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# COMMONWEALTH OF PENNSYLVANIA

## Emergency Preparedness & Response Guidance (EPRG) Wholesale Distributors & Retail Food Merchants



Pennsylvania Department of Agriculture (PDA) in partnership with  
the Pennsylvania Food Merchants Association (PFMA)

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**"THIS DOCUMENT CONTAINS HOMELAND SECURITY RELATED INFORMATION AND REQUIRES REVIEW BY THE PENNSYLVANIA DEPARTMENT OF AGRICULTURE OPEN RECORDS OFFICER BEFORE RELEASE OF ANY INFORMATION RESULTING FROM AN OPEN RECORDS ACT REQUEST. THIS DOCUMENT IS ONLY INTENDED FOR THOSE AUDIENCES LISTED ON THE AUTHORIZED RECIPIENTS LIST DISPLAYED ON PAGE 17."**

## Table of Contents

### Basic Guidance

1. Executive Summary.....	Page 3
2. Introduction.....	Page 4
3. Objectives.....	Page 5
4. Emergency Management Overview.....	Page 6
5. Roles & Responsibilities of State Government Agencies.....	Page 11
6. Roles & Responsibilities of Trade Association.....	Page 14
7. Roles & Responsibilities of Private Sector Liaison.....	Page 15
8. Critical Infrastructure Protection.....	Page 16
9. Training & Exercises.....	Page 16
10. Maintenance & Distribution.....	Page 16
11. Authorities & References.....	Page 17

### Appendixes

Acronyms

Private Sector Liaison (PSL) Contact Form

Request for Emergency Assistance Form

Hours of Service (HOS) Waiver Application

Hours of Service (HOS) Frequently Asked Questions (FAQ)

National Incident Management System (NIMS) Guidance

NIMS Training for Private Sector Liaisons

## 1. EXECUTIVE SUMMARY

### **Guidance Development**

The Emergency Preparedness & Response Guidance (EPRG) for Emergency Managers, Wholesale Distributors and Retail Food Merchants was primarily developed by the Pennsylvania Department of Agriculture (PDA) in consultation with the Pennsylvania Food Merchants Association (PFMA). Other entities contributing to the development of the guidance include: the Pennsylvania Emergency Management Agency (PEMA); Department of General Services (DGS); Department of Public Welfare (DPW); Department of Environmental Protection (DEP); Department of Health (DoH); South Central Task Force (SCTF) and representatives from private sector organizations.

### **General Background**

The EPRG implements concepts and guidance from the National Incident Management System (NIMS), the National Response Framework (NRF), and the State Emergency Operations Plan (SEOP) and was developed under the premise that all-hazard emergency management principles are best managed as a cycle consisting of four phases: prevention, preparedness, response and recovery. The guidance considers all four phases and briefly describes the general processes by which emergency management occurs in the Commonwealth of Pennsylvania and explains the roles and responsibilities of state agencies, wholesale distributors and retail food merchants as they pertain to mass feeding, information exchange, and resource allocation during disasters or emergencies. Any reference to the private sector in the context of the EPRG explicitly refers to wholesale distributors, supermarkets, grocery stores and convenience stores and the procedures contained herein are intentionally general in nature. Each department or organization mentioned in the guidance should develop tools such as implementation instructions, standard operating procedures (SOPs) and checklists to ensure accomplishment of those responsibilities assigned.

### **Situational Awareness, Resource Allocation & Mass Feeding**

The overarching goal of the EPRG is to establish an information exchange process between Emergency Preparedness Liaison Officers (EPLOs) and the private sector immediately before, during, or after a natural or human-caused emergency that adversely impacts Pennsylvania's food distribution and merchant systems. Such an event may threaten the continuity of the food supply and constrain traditional food sources in Pennsylvania. This document is also intended to help expedite the response and recovery process during a large emergency by providing an additional private sector mass feeding resource for consideration when traditional mass feeding resources are overwhelmed. For these two reasons, it is important for emergency management officials and the private sector to have a real-time situational awareness methodology for the reciprocal flow of information. This may include providing situational awareness such as National Weather Service (NWS) reports, road closure information, power restoration reports and other information to the private sector on a real-time basis. Conversely, the private sector may provide situational awareness concerning how the emergency is impacting their sector to the PDA EPLO when he/she is stationed in the State Emergency Operations Center (SEOC). This information is critically important in assisting the Incident Commander (IC) with the task of establishing a clear operational picture during the emergency and ultimately understanding how the emergency is impacting the private sector and those segments of society.

It is acknowledged that the private sector is proprietary in nature and may not always be positioned to provide voluntary resources during an emergency, however because of its abundance of resources the private sector should be considered to supplement feeding efforts of traditional organizations such as the American Red Cross (ARC) and United States Department of Agriculture (USDA) during a large-scale emergency if they are overwhelmed. It is also acknowledged that participation by the private sector in this guidance does not obligate the entity to provide free foodstuffs or goods during an emergency or disaster.

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Lastly, the PFMA plays a pivotal role as a conduit in the public/private information exchange described in this guidance. Therefore, participation in this guidance by any private sector entity is not limited to the membership of the PFMA but open to any organization that desires to participate. Consequently, the PFMA will represent and facilitate any information sharing with any private sector organization regardless of its affiliation or lack thereof with the PFMA.

## 2. INTRODUCTION

### **A Time-sensitive Food System**

During normal circumstances, there is only a 3-5 day supply of food at every node of the vast and interdependent food chain. In fact, a typical grocery store maintains on-average, three days of non-perishable food items and only one to two days of perishable food items. This limited supply of on-site food causes the system to be extremely dependent on the constant and timely movement of food and other life-sustaining products throughout the entire continuum.

An emergency can often delay the timely movement of product and place a tremendous strain on the availability of readily available life-sustaining products such as food and pharmaceuticals. Emergency events may damage energy infrastructure, impact manpower, cause road closures, and displace populations. These events range from natural to intentional emergencies and include but are not limited to: highly infectious disease outbreaks; hazardous weather events; extended power outages; road closures; evacuations; radiological incidents; terrorist attacks; floods; and droughts. Past experience has shown that when an emergency affects the availability of food and life-sustaining products, the 24-48 hour period after the storm has been identified as the most critical for resupply efforts.

Public/private partnerships are necessary to mitigate the adverse effects of these emergencies on the food chain, the citizens who depend on timely access to food and life-sustaining products, and the private sector businesses that provide this service.

### **Mass Feeding and Resource Coordination**

Past events have shown that disasters and emergencies can displace citizen populations and cause them to rely on alternative food sources.

With 12.5 million citizens, Pennsylvania is the nation's 5<sup>th</sup> most populous state and is geographically located within a few hours of other major population centers. In fact, one half of the United States population is within a 1-day driving distance of the Commonwealth. Consequently, if there were a large disaster that caused the displacement of people in Pennsylvania or a large influx of evacuees into the state, the act of feeding these individuals would be an enormous undertaking and may overwhelm traditional mass feeding resources. The same challenges apply to any large, sustained, disaster situation.

The American Red Cross (ARC), under Emergency Support Function (ESF 6), is the primary organization that assists with mass feeding operations during an emergency or disaster. Also, Voluntary Organizations Active in Disasters (VOADs) or food supplies from the United States Department of Agriculture, Food Nutrition Services (USDA FNS) can complement the ARCs efforts in mass feeding, if requested.

In addition to these traditional mass feeding resources, private sector entities such as supermarkets, convenience stores, and wholesale distributors specialize in the business of distributing and providing large quantities of food, critical pharmaceuticals, and commodities for the general public. Subsequently, private sector mass feeding assistance would be extremely valuable during a large-scale or sustained disaster when traditional sources of mass feeding are on

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the verge of exhaustion. For instance, during the aftermath of Hurricane Ike, it is estimated half of all food provided to evacuees was provided by the ARC and the remaining services were provided by other volunteer organizations. Nevertheless, the private sector is proprietary in nature and thus, may not be able to provide mass feeding during an emergency but certainly should be considered for this purpose due to its abundance of resources.

### **Private Sector Continuity and Interdependencies**

Emergencies can be even more threatening to the viability of business as they are impactful on the food chain. According to the National Archives and Records Administration, 43% of all companies struck by disaster never resume operations and 29% fail within two years of resuming operations after disruption.

Frequently, business managers rely on timely emergency information to make critical business decisions that affect their operations and dependent customers. A disruption to one facility can have significant cascading effects on the transport and receipt of food and life-sustaining products for all involved. The need for this food and product is only multiplied when one considers that store shelves are emptied because of the usual consumer stockpiling of food that occurs in advance of a weather event.

Historical examples of past winter storms illustrate the interdependencies and dynamics of the food distribution supply chain and portray how dependent society is on timely movement, accessibility and resupply of traditional food sources:

Winter storms have affected the closing of major interstates due to treacherous road conditions. Although most closures are brief, a brief closure can stop the ability to deliver food from the wholesale distributor to the retail food merchant. The scale of this impact can be vast when one considers that some warehouses can supply over 900 retail food establishments which may be located throughout several contiguous states. These delays can also trigger many second and third order effects over large geographical areas. During other events, storms have caused establishments in rural communities to close for several days. When these closures occur, there is an increased burden on local and county level emergency managers and cause anguish for people in the surrounding rural communities regarding where to obtain their traditional food sources. Often these situations are exacerbated when roads are impassable making it difficult to drive to other stores if there is a critical need such as food or medication. For the people and communities affected by these events, the closure constitutes a local public health emergency and places additional burden on emergency response.

### **3. OBJECTIVES**

The three primary objectives defined in this guidance are:

#### **A. Identify a Process for Information Exchange**

When possible, real-time notifications and situational awareness will be delivered from PDA EPLOs to the PFMA immediately before, during or after the event of any large emergency that is projected to have an adverse impact on the private sector. Specific two-way communication methods will be defined under the "roles and responsibilities" section that can be found in Sections 5 & 6 of this document.

Some examples of information that can be considered for exchange between the PFMA Liaison and PDA EPLOs during a significant emergency are:

- General two-way situational awareness and impacts regarding the emergency
- Private sector economic losses due to the emergency
- Significant private sector operational losses due to the emergency

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- Significant road closure reports
- Alternate route assistance
- National Weather Service modeling
- Power outage and restoration reports for extended power outages
- Emergency waiver consideration
- Miscellaneous requests for emergency assistance
- Mass feeding requests

### **B. Resource Coordination & Emergency Management in the Commonwealth**

Since emergencies begin at the local level, general familiarity and awareness is provided in Chapter 4 regarding how emergency management and resource allocation generally occurs in Pennsylvania, from the municipal to state levels of government.

### **C. Roles & Responsibilities of Agencies & the Private Sector**

Government agency and private sector roles and responsibilities are defined as they relate to the expectations of this guidance. Many of these roles are aligned with procedures described in the SEOP. Training recommendations and an annual review and maintenance program for the EPRG is also defined in Sections 8 & 9.

## **4. EMERGENCY MANAGEMENT OVERVIEW – COMMONWEALTH OF PENNSYLVANIA**

To understand where it fits in the comprehensive emergency management system, it is important for the private sector to understand the Commonwealth's methodology for responding to incidents that occur in Pennsylvania.

The Commonwealth is a unique form of government and is comprised of nearly 3,000 distinct municipalities where initial emergency preparedness and response lies at the most local form of government. The tiered hierarchy of emergency response in the Commonwealth is municipality, county, region, state, and lastly federal government. Emergency management in Pennsylvania is based on a cooperative, unified effort involving local, county, Regional Task Force (RTF), state, and federal government agencies as well as non-governmental and non-profit organizations and the private sector working with individual citizens and communities to ensure protection from or adequate response to emergencies that occur. The following will briefly explain the delineation of responsibilities at the various levels of government:

### **Municipalities and Counties**

- a. Emergency response starts at the local level, although often times regulatory food and agriculture response authority is under the purview of state government.
- b. Local jurisdictions have the capability and do perform response and recovery operations for most emergencies, but a disaster may be of such magnitude that response and recovery requirements exceed local resources so that assistance from a County, Regional Task Force, and/or the State may be necessary.
- c. Because emergency response starts at the local level, a tiered response will be used, dictated by the scope of the event.
- d. Elected officials of political subdivisions exercise direction and control of emergency management through their respective emergency management organizations operating from their designated Emergency Operation Centers (EOCs).
- e. When two or more municipalities within a county are affected, the county organization will exercise coordination and support to the area of operations.
- f. Emergencies occurring in any political subdivision will be reported through emergency management channels to the SEOC. Emergencies may also be reported through state government channels when state agencies are involved.

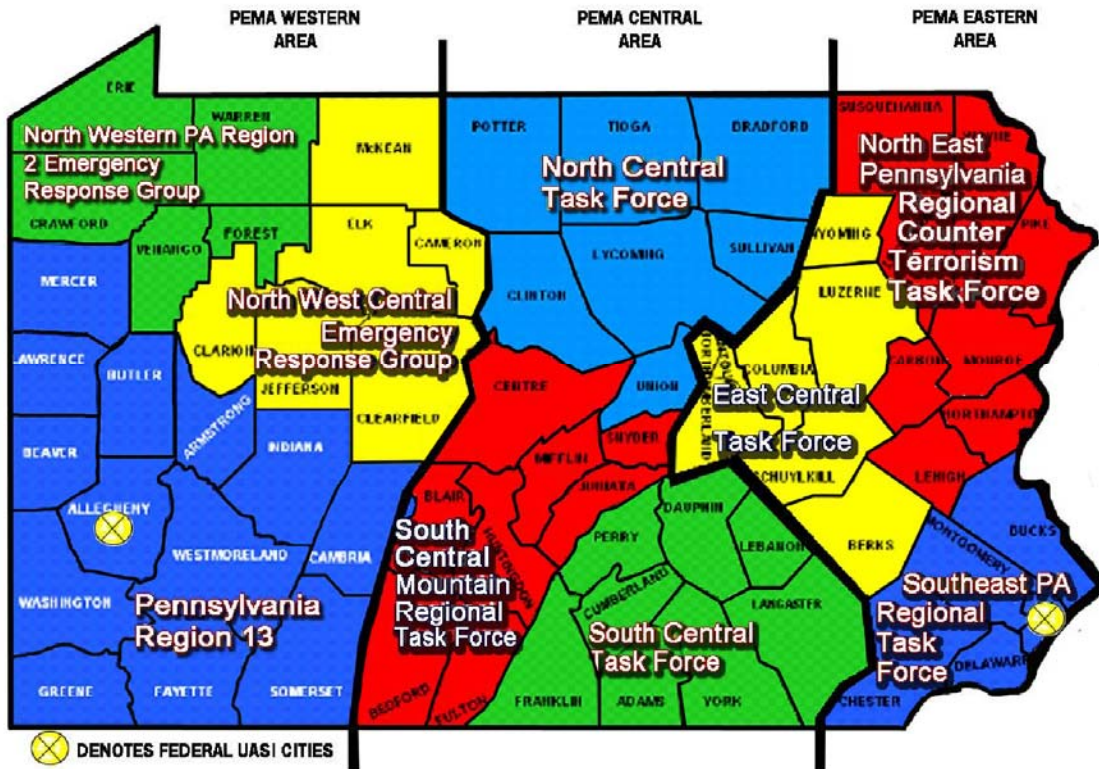
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- g. Response and recovery operations will be accomplished at the lowest level of government. Local jurisdictions will be responsible for all operations up to their capability during emergency situations. All appropriate locally available resources will be fully committed before requesting assistance from a higher level of government. The County, Regional Task Forces, and State provide appropriate assistance when requested and after local resources are in danger of being overwhelmed.
- h. There are 67 counties in Pennsylvania, each with its own Emergency Management Coordinator (EMC) who is responsible for coordinating response activities for his/her county. A listing of EMCs is displayed on the PEMA homepage at [www.pema.state.pa.us](http://www.pema.state.pa.us).
- i. The EMC will establish a unified command structure with centralized management of response and recovery operations in accordance with NIMS. The EMC will coordinate the response activity and ensure effective communications among various agencies and jurisdictions.

**Regional Task Forces**

The Pennsylvania Counterterrorism Planning, Preparedness and Response Act created nine Regional Counterterrorism Task Forces (RCTTFs) that fill needs of counties within their geographical boundaries. Since the act created them as all-hazards entities, most of the task forces have dropped the word “counter-terrorism” from their name. Accordingly, this guidance will refer to them as Regional Task Forces (RTFs). The RTFs are geographically contiguous groups of counties who share physical and personnel resources to plan, train, and exercise in order to increase their capability to respond to an incident that may overwhelm a single county. Some of the RTFs have subcommittees such as “business and industry” which are ideal for private sector participation for entities such as wholesale distributors and retail food merchants.

*Figure 1 – Regional Task Forces (RTFs)*





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**State Government – Emergency Support Functions (ESFs)**

State agency emergency response and recovery operations and EPLOs in Pennsylvania are organized into and managed by 15 Emergency Support Functions (ESFs) which are displayed below. This guidance primarily falls under the purview of ESF 11, Agriculture & Natural Resources, but also has an association with ESFs 1,5,6,7,8, and 12.

**Figure 2 - 15 Emergency Support Functions (ESFs)**

ESF-1 (PennDot)	Transportation	Coordinate transportation resources and infrastructure
ESF-2 (OA)	Communications	Provide/maintain telecommunications and information technology resources
ESF-3 (DGS)	Public Works & Engineering	Coordinate engineering and heavy equipment support, oversee debris removal and management
ESF-4 (OSFC)	Firefighting	Coordinate suppression of wild land urban and rural fires and assist local firefighting efforts
ESF-5 (PEMA)	Emergency Management	Assume command and control of statewide emergency response functions; collect/share/analyze/disseminate information; track resources; arrange for the reception and distribution of goods
ESF-6 (DPW & American Red Cross)	Mass Care, Housing & Human Services	Coordinate shelter and mass care operations; provide emergency assistance and other human services to victims
ESF-7 (DGS)	Logistics Management & Resource Support	Coordinate facilities, facilitate acquisition of equipment and supplies, including military support
ESF-8 (DoH)	Public Health & Medical Services	Coordinate medical care, public and crisis counseling and mortuary services
ESF-9 (PEMA)	Search & Rescue	Coordinate search and rescue missions including: urban, wilderness and underground
ESF-10 (DEP)	Oil and Hazardous Materials Response	Respond/assist in incidents involving release of petroleum or other hazardous materials that may harm humans or the environment
ESF-11 (PDA)	Agriculture & Natural Resources	Coordinate bulk food supplies; monitor animal feed and food production facilities and the health of livestock and food crops; coordinate animal and food safety/sheltering; protect natural, cultural and historic resources
ESF-12 (DEP)	Energy	Monitor, maintain and restore the supply of energy and energy distribution infrastructure
ESF-13 (PSP)	Public Safety and Security	Provide physical security for citizens and their property; suppress criminal activity
ESF-14 (PEMA)	Long Term Community Recovery & Mitigation	Protect and restore human services, infrastructure and business environment in the disaster areas
ESF-15 (PEMA Press Office)	External Affairs	Provide information to the public through direct means and through public media

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**State Emergency Operations Center (SEOC)**

PEMA operates the State Emergency Operations Center (SEOC) in its Headquarters Building at 2605 Interstate Drive, Harrisburg, PA. It will serve as the command, control, communications and coordination center for all state emergency management activities in accordance with the principles of NIMS.

- a. The SEOC is operated continually by PEMA watch officers.
- b. The SEOC will be augmented as necessary by PEMA staff or representatives from other state agencies referred to as Emergency Preparedness Liaison Officers (EPLOs) or Subject Matter Experts (SMEs), typically during a Level 2 or Level 1 SEOC activation. Activation levels are identified on the subsequent page in ***SEOC Activation Levels – Figure 3***.
- c. EPLOs, agencies, and all state agency resources are managed under the aforementioned ESF framework.
- d. The SEOC gathers, processes, disseminates information, and coordinates command and control support to incident commanders in the field. It also exercises command over state-level resources sent to support disaster operations. When fully activated, the SEOC also functions as a Multi-Agency Coordination Center (MACC) to provide a single location for the coordination of the efforts of all state agencies.
- e. Depending on the magnitude and severity of an incident, only certain ESFs may be needed. Accordingly, only those state agencies responsible for the ESFs needed are to report to the SEOC. ***SEOC Activation Levels – Figure 3*** show designated levels of activation based on the severity of the emergency. Most advance alert notifications that may be provided will probably occur at Activation Level III. Most information exchange and resource requests that may trigger a resource request or intensive information exchange will occur at an Activation Level II or higher.
- f. PEMA operates the SEOC 24 hours a day. As needed the SEOC will:
  - (1) Monitor the development of any emergency situation that may progress to a disaster level.
  - (2) Exercise coordination and support when two or more counties are involved in an operation.
  - (3) Relay warnings of imminent disaster situations to the affected counties and state agency EPLOs by means of the state warning network or by phone. The PDA EPLO will then forward applicable warnings to the PFMA and conversely the PFMA will report back to the PDA EPLO on any developments that may be occurring in the private sector.

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**Figure 3 – SEOC Activation Levels**

	<b>Type of Event</b>	<b>Staffing Level</b>	<b>Example</b>
<b>LEVEL IV</b>	Routine, relatively small, localized events and minor damages	Normal SEOC staffing.	Hazmat incident along an interstate requiring no state assistance; flood watch; DHS levels Green, Blue, Yellow.
<b>LEVEL III</b>	Threats that require situational awareness and guidance or significant effects to one community or across one or more jurisdictions.	Increased SEOC staffing to include Watch Officers and PEMA HQ staff for ICS positions (i.e. Situational Awareness/Resource Unit in Planning Section).	Flood warning; hurricane watch; unusual event at nuclear plant.
<b>LEVEL II</b>	Threats as described that require implementation of a Concept of Operations (CONOPS) for planning 2-3 days out of event or significant effects across jurisdictions that may exceed local resources.	Partial mobilization of SEOC staff. ESF 5 & other ESFs as required.	Severe flash flooding in several counties; severe winter weather; declaration of Alert or Site Area Emergency at nuclear plant; DHS level Orange.
<b>LEVEL I</b>	Regional or state wide catastrophic damage requiring heavy commitment of state resources.	Full mobilization of SEOC Staff; all ESFs (as needed).	State wide severe winter storm; hurricane stalling over the state for days; declaration of General Emergency at a Commonwealth Nuclear Power Plant; DHS level Red; September 11-like event.

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### 5. ROLES & RESPONSIBILITIES OF STATE AGENCIES

The Department of Agriculture will manage the EPRG primarily under its ESF 11 responsibilities. However, other ESFs may have an association with this guidance also, they are: ESFs 1, 5, 6, 7, 8, and 12. Descriptions explaining how these ESFs have an association with the EPRG are as follows:

#### **Pennsylvania Department of Transportation (PennDot) (ESF 1 – Transportation)**

##### **Preparedness**

- a. Assist with the evolution of planning and training for the EPRG, if requested.

##### **Response**

- a. PennDot is the lead coordinating agency for ESF 1.
- b. PennDot and ESF 1 support agencies may assist in the coordination of transportation needs such as providing road closure information that may inhibit the transport and delivery of food and commodity to an EPRG facility or any other scenario where a key agricultural commodity is potentially being impacted by the emergency.

#### **Pennsylvania Emergency Management Agency (PEMA) (ESF 5 – Emergency Management)**

##### **Preparedness**

- a. Provide advance notification and/or situational awareness to state agency EPLOs in advance of the emergency event, if possible.
- b. Assist with the evolution of planning and training for the EPRG, if requested.

##### **Response**

- a. Provide resource coordination for all needs from the county emergency management agencies and act as the coordinating agent in the SEOC for ESF resource coordination and develop operational assignments and coordinate deployment of these resources to the affected area.
- b. Notify Commonwealth Departments/Agencies when EPLOs are required at the SEOC.
- c. Provide direction and interface to state agency EPLOs during an emergency situation.
- d. Assist with the prioritization of critical infrastructure and key resources (CI/KR) during an emergency.
- e. Assist Regional Task Forces by establishing priorities for private sector businesses and coordinate the provision of temporary, alternate or interim sources of emergency services.
- f. Facilitate and coordinate the application of mass care resources provided to, or received in response to emergency needs or Emergency Management Assistance Compact (EMAC) system requests.
- g. If deemed necessary, facilitate the development of waivers as appropriate for the emergency.

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### **Pennsylvania Department of Public Welfare & American Red Cross (DPW & ARC) (ESF 6 – Mass Care, Shelter, and Human Services)**

#### **Preparedness**

- a. Assist with the evolution of planning and training for the EPRG, if requested.

#### **Response**

- a. The Department of Public Welfare (DPW) is the lead coordinating agency for ESF 6.
- b. ESF 6 includes activities to address the immediate and near-term actions to preserve life, property, environment, and the social, economic, and political structure of the community. This includes but is not limited to mass feeding.
- c. Through ESF 6, the American Red Cross (ARC) is prepared to provide mass feeding and assistance to disaster victims regardless of a disaster declaration and can also be provided regardless of the size of the disaster.
- d. The ARC prepares and maintains plans and procedures to coordinate efforts to provide clothing, sheltering, and feeding activities.
- e. The ARC provides, as requested by PEMA, a county or local municipality the needed sheltering, feeding services, activities and staff to successfully accomplish the mission.
- f. County Emergency Management Coordinators (EMC) may have established agreements with ARC to permit appropriate organizations to handle mass care requirements.
- g. Supply professional advice and assistance to state, county and municipal mass care operations.
- h. Develop a plan to provide for welfare of special needs and general population groups.
- i. If necessary, provide the SEOC Incident Manager EPLOs to report for duty in the SEOC throughout the duration of the emergency.
- j. If during a mass feeding incident there is a need, work with ESF 5, 7, and 11 as necessary to fill the need.

### **Pennsylvania Department of General Services (DGS) (ESF 7 – Logistics Management & Resource Support)**

#### **Preparedness**

- a. Assist with the evolution of planning and training for the EPRG, if requested.

#### **Response**

- a. If necessary, provide that the SEOC Incident Manager EPLOs report for duty in the SEOC for the duration of the emergency.
- b. Act as primary agency for ESF 7 coordinating resource support.
- c. Coordinate acquisition of resources in the event of a human-caused or naturally occurring emergency or disaster. Normally, state assistance will be provided after local abilities have been overwhelmed or to support state-level activities.
- d. Assist in the procurement and distribution of materials and supplies required by Commonwealth departments/agencies for use in emergency operations.
- e. Coordinate with ESF 5 (PEMA), ESF 6 (DPW & American Red Cross) and ESF 11 (PDA) during a request which involves mass feeding, if necessary.
- f. Locate and coordinate the procurement and delivery of resources to other state and local agencies for use in emergency operations necessary to support emergency response or to promote public safety.

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### **Pennsylvania Department of Health (DoH) (ESF 8 – Public Health and Medical Services)**

#### **Preparedness**

- a. Assist with the evolution of planning and training for the EPRG, if requested.

#### **Response**

- a. Coordinate or conduct the emergency procurement and distribution of pharmaceuticals, medical and health equipment, materials and supplies.

### **Pennsylvania Department of Agriculture (PDA) (ESF 11 – Agriculture & Natural Resources)**

#### **Preparedness**

- a. Maintain internal ESF 11 standard operating procedures (SOPs) and ensure the EPRG remains a viable appendix to the SOP.
- b. Exercise concepts to ensure guidance is realistic and executable and conduct an after action review meeting to identify gaps, deficiencies and strengths, when necessary.
- c. Monitor predictable emergency events and through the PFMA Liaison, provide Private Sector Liaisons (PSL) with advance information and warnings as necessary.
- d. Monitor national reporting systems that indicate and forecast weather conditions, and ensure warnings of potential weather emergencies are disseminated to the PFMA Liaison for communications to PSLs, as necessary.
- e. Conduct annual maintenance on the EPRG.

#### **Response**

- a. Primary coordination agency for ESF 11.
- b. During a large agricultural emergency, PDA may activate its own EOC at the Agriculture Building, which is located at 2301 North Cameron Street, Harrisburg PA 17110. Depending on the emergency, it may serve as an Incident Command Center or in some cases an Area Command with liaison to the SEOC and the County(s) EOCs during the emergency.
- c. If necessary, provide the SEOC Incident Manager EPLOs to report for duty in the SEOC throughout the duration of the emergency.
- d. Locate and provide coordination for transport of human food and animal feed if requested by PEMA during an emergency.
- e. Assist ESF 6 and the ARC in the distribution of food at Emergency Processing Centers or Customer Service Centers or any other need, if requested by PEMA.
- f. Provide statistics on the quantities and locations of food furnished by the USDA Food and Nutrition Service (USDA FNS).
- g. Locate and secure supplies of food, including federally owned surplus foods, to supplement those in the disaster area.
- h. Ensure the safety of food products that are being used for emergency distribution purposes for recipients or responders, as requested by PEMA.
- i. Communicate emergency alert notifications directly to the PFMA Liaison to assist the private sector during an emergency (e.g. general situational awareness, weather reports, power restoration reports).
- j. Interface with the PFMA Liaison, during emergency incidents that affect the flow and transportation of food products and commodities to and between warehouse and retail/merchant facilities.
- k. Collect and report all disaster or emergency related losses, situational awareness, or other pertinent information from the PFMA Liaison to the SEOC.
- l. If deemed necessary, staff the PA Department of Agriculture EOC and afford the PFMA the opportunity to perform liaison activities from the EOC if necessary.

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- m. If there is an unmet request for mass feeding resources from the ARC, EPLOs should coordinate with ESFs 5, 6, 7 to fulfill the resource request.
- n. If there is an unmet need for mass feeding from ESFs 5,6,7 or others, the private sector will be engaged for consideration of mass feeding after all other avenues have been exhausted.
  
- o. Before a decision is made to provide mass feeding resources, consideration on transportation, preparation, and distribution of the food should always be examined.

### **Recovery**

- a. Collect and report to PEMA and any affected agencies best estimates for private sector losses or impacts attributed to the emergency.
  
- b. After an emergency occurs, interface with PFMA Liaison to determine extent of damage on private sector as necessary.

## **Pennsylvania Department of Environmental Protection (DEP & PUC) (ESF 12 – Energy)**

### **Preparedness**

- a. Assist with the evolution of planning and training for the EPRG, if requested.

### **Response**

- a. Coordinate the emergency actions essential to the restoration of basic energy services.
- b. Provide power outage information as necessary to EPLOs.
- c. Provide power outage restoration projections if possible to EPLOs.

## **6. ROLES & RESPONSIBILITIES OF TRADE ASSOCIATION (Pennsylvania Food Merchants Association)**

### **Preparedness**

- a. Designate a PFMA Liaison to serve as the primary liaison and conduit between PDA EPLOs and the Private Sector Liaisons, regardless of the private sector affiliation and/or membership to the PFMA.
- b. Solicit participatory interest amongst wholesale distributors and retail food merchants in Pennsylvania for inclusion in the EPRG regardless of membership to PFMA.
- c. Work to identify private sector liaisons for each organization so that each entity understands the guidance and its intent.
- d. Facilitate information exchange between the PSL and PDA EPLOs as necessary.
- e. Participate in training or exercises as necessary and provide pertinent information to Private Sector Liaisons.
- f. PFMA Liaison will conduct an annual review for maintenance of EPRG along with PDA.
- g. Work with Counties and Regional Task Forces to identify and designate regionalized private sector critical infrastructure in all relevant counties, if appropriate.

### **Response**

- a. Facilitate a two-way dialogue between PSLs and PDA EPLOs in advance of, during, and/or after an emergency as necessary.
- b. Facilitate coordination of industry response activities with PDA EPLOs in the SEOC if necessary during the emergency.
- c. Report to the PDA EPLO situational awareness on the private sector to help the SEOC establish a clear operational picture.

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- d. Receive advance emergency alert notifications from the PDA, when information is predictable.
- e. Either by telephone, or email, receive and forward emergency notifications between PDA EPLOs in the SEOC or elsewhere, when necessary.
- f. Provide an overall liaison interface between PDA EPLOs and PSLs.
- g. If called upon, provide liaison at the PDA EOC during the event of an agency internal EOC activation. If requested, provide liaison to SEOC or County EOC as a subject matter expert.
- h. Consider if the private sector can fulfill a mass feeding request if requested.
- i. Throughout any incident that impacts the private sector, the PFMA will conduct assessments with the PSL for the impacted facility(s) in order to identify their critical needs. This analysis will assist state emergency management officials with understanding how state coordination can be provided if possible.
- j. During emergency incidents that affect the flow and transportation of food products and commodities, the PFMA will interface with PDA EPLOs in the SEOC to determine any necessary needs.

### Recovery

- a. Private sector resources mobilized during the emergency should sufficiently monitor and track all expenditures for any possible later reimbursement of incurred costs, should funding become available for this purpose.

## 7. ROLES & RESPONSIBILITIES OF PRIVATE SECTOR LIAISON(S)

### Preparedness

- a. Designate a liaison to represent the organization and understand the intent of the EPRG.
- b. Anticipate predictable events that may impact the organization and make recommendations to leadership to lessen adverse impacts to operations.
- c. Participate in training and exercises as requested or necessary.
- d. Ensure emergency contact information is up to date and maintain communications with the PFMA Liaison.

### Responsibilities

- a. Serve as two-way emergency point of contact for your company to PFMA Liaison.
- b. Disseminate emergency updates to coworkers and various departments covering issues such as, but not limited to transportation and travel waivers, power outages, severe weather, pandemics, water supply issues, and other issues that arise from the emergency.
- c. Assess and track the status of private sector problems and needs for your company.
- d. Maintain situational awareness of the impacts of the emergency on your organization, and if possible, the larger industry.
- e. Provide the PFMA Liaison with information regarding private sector issues as needed or required by the emergency (key operational timelines, facility locations, building access needs, open store locations, hours, transportation issues, surge capacity, distribution center status, relocation logistics, security issues, recovery priorities and availability of perishable and non-perishable food, OTC medications, supplies, and pharmaceuticals).
- f. Represent your organization as a point of contact for all resource needs and requests.
- g. Provide situation reports (sitreps) as requested by the PFMA Liaison.
- h. Ensure a turnover briefing is provided to your next PSL on duty.
- i. Participate in meetings and conference calls as needed.
- j. Receive advance emergency alert notifications from the PFMA Liaison when information is predictable.
- k. Participate in training or exercises as necessary.
- l. Conduct an annual review of the organization's emergency response plan.
- m. Familiarize yourself with your organization's regional task force and county and local emergency response community.



## 8. CRITICAL INFRASTRUCTURE PROTECTION

It is estimated that 85% of critical infrastructure and key resources in the United States resides in the private sector and emergencies are typically handled first at the township, municipal or county levels of government. Therefore, it is important for private sector entities to establish relationships with emergency management officials in each respective county and local levels of government. When necessary, each County Emergency Management Agency (EMA) sometimes operates a County Emergency Operations Center (EOC) during emergencies that reach beyond a township's capabilities. One of the goals of critical infrastructure protection is to ensure that critical infrastructure and key resources are considered during the prevention, protection, response, and recovery phases of emergency management. Thus, it is most practical for private sector entities to establish relationships with county EMAs and/or Regional Task Forces for the purpose of understanding and participating in the local critical infrastructure protection program, if appropriate.

## 9. TRAINING AND EXERCISES

### Training

- a. All recipients of this document should be knowledgeable of the intent and expectations of the guidance.
- b. PSLs should complete FEMA courses IS-700 and ICS-100, which are free and available on the FEMA web site at [www.fema.gov](http://www.fema.gov). (See training appendix for further info).
- c. Conduct on-going awareness level training to ensure participants are knowledgeable to the contents of the EPRG.

### Exercises

- a. Conduct tests or exercises to evaluate the effectiveness of the EPRG and procedures and make modifications or improvements based upon such evaluations. In addition, concepts can be practiced and included in exercises and drills conducted by PEMA and other state agencies.
- b. During relevant exercises conducted at PEMA, PDA EPLOs will exercise information exchange with the PFMA Liaison when appropriate. The PFMA Liaison should then exercise information exchange with all PSLs as appropriate.
- c. Within 90 days of the conclusion of any exercise activity, an exercise evaluation or After Action Report (AAR) meeting may be conducted to identify strengths, determine recommendations, and identify areas for improvement for the purpose of enhancing the EPRG.

## 9. MAINTENANCE AND DISTRIBUTION

### Maintenance

#### PDA, PFMA & others will:

- a. Maintain this emergency response guidance to provide for enhanced emergency management capabilities in partnership with the private sector.
- b. Meet on an annual basis to discuss, review, and/or revise the content of this guidance. The revised guidance will then be issued to all participants.

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### PDA will:

- a. Maintain the EPRG as an appendix to its internal ESF 11 SOP and emergency preparedness procedures.
- b. Maintain overall responsibility for further guidance development.

### Distribution

- a. Basic distribution of this guidance:

PEMA Deputy Director for Operations  
PEMA Deputy Director for Planning and Preparedness  
Department of Agriculture Desk, SEOC  
Department of Agriculture Lead EPLO  
Department of Health Lead EPLO  
Department of Public Welfare Lead EPLO  
Department of General Services Lead EPLO  
Department of Transportation Lead EPLO  
Department of Environmental Protection Lead EPLO  
Regional Task Force Program Managers  
Pennsylvania Food Merchants Association Liaison  
Designated Private Sector Liaisons  
Chair, SCTF Business & Industry Subcommittee

- b. PDA will maintain a current distribution list showing the number of copies sent to each organization and the individual who received them.
- c. Additional copies may be provided on request to PDA. As copies are distributed, the name of each recipient will be added to the distribution list.
- d. The guidance will be updated on an annual basis.

## 10. AUTHORITIES AND REFERENCES

### Authorities

1. State Emergency Operations Plan
2. Title 35, Health & Safety Act

### References

1. PDA ESF 11 Standard Operating Procedures

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# APPENDIX

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### ACRONYMS

It is the nature of emergency management to strive for operational efficiencies by shortening the terms that are used. However, using acronyms can lead to confusion, especially for those who do not work in that area on a regular basis. The following is a list of acronyms that are used in this guidance:

AAR	After Action Review
ARC	American Red Cross
CI/KR	Critical Infrastructure/Key Resources
DEP	Department of Environmental Protection
DGS	Department of General Services
DHS	Department of Homeland Security
DP	Distribution Point
DPW	Department of Public Welfare
DoH	Department of Health
EMA	Emergency Management Agency
EMAC	Emergency Management Assistance Compact
EMC	Emergency Management Coordinator
EOC	Emergency Operations Center
EPRG	Emergency Preparedness and Response Guidance
EPLO	Emergency Preparedness Liaison Officer
ESF	Emergency Support Function
FAQ	Frequently Asked Questions
FEMA	Federal Emergency Management Agency
FOUO	For Official Use Only
GIS	Geographical Information Systems
HoS	Hours of Service
HQ	Headquarters
IC	Incident Commander
ICS	Incident Command Structure
IP	Improvement Plan
MACC	Multi Agency Coordination Center
MRE	Meal Ready to Eat
NGO	Non Governmental Organization
NIMS	National Incident Management System
NRF	National Response Framework
NWS	National Weather Service
OA	Office of Administration
PDA	Pennsylvania Department of Agriculture
PEMA	Pennsylvania Emergency Management Agency
PennDot	Pennsylvania Department of Transportation
PoD	Point of Distribution
PFMA	Pennsylvania Food Merchants Association
PSL	Private Sector Liaison
PSP	Pennsylvania State Police
PUC	Public Utility Commission
RCTTF	Regional Counter Terrorism Task Force
RTF	Regional Task Force
SEOC	State Emergency Operations Center
SEOP	State Emergency Operations Plan
SITREP	Situation Report
SME	Subject Matter Expert
SOP	Standard Operating Procedure
USDA FNS	United States Department of Agriculture Food Nutrition Services
VOAD	Voluntary Organizations Active in Disasters

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**PRIVATE SECTOR LIAISON (PSL) CONTACT FORM**

Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Company: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
Email: \_\_\_\_\_

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**Request for Emergency Assistance Form**

**Emergency Support Function (ESF) 11 (Agriculture & Natural Resources)**

**1. Requesting Entity**

Name of organization requesting assistance \_\_\_\_\_

Point of contact for requestor – Name: \_\_\_\_\_

\_\_\_\_\_  
Primary Phone #                      Secondary Phone #                      E-mail

**2. Type of Assistance**

Explain in detail the type of assistance requested (*please restrict to essential emergency assistance*)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please provide addresses, including municipality and county, of entities requiring assistance

(*If plowing, identify beginning and ending intersections*) \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

If more than one entity requires assistance, please prioritize by criticality \_\_\_\_\_

\_\_\_\_\_

Explain in detail the urgency of the request (*define the economic or public health impacts*)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Is there anything to substantiate the request? (*photos, stats, projected/real economic loss figures*)

No \_\_\_ If yes \_\_\_\_\_

**3. Timeframe for Assistance**

What date/time is the assistance needed by and if not provided, what are the consequences?

\_\_\_\_\_  
\_\_\_\_\_

**4. Geographical Impact**

Is there a multi-county or multi-state impact or 2<sup>nd</sup> or 3<sup>rd</sup> order effect? No \_\_\_ If yes \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**5. Municipal Government**

Could this request be handled by the township or county emergency management agency office?

No \_\_\_ If Yes, have they been contacted? \_\_\_\_\_

**6. Miscellaneous**

Please provide any other comments as necessary \_\_\_\_\_

\_\_\_\_\_

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**Hours of Service Waiver Application**

To: Department of Agriculture EPLO via PFMA Liaison

Contact: Annette Knapp at email (preferable) [aknapp@pfma.net](mailto:aknapp@pfma.net) or PFMA fax: 717-760-5953.

Please be advised that our company, a carrier of \_\_\_\_\_ is experiencing severe difficulties meeting demand for \_\_\_\_\_ while simultaneously complying with the Hours of Service Regulations contained in 49 CFR 395.

**The following CHECKED conditions are causing difficulties with HOS regulation compliance:**  
***(Check ONE or MORE that apply).***

- Recent storm patterns and road conditions prolong trip times and impede travel to and from supply and delivery points.
- Above average demand for \_\_\_\_\_ is placing substantial pressure on our supplies and the driver hours necessary to accommodate this demand.
- Supply disruptions at the manufacturer or wholesale level are forcing us to travel to alternative points of supply for product.  
Increased distances are increasing driver hours to maximum allowed levels.
- The emergency has caused shortages of drivers and has had a cascading impact on HOS compliance.
- We have engaged additional contract carriers, but are not able to secure a level sufficient to meet our supply logistics.
- We have attempted and are unable to secure additional contract carriers to address our supply and delivery needs.
- We have been unsuccessful obtaining temporary stock to meet our demand.
- We've attempted & have been unsuccessful in obtaining temporary qualified drivers to meet our peak demand or shortage.
- The current situation leaves us in a position where we have to cease deliveries upon reaching the HOS threshold, thereby exposing our customers to disruptions in the supply of necessary product. An HOS waiver declaration is prudent to prevent interruptions in the flow of critical \_\_\_\_\_ during this period of peak supply and demand dislocations.  
The delivery of product to approximately \_\_\_\_\_ locations in the Commonwealth of Pennsylvania will be impacted.

The following contiguous states that we operate in have issued an HOS waiver for this event \_\_\_\_\_  
\_\_\_\_\_ Number of Days HOS Waiver was Issued For? \_\_\_\_\_

We request that a granted waiver be in effect for \_\_\_\_\_ days starting on \_\_\_\_\_ and ending on \_\_\_\_\_.  
*(Historically, a 5-day HOS waiver has been granted for food delivery operations.)*

Comments & specific notations for consideration \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signed: \_\_\_\_\_ (Authorized Company Representative)

Print Name: \_\_\_\_\_ Title: \_\_\_\_\_

Company: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_

Please contact me to discuss our specific situation because additional information is necessary.

Additional page of comments included.

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# Hours of Service Frequently Asked Questions

<http://www.fmcsa.dot.gov/rules-regulations/truck/driver/hos/hos-faqs.asp>

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### **State level FAQ**

When the driver has been relieved of all duty and responsibilities upon termination of direct assistance to a regional or local emergency relief effort, no motor carrier shall permit or require any driver used by it to drive nor shall any such driver drive in commerce until:

(1) The driver has met the requirements of §§ 395.3(a) and 395.5(a) of this chapter; and (2) The driver has had at least 34 consecutive hours off-duty when: (i) The driver has been on duty for more than 60 hours in any 7 consecutive days at the time the driver is relieved of all duty if the employing motor carrier does not operate every day in the week, or (ii) The driver has been on duty for more than 70 hours in any 8 consecutive days at the time the driver is relieved of all duty if the employing motor carrier operates every day in the week.

[57 FR 33647, July 30, 1992, as amended at 60 FR 38744, July 28, 1995; 68 FR 22514, Apr. 28, 2003; 70 FR 50070, Aug. 25, 2005]

### **The following are FAQs as extracted from the Federal Motor Carrier Safety Regulation:**

#### *B-1. Do these HOS regulations apply to intrastate commerce?*

*No.* Intrastate commercial motor vehicle regulations are under the jurisdiction of each State. The HOS regulations apply directly only to interstate commerce. However, most States have adopted intrastate regulations which are identical or very similar to the Federal hours-of-service regulations. A driver involved exclusively in *intrastate* operations should contact the State agency handling commercial vehicle enforcement in the driver's home State with any questions. Usually this is the state police or highway patrol, although in some States, the function is handled by the department of motor vehicles, department of public safety, or public service commission.

#### *B-2. What are the penalties for violating the HOS rules?*

Drivers or carriers who violate the HOS rules face serious penalties:

- Drivers may be placed out-of-service (shut down) at roadside until the driver has accumulated enough off-duty time to be back in compliance;
- State and local enforcement officials may assess fines;
- FMCSA may levy civil penalties on driver or carrier, from \$1,000 to \$11,000 per violation depending on severity;
- The carrier's safety rating can be downgraded for a pattern of violations; and
- Federal criminal penalties can be brought against carriers who knowingly and willfully allow or require HOS violations, or drivers who knowingly and willfully violate the HOS regulations.

#### *B-5. If a State has an 8-hour off-duty requirement for intrastate operations, may a driver who takes 8 hours off-duty after completing an intrastate trip begin driving on an interstate trip?*

*No.* The driver of a property carrying vehicle must take an additional 2 consecutive hours off-duty, for a total of 10 consecutive hours, before beginning an interstate trip.

#### *B-6. How would "waiting time" at a terminal, plant, or port be logged?*

"Waiting time" at a terminal, plant, or port may be recorded as off-duty, sleeper berth, or on duty/not driving, depending on specific circumstances.

For "waiting time" to be off-duty, the following off-duty conditions must be met:

1. The driver must be relieved of all duty and responsibility for the care and custody of the vehicle, its accessories, and any cargo or passengers it may be carrying.
2. During the stop, and for the duration of the stop, the driver must be at liberty to pursue activities of his/her own choosing and to leave the premises where the vehicle is situated.

If circumstances permit a driver to utilize a valid sleeper berth without being disturbed for a specific period of "waiting time," that time in the sleeper berth may be recorded as "sleeper berth" time. However, a driver must take eight consecutive hours in a sleeper berth, plus another two consecutive hours off duty or in a sleeper berth, in order to meet the requirement for the equivalent of 10 consecutive hours off duty. In most other circumstances, such as when the driver is required to remain with the vehicle to move it when necessary, the "waiting time" should be recorded as "on duty/not driving."



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*B-7. May a driver be called after 8 hours off-duty to report to work 2 hours later?*

Yes. The HOS rule does not control communication between the driver and the motor carrier during the driver's off-duty time, so the call may occur. However, the driver cannot be required to do any work for the motor carrier during the 10 hours of off-duty time.

### C. SHORT-HAUL OPERATIONS

#### General Questions

*C-1. What is a "short-haul" operation?*

The HOS regulations do not specifically define or use the term "short haul" except as a caption for § 395.1(e), which includes requirements for drivers using the 100 air-mile radius exception and those covered by the "non-CDL, as defined in Part 383, 150 air-mile radius" provision.

*C-4. May drivers who work split shifts take advantage of the short-haul operations provisions found in Part § 395.1(e)?*

For property-drivers, the concept of "split shifts" is no longer relevant due to the limitations of the 14-hour rule. The provisions in § 395.1(e) only provide an exception to the RODS requirements. Generally, they do not exempt the driver from any requirements of the HOS rules.

100 air-mile radius driver - A driver may go on- and off-duty multiple times during a duty tour, after completing at least 10 hours off duty, but the total of all on- and off-duty time accumulates toward their 12 hours. Once a driver is on duty more than 12 hours they no longer meet the 100 air-mile radius exemption.

Operators of property-carrying commercial motor vehicles not requiring a commercial driver's license - A driver may go on- and off-duty multiple times during a duty tour, but the total of all on- and off-duty time accumulates towards the 14- or 16-hour time limit, whichever is applicable at the time, until the driver has a period of 10 or more consecutive hours off-duty.

Prior Regulatory Guidance (§ 395.1 Question 19) on this subject no longer applies to property-carrying drivers.

*C-5. How does a driver comply if during a 7-day period the driver operates some days under the 100 air-mile radius exception, some days under the "non-CDL 150 air-mile radius" provision, and some days under neither?*

The driver complies with the provisions of the 100 air-mile radius exception or the non-CDL, as defined by Part 383, 150 air-mile radius provision if either of those are applicable for the entire duty period (usually one day). For example, if a driver operates within the 100 air-mile radius for part of the day and then travels outside the radius during the same duty period, the exception would not apply. The driver must remain under the conditions of the exception for the entire duty period. Compliance may vary from one duty period to the next, depending on operating circumstances. A driver operating under the 100 air-mile radius exception for one day and then outside the radius for the second day would only be required to make a RODS for the second day.

#### 100 Air-Mile Radius Provision

*C-6. How would you summarize the 100 air-mile radius HOS provision in § 395.1(e)(1)?*

The 100 air-mile radius exception in Part § 395.1(e)(1) is an *option* to use time records in lieu of RODS on days when the driver meets the conditions of the exception, which are:

- The driver operates within a 100 air-mile ( 115 statute miles) radius of the normal work reporting location, and
- The driver returns to the work reporting location and be *released from duty* within 12 consecutive hours, and
- The driver maintains time records as specified in the rule, and
- The driver is not covered by the "non-CDL 150 air-mile radius" provision.

*C-7. May a "100 air-mile radius" driver utilize the "16-hour duty period" exception in Part § 395.1(o)?*

Yes. A driver normally operating under the 100 air-mile radius exception in § 395.1(e) may also meet the requirements in § 395.1(o) enabling the driver to have one period of 16 hours on-duty each week (or after a 34-hour restart). However, on the day in which the 16-hour exception is utilized, the driver would not meet the 12-hour duty-period requirement of the 100 air-mile radius exception and would therefore be required to make a RODS for that day.

#### Non-CDL 150 Air-Mile Radius Provision

*C-8. What drivers are covered by the Non-CDL 150 air-mile radius provision?*

Operators of property-carrying commercial motor vehicles not requiring a CDL, as defined in Part 383, may be covered by the Non-CDL 150 air-mile radius provision. Note that the applicability depends on the type of vehicle being driven, not whether the operator possesses a CDL.

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### *C-9. How would you summarize the Non-CDL 150 air-mile radius provision in Part § 395.1(e)(2)?*

Drivers of non-CDL vehicles (those vehicles not requiring a CDL, as defined in Part 383 to operate) who are operating within a 150 air-mile radius of their normal work reporting location and return to their normal work reporting location at the end of their duty tour are now covered by separate HOS provisions. Drivers meeting these conditions are not eligible for the existing 100 air-mile radius provision in § 395.1(e)(1) or the current 16-hour exception in § 395.1(o), since those conflict with this new Non-CDL 150 air-mile radius provision. These drivers are required to comply with the following:

- (a) The 11 hours driving, minimum 10 hours off-duty, 14 consecutive hour duty period, 60/70 hours in 7/8 days, 34-hour restart all apply.
- (b) On any 2 days of every 7 consecutive days, the driver may extend the 14-hour duty period to 16 hours.
- (c) There is no requirement that the driver be released from duty at the end of the 14- or 16-hour duty periods. The driver may continue to perform non-driving duties, which would be counted against the 60/70 hour weekly limitation.
- (d) Time records may be used in lieu of records of duty status.

### **D. 14-HOUR DUTY PERIOD**

#### *D-1. May a driver be on duty for more than 14 consecutive hours?*

Yes. A driver may remain on duty for more than 14 hours; however, the driver of a property-carrying CMV cannot *drive* after the 14th hour after coming on duty. Also, the additional on-duty time will be counted toward the 60/70-hour on-duty limit.

#### *D-2. If a carrier allows a driver to log mealtime or similar activities as off-duty time, does that permit a driver to extend the 14-hour duty period?*

No. Off-duty breaks during the day do not extend the workday to permit a driver to drive after the 14th consecutive hour on duty. However, time logged as off duty is *not* counted in calculating a driver's 60/70-hour on-duty limit.

### **E. 16-HOUR EXCEPTION**

#### *E-1. What is a "duty tour" as the term is used in Part § 395.1(o)?*

The 16-hour exemption in § 395.1(o) is designed for one-day "duty tours." The duty tour is the interval between the time a driver comes on-duty and is released from duty on a daily basis. This period begins and ends at the driver's normal work reporting location and may only be used following 10 or more consecutive hours off-duty, 10 or more consecutive hours in the sleeper berth, or a combination of 10 or more consecutive hours off-duty & sleeper berth time.

#### *E-2. If a driver is "on duty, not driving" during the 15th and 16th hour of his duty tour and does not drive after that, has he used the 16-hour exception in § 395.1(o)?*

No. Example: If a driver was on duty 16 hours on Wednesday, but didn't drive after being on duty 14 hours, could the driver use the 16 hour extension on Friday and be allowed to drive after the 14th hour as long as all other conditions and regulations (11-, 16-, and 60/70- hour rules) were met?

In this scenario, the driver may choose to use the 16-hour extension on Friday as long as the driver meets all of the requirements for the 16-hour exception outlined in Part § 395.1(o) and also remains in compliance with Part § 395.3(a)(1) and Part § 395.3(b). Although the 16 hours on-duty on Wednesday will count toward the driver's 60/70 calculations, the driver has not utilized the 16-hour exception unless the driver has actually driven after the 14th hour.

#### *E-3. May a driver having more than one work reporting location use the § 395.1(o), 16-hour exception?*

As stated in § 395.1(o) and current § 395.1 Interpretation Question 15, a driver having more than one work reporting location could use the § 395.1(o) 16-hour exception; however, its availability would be limited by the requirement of § 395.1(o)(1) that the "carrier released the driver from duty at that location for the previous five duty tours the driver has worked..." A driver alternating between two normal work locations on a weekly basis would not be able to utilize the exception unless he worked six days per week, and then the exception could only be used on the sixth day.

#### *E-4. May a driver utilize the adverse driving rule, which extends the driving time by two additional hours, in conjunction with the 16-hour exception?*

No. A driver may not use the exception for adverse driving conditions while also using the 16-hour exception for property-carrying drivers. Section 395.1(b)(1)(ii) of the adverse driving conditions exception specifically states that a property-carrying driver may not drive or be permitted to drive after he/she has been on-duty after the end of the 14th hour after coming on-duty following 10 consecutive hours off-duty.

#### *E-5. When the "16 hour exception" is used, may sleeper berth periods or extended off-duty periods be included in the "duty tour?" How does this affect team drivers?*

The § 395.1(o) exception for property-carrying drivers is for drivers who return to the normal work reporting location and are

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released from duty at the end of each of the previous 5 duty tours. The use of 10 consecutive hours off duty or the equivalent (sleeper berth, off duty, or any allowable combination thereof) before returning to the work reporting location would interrupt the duty tour, and the driver would not be eligible to use the 16-hour exception that day or again until after 5 or more duty tours when the driver did return to the work reporting location.

### F. 34-HOUR RESTART

*Does any period of 34 consecutive hours off-duty automatically restart the calculation of the 60/70-hour on-duty period?*  
Yes. Any period of 34 consecutive hours off-duty will restart the 60/70 hour calculation.

*F-2. If a driver works at another job, unrelated to trucking, during his 34-hour off-duty restart period, and then begins a duty shift for the trucking company, does the 34-hour restart provision apply?*

No. Performing compensated work for a person not a motor carrier is considered on-duty time, which would interrupt the 34-hour period.

*F-3. If a driver is on-call, but has not been called for 34 hours, may those 34 hours be counted as a 34-hour restart?*  
Yes, provided the carrier has not required the driver to report for work until after the 34-hour period has ended.

*F-4. If a driver takes the 34-hour restart in Canada or Mexico just before entering the U.S., will it be recognized as such in the U.S.?*

Yes. Duty status changes and periods occurring in Canada or Mexico before entering the U.S. are included in HOS calculations while in the U.S.

*F-5. How should the "recap" section of the RODS page be completed when using a 34-hour restart to begin a new 60/70 hour period?*

The RODS pages printed by most commercial firms include a "recap" on each page for drivers to calculate compliance with the 60/70 hour limits and show "time remaining" within those limits. This "recap," however, is not required or addressed by the FMCSRs. Therefore, the "recap" may be completed in any manner desired.

### G. SLEEPER BERTHS

*G-1. May a driver spend part of his or her 34-hours of consecutive off-duty time in a sleeper berth?*  
Yes, provided the 34-hour period is consecutive and not broken by on-duty or driving activities.

*G-2. If a team driver goes directly from 10 consecutive hours off-duty to the sleeper berth at the start of his duty period, can the sleeper-berth period be excluded from calculation of the 14-hour limit?*

Yes. It would be a "...combination of consecutive sleeper-berth and off-duty time amounting to at least 10 hours" per § 395.1(g)(1). The driver would not be permitted to perform any duties, such as pre-trip inspections, prior to using the sleeper berth.

*G-3. How does a driver who is utilizing the sleeper berth provision calculate his or her compliance with the 14-hour rule?*

A sleeper-berth period of at least 8 consecutive hours is excluded from calculation of the 14-hour limitation. All other sleeper berth periods are included in the 14-hour calculation (unless part of a sleeper-berth/off-duty combination of 10 or more consecutive hours).

### J. OTHER EXEMPTIONS

*J-1. Are there other hours-of-service exemptions not included in this regulation?*

Yes. The Motor Carrier Safety Act of 2005 (Part IV of SAFETEA-LU) includes several exemptions to the hours-of-service for specific industries. Although not included in this regulation, these exemptions are in effect.

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### National Incident Management System Guidance

Local government handles most emergency situations. However, when a community's resources are insufficient to respond to an incident, local government may call on the private sector (such as the food industry) for assistance. As required under Homeland Security Directives, the National Incident Management System (NIMS) enables responders from different communities with a variety of job responsibilities to better work together. Everyone has a role to play in NIMS implementation — fire and rescue, law enforcement, hospitals, transportation systems, public works, voluntary agencies, private industry and many others — not only in responding to an event, but also in ongoing preparedness activities as well. Businesses are encouraged to get acquainted with NIMS by having emergency preparedness staff take the free courses that are offered online so that the private and public sectors can work together in an emergency situation.

The NIMS Integration Center recommends 12 activities for the private sector that support NIMS implementation. These activities closely parallel the implementation activities that have been required of state, territorial, tribal, and local governments since 2004. They include:

- **Adopt NIMS** — Work with your corporate leadership, trade associations, and private sector incident management and response teams to inform them of your organization's intent to adopt NIMS.
- **Identify Points of Contact** — Share these names with your local emergency management authority. Keep the list up to date.
- **Use the Incident Command System (ICS)** — If you have an emergency response team or contract Emergency Medical Services, security firm or similar response organizations, you should manage all emergency incidents and pre-planned events using ICS organizational structures and procedures, as defined in NIMS.
- **Support Integrated Multi-Agency Coordination Systems (MACS)** — Ensure your organization has connectivity capability between local Incident Command Posts (ICPs), local 911 centers, local Emergency Operation Centers (EOCs), and state, regional and federal EOCs.
- **Establish a public information system** — Gather, verify, coordinate and disseminate information both within your organization and with others (i.e. media, local emergency management, and other private sector partners) during an incident.
- **Revise Plans** — Organizational plans and Standard Operating Procedures (SOPs) should incorporate NIMS components, principles and policies, to include planning, training, response, exercises, equipment, evaluation and corrective actions.
- **Promote Mutual Aid** — Establish a memorandum of understanding/agreement with government agencies and other private sector organizations to share resources and personnel. Ensure the agreement addresses credentials held by your fire brigade/response personnel.
- **Maintain NIMS Training** — Emergency preparedness personnel in your organization as well as any emergency responders can adopt training programs in conformance with the NIMS National Standard Curriculum. Training may include IS-700 NIMS: An introduction, IS-800a; NRP: An Introduction; Incident Command System (ICS-100) and Incident Command System (ICS-200). For tips on who in your organization should take NIMS training see: [www.fema.gov/emergency/nims/nims\\_training.shtml](http://www.fema.gov/emergency/nims/nims_training.shtml). These training courses are also taken by response organizations. Encouraging your employees to take these courses will result in a more collaborative working relationship with public and private sector partners. Currently, there are six courses that are required for an individual or organization to be considered NIMS compliant. To determine the training level an individual needs during a multi-jurisdiction, multi-agency incident: [www.fema.gov/pdf/emergency/nims/TrainingGdlMatrix.pdf](http://www.fema.gov/pdf/emergency/nims/TrainingGdlMatrix.pdf).
- **Exercise NIMS** — Participate in state, regional, tribal, and/or local NIMS-based exercises. Everyone who will be involved in incident management should participate in realistic multi-disciplinary and multi-jurisdictional exercises to improve integration and interoperability.
- **Inventory Response Assets** — Inventory your response assets using the Resource Typing Standards found at [www.fema.gov/emergency/nims/mutual\\_aid.shtml](http://www.fema.gov/emergency/nims/mutual_aid.shtml). Share this inventory with your local emergency management authority.
- **Coordinate Mutual Aid Requests** — Exercise your response asset inventory during exercises and training opportunities.
- **Use Plain Language** — Apply standardized terminology, including plain language communication standards across your organization and when you are communicating with other private sector partners and local EOCs. When operating in a multi-discipline/jurisdictional incident, common language among all responders limits confusion and miscommunications.

Pennsylvania's NIMS web site: [www.pema.state.pa.us](http://www.pema.state.pa.us) and click on the NIMS link.

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### NIMS Training for Private Sector Liaisons

<b>Course Name:</b> <a href="#">Introduction to Incident Command System</a>
<b>Course Code:</b> IS-100.a
<b>CEUs:</b> 0.3

<http://training.fema.gov/EMIWeb/IS/IS100A.asp>

#### Course Overview

ICS 100, Introduction to the Incident Command System, introduces the Incident Command System (ICS) and provides the foundation for higher level ICS training. This course describes the history, features and principles, and organizational structure of the Incident Command System. It also explains the relationship between ICS and the National Incident Management System (NIMS).

<b>Course Name:</b> <a href="#">National Incident Management System (NIMS) An Introduction</a>
<b>Course Code:</b> IS-700.a
<b>CEUs:</b> 0.3

<http://training.fema.gov/EMIWeb/IS/is700a.asp>

#### Course Overview

This course introduces and overviews the National Incident Management System (NIMS). NIMS provides a consistent nationwide template to enable all government, private-sector, and nongovernmental organizations to work together during domestic incidents.

