

ESF 10 – Attachment 1 Incident Command Protocol

National Incident Management System (NIMS) requires implementation of a site-specific incident command system at all emergencies, including those involving hazardous substances, by the senior emergency staff official responding (29 CFR 1910.120 and 40 CFR 311). The specific regulatory language suggests a seniority hierarchy increasing from local, to State, to Federal. It often makes more sense for senior local or state officials to command because they know the area, know area specific hazards, and are the most familiar with the resources immediately available. Flexibility was the basis of past practice and has worked well. At the same time, it must be recognized that law with specific authorities and responsibilities in certain emergency situations that cannot be subsumed charges Federal and State responders. This protocol does not commit any parties adopting it to do anything not already required by federal law.

- I. The senior on-scene official of the first response organization to arrive at an incident shall establish an Incident Command System (ICS), as required by NIMS, at all incidents involving hazardous substances.
 - A. The ICS should be based on the organization, terminology, and procedures required by NIMS¹.
 - B. All such entities participating in a response are required by NIMS to implement an intra-organizational ICS and integrate it with the overall ICS (29 CFR 1910.120 or 40 CFR 311).
- II. The ICS established will have as the Incident Commander (IC) the most senior on-scene official with the expertise, capability, and determination to be the commander.
 - A. The IC can be from a local unit of government or from a county, State, or Federal agency, as long as he/she has the expertise, capability, determination, and authority. This protocol recognizes that typically, but not necessarily, the IC will change as the incident progresses from being primarily a public safety problem, with the local fire chief as IC, to an

environmental incident with a State or Federal person as the IC.

- B. The following procedures specify a determinate yet flexible means of establishing the role of Federal and State responders in an ICS.

1. SINGLE JURISDICTIONAL AREA AFFECTED

When the incident involves and affects only a single geographical jurisdiction, the organizational structure of the ICS will be determined by the established local contingency plan. This may involve single or multiple agency involvement. In all situations, one person shall act as either an IC in sole charge, or when functioning as an Operations Chief to implement the incident action plan of a Unified Area Command. In such instances, responding State and Federal officials, who might otherwise be considered the senior competent emergency response official at the site, shall either:

- a. identify themselves to the IC and integrate themselves into the established ICS per the IC's direction, usually as a technical specialist to an operations group supervisor or as an operations group supervisor; or
- b. join an existing Unified Command or request the IC to establish a Unified Command; or
- c. assume the IC role when required by Federal or State law, or when an existing IC agrees to such a transition, or when no ICS has been established.

The ICS transfer of command or initial assumption of command protocols shall be used.

2. MULTIPLE JURISDICTIONAL AREAS AFFECTED

When the incident involves and affects multiple local geographical jurisdictions or areas not covered by local

emergency response organizations, the State or Federal competent senior official at the site shall either:

- a. preferably join an existing IC or Unified Command as in 1 (above); or
- b. establish a Unified Command for an encompassing ICS if none exists; or
- c. assume IC and establish an ICS incorporating existing local efforts as operations section branches or otherwise appropriate.

3. LOCAL, STATE, FEDERAL INTERACTION

- a. when not specifically prescribed, a Unified Command consisting of local, State, and Federal senior competent emergency response officials at the site shall be the preferred approach to integrating several levels of government into an ICS.

4. SENIORITY

- a. seniority, as discussed in 29 CFR 1910.120(q)(3)(I),² is ranked according to competency and breadth of responsibility, for purposes of this plan.
- b. competency will be determined by meeting the requirements of 29 CFR 1910.120 (q)(6)(v).³ All officials meeting the competency criteria are senior to those who do not, unless specifically charged with overriding authority applicable to the specific incident situation by State or Federal law.
- c. breadth of responsibility will be considered to increase from most local to State to Federal. However, this protocol encourages the establishment of the ICS at the most local level

practicable to assure the earliest implementation of a unified response strategy.

5. POST EMERGENCY OPERATIONS

- a. this protocol is intended to apply only during the emergency phase of a response to which 29 CFR 1910.120(q) applies. Use of an incident command system throughout a response and cleanup is required.

¹The use of a common set of terms and procedures is vital to the efficient operation of an ICS during an emergency. NIMS requires the use of an ICS at all emergency disaster sites. All emergency operations must be in compliance with the NIMS and National Response Framework (NRF) to ensure a common working understanding of terms and procedures by all responding agencies.

²29 CFR 1910.120 (q)(3)(I): "The senior emergency response official responding to an emergency shall become the individual in charge of a site-specific Incident Command System (ICS). All emergency responders and their communications shall be coordinated and controlled through the individual in charge of the ICS assisted by the senior official present for each employer.

NOTE -- "The 'senior official' at an emergency response is the most senior official on the site who has the responsibility for controlling the operations at the site. Initially it is the senior officer on the first-due piece of responding emergency apparatus to arrive on the scene. As more senior officials, arrive (e.g. battalion chief, fire chief, State law enforcement official, site coordinator, etc.), the position is passed up the line of authority which has been previously established."

³29 CFR 1910.120 (q)(6)(v): "On-scene incident commander. Incident commanders, who will assume control of the incident scene beyond the first responder awareness level, shall receive at least 24 hours of training equal to the first responder awareness level and in addition have competency in the following areas and the employer shall so certify:

- a. know and be able to implement the employer's incident command system,
- b. know how to implement the employer's emergency response plan,

- c. know and understand the hazards and risks associated with employees working in chemical protective clothing,
- d. know how to implement the local emergency response plan,
- e. know of the State emergency response plan and that of the Federal Regional Response Team,
- f. know and understand the importance of decontamination procedures.

III. References

- A. IEPA Emergency Response Procedures
- B. SARA Title III Notification Procedures - IEMA Reporting Form
- C. OSHA- Occupational Safety and Health Standards – 29 CFR 1910.120 and 40 CFR 311
- D. National Incident Management System (NIMS)
- E. National Response Framework (NRF)

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