Caribbean Regional Response Team

Regional Oil and Hazardous Substances Pollution Contingency Plan

December 2014

(Revised May 2024)

Report Oil and Chemical Spills
1-800-424-8802

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RECORD OF PROMULGATION

The Caribbean Regional Contingency Plan (RCP) was developed in accordance with the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, the Clean Water Act of 1977 (as Amended) and the National Oil and Hazardous Substances Pollution Contingency Plan (NCP, 30 CFR 300), which require the Regional Response Team (RRT) in each federal region to develop a Regional Contingency Plan to coordinate effective response to oil spills and hazardous substance releases into the environment of the United States.

The RCP was developed in cooperation with the designated representatives from the federal, commonwealth and territorial organizations that make up the Caribbean Regional Response Team.

The RCP has been significantly streamlined to reduce duplication of material available in National and Area Contingency Plans and the Plan has been organized according to key functions of the RRT. To promote ease of use, the RCP has been published electronically and is available for viewing or download from the CRRT II website at:

https://www.nrt.org/CRRTplans

The seven main sections of the RCP are as follows:

- Section 1: Introduction (aligns RCP with NCP organization)
- Section 2: Relationship to and Consistency with the NCP
- Section 3: Regional Response Policies
- Section 4: RRT Operations and Administration
- Section 5: RRT Agency Roles, Capabilities and Support
- Section 6: Related Plans
- Section 7: References

Updates to this plan will be considered at RRT semiannual meetings and changes will be distributed in electronic format. Future changes to the plan will be documented in a Record of Amendments. Any changes or comments to the Region II RCP should be submitted to:

EPA RRT Coordinator
U.S. EPA Region 2
2890 Woodbridge Ave (MS-211)
Edison, NJ 08837-3679

This plan is in effect as of December 2014, and supersedes and replaces previous Caribbean Regional Contingency Plans.

Caribbean Regional Contingency Plan
Record of Significant Amendments

Date	Section	Change	Comments
May 2024	3.I.	Revised language for new CRRT NHPA Section 106 Guidance (Appendix 10)	
May 2024	All	Reviewed and updated all hyperlinks as needed	
May 2024	Appendix 10	Replaced previous NHPA guidance with new "CRRT Guidance on NHPA Section 106 Compliance During Emergency Response"	
Oct 2020	Table of Contents; General	Added hyperlinks to RCP Appendices on CRRT website	
Oct 2020	3.G.	Added language to reference completion of updated ESA Section 7 consultations for dispersants and in-situ burning	
Oct 2020	3.H.	Added language to identify completion of EFH evaluation for dispersants and in-situ burning	
Oct 2020	4.C.	Modified language describing CRRT meeting administration	
Oct 2020	5.B.1.	Modified language to reflect incorporation of PR EQB into DNER under Law 171	
Oct 2020	Appendix 7	Updated CRRT Best Management Practices for Oil Spill Response Operations, Revised April 2020	BMPs revised to better reflect intent to protect both EFH and ESA resources.
Oct 2020	All	Updated website links as needed.	
Aug 2017	Appendix 1	Updated EPA/USCG jurisdictional boundary agreement	Reflected new roadway boundaries primarily in St. Croix; replaced MSO with Sector; standardized use of acronyms.
Feb 2016	TOC	Added Appendices and Modified Numbering	
Feb 2016	3.E.1.	Added language regarding dispersants, the preauthorization Letters of Agreement, and on-going revisions to the CRRT Dispersant Use Guidance.	
Feb 2016	3.E.2.	Added language referencing the CRRT Surface Washing Agent Testing and Evaluation Protocol, added as Appendix 3.	
Feb 2016	3.G.	Added language regarding the reinitiation of ESA consultation for dispersant and in-situ burning response operations.	

Feb 2016	3.H.	Added language regarding the EFH Evaluation that has been submitted for dispersant and in-situ burning response operations, and development of BMPs.	
Feb 2016	3.J.	Added language referencing the CRRT Best Management Practices for Oil Spill Response Operations, added as Appendix 7.	
Feb 2016	3.K.	Added language referencing the CRRT guidance on Vessel Groundings Over Coral Reef and Seagrass Habitats, added as Appendix 11.	
Feb 2016	All	Updated website links as needed.	

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- USFWS and NMFS ESA Emergency Consultation Form
- NMFS ESA and EFH Emergency Consultation Form

Appendix 7 CRRT Best Management Practices for Oil Spill Response Operations

Appendix 8 CRRT Guidance for Ocean Dumping during Pollution Response Actions

Appendix 9 CRRT Guidance for the Disposal of Contact Water in Inland, Ocean, and Coastal Waters

Appendix 10 CRRT Guidelines for the Programmatic Agreement on Protection of Historic Properties during Emergency Response under the NCP

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SECTION 1: Introduction

A. Purpose and Objectives

The purpose of the Caribbean Regional Oil and Hazardous Substances Pollution Contingency Plan (RCP) is to provide the organizational structure and procedures for preparing for and responding to discharges of oil and releases of hazardous substances, pollutants, and contaminants. The RCP fulfills this purpose by providing a framework in which Area Contingency Plans (ACPs) in Region II are consistent with each other, with the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), and with other federal emergency response plans. The RCP also describes the mechanisms by which the Caribbean Regional Response Team (CRRT) assists On-Scene Coordinators (OSCs) before a response, through planning and training activities; during a response, and through organizational and coordination assistance. Lastly, the RCP serves as a compilation of CRRT policies and guidance pertaining to oil and hazardous substances responses.

B. Scope

The RCP applies to response operations taken by all federal, commonwealth/territorial, local, and international agencies within the Standard Federal Caribbean Region that are covered under the provisions of the NCP. The Caribbean Region includes the following geographical areas.

- The Commonwealth of Puerto Rico (PR)
- The Territory of the United States Virgin Islands (USVI)
- Boundaries with the British Virgin Islands (BVI) and the Dominican Republic

In subject areas where CRRT policy and structure mirror that outlined in the NCP, the RCP's scope is limited to Region-specific information as described in Section 2.

SECTION 2: Relationship to and Consistency with the NCP

The NCP requires that RCPs follow the format of the NCP to the greatest extent possible. Policies and operating procedures of the RRT are consistent with the NCP, as much as they are described therein. In an effort to create the most streamlined and user-friendly document possible, information from the NCP that applies to policies and procedures in the Caribbean Region without modification was excluded from the RCP. Responders can reference the NCP for that information. The RCP includes only information whose scope and applicability are limited to the Caribbean Region. The following table lists all sections of the NCP, and states whether information pertaining to any specific section has been included in this RCP, or in the ACPs for areas within the Caribbean Region. Sections of the NCP for which CRRT policy and operating procedures are identical to that laid out in the NCP are marked NRM, or "No Regional Modifications." For NCP sections pertaining to aspects of response procedure or policy on which the CRRT has supplemented, or deviated from information in the NCP, Section 2 provides a brief description of the differences between the RCP and the NCP, and identifies the section in the RCP in which information can be found. Section information is not provided for ACPs.

PART 300 - - NATIONAL OIL AND HAZARDOUS SUBSTANCES POLLUTION CONTINGENCY PLAN

Subpart A - - Introduction

Sec.		Regional Modifications	RCP
300.1	Purpose and objectives.	The RCP is limited to the Caribbean Region.	Sec. 1
300.2	Authority and applicability.....	NRM - See NCP	
300.3	Scope.	The RCP is limited to the Caribbean Region.	Sec. 1
300.4	Abbreviations.	NCP and region-specific abbreviations are included to facilitate use.	Att. 1
300.5	Definitions.	NRM - See NCP	
300.6	Use of number and gender.....	NRM - See NCP	
300.7	Computation of time.....	NRM - See NCP	

Subpart B - - Responsibility and Organization for Response

Sec.		Regional Modifications	RCP
300.100	Duties of the President delegated to federal agencies	NRM - See NCP	
300.105	General organizational concepts	NRM - See NCP	

300.110	National Response Team.....	NRM - See NCP	
300.115	Regional Response Teams.....	A description of CRRT operations and administration is included.	Sec. 4
300.120	On-scene coordinators and remedial project managers: general responsibilities.....	NRM - See NCP	
300.125	Notification and communications	NRM - See NCP	
300.130	Determinations to initiate response and special conditions	A description of the different emergency response plans that apply to oil and hazardous substances incidents is included.	Sec. 6
300.135	Response operations	The CRRT follows guidance set forth in the NRT Incident Command System/Unified Command guidance document, which is included in "References"	Sec. 7
300.140	Multi-regional responses	Region-specific geographic information included.	Sec. 3
300.145	Special teams and other assistance available to OSCs/RPMs	Additional Special Teams, not included in the current NCP	Sec. 5
300.150	Worker health and safety.....	NRM - See NCP	
300.155	Public information and community relations	The CRRTs public information and community relations procedures follow the NRT JIC Model. The NRT JIC model guidance document is referenced in Section 7. Additionally, the CRRT has prepared general information pamphlets for distribution during an oil spill. These pamphlets provide basic information on the nature of oil, its effects on the environment, and the techniques used to respond to a discharge. The pamphlets are posted on the CRRT Website.	Sec. 7
300.160	Documentation and cost recovery	NRM - See NCP	
300.165	OSC Reports.....	Information regarding when OSC Reports are completed is included. Information regarding the format of OSC Reports is included in the ACP.	Sec. 4
300.170	Federal agency participation	NRM - See NCP	
300.175	Federal agencies: additional responsibilities and assistance	Regional offices have more clearly defined their roles and capabilities.	Sec. 5
300.180	State and local participation in response	Commonwealth, territorial and local information is specific to the Caribbean Region.	Sec. 5
300.185	Nongovernmental participation.....	NRM - See NCP	

Subpart C - - Planning and Preparedness

Sec.		Regional Modifications	RCP
300.200	General.	NRM - See NCP	
300.205	Planning and coordination structure.....	An overview and information on SERCs and LEPCs are included.	Sec. 6
300.210	Federal contingency plans	A description of the different emergency response plans that apply to oil and hazardous substances incidents is included.	Sec. 6
300.211	OPA vessel and facility response plans.	NRM - See NCP	
300.212	Area response drills	NRM - See NCP	
300.215	Title III local emergency response plans.....	Information on SERCs and LEPCs within the Caribbean Region is included.	Sec. 6
300.220	Related Title III issues.....	NRM - See NCP	

Subpart D - - Operational Response Phases for Oil Removal

Sec.		Regional Modifications	RCP
300.300	Phase I - - Discovery or notification ...	NRM - See NCP	
300.305	Phase II - - Preliminary assessment and initiation of action.....	NRM - See NCP	
300.310	Phase III - - Containment, countermeasures, cleanup, and disposal	NRM - See NCP	
300.315	Phase IV - - Documentation and cost recovery	NRM - See NCP	
300.317	National response priorities.....	NRM - See NCP	
300.320	General pattern of response.....	NRM - See NCP	
300.322	Response to substantial threats to the public health or welfare of the United States	NRM - See NCP	
300.323	Spills of National Significance.....	NRM - See NCP	
300.324	Response to Worst Case Discharges	NRM - See NCP	
300.330	Wildlife conservation	A national MOA between the Federal natural resource trustees and Federal response agencies is referenced in Section 7.	Sec. 3 Sec..7
300.335	Funding.....	NRM - See NCP	

Subpart E - - Hazardous Substance Response

Sec.		Regional Modifications	RCP
300.400	General	NRM - See NCP	
300.405	Discovery or notification	NRM - See NCP	
300.410	Removal site evaluation	NRM - See NCP	
300.415	Removal action	NRM - See NCP	
300.420	Remedial site evaluation	NRM - See NCP	
300.425	Establishing remedial priorities	NRM - See NCP	
300.430	Remedial investigation/feasibility study and selection of remedy	NRM - See NCP	
300.435	Remedial design/remedial action, operation and maintenance	NRM - See NCP	
300.440	Procedures for planning and implementing off-site response actions.	NRM - See NCP	

Subpart F - - State Involvement in Hazardous Substance Response

Sec.		Regional Modifications	RCP
300.500	General	NRM - See NCP	
300.505	EPA/State Superfund Memorandum of Agreement (SMOA)	No SMOAs between EPA and States in Region II have been signed that pertain to emergency response or removal activities. SMOAs generally apply to remedial work at sites listed on the National Priorities List and are therefore outside the scope of this plan.	
300.510	State assurances	NRM - See NCP	
300.515	Requirements for state involvement in remedial enforcement response	NRM - See NCP	
300.520	State involvement in EPA-led enforcement negotiations.	NRM - See NCP	
300.525	State involvement in removal actions	NRM - See NCP	

Subpart G - - Trustees for Natural Resources

Sec.		Regional Modifications	RCP
300.600	Designation of federal trustees	Specific geographic areas entrusted to various agencies are listed in the ACPs.	
300.605	State trustees	Commonwealth/Territorial Trustees are specific to the Caribbean Region.	Sec. 5

300.610	Indian tribes	Not applicable to the Caribbean Region.	Sec. 5
300.612	Foreign trustees	The Caribbean Region borders the British Virgin Islands and the Dominican Republic.	Sec. 3
300.615	Responsibilities of trustees	CRRT policy regarding environmentally sensitive areas is guided by a national MOA between Federal natural resource trustees and Federal response agencies. A copy of this MOA is referenced in Section 7.	Sec. 6 Sec. 7

Subpart H - - Participation by Other Persons

Sec.		Regional Modifications	RCP
300.700	Activities by other persons	NRM - See NCP	

Subpart I - - Administrative Record for Selection of Response Action

Sec.		Regional Modifications	RCP
300.800	Establishment of an administrative record.....	NRM - See NCP	
300.805	Location of the administrative record file.....	NRM - See NCP	
300.810	Contents of the administrative record file.....	NRM - See NCP	
300.815	Administrative record file for a remedial action	NRM - See NCP	
300.820	Administrative record file for a removal action	NRM - See NCP	
300.825	Record requirements after the decision document is signed	NRM - See NCP	

Subpart J - - Use of Dispersants and Other Chemicals

Sec.		Regional Modifications	RCP
300.900	General	NRM - See NCP	
300.905	NCP Product Schedule	NRM - See NCP	
300.910	Authorization of use	The CRRT has pre-authorization plans, MOAs and guidance that describe CRRT policy on the use of chemical countermeasures, in-situ burning and solidifiers.	Sec. 3 App. 2 App. 4 App. 5

300.915	Data requirements.....	NRM - See NCP	
300.920	Addition of products to schedule.....	NRM - See NCP	

Subpart K - - Federal Facilities [Reserved.]

Subpart L - - Involuntary Acquisition of Property by the Government

Sec.		**Regional Modifications**	**RCP**
300.1105	Involuntary Acquisition of Property by the Government	NRM - See NCP	

SECTION 3: Regional Response Policies

A. Objectives

This section serves as a source for regional response policies that have been instituted by members of the response community of, and are specific to response operations in, the Caribbean Region. Some of the policies are specific to geographic areas within the Caribbean Region, and the boundaries between these areas are also described in this section. Some of the documents that set these policies, including memoranda of understanding or agreement (MOU or MOA) and policy documents, are included at the end of this section.

B. Regional Boundaries

From the perspective of a Federal-led response to a discharge of oil or a release of hazardous substances, the most significant geographical boundary in the Caribbean Region is that between the inland and coastal zones. The U.S. Environmental Protection Agency (EPA) provides the OSC for responses in the inland zone. The U.S. Coast Guard (USCG) provides the OSC for responses in the coastal zone. These functions were delegated to EPA and USCG in Executive Order Nos. 12580 and 12777. Links to these orders are provided in **Section 7**. The boundary between the two zones was established by EPA and USCG using recognizable landmarks (usually roads) that can be identified in the field. The inland/coastal boundary can be changed with the concurrence of the Seventh Coast Guard District, and the Chief of the EPA Region II Response and Prevention Branch. The boundary is defined in the document titled ***"USCG/EPA Jurisdictional Boundaries for Puerto Rico and the US Virgin Islands,"*** which is included as **Appendix 1**.

While the USCG provides the OSC for emergency response actions for hazardous substances releases in the coastal zone, EPA generally provides the OSC for longer-term removal or remedial actions in response to releases of hazardous substances (except in response to releases from vessels). This policy is documented in the ***"USCG/EPA Jurisdictional Boundaries for Puerto Rico and the US Virgin Islands"*** agreement referenced above.

C. Multi-Area Responses

There shall be only one Federal On-Scene Coordinator (FOSC) at any time during the course of a response operation to a single incident per 40 CFR 300.140(b), regardless of whether the spill covers multiple areas and ACPs.

- If a discharge or release moves from the area covered by one ACP into another area, the authority for response actions may shift.

- Should a discharge affect two or more areas with different lead agencies having response authority (for example EPA and USCG), the agency whose area is vulnerable to the greatest threat should provide the FOSC.

  If the agencies with jurisdiction within the affected areas cannot agree, the applicable Regional Response Team (RRT) or Teams will designate the FOSC, or refer the matter to the National Response Team (NRT) if it cannot.

- National Incident Management System (NIMS) structures, most notably Incident Command System/Unified Command (ICS/UC) will be used to coordinate an effective response. Other NIMS tools for complex incident management may be required in such complex incidents.

In all instances, the decision to designate the FOSC in a multi-area response, or to transfer FOSC responsibility, should be documented and clearly communicated to other incident response agencies and organizations. Additional information on mutual response support and transfer of OSC responsibility can be found in **Appendix 1**.

Incident-Specific RRT: Guidance for activation and operations of an Incident-Specific RRT for a cross-regional or multi-area response is under development.

D. In-Situ Burning

CRRT policy on the use of in-situ burning in the waters in, or off the coast of, Puerto Rico and the US Virgin Islands is defined in an MOU among EPA, USCG, and affected Federal and commonwealth/territorial natural resource trustees. The MOU is included in **Appendix 4**.

A checklist has been developed by the CRRT that includes necessary steps and considerations in making the decision to use in-situ burning in a response. The ***"Oil Spill Response Application Checklist: In-Situ Burning"*** is included in **Appendix 4**.

E. Chemical Countermeasures

1. Dispersants

The CRRT believes that the primary method of controlling discharged oil should be the physical removal of the oil from the environment. However, the CRRT recognizes that the complete physical containment, collection, and removal of oil discharges may not be possible. The use of dispersants may therefore be considered to prevent a substantial threat to the public health or welfare, or to minimize the threat of impacts to the environment.

Between 1991 and 1995, the CRRT signed two ***Letters of Agreement (LOAs) on Limited Use of Dispersants and Chemical Agents for Puerto Rico and the U.S. Virgin Islands***. Under those LOAs, waters at specified depths and distances from shore were designated as preauthorized areas for the initiation of dispersant application. Those LOAs are included in **Appendix 2**.

The CRRT is currently revising its ***Dispersant Use Guidance,*** which includes protocols under which dispersant use can be conducted by the FOSC within the Caribbean region. The fundamental concept of the policy is that dispersing all or part of an oil spill in offshore waters can prevent the potentially more devastating impacts of oil on sensitive environments onshore. The guidance will contain dispersant use decision elements and checklists, operational planning and implementation guidance, monitoring procedures, a generic site safety plan, and existing ESA Section 7 consultations for limited preauthorization conditions. The Dispersant Use Guidance will also be included in **Appendix 2**.

2. Surface Washing Agents

The ***CRRT Surface Washing Agent Testing and Evaluation Protocol***, located in **Appendix 3**, addresses the testing and evaluation of surface washing agents listed on the NCP Product Schedule. The test protocol identifies specific practices to be followed for evaluating the effectiveness and biological impacts of test applications of surface washing agents to recover oil discharged to environments within the Caribbean Region. Any post-test decision to operationally use surface washing agents must receive concurrence from the Environmental Protection Agency (EPA) and the affected commonwealth or territory, in consultation with the Department of the Interior and National Oceanic and Atmospheric Administration natural resource trustees.

F. Dispersant and In-Situ Burning Monitoring Program

To monitor the effectiveness and results of chemical countermeasures and in-situ burning, the CRRT uses the ***Special Monitoring of Applied Response Technologies (SMART)*** program. SMART is a cooperatively designed monitoring program that was jointly developed by the National Oceanic and Atmospheric Administration (NOAA), USCG, EPA, the Centers for Disease Control (CDC), and the former Minerals Management Service (now known as the Bureau of Safety and Environmental Enforcement). SMART relies on small, highly mobile teams that collect real-time data using portable, rugged, and easy-to-use instruments during dispersant and in-situ burning operations. Data are channeled to the unified command to assist in decision making and to address critical questions such as the following:

- Are dispersants effective in dispersing the oil?
- Are particulate concentration trends at sensitive locations exceeding the level of concern as a result of in-situ burning operations?

General descriptions of SMART monitoring of dispersant usage or in-situ burning are included below. Additional information on SMART, including a link to the SMART Guidance Document, is included in **Section 7**.

1. In-situ Burning

For in-situ burning operations, SMART recommends deploying one or more monitoring teams downwind of the burn, at sensitive locations such as population centers. The teams begin sampling before the burn begins to collect background data. After the burn begins, the teams continue sampling for air particulate concentration trends, recording them manually at fixed intervals and automatically in the data logger. If the level of concern is exceeded, the findings are reported to the Monitoring Group Supervisor. The Scientific Support Team then forwards the data, with recommendations, to the Unified Command.

2. Dispersants

To monitor the efficacy of dispersant application, SMART recommends three options, or tiers.

Tier I: A trained observer, flying over the oil slick and using photographic job aids or advanced remote sensing instruments, assesses dispersant efficacy and reports back to the unified command.

Tier II: Tier II provides real-time data from the treated slick. A sampling team on a boat uses a fluorometer to continuously monitor for dispersed oil 1 meter under the dispersant-treated slick. The team records and conveys fluorometer data to the NOAA Scientific Support Team, which forwards it with recommendations to the Unified Command. Water samples are also taken for later analysis at a laboratory.

Tier III: By expanding the monitoring efforts in several ways, Tier III provides information on where the dispersed oil goes and what happens to it. Two fluorometers are used on the same vessel to monitor at two water depths. Monitoring is conducted in the center of the treated slick at several water depths, from 1 to 10 meters. A portable water laboratory provides data on water temperature, pH, conductivity, dissolved oxygen, and turbidity.

G. Endangered Species Act (ESA) Consultation Requirements and Procedures

In 2001, the USCG, EPA, USFWS, NOAA and DOI signed the "***Inter-Agency Memorandum of Agreement Regarding Oil Spill Planning and Response Activities under the National Oil and Hazardous Substances Pollution Contingency Plan and The Endangered Species Act***," (hereafter referred to as the MOA). This agreement coordinates the ESA consultation requirements specified in the ESA regulations, 50 CFR 402, with the pollution response responsibilities outlined in the NCP, 40 CFR 300. It addresses three areas of oil spill response activities: pre-spill planning activities, spill response event activities, and post-spill activities. The agreement identifies the roles and responsibilities of each agency under each activity. In addition, the MOA and ***The Endangered Species Act Guidebook (2002)***[1] further describe the process, roles and responsibilities.

1. Pre-Spill Planning

By working proactively during Pre-Spill Planning and in the development of ACPs and Geographic Response Plans (GRPs) before a spill occurs, the Services can help to identify potential effects of oil spill response activities on listed species and critical habitat, and jointly develop response plans and countermeasures (response strategies) to minimize or avoid adverse effects. If done early on, impacts to listed species and critical habitat should be reduced or avoided completely. Should a spill occur, response plans and countermeasures will be used to implement response actions to minimize damage from oil discharges in a manner that reduces or eliminates impacts to listed species and critical habitat. In the event that oil spill response actions may result in effects on listed species or critical habitat, the MOA and guidebook provide guidance on how to conduct emergency consultation under the ESA. They

[1] http://www.nrt.org/Production/NRT/NRTWeb.nsf/AllAttachmentsByTitle/A-269GuidebookforESAMOU/$File/MOATrainingManualVersion02.pdf?OpenElement

also describe the steps for completing formal consultation, if necessary, after the case is closed, if listed species or critical habitat had been adversely affected.

ESA consultations, and requirements and procedures for avoiding and minimizing potential impacts to ESA resources specific to the use of dispersants, in-situ burning and solidifiers, including existing preauthorization agreements, are included as appendices to the RCP.

The Section 7 consultations on the ***CRRT Limited Pre-Authorization Policy for Use of Solidifiers*** can be found in **Appendix 5**.

ESA Consultations with USFWS

The CRRT submitted its initial ESA Section 7 Biological Assessments to USFWS pertaining to its pre-authorization plans and policies for the use of in-situ burning (1995), dispersants (1997), and solidifiers (2006) in response to oil spills. The Service concurred with the CRRT that those plans and policies were not likely to adversely affect listed species under its purview.

In 2015, the CRRT reviewed the respective documents, and following discussions with the USFWS Region IV Southeast Office, determined there had not been any significant changes to the listed species, previous findings of impact, and planned response actions. The CRRT Co-Chairs requested a letter from USFWS reaffirming the previous determinations and on-going validity of the consultations.

In September 2015, the CRRT received written confirmation from USFWS that the Service continued to concur with the CRRT's determinations that the use of dispersants, in-situ burning, and solidifiers are not likely to adversely affect the manatee and roseate tern. In addition, USFWS stated that the implementation of Best Management Practices (BMPs) developed by the CRRT will act as conservation measures to minimize the effects of spill response actions on listed species. The letter from USFWS can be found in **Appendix 6**.

ESA Consultations with NMFS

In 1995, the CRRT concluded an ESA section 7 consultation with NMFS for the CRRT preauthorization agreement on ISB. In March 1997, the CRRT concluded consultation with NMFS for the CRRT preauthorization agreement on dispersants. These ESA section 7 consultations for the preauthorization agreements were informal and contemplated only the potential impacts to ESA-listed whales and sea turtles from the use of these tools during oil spill response.

Since those consultations were completed, new species were listed and critical habitat was designated, including the designation of distinct population segments (DPS) for some species. In addition, new information became available regarding potential impacts to ESA-listed species related to the use of these techniques in oil spill response due to the Deepwater Horizon (DWH) spill and associated response activities. The DWH spill resulted in the use of a large volume of dispersants and numerous ISB operations. This resulted in new information regarding potential effects of these response tools on ESA-listed species, as well as new information regarding the fate of oil that was not available when the previous consultations were completed.

In October 2015, the CRRT requested reinitiation of ESA consultation with NMFS' Southeast Regional Office (SERO) on the potential use of dispersants and in-situ burning in waters of the Caribbean region, through the submittal of a programmatic consultation titled the "*Endangered Species Act Biological Assessment and Essential Fish Habitat Evaluation: Use of Oil Spill Dispersants and In-Situ Burning as Part of Response Actions Considered by the Caribbean Regional Response Team."* Programmatic consultations are used to evaluate the potential effects of groups of related agency actions expected to be implemented in the future, where specifics of individual projects such as project location are not definitively known. A programmatic consultation must identify project design criteria (PDCs) or standards that will be applicable to all future projects implemented under the program. PDCs serve to prevent adverse effects to listed species, or to limit adverse effects to predictable levels that will not jeopardize the continued existence of listed species or destroy or adversely modify critical habitat, at the individual project level or taken together from all projects implemented under the programmatic consultation. Programmatic consultations fully cover actions that meet the PDCs, without the need for project-specific consultations. For actions that do not meet the PDCs, project-specific consultations are needed under a programmatic consultation, but these consultations are streamlined because much of the effects analysis has been completed upfront.

In August 2017, NMFS informed the CRRT that based on its review of the consultation package submitted by the CRRT and conversations with SERO, NMFS determined that formal consultation was required, due to the potential take of sea turtles associated with the rescue of oiled turtles from areas where in-situ burning is proposed.

In December 2017, NMFS issued its biological opinion on the effects of the CRRT's potential authorization of the use of dispersants and in-situ burning in waters of the US Caribbean during oil spill response activities on endangered and threatened species under NMFS' s jurisdiction and critical habitat that has been designated for those species. Based on its assessment, NMFS concluded that the proposed action is not likely to jeopardize the continued existence of leatherback, hawksbill, or green (North and South Atlantic Distinct Population Segments [DPS]) sea turtles. NMFS concluded the proposed action will have no effect on leatherback sea turtle critical habitat. NMFS also concluded the proposed action is not likely to adversely affect designated critical habitat for the green sea turtle North Atlantic DPS or hawksbill sea turtles. NMFS concluded the proposed action may affect, but is not likely to adversely affect blue, fin, sei, and sperm whales; Nassau grouper; loggerhead sea turtles (Northwest Atlantic Ocean DPS); scalloped hammerhead sharks (Central and Southwest Atlantic DPS); and elkhorn, staghorn, lobed star, boulder star, mountainous star, pillar, and rough cactus corals. NMFS also concluded the proposed action is not likely to adversely affect designated critical habitat for elkhorn and staghorn corals (Puerto Rico, St. Thomas/St. John, and St. Croix units).

Project-Specific Review and Consultation Requirements for Dispersants and In-Situ Burning

The complete NMFS Biological Opinion can be found on the CRRT website. The following excerpt from the Biological Opinion summarizes the actions the CRRT must take prior to authorizing the use of dispersants or ISB for an oil spill:

3.2 Project-Specific Review and Consultation

Prior to authorizing the use of dispersants or ISB for a particular spill response activity, the CRRT must complete a project-specific review to ensure all of the relevant PDCs are met.

If the use of dispersants will occur in designated preauthorized areas and/or ISB will occur in "A" or "B" Zones, the CRRT may proceed without submitting an emergency consultation request to NMFS SERO with the following exceptions:

- The timing of the response activity must be outside the August-October time period when ESA-listed corals may be spawning (see Section 3.5, PDCs); or
- The timing of the response activity must be outside the December-February time period when Nassau grouper may be spawning if the response activity will take place in or near one of the historical spawning aggregation sites (SPAGS) for this species (see Section 3.5, PDCs).

If the CRRT is considering the authorization of the use of dispersants or ISB for a particular spill response activity and the activity will take place:

- Outside the dispersant preauthorization areas but in areas around Puerto Rico with a water depth of at least 30 ft and around USVI that are 1.0 mile from any shoreline and have a water depth of at least 30 ft,
- During the August-October time period when ESA-listed corals may be spawning, regardless of whether the response is located in a dispersant preauthorization area or ISB Zones "A" or "B," or
- During the December-February time period when Nassau grouper may be spawning and the response activity is in or near historical SPAGS, regardless of whether the response is located in a dispersant preauthorization areas or ISB Zones "A" or "B,"

an emergency consultation request must be submitted to NMFS SERO for the response activity.

The CRRT will certify compliance with the applicable PDCs along with the information described below to NMFS SERO using SERO's existing emergency consultation email notification system (nmfs.ser.emergency.consult@noaa.gov). The subject line should include a reference to "FPR-2017-9214, Programmatic Consultation with the CRRT for Use of Dispersants and In-Situ Burning" to distinguish the message from other emergency consultation requests. In addition to or as part of the information required by the PDCs discussed above, the submission will include the following information:

1. Date sent to NMFS: This is the date the email was provided to NMFS
2. Location: This is the location of the oil spill

3. Latitude: This is the latitude of the center point of the response area. This shall be formatted in decimal degrees to five places.
4. Longitude: This is the longitude of the center point of the response area. This shall be formatted in decimal degrees to five places. Please provide a negative symbol before the longitude to denote the western hemisphere.
5. Critical habitat unit: This shall be provided in the following acronym style with no spaces or hyphens to allow for accurate sorting. Projects occurring in critical habitat and proposed critical habitat are only authorized if they do not impact the essential features of each critical habitat type
   - A CH (*Acropora* critical habitat)
   - GST CH (green sea turtle critical habitat)
   - HST CH (hawksbill sea turtle critical habitat)
   - LBST CH (leatherback sea turtle critical habitat)
   - N/A (not applicable because the project is not located within a critical habitat unit)
6. Whether any of the essential features of critical habitat are located within or adjacent to the response footprint where the use of dispersants or ISB will take place. If yes, list the essential features present and their distance to dispersant release, in-situ burns, and associated response activities. If the project is not in a critical habitat unit, write In Compliance with PDCs.
7. Description of benthic habitat and ESA-listed species present within footprints where dispersant use, ISB, and associated response activities, including any associated activities (such as the use of vessels to deploy dispersants or manage a burn area that will anchor resulting in contact with the marine bottom), will take place.
8. All PDCs met: Are all of the applicable PDCs defined in this document being met by the proposed project? Answer yes or no.
9. Response-specific information should also be provided, including copies of any response plans, benthic reports, locations of any temporary buoys or other temporary in-water structures, ESA resource surveys and other information that will enable NMFS to determine whether ESA-listed species or their habitat are present and assess the potential risk of proposed response actions to these resources. The information will also enable NMFS to determine whether additional protective measures for avoidance and minimization of effects of a particular oil spill response activity are required.

Note that the existing *Endangered Species Consultation for Emergency Responses in Puerto Rico and U.S. Virgin Islands* form (Appendix B of the Biological Opinion) can be used to provide all of the information requested above with the exception of the information related to the PDCs (#8), which can be addressed in the email or in the "List any standard protective measures that will be used" box at the end of the form.

For the exceptions noted above when the CRRT needs to submit an emergency consultation request for the use of dispersants or ISB, NMFS SERO will receive the information via email (nmfs.ser.emergency.consult@noaa.gov) from the CRRT. Specifically, this process will be used when:

1. the use of dispersants in pre-authorized areas and/or ISB in Zones "A" or "B" will take place during times of year when ESA-listed corals or Nassau grouper may be spawning and, in the case of Nassau grouper, the response is located in or near historical Nassau grouper SPAGS, or

2. dispersant use is proposed in areas with water depths of at least 30 ft around Puerto Rico or USVI and at least 1.0 miles from any shoreline in the case of USVI that are outside the preauthorization areas.

NMFS will assess the individual proposed activity's compliance with the PDCs identified as applicable by the CRRT and ensure that the additive effects of dispersants and/or ISB and associated response activities do not result in adverse effects to protected species. Due to the emergency nature of response actions, the timeframe for a final response will be within 12 hours of receipt of the CRRT's email. As noted above, because this email address is for general use by all requiring emergency consultations, the subject line should include a reference to "FPR-2017- 9214, Programmatic Informal Consultation with the CRRT for Use of Dispersants and In-Situ Burning" to distinguish the message from other requests. If no notice is given by NMFS within 12 hours of submission of information related to the proposed use of dispersants and/or ISB as part of an oil spill response in the U.S. Caribbean by the CRRT, compliance is implied. As noted above, this emergency consultation procedure will be required for the use of dispersants outside preauthorization areas where water depth is at least 30 ft and, in the case of USVI, the response is at least 1.0 mile from shore, and the use of dispersants in preauthorized areas and ISB in Zones "A" and "B" (ISB) if the response activity will take place during periods of ESA-listed coral or Nassau grouper spawning.

Any activities occurring in ISB Zones "C" or "R" or that cannot comply with the PDCs relevant to the particular response will require individual ESA section 7 consultations and are not covered under this programmatic consultation. The CRRT will coordinate with SERO on these individual actions to determine the emergency consultation procedures to be used based on the location of these actions and the potential effects on ESA resources.

3.3 Programmatic Review

The CRRT and NMFS will conduct an annual programmatic review of the use of dispersants and ISB in oil spill response operations only if these response tools have been used in the U.S. Caribbean in a particular year. This review will evaluate, among other things, whether the scope of the activity is consistent with the description of the proposed activities; whether the nature and scale of the effects predicted continue to be valid; whether the PDCs are being complied with and continue to be appropriate; and whether the response-specific consultation procedures are being complied with and are effective. To assist in this annual review, the CRRT will submit an after-action report within 30 days following each use of dispersants and/or ISB in the U.S. Caribbean. If these tools have not been used during a given year, the CRRT will send notification of a negative response to NMFS rather than a report at the end of the corresponding year.

The following procedures outline how ESA consultations will be conducted within the Caribbean Region during and following responses, in accordance with the ESA MOA. It is important to note that ESA consultation may be necessary for response actions other than the above-referenced use of dispersants, in-situ burning and solidifiers.

2. ESA Consultation During Response:

During an oil spill event which may affect listed species and/or critical habitat, emergency consultations under the Endangered Species Act (ESA) are implemented for spill response actions. Emergency consultation procedures allow the FOSC to incorporate listed species concerns and recommendations into response actions during an emergency. "Response" is defined as the actions taken by the FOSC in accordance with the NCP. The FOSC conducts response operations in accordance with the NCP, and agreements, policies and guidance established in the RCP and ACP.

During emergency events, the primary objective of the responding agency must be to protect human life and property, and this objective takes precedence over normal consultation requirements. Emergency response actions should begin immediately and should not be delayed by the ESA consultation process.

As per the NCP, RCP and ACP, the FOSC shall notify the RRT Natural Resource Trustee representatives of DOI and DOC through the established notification process regardless of whether listed species or critical habitat are present. Upon notification, the DOC and DOI Trustee representatives shall contact the NOAA Scientific Support Coordinator (SSC) and USFWS Regional Response Coordinator (RRC), respectively, and other appropriate Service contacts as provided in internal DOC or DOI plans, guidance, or other documents. If established in the ACP, the FOSC may also contact the Service regional or field offices directly. If listed species and/or critical habitat are present or could be present, the FOSC shall initiate emergency consultation by contacting the Services through the SSC or RRC. The SSC and RRC shall coordinate appropriate listed species expertise. This may require timely on-scene expertise from the Services' local field offices. These Service representatives may, as appropriate, form part of the FOSC's Incident Command System and provide timely information to the FOSC.

In the Caribbean, the FOSC, in coordination with the Natural Resource Trustee representatives, should utilize the ***"Endangered Species Consultation for Emergency Responses in Puerto Rico and the U.S. Virgin Islands"*** form. The form is intended for documentation of emergency consultation with the National Marine Fisheries Service (NMFS) and/or the U.S. Fish and Wildlife Service (USFWS) for ESA listed species and designated critical habitat. This form is intended to streamline consultation when emergency response activities in coastal or marine areas may adversely affect listed species or designated critical habitat. The form can be found in **Appendix 6**, and also on the "***Policies and Guidance***" page of the CRRT website at: https://www.nrt.org/CRRTplans.

The RCP and ACP form the basis for immediate information on response actions. As part of emergency consultation, the Services shall provide the FOSC with any timely recommendations to avoid and/or minimize impacts to listed species and critical habitat. The NOAA SSC should facilitate the ESA consultation process as outlined in the May 2014 USCG Incident Management Handbook. If incidental take is anticipated, and if no means of reducing or avoiding this take are apparent, the FOSC should be immediately advised and the incidental take documented. If available, the FOSC should consider this information in conjunction with the national response priorities established in the NCP. The FOSC makes the final determination of appropriate actions.

It is the responsibility of both the FOSC and the Services' listed species representatives to

maintain a record of written and oral communications during the oil spill response, including the collection of information required to initiate a formal consultation in those instances where listed species and/or critical habitat have been adversely affected by response actions. If it is anticipated that listed species and/or critical habitat may be affected, the FOSC may request that the USFWS and/or NMFS representative to the Incident Command System provide technical assistance and guidance for the gathering of the required information while the response is still ongoing. The FOSC may also choose to designate another qualified individual to be responsible for collecting the relevant ESA information. Although in some instances the drafting of information may be completed after field removal operations have ceased, it is anticipated that collection of the information should be complete before the case is officially closed and that no further studies will be necessary.

It is the responsibility of the FOSC to notify the Services' representatives in the Incident Command System of changes in response operations due to weather, extended operations, or some other circumstance. It is the responsibility of the Services to notify the FOSC of seasonal variances (e.g., bird migration, sea turtle nesting), or other natural occurrences affecting the resource. If there is no Service representative in the Incident Command System, the FOSC will ensure that the DOC and/or DOI representative to the RRT remains apprised of the situation. The Services will continue to offer recommendations, taking into account any changes, to avoid jeopardizing the continued existence of listed species or adversely modifying critical habitat, and to minimize the take of listed species associated with spill response activities. The FOSC will implement as many avoidance and minimization recommendations and conservation measures as feasible without delaying the response.

If the Service(s) determine that the emergency response procedures may result in take, jeopardy or adverse modification of designated critical habitat, and no means of reducing or avoiding this impact are available, the Service(s) will advise the FOSC and document this conclusion. The FOSC will not stop or delay the emergency response because of this notification. In such a situation, the FOSC and the Service(s) will initiate after the fact consultation following conclusion of the emergency.

ESA Consultation Post-Response:

After the FOSC determines that removal operations are complete in accordance with 40 CFR 300.320(b), the impacts of the response activities on listed species and critical habitat will be jointly evaluated by the FOSC and the Services. If no adverse impacts occurred, ESA consultation is considered complete.

If listed species or critical habitat were adversely affected by spill response activities, the FOSC will follow the procedural requirements of 50 CFR 402.05(b) (*see Appendix A of the MOA*). The information required to initiate a formal consultation following an emergency should be included with a cover letter to the Services requesting consultation, and signed by the FOSC. The FOSC shall identify any incidental take of a species or an adverse effect to critical habitat that resulted from the emergency response action and initiate formal consultation. This formal consultation follows standard procedures, includes a description of the actions taken to respond to the emergency, and identifies the final impacts to listed species.

The Services normally issue a biological opinion within 90 days of receipt of the complete

Section 7 consultation request (50 CFR 402.14). Depending on the complexity of the consultation, the Services may use an additional 45 days if circumstances warrant. When a longer period is necessary, and all agencies agree, the consultation period may be extended. The final biological opinion will be prepared by the Services and provided to the FOSC, USFWS RRC, NOAA SSC, DOI and DOC RRT members, the RRT Co-Chairs, and the Area Committee Chair, so that recommendations can be reviewed, and where appropriate, implemented to minimize and/or avoid effects to listed species and critical habitat from future oil spill response actions. The result of the consultation should be considered for inclusion in a lessons learned system so changes can be made to the RCP and/or ACP, as necessary, for the benefit of future oil spill response actions.

H. Essential Fish Habitat

The Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA) requires federal agencies to consult with the NOAA's National Marine Fisheries Service (NOAA Fisheries) when their actions or activities may adversely affect habitat identified by federal regional fishery management councils or NOAA Fisheries as essential fish habitat (EFH). The EFH provisions of MSFCMA support one of the nation's overall marine resource management goals: maintaining sustainable fisheries.

Pursuant to MSFCMA:

- Federal agencies must consult with NOAA Fisheries on all actions, or proposed actions, authorized, funded, or undertaken by the agency, that may adversely affect EFH
- NOAA Fisheries must provide conservation recommendations for any Federal or State action that would adversely affect EFH.
- Federal agencies must provide a detailed response in writing to NOAA Fisheries within 30 days after receiving EFH conservation recommendations. The response must include a description of measures proposed by the agency for avoiding, mitigating, or offsetting the impact of the activity on EFH. In the case of a response that is inconsistent with NOAA Fisheries' EFH conservation recommendations, the Federal Agency(ies) must explain its reasons for not following the recommendations.

It is recognized that oil and other hazardous materials discharged into the marine and estuarine environment can result in significant adverse effects to the marine and estuarine environment including habitats identified and described as EFH in accordance with MSFCMA. It is further recognized that response actions undertaken by the USCG and EPA are intended to limit or prevent discharges and/or their adverse effects on the environment.

Nonetheless, various response activities have the potential to adversely affect marine and estuarine habitats identified as EFH. To obviate the need to conduct emergency consultations during every incident occurring in its area of responsibility, the CRRT submitted an EFH evaluation to NMFS SERO's Habitat Conservation Division (HCD) in September 2015, to assess the effects of dispersants, in-situ burning, and their related response activities on EFH. In the evaluation, the CRRT stated that its policies and procedures for the use of dispersants and in-situ burning incorporate measures to minimize overall harm to EFH. Based on the information presented in the assessment, the CRRT concluded that while dispersant and in-situ burning operations may adversely affect EFH because of direct and indirect impacts, the

impacts would be local, short-term and minor.

In March 2018, NMFS SERO's HCD acknowledged the CRRT's EFH evaluation. In their reply, HCD noted that the comprehensive list of BMPs provided by the CRRT as part of the ESA/EFH consultation/evaluation were intended to avoid and/or minimize, impacts to ESA and EFH resources. However, as written, many of the BMPs specified "ESA-listed corals" or "designated critical habitat," and they noted that while only a few corals are listed under the ESA, all corals are considered EFH under the MSFCMA. HCD recommended that the CRRT update its BMPs to avoid confusion and clarify that the proposed actions are protective of EFH as well as ESA resources. That recommendation was implemented, and is reflected in the revised CRRT compilation of BMPs, which can be found in **Appendix 7**.

Additionally, HCD has developed BMPs to assist the USCG, EPA and NOAA Scientific Support Coordinators in minimizing impacts to trust resources and serve as EFH conservation recommendations for certain, frequently utilized, emergency response activities. These are intended to prevent the need to conduct emergency consultation with HCD during every oil spill occurring in the NMFS Southeast Region's area of responsibility. They also provide the USCG and EPA advice on when it may be necessary to conduct after-the-fact consultation; generally, when response activities result in unexpected or unanticipated adverse effects to habitats identified and described as EFH. These BMPs are maintained on the SERO HCD website at: https://www.fisheries.noaa.gov/southeast/habitat-conservation/essential-fish-habitat-emergency-consultations-southeast

Recognizing that an emergency situation may exist, as well as for situations not covered by a BMP, NMFS Southeast Region will use expedited procedures to the extent practicable by utilizing the "*NMFS SERO Emergency Coordination Form*," which can be found in **Appendix 6.** This form is intended for documentation of emergency consultation with NMFS under both EFH and ESA, in situations where endangered species under the jurisdiction of USFWS are not expected to be encountered.

Individual EFH Consultation will be required under the following circumstances:

- Any Spill of National Significance (SONS)
- If BMPs for a response are not recommended for a category of EFH which may be affected
- Any deviation from pre-approval plans for proposed use of:
    - Dispersants
    - Solidifiers
    - Nutrient Enrichment
    - Natural Microbe Seeding
    - In-Situ Burning

I. Culturally Sensitive Areas and Sites of Historical Significance

The CRRT's practice with respect to culturally sensitive areas and sites of historical significance follows the *National Programmatic Agreement on the Protection of Historic Properties during Emergency Response under the NCP*, between the National Park Service (which administers the National Registry of Historic Places), the Advisory Council on Historic Preservation, the National Conference of State Historic Preservation Officers, EPA,

USCG, the DOI Office of Environmental Policy and Compliance, the NOAA, the Department of Energy (DOE), the Department of Defense (DOD), and the Department of Agriculture (USDA).

Implementation guidance for the PA in the Caribbean Region is found in Appendix 10***: CRRT Guidance on National Historic Preservation Act (NHPA) Section 106 Compliance During Emergency Response.*** The Appendix includes steps the FOSC must take during an emergency response; identifies spills or releases excluded from additional compliance requirements; includes checklists to assess and address potential effects on historic properties or cultural resources; and provides example forms to help document response actions taken that ***did not affect, did not adversely affect, or did adversely affect*** historic properties and cultural resources.

The CRRT implementation guidelines can be found in **Appendix 10**, and on the "***Policies and Guidance***" page of the CRRT website at https://www.nrt.org/CRRTplans

J. Best Management Practices for Oil Spill Response Operations

The CRRT is committed to implementing measures to reduce and avoid potential impacts on federally listed and managed species, designated critical habitat and Essential Fish Habitat (EFH). The CRRT has compiled a collection of Best Management Practices (BMPs) to avoid and/or minimize impacts to trust resources under the Marine Mammal Protection Act and Migratory Bird Treaty Act, to serve as recommendations under the Endangered Species Act Section 7 consultation regulations to avoid and minimize effects to endangered and threatened species and critical habitat, and to minimize and avoid adverse effects on identified categories of EFH under MSFCMA.

These best management practices (BMPs) are provided as recommendations and guidance, developed in coordination with USFWS and NOAA, to avoid and minimize impact to fish and wildlife resources during a response to an oil spill. The list of BMPs is not intended to cover all possible scenarios or every individual species. Due to area, environmental, and situational differences amongst potential operation areas, the CRRT will update and revise the list as additional BMPs are developed, and/or updated information becomes available regarding the effectiveness and feasibility of implementing the BMPs.

The compilation of BMPs, located in **Appendix 7,** includes measures applicable to:

- Dispersant Operations
- In-Situ Burning Operations
- Booming Operations
- Air Operations
- Vessel Operations
- Grounded Vessel Salvage Operations
- Shoreline Response Operations

K. Vessel Groundings Over Coral Reef and Seagrass Habitats

The CRRT has developed a guidance document, titled ***Information and Lessons Learned During Emergency Response Operations For Vessel Groundings Involving Oil Spills In Coral Reef and Seagrass Habitats*****.** This document, located in **Appendix 11**, provides guidance and information concerning actions and considerations for response to a vessel grounding that has resulted in an oil spill in coral reef and seagrass habitats. This information has been gleaned from past incidents where lessons learned were identified, in an effort to improve decision-making and overall effectiveness, while minimizing further injury to the coral reef and seagrass ecosystems.

SECTION 4: Regional Response Team Operations and Administration

A. RRT Activation Procedures

An incident-specific RRT may be activated as an inter-governmental coordination team when an actual or potential discharge or release occurs that:

- Exceeds the response capability available to the federal OSC in the place where it occurs.
- Transects commonwealth/territorial boundaries.
- Poses or potentially poses, a substantial threat to the public health, welfare, environment, or to regionally significant amounts of property, or poses a hazard to workers engaged in emergency response activities or associated cleanup operations.
- Meets the definition of a major discharge as defined in the NCP.
- Requested by FEMA or others in Regional events.
- Transects RRT boundaries (e.g., offshore spills, hurricanes).
- Transects Sector boundaries.
- May transect an international boundary or otherwise may affect the interests of another country.

The incident OSC or any CRRT representative may request the activation of an incident-specific RRT during any discharge or release. The request should be made to the USCG Co-Chair for coastal incidents, and to the EPA Co-Chair for inland incidents. The request may be transmitted verbally, by facsimile, by email, or in writing.

Once a Co-Chair determines it is appropriate to activate the incident-specific RRT, the other Co-Chair will be notified of the decision. The USCG Co-Chair will assume the lead for coastal incidents; and the EPA Co-Chair will assume the lead for inland incidents. Notification of the appropriate CRRT members will be the responsibility of the lead Co-Chair, but may be delegated to the RRT Coordinators or other staff representatives.

When activated, the incident-specific RRT may meet in person or convene by teleconference at the call of the lead Co-Chair, and may perform the following activities:

- Monitor and evaluate reports from the OSC. The incident-specific RRT may advise the OSC on the duration and extent of the federal response and may recommend to the OSC specific actions for responding to the discharge or release.

- Request other federal, commonwealth/territorial or local governments, and/or private agencies to provide resources under their existing authorities to assist the OSC's response efforts.

- Help the OSC prepare information releases for the public and for communications with the National Response Team (NRT).

- Submit reports to the NRT as significant developments occur.

Arrangements for meeting locations and/or teleconferences will be the responsibility of the lead Co-Chair, or designated representative. Prior to the conference call, the Chair may transmit reports or fact sheets by facsimile or by email to participating CRRT members. Recording and distributing of summaries of meetings or teleconferences conducted upon incident-specific RRT activation shall be the responsibility of the RRT Coordinators, or other designated representative.

The RRT will be deactivated by agreement between the Co-Chairs or their representatives. The Chair, or his/her representative, will notify RRT members of the deactivation. The dates and times for activation and deactivation should be included in reports generated, and/or documented in minutes of meetings or teleconferences of the RRT and in response Incident Action Plans or other documentation.

B. CRRT Committees and Work Groups

The CRRT may establish committees to address various issues of concern to the CRRT and the OSCs. In addition, the CRRT may create additional work groups to accomplish a specific task. The Chairs of each committee, subcommittee, and working group are responsible for developing goals, objectives, and desired outcomes for their committees based upon the direction provided by the Co-Chairs. Each committee will meet as frequently as required to meet their goals, objectives, and desired outcomes. The CRRT Coordinators, upon the request of the committee Chair, will assist in arranging these meetings. The committee Chairs also have the option of holding their meeting concurrently with the main CRRT meeting. The Chairs are responsible for both the development and transmission of the committee agendas and meeting minutes.

The CRRT currently maintains one standing committee: the Management Committee. The Management Committee consists of the EPA and USCG CRRT Co-Chairs, Alternate Co-Chairs and Coordinators, the commonwealth/territorial CRRT Members, and the CRRT Members from DOC/NOAA and DOI, and is responsible for the development of and adherence to the RCP. The committee is also responsible for ensuring the submission of information from the committees for inclusion in the RRT annual reports; ensuring that pertinent information regarding the NRT and activities of other RRTs is distributed to the RRT membership; highlighting significant issues to the Co-Chairs; and recommending modifications to CRRT operations to the Co-Chairs. The committee will also confer on the development of RRT meeting agendas and schedules, and will generally meet in conjunction with the RRT meetings.

C. CRRT Meetings

As outlined in the NCP, the CRRT meets at least twice a year as conditions permit, with the goal of rotating meeting locations between Puerto Rico and the US Virgin Islands. The CRRT meets to share information, review and comment on recent response actions or other issues related to the preparation, implementation, or exercise of regional and/or area plans to:

- Recommend revisions of the RCP and the NCP.
- Review OSC actions to ensure that the RCP and the ACPs are effective.
- Conduct advance planning for use of dispersants, surface collection agents, burning agents, biological additives, or other chemical agents, in accordance with Subpart J of the NCP.
- Conduct or participate in training and exercises as necessary to encourage preparedness activities of the response community within the region.

The meetings are also a forum for the OSCs to interact with the CRRT in a non-response setting, and for the CRRT to ensure that it is prepared to adequately support OSCs in planning and response activities.

1. Preparing for Meetings

EPA and USCG share the responsibility for arranging meeting locations. In instances where a charge will be incurred for meeting facilities, the CRRT Coordinators will determine which agency has available budgetary resources to pay for the meeting facilities.

At each CRRT meeting, a concluding item will be to establish potential dates for the next semi-annual meeting. The Coordinators are responsible for drafting the agenda for the next meeting and will send the agenda to CRRT members and other interested parties prior to the meeting.

2. Conducting Meetings

The Co-Chairs share the responsibility for moderating the meetings. For meetings extending more than one day, the Co-Chairs may alternate, on a daily basis, the responsibility for moderating the meeting, with the assistance of their appropriate CRRT Coordinator. This responsibility includes introducing speakers, maintaining adherence to the agenda and its time frame, determining appropriate times for breaks, and adjusting the agenda to fit changing schedules of speakers and other similar "last minute" changes.

In addition to making opening remarks and introductions, reviewing agenda and action items from previous meetings, and reviewing the agenda, the following activities are typically conducted at each meeting:

- An update from the Captain of the Port, or his/her representative, in the Caribbean Region.

- An update from the EPA Region II Emergency Response program.
- An update from commonwealth, territorial and BVI representatives, if present.
- Reports on project progress and status from any active committees or workgroups.
- Proposed dates for the next meeting and, if possible, a tentative meeting location.
- Agency reports.

The CRRT coordinators and Co-Chairs will strive to finalize and distribute meeting materials, after-action lists, etc. within 30 days of the meeting. The meeting materials will be transmitted via email to all CRRT members and other interested parties, and/or posted on the CRRT website, as appropriate.

D. CRRT Annual Reports

The CRRT is requested to submit annual reports to the NRT by December 31st. The report should summarize recent activities, organizational changes, operational concerns, and efforts to improve state and local coordination.

The USCG and EPA RRT Coordinators are responsible for preparing the annual report. The EPA RRT Coordinator will provide the USCG RRT Coordinator with any pertinent EPA activities to be included in the report, and assist in collecting information from other RRT member agencies for inclusion in the report.

Once the annual report is finalized, the USCG RRT Coordinator will secure the signature of the USCG Co-Chair, and forward the report to the EPA RRT Coordinator. The EPA RRT Coordinator will secure the signature of the EPA Co-Chair, and forward the report to the NRT Executive Secretary. Copies of annual reports will be distributed to CRRT members; or a notice of its availability will be given to CRRT members and participants, and posted on the CRRT website, as appropriate.

E. CRRT Requests for OSC Reports

The September 15, 1994 NCP revisions changed the requirement that OSC reports be prepared for every major pollution incident to a requirement that such reports be prepared "as requested by the NRT or RRT." OSCs may also issue OSC reports on their own initiative, independent of an RRT or NRT request.

F. CRRT Notification Exercises

To test CRRT responsiveness and accuracy of contact information, the RRT Coordinators may conduct RRT notification or "call-down" exercises. These exercises may be conducted in conjunction with a PREP exercise being conducted in the region, or another similar event. A call-down list should be used to facilitate notification of CRRT contacts, to acknowledge receipt of notification, to confirm contact information, and to record exercise results.

G. Joint Work with Neighboring Island Governments

1. British Virgin Islands

Because of the close proximity of the U.S. Virgin Islands to the British Virgin Islands, the U.S. and BVI signed the ***Agreement Between the Government of the United States of America and the Government of the British Virgin Islands Concerning Assistance to be Rendered During Discharge of Oil or Other Hazardous and Noxious Substances Into Waters of the British Virgin Islands*** in 2004. To implement this Agreement, the CRRT, the Puerto Rico & U.S. Virgin Islands Area Planning Committees, and the British Virgin Islands Department of Disaster Management developed a ***Joint Response Guide***, which provides a coordinated and cooperative system for responding to discharges or threat of discharges for oil or hazardous substances in the waters of interest surrounding the U.S. Virgin Islands and the British Virgin Islands, by ensuring cooperative bilateral response planning at the local level. The *Joint Response Guide*:

- promotes cooperation in responding to all discharges of oil and hazardous substances through expeditious notification of pollution incidents occurring in those areas
- facilitates coordination of response activities undertaken by or on behalf of those responsible for a discharge of oil or hazardous substance or, by or on behalf of either responding government
- establishes procedures for consultation between the governments on response actions that may be taken during a pollution incident
- is consistent with OPRC 90 and other MOAs between the governments concerning pollution planning, preparedness, and response

Geographic Scope The *Joint Response Guide* applies to the areas of the marine environment of the USVI and BVI, where a pollution incident may impact both countries. The *Guide* also addresses pollution incidents where the impact on the waters of one country would be of such a magnitude that it would justify a request to the other country for assistance.

Response System and Organizational Concepts
When a pollution incident occurs or threatens to occur in waters that may impact both countries, the Coast Guard OSC should notify the BVI Department of Disaster Management. BVI officials should also reciprocate these notifications dependent on which government is the first to discover the incident. Additional notifications that should be made are:

- National Response Center (NRC) at (800) 424-8802
- Resource Trustees
- Local/Commonwealth/Territory agencies
- The U.S. Department of State
- Other applicable response community organizations

Although both governments may mobilize separate response structures and systems to address and mitigate the incident, Liaison Officers and Agency Representatives should be identified and dedicated to each government's response management infrastructure as predicated within NIMS ICS doctrine.

The *Joint Response Guide* augments the National Response Systems (NRS) of BVI and the U.S. by providing a "bridge" between the two systems for those oil or hazardous substance incidents occurring in the waters of interest by ensuring that coordinated planning and the sharing of strategic objectives are accomplished. It is in the best interest of both countries that responses to pollution incidents be carried out under the provisions and procedures of each country's NRS supplemented by the procedures for communications, coordination, and consultation outlined in the *Joint Response Guide*.

The *Joint Response Guide* is posted on the CRRT website at:

https://www.nrt.org/sites/33/files/CRRT_BVI_Joint_Response_Guide_Revised_4-2006.pdf

SECTION 5: Regional Response Team Agency Roles, Capabilities, and Support

A. Federal Agencies

During preparedness planning or during an actual response, various federal agencies may be called upon to provide assistance in their respective areas of expertise. Descriptions of the expertise and capabilities of the 16 Federal RRT member agencies are listed below.

1. **U.S. Coast Guard (USCG)** - As provided in 14 U.S.C. 1-3, USCG is an agency in the Department of Homeland Security (DHS), except when operating as an agency in the U.S. Navy (USN) under DOD in time of war. The USCG provides the standing RRT co-chair and predesignated OSCs for the coastal zone. The USCG maintains continuously manned facilities which can be used for command and control, and for surveillance of oil discharges and hazardous substance releases occurring in the coastal zone. The USCG also offers expertise in domestic and international fields of port safety and security; maritime law enforcement; ship navigation and construction; and the manning, operation, and safety of vessels and marine facilities. The USCG may enter into a contract or cooperative agreement with the appropriate state in order to implement a response action. When appropriate, the USCG may transfer lead-agency responsibilities to EPA for response to non-emergency hazardous substance releases longer-term within the coastal zone of the Caribbean Region.

   The ***National Strike Force*** (NSF) provides highly trained, experienced personnel and specialized equipment to Coast Guard and other federal agencies to facilitate preparedness for and response to oil and hazardous substance pollution incidents in order to protect public health and the environment. The NSF's area of responsibility covers all Coast Guard Districts and Federal Response Regions.
   The NSF totals over 200 active duty, civilian, reserve, and auxiliary personnel and includes the National Strike Force Coordination Center (NSFCC); the Atlantic Strike Team; the Gulf Strike Team; the Pacific Strike Team; and the Public Information Assist Team (PIAT).

   The Caribbean region falls within the ***Atlantic Strike Team's*** area of responsibility; however, the NSF maintains inter-operability through a program of standardized operating procedures for response, equipment, training, and qualifications, so personnel and equipment can be shared among the teams as conditions warrant. The Strike Teams provide rapid response support in incident management, site safety, contractor performance monitoring, resource documentation, response strategies, hazard assessment, oil spill dispersant and in-situ burn use, operational effectiveness monitoring (e.g. SMART), and high capacity lightering and offshore skimming capabilities. The Strike Teams also train Coast Guard units in environmental pollution response, test and evaluate pollution response equipment, and operate as liaisons with response agencies within their areas of responsibility.

   PIAT provides unique, interagency crisis communication experience and technical expertise to help Incident Commanders and Federal On-Scene Coordinators meet their objectives of truth and transparency of operations for the public. PIAT responds to oil spills or hazardous materials incidents to support a Coast Guard or EPA FOSC, but is also available for other incidents such as natural disasters. The team maintains a

response standard of mobilizing two members within six hours of activation and, if needed, two additional members within 12 hours. PIAT members routinely give training in risk communications and ICS-based joint information center operations to response community personnel from the Coast Guard, other federal agencies, state and local agencies and industry

2. **U.S. Environmental Protection Agency (EPA)** – EPA Co-Chairs, with the USCG, the standing CRRT and provides predesignated OSCs for the inland zone. EPA provides expertise on ecological and environmental pollution control techniques and the ecological effects of oil discharges or releases of hazardous substances, pollutants, or contaminants. Access to EPA's scientific expertise can be facilitated through the EPA Region II Regional Emergency Operations Center. EPA also provides legal expertise on the interpretation of the Comprehensive Environmental Response Compensation and Liability Act (CERCLA) and other environmental statutes. EPA may enter into a contract or cooperative agreement with the appropriate state in order to implement a response action.

   EPA's ***Environmental Response Team*** (ERT) is a group of EPA technical experts within the Office of Solid Waste and Emergency Response, who provide technical assistance on oil and hazardous substance releases, primarily to OSCs, in the United States and international waters. The ERT offers expertise in such areas as biology, chemistry, hydrology, toxicology, engineering, and health and safety. ERT can perform the duties of SSC and/or serve as the head of the Environmental Unit under the Incident Command System (ICS).

   The ERT technically supports the NCP Subpart J (use of dispersants and other chemicals) program during oil spill response and recovery operations. ERT can evaluate alternative cleanup response technologies, assist with field implementation, evaluate plans, and implement the Special Monitoring of Advanced Response Technologies (SMART) protocol.

   ERT can also assist with hazard assessment, multimedia sampling and field analytical tools, the evaluation of the potential impacts to sensitive ecosystems and eco-toxicity risk to organisms in water and sediment, and the assessment of cleanup options. The ERT uses in-house oil fingerprinting techniques to evaluate mystery oil spills or weathered oil samples for source identification. The ERT evaluates innovative treatment methods, including potential biodegradation of oil constituents, based on analysis and rapid bench scale testing.

   The ERT and EPA dive program have scientific divers, remote operated vehicles (ROVs), and remote sensing tools to locate and evaluate underwater environmental conditions. ERT divers can provide technical support for commercial diving operations, including review of work plans and dive safety plans. The ERT and other EPA Dive Units have expertise in polluted water diving, proper PPE for diving and topside personnel, and proper diver decontamination procedures.

   The ***Radiological Emergency Response Team*** (RERT) is established by EPA in accordance with its radiological disaster and emergency responsibilities. The RERT provides response and technical assistance to the OSC/RPM for incidents or sites

containing radiological hazards.

The RERT provides technical advice and assistance to prevent or minimize threats to public health and the environment; provides advice on protective measures to ensure public health and safety; provides assessments of dose and impact of any release on public health and the environment; performs monitoring, sampling, laboratory analyses and data assessments to assess and characterize environmental impacts; and provides technical advice and assistance for containment, cleanup, restoration, and recovery following a radiological incident.

The OSC/RPM may request RERT support through the NRC.

The EPA's ***Chemical, Biological, Radiological, and Nuclear Consequence Management Advisory Division*** (CBRN CMAD, formerly the National Decontamination Team) can provide decontamination assistance to the OSC/RPM and state and local responders. The CBRN CMAD has national expertise in toxicology, engineering, industrial hygiene, biochemistry, health physics, and waste and disposal of biological, chemical, and radioactive materials.

CBRN CMAD can provide specialized decontamination guidance and resources for decontamination of buildings, open spaces, transportation systems, and water systems. CBRN CMAD can provide guidance for responders, including recommending achievable cleanup target levels protective of public health; and can assist with on-site treatment, transportation, and disposal of materials contaminated with biological, chemical, and radioactive agents.

The OSC/RPM may request CBRN CMAD assistance through the NRC.

3. **Federal Emergency Management Agency (FEMA)** - Oversees the development, evaluation, and exercise of all-hazard contingency plans for all FEMA-funded jurisdictions at the state and local levels. Superfund Amendments and Reauthorization Act (SARA) Title III plans are often annexes of the all-hazard plan. FEMA monitors and provides technical assistance regarding public sector emergency response training and planning for incidents involving hazardous substances. During a response, FEMA provides advice and assistance to the lead agency on coordinating relocation assistance and mitigation efforts with other federal agencies; tribal, state, and local governments; and the private sector.

   FEMA will assume the role of lead federal agency when the President declares a national disaster or emergency. FEMA-led federal response activities will follow the National Response Framework (NRF); and all federal NRF signatory agencies will be coordinated by a Federal Coordinating Officer supplied by FEMA. FEMA's ***Incident Management Assistance Teams*** (IMAT) also provide coordination of FEMA-led federal response. FEMA-led federal consequence management activities are in support of state and local response agencies.

4. **Department of Defense (DOD)** - Has responsibility to take all action necessary with respect to releases where either the release is on, or the sole source of the release is from, any facility or vessel under the jurisdiction, custody, or control of DOD. In addition to those capabilities provided by the ***US Navy Supervisor of Salvage***, DOD

may also, consistent with its operational requirements and upon request of the OSC, provide locally deployed USN oil spill equipment and provide assistance to other federal agencies on request. The following branches of DOD have particularly relevant expertise:

a. **U.S. Army Corps of Engineers** - Has specialized equipment and personnel for maintaining navigation channels, for removing navigation obstructions, for accomplishing structural repairs, and for maintaining hydropower electric generating equipment. The U.S. Army Corps of Engineers can also provide design services, perform construction, and provide contract writing and contract administrative services for other federal agencies. Where appropriate, the U.S. Army Corps of Engineers can also assist the OSC in organizing and carrying out the relocation of residents whose persons or residences are actually or potentially affected by a discharge or release.

b. **U.S. Navy** - Has extensive experience and trained personnel for the performance of search and rescue/recovery activities. Search and rescue/recovery operations generally include the use of aircraft and surface vessels. Joint USN/USCG search and rescue/recovery operations are coordinated by the relevant Navy Fleet Command and First Coast Guard District.

c. **USN Supervisor of Salvage** - Is the branch of service within the Navy that is most knowledgeable and experienced in responding to salvage-related and open-sea pollution incidents.

5. **Department of Energy (DOE)** - Generally provides designated OSCs that are responsible for taking all response actions with respect to releases where either the release is on, or the sole source of the release is from, any facility or vessel under its jurisdiction, custody, or control, including vessels bareboat-chartered and operated by DOE. In addition, under the NRF, DOE provides advice and assistance to other OSCs for emergency actions essential for the control of immediate radiological hazards. Incidents that qualify for DOE radiological advice and assistance are those believed to involve source, by-product, or special nuclear material or other ionizing radiation sources, including radium and other naturally occurring radionuclides, as well as particle accelerators. Assistance is available through direct contact with the appropriate DOE Radiological Assistance Program Regional Office.

6. **U.S. Department of Agriculture (USDA) -** Has scientific and technical capability to measure, evaluate, and monitor, either on the ground or by use of aircraft, situations where natural resources including soil, water, wildlife, and vegetation have been impacted by fire, insects and diseases, floods, hazardous substances, and other natural or man-made emergencies. The USDA may be contacted through the U.S. Forest Service emergency staff officers who are the designated members of the RRT. Agencies within USDA have relevant capabilities and expertise as follows:

a. **U.S. Forest Service** - Is the designated USDA representative to the RRT. The U.S. Forest Service also has responsibility for protection and management of national forests and national grasslands; for prevention and control of fires in rural areas, in cooperation with state foresters and other federal agencies; and

for emergency production, availability, and utilization of timber and timber products, in cooperation with the Department of Commerce (DOC). The agency has capabilities to provide and operate emergency communications systems, specialized aircraft, and human support facilities for large groups of people, and has specially trained incident management teams experienced in dealing with a variety of natural and man-made disasters. In addition, the U.S. Forest Service has personnel, laboratory, and field capability to measure, evaluate, monitor, and control releases of pesticides and other hazardous substances on lands under its jurisdiction.

b. **Agriculture Research Service -** Administers an applied and developmental research program in animal and plant protection and production; the use and improvement of soil, water, and air; the processing, storage, and distribution of farm products; and human nutrition. The Agriculture Research Service has the capabilities to provide regulation of, and evaluation and training for, employees exposed to biological, chemical, radiological, and industrial hazards. In emergency situations, the Agriculture Research Service can identify, control, and abate pollution in the areas of air, soil, wastes, pesticides, radiation, and toxic substances for Agriculture Research Service facilities.

c. **Natural Resource Conservation Service -** Has personnel in nearly every county in the nation who are knowledgeable in soil, agronomy, engineering, and biology. These personnel can help to predict the effects of pollutants on soil and their movements over and through soils. Technical specialists can assist in identifying potential hazardous waste sites and provide review and advice on plans for remedial measures.

d. **Animal and Plant Health Inspection Service** - Can respond in an emergency to regulate movement of diseased or infected organisms to prevent the spread and contamination to non-affected areas.

e. **Food Safety and Inspection Service** - Is responsible for ensuring the safety and defense of the Nation's supply of meat, poultry, and processed egg products in the event of a national incident by assisting State and local authorities in their response.

f. **Food and Nutrition Service** - Supplies food to disaster relief organizations such as the American Red Cross and the Salvation Army for mass feeding or household distribution. State agencies notify USDA of the types and quantities of food that relief organizations need for emergency feeding operations. The Service also authorizes States to operate a Disaster Supplemental Nutrition Assistance Program.

g. **Agricultural Stabilization and Conservation Service** - In cooperation with the U.S. Forest Service, the Natural Resources Conservation Service, and the U.S. Army Corps of Engineers, is responsible for emergency plans and preparedness programs for food processing, storage, and distribution through the wholesale level.

h. **National Agricultural Statistics Service** - Serves as a source of data on crops,

livestock, poultry, dairy products, and labor. State Statistical Offices collect and publish local information on these topics.

7. **Department of Commerce (DOC), through National Oceanic and Atmospheric Administration (NOAA)** - Provides scientific support for oil and hazardous substance spill responses and contingency planning in coastal and marine areas. NOAA scientific support includes assessments of the potential hazards, trajectory modeling to predict movement and dispersion, and information on the sensitivity of coastal environments to oil and hazardous substances and associated cleanup and mitigation methods. Additionally NOAA provides scientific expertise on living marine resources and their habitats, including endangered species and marine mammals; preserves and protects National Marine Sanctuaries and estuarine ecosystems; and advises on actual and predicted meteorological, hydrological, ice, and oceanographic conditions including tide and circulation data for marine, coastal, and inland waters, Great Lakes inclusive. The NOAA ***National Environmental Satellite Data and Information Service*** provides satellite imagery and remote sensing capabilities as well. Furthermore NOAA has access to its entire fleet of research vessels and aircraft. Statutorily DOC/NOAA fulfills its NCP responsibilities in three ways: as RRT member, as natural resource trustee, and as Scientific Support Coordinator.

   NOAA represents DOC and its policies on the RRT. In this role as RRT member, NOAA provides formal DOC natural resource trustee concurrence concerning the use of chemical countermeasures and in-situ burning and notifies the NOAA Damage Assessment Center and National Marine Sanctuary program as appropriate. Additionally, NOAA assists the OSC by providing advice and access to DOC resources.

   In accordance with the NCP, DOC/NOAA is a ***Natural Resource Trustee*** of coastal and marine natural resources. In this role NOAA, through the National Marine Fisheries Service, provides scientific expertise on its trust living aquatic resources including marine and migratory fish, endangered species, marine mammals, and their habitats. To protect and preserve marine protected areas, NOAA coordinates through its ***National Marine Sanctuaries*** program; estuarine resources through its ***National Estuarine Research Reserve System***. NOAA conducts Natural Resource Damage Assessments through the ***Damage Assessment and Restoration Program*** of the Damage Assessment Center.

   NOAA also provides the ***Scientific Support Coordinator*** (SSC) to the OSC for responses in the coastal zone. The NOAA SSC provides relevant scientific advice to support the OSC in operational decisions that will protect the environment, mitigate collateral harm, and facilitate environmental recovery. As requested by the OSC, the SSC advises on other technical issues after consulting with the appropriate NOAA resources and/or other federal, state, academic networks. Supplemental NOAA scientific support may include: current and predicted meteorological, hydrological, ice, and limnological conditions (through the NOAA ***National Weather Service***); charts and maps; and communication services to the general public, various levels of government, and media via its NOAA weather wire and NOAA weather radio systems. These consultation activities include considering advice from the trustee agencies (including the NOAA RRT member) and any divergent opinions.

8. **Department of Health and Human Services** - Assists with the assessment, preservation, and protection of human health and helps ensure the availability of essential human services. The Department of Health and Human Services provides technical and nontechnical assistance in the form of advice, guidance, and resources to other federal agencies, as well as to state and local governments.

The **U.S. Public Health Service** - Provides the principal Department of Health and Human Services response and is coordinated from the Office of the Assistant Secretary for Health, and various Public Health Service regional offices. Within the Public Health Service, the primary response to a hazardous materials emergency comes from the ***Agency for Toxic Substances and Disease Registry (ATSDR)*** and the ***Centers for Disease Control (CDC)***. Both ATSDR and CDC have a 24-hour emergency response capability wherein scientific and technical personnel are available to provide technical assistance to the OSC and state and local response agencies on human health threat assessment and analysis, and exposure prevention and mitigation. Such assistance is used for situations requiring evacuation of affected areas, human exposure to hazardous materials, and technical advice on mitigation and prevention. Both agencies are mutually supportive.

a. **Centers for Disease Control (CDC)** - Takes the lead for the above-mentioned functions during petroleum releases regulated under the Clean Water Act and Oil Pollution Act of 1990 (OPA). In addition, CDC is responsible for coordinating all public health responses on the federal level and for coordinating all responses with tribal, state, and local health agencies during an oil response.

b. **Agency for Toxic Substances and Disease Registry (ATSDR)** - Takes the lead for the above-mentioned functions during chemical releases under CERCLA. Additionally, ATSDR representatives are assigned to Region II to assist in EPA/ATSDR communications. Regional representatives assist in emergency response events that involve RRT issues by coordinating with ATSDR headquarters Emergency Response and Consultation Branch and with the CDC RRT representative. Under CERCLA Section 104(I), ATSDR is required to:

- Establish appropriate disease/exposure registries.
- Develop, maintain, and provide information on health effects of toxic substances.
- Conduct research to determine relationships between exposure to toxic substances and illness.
- Together with EPA, develop guidelines for toxicological profiles for hazardous substances.
- Develop educational materials related to health effects of toxic substances for health professionals.

c. In addition, the ***Office of Emergency Preparedness*** is authorized under the NCP to provide medical care and supplies during emergencies. Other Public Health Service agencies involved in support during hazardous materials incidents either directly or through ATSDR/CDC include the ***Food and Drug Administration,*** the ***Health Resources and Services Administration,*** the ***Indian Health Service,*** and the ***National Institutes of Health.***

9. **Department of the Interior (DOI) –** Designated as a ***Natural Resource Trustee*** under the NCP, the Regional Environmental Officer is DOI's representative on the RRT. Department land managers have jurisdiction over the National Park System, national wildlife refuges and fish hatcheries, and public lands. In addition, bureaus and offices have relevant expertise as follows:

a. **Office of Environmental Policy and Compliance** - Represents the DOI on the RRT and is responsible for coordinating RRT/DOI activities. The Office of Environmental Policy and Compliance operates within the Office of the Secretary, and is responsible for policy development and coordination of the diverse interests of DOI. The Regional Environmental Officer, in addition to being DOI's RRT representative, provides a number of services, including the DOI position on chemical countermeasure and in-situ burn decisions, liaison for technical assistance requests from the OSC, administrative details to secure response cost reimbursement approval from the OSC, and ensures the DOI ***Office of Restoration and Damage Assessment (ORDA)*** is notified of incident details. The ORDA coordinates the designation of a DOI bureau official, whose bureau's resources have been affected, as the DOI Authorized Official. This official acts on behalf of the Secretary of Interior to coordinate and conduct DOI incident specific natural resource damage assessment and restoration (NRDA) activities

b. **U.S. Fish and Wildlife Service (USFWS)** – Service personnel have a dual role in oil spill response – pre-spill planning and actual response. USFWS in the U.S. Caribbean is represented by several divisions, including the ***Caribbean Islands National Wildlife Refuge*** and the ***Caribbean Ecological Services Field Office***. The role of the Caribbean National Wildlife Refuge is to manage National Wildlife Refuge lands. In fulfilling the Service's mission, the Caribbean Ecological Services Field Office provides technical assistance to governmental and non-governmental entities regarding possible effects of development projects on our trust resources: federally-listed plants and animal species, migratory birds, coastal barriers, wetlands, riparian ecosystems, anadromous fish and marine ecosystems.

In addition to its role of providing technical assistance, USFWS assists Federal On-Scene Coordinators with compliance of Section 7 of the Endangered Species Act (ESA) as per the existing ESA MOA for spill response and planning. Under provisions of Section 7(a)(2) of the ESA, a Federal agency that carries out, permits, licenses, funds, or otherwise authorizes activities that may affect a listed species must consult with USFWS to ensure that its actions are not likely to jeopardize the continued existence of any listed species.

During oil spill response, the Service provides technical expertise to minimize response injury to the DOI trust resources, and to assist with compliance of the ESA MOA. In addition, the Service provides assistance in the coordination of wildlife rescue and rehabilitation efforts in conjunction with the state natural resource trustee(s). More information concerning the Service in the Caribbean can be found at the following web site:

https://www.fws.gov/southeast/caribbean/

USFWS is also responsible for assessing damages to natural resources as a result of discharges of oil or releases of hazardous substances into the environment, and issues federal Migratory Bird Permits to qualified individuals and/or organizations that may be available to conduct wildlife rehabilitation operations related to oil spill incidents.

c. **U.S. Geological Survey** - Provides advice and information concerning geohydrologic, geologic, and geochemical data; ground and surface water data; biological resources; and maps. The U.S. Geological Survey maintains stream flow gauges throughout the Region and can provide historical stream flow information, assist with predicting the time/travel/trajectory of spills, and collect and analyze surface and groundwater samples.

d. **Bureau of Land Management** - Has expertise in minerals, soils, vegetation, archeology, and wildlife habitat.

e. **Bureau of Safety and Environmental Enforcement (BSEE)** - Is responsible for safety and environmental oversight of offshore oil and gas operations, including permitting and inspections, of offshore oil and gas operations. Its functions include the development and enforcement of safety and environmental regulations, permitting offshore exploration, development and production, inspections, offshore regulatory programs, oil spill response and newly formed training and environmental compliance programs.

f. The **Bureau of Ocean Energy Management (BOEM)** manages the exploration and development of the nation's offshore resources. It seeks to appropriately balance economic development, energy independence, and environmental protection through oil and gas leases, renewable energy development and environmental reviews and studies.

g. **Office of Surface Mining** - Has expertise in coal mine wastes and land reclamation.

h. **National Park Service** - Provides general biological, natural, and cultural resource managers to evaluate, measure, monitor, and contain threats to park system lands and to resources including national parks, lake shores, monuments, national historic sites, rivers, and recreation areas. The National Park Service also provides expertise on historic, archeological, architectural, and recreational resources and sites on the ***National Register of Historic Places***. A Programmatic Agreement between the National Park Service, several historic preservation organizations and several response agencies

guides Regional policy regarding protection of historic properties. A link to this Programmatic Agreement is located in Section 7.

i. **Bureau of Reclamation** - Has expertise regarding engineering, hydrology, and reservoirs.

j. **Bureau of Indian Affairs** - Is responsible for protecting tribal trust resources, and facilitating an active role in planning and response for tribal governments who wish to do so. The Bureau of Indian Affairs coordinates activities affecting tribal lands, and provides assistance in identifying tribal government officials.

10. **Department of Justice (DOJ)**- Can provide expert advice on complicated legal questions arising from discharges or releases, and federal agency responses. In addition, DOJ represents the federal government, including its agencies, in litigation relating to such discharges or releases. In this capacity, the DOJ representative might include: providing general legal advice; reviewing and commenting on regional planning and procedural documents; and providing incident-specific assistance, including assigning staff attorneys when the incident may result in litigation or raise difficult issues of interagency coordination. Other legal issues or questions will be directed to the lead agency in-house counsel.

In addition, DOJ, through the ***Federal Bureau of Investigation*** is the lead federal agency for crisis management response to all domestic terrorism incidents.

11. **Department of Labor, through the Occupational Safety and Health Administration (OSHA),** and States operating plans; [*i.e., Puerto Rico Occupational Safety and Health Office (PROSHO)]* approved under Section 18 of the Occupational Safety and Health Act) - has authority to conduct safety and health inspections of hazardous waste sites to assure that employees are being protected and to determine if the site is in compliance with safety and health standards and regulations promulgated by the Occupational Safety and Health Administration [(OSHA) or the states] in accordance with section 126 of SARA and all other applicable standards regulations promulgated under the Occupational Safety and Health Act and its general duty clause. OSHA inspections may be self-generated, consistent with its program operations and objectives, or may be conducted in response to requests from EPA or another lead agency, or in response to accidents or employee complaints. OSHA may also conduct inspections at hazardous waste sites in those states with approved plans (i.e*., Virgin Islands Occupational Safety and Health Office (VIDOSH)* where inspecting such sites is outside of their jurisdiction. On request, OSHA will provide advice and consultation to EPA and other NRT/RRT agencies, as well as to the OSC, regarding hazards to persons engaged in response activities. OSHA may also take any other action necessary to assure that employees are properly protected at such response activities. Any questions about occupational safety and health at these sites may be referred to the OSHA Regional Office in coordination with the OSHA Area Office (*i.e., OSHA Puerto Rico Area Office).*

OSHA has established ***four specialized response teams*** which can support the OSC in the area of responder safety and health: the chemical team (toxic industrial chemicals,

materials, and weapons of mass destruction chemicals), the biological team, the radiological team, and the structural collapse team. The teams are comprised of certified industrial hygienists, professional engineers, occupational physicians, and specialized safety experts. The OSHA teams are available to assist the OSCs in their preparedness and response duties. In coordination with the federal OSHA Area Office (*i.e., OSHA Puerto Rico Area Office*), requests for support should be made through the NRC, or directly to OSHA's Specialized Response Team Coordinator, located at OSHA's Salt Lake Technical Center in Sandy, Utah or OSHA's Director, Directorate of Science, Technology, and Medicine located in OSHA's national office.

12. **Department of Transportation (DOT)** – The Pipeline and Hazardous Materials Safety Administration (PHMSA) is the DOT agency that develops and enforces regulations for the safe, reliable, and environmentally sound operation of the nation's 2.6 million mile pipeline transportation system and the nearly 1 million daily shipments of hazardous materials by land, sea, and air. PHMSA comprises two safety offices, the ***Office of Pipeline Safety*** and the ***Office of Hazardous Materials Safety***. PHMSA's mission is to protect people and the environment from the risks inherent in transportation of hazardous materials - by pipeline and other modes of transportation.

    DOT also includes the following Administrations:

    a. **Federal Aviation Administration** – Oversees and regulates airports, aircraft, airspace, and aviation safety.

    b. **Federal Highway Administration** – Regulates, plans, and maintains the U.S. highway system.

    c. **Federal Railroad Administration** - Promulgates and enforces rail safety regulations; administers railroad assistance programs; conducts research and development in support of improved railroad safety and national rail transportation policy; and consolidates government support of rail transportation activities.

    d. **Maritime Administration** - Promotes the use of waterborne transportation and its seamless integration with other segments of the transportation system, and the viability of the U.S. merchant marine. The Maritime Administration works in many areas involving ships and shipping, shipbuilding, port operations, vessel operations, national security, environment, and safety.

    e. **National Highway Traffic Safety Administration** - Dedicated to achieving the highest standards of excellence in motor vehicle and highway safety.

13. **Department of State (DOS)** - Will lead in the development of international joint contingency plans. DOS will also help to coordinate an international response and ensure compliance with applicable international obligations when discharges or releases may affect areas beyond the limits of the US exclusive economic zone (EEZ), or may affect the interests of other countries, including when they may cross international boundaries or involve foreign flag vessels. Additionally, DOS will coordinate requests for assistance from foreign governments and U.S. proposals for conducting research at incidents that occur in waters of other countries.

14. **Nuclear Regulatory Commission** - Will respond, as appropriate, to releases of radioactive materials by its licensees, in accordance with the Nuclear Regulatory Commission Incident Response Plan (http://www.nrc.gov/about-nrc/emerg-preparedness/respond-to-emerg/ml050970236.pdf), to monitor the actions of those licensees and assure that the public health and environment are protected and adequate recovery operations are instituted. The Nuclear Regulatory Commission will keep EPA informed of any significant actual or potential releases in accordance with procedural agreements. In addition, the Nuclear Regulatory Commission will provide advice to the OSC when assistance is required in identifying the source and character of other hazardous substance releases where the Nuclear Regulatory Commission has licensing authority for activities utilizing radioactive materials.

15. **General Services Administration (GSA)** - Provides logistic and telecommunications support to federal agencies. During an emergency situation, GSA quickly responds to aid state and local governments as directed by other federal agencies. Services might include leasing and furnishing office space, short term vehicle rentals, specialized vehicle acquisition, clean up contractors, commodities, contracting support, services of all kinds, setting up telecommunications and transportation services, and providing advisory assistance. Many of these items are available directly to the buyer at:

    www.gsaadvantage.gov

    Depending on the specific requirements of the OSC or the emergency situation, services may be furnished through GSA personnel who are located at the scene of the oil discharge or hazardous substance release, or at their regular duty stations. Expenses incurred by GSA while providing requested assistance to other agencies must be reimbursed.

16. **Department of the Treasury** - Through the ***Bureau of Alcohol, Tobacco, and Firearms (ATF)***, the Department of the Treasury supports the OSC by providing site security support and the ATF ***Rapid Response Laboratory***. The department of the Treasury provides the resources of the U.S. Customs Service only in the event of a spill on international waters or a trans-boundary incident; and provides assistance to the United States and Canada during international responses.

B. Commonwealth/Territorial Agencies

Within the Caribbean region, the Commonwealth of Puerto Rico and the US Virgin Islands have developed their own organizations and processes for handling environmental issues, including response and investigation. The general response authorities for each jurisdiction are noted below.

1. Puerto Rico

The ***Department of Natural and Environmental Resources*** (DNER) is the lead department representing the Commonwealth of Puerto Rico for all oil spills, and for coordinating and providing technical assistance on all hazardous materials releases that threaten Puerto Rico. DNER is also the Commonwealth's natural resource trustee

agency. Under Law 171, known as the Reorganization Plan of the Department of Natural and Environmental Resources of 2018, the powers and functions previously delegated to the EQB, its President and/or its Governing Board, were transferred to DNER for execution by the Secretary.

The ***Environmental Quality Board*** (EQB) was formerly the lead department representing the Commonwealth of Puerto Rico for all oil spills, and for coordinating and providing technical assistance on all hazardous materials releases that threaten Puerto Rico. As stated above, EQB was incorporated into DNER under Law 171. ***Any references to EQB in previous CRRT plans, policies, guidance or other documents now refer to DNER.***

The ***Puerto Rico Fire Bureau (****formerly Department****)*** is the lead agency within the Unified Command for coordinating the response to all fires within the Commonwealth of Puerto Rico. This includes fires on shore facilities, vessels in port, or anchored in the bays of Puerto Rico. The PR Fire Bureau has hazardous materials response vehicles and trained emergency response teams capable of performing emergency Level "A" entries.

The ***Puerto Rico Emergency Management Bureau*** (PREMB) will assist in coordinating Commonwealth resources and ensuring appropriate agencies are notified. When needed or requested, each agency will provide an emergency coordinator on scene, or at a designated location (usually at PREMB) to assist the Incident Commander (IC).

Because of the potential severity of oil and hazardous substance releases to public health, welfare, and the environment, the Governor and legislative bodies of the Commonwealth recognize the need to encourage cooperation and progressive actions to be taken in such instances that are considered environmental emergencies. All Commonwealth of Puerto Rico agencies will support the Incident Command System Response Organization.

2. US Virgin Islands

The ***Virgin Islands Department of Planning and Natural Resources (DPNR)***, as mandated by Title 12, Chapter 17 of the Virgin Islands Code, is the lead state agency for all oil and hazardous materials spills that threaten the U.S. Virgin Islands. The Division of Environmental Enforcement serves as the law enforcement arm of the DPNR. Its primary function is to enforce all laws applicable to the protection, preservation and conservation of the natural resources and overall environment of the USVI.

The ***Virgin Islands Territorial Emergency Management Agency (VITEMA***) is the lead emergency management agency for the Territory as defined in the Virgin Islands Code, Title 23, Chapter 10. As such, VITEMA's mission is to prepare for, coordinate the response to, and the recovery from all hazards and threats that impacts the Virgin Islands. The components of VITEMA include logistics, preparedness, operations, grant management, administration and finance and recovery.

The *Virgin Islands Territorial Emergency Operations Plan (TEOP)* is a guide to how the Virgin Islands conducts all-hazards response. It is built upon scalable, flexible, and adaptable coordinating structures to align key roles and responsibilities across the Territory and our Federal partners, linking all levels of government, nongovernmental organizations (NGO), and the private sector. It is intended to capture specific authorities and best practices for managing incidents that range from the serious but purely local, to large-scale natural or man-made disasters. This TEOP is comprised of a base plan, along with the Emergency Support Function Annexes and Support Annexes, and can be viewed/downloaded from VITEMA's website at:

https://www.usviodr.com/vitema-territorial-emergency-operations-plan/

The ***Virgin Islands Fire Service (VIFS)*** is the lead agency for coordinating the response to all fires within the U.S. Virgin Islands. This includes fires on shore facilities, vessels in port, or anchored in the bays of the U.S. Virgin Islands. As a service agency, VIFS is dedicated to its mission: "to protect life and property from fire-related hazards." The strategic goal of the VIFS is to protect life and property through rapid response, public education, regular, inspections and operational efficiency. VIFS is divided into two districts: St. Thomas/St. John and St. Croix. The Service has ten fire facilities (stations and houses) and two administrative offices territory-wide. The three main areas of operations are Emergency Response (Suppression), Arson Investigation and Prevention, and Administration.

VIFS does not have the personnel resources or equipment to combat a significant marine fire. In the event of a marine fire, VIFS will provide an Incident Commander, and all government agencies of the U.S. Virgin Islands will supply all available support to the Fire Service as needed to mitigate the incident. VITEMA and VIFS will work together in coordinating the USVI's resources and ensuring appropriate agencies are notified. The U.S. Coast Guard will assist VIFS in all fires aboard commercial vessels. When needed or requested, each agency will provide an emergency coordinator on scene, or at a designated location (usually at VITEMA) to assist the IC.

C. International

During preparedness planning or during an actual response, neighboring island nations may be called upon to provide assistance under their legal jurisdiction and in their respective areas of expertise. The CRRT's international coordination partners include:

1. British Virgin Islands

The ***British Virgin Islands Department of Disaster Management (DDM)*** operates under the legal authority of the Deputy Governor's Office. DDM performs as a catalyst in mobilizing all sectors of the community, both government and non-government, to take effective action to significantly reduce vulnerability to hazards of all kinds. DDM seeks, within the territory of the British Virgin Islands, to reduce loss of life and property attributable to disasters by ensuring that adequate preparedness and mitigation measures, and response and recovery mechanisms are established, to counteract the impact of natural and technological hazards. Additional information on the BVI DDM can be found on their website at: http://www.bviddm.com

2. REMPEITC

The ***Regional Marine Pollution Emergency, Information and Training Center (REMPEITC)*** was established in June 1995, within the framework of the International Maritime Organization (IMO) and the Caribbean Environmental Programme (UNEP-CAR/RCU). This Regional Activity Center supports the implementation of international oil spill instruments such as the Cartagena Convention's Oil Spill Protocol, and is currently supported by the host government of Curacao and secondments from the United States (USCG) and France (in cooperation with the French oil company, Total). Financial support for projects and activities are provided by the IMO, the UNEP-CAR/RCU and more recently by the UNDP under the R3I. The Center is designed to promote and facilitate international cooperation and regional assistance to states for the development and maintenance of their full capability to respond effectively to marine pollution incidents involving oil, hazardous and noxious substances, and other marine environmental threats from ships, and thus contribute to the sustainability of the marine environment in the Wider Caribbean Region.

RAC/REMPEITC-Caribe operates within the Cartagena Convention area, which, generally speaking, includes waters under the jurisdiction of the following countries: Antigua and Barbuda, Bahamas, Barbados, Belize, Colombia, Costa Rica, Cuba, Dominica, Dominican Republic, El Salvador, France, Grenada, Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, Kingdom of the Netherlands, Nicaragua, Panama, St. Kitts and Nevis, Saint Lucia, St. Vincent and the Grenadines, Suriname, Trinidad and Tobago, United Kingdom, United States of America and Venezuela.

Additional information regarding REMPEITC can be found on their website at:

https://new.racrempeitc.org/

SECTION 6: Related Plans

A. National Response System Plans

This RCP works in concert with other contingency plans at the international, federal, state, tribal and local levels. The three levels of contingency plans under the National Response System interact in a hierarchical fashion as described in the NCP (40 CFR §300.210). The NCP sets standards for RCPs and ACPs and provides a framework in which those plans, and the activities that they describe, can be organized. The RCPs provide more geographically specific information regarding regional response policies and operations. The ACPs provide information regarding specific response resources and environmentally or economically sensitive receptors in specific areas and on area-specific response policies.

https://www.epa.gov/emergency-response/national-oil-and-hazardous-substances-pollution-contingency-plan-ncp-overview

B. National Response Framework

The National Response Framework is a guide that details how the Nation conducts all-hazards response– from the smallest incident to the largest catastrophe. This document establishes a comprehensive, national, all-hazards approach to domestic incident response. The Framework identifies the key response principles, as well as the roles and structures that organize national response. It describes how communities, States, the Federal Government and private-sector and NGO partners apply these principles for a coordinated, effective national response. In addition, it describes special circumstances where the Federal Government exercises a larger role, including incidents where Federal interests are involved and catastrophic incidents where a State would require significant support. It lays the groundwork for first responders, decision-makers and supporting entities to provide a unified national response.

The Framework presents the key response principles, participants, roles, and structures that guide the Nation's response operations. The remainder of the Framework is organized as follows:

- Chapter I – Roles and Responsibilities. This chapter sharpens the focus on who is involved with emergency management activities at the local, tribal, State, and Federal levels and with the private sector and NGOs.

- Chapter II – Response Actions. This chapter describes what we as a Nation collectively do to respond to incidents.

- Chapter III – Response Organization. This chapter explains how we as a Nation are organized to implement response actions.

- Chapter IV – Planning: A Critical Element of Effective Response. This chapter emphasizes the importance of planning and summarizes the elements of national planning structures.

- Chapter V – Additional Resources. This final chapter summarizes the content and plan for the online NRF Resource Center, a new, actively managed DHS/Federal Emergency Management Agency Web site that will deliver state-of-the-art support for the Framework with additional support tools shaped by and addressed to the response community.

The National Response Framework is comprised of the core document, the Emergency Support Function (ESF), Support, and Incident Annexes, and the Partner Guides. The core document describes the doctrine that guides our national response, roles and responsibilities, response actions, response organizations, and planning requirements to achieve an effective national response to any incident that occurs.

The following documents provide more detailed information to assist practitioners in implementing the Framework:

- *Emergency Support Function Annexes* group Federal resources and capabilities into functional areas that are most frequently needed in a national response (e.g., Transportation, Firefighting, Mass Care).

- *Support Annexes* describe essential supporting aspects that are common to all incidents (e.g., Financial Management, Volunteer and Donations Management, Private-Sector Coordination).

- *Incident Annexes* address the unique aspects of how we respond to seven broad incident categories (e.g., Biological, Nuclear/Radiological, Cyber, Mass Evacuation).

- *Partner Guides* provide ready references describing key roles and actions for local, tribal, State, Federal, and private-sector response partners.

The National Incident Management System (NIMS) is a companion document that provides standard command and management structures that apply to response activities. This system provides a consistent, nationwide template to enable Federal, State, tribal, and local governments, the private sector, and NGOs to work together to prepare for, prevent, respond to, recover from, and mitigate the effects of incidents regardless of cause, size, location, or complexity. This consistency provides the foundation for utilization of the NIMS for all incidents, ranging from daily occurrences to incidents requiring a coordinated Federal response. These documents are available at the NRF Resource Center, at:

https://www.fema.gov/media-library/assets/documents/117791

C. Title III State and Local Emergency Response Plans

Response plans are also prepared on the state and local level, most notably by the State Emergency Response Commissions (SERCs), and the LEPCs established under the Title III of SARA. The level of development and activity of the SERCs and LEPCs varies within PR and USVI. Contact information for the PR and USVI SERCs can be obtained from the EPA website at http://www.epa.gov/epcra/state-emergency-response-commissions-contacts

D. International Plans, Conventions, Agreements

1. **International Convention on Oil Pollution Preparedness, Response and Co-operation (OPRC)**

   In July 1989, a conference of leading industrial nations in Paris called upon IMO to develop further measures to prevent pollution from ships. This call was endorsed by the IMO Assembly in November of the same year, and work began on a draft convention aimed at providing a global framework for international co-operation in combating major incidents or threats of marine pollution. The International Convention on Oil Pollution Preparedness, Response and Co-operation (OPRC) was adopted in November 1990, with entry into force occurring in May 1995.

   Parties to OPRC are required to establish measures for dealing with pollution incidents, either nationally or in cooperation with other countries. Ships are required to carry a shipboard oil pollution emergency plan. Operators of offshore units under the jurisdiction of Parties are also required to have oil pollution emergency plans or similar arrangements which must be coordinated with national systems for responding promptly and effectively to oil pollution incidents. Ships are required to report incidents of pollution to coastal authorities and the convention details the actions that are then to be taken. The Convention calls for the establishment of stockpiles of oil spill combating equipment, the holding of oil spill combating exercises and the development of detailed plans for dealing with pollution incidents.

   Parties to the convention are required to provide assistance to others in the event of a pollution emergency and provision is made for the reimbursement of any assistance provided. The Convention provides for IMO to play an important coordinating role.

   A Protocol to the OPRC relating to hazardous and noxious substances (OPRC-HNS Protocol) was adopted in 2000.

2. **Cartagena Convention**

   The Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region (Cartagena Convention) and the Protocol to the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region Concerning Co-operation in Combating Oil-Spills in the Wider Caribbean Region (Oil Spill Protocol) were the results of the Conference of Plenipotentiaries on the Protection and Development of the Marine Environment of the Wider Caribbean Region convened by the United Nations Environment Program

(UNEP) in March of 1983 in Cartagena de Indias, Colombia. Adopted in 1983, the Convention and Oil Spill Protocol entered into force in October 11, 1986.

After the initial Convention and Protocol, two additional Protocols were adopted. First, in 1990 the Protocol to the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region Concerning Specially Protected Areas and Wildlife (SPAW Protocol) was adopted, entering into force in June 18, 2000, and then in 1999 a third protocol, Concerning Pollution from Land-based Sources and Activities (LBS Protocol) was adopted, entering into force August 13, 2010. Any Party to the Cartagena Convention must become a Party to at least one protocol at the same time it becomes a Party to the Convention.

The United States signed and ratified the Convention and all three of the Convention's Protocols. The United States ratified the Convention and Oil Spill Protocol on October 31, 1984 (signed March 24, 1983), the SPAW Protocol on April 16, 2003 (signed January 18, 1990), and the LBS Protocol on February 13, 2009 (signed October 6, 1999). The United Nations web site provides additional information on the status of the agreements of each signing nation at the following website:

https://www.unenvironment.org/cep/who-we-are/cartagena-convention

3. **Wider Caribbean Region Multilateral Technical Operating Procedures (MTOP) for Offshore Oil Pollution Response**

As encouraged by OPRC 1990, and under the Cartagena Convention and the Caribbean Island OPRC Plan 2008, the Wider Caribbean Region Multilateral Technical Operating Procedures for Offshore Oil Pollution Response (MTOP) were developed, to further the implementation of those instruments to respond efficiently in the event of an oil spill. Participating countries in the development of MTOP were the Bahamas, Cuba, Jamaica, Mexico and the United States.

MTOP provides non-legally binding guidance on response procedures and each participating country's key organizational contacts. The procedures are not an international agreement and do not give rise to international legal rights or obligations. They do not affect the Participants' sovereignty, sovereign rights, or jurisdiction under international law, including with respect to any decision in relation to implementation of any functional procedures contained in the document, but recognize there is great value in regional cooperation in prevention, planning and oil spill response activities during oil exploration and production.

The intent is to build a responder-to-responder network so that in the event of a large oil spill, participating countries can work effectively together to minimize environmental impacts of the spill. This network and accompanying relationships are vital to the success of a regional response to an incident. However, the procedures are not intended to supersede the standard notification and other procedures outlined in the referenced documents and other applicable international agreements or arrangements, with emphasis on international cooperation for an oil spill response.

The public version of MTOP can be found at:

https://wedocs.unep.org/handle/20.500.11822/40096

4. **Joint Response Guide for the Coastal Area Contingency Plan for Puerto Rico and the U.S Virgin Islands and British Virgin Islands National Oil Spill Management Plan (2006)**

   The Joint Response Guide for the Puerto Rico and the U.S Virgin Islands Coastal Area Contingency Plan and British Virgin Islands National Oil Spill Management Plan (OSMP) addresses the issues identified in several joint planning and preparedness sessions involving the CRRT, the U.S. Coast Guard Marine Safety Office San Juan (now Sector San Juan), Puerto Rico, and the US and British Virgin Islands. The Response Guide complements the IMO International Convention on Oil Pollution Preparedness, Response, and Cooperation, 1990 (OPRC 90) and any other Memorandum of Agreement (MOA) between the US and the BVI concerning pollution planning, preparedness, and response.

   https://www.nrt.org/sites/33/files/CRRT_BVI_Joint_Response_Guide_Revised_4-2006.pdf

5. **Agreement Between the Government of the United States of America and the Government of the British Virgin Islands Concerning Assistance to be Rendered during Discharge of Oil or Other Hazardous and Noxious Substances into Waters of the British Virgin Islands (2004)**

   In the event of a major discharge of oil or other hazardous substances in the territorial sea or internal waters of the British Virgin Islands or seaward thereof in circumstances which could result in significant pollution damage to the waters and coastal areas of the British Virgin Islands, the Government of the British Virgin Islands may request the assistance of the Government of the United States of America in removing such oil or hazardous substances and in minimizing and mitigating related damage.

   Upon receipt of such a request, the Government of the United States of America may make available to the Government of the British Virgin Islands the services, including personnel, equipment and facilities, of the United States Coast Guard and other members of the U.S. National Response Team capable of providing the assistance requested. The Government of the United States of America may provide such assistance to the Government of the British Virgin Islands pursuant to this Agreement only to the extent that personnel, equipment and facilities are available and not otherwise committed.

   https://www.nrt.org/sites/33/files/BVI%20US%20Agreement%20signed.pdf

SECTION 7: References

1. **Executive Order No. 12580: Superfund Implementation**

   http://www.archives.gov/federal-register/codification/executive-order/12580.html

2. **Executive Order No. 12777: Implementation of Section 311 Of The Federal Water Pollution Control Act Of October 18, 1972, As Amended, And The Oil Pollution Control Act Of 1990**

   http://www.presidency.ucsb.edu/ws/index.php?pid=20119#axzz1UAm7DPmd

3. **National Response Team Unified Command Technical Assistance Document**

   The Unified Command (UC) Technical Assistance Document provides guidance on UC implementation to all personnel involved in all-hazard emergency planning and response at the Federal, state & local levels.

   https://www.nrt.org/sites/2/files/UC%20TAD%201-26-07%20FINAL.pdf

4. **National Response Team Joint Information Center Model Guidance Document: Collaborative Communications during Emergency Response**

   The NRT Joint Information Center (JIC) Model explains what a JIC is and why a JIC is established. It outlines the structure, processes, functional positions and roles and responsibilities of JIC personnel. This document is intended for field use. To use this model, individuals should refer to the position description for which they have been assigned to gain an understanding of their roles and responsibilities. Likewise, users are encouraged to review other sections to identify how their particular roles will fit within the overall JIC operation. Also included in the document are a series of appendices that are designed to provide additional reference materials and tools that can support a JIC operation.

   https://www.nrt.org/sites/2/files/Updated%20NRT%20JIC%20Model_4-25-13.pdf

5. **Guidance for Managing Worker Fatigue during Disaster Operations**

   Volume I of this Technical Assistance Document (TAD) addresses worker fatigue during large-scale disaster operations, such as those following the Oklahoma City bombing, the 9-11 attacks, anthrax contamination, the Columbia Space Shuttle Recovery, and Hurricanes Katrina, Rita, and Wilma. This document is intended to serve as a hands-on manual to assist organizations with the development of programs and plans to address fatigue issues among disaster workers. The second document, "Volume II: Background Document," summarizes the essential information compiled and reviewed by the NRT while developing its recommended approach.

   https://stacks.cdc.gov/view/cdc/140525

6. **Selection Guide for Oil Spill Response Countermeasures**

   The Selection Guide is an interactive compilation of information and guidance on the use of non-conventional ("applied") technologies, including chemical and biological products and additives, and in situ burning, for real-time oil spill response, exercises, pre-spill planning, or informational purposes. It includes information on response technologies to counter the effects of spilled oil on land, on fresh water, and on coastal (estuarine to open ocean) waters. The primary objective of the guide is to provide information and guidance to responders for the timely evaluation of oil spill response technologies that are regulated under the NCP Product Schedule.

   https://response.restoration.noaa.gov/oil-and-chemical-spills/oil-spills/response-tools/selection-guide-oil-spill-response-countermeasures

7. **Special Monitoring of Applied Response Technologies Guidance Document (SMART)**

   Special Monitoring of Applied Response Technologies (SMART) is a cooperatively designed monitoring program for in situ burning and dispersants. SMART relies on small, highly mobile teams that collect real-time data using portable, rugged, and easy-to-use instruments during dispersant and in situ burning operations.

   http://response.restoration.noaa.gov/oil-and-chemical-spills/oil-spills/resources/smart.html

8. **Inter-Agency Memorandum of Agreement Regarding Oil Spill Planning and Response Activities under the National Oil and Hazardous Substances Pollution Contingency Plan and The Endangered Species Act**

   This agreement coordinates the consultation requirements specified in the ESA regulations, 50 CFR 402, with the pollution response responsibilities outlined in the NCP, 40 CFR 300. It addresses three areas of oil spill response activities: pre-spill planning activities, spill response event activities, and post-spill activities. The agreement identifies the roles and responsibilities of each agency under each activity. By working proactively before a spill to identify potential effects of oil spill response activities on listed species and critical habitat, and jointly developing response plans and countermeasures (response strategies) to minimize or avoid adverse effects, impacts to listed species and critical habitat should be reduced or avoided completely. Should a spill occur, response plans and countermeasures will be used to implement response actions to minimize damage from oil discharges in a manner that reduces or eliminates impacts to listed species and critical habitat. In the event that oil spill response actions may result in effects on listed species or critical habitat, the agreement provides guidance on how to conduct emergency consultation under the ESA. It also describes the steps for completing formal consultation, if necessary, after the case is closed, if listed species or critical habitat has been adversely affected.

   https://www.nrt.org/sites/2/files/ESAMOA.pdf

9. **Programmatic Agreement on Protection of Historic Properties during Emergency Response under the National Oil And Hazardous Substances Pollution Contingency Plan**

   In carrying out duties under the NCP, including the priorities of protecting public health and safety, the Federal On-Scene Coordinator (OSC) may have to make emergency response decisions that adversely affect historic properties. By following this PA, the Federal OSC will be making an informed decision that takes historic property information into account prior to authorizing actions that might affect such property.

   https://www.nrt.org/sites/2/files/Programmatic_Agreement_on_Protection_of.pdf

10. **National Response Framework**

    The National Response Framework (NRF) presents the guiding principles that enable all response partners to prepare for and provide a unified national response to disasters and emergencies – from the smallest incident to the largest catastrophe.

    https://www.fema.gov/media-library/assets/documents/117791

11. **Emergency Support Function #10: Hazardous Materials**

    When activated under the NRF, ESF #10 provides for a coordinated Federal response to actual or potential oil and hazardous materials incidents. Response to oil and hazardous materials incidents is generally carried out in accordance with the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR Part 300. For purposes of ESF #10, “hazardous materials” is a general term intended to mean hazardous substances, pollutants, and contaminants as defined in the NCP. Hazardous materials include chemical, biological, and radiological substances, whether accidentally or intentionally released.

    https://www.fema.gov/sites/default/files/2020-07/fema_ESF_10_Oil-Hazardous-Materials.pdf

12. **Local Governments Reimbursement Program Information**

    In the event of a release (or threatened release) of hazardous substances, EPA may reimburse local governments for expenses related to the release and associated emergency response measures. The Local Governments Reimbursement Program provides a "safety net" of up to $25,000 per incident to local governments that do not have funds available to pay for response actions.

    http://www.epa.gov/emergency-response/local-governments-reimbursement-program

ABBREVIATIONS and ACRONYMS

ACP	Area Contingency Plan
ATSDR	Agency for Toxic Substances and Disease Registry
BMP	Best Management Practice
BVI	British Virgin Islands
CBRN CMAD	Chemical, Biological, Radiological and Nuclear Consequence Management Advisory Division (EPA)
CDC	Centers for Disease Control
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CFR	Code of Federal Regulations
CRRT	Caribbean Regional Response Team
DHS	Department of Homeland Security
DNER	Department of Natural and Environmental Resources
DOC	Department of Commerce
DOD	Department of Defense
DOE	Department of Energy
DOI	Department of the Interior
DOT	Department of Transportation
DPNR	Department of Planning and Natural Resources
DPS	Distinct Population Segment
DWH	Deepwater Horizon
EFH	Essential Fish Habitat
EPA	U.S. Environmental Protection Agency
EQB	Environmental Quality Board
ERT	Environmental Response Team (EPA)
ESA	Endangered Species Act
ESF	Emergency Support Function
FEMA	Federal Emergency Management Agency
FOSC	Federal On-Scene Coordinator
GRP	Geographical Response Plan
HCD	Habitat Conservation Division (NOAA)
ICS	Incident Command System
IMAT	Incident Management Assistance Team
ISB	In-Situ Burning
JIC	Joint Information Center
LEPC	Local Emergency Planning Committee
MOA	Memorandum of Agreement
MOU	Memorandum of Understanding
MSFCMA	Magnuson-Stevens Fishery Conservation and Management Act
NCP	National Oil and Hazardous Substances Pollution Contingency Plan
NGO	Non-Governmental Organization
NHPA	National Historic Preservation Act
NIMS	National Incident Management System
NMFS	National Marine Fisheries Service
NOAA	National Oceanic and Atmospheric Administration
NRDA	Natural Resource Damage Assessment
NRF	National Response Framework
NRM	No Regional Modifications
NRT	National Response Team

NSF	National Strike Force (USCG)
NSFCC	National Strike Force Coordination Center
OPA	Oil Pollution Act of 1990
OPRC	International Convention on Oil Pollution Preparedness, Response and Co-operation
OSC	On-Scene Coordinator
OSHA	Occupational Safety and Health Administration
PDC	Project Design Criteria
PIAT	Public Information Assist Team (USCG)
PREMB	Puerto Rico Emergency Management Bureau
RCP	Regional Oil and Hazardous Substances Pollution Contingency Plan
RERT	Radiological Emergency Response Team
RPM	Remedial Project Manager
RRC	Regional Response Coordinator (USFWS)
RRT	Regional Response Team
SARA	Superfund Amendments and Reauthorization Act
SERC	State Emergency Response Commission
SERO	Southeast Regional Office (NOAA)
SHPO	State Historic Preservation Office
SMART	Special Monitoring of Applied Response Technologies
SONS	Spill of National Significance
SPAGS	Spawning Aggregation Sites
SSC	Scientific Support Coordinator
UC	Unified Command
USCG	United States Coast Guard
USDA	US Department of Agriculture
USFWS	US Fish and Wildlife Service
USN	United States Navy
USVI	United States Virgin Islands
VITEMA	Virgin Islands Territorial Emergency Management Agency