances. This Annex applies only to the CERCLA subgroup "chemicals."

[23] For the purpose of the figure, all references to discharges include substantial threats of discharges and all references to releases include substantial threats of releases.

Non-Stafford Act Funding

Agency-Specific Appropriations

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

Pursuant to Presidential directive, the DHS Secretary is the principal federal official for domestic incident management.[24] Federal departments and agencies are expected to provide their full and prompt cooperation, resources, and support, as appropriate and consistent with their own responsibilities for protecting national security, to the DHS Secretary in the exercise of their leadership responsibilities and missions for domestic incident management.

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

An RP may voluntarily, or under an enforcement order, directive, or agreement, conduct response actions using its own funding. Under CERCLA and CWA/OPA, the parties responsible for an oil/chemical incident are liable for the costs of responding to the release or discharge or the substantial threat of a release or discharge. OPA also allows specified parties to make claims for property damages (for individuals, businesses, and government agencies), loss of profits and income (for individuals and businesses), and loss of government revenue and increased public services (for government agencies).

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

- **The Superfund Trust Fund**, for releases of hazardous substances, pollutants, and contaminants as defined by CERCLA (which includes chemicals, but generally excludes oil), is administered by EPA, and may be accessed by EPA and USCG OSCs to fund federal responses. Enforcement actions and cost recovery actions to recover the cost of the federal response from RPs for releases of hazardous substances are also funded from the Superfund Trust Fund. CERCLA states that federal “removal” responses may not exceed $2 million in cost or 12 months in duration unless certain findings can be made. EPA issued Local Government Reimbursement regulations that also allow first responders to seek cost reimbursement for up to $25,000 per response to help lighten financial burdens related to emergency response to hazardous substances. This reimbursement does not replace funding that local governments normally provide for emergency response. EPA and USCG OSCs may use Superfund Funds at their discretion to pay for “removal” responses on or from facilities and vessels under the jurisdiction,

[24] The Attorney General, generally acting through the Director of the FBI, leads and coordinates the operational law enforcement response, on-scene law enforcement, and related investigative and appropriate intelligence activities related to imminent terrorist threats and incidents. The Incident Management role does not interfere with the Attorneys General or FBI Director’s responsibility to lead and coordinate the law enforcement, investigative and intelligence activities within the Prevention mission.

custody, or control of other federal departments and agencies, but under Executive Order 12580, those agencies must reimburse the Superfund.

- **The Oil Spill Liability Trust Fund (OSLTF)**, for oil discharges as defined by CWA/OPA, is administered in part by the USCG NPFC. Funds administered by NPFC may be accessed by EPA and USCG OSCs to pay the cost of federal activities and reimburse other federal agencies' costs of performing response activities pursuant to a Pollution Removal Funding Authorization (PRFA) issued by the OSC to support the removal of a discharge or to prevent or mitigate a substantial threat of discharge of oil to protected waters and shorelines under CWA section 311. EPA and USCG OSCs may use OSLTF funds to pay for "removal" responses on or from facilities or vessels under the jurisdiction, custody or control of other federal departments and agencies. The OSLTF is also available for the payment by NPFC of certain claims for removal costs and damages resulting from an oil discharge or substantial threat of discharge to waters and shorelines. In general claimants must present their claims to a RP under OPA before presenting their claim to the NPFC. States, however, may present claims for oil removal costs consistent with the NCP directly to the NPFC. OSLTF payments, including payments for federal oil related activities under CWA section 311 and claims payments, are limited to $1 billion per incident of which no more than $500 million may be expended for natural resource damage assessments and claims.

Under both funds, other federal agencies can conduct reimbursable response support activities when directed/requested by the OSC by entering into either an interagency agreement with EPA or the USCG. For the OSLTF, such agreements are called "Pollution Removal Funding Authorizations" or "PRFAs".

EPA or USCG can also issue OSLTF PRFAs to state, local and federally recognized tribal agencies to conduct oil spill responses. State, local, and federally recognized tribal agencies may also enter into a cooperative agreement with EPA to conduct removal actions that have a planning period of six or more months, which would be funded by the Superfund Trust Fund.

Stafford Act Funding

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

The Disaster Relief Fund (DRF) is not available for activities not authorized by the Stafford Act, for activities undertaken under other authorities or agency missions, or for non-Stafford Act incidents requiring a coordinated federal response. For Stafford Act incidents, the EPA and USCG should coordinate with FEMA and other departments and agencies to ensure that appropriate funding is made available using the mission assignment process.

The Stafford Act authorizes the President to provide financial and other disaster and emergency support to SLTT and insular area governments, NGOs, and individuals to support response, recovery, and mitigation efforts following a Presidential Emergency or Major Disaster declarations.

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

- FEMA is the Primary Agency for funding associated with Stafford Act incidents.
- FEMA's Office of the Chief Financial Officer is responsible for supporting disaster funding activities of domestic incident management and provides the core financial management functions in support of NRCC, RRCC, and JFO operations.

- The senior financial advisor of each multi-agency coordination center (NRCC, RRCC, and JFO) is responsible for the financial management, monitoring, and tracking of all federal costs relating to the incident.
- FEMA will initiate mission assignments to task and coordinate with other federal departments and agencies to provide immediate, short-term emergency response support. Types of mission assignments include direct federal assistance, and federal operations support. Although rarely exercised, it is important to note that FEMA retains the authority to mission assign agencies on a non-reimbursable basis.

As part of a Stafford Act declaration, the President specifies cost-sharing arrangements between the DRF and the affected state government. The minimum federal share for debris removal and repair, restoration, and replacement of damaged facilities during a Stafford Act major disaster is 75% of eligible costs. The President may establish a federal cost share between 75% and 100% through his declaration or in an amendment to his declaration. In a natural disaster response concurrent with an oil/chemical incident, government entities may seek to recover from RPs the costs of actions related to oil/chemical contamination as specified in CERCLA and CWA/OPA (described in the NCP Recovery section above). In such cases, FEMA will coordinate closely with the EPA or USCG to provide information to applicants and any agency tasked with performing such actions on the requirements for tracking costs in a proper manner for presentation to the RP or to FEMA for reimbursement if the costs were incurred while performing tasks in accordance with a mission assignment issued by FEMA. FEMA and EPA/USCG Headquarters will coordinate to determine when such direction on cost tracking to applicants and agencies is appropriate. This process is not expected to be used on a routine basis during natural disasters and does not supersede the FEMA Public Assistance Policy 9523.8 referenced below.

In addition, FEMA and EPA signed an agreement (known as the Suiter/Makris memorandum) in 2001 that states that it is FEMA's intent to utilize Stafford Act funds to reimburse EPA for specific emergency response activities related to hazardous materials (hazardous substances, pollutants, contaminants, and oil) under ESF #10, when there is an Emergency or Major Disaster Declaration. The memorandum is attached to and clarified in FEMA Public Assistance Policy 9523.8, Mission Assignments for ESF #10 and also applies to funding for ESF #10 activities.

Oversight, Annex Development, and Maintenance

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

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

Authorities and References

This annex is applicable to federal departments and agencies providing oil/chemical incident response and support under the Stafford Act and other federal authorities and is intended to be consistent with U.S. laws, policies, and other related requirements. The following while not all inclusive, are the primary authorities relied upon throughout this annex:

- Homeland Security Act of 2002, Pub. L. No. 107-296 (codified as amended at 6 U.S.C. §§ 101-629)
- Robert T. Stafford Disaster Relief and Emergency Assistance Act, Pub. L. No. 93-288 (as amended primarily at 42 U.S.C. §§ 5121-5207)
- Post-Katrina Emergency Management Reform Act of 2006, Pub. L. No. 109-295
- Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), Pub. L. No. 96-510 (codified as amended at 42 U.S.C. §§ 9601-9675)
- Federal Water Pollution Control Act (Clean Water Act), 62 Stat. 1155 (codified as amended at 33 U.S.C. §§ 1251-1387)
- Oil Pollution Act of 1990, Pub. L. No. 101-380 (codified as amended primarily at 33 U.S.C. § 2701 et seq.)
- Title 18 and Title 49 U.S. Code. (Primary United States Criminal Laws)

Appendix 1: Oil/Chemical Incident-Specific Information

Projected Impacts by Core Capability

This Appendix describes potential significant impacts for each core capability from oil/chemical incidents that may differ from those identified in the Response FIOP.

Core Capability	Impacts
Planning	Oil/chemical incident response planning is adjusted based on the scale of the impact and to meet the needs and actions required to save lives and protect property and the environment, including natural and cultural resources. National, regional, and area contingency plans are created and revised as necessary to provide the organizational structure and procedures for preparing for and responding to discharges of oil and/or releases of hazardous chemical substances, pollutants, and contaminants.
Operational Coordination	The establishment of unity of effort may be delayed, as well as the establishment of lines of communications and pathways for logistical support. Multiple agency reporting methodologies and statutory authorities may apply across the incident, and multiple jurisdictions exist and will require coordination to maintain a unity of effort and a COP for efficient and effective response. If terrorism nexus exists, the Federal Government response will require coordination of response activities with the FBI through operational coordination structures such as FBI SIOC and FBI JOCs.
Operational Communications	Communication synchronization may be delayed as agencies establish and maintain functional and interoperable communications systems for SLTT and federal response teams—potentially across multiple contiguous states and FEMA regions.
Critical Transportation	Transportation infrastructure or routes may be contaminated and/or degraded or unusable due to the oil/chemical incident. This could result in the need for hazmat expertise and sampling/monitoring data and/or contaminant modelling predictions to help identify safe evacuation and ingress/egress routes, potentially delaying their identification. If key routes or infrastructure (e.g., airports) are not available due to damage and/or contamination, alternative transportation methods may need to be identified.
Environmental Response/Health and Safety	Release of oil or chemical materials into the air, water, soil, and other media may produce hazardous conditions for the populace and responders. Significant chemical incidents contaminating a diverse set of environmental media could present challenges in finding appropriate decontamination/cleanup technologies, adequate laboratory testing capacity, and adequate disposal capacity, especially for incidents involving current and emerging chemical threat agents. Large-scale oil incidents could also pose challenges in finding adequate and timely laboratory testing and waste disposal capacity and appropriate control and cleanup technologies, depending on the type of release, oil, and contaminated media.
Fatality Management Services	Incidents may adversely impact local and state fatality management operations staff which could become overwhelmed or succumb to sickness due to exposure while conducting actions to safely manage contaminated remains.
Mass Care Services	Necessary life sustaining resources and services (e.g., shelters, food, water, non-acute medical services, services for persons with disabilities and others with access and functional needs, and pet sheltering) may rapidly exceed local and state capabilities.

Core Capability	Impacts
	The level and extent of contamination may inhibit the ability of mass care and emergency assistance providers to meet the needs of disaster survivors, these services may only be available outside the contaminated area. Hazardous materials expertise and sampling/monitoring data may be needed to identify areas where mass care services in the immediate incident area can be safely located.
Mass Search and Rescue Operations	Actions taken to safely locate and rescue survivors may need to be conducted wearing personal protective equipment to safeguard personnel from contaminated environments. Hazardous materials expertise may be needed to determine appropriate personal protective equipment needs.
On-Scene Security and Protection	If a terrorism nexus is suspected or identified, the FBI is responsible for on-scene security for its designated crime scenes. In addition, because there will be a demand for public safety resources that could adversely impact the ability to conduct criminal investigative activity, local and state resources may be prioritized with this core capability by the FBI On-Scene Commander. Federal law enforcement resources may be required to augment local and state law enforcement personnel to provide relief to sustain public safety and security for community policing during response efforts. Federal assets may be called upon to provide force protection for responding personnel or assets, if threat assessments determine that force protection for those assets are required, and those requirements cannot be met by local agencies. If approved by the Attorney General, federal resources provided to augment exhausted and/or unavailable local and state resources may be prioritized with this core capability by the SFLEO.
Public Health and Medical Services	Persons living in the impacted areas will require guidance on issues such as personal, service animal and pet decontamination, evacuation, safety of food and water supplies, and protection of safe food and water. Healthcare facilities in the affected area may become contaminated and therefore require either shelter-in-place or emergency evacuation or transportation of patients to outlying unaffected facilities. Though the highest number of injuries and illnesses are projected to occur from direct contact or exposure during an incident, responders and citizens could become ill by removing contaminated material and debris during home or business repairs if proper protective actions are not taken. Local and state medical systems coordinate with the HHS through the National Disaster Medical System to evacuate patients from medical facilities that are impacted.
Public Information and Warning	Multiple sources transmitting conflicting messages may strain the ability of emergency management officials to communicate effectively with the affected public. It is recognized that in some cases it may be necessary for responding federal agencies to communicate with the media/public on tactical operations and matters affecting public health and safety directly from the scene, particularly during the early stages of the emergency response. In the case of a terrorist attack, the release of information will be coordinated through the White House, the Secretary of DHS, and the Attorney General, prior to release.
Public and Private Services and Resources	Resource requirements exceed the provisioning capability of existing SLTT. The impacted survivor population may require additional resources including water/hydration, emergency meals/food, cots, blankets, tarps, generators, hygiene kits, fuel, and other items or services pre-planned or determined at the time of the incident.
Situational Assessment	The federal response may be initiated without specific knowledge of the type of contaminant released (particularly for chemical incidents) or the cause of the release. Preliminary assessments conducted using available information from on-scene inspection or other environmental monitoring could change throughout the course of the response as new information becomes available. New information could impact response operations as full hazard awareness and maturity of scene evolves and additional data is collected and analyzed.

Core Capability	Impacts
Infrastructure Systems	Key infrastructure components may be contaminated by an oil/chemical incident. Assessing the nature and extent of contamination and cleaning up and/or decontaminating infrastructure could cause substantial delays in infrastructure restoration, leading to delays in full community recovery. The timeline for restoration of essential infrastructure will be unknown until the severity of the contamination and any physical damage is assessed. A shortage of resources to conduct assessments of infrastructure areas may delay overall response actions. Public and private utilities that are contaminated or potentially contaminated may need to coordinate with, or be integrated into, the NCP/ESF #10 command.

Appendix 2: Response Tasks

This Appendix provides a checklist of critical tasks not already covered in the Response FIOP for federal departments and agencies that may be needed for credible threat incidents involving a potential oil/chemical release and for oil/chemical incidents managed under the "NCP with ESF Support" or "Stafford Act" response constructs. (Detailed NCP response tasks are described in the NCP, which serves as an operational supplement to the NRF.)

Phase	Core Capability	ESF	Lead Element	Task
All	Operational Coordination	All	FEMA/EPA/USCG/FBI	Determine correct federal response construct in line with annex.
1C	Operational Coordination	ESF #10	EPA	EPA coordinates with other federal agencies to determine whether EPA assistance is needed in the assessment of the potential threats.
1C	Operational Coordination	ESF #10	EPA	EPA coordinates with its Criminal Investigation Division for response coordination with FBI.
1C	Operational Coordination	ESF #10	EPA	Based on specificity of threat, evaluate and ready stockpiled equipment for deployment. Increase the frequency of readiness checks of critical response equipment.
1C	Operational Coordination	ESF #10	EPA	Pre-pack and ready critical response equipment for deployment.
1C	Operational Coordination	ESF #10	EPA	Based on specificity of threat, potentially pre-deploy some response equipment specific to threat information and pre-position and mobilize specially trained teams or resources.
1C	Operational Coordination	ESF #10	EPA	Based on specificity of threat, convene NRT to discuss threat conditions and take appropriate preparatory actions. EPA would also convene internal EPA national incident coordination team for this purpose.
1C	Operational Coordination	ESF #10	EPA	Alert RRT(s) as to the threat level and discuss RRT preparedness specific to the threat information. EPA would also convene internal EPA regional incident coordination team for this purpose.
1C	Operational Coordination	ESF #10	EPA	Place entire emergency response program members on heightened alert status; increase or redirect personnel to address potential critical emergency needs or shortfalls.
2A	Operational Coordination	ESF #5	FEMA	If required for incident response, activate Incident Management Assistance Team.
2A	Operational Coordination	ESF #5	FBI	If required for suspected terrorist threat or incident, deploy FBI JOC and the WMDSG within SIOC.
2A	Operational Coordination	ESF #5	FEMA	If required for incident response, activate NRCC.
2A	Environmental Response/Health and Safety	NCP/ESF #10	EPA/USCG	For oil spills, determine if incident is classified as a SONS.
2A	Operational Coordination	NCP/ESF #10	EPA	For a SONS in the inland zone, the EPA Administrator may identify a Senior Agency Official.
2A	Operational Coordination	NCP/ESF #10	USCG	For a SONS in the coastal zone, the USCG Commandant may identify a NIC.
2A	Operational Coordination	NCP	EPA/USCG	EPA/USCG determine if additional ESF support is needed and if so, request support through the DHS Secretary.

Phase	Core Capability	ESF	Lead Element	Task
2A	Operational Coordination	ESF #5	DHS	If required for NCP response with ESF Support, appoint a Federal Resource Coordinator.
2A	Operational Coordination	FBI	Department of Justice (DOJ)/FBI	If suspected terrorist threat or incident, deploy FBI OSC.
2A	Operational Coordination	FBI	DOJ/FBI	If required for suspected terrorist threat or incident, deploy FBI JOC.
2A	Operational Coordination	ESF #10	FEMA/EPA/USCG	If applicable, determine and communicate scope and extent of NCP cost recovery activities.
2A	Environmental Response/Health and Safety	Worker Safety and Health Support Annex /ESF #10	DOL/OSHA	Issues Personal Protective Equipment guidance to federal responders.
2A	Operational Coordination	All	FEMA/EPA/USCG and other governmental agencies	If Stafford Act declaration, establish a UCG and include EPA/USCG senior official when oil/chemical release is a significant component of the response.
2A	Operational Coordination	ESF #10	FEMA/EPA	Assess and determine appropriate source and administration of funds to support federal response and recovery activities.
2A	Operational Coordination	ESF #15	FEMA/EPA/USCG	When applicable, coordinate single message to applicants and agencies on the process for debris removal, emergency protective measures, and requirements for tracking subsequent claims.
2C	Operational Coordination	All	FEMA	If Stafford Act declaration, determine and communicate IA and PA policies, and reimbursement cost shares. When applicable, coordinate with EPA/USCG headquarters to determine approach for cost recovery.

Appendix 3: Recovery Support Functions and Core Capabilities

This appendix identifies the Core Capabilities, Lead Federal Agency, and respective Recovery Support Function (RSF) as described in the Recovery FIOP.

Core Capability	Lead Federal Agency	Recovery Support Function	Core Capability Description
Planning	Federal Emergency Management Agency	Community Planning Capacity Building	Conduct a systematic process engaging the whole community as appropriate in the development of executable strategic, operational, and/or community-based approaches to meet defined.
Economic Recovery	Department of Commerce	Economic	Return economic and business activities (including food and agriculture) to a healthy state and develop new business and employment opportunities that result in a sustainable and economically viable community.
Health and Social Services	Department of Health and Human Services	Health and Social Services (H&SS)	Restore and improve health and social services networks to promote the resilience, independence, health (including behavioral health), and well-being of the whole community.
Housing	Department of Housing and Urban Development	Housing	Implement housing solutions that effectively support the needs of the whole community and contribute to its sustainability and resilience.
Infrastructure Systems	U.S. Army Corps of Engineers	Infrastructure Systems (IS)	Stabilize critical infrastructure functions, minimize health and safety threats, and efficiently restore and revitalize systems and services to support a viable, resilient community.
Natural and Cultural Resources (NCR)	Department of Interior	NCR	Protect NCR and historic properties through appropriate planning, mitigation, response, and recovery actions to preserve, conserve, rehabilitate, and restore them consistent with post-disaster community priorities and effective practices and in compliance with appropriate environmental and historic preservation laws and executive orders.

Appendix 4: Recovery Tasks

This appendix identifies appropriate recovery tasks that will be conducted by federal departments and agencies as activities transition from response to recovery operations during oil/chemical incidents that are conducted under Stafford Act Declarations.

Core Capability	Corresponding Support Tasks by ESF/RSF
Planning	• Support response and recovery operational planning through the Incident Action Plan process. • Coordinate the Recovery Support Strategy with the JFO Planning Section. • Use Geographic Information System mapping and analysis products to support recovery efforts. • Support the establishment of long term recovery groups with the assistance of voluntary agency liaisons. • Create links to resources to aid in the long-term recovery of the community through private sector liaisons.
Public Information & Warning	• Inform SLTT elected and designated officials on the availability of recovery programs. • Re-establish sufficient communications and other infrastructure within the affected areas to support recovery initiatives. • Provide communications support to SLTT governments with recovery communication needs. • Provide assistance to the private sector in restoring infrastructure by facilitating access and security with state authorities.
Operational Communications	• Share resources and information with the NRF ESFs' organizational structures. • Provide senior level decision makers with critical information requirements related to long term recovery and economic impacts. • Coordinate concurrent recovery operations with response operations, including the phase-out of response functions. • Provides issue-specific guidance on processes to NGOs and private sector organizations serving individuals with disabilities and others with access and functional needs; those from religious, racial and ethnically diverse backgrounds; and people with limited English proficiency. • FDRC coordinates the Recovery Support Strategy with the JFO Planning Section.
Economic Recovery	• Link to ESFs #1 (Transportation), #2 (Communications), #3 (Public Works and Engineering), #10 (Oil and Hazardous Materials Response), (especially, if applicable, on the status of any ESF #10 oil/chemical response actions that may be needed before allowing residents and businesses to return to the impacted area or may otherwise impact the economy), and #12 (Energy), FEMA and the Private Sector Coordinator. • All ESFs determine how waivers granted by their member agencies during the response phase may have an impact on economic recovery. • ESF #12 (Energy) analyzes and models potential impacts to the electric power, oil, natural gas, and coal infrastructures; analyze the market impacts to the economy; and determine the effect the disruption will have on other critical infrastructure. • Economic RSF conducts quantitative and qualitative impact assessments to identify specific recovery issues and geographic patterns to target assistance. • Economic RSF provides technical assistance to better align existing federal programs to meet identified local and regional recovery needs.
Health and Social Services	• ESFs #3 (Public Works and Engineering), #6 (Mass Care, Emergency Assistance, Temporary Housing, and Human Services), #8 (Public Health and Medical Services), #10 (Oil and

Core Capability	Corresponding Support Tasks by ESF/RSF
	Hazardous Materials Response) and #11 (Agriculture and Natural Resources), and Regional Disability Integration Specialists provide early situational awareness on H&SS issues, and ensures continuous support for H&SS needs, and helps define critical recovery strategies. • Support medical surveillance and monitoring efforts and evaluate the need for a longer-term epidemiological follow-up and medical monitoring. • Conduct health and safety hazard assessments and disseminating guidance and resources as needed to inform environmental health and safety practices for recovery personnel and the affected populations.
Housing	• ESF #6 (Mass Care, Emergency Assistance, Temporary Housing, and Human Services) provides relocation assistance for the smooth transition of survivors from sheltering and interim housing (including physically accessible interim housing for individuals with disabilities) to permanent housing as quickly as possible, and if applicable, coordinate with ESF #10 on status of any ESF #10 oil/chemical response actions that may be needed before allowing residents to return home. • Identifies strategies and options that address a broad range of disaster housing issues in conjunction with the State-led Housing Task Force members and the provision of input into the JFO Disaster Housing Strategy. • Implement the National Disaster Housing Strategy. • ESF #6 identifies the requirements for direct housing missions, alternative housing options, and synchronizing government assistance programs. • Housing RSF assesses the impact of the incident on low and moderate income housing affordability. • Housing RSF provides technical assistance to support local efforts of assisting displaced residents due to the incident itself or the secondary effects.
Infrastructure Systems	• Prioritizes critical infrastructure restoration requirements during response with ESFs #1 (Transportation), #2 (Communications), #3 (Public Works and Engineering), #10 (Oil and Hazardous Materials Response), especially regarding the status of any ESF #10 oil/chemical response actions related to the critical infrastructure, if applicable, #12 (Energy), and #13 (Public Safety and Security). • Re-establish critical infrastructure within the affected areas to support recovery activities. • ESF #3 and IS RSF provide more detailed infrastructure analysis through the National Infrastructure Simulation and Analysis Center NISAC). ESF #3 and IS RSF gather impact assessment information on the short, intermediate, and long term impacts on critical infrastructures.
Natural and Cultural Resources	• ESF #11 (Agriculture and Natural Resources) develops and applies measures and strategies to protect, preserve, conserve, rehabilitate, recover, and restore NCR. If applicable, coordinate with ESF #10 on status of any ESF #10 oil/chemical response actions related to the NCR. • Coordinates activities and information with ESF #10 (Oil and Hazardous Materials Response) specific to environmental contamination, including activities associated with hazardous waste collection, monitoring disposal of debris containing oil or hazardous materials, water quality monitoring and protection, and air quality. • Supports early protective measures that promote the long-term survivability of delicate/sensitive cultural records or resources. • Assesses and maps likely impacts to cultural resources; works with states to link maps to National Register-listed and -eligible properties; alerts and advises museums, archives, and owners of historic properties listed or eligible for the National Register on mitigation measures.

Appendix 5: Acronyms

Acronym	Term
AG	Attorney General of the United States
ATSDR	Agency for Toxic Substances and Disease Registry
CDC	Centers for Disease Control
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CFR	Code of federal Regulations
CID	Environmental Protection Agency Criminal Investigative Division
CIR	Critical Information Requirement
CMCU	Consequence Management Coordination Unit
COP	Common Operating Picture
CWA	Clean Water Act
DEST	Domestic Emergency Support Team
DHS	Department of Homeland Security
DOD	Department of Defense
DOE	Department of Energy
DOI	Department of the Interior
DOJ	Department of Justice
DOL	Department of Labor
DRF	Disaster Relief Fund
EEI	Essential Elements of Information
EOC	Emergency Operation Center
EPA	Environmental Protection Agency
ESF	Emergency Support Function
FBI	Federal Bureau of Investigation
FBI OSC	Federal Bureau of Investigation On-Scene Commander
FCO	Federal Coordinating Officer
FDRC	Federal Disaster Recovery Coordinator
FEMA	Federal Emergency Management Agency

FIOP	Federal Interagency Operational Plan
FRC	Federal Resource Coordinator
HHS	Department of Health and Human Services
HSPD	Homeland Security Presidential Directive
H&SS	Health and Social Services
ICS	Incident Command System
IMAAC	Interagency Modelling and Atmospheric Assessment Center
IS	United States Coast Guard Investigative Services
IS	Infrastructure Systems
JFO	Joint Field Office
JOC	Joint Operations Center
JTTF	Joint Terrorism Task Force
MCL	Maximum Containment Level
NCP	National Oil and Hazardous Substances Pollution Contingency Plan
NCR	Natural and Cultural Resources
NDRF	National Disaster Recovery Framework
NIC	National Incident Commander
NGO	Nongovernmental Organization
NIMS	National Incident Management System
NJTTF	National Joint Terrorism Task Force
NOAA	National Oceanic and Atmospheric Administration
NOC	National Operations Center
NPFC	National Pollution Funds Center
NRC	National Response Center
NRCC	National Response Coordination Center
NRF	National Response Framework
NRS	National Response System
NRT	National Response Team
OSHA	Occupational Safety and Health Administration

OPA	Oil Pollution Act
OSC	On-Scene Coordinator
OSLTF	Oil Spill Liability Trust Fund
PRFA	Pollution Removal Funding Authorization
RP	Responsible Party
RRCC	Regional Response Coordination Center
RRT	Regional Response Teams
RSF	Recovery Support Function
SAC	Special Agent in Charge
SAO	Senior Agency Official
SFLEO	Senior Federal Law Enforcement Official
SIOC	Strategic Information and Operations Center
SLTT	State, Local, Tribal, and Territorial
SME	Subject Matter Expert
SONS	Spills of National Significance
TCE	Threat Credibility Evaluation
UCG	Unified Coordination Group
UCS	Unified Coordination Staff
USGS	United States Geological Survey
U.S.C.	United States Code
USDA	U.S. Department of Agriculture
USCG	United States Coast Guard
WMD	Weapons of Mass Destruction
WMDSG	Weapons of Mass Destruction Strategic Group