National Response Framework (NRF)

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

ESF #10 – Oil and Hazardous Materials Response

ESF #10 can be activated for:
- Stafford Act response
- Federal-to-Federal support
  - Example: ESF #10 activated for EPA to support USDA for avian flu response and USDA pays
ESF #10 also explains that some incidents are responded under solely under NCP, not under ESF #10. The NCP serves as operational supplement to NRF.

Response FIOP

Detailed federal ops plan
Primary focus on catastrophic Stafford response (planning assumption), but recognizes there are other non-Stafford federal authorities
So, FIOP is a detailed federal Stafford response ops plan, but doesn’t represent the only type of federal response

Oil/Chemical Incident Annex

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

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

Describes 3 response approaches:
- NCP
- NCP with ESF Support
- Stafford Act/ ESF #10

Describes how “recovery” addressed under NCP and Stafford Act
Oil/Chemical Incident Annex

• Purpose is to supplement Response/Recovery FIOPs with information specific to oil/chemical incidents

• Describes primary federal response approaches:
  ▪ National Oil & Hazardous Substances Pollution Contingency Plan (NCP) response
  ▪ NCP + Emergency Support Function (ESF) support response
  ▪ Stafford Act response

• Also describes FBI involvement for oil/chemical incidents involving terrorism/crimes
NCP Response

• NCP is regulation (40 CFR part 300) that implements the response authorities in:
  ▪ Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA, aka Superfund law)
  ▪ Clean Water Act, as amended by Oil Pollution Act of 1990

• Federal On-Scene Coordinator (OSC) determines when federal response is needed
  ▪ EPA provides OSCs for incidents in inland zone
  ▪ USCG provides OSCs for incidents in coastal zone

• OSC is supported by 15 federal agencies with oil/chemical expertise and/or authorities:
  ▪ Federal “Special Teams”
  ▪ 13 Regional Response Teams (RRTs)
  ▪ National Response Team (NRT)
Unified Command Structure

EPA or USCG (OSC)

Department of Justice

FBI Joint Operations Center (JOC)

State & Local

Responsible Party

**NIC/SAO in cases of SONS**

NRT\(^1\)  RRT\(^1\)  Special\(^1\) Teams

\(^1\) Resources available to support the OSC upon request
\(^2\) Active in cases of terrorism or criminal activity

(Unified Command Structure, as developed by the Area Committee)
NCP Response with ESF Support

• Newer approach built on NRF concept of Fed-to-Fed support, based on Deepwater Horizon lessons learned

• Available when EPA/USCG OSC needs federal assistance outside usual scope of NCP federal support

• EPA or USCG request assistance from DHS Secretary
  ▪ DHS/Sec, usually thru FEMA, would assign Federal Resource Coordinator to coordinate ESF support

• Expected to be used rarely - but is another available response tool
NCP Response with ESF Support
Stafford Act

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

Unified Coordination Group
- State Coordinating Officer
- Federal Coordinating Officer
- Other Senior Officials
  **NIC/SAO in cases of SONS**
  - Environmental Protection Agency (EPA) Official
  - United States Coast Guard (USCG) Official
  - Senior Federal Law Enforcement Officials (SFLEO)
  - Federal Public Health and Medical Official
  - Defense Coordinating Officer, etc.

Department of Homeland Security
Department of Justice

Emergency Support Functions

Mission Assignment ESF #10
- EPA or USCG (OSC)
- State & Local
- Responsible Party

- NRT
- RRT
- Special Teams

(Unified Command Structure, as developed by the Area Committee)

1 Resources available to support the OSC upon request

2 Active in cases of terrorism or criminal activity
Summary: Federal Response Approaches

**Response: Stafford Act Declaration**
President issues a Major Disaster or Emergency Declaration
Federal Coordinating Officer Designated

**FCO – Unified Coordination Group**
- JFO established
- ESF-10
- Emergency Support Functions
- SAO/NIC in cases of SONS

**Response: NCP w/ESF Support**
OSC or other official determines Federal Core Capabilities beyond NCP are required
Federal Resource Coordinator designated

**EPA/USCG OSC Response – Unified Command Structure**
*SAO/NIC in cases of SONS
- National Response Team
- Regional Response Teams
- Special Teams
Emergency Support Function resources available

**Response: NCP**
OSC determines NCP capable of delivering federal core capabilities

**OSCA Assessment**
OSC determines no Federal NCP response is required and ensures adequate surveillance of SLTT / Responsible Party led response
Major factors in determining which approach applies

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

<table>
<thead>
<tr>
<th>Stafford Act</th>
<th>NCP</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Lead agency:</strong> FEMA</td>
<td>Lead agency: EPA or USCG</td>
</tr>
<tr>
<td>- DOE and DOD also have OSC emergency response</td>
<td>- DOE and DOD also have OSC emergency response authority for their</td>
</tr>
<tr>
<td>authority for their CERCLA incidents</td>
<td>CERCLA incidents</td>
</tr>
<tr>
<td><strong>Request for federal support must be made by</strong></td>
<td>- Federal gov’t makes independent evaluation of need for federal</td>
</tr>
<tr>
<td>state (Governor) or tribe (Chief Executive)</td>
<td>response</td>
</tr>
<tr>
<td>- Except for certain emergencies involving</td>
<td>- State/tribal requests for help do not have to come from Governor/</td>
</tr>
<tr>
<td>primary federal responsibility</td>
<td>Chief Executive level</td>
</tr>
<tr>
<td><strong>Federal role is to support states/tribes</strong></td>
<td>- Federal gov’t may, and in some cases must, lead the response</td>
</tr>
<tr>
<td></td>
<td>- Federal gov’t has on-scene, tactical command authority</td>
</tr>
<tr>
<td>N/A</td>
<td>Federal gov’t has enforcement authorities over responsible parties</td>
</tr>
<tr>
<td>State cost share may be required</td>
<td>No state cost share for emergency responses</td>
</tr>
<tr>
<td>Broad scope of federal assistance</td>
<td>Scope of federal response as defined in CERCLA and CWA/OPA – may not</td>
</tr>
<tr>
<td></td>
<td>be as broad as Stafford</td>
</tr>
</tbody>
</table>
Recovery from Oil/Chemical Incidents

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

Stafford Act
• NDRF may be used
• NCP recovery-related provisions may also apply