



3rd Edition

CROSS-BORDER EMERGENCY RESPONSE GUIDE



TC-1002317



© Her Majesty the Queen in Right of Canada, as represented by the Minister of Transport, 2007.

All rights reserved. No part of this publication may be copied, reproduced, translated, altered, revised or reduced to any electronic medium or machine-readable form, or be used in any other manner than as provided, without prior written consent from:

Director, Compliance and Response Branch
Transport Dangerous Goods Directorate
Transport Canada
Tower C, Place de Ville,
330 Sparks St.
Ottawa, ON K1A 0N5
Tel.: (613) 998-6540
Fax: (613) 952-1340

TP 14703E
(07/2007)

TC-1002317

DISCLAIMER

Transport Canada and the organizations and the persons involved in producing this publication disclaim making or giving any warranties or representations, express or implied, including with respect to fitness, intended purpose, use or merchantability and/or correctness or accuracy of the content of the information presented in this document. This is a general publication and not advice for specific situations. It remains the responsibility of the user of the publication to determine its suitability for the particular purpose intended, and to use the information provided in the publication in a manner appropriate to that purpose, and to consult with qualified professionals.

Notwithstanding the above or any other provisions in this publication or any applicable statutory provisions, Transport Canada and the organizations and the persons involved in producing this publication shall not be liable to the user for special or consequential damages or damage for loss of use arising directly or indirectly from the use of this publication. In using this document, the user accepts any legal liability or responsibility whatsoever for the consequences of its use or misuse.

ACKNOWLEDGEMENTS

This and previous editions of the Cross-Border Emergency Response Guide were made possible with the valuable contributions of many public and private sector individuals in Canada and the United States who share the common goal of improving cross-border response. Member companies of the Canadian Chemical Producers' Association and the American Chemistry Council initiated development of the first draft of the guide. The Major Industrial Accidents Council of Canada (MIACC) updated and published the first edition in 1997. The Canadian Association of Fire Chiefs – Partnerships Toward Safer Communities Program updated and published the second edition in 1999. In 2005 ownership of the Cross Border Emergency Response Guide was transferred to Transport Canada who undertook to revise and update the guide and make it available to the general public in both official languages.

REQUEST FOR COMMENTS

This product is an attempt to compile information to assist industry and public sector responders in responding to cross-border accidents or spills. Although it was developed through several years of discussion and input from both public and private sector organizations, there will be areas that require further deliberation and refinement. For this reason, we invite users of this guide to provide their comments so they can be taken into consideration for future editions.

The Guide can be viewed electronically and downloaded at <http://www.tc.gc.ca/tdg/publications/menu.htm>

Comments can be sent in writing to:

Director, Compliance and Response Branch
Transport Dangerous Goods Directorate
Transport Canada
9th Floor
Tower C, Place de Ville,
330 Sparks St.
Ottawa, ON K1A 0N5
Canada

TABLE OF CONTENTS

1. INTRODUCTION.....	1
1.1 Purpose of the Guide	1
1.2 What the Guide does	2
2. CROSS-BORDER RESPONSE AGREEMENTS AND OTHER DOCUMENTS	3
2.1 Canada/United States Joint Inland Pollution Contingency Plan.....	3
2.2 Canada/United States Joint Marine Pollution Contingency Plan	4
2.3 Goods for Emergency Use Remission Order	5
2.4 Canada/U.S. Agreement on the Transboundary Movement of Hazardous Waste	5
2.5 Canada/United States Agreement on Emergency Planning.....	6
2.6 Immigration and Refugee Protection Act of Canada.....	7
2.7 Security Agreements	7
3. RESPONDING FROM THE UNITED STATES INTO CANADA.....	8
3.1 General Summary.....	8
3.2 Notification and Reporting.....	9
3.3 Cross-Border Movement of Response Equipment and Materials.....	10
3.4 Cross-Border Movement of Response Personnel	12
3.5 Responder Training Requirements	13
3.6 Liability and Insurance Issues	13
3.7 Occupational Health and Safety Legislation.....	15
3.8 Language Considerations	16
3.9 Security Provisions	16
4. RESPONDING FROM CANADA INTO THE UNITED STATES.....	17
4.1 General Summary.....	17
4.2 Notification and Reporting.....	18
4.3 Cross Border Movement of Response Equipment and Materials.....	18
4.4 Cross-Border Movement of Response Personnel	19
4.5 Responder Training Requirements.....	20
4.6 Liability and Insurance Issues	21
4.7 Occupational Safety and Health Regulations	23
4.8 Language Considerations	23
4.9 Security Provisions	23
5. MUTUAL AID RESPONSE PLANS	24
6. EMERGENCY RESPONSE CONTRACTORS.....	25
7. RESPONDING INTO MEXICO	26
8. EMERGENCY RESPONSE GUIDEBOOK.....	27

INTRODUCTION

1.1 PURPOSE OF THE GUIDE

Over the past two decades, the public has become increasingly interested in accidents involving dangerous chemicals. This heightened awareness of the potential impact of chemical incidents has led to a growing demand for higher safety standards from both government and industry.

In recent years, regulators have responded by formulating additional rules to promote safety and improved responsiveness in the event of an accident. The chemical industry, for its part, placed a renewed emphasis on its corporate mandate to provide Responsible Care®, an initiative to improve health, safety and environmental performance, not only in the production, storage, distribution, transportation and disposal of chemicals, but also to improve security and in its effective response to chemical mishaps.

In designing response systems for chemical accidents, industry and governments have had to take global influences into account. The *Free Trade Agreement* (FTA) between Canada and the United States and the *North American Free Trade Agreement* (NAFTA) between Canada, the United States and Mexico encourages and facilitates cross-border movement.

The public demand for higher response standards, the liberalized movement of goods across borders and the growing tendency of multi-national companies to operate in a North American context has led to the more frequent use of foreign-based emergency response teams. These teams offer more rapid, efficient and effective emergency responses in specific circumstances.

Organizations who operate under cross-border plans must perform more extensive pre-incident planning than the planning required for domestic-based emergency response teams. Organizations need to be familiar with:

- what tools are available to them that would aid in getting their equipment and personnel across the border in an emergency when time is of the essence
- the rules and restrictions related to such matters as training, liability and insurance, that may apply to their personnel and equipment in the country in which they are responding
- potential changes to any of the current tools, rules and restrictions that may arise from security concerns following the September 2001 terrorist attacks and that may make crossing the border more complex.

It is the responsibility of the individual responders to do their homework in advance of an emergency situation. Because local authorities may not be fully aware of what applies and what doesn't apply during emergency incidents, responders are urged to engage in an active dialogue with appropriate authorities in advance of a required emergency response to minimize confusion and misunderstanding.

This guide has been developed to provide general guidance to those who may be considering developing or using cross-border emergency response services. It is intended primarily for the use of both public and private emergency response planners as an aid to pre-incident planning, not as a working tool for hands-on responders.

1.2 WHAT THE GUIDE DOES

The *Cross-Border Emergency Response Guide* applies to the movement of all products by all modes of transport — air, road, rail and marine — from the United States into Canada and from Canada into the United States. The guide also applies to trans-shipments or “bridge traffic” which include movements of products through another country while in transit from one country to a destination in the same country. Some limited information is also provided regarding response into Mexico.

The guide applies to products whether or not they are classified as dangerous goods or hazardous materials. There is an emphasis, however, on products regulated as dangerous goods or hazardous materials (including hazardous waste), especially if they require emergency response plans as a condition of shipment. For example, in Canada, certain dangerous goods, shipped in specified quantities, require an Emergency Response Assistance Plan (ERAP) to be registered with and approved by Transport Canada as a condition of shipping or importing.

Although the guide is concerned primarily with response to hazardous materials incidents across the international border between Canada and the United States, much of the contents also applies to other natural and technological emergencies where the international border is involved.

Pre-incident planning to ensure response capability is a component of a broader disaster/emergency management program. This Guide does not provide guidance on how to develop and implement this broader emergency management program. The following, however, is a general checklist of what needs to be done in developing a program that relies in any way on cross-border capabilities:

- ✓ Assign responsibility for developing, maintaining and documenting the cross-border response plan
- ✓ Identify products, modes of shipment and container types
- ✓ Identify geographic areas where shipments are outside of the country of origin
- ✓ Identify and make copies of regulations and cross-border agreements that deal with the specific products, modes of transport and locations
- ✓ Identify trained responders equipped to respond to the products, means of containment and mode of transport combinations
- ✓ Develop incident management, communication and response procedures and functional roles and responsibilities to manage the response
- ✓ Identify border crossings to be used by responders and review border crossing procedures for responders and their equipment with border officials
- ✓ Establish procedures to validate the effectiveness of the plan with a program of regularly scheduled tests; exercises and periodic assessment of the plan

Further information on the topic can be found in documents such as the National Fire Protection Association NFPA 1600 Standard on Disaster/Emergency Management and Business Continuity Programs. NFPA 1600 provides guidance on developing and documenting hazard/risk-based plans that meet the requirements of applicable regulations. It also includes documented procedures aimed at ensuring that plans have adequate resource and communication capability and trained responders have capability to effectively manage all aspects of a response to an emergency incident.

CROSS-BORDER RESPONSE AGREEMENTS AND OTHER DOCUMENTS

2

2.1 CANADA/UNITED STATES JOINT INLAND POLLUTION CONTINGENCY PLAN

2.1.1 WHAT IT DOES

The *Joint Inland Pollution Contingency Plan* is aimed at developing a coordinated and integrated response between Canadian and United States governments to pollution incidents. Each country is encouraged to implement long-term procedures granting special customs and immigration clearances for response personnel and equipment.

The plan can be seen at

<http://www.ec.gc.ca/ee-ue/default.asp?lang=en&n=DEB16A21>

For more information on the United States – Canada border program and documents see:

<http://yosemite.epa.gov/oswer/CeppoWeb.nsf/content/ip-bilateral.htm>

2.1.2 CONTACTS

United States

Chemical Emergency Preparedness and Prevention Office (CEPPO)

Environmental Protection Agency (EPA)

1200 Pennsylvania Ave., N.W.

Washington, D.C. 20460

Tel.: (202) 564-8600

Fax: (202) 564-8222

www.epa.gov/ceppo/

EPA-CEPPO contacts in regions bordering Canada

Region 1 [*New England, bordering New Brunswick, Quebec*]

Tel.: (617) 918-1804

Fax: (617) 918-1810

Region 2 [*New Jersey, New York bordering Quebec and Ontario*]

Tel.: (732) 906-6194

Fax: (732) 906-6865

Region 5 [*Ohio/Michigan/Minnesota, bordering Ontario, Manitoba*]

Tel.: (312) 353-9045

Fax: (312) 886-6064

Region 8 [N. Dakota/Montana, bordering Manitoba, Saskatchewan, Alberta, B.C.]

Tel.: (303) 312-6837

Fax: (303) 312-6071

Region 10 [Idaho/Washington/Alaska, bordering B.C., Yukon]

Tel.: (206) 553-1679

Fax: (206) 553-0175

Canada

National Environmental Emergencies Centre (NEEC)

Environmental Emergencies Division

Environment Canada

351 St. Joseph Blvd. 15th Floor

Gatineau, QC K1A 0H3

Tel.: (819) 997-3742

Fax: (819) 953-5361

E-mail: environmental.emergencies@ec.gc.ca

www.ec.gc.ca/ee-ue

2.2 CANADA/UNITED STATES JOINT MARINE POLLUTION CONTINGENCY PLAN

2.2.1 WHAT IT DOES

The *Canada/U.S. Joint Marine Pollution Contingency Plan* creates a joint response structure to pollution incidents for United States and Canadian on-scene coordinators. The *Joint Marine Plan* calls for each country to grant special customs and immigration clearances for response personnel and equipment, and is supplemented by appendices.

2.2.2 CONTACTS

United States

United States Coast Guard Headquarters

Office of Incident Management and Preparedness

2100 2nd St. S.W. G-RPP

Washington D.C. 20593

Tel.: (202) 267-0518

Fax: (202) 267-4085

www.uscg.mil

Canada

Canadian Coast Guard

Centennial Towers

200 Kent Street

Ottawa, ON K1A 0E6

Tel: (613) 990-7140

Fax: (613) 995-4700

www.ccg-gcc.gc.ca

2.3 GOODS FOR EMERGENCY USE REMISSION ORDER

2.3.1 WHAT IT DOES

The *Goods for Emergency Use Remission Order* P.C. 1973-2529 (Memorandum D8-1-1 March 23, 1998, Appendix G) authorizes the Canada Border Services Agency to allow goods to cross the border duty-free during an emergency.

The U.S. Environmental Protection Agency, Environment Canada, and the Canadian and U.S. Coast Guards can be reached 24 hours a day and may be able to arrange for the movement of goods across borders during an environmental emergency.

Sectoral or provincial agreements may also exist because of the number of crossings. Companies intending to cross the border should check with their municipal, state and/or provincial authorities to determine if a problem exists.

2.3.2 CONTACTS

For additional information on Canadian customs regulations, contact:

Canada Border Services Agency
Trade Incentives and Refunds Unit
Trade Incentives Program
Trade Policy and Interpretation
150 Isabella St
Ottawa, ON K1A 0L8
Canada
Tel.: (613) 954-6878
Fax: (613) 952-3971
www.cbsa-asfc.gc.ca

2.4 CANADA/U.S. AGREEMENT ON THE TRANSBOUNDARY MOVEMENT OF HAZARDOUS WASTE

2.4.1 WHAT IT DOES

Waste may be required to be transported between each country to improve emergency response. The *Agreement on the Transboundary Movement of Hazardous Waste* sets out the administrative conditions for the export, import and transportation of hazardous waste between Canada and the United States. The *Agreement* sets out requirements for notification and tracking of transboundary movements as well as cooperation between parties.

In addition to the *Agreement*, the following documents should be reviewed:

Revised Decision of the Council Concerning the Control of Transfrontier Movements of Wastes Destined For Recovery Operations, Organization For Economic Cooperation and Development (OECD), C(2001)107, 2001

Export and Import of Hazardous Wastes Regulations, Environment Canada, November 1992, as amended.

2.4.2 CONTACTS

United States

Chemical Emergency Preparedness and Prevention Office (CEPPO)
Environmental Protection Agency (EPA)
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460
Tel.: (202) 564-8600
Fax: (202) 564-8222
www.epa.gov/ceppo/

Canada

Transboundary Movement Branch
Pollution Prevention Directorate
Environment Canada
Place Montcalm 70 Cremazie St. 6th Floor
Gatineau, QC K1A 0H3
Tel.: (819) 997-3377
Fax: (819) 997-3068
E-mail: TMB@ec.gc.ca
www.ec.gc.ca/wmd/

2.5 CANADA/UNITED STATES AGREEMENT ON EMERGENCY PLANNING

2.5.1 WHAT IT DOES

The Agreement Between the Government of Canada and the Government of United States of America on Cooperation in Comprehensive Civil Emergency Planning and Management, 28 April 1986 is designed to strengthen cooperation between Canada and the United States, encouraging a more effective response to peacetime emergencies. The agreement sets out principles of cooperation and establishes a joint consultative group to foster comprehensive emergency planning and management. The Treaty can be found at the following address:
http://www.treaty-accord.gc.ca/ViewTreaty.asp?Treaty_ID=103615

2.5.2 CONTACTS

United States

Federal Emergency Management Agency (FEMA)
500 C St. S.W.
Washington, D.C. 20472
Tel.: (202) 566-1600
www.fema.gov

Canada

Public Safety and Emergency Preparedness Canada
257 Slater Street, 2nd Floor
Ottawa, ON K1A 0W6
Tel.: (613) 991-7000
Fax: (613) 996-0995
www.psepc-sppcc.gc.ca

2.6 IMMIGRATION AND REFUGEE PROTECTION ACT OF CANADA

2.6.1 WHAT IT DOES

Paragraph 186(t) of the *Immigration and Refugee Protection Regulations* provides for the entry into Canada without a work permit of persons who are providing emergency medical or other services to preserve life and property. Immigration officers at the appropriate ports of entry should be contacted in advance to commence the expedited process provided by the regulations.

Some restrictions apply. For example, American police officers have no jurisdiction in Ontario and physicians must be licensed by the appropriate professional body in Canada.

2.6.2 CONTACTS

Citizenship and Immigration Canada
Toll-free: 1-888-242-2100 [information call center]:
www.cic.gc.ca

2.7 SECURITY AGREEMENTS

There are currently no security agreements that pertain directly to emergency responders. General provisions to increase border security, however, may have an impact on a responder's ability to cross the border under certain circumstances. Responders transporting dangerous goods require a hazmat endorsement on their Commercial Driver's License (CDL) in the United States. To obtain a CDL hazmat endorsement, a security clearance including a fingerprint and criminal history check is currently required.

There are no specific legal requirements presently in place in Canada with respect to security matters as they relate to the response to transportation emergencies involving dangerous goods. However, the *Transportation of Dangerous Goods Act* is presently being reviewed and proposals have been made to expand the authorities found in the Act to require that certain security measures be put in place by those who handle, offer for transport, transport or import dangerous goods. These measures could cover a wide range of topics, including the need to: have security based background checks for employees; be trained in security issues; prepare, submit for approval and implement security plans; and report certain security related incidents. These new proposals, if passed into law, could have an impact on responders traveling from the United States to Canada. It is important for any responder who may become involved in cross-border response from the United States to Canada to verify the status of these security proposals and determine the possible impacts they may have at an operational level. Additional information respecting proposed amendments to the TDG Act can be found at: <http://www.tc.gc.ca/tdg/menu.htm>

RESPONDING FROM THE UNITED STATES INTO CANADA

3

3.1 GENERAL SUMMARY

CROSS-BORDER RESPONSE MATRIX

EMERGENCY DECLARED by public official	EMERGENCY NOT DECLARED by public official	NON- EMERGENCY e.g., tank car or truck repair (no threat of product release)
<i>Immigration agreements</i> exist to permit movement of personnel.	<i>Immigration agreements</i> exist to facilitate response. Pre-incident liaison with local officials strongly recommended.	<i>No immigration agreements</i> in place.
<i>Customs agreements</i> exist to permit movement of goods.	<i>Customs agreements</i> exist to facilitate response. Pre-incident liaison with local officials strongly recommended.	<i>No customs agreements</i> in place.
Training: Must comply with applicable Canadian regulations (TDG, WHMIS).	Training: Must comply with applicable Canadian regulations (TDG, WHMIS).	Training: Must comply with applicable Canadian regulations (TDG, WHMIS).
Liability: No exemption.	Liability: No exemption.	Liability: No exemption.

Under customs and immigration regulations, manpower and equipment from the United States can be used to respond to an emergency in Canada. Standard customs and immigration regulations, however, can prevent the cross-border movement of personnel and equipment to perform work without special authorization. Local Border Services officials may even lack familiarity with emergency response provisions due to their infrequent use. For these reasons, it is important that emergency response plans outline the specific procedures required and encourage interaction with Canada Border Services Agency officials and their involvement in training and exercises before the need to respond.

Companies planning to cross the border as part of a response team should become familiar with the specific regulations concerning the type of response they plan to provide for all geographic areas that they could potentially be called to serve. In addition to the exemptions, which facilitate the response, there are regulatory requirements which must be considered related to such matters as notification and reporting, cross-border movement of equipment and materials and personnel, responder training and liability and insurance.

3.2 NOTIFICATION AND REPORTING

If a chemical incident occurs, it is important to know which authorities to notify. Pursuant to the *Transportation of Dangerous Goods Regulations*, generally, the local authorities must be informed of incidents involving the shipment of products classified as “dangerous goods”. Provincial legislation also requires that the incident be reported to appropriate authorities (Transport, Environment) of the province in which the incident occurs. This often applies to a larger class of goods than those regulated by the *Transportation of Dangerous Goods Regulations*.

For marine incidents involving dangerous goods, harmful substances, or marine pollutants, an additional report must be made as quickly as possible to a pollution prevention officer or steamship inspector, as defined by the *Canada Shipping Act*.

For dangerous goods incidents, in addition to the immediate reporting requirements, a report must be provided in writing to the Director General, Transport Dangerous Goods Directorate, by the employer of the person who had possession of the dangerous goods at the time of the incident. This report must be submitted within thirty days of an incident. Section 8.3 of the *Transportation of Dangerous Goods Regulations* describes the information that must be included in the report.

Information about reporting requirements for other harmful substances can be obtained from:

National Environmental Emergencies Centre (NEEC)
Environmental Emergencies Branch
Environment Canada
351 St. Joseph Blvd.
Gatineau, QC K1A 0H3
Tel.: (819) 997-3742
Fax: (819) 953-5361
E-mail: environmental.emergencies@ec.gc.ca
www.ec.gc.ca/ee-ue

Another publication, a Transport Canada publication entitled TP 9834, *Guidelines for Reporting Incidents Involving Dangerous Goods, Harmful Substances and/or Marine Pollutants* is available from Transport Canada’s Marine Safety Publications website at: www.tc.gc.ca/MarineSafety/TP/menu.htm or from:

Marine Safety Directorate
Transport Canada
AMS
330 Sparks Street
Ottawa, ON K1A 0N5
Canada
Tel.: (613) 991-3135
Fax: (613) 990-6191
E-mail: marinesafety@tc.gc.ca

Transport Canada’s Canadian Transport Emergency Centre’s (CANUTEC) main role is to provide advice and assistance during emergencies. CANUTEC can also provide advice regarding reporting requirements.

In an emergency, call collect at (613) 996-6666 or, in Canada only, cellular *666 (24 hours).
In a non-emergency situation, CANUTECH can be reached at:

Transport Canada – CANUTECH
Tower C, Place de Ville, 14th Floor
330 Sparks St., Office 1415
Ottawa, ON K1A 0N5
Canada
Tel.: (613) 992-4624 (24 hour information line)
Fax: (613) 954-5101
www.tc.gc.ca/canutech

In relation to an environmental emergency or polluting incident, Environment Canada's National Environmental Emergencies Centre (NEEC) can be called collect at (819) 997-3742 (24 hours).

3.3 CROSS-BORDER MOVEMENT OF RESPONSE EQUIPMENT AND MATERIALS

Customs and excise regulations govern the movement of goods between Canada and the United States. Consequently, in addition to reporting requirements, customs and immigration officials at the ports of entry into Canada should be notified of any chemical incidents. The Customs and Immigration officials at the ports of entry should be provided with a contact person from a municipal, provincial or federal authority that can confirm that an emergency currently exists.

Ensuring that practical and clearly understood arrangements are in place will allow American response resources to engage in pollution responses in Canada with a minimum of delay. In relation to pollution response in Canada, the rules governing the use of American equipment and the use of American vessels are most significant.

3.3.1 USE OF AMERICAN EQUIPMENT FOR EMERGENCY RESPONSE IN CANADA

To effect the movement of equipment into Canada, Memorandum D8-1-1, Goods For Emergency Use Remission Order, Appendix G, outlines the conditions under which goods for emergency use can be brought into the country without paying customs duties under the *Customs Tariff* or taxes under the *Excise Tax Act*. An “emergency” is defined in the Order as an “urgent and critical situation of a temporary nature caused by an actual or imminent identified situation that includes pollution, and results or may result in danger to property.” Thus it is possible to import equipment to avert an imminent emergency. The Order requires that any goods so imported, and not consumed or destroyed during the emergency, be exported when no longer needed.

Under Section 2 of the Order, the term “goods” is not specifically defined. However, goods are considered items of commercial or non-commercial value. The term does not include response personnel.

At the port of entry where the goods must be reported, a simple blotter record describing the goods in general terms will be made, without a security deposit, on a Temporary Admission Permit (Canada Customs Form E29B). The form can be found at: <http://www.cbsa-asfc.gc.ca/E/pbg/cf/e29b/README.html>. It can be filled out on line but must be provided to the inspecting Customs officer in hard copy. Additional information on how to complete the form is available at the following Internet address:

<http://www.cbsa-asfc.gc.ca/E/pub/cm/d8-1-4/README.html>. The issuance of this permit can be made at the time of importation or after the fact, depending on the circumstances. This record can be cancelled whenever an official or

responsible person involved provides evidence that the goods were expended or destroyed in resolving the emergency or were exported from Canada.

The response contractor should stop at United States Customs during entry into Canada to get their equipment list registered with US Customs and do the same with Canada Customs on the way back. This should facilitate the entry of equipment into Canada and the return to the United States. US Customs has indicated that form 4455 will have to be completed (it should be completed ahead of time to expedite entry). The contractor's equipment list can be appended to this form.

Where an emergency situation requires release of the goods at places where customs officers or Royal Canadian Mounted Police are not in attendance, a record kept by a responsible individual will be accepted for the purpose of completing the Temporary Admission Permit. This individual can be a representative of the provincial government or an individual with the responsibility of directing the emergency countermeasures.

To expedite such procedures and ensure that there are no undue impediments to the importation of equipment, responsible agencies must coordinate their actions with field customs officials. Telephone numbers for all border crossings are available from:

Transport Canada – CANUTEC
Tower C, Place de Ville, 14th Floor
330 Sparks St., Office 1415
Ottawa, ON K1A 0N5
Canada
Tel.: (613) 992-4624 (24 hour information line)
Fax: (613) 954-5101
www.tc.gc.ca/canutec

3.3.2 USE OF AMERICAN VESSELS FOR EMERGENCY RESPONSE IN CANADA

With respect to assisting vessels in danger, the *United States Wreckers Act* (a Canadian Act) allows American vessels to salvage any property wrecked, without reference to the customs or coasting laws of Canada. American vessels may also aid and assist any vessels wrecked, disabled or in distress, in the waters contiguous to the United States, provided that the existing reciprocal privilege with respect to Canadian vessels in the United States remains in force. The *United States Wreckers Act* does not, however, apply to cargo released by the ship or to clean-up operations outside the ship.

Under paragraph 3(2)(e) of the *Coasting Trade Act*, foreign ships or non-duty paid ships can carry goods from one place in Canada to any other place in Canada, with the approval of a pollution prevention officer, provided they are involved in activities related to a marine pollution emergency or to a risk of such an emergency.

American vessels are permitted to conduct pollution response operations in Canadian waters contiguous to the United States. The American vessel may carry goods from one place in Canada to any other place in Canada provided that it is engaged, with the approval of a pollution prevention officer, in activities related to a marine pollution emergency, or to a risk of such an emergency.

3.4 CROSS-BORDER MOVEMENT OF RESPONSE PERSONNEL

The rules governing whether or not an American can work in Canada are found in the Canadian federal *Immigration and Refugee Protection Act and Regulations*. Two sections of the *U.S./Canada Free Trade Agreement* also have implications for an American company's employees. Unless an emergency exists, there are significant restrictions.

Because of agreements between Canada and the United States, emergency response personnel from the United States can enter Canada without special documentation or permits. This is facilitated by paragraph 186(t) of the *Immigration and Refugee Protection Regulations* which provides that a foreign national may work in Canada without a work permit if they are providing emergency services, including medical services, for the protection or preservation of life or property.

Border authorities have recommended that they be notified by telephone that an emergency response team is crossing the border and its expected time of arrival. It is also recommended to have a provincial, municipal or federal authority involved with the emergency contact the border officials to confirm that an emergency situation exists. Entry into Canada will be facilitated if the response team can provide a signed letter from a Canadian authority confirming the nature of the emergency, identifying the names of the persons needing entry into Canada and providing a contact person that Immigration Canada can contact should they have any questions.

3.4.1 POSSIBLE SCENARIOS

(1) A US Citizen wants to enter Canada to fix a problem on a tank car or truck to allow continued shipment; however, the incident is not classified as an emergency:

Under Canada's *Immigration and Refugee Protection Act*, the US Citizen probably needs a work permit. The US Citizen would otherwise be denied access because Canadian mechanics or technicians could perform the work. However, if the work requires specialized skills, the employee may be able to enter pursuant to the Free Trade Agreement's intra-corporate transfer rules.

(2) An American wants to enter Canada to respond to an emergency:

According to paragraph 186(t) of Canada's *Immigration and Refugee Protection Regulations*, American personnel can usually enter Canada without employment authorization if they are rendering emergency medical or other services for the preservation of life or property. Consequently, American response personnel can enter the country without a work permit.

3.4.2 CONTACTS

The following contacts can help readers obtain additional information about the relevant sections of the *Immigration and Refugee Protection Act and Regulations*:

Citizenship and Immigration Canada

Information call centers:

Toll-free: 1-888-242-2100

www.cic.gc.ca

3.5 RESPONDER TRAINING REQUIREMENTS

In Canada any person who handles, offers for transport or transports dangerous goods must be adequately trained and hold a valid training certificate or perform those activities in the presence of and under the direct supervision of a person who is trained and who holds a valid training certificate. Part 6 of the Transportation of Dangerous Goods (TDG) Regulations contain the requirements as to what constitutes adequate training, who issues the training certificate, how long a training certificate is valid and when a training certificate must be produced for verification by an inspector. Responders coming from the United States to Canada who have been trained under sections 172.700 to 172.704 of the Title 49 of the Code of Federal Regulations of the United States and who work under the direct supervision of someone who is TDG trained should not have any problems complying with TDG requirements. Additional information respecting the TDG Regulations can be found at <http://www.tc.gc.ca/tdg/menu.htm>. Before entering the country, American teams should verify that they have proof of Transportation of Dangerous Goods (TDG) training unless they plan on working under the direct supervision of someone who is TDG trained (see also section 3.7 regarding Health and Safety related training requirements).

3.6 LIABILITY AND INSURANCE ISSUES

3.6.1 PRESENCE AT AN INCIDENT SITE

In the United States, the shipper's presence at the site of a distribution incident is not legally required; in Canada the organization which has filed an emergency response assistance plan may be required to have a representative on site if required to effectively respond to an incident.

3.6.2 LIABILITY

Liability for damage caused during a response effort generally arises from the conduct of the emergency response team at an incident site. At common law, responders can be found liable for negligence (from simple error to gross carelessness), nuisance (wrongful interference), or trespass (wrongful entry onto private property). Several statutes also impose liability on response teams, and are discussed below.

3.6.2.1 Responder Liability – Common Law

At common law, American teams responding to an incident can be held liable for any damage they cause through negligence, nuisance, or trespass. To prove negligence, the injured party must show that the responder engaged in substandard behavior. However, to prove nuisance or trespass, the plaintiff simply has to show that the responder caused the damage in question.

Organizations advising response teams of their liabilities can also be found liable of negligent misstatement if they fail to provide reasonable advice, or act as advisors outside of their areas of expertise. If found liable of negligent misstatement, recovery can be made for personal injury, property damage, or economic loss.

A limited immunity from these common law actions is available under section 678.1 of the *Canada Shipping Act* to persons responding to marine oil spills at the direction of the Minister or to an organization classified as a "response organization".

3.6.2.2 Responder Liability – Statutory

The following federal and provincial laws are just some of the statutes in Canada that may impose liability on a responder:

Fisheries Act: This federal legislation imposes civil liability on those who deposit a “deleterious [harmful] substance” in waters frequented by fish, who have the “charge, management or control” of the substance, or who “cause or contribute to the causation” of the deposit in question. If found liable, defendants may have to pay clean-up costs, and any lost income incurred by fishermen.

Canadian Environmental Protection Act (CEPA): Part VI of CEPA deals specifically with ocean dumping, defined as the deliberate disposal at sea of any substance. It is a criminal offense to carry out ocean dumping without a permit, and the offender can, upon conviction, be subject to a fine or imprisonment, and can also be obligated to repay the federal government for costs incurred in remedying or mitigating the damage. Part VIII of CEPA deals with environmental emergencies, and includes requirements for prevention, preparedness, response and recovery regarding emergencies involving hazardous materials. Regulations and guidelines for Part VIII are now being developed. Consult Environment Canada for current information.

Canada Shipping Act (CSA): Under the CSA, a “ship” includes an oil-bearing barge. The owner of a ship is liable for pollution damage, with certain limited exceptions. If no immunity is available under section 678.1 of the Act, the owner of a barge carrying captured oil can be held liable for cleanup costs and other damage.

Transportation of Dangerous Goods Act: This federal Act applies if “dangerous goods” are used and transported by an organization responding to an incident. If there is a discharge, emission or escape of a dangerous substance, the federal government may be able to recover the costs and expenses of cleanup against the persons responsible. The onus is on the person who transports the dangerous goods to establish that he or she took all reasonable measures to comply with the Act and Regulations.

In certain circumstances, the Transportation of Dangerous Goods Act can provide personal liability protection to persons directed to take certain remedial actions at the time of transportation of dangerous goods incidents. Therefore, emergency response teams, whether they are based in Canada or come from the United States to do a response on Canadian soil, may not be personally liable, either civilly or criminally in respect of any act or omission in the course of complying with an inspector’s direction or doing any reasonable thing incidental to it, unless it is shown that the act or omission was made in bad faith. Additional information regarding the TDG Act can be found at <http://www.tc.gc.ca/tdg/menu.htm>

3.6.3 REDUCING LIABILITY

Limited immunity from liability is available to private responders under the *Transport of Dangerous Goods Act* and the *Canada Shipping Act*, and to Crown employees under the *Crown Liability and Proceedings Act*.

Outside of statutory immunity, there are steps that can be taken to minimize liability.

In relation to product spills:

- √ Use every means available to immediately limit, contain and clean up the spill in a safe manner.
- √ Do everything that may be required by law or any government agency to prevent, eliminate or ameliorate all adverse effects resulting from the spill.
- √ Contact the owner, agent, proprietor, and/or occupier of any premises affected by the spill.
- √ Immediately contact by telephone a responsible person in the organization where the product was loaded or the 24-hour emergency number shown on shipping documents, if these numbers are available.
- √ Follow documented instructions for handling and reporting product spills.
- √ Immediately report the incident to any authorities required by law to be notified
- √ Document and maintain personal records of all events and conditions leading up to and causing the incident and any statements made by anyone involved with the incident (carrier responsibility)

In relation to insurance:

- √ The carrier should report the incident to the owner of the vehicle and the owner or agent of product in transit as soon as possible.
- √ The owner of the vehicle and the owner or agent of product in transit must report the incident to their insurance agents, brokers or adjusters immediately after the occurrence of the incident.
- √ The carrier must be available to report and document details of the incident to the claims adjuster as indicated by the owner of the vehicle and the owner or agent of product in transit as specified by the owners or agents.

3.7 OCCUPATIONAL HEALTH AND SAFETY LEGISLATION

Canada does not have federal legislation similar to 29 CFR §1910.120 (HAZWOPER), which regulates the type of training that emergency response personnel should have. Instead, Canadian requirements are regulated at both the provincial and federal levels.

The federal *Canada Labour Code* applies to organizations involved in international and inter-provincial transportation as well as most Crown Corporations and federal undertakings and businesses (e.g. banks, telephone, federal government, etc.). Most industries in Canada fall under provincial jurisdiction as do most first responders (fire, police, EMS, etc.). An accident site that is on federal land could have both federally regulated workers and workers who are regulated under provincial or territorial health and safety regulations. Jurisdictional issues can be complex. United States based contractors should follow the health and safety requirements that are most stringent where there is a conflict between jurisdictional requirements.

Questions regarding health and safety jurisdiction should be addressed to Human Resources and Skills Development Canada (HRSDC) Labour Program at 1-800-463-2493. American emergency response personnel should become familiar with all the different requirements, as these vary from province to province.

The Workplace Hazardous Materials Information System [WHMIS] is a set of regulations that apply to all workers in Canada whether they fall under federal, provincial or territorial jurisdiction. Unlike the American Hazard Communication Standard, WHMIS has its own unique set of symbols and labeling criteria. The information required for the WHMIS material safety data sheets is more extensive, and workers must receive training on what the labels and material safety data sheets mean as well as training on site specific hazards.

There are some similarities between Canadian and American safety regulations, especially in the areas of fall protection, trench shoring, and electrical isolation, as well as occupational hygiene, surveillance of exposure limits, respiratory protection programs, and hearing conservation programs.

For the most part, American firefighters and public-sector hazardous materials team members will be guided by National Fire Protection Association standard 471 *Recommended Practice for Responding to Hazardous Materials Incidents* and NFPA standard 472 *Professional Competence of Responders to Hazardous Materials Incidents*. These standards relate to the 29 CFR §1920.120 and the requirements outlined in 40 and 49 CFR. Although the NFPA standard is not mandated for Canadian workers, the standard (with minor modifications) is widely supported by the fire service and many qualified response teams.

Providing that the safety officers at the cleanup and countermeasures sites have knowledge of the applicable requirements and standards, trained workers from both countries should have no difficulty defining and working within the safety requirements.

3.8 LANGUAGE CONSIDERATIONS

An important aspect of cross-border response that is often overlooked is the barrier that may be caused by the different languages spoken in the country where the response takes place. In relation to North American, the different languages encountered could be English, French or Spanish.

It is important to take the language issue into account in planning for cross-border response by ensuring, for instance, that one or more of the response team members is fluent in more than one language or by arranging access to interpreters on short notice.

3.9 SECURITY PROVISIONS

Although no specific security provisions pertaining to response from the United States into Canada have been identified at this time, the general security guidance provided in Section 2.7 of this guide should be reviewed.

RESPONDING FROM CANADA INTO THE UNITED STATES

4

4.1 GENERAL SUMMARY

CROSS-BORDER RESPONSE MATRIX

EMERGENCY DECLARED by public official	EMERGENCY NOT DECLARED by public official	NON-EMERGENCY e.g., tank car or truck repair (no threat of product release)
<i>Immigration agreements</i> exist to permit movement of personnel.	<i>Immigration agreements</i> exist to facilitate response. Pre-incident liaison with local officials strongly recommended.	<i>No immigration agreements</i> in place.
<i>Customs agreements</i> exist to permit movement of goods.	<i>Customs agreements</i> exist to facilitate response. Pre-incident liaison with local officials strongly recommended.	<i>No customs agreements</i> in place.
Training: Must comply with all applicable U.S. and state regulations.	Training: Must comply with all applicable U.S. and state regulations.	Training: Must comply with all applicable U.S. and state regulations.
Liability: No exemption	Liability: No exemption	Liability: No exemption

Under customs and immigration regulations, manpower and equipment from Canada can be used to respond to an emergency in the United States. Without special authorization, however, standard customs and immigration regulations can prevent the cross-border movement of personnel and equipment to perform work. Local Border Services officials may even lack familiarity with emergency response provisions due to their infrequent use. For these reasons, it is important that emergency response plans outline the specific procedures required, and encourage interaction with Border Services officials and their involvement in training and exercises before the need to respond.

Because potential problems and jurisdictional issues may be encountered during cross-border responses, mandatory response plans – such as those set out under the OPA 90 Regulations – prohibit reliance on foreign resources alone as part of a required response plan.

In addition to the exemptions, which can facilitate the response, there are regulatory requirements which must be considered related to such matters as notification and reporting, cross-border movement of equipment and materials and personnel, responder training and liability and insurance.

4.2 NOTIFICATION AND REPORTING

In responding to an emergency incident, the proper regulatory agencies in the United States must be notified. Reporting is complex and normally must take place prior to the response.

The National Response Center is the sole federal point of contact for reporting oil and chemical spills, and provides information on reporting requirements and procedures.

Contact

National Response Center
c/o United States Coast Guard (CG-3RPF-2)
2100 2nd St. S.W. – Room 2111-B
Washington, D.C. 20593-0001
Tel.: (202) 267-2675
Toll free: 1-800-424-8802
Fax: (202) 267-1322
E-mail: 1st-nrcinfo@comdt.uscg.mil
www.nrc.uscg.mil

In addition to American federal reporting requirements, the incident usually has to be reported to the State in which it occurs.

4.3 CROSS BORDER MOVEMENT OF RESPONSE EQUIPMENT AND MATERIALS

United States customs and excise regulations govern the movement of goods between Canada and the United States.

4.3.1 ADMISSION OF EMERGENCY RESPONSE EQUIPMENT WITHOUT ENTRY OR PAYMENT OF DUTY

§ 1322(b), subsections 2, 3 of Title 19, *United States Code*, provides that:

(b) The Secretary of the Treasury may provide by regulation or instruction for the admission, without entry and without the payment of duty or tax imposed upon or by reason of importation of:

...

(2) *fire-fighting and rescue and relief equipment and supplies for emergent temporary use in connection with conflagrations [great and destructive fires];*

(3) *rescue and relief equipment and supplies for emergent temporary use in connection with floods and other disasters.*

Pursuant to this section, U.S. customs regulations allow rescue and relief equipment into the country without entry or the payment of duty. The Customs Service has held that aircraft and vessels may, within the discretion of the appropriate district director, be entitled to exemption from entry and duties under 19 CFR § 10.107 if they are to be used on an “emergent temporary” basis for emergency spill cleanup. This holding may likewise be extended to other equipment necessary for an emergency spill cleanup.

In the past, rescue aircraft and vessels have been exempted from making a consumption entry, although they were still required to make the aircraft or vessel entry under Part 122, or Part 4, of the *Customs Regulations*. Consequently, any vessel arriving in a United States port for emergency spill response must make an immediate report of arrival and vessel entry, whether it arrives from a foreign port or another American port. Such vessels must clear customs when bound for a foreign port, or must have a permit to proceed from one American port to another.

The Jones Act (Section 27 of the Merchant Marine Act of 1920 – 46 USCA 883) prohibits the use of foreign vessels to carry merchandise between points in the United States.

Section 1117 of Pub. L. 104-324, Use of Foreign Registry Oil Spill Response Vessels (46 USC 12101) allows the use of foreign vessels for oil spill response on an emergency basis if no U.S. flagged response vessels are available. The foreign ships can be used for the purpose of recovering, transporting and loading and unloading in a US port oil discharged as a result of an oil spill.

For further details, consult the following legislative provisions:

- 19 USC § 1322(b)(2) & (3), 1433, 1435, 1441
- 19 CFR § 10.107, 4.2, 4.3, 4.60, 4.87
- U.S. Customs Headquarters Memorandum 110168, dated April 17, 1989
- 46 USC App. § 91, App. § 313

4.4 CROSS-BORDER MOVEMENT OF RESPONSE PERSONNEL

This section provides an overview of the U.S. Immigration and Naturalization Service rules that regulate when a Canadian company's employee can work in the United States. The intra-company transfer rules and the professional status provisions found in the *U.S./Canada Free Trade Agreement* are also discussed.

According to the United States Coast Guard, Immigration and Naturalization Service (INS) district directors can parole Canadian emergency cleanup workers responding in the United States for a maximum period of one week. To obtain this waiver:

- (a) The INS district director with jurisdiction must receive certification in writing from a US government authority involved with the incident that a foreign company and its workers are required for the clean-up. It must be certified that no American company or workers are available to respond to the clean-up in a timely manner. Certification can occur after deployment.
- (b) Industry must provide a completed Form I-94 for each foreign national (including Canadians), used in the emergency cleanup operations, as well as a complete list of all workers used, including name, nationality and date of birth. This form can be filed after deployment. Each individual must have appropriate identification.
- (c) Upon request, industry must provide safe transportation to and from the American port of entry to the location of the emergency clean-up, to allow the Immigration and Naturalization Service to inspect operations.
- (d) Foreign workers must check out through an INS office when departing the United States.

In addition to these provisions, company employees should be aware of two Immigration and Naturalization Service rules concerning:

- intra-company transferees (L-1 status), and
- temporary business visitors (B-1 status).

4.4.1 POSSIBLE SCENARIOS

(1) A Canadian wants to enter the United States to fix a problem on a tank car or truck to allow continued shipment; however, the incident is not classified as an emergency:

The Canadian employee can usually cross the border if he or she qualifies as a professional under the *Free Trade Agreement*. Alternately, if the employee's primary duties are managerial or executive, or if he or she possesses "specialized knowledge", that employee may qualify under the INS intra-company provisions.

(2) A Canadian wants to enter the United States to respond to an emergency:

Under American law, any personnel, including response personnel, must be managers or executives, or possess specialized knowledge, to enter the country. If entering the United States in a managerial capacity, the company must demonstrate that the employee will be primarily directing the responding United States entity and will be supervising the work of other supervisory employees. This employee must also have discretionary authority over day-to-day operations.

4.4.2 CONTACT

The Immigration and Naturalization Service website lists its field offices by state and city, including a map and detailed contact information.

United States Citizenship and Immigration Services (USCIS)
National Customer Service Center: 1-800-375-5283 (US # only)

4.5 RESPONDER TRAINING REQUIREMENTS

The United States has specific regulations detailing the training requirements that emergency response personnel must receive. All public and private sector personnel with a direct role in emergency management and response must be trained in the National Incident Management System (NIMS) and the Incident Command System (ICS) that meets current NIMS standards.

The agency that regulates worker protection is the Occupational Safety and Health Administration (OSHA). The United States Department of Transportation (DOT), Pipeline and Hazardous Materials Safety Administration (PHMSA) has the public responsibility for the safe and secure movement of hazardous materials by all transportation modes including pipeline. Individual States may have additional requirements.

Depending on the type of incident, different regulations apply. Here is a partial listing of relevant regulations:

National Incident Management System and Incident Command System resources:

http://www.fema.gov/emergency/nims/nims_alert.shtm

<http://www.nimsonline.com>

Occupational Safety and Health Administration (OSHA)

- 29 CFR § 1910.120 Hazardous Waste Operations and Emergency Response
 - .132 Personal Protective Equipment General Requirements
 - .134 Respiratory Protection
 - .146 Confined Space
 - .156 Fire Brigades
 - .1200 Hazard Communication

U.S. Department of Transportation (DOT)

49 CFR § 172.600 Applicability and General Requirements

- .602 Emergency Response Information
- .604 Emergency Response Telephone Number
- .700 Purpose and Scope
- .701 Federal-State Relationship
- .702 Applicability and Responsibility for Training and Testing
- .704 Training Requirements (regulations governing marking, placarding, etc.)

4.5.1 CONTACTS

Hazardous materials and emergency response information is now available on line from the United States Department of Transportation at <http://hazmatdot.gov>, enabling users to receive information on hazardous materials rules and regulations, training, enforcement, publications and reports.

Updated hazardous materials information is also provided by the Pipeline and Hazardous Materials Safety Administration (PHMSA). The PHMSA site, which replaces the former Hazardous Materials Information Exchange (HMIX), is <http://hazmat.dot.gov>

Occupational Safety and Health Administration (OSHA)
200 Constitution Ave., N.W.
Washington, D.C. 20210
Tel.: (202) 693-2000
Fax: (202) 693-1659
www.osha.gov

National Response Center
c/o United States Coast Guard (G-OPF)
2100 2nd St. S.W. – Room 2611
Washington, D.C. 20593-0001
Tel.: (202) 267-2675
Toll free: 1-800-424-8802
Fax: (202) 267-1322
E-mail: lst-nrcinfo@comdt.uscg.mil
www.nrc.uscg.mil

4.6 LIABILITY AND INSURANCE ISSUES

4.6.1 PRESENCE AT AN INCIDENT SITE

As a general rule, the shipper's presence at the site of a distribution incident is not legally required in the United States. When the shipper is present, it is normally due to company policy or a request from the authorities or carrier.

4.6.2 LIABILITY

Liability for emergency responders generally arises from their conduct at an incident site, which can include the following:

- Ordinary negligence – simple error or carelessness
- Gross negligence – where the perpetrator should have known better
- Willful misconduct – total disregard for proper procedures and the safety of others or intentional conduct harming others.

4.6.3 REDUCING LIABILITY

Emergency responders can avoid or at least minimize liability at an incident site by confining their activity to providing technical advice and assistance within the Incident Command System; by acting within a mutual assistance arrangement; by adhering to Good Samaritan laws; or a combination of these things. Each is further discussed below.

4.6.3.1 Incident Command System

In the United States, the Incident Command System places an individual in overall charge at an incident site. The identity of this person may vary from one place to another, and may be dictated by local laws or ordinances, but typically it will be the local fire chief, police chief, Coast Guard commander, or other public official.

Normally, the shipper's role at a distribution emergency incident is to provide technical advice and assistance to the incident commander. That can include hands-on assistance, but it should be done only with the concurrence of, and under the supervision of, the incident commander or the incident commander's designate.

4.6.3.2 Mutual Assistance

Mutual assistance arrangements, such as CHEMNET®, CHLOREP, and others can limit a responder's liability by written agreement. Normally, the party receiving assistance agrees to hold the responder harmless (usually for negligence or gross negligence, but not willful misconduct) to the extent specified in the agreement.

4.6.3.3 Good Samaritan Laws

While there is no federal Good Samaritan law, these laws do exist in most states in the United States. They vary widely in type and extent of protection and are subject to change. Many apply only when a responder's assistance is specifically requested by a particular state official. If reliance is placed on any of these laws for liability protection, it would be wise to understand their requirements and limitations before committing a response team.

4.6.3.4 Insurance

A chemical company's existing liability coverage may protect it in the event of a cross-border response, however each company would be well advised to check with its present insurance carrier on limitations or exclusions in its coverage.

4.7 OCCUPATIONAL HEALTH AND SAFETY REGULATIONS

The Occupational Safety and Health Administration (OSHA) maintains that foreign workers are required to obey American rules when working in the United States. OSHA also advises that there is no agreement with Human Resources Development Canada to honor the other country's respective regulations. While American and Canadian worker safety rules are basically similar, there has been no formal study or comparison completed to highlight where the differences exist.

4.8 LANGUAGE CONSIDERATIONS

An important aspect of cross-border response that is often overlooked is the barrier that may be caused by the different languages spoken in the country where the response takes place. In relation to North American, the different languages encountered could be English, French or Spanish.

It is important to take the language issue into account in planning for cross-border response by ensuring, for instance, that one or more of the response team members is fluent in more than one language or by arranging access to interpreters on short notice.

4.9 SECURITY PROVISIONS

Although no specific security provisions pertaining to response from Canada into the United States have been identified at this time, the general security guidance provided in Section 2.7 of this guide should be reviewed.

MUTUAL AID RESPONSE PLANS

5

To alleviate some of the problems associated with cross-border response, use of industry mutual aid response organizations should be considered in developing cross-border response plans.

To receive response through these organizations, companies may be required to join industry mutual aid programs such as the American Chemistry Council's CHEMNET® program. For information about these programs, contact the associations.

A number of chemical specific or industry specific mutual aid emergency response plans have been developed by members of the oil, chemical and other industries. Some examples are plans established by the LPG Emergency Response Corporation for liquefied petroleum gases and by members of the chlorine industry for chlorine.

For information on mutual aid emergency organizations, contact:

CHEMTREC®
1300 Wilson Blvd.
Arlington, VA 22209
Tel.: (800) 262-8200
Fax: (703) 741-6037
www.chemtrec.org

CANUTEC
Transport Canada
Tower C, Place de Ville, 14th Floor, Office 1415
330 Sparks St.
Ottawa, ON K1A 0N5
Canada
Tel.: (613) 992-4624 (24 hour information line)
Fax: (613) 954-5101
www.tc.gc.ca/canutec

EMERGENCY RESPONSE CONTRACTORS

6

Contract responders can provide valuable assistance in responding to a hazardous substance incident provided they are properly trained and equipped. If resident in the country where the incident occurred, they can also alleviate some of the problems associated with cross-border response.

A list of contractors can be found on the Canadian Chemical Producers' Association (CCPA) website. This guide provides information on Canadian emergency response contractors and general guidance on selection of emergency response contractors.

The guide is available free of charge from the Association or its website:

Canadian Chemical Producers' Association
350 Sparks Street, Suite 805
Ottawa, ON K1R 7S8
Tel.: (613) 237-6215
Fax: (613) 237-4061
<http://www.ccpa.ca>

In the United States, the American Chemistry Council maintains a mutual aid network called CHEMNET®. For details, contact:

American Chemistry Council
1300 Wilson Blvd.
Arlington, VA 22209
Tel.: (703) 741-5000
Fax: (703) 741-6000
www.americanchemistry.com

Emergency response contractors are subject to the same cross-border restrictions as private companies, so care must be taken to select a contractor that is knowledgeable about the implications of cross-border response. Not all contractors can respond to cross-border incidents.

7 RESPONDING INTO MEXICO

The *Joint United States of America / United Mexican States Contingency Plan For Accidental Releases of Hazardous Substances Along The Border* provides a framework for cooperation between Mexico and the United States when responding to a polluting incident that poses a significant threat to both parties or that affects one party to such an extent as to justify warning the other party or asking for assistance.

For additional information contact:

Federal Emergency Management Agency (FEMA)
500 C St. S.W.
Washington, D.C. 20472
Tel.: (202) 566-1600
Fax: (202) 646-4544
www.fema.gov

Chemical Emergency Preparedness and Prevention Office (CEPPO)
Environmental Protection Agency (EPA)
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460
Tel.: (202) 564-8600
Fax: (202) 564-8222
www.epa.gov/ceppo/

EMERGENCY RESPONSE GUIDEBOOK



8

To facilitate improved response, Transport Canada, the U.S. Department of Transportation and the Secretariat of Communications and Transportation of Mexico have jointly developed the *Emergency Response Guidebook*.

For more information, contact:

CANUTEC
Transport Canada
Tower C, Place de Ville, 14th Floor,
Office 1415
330 Sparks St.
Ottawa, ON K1A 0N5
Tel.: (613) 992-4624 (24 hour information line)
Fax: (613) 954-5101

www.tc.gc.ca/canutec

<http://www.tc.gc.ca/canutec/en/guide/guide.htm>

Pipeline & Hazardous Materials Safety Administration
United States Department of Transportation (DOT)
400 7th St. S.W.
Washington, D.C. 20590
Tel.: (202) 366-4900
Fax: (202) 366-7342

hazmat.dot.gov/pubs/erg/guidebook.htm