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**INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS®**

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October 18, 2007

Ms. Corrine Macaluso  
U.S. Department of Energy  
c/o Patricia Temple  
Bechtel SAIC Company, LLC  
995 N. L'Enfant Plaza, SW  
Suite 8000  
Washington, DC 20024

**RE: Comments on DOE Revised Proposed Policy for Implementing Section 180(c) of the Nuclear Waste Policy Act of 1982**

Dear Ms. Macaluso:

The International Association of Fire Fighters (IAFF) respectfully submits the following comments in response to the Department's July 23, 2007 notice of revised proposed policy and request for comments regarding implementation of Section 180(c) of the Nuclear Waste Policy Act of 1982. The IAFF represents more than 281,000 full-time professional fire fighters and emergency medical personnel who protect 80 percent of the nation's population and who serve as the first line of defense during any hazardous materials incident.

According to the National Fire Protection Association (NFPA), fire departments in the United States received 354,000 calls related to hazardous materials emergency response in the most recent year for which data are available. As the number of hazardous materials incidents have increased, so too has the complexity and dangerous nature of responding to such incidents multiplied. Despite the clear need to ensure that fire fighters and other emergency responders who may respond to incidents involving hazardous materials are adequately trained, in too many communities responder training falls far short of what is necessary to ensure a safe and efficient response. In their Second Needs Assessment of the U.S. Fire Service, NFPA estimates that 38% of fire fighters whose duties involve hazmat response lack formal training of any kind. Furthermore, only 29% of fire departments report all personnel to be trained in hazmat response at some level.

With this in mind, the IAFF is deeply concerned about the ability of states and local communities to respond to an incident resulting from the transport of spent nuclear fuel or high-level radioactive waste. While we applaud the federal government taking an active role to assure first responders along nuclear waste transport routes are trained to respond to incidents involving such transport, we wish to comment on several areas of

the revised proposed policy that require additional attention: the level to which first responders are trained, the frequency with which first responders receive training, and the methods by which training is delivered.

### First Responder Training Level

144-1-H In its revised proposal, DOE says that Section 180(c) training should be consistent with the Occupational Safety and Health Administration (OSHA) awareness or operations levels "when necessary or appropriate." DOE should clarify that all emergency responders trained with Section 180(c) funds must, at a minimum, be trained at the operations level.

In providing five different levels of hazardous materials emergency response training, OSHA appropriately recognized that individuals should be trained at different levels, depending on the duties and functions each worker is expected to perform.

2 Unfortunately, the level of training that is currently provided to emergency response personnel in many states and localities is at the "awareness" level. Awareness training is intended for employees at facilities where hazardous substances are present, and is intended to 1.) train such employees to recognize potential releases of a hazardous substance and 2.) initiate a response sequence by contacting the appropriate emergency response entity, such as the local fire department. This level of training is inadequate to prepare first responders to respond to a hazmat call.

144-2-H The minimum level of training needed by first responders is "operations" level. Operations training is specifically designed for the initial emergency response which occurs within minutes of the incident being reported. These emergency responders stabilize the situation and prepare the emergency scene for the hazmat specialists who will undertake direct mitigation. The mission of responders who are trained at the operations level is to "protect nearby persons, property, and the environment from the effects of the release." They are trained to contain the release from a safe distance, keep it from spreading and prevent exposures. Clearly, this is the minimum level at which firefighters should be trained.

144-3-H In its aforementioned Second Needs Assessment, NFPA reports that only one-fifth of fire departments have all personnel certified to the operations level. Any response to an incident involving nuclear waste carried out by inadequately trained personnel presents a danger to the public as well as the responders themselves. Further, an inadequate response due to inadequate training would undermine public confidence in the ability of the government to safely transport nuclear waste. Therefore, ensuring that first responders are trained to the operations level through the Section 180(c) program serves the best interests of the nation by better ensuring the public safety as well as preserving the nation's faith in the government's capability to respond to disasters.

## First Responder Training Frequency

144-4-H While it is clear that training is needed for new recruits and personnel who have yet to undergo training, it is also worth noting that hazardous materials response training is not a one-time event. It is essential that all first responders undergo refresher training to ensure continued proficiency.

144-5-H OSHA's Hazardous Waste Operations and Emergency Response Standard requires emergency responders to receive annual refresher training "of sufficient content and duration to maintain their competencies." In addition to providing responders an opportunity to brush up on perhaps seldom-used knowledge and skills, refresher training is vital to familiarize responders with new technology which may be used or encountered during a response. This is especially crucial when considering a response to an incident involving nuclear waste.

144-6-H In order to assure that refresher training remains a priority, DOE should require that all emergency responders trained with Section 180(c) funds receive annual refresher training, and, to the extent possible subject to appropriations, maintain its initial training grant funding levels from year to year to provide for both initial and refresher training to emergency responders.

## Training Delivery

144-7-H While it is clear that emergency responders along the nuclear waste transport route need high-quality training at a level appropriate to their response, it is not clear that the impacted states have the will or ability to provide such training. Given the flexibility afforded to the states in determining how to best spend training grants and the aforementioned deficiencies in hazardous materials training among fire fighters, we are concerned that many frontline emergency responders expected to respond to an incident will lack sufficient training to conduct a safe and effective response.

144-8-H The IAFF believes that DoE has a responsibility to ensure that all emergency response personnel along the waste transport route are well and fully trained, and must be prepared to provide direct training should state authorities, for whatever reason, fail to provide adequate training. To achieve this goal, DOE should provide a portion of Section 180(c) funds to a nationally known training program to deliver emergency response training to public safety personnel in the affected states.

144-9-H The federally-funded training programs currently offered by the IAFF provide an excellent model for the sort of delivery system DOE could utilize towards this end. Using a cadre of instructors who are both certified fire service instructors and certified hazmat responders, the IAFF offers, free of charge, real-world training in hazardous materials response that few institutions can match. Furthermore, because we take our training directly to the students in their own communities, we are able to tailor our presentations to address the unique concerns and challenges facing local responders.

**Additional Matters**

'44-10-H  
Lastly, while outside the scope of the 180(c) program, it is necessary to recognize the challenges that the majority of communities face in responding to hazmat incidents with their current staffing levels and equipment. Some jurisdictions lack even the most basic equipment for hazardous materials response, such as turn-out gear and self-contained breathing apparatus, much less the more advanced equipment required for radiological and nuclear emergency response. Furthermore, most jurisdictions lack sufficient personnel to carry out a safe and effective response.

'44-11-H  
The federal government's responsibility to provide for the safe transport of spent nuclear fuel and high-level radioactive waste necessitates that it ensure public safety agencies expected to respond to incidents involving such materials have sufficient personnel and equipment to protect the public. DOE should work with its sister agencies in the federal government to honor this duty.

Thank you for your consideration of these comments. Please do not hesitate to contact us if you have any questions or would like additional information.

Sincerely,



Barry Kasinitz  
Director, Governmental Affairs