

## Provisions of Emergency Actions

**A**s an employer, you must comply with the provisions of the Hazardous Waste Operations and Emergency Response (HAZWOPER) regulations if your workplace contains hazardous substances in quantities that could require an emergency response if released.

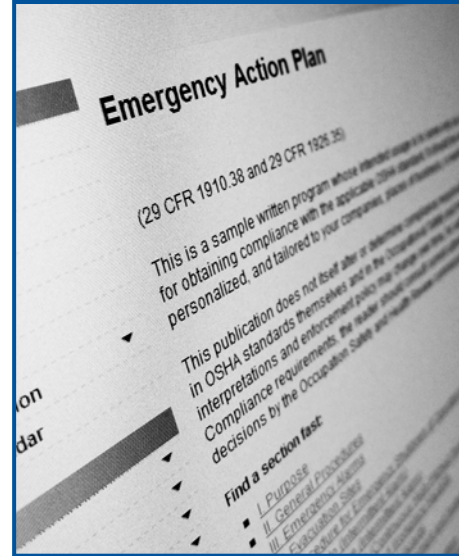
An emergency response is defined in the HAZWOPER standard, which is Title 29 of the Code of Federal Regulations, Section 1910.120, as a response effort by employees from outside the immediate release area or by other designated responders. This could include your hazardous waste hauler, local fire department, or your own employees responding to an occurrence which resulted in an uncontrolled release of hazardous substances. Also, if employees are evacuated because of safety or health threats posed by an uncontrolled release of a hazardous substance, it is an emergency response.

Considerations in determining whether an incident requires an emergency response include (these are examples, not a complete list of all possible conditions):

- Properties of the hazardous substance, such as type, quantity, toxicity, flammability, explosiveness, reactivity, vapor pressure, etc.
- Circumstances of the release, such as quantity, location, etc.
- Mitigating factors in the work area, such as engineering controls, training level of employees, number of employees, availability of outside resources, equipment available, pre-established standard operating procedures, etc. Responses to incidental releases of hazardous substances where the substance can be absorbed, neutralized, or otherwise controlled at the time of release by employees in the immediate release area or by maintenance personnel are not considered to be emergency responses within the scope of these rules. An example of an incidental release is use of shop towels by an employee to soak up a small solvent or coolant spill.

If you are an employer whose workplace has a potential need for emergency response, you have two choices in complying with the HAZWOPER standard:

- You can rely on an emergency action plan that complies with the federal standard (29 CFR 1910.38) if you evacuate employees to a safe distance and contact



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an outside organization to mitigate the emergency release. This level of response basically requires employees to be trained to recognize an emergency response situation and understand the appropriate action to take when one is determined, such as a designated meeting location after evacuation. An employer must ensure that the workplace is safe before allowing employees to re-enter the emergency response area to perform cleanup operations or continue normal work operations.

- If you allow your employees to take either defensive (per HAZWOPER, First-Responder, Operations Level) or offensive (per HAZWOPER, Hazmat Technician or Specialist Level) actions to mitigate the actual or potential emergency release of hazardous materials, you will need to develop a full emergency response plan.

#### Free Technical Assistance

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For more information regarding this standard and training providers—or to request free, professional on-site consultation services—contact a safety or health consultant with the Indiana Department of Labor’s INSafe division by e-mailing [insafe@dol.IN.gov](mailto:insafe@dol.IN.gov) or by calling (317) 232-2688. Visit INSafe’s website at [www.IN.gov/dol/insafe.htm](http://www.IN.gov/dol/insafe.htm) for more information.