

STATE PERSPECTIVES ON HAZARDOUS MATERIALS MANAGEMENT

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ABSTRACT

The work and some general observations of the Emergency Management Project of the National Governors' Association in the United States are outlined. This is related to the concept of Comprehensive Emergency Planning and its applicability to state management of dangerous chemicals.

INTRODUCTION

This conference has primarily focused on preparedness for and responses to acute chemical emergencies at the local community level. However, reference has been made to extracommunity activities, and I have been specifically asked to discuss the role of state governments in relation to this problem. I will attempt to do this by generally outlining the work and conclusions of the Emergency Management Project of the National Governors' Association. In particular, I will note what we have found out about state emergency management of dangerous chemicals.

SOME OF THE PROBLEMS

With the exception of fixed nuclear facility emergency threats, there is no more volatile issue confronting today's public officials than hazardous materials management. The broad and complex range of problems associated with dangerous chemicals management has recently surfaced as a major national concern. No individual citizen or group is unaffected.

It appears that management programs at all levels of the public and private sectors are not adequately coordinated due to a number of factors: the lack of integrated national policy, rapid growth of a dangerous chemical generation, inadequate information and control measures, and imprecise knowledge of short- and long-term hazard implications. Against the backdrop of organizational fragmentation and a plethora of poorly coordinated, piece-meal laws, programs and regulations created by Congress, industry and federal agencies, states must create and regulate dangerous chemicals to safeguard public health and safety while, at the same time, assuring economic growth.

We are lucky that no acute chemical accident in this nation has been of national

disaster proportions, but that is well within the realm of possibility. Had the incidents in Waverly or Youngstown happened in the middle of Atlanta or Chicago, we could have had a national disaster on our hands.

It's beginning to dawn on us, however, that the growing number of "Waverlies" and "Youngstowns" may be adding up to a far larger impact on life and property across the United States than would a few isolated major incidents. Media, public, government, industry and research community concerns have now reached levels which can enable major strides in dangerous chemicals accident management, if we can harness our cooperative assets. It is the way in which we go about harnessing our mutual assets that I want to talk today because that is of critical concern to state managers - the Governors of the United States.

The Disaster Research Center (DRC) study on "Socio-Behavioral Response to Chemical Hazards" is of great interest to us because it examines both differences and similarities between natural and chemical disasters in terms of organizational and community preparedness. Understanding these distinctions is important if we are ever to slow growing casualties and property losses due to hazardous materials in this country and around the world. I am pleased to note, too, that many of the DRC findings complement National Governors' Association (NGA) conclusions about preparedness for both natural and manmade disasters across this nation.

During the past two years, the NGA has been studying state problems in the management of all types of disasters in order to recommend management improvements. Both our study and DRC's have shown the following:

- * communities without prior experience with particular types of disasters are often unprepared, although lucky circumstances sometimes enable fortuitous ad hoc solutions;
- * standard operating procedures are not appropriate in all emergencies, nor even in disasters caused by the same agents;
- * public fear and organizational conflict are more prevalent during chemical and other manmade emergencies than during natural disaster response periods; and
- * confused systems and turf battles emerge when different organizations are assigned coordination responsibilities for different types of disasters.

The NGA all-risk emergency management study also reached these conclusions:

- * emergency management at all levels of federal, state and local government, as well as the private sector, is fragmented;

- * existing, available resources are often overlooked or duplicated in responding to disasters;
- * preparedness planning and response management are carried on with little reference to multi-agency mitigation and recovery functions;
- * we are spending billions of dollars every year in the U.S. on disaster response, and costs are growing; and
- * disasters and vulnerabilities on all fronts - natural, man-made and attack - are proliferating beyond our fiscal, manpower and material resources to respond.

COMPREHENSIVE EMERGENCY MANAGEMENT

All of these findings led to the development of the concept that we must look for comprehensive new ways to eliminate disasters and reduce the probability of their occurrence, as well as minimize their impacts if they are unavoidable. Also, we must find better ways to apply existing resources to those disasters we cannot avoid. Preparedness and response systems in a state of readiness are no longer enough in today's world.

These needs all led to the concept we call Comprehensive Emergency Management (CEM). CEM simply means that all levels of government and the private sector should coordinate their efforts to mitigate, prepare for, respond to, and recover from all types of emergencies.

Now, how does this concept relate to dangerous chemicals management at the state level? I have just come from a meeting at which six states discussed their current problems with active, dangerous chemicals management programs. They told me they have seven major concerns.

- * The handful of states which have developed chemical management programs due to their own needs and without national policy guidelines now fear that federal regulations may be superimposed which may nullify their state programs - in effect "penalizing" them for having taken an early lead.
- * The Toxic Substances Control Act (TSCA) is the only national environmental act which does not recognize any state role. For example, TSCA requires pre-manufacturing notice without any guidelines so manufacturers file useless general notices omitting by-product and disposal information leaving states in the dark.
- * States have no access to manufacturers' and Environmental Protection Agency (EPA) confidential business information until after an accident has occurred; then, it is often

too late to do much about it.

- * Regions have no identified roles under TSCA.
- * There is little or no coordination or information sharing among multi-agency research and management initiatives. States critically need coordinated information and research; without this, they are stumbling in the dark.
- * The federal government should inventory hazardous materials, provide informative clearinghouse and research services, and set testing and other management standards; however, states can do a lot of things such as develop health, safety and containment standards for chemicals used in particular areas. Recognition and cooperation is needed.
- * Only about 15% of the states are actually involved as yet in dangerous chemicals management. Both they and the other 85% urgently want standards and guidelines within which they can tailor viable state programs. Now is the time to develop a coordinated system of hazardous materials management so that all partners may expediently share benefits and avoid costly duplications, clashing mandates and unforeseen emergencies.

All these concerns, and states have many others too, pose across-the-board organizational questions not only for accident management but also for assuring safe economic growth and enhancement of our quality of life.

Against this backdrop, I have two strategies to suggest as we build ways to work together in dangerous chemicals management. These strategies reflect two time-honored adages.

The first of these is "a bird in hand is worth two in the bush." By this I mean that in planning for acute chemical emergencies, as well as for any other type of disaster, we should look for ways to use all possible existing resources before creating new ones. The natural tendency is to assume that new types of problems need totally new solutions which must be created out of whole cloth. This can result in layers of activity which can create confusion or conflict and be very costly. Let's be sure that we are using all available existing systems and that they can't be expanded or altered to work before adding any new ones. This can be done by a thorough analysis of the problem and its implications, together with up-to-date, across-the-board knowledge of where resources (experts, managers, programs, functions, authorities, funds, equipment and material) may be found so that they can be applied to needed solutions.

The second adage is "an ounce of prevention is worth a pound of cure." By this I mean that through the processes of managing dangerous chemicals in general and in preparing for, responding to and recovering from acute chemical emergencies, we should

look for and implement ways to prevent or minimize future such occurrences. Only when we can balance preoccupation about response with interest and coordinated action on viable mitigation measures will we begin to deal effectively with acute chemical or any other kinds of emergencies.

NGA has been working with the Federal Emergency Management Agency to integrate all available resources into comprehensive emergency management systems and is beginning a new project with the EPA to explore the ways in which we can improve federal-state coordination in dangerous chemicals management. As we work with these federal agencies, we are examining federal and state laws, documenting state planning and management problems and recommending federal-state management roles.

We have abstracted 101 federal laws which relate to the four phases of emergency management (mitigation, preparedness, response and recovery) into a handbook on Federal Emergency Authorities, which is now available through the U.S. Government Printing Office. We are also working with the Treasury Department to develop a constantly updated computerized data bank of these laws.

In addition, we have published a handbook describing over 300 federal agency and national organization assistance programs relating to all types of emergencies, and we have computerized the index in order to facilitate lengthy searches through the handbook. Our computerized interactive index is developing considerable interest among states in the aftermath of a Virginia oil spill, New York's Love Canal, Florida's Cuban refugee influx, Washington's Mt. St. Helens volcanic eruption and ash fallout across three states, and Michigan's tornado in Kalamazoo. We have developed the system to help states identify programs which can assist in long-term mitigation and recovery efforts in addition to immediate response assistance after accidents or disasters.

Another aspect of our program is a study of 80 multiple-risk mitigation efforts to determine appropriate roles of all levels of government and the private sector in mitigation management. Perhaps of greater importance, more and more states are beginning to examine their emergency preparedness and response mechanisms for all risks in relation to state-wide mitigation and recovery functions, and are appointing CEM managers.

In working with states, we provide them with multiple-layer acetate maps showing all their interrelated natural, man-made and attack vulnerabilities, and a kit of materials to use in setting up a comprehensive inventory of the mitigation, preparedness, response and recovery functions of all state agencies, boards and commissions. The results of these inventories are leading to the identification of many resources state managers do not know they have, and to the production of comprehensive new state emergency plans; the development of new policies and legislation; the reorganization of emergency management; and significant savings in manpower, material and response expenditures.

My remarks have only outlined our work at the Association. For those of you with

interest in more details, considerably more information can be provided either through oral presentations or in written form. Inquiries should be directed to me at the National Governor's Association, Hall of the States, 444 North Capitol Street, Washington, D.C. 20001, USA.