NATIONAL TRANSPORTATION SAFETY BOARD - Public Hearing

Conrail Derailment in Paulsboro, NJ with Vinyl Chloride Release

Conrail Train Derailment with Hazardous materials Release Paulsboro, New Jersey, November 2012

Hearing Transcript – Day 2 of 2 Wednesday, July 10, 2013

Docket ID: DCA13MR002

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

In the matter of:

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INVESTIGATIVE HEARING IN CONNECTION WITH PAULSBORO, NEW JERSEY TRAIN DERAILMENT AND HAZARDOUS MATERIAL RELEASE NOVEMBER 30, 2012

* DOCKET NO.: DCA-13-MR-002

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Board Room and Conference Center National Transportation Safety Board 429 L'Enfant Plaza East, S.W. Washington, D.C. 20694

Wednesday, July 10, 2013

The above-entitled matter came on for hearing, pursuant to Notice, at 9:00~a.m.

BEFORE: NTSB BOARD OF INQUIRY

APPEARANCES:

NTSB Board of Inquiry

CHRISTOPHER A. HART, Hearing Chairman; Vice Chairman NTSB Board MARK R. ROSEKIND, Ph.D., Member ROBERT L. SUMWALT, Member

NTSB Technical Panel

MATTHEW NICHOLSON, Hearing Officer
PAUL STANCIL, Investigator-in-Charge
STEVE BLACKISTONE
JOHN VORDERBRUEGGEN
GARY HELMER, Ph.D.
LARRY BOWLING
MUHAMED EL-ZOGHBI
ERIK GROSOF

Interested Parties

Federal Railroad Administration (FRA)

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LES FIORENZO, Regional Administrator, Region 1
DAVE KILLINGBECK, Bridge Expert

• <u>Pipeline and Hazardous Materials Safety</u>
Administration (PHMSA)

WILLIAM SCHOONOVER, Deputy Associate Administrator for Field Operations

• Consolidate Rail Corporation (Conrail)

ERIC LEVIN, Assistant Chief Engineer JONATHAN BRODER, Counsel ALLEN RICHTER, Manager, Risk Management DAVID D'AMICO, Attorney RON RAY, Attorney

• United States Coast Guard (USCG)

CAPT DAVID FISH, Chief, Marine Casualty Investigations and Analysis LCDR Laneka Giano, Counsel

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APPEARANCES: (Cont.)

Interested Parties

• Borough of Paulsboro, New Jersey

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GARY C. STEVENSON, Deputy Chief, Paulsboro Fire
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GLENN ROEMMICH, Captain, Paulsboro Fire Department
VERNON MARINO, Captain, Paulsboro Police Department
JEFF DANIELS, Attorney
BRAD CAMPBELL, Attorney

• State of New Jersey

DAVID SWEENEY, Department of Environmental
Protection

MARY BETH WOOD, Attorney
GREGORY SPELLMEYER, Attorney
SCOTT DUBIN, Attorney
ROBERT VAN FOSSEN, Department of Environmental
Protection, Emergency Response Program
BRYAN EVERINGHAM, State Police, Office of Emergency
Management

• Brotherhood of Locomotive Engineers and Trainmen (BLET)

WILLIAM WALPERT, National Secretary-Treasurer,
National Chairman of Safety Task Force,
STEVEN BRUNO, Vice President,
TOM HEBERT, Primary Investigator, Safety Task
Force

United Transportation Union (UTU)

WILLIAM H. BATES, District 11 Legislative Director and Spokesperson

APPEARANCES: (Cont.)

Panel 3: Hazardous Materials Incident Management

- GLENN ROEMMICH, Emergency Management Coordinator, Paulsboro Office of Emergency Management
- JACK DeANGELO, Deputy Emergency Manager, Gloucester County Emergency Response
- JOSEPH ELDRIDGE, Director, Environmental & Occupational Health Services
- GREGORY CADE, Director of Government Affairs, National Fire Protection Association (NFPA)
- ROBERT ROYALL, Chairman, Hazardous Material Committee; Assistant Chief, Emergency Operations, Harris County, Texas

Panel 4: STATE AND FEDERAL EMERGENCY RESPONSE ACTIONS

- ROBERT VAN FOSSEN, Director of Emergency Management, New Jersey Department of Environmental Protection
- JOSEPH ELDRIDGE, Director, Environmental & Occupational Health Services
- SGT. BRYAN EVERINGHAM, New Jersey State Police
- CAPT KATHY MOORE, Sector Commander, Delaware Bay, United States Coast Guard
- SCOTT LUNDGREN, Technical Advisor, Office of Marine Environmental Response, United States Coast Guard

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1 PROCEEDINGS

- (9:00 a.m.)
- 3 CHAIRMAN HART: We are now in session.
- Good morning. I'm Christopher Hart, the Vice Chairman
- 5 of the National Transportation Safety Board, and I'm joined today
- 6 by my fellow board members Robert Sumwalt and Member Mark
- 7 Rosekind.
- 8 As I mentioned to you yesterday, Chairman Hersman is the
- 9 board member on scene in the Asiana Airlines crash in San
- 10 Francisco, and Member Weener is not here today because he's the Go
- 11 Team member in the crash of a De Havilland Otter in Alaska. So
- 12 they will not be joining us today.
- So welcome to the second and final day of the fact-
- 14 finding hearing regarding the derailment on November 30th, 2012 of
- 15 a Conrail freight train near Paulsboro, New Jersey. Thank you for
- 16 a very productive and informative day yesterday, and we look
- 17 forward to another informative and productive day today.
- 18 Mr. Nicholson, will you please introduce the next panel?
- 19 HEARING OFFICER NICHOLSON: Yes. Thank you, Chairman
- 20 Hart.
- 21 Will Mr. Joe Eldridge, Mr. Jack DeAngelo, Mr. Glenn
- 22 Roemmich, Chief Robert Royall and Mr. Gregory Cade please take the
- 23 witness table and remain standing? Thank you. If you would,
- 24 please raise your right hand.
- 25 (Witnesses sworn.)

1 HEARING OFFICER NICHOLSON: Thank you. Please take your

- 2 seats.
- 3 And beginning with Mr. Eldridge, would each of you
- 4 please state your name, title, place of employment or the agency
- 5 you represent at this hearing.
- 6 MR. ELDRIDGE: Yes. My name is Joe Eldridge. I'm the
- 7 Director for Consumer Environmental Health in the New Jersey State
- 8 Department of Health.
- 9 CHIEF DeANGELO: Jack DeAngelo, Gloucester County
- 10 Emergency Response. I'm the Deputy Office of Management
- 11 Coordinator and I also serve as the chief of the hazmat team.
- 12 CHIEF ROEMMICH: Glenn Roemmich, Emergency Management
- 13 Coordinator, Borough of Paulsboro.
- 14 CHIEF ROYALL: I'm Robert W. Royall, Jr., Assistant
- 15 Chief of Emergency Operations for the Harris County Fire Marshal's
- 16 Office in the Houston, Texas area, and Chairman of the IOC hazmat
- 17 Committee.
- 18 CHIEF CADE: Good morning. My name is Gregory Cade. I
- 19 am the Government Affairs Director for the National Fire
- 20 Protection Association here in the Washington, D.C. office.
- 21 HEARING OFFICER NICHOLSON: Chairman Hart, the witnesses
- 22 have been prequalified. Their respective experience and
- 23 qualifications appear in the docket under Group 6, Exhibits A
- 24 through S.
- Mr. Blackistone, please begin.

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- 1 MR. BLACKISTONE: Thank you, Mr. Nicholson.
- 2 Yesterday, Panel 2 looked at what happened on the day of
- 3 the incident, but this morning's panel is going to move to a
- 4 broader view of emergency response to hazardous materials
- 5 incidents. We're going to be looking at recommended practices and
- 6 the resources that are available to local emergency responders.
- 7 The specific issues we'll address include:
- What are the Occupational Safety and Health requirements
- 9 for emergency response personnel exposed to uncontrolled releases
- 10 of hazardous materials especially that are applicable to
- 11 firefighters, private employees and the public?
- What are the New Jersey and federal Occupational Safety
- 13 and Health requirements for hazardous materials responders?
- 14 What are the responsibilities of incident command to
- 15 organize, control, and manage operations at an emergency incident?
- What are recommended practices and mandated procedures
- 17 for response operations such as site evaluation, hazard control,
- 18 and the use of appropriate personal protective equipment?
- 19 What are the pre-incident planning and NFPA 472's
- 20 Standard of Competencies for emergency responders to hazardous
- 21 materials incidents?
- 22 And finally, what are the fire department hazardous
- 23 materials incident response practices in light of resource
- 24 constraints and other fire service priorities?
- Mr. Stancil will open the questioning.

- 1 MR. STANCIL: Good morning. I'd like to begin with
- 2 Chief Roemmich. I understand you're a captain with the Paulsboro
- 3 Fire Department, but you've also served as chief, so I'll address
- 4 you as chief if you don't mind?
- 5 CHIEF ROEMMICH: That's fine, sir.
- 6 MR. STANCIL: I understand, Chief Roemmich, that you
- 7 were the author of the Paulsboro emergency operations plan.
- 8 Please give us an overview of that plan and some of the key
- 9 responsibilities that it designates for managing operations at an
- 10 emergency incident?
- 11 CHIEF ROEMMICH: Emergency operations plan has numerous
- 12 annexes that cover a broad range. We have fire rescue, we have
- 13 evacuation, alert warning, resource management, public works,
- 14 public information. Each annex has a director whose
- 15 responsibility it is to revise and keep current their annex.
- Every three to four years, the plan is due for revision,
- 17 and we have just revised ours. It had been lapse, but it is now
- 18 current. It has been approved by the local mayor and council. It
- 19 has been approved by the county and it has been forwarded on to
- 20 the State Police Office of Emergency Management for their
- 21 approval.
- 22 Each annex director, as I said, is responsible to take
- 23 care of their individual annex. We have since the train
- 24 derailment revised our evacuation. The police department, Chris
- 25 Wachter and Captain Marino, have revised the alert warning and

- 1 they have revised their evacuation annexes. The hazmat annex has
- 2 been revised by Fire Chief Alfonso Giampola, along with the fire
- 3 rescue. And we've made other small changes with the rosters for
- 4 the police department, fire department, public works, and that
- 5 plan is current today.
- 6 MR. STANCIL: Okay, Chief, you mentioned that each annex
- 7 has an annex director. Who would be the director for Annex F,
- 8 which is the evacuation plan?
- 9 CHIEF ROEMMICH: That would be Chief Chris Wachter of
- 10 the Paulsboro Police Department.
- 11 MR. STANCIL: And Annex H, the hazardous materials
- 12 response?
- 13 CHIEF ROEMMICH: That would be Fire Chief Alfonso
- 14 Giampola.
- 15 MR. STANCIL: Okay. What are some of the
- 16 responsibilities that these annexes have? For instance, in the
- 17 hazardous materials response, what are some of the
- 18 responsibilities of the fire chief and command staff?
- 19 CHIEF ROEMMICH: Under the hazmat, they are responsible
- 20 to be the liaison to the hazmat teams that we have coming forward.
- 21 They are responsible to make contact with them and to work hand in
- 22 hand with them, make any corrections or revisions that need to be
- 23 made. And in that plan, it does call for the firefighters to be
- 24 awareness and operational level trained and to make sure that our
- 25 firefighters are trained to those levels and keep their training

- 1 up-to-date.
- 2 MR. STANCIL: And what is the status of this training at
- 3 this time?
- 4 CHIEF ROEMMICH: All firefighters in the Borough of
- 5 Paulsboro are level -- they are awareness and operational level
- 6 trained and active.
- 7 MR. STANCIL: Okay. And you mentioned that the plan had
- 8 just been updated. We have not received a copy of that plan. Is
- 9 that plan available and can you provide that to us?
- 10 CHIEF ROEMMICH: Yes, we can provide that to you.
- MR. STANCIL: I'd like to ask the Hearing Officer to add
- 12 that as an exhibit.
- 13 HEARING OFFICER NICHOLSON: Okay. So what we're asking
- 14 for, that'll be Group 7, Exhibit I, the updated emergency
- 15 operations plan from Borough of Paulsboro?
- MR. STANCIL: Yes, that's correct.
- 17 And, Chief Roemmich, you mentioned some of the changes
- 18 that have been made to the plan. Are there any other changes that
- 19 you can highlight for us?
- 20 CHIEF ROEMMICH: We've updated the roster. We have
- 21 updated -- the public information officer is now the current
- 22 mayor. The previous mayor -- or he is Assemblymember Burzichelli,
- 23 was the public information officer. That was the gentleman that
- 24 we used during the derailment. The current mayor requested to be
- 25 on the -- as the public information officer. The borough council

- 1 did approve the plan at a workshop meeting on June the 18th. We
- 2 did have a meeting on July 1st, where the mayor grilled myself for
- 3 45 minutes over the plan to make sure that it was current, make
- 4 sure that everything was what needed to be done. All the rosters
- 5 -- our borough administrator has changed, so we had to change that
- 6 title and change those duties for a few individuals there, to fall
- 7 in line with what mayor and council has already put in place.
- 8 MR. STANCIL: Okay. And you mentioned Annex F in the
- 9 emergency operations plan, which is the plan for conducting
- 10 evacuations. Yesterday we heard from Chief Giampola about some of
- 11 the difficulties of evacuating large segments of the population.
- 12 Given the experience that your town has gained from this accident,
- 13 what is your perspective as the emergency coordinator regarding
- 14 the challenges of evacuating large segments of the community?
- 15 CHIEF ROEMMICH: The issues that we have with evacuating
- 16 large numbers of people we would still have today. The
- 17 municipality has two buses -- one through the school board, one
- 18 through the municipality -- that we could use for evacuation. We
- 19 don't have any vehicles for handicapped. We would have to go
- 20 through the Gloucester County Office of Emergency Management,
- 21 which is outlined in the plan, to get more resources through them.
- 22 And then I guess they would make contact through the county. The
- 23 county does have those types of vehicles that would be necessary
- 24 to accommodate the transportation of the handicapped and the extra
- 25 individuals.

1 The day of the incident, being a Friday, and with the

- 2 incident being where it was, some of the shelters that we would
- 3 use in the Borough of Paulsboro we would not have been able to use
- 4 because they would have been too close to the incident. We would
- 5 have had to go farther out.
- 6 Hotel space was very limited due to the Army/Navy game.
- 7 And if you go to use high schools in other municipalities, you
- 8 have the problem with it being a school day, so you have the
- 9 gymnasium, but there are also other law enforcement issues that
- 10 you have to address, such as Megan's Law. You cannot put a sex
- 11 offender in a school if you're going to evacuate them. So there
- 12 are other issues that you have to address.
- 13 And we would work hand in hand with the Office of
- 14 Emergency Management from the county, Director Butts and his
- 15 staff, to get this done, which was done later on Friday when we
- 16 did evacuate. The county did assist us tremendously with the
- 17 evacuation, and the police department.
- 18 MR. STANCIL: Yes. Vinyl chloride is not the only
- 19 hazardous material with a large recommended evacuation distance
- 20 such as half of a mile. As Chief Giampola told us yesterday,
- 21 these distances would involve a large percentage of the
- 22 population. And if he, as the incident commander, should
- 23 determine that a large evacuation is required, what resources
- 24 would you need to accomplish this? You mentioned you had some
- 25 school buses available, but what does your town need to accomplish

- 1 a mandatory evacuation?
- 2 CHIEF ROEMMICH: Well, we have 6,097 residents in the
- 3 Borough of Paulsboro. So you're looking to evacuate -- if you
- 4 evacuate the entire town, which we were 1.5 square miles, you're
- 5 talking 6,097 people in a matter of -- or as quickly as you can.
- 6 You're going to need a lot of transportation vehicles.
- 7 Then you also have the pets that you have to deal with,
- 8 because let's face it, people won't leave home sometimes without
- 9 their pets. We ran into that during the train derailment. They
- 10 wanted to take their pets with them. So you have to make
- 11 accommodations. You have to find places where they can take the
- 12 pets.
- The county does have a transportation division. They do
- 14 have buses. Plus we could probably reach out to the neighboring
- 15 municipalities and their school boards to get additional buses.
- 16 New Jersey Department of Transportation could probably reach out
- 17 to them and get some buses from them also.
- 18 But that would come under -- the county would do that
- 19 legwork for us. We would call the county and they in turn would
- 20 -- we would contact them and they would do what they could to help
- 21 us get the resources that we needed.
- MR. STANCIL: Thank you.
- 23 Chief DeAngelo, are there similar difficulties with
- 24 other municipalities within Gloucester County? And perhaps you
- 25 can draw on some of your experiences with Hurricane Sandy.

- 1 CHIEF DeANGELO: Primarily, the entire county from a
- 2 municipality standpoint, they would have to draw to the county to
- 3 get resources in there for any type of evacuation. There is, to
- 4 my knowledge, no municipality within Gloucester County that would
- 5 be able to evacuate their entire municipality or the number that
- 6 Chief Roemmich is saying within a quick period of time. It's
- 7 going to take some time, and it's going to take transportation
- 8 issues with Paulsboro, with mutual aid, including the county, and
- 9 potentially going through state DOT for assistance with that as
- 10 well.
- 11 MR. STANCIL: Okay. And with respect to shelter-in-
- 12 place, the State Office of Emergency Management has issued
- 13 shelter-in-place guidelines, and if we could display Exhibit 3-AC,
- 14 page 3, it gives a depiction of guidance that is provided to the
- 15 public. And the guidance states that there may be circumstances
- 16 when staying put and creating a barrier between residents and the
- 17 contaminated outside area is a matter of survival.
- 18 This is the photograph that I'm referring to. Do you
- 19 have a sense of what percentage of households in Paulsboro are
- 20 prepared to implement protection measures such as this?
- 21 CHIEF ROEMMICH: In 2001, the Borough of Paulsboro and
- 22 the Township of Greenwich, which is Gibbstown, our neighbor to the
- 23 south, held a joint drill to deal with shelter-in-place. Both
- 24 municipalities did a large canvass of the residents. Besides the
- 25 state, we put out a, I believe it was a 8 by 14 placard. On one

1 side it says, "We have been notified." And on the back side was

- 2 all the instructions on sheltering in place.
- We did have a drill, the joint drill with the two
- 4 municipalities. We did do a shelter-in-place drill for about a
- 5 quarter of our municipality on a Saturday. The police department
- 6 was involved, the fire department was involved, public works. We
- 7 shut roads off. We did everything that we could. We did a mass
- 8 media in the local newspapers. We notified the TV stations. We
- 9 did the whole drill. We actually went around knocking on doors to
- 10 have people shelter-in-place.
- Since then, the GAP-CAP, which is the local industry and
- 12 emergency services has a advisory panel that get together monthly,
- 13 and that group does shelter-in-place education in the schools
- 14 every year so that the children get the same information that we
- 15 put out in 2001. And we hope that they take that information home
- 16 to our parents.
- 17 MR. STANCIL: Yes, I remember, following 9/11 and the
- 18 anthrax attacks, people were being advised to purchase duct tape
- 19 and plastic sheeting. Is that what we're still expecting people
- 20 to do?
- 21 CHIEF ROEMMICH: Well, they should have duct tape and
- 22 they should have the sheeting so that they can seal themselves in.
- 23 They should have bottled water, should have a radio so that they
- 24 can get information from the outside, because you're supposed to
- 25 go to a room inside the house with as few windows and doors as

- 1 possible so that you can seal yourself in in case of a hazardous
- 2 release.
- 3 MR. STANCIL: And are the residents realistically
- 4 expected to be prepared for this? How prepared do you feel they
- 5 are?
- 6 CHIEF ROEMMICH: After the incident, we got chastised
- 7 because people claimed they didn't know what shelter-in-place was.
- 8 The local fire department put it on their website so that it was
- 9 available. The Red Cross did it, put it on their website so it
- 10 was available. The county did the same thing.
- 11 Afterwards, there have been two training sessions, one
- 12 in the Township of Greenwich/Gibbstown and one in Paulsboro. The
- 13 one in Gibbstown was attended by approximately 67 residents. The
- 14 one in Paulsboro was attended by approximately 35 residents. It
- 15 was held on a Saturday so that there was no issues with late night
- 16 or evening education.
- 17 So I feel pretty confident since it was in the newspaper
- 18 after the derailment that people know what it is. Are they
- 19 prepared? I'm not sure. There's no way of knowing without going
- 20 door to door and asking people if they are prepared.
- 21 MR. STANCIL: Okay. My next question will be to the
- 22 entire panel, but I'll start with you, Chief Roemmich. When do
- 23 you believe -- well, let me rephrase that.
- When is sheltering in place appropriate and when is it
- 25 not?

- 1 CHIEF ROEMMICH: Sheltering in place is appropriate --
- 2 the day of the train derailment, we used it as a precautionary
- 3 measure because we didn't want anyone outside until we got a
- 4 handle on what was going on and if we had to evacuate. That
- 5 decision of shelter-in-place that morning was mine. I made the
- 6 decision. I stand by my decision. I wanted to keep the residents
- 7 as safe as possible until we had a better handle on what was going
- 8 on and if we would have to evacuate. There are some hazards that
- 9 it's not going to work for, but in the general sense, it's going
- 10 to save some people down the road if they do it.
- 11 MR. STANCIL: Chief DeAngelo, do you have anything to
- 12 add?
- 13 CHIEF DeANGELO: The decision whether to shelter-in-
- 14 place and/or evacuate really comes down to what's in the best
- 15 interest of the public. So is it going to create more harm to
- 16 evacuate them or is it going to keep them safer by keeping them in
- 17 their house?
- 18 For vinyl chloride, it's not going to go through houses
- 19 as long as you follow the shelter-in-place procedures by closing
- 20 the doors, keeping them closed and staying in your residence.
- 21 It's not really going to go porous through the house and get into
- 22 the house, so they're going to be relatively safe. By evacuating
- 23 them while responders are coming into the event, that may cause a
- 24 little bit more chaos and a little bit more potential risk for
- 25 residents by evacuating them.

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And you know, if it's -- again, we talked about toxic
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- 2 inhalation hazards yesterday. If this, however, was a different
- 3 chemical, a toxic inhalation hazard that may be going porous
- 4 through houses, then sure, an evacuation is mandatory and then we
- 5 need to work with, you know, a different -- police departments and
- 6 different various agencies to get them out in a safe fashion. So
- 7 there is a lot that goes into making the decision whether to
- 8 shelter-in-place and/or evacuate.
- 9 MR. STANCIL: Thank you. Chief Royall or Chief Cade, do
- 10 your organizations have any positions on shelter-in-place?
- 11 CHIEF ROYALL: I really don't have anything to add to
- 12 what's already been discussed here. I'll just state that shelter-
- 13 in-place and evacuations both have certain complications
- 14 associated with them, such as medical needs of whoever you're
- 15 trying to protect, access and functional needs are oftentimes a
- 16 consideration that you've got to worry about, and the amount of
- 17 time required to evacuate people. Oftentimes, there is a
- 18 combination of shelter-in-place and evacuation used in conjunction
- 19 with each other. Sometimes evacuations are effective for those
- 20 areas that are closest to the hazard, with shelter-in-place taking
- 21 place for those that are farther away from the hazard.
- So I guess from experience over the years, I just know
- 23 from my personal experiences responding to emergencies that
- 24 evacuations oftentimes can be very difficult.
- MR. STANCIL: Thank you.

- 1 Chief Cade.
- 2 CHIEF CADE: With NFPA's codes, it doesn't really
- 3 specifically say what to do in a particular incident. It's going
- 4 to be really dependent upon what exactly is happening with the
- 5 incident. It does lay out the fact that there are a variety of
- 6 factors that need to be taken into consideration before you make
- 7 any decision of whether it's shelter-in-place or whether it's
- 8 evacuation and then how to do that. So it doesn't -- it wouldn't
- 9 tell you, if you were looking at the code, do this in this case.
- 10 It will tell you here's a set of circumstances that you need to
- 11 take into consideration as you're going through your decision-
- 12 making process.
- 13 MR. STANCIL: Thank you, Chief Cade.
- 14 Chief Roemmich, you mentioned that you had ordered the
- 15 evacuation. What tools are available to you? And maybe you could
- 16 discuss how you notify the public of these evacuation
- 17 recommendations or orders.
- 18 CHIEF ROEMMICH: To correct you, sir, I initiated the
- 19 shelter-in-place. The evacuation was done by unified command
- 20 later in the day. The early-on evacuation of the 30 residents
- 21 adjacent to the scene was a combination of the fire chief,
- 22 emergency management, and the police department, feeling it was
- 23 best to get those 30 residents out. But when we evacuated the 13-
- 24 block area, that was a decision made by unified command.
- And at that point, my deputy, who is also the fire

- 1 chief, was the one that was in unified command. At that point I
- 2 was helping Assistant Chief Stevenson with operations. I first
- 3 became aware that the shelter -- correction -- that the evacuation
- 4 of the 13 blocks was going to take place when I received a phone
- 5 call that told me that I had to get a declaration written for the
- 6 evacuation to cover Delaware Street to the Mantua Creek, from the
- 7 Conrail tracks to Broad Street. And I had to sign the order and I
- 8 had to get the mayor to sign the order.
- 9 MR. STANCIL: Okay. But do you use reverse 911 and
- 10 other forms of notification?
- 11 CHIEF ROEMMICH: Early on in the morning when we first
- 12 arrived on location, I first arrived on location, I met with the
- 13 sergeant from the police department, Chief Giampola, Assistant
- 14 Chief Stevenson -- or Deputy Chief Stevenson. At that point we
- 15 looked at what we had. It was about 20 after 7, 25 after 7. My
- 16 first concern was the students that would be walking to school. I
- 17 said we need to contact the schools and tell them to close. I
- 18 don't want the students on the street.
- Once we did that, we started to talk about -- the police
- 20 had already started the evacuation of the 30 residents. I looked
- 21 at Chief Giampola, I said we're going to do shelter-in-place. At
- 22 that time, I left the location, went to the municipal building
- 23 where we have an alert warning device on the roof that Captain
- 24 Marino had mentioned yesterday. I activated that, did three
- 25 activations, which said there's been an emergency, shelter-in-

- 1 place and standby for additional information. Once that went out,
- 2 the county did a reverse 911 and contact through Room Secure,
- 3 which is a text paging system, and Global Connect.
- 4 MR. STANCIL: Okay. Thank you, Chief. We may get back
- 5 to some of that if we get a round two opportunity.
- 6 Chief DeAngelo, please tell us what the acronym CBRNE
- 7 refers to and how Gloucester County is equipped to address each of
- 8 those areas? And I'm referring to your hazmat team.
- 9 CHIEF DeANGELO: CBRNE stands for Chemical, Biological,
- 10 Radiological, Nuclear and Explosive team. It's an acronym that
- 11 took place pretty much after 9/11.
- The hazmat is a Level 1 based team recognized by the New
- 13 Jersey State Police. We have various metering equipment for
- 14 chemical. We have suits, PPE for Level D, Level C, Level B, Level
- 15 A, various different types of suits to make an entry for said
- 16 chemicals.
- 17 For biological, we have metering devices, 20/20 kits.
- 18 We have three different various types of spectrometric analysis,
- 19 which, basically, you can have a chemical laying down and we can
- 20 actually identify the chemical pretty much right there on the spot
- 21 versus sending it out to a lab. We have various of different
- 22 sorts of chemicals and different -- a wide range of metering
- 23 equipment, PPE, tools on the truck, different kind of computer-
- 24 aided assistance for evacuations or plopping out, you know, how
- 25 far the chemical is going to go and that kind of stuff, weather

- 1 stations, et cetera.
- 2 MR. STANCIL: And can you describe what the lines of
- 3 authority are between the county and its municipalities concerning
- 4 response to hazmat accidents?
- 5 CHIEF DeANGELO: Sure. By annex, every local fire
- 6 department is the incident commander for a hazmat incident, and
- 7 that's identified in every single EOP that is out there to date.
- 8 We're a little bit different in New Jersey that the line of
- 9 authority starts at the municipal level and they own it. So the
- 10 state doesn't supersede municipality, county government doesn't
- 11 supersede municipality. So municipality, that's where it lies.
- 12 So they have command of an incident.
- For a hazmat team versus a county-based team, we're
- 14 going to come in and assist and advise and guide, but we never
- 15 take over as the incident commander nor does the state. They're
- 16 coming in to advise and guide and let them know that we do have
- 17 various equipment that you can use and we're more than willing to
- 18 assist you, but the line of authority still lies within the
- 19 municipality itself.
- MR. STANCIL: Thank you, Chief. I do have more
- 21 questions in this area, but I see my time's up, so I will pass to
- 22 Dr. Helmer. Thank you.
- DR. HELMER: Thank you, Paul.
- Mr. Eldridge, good morning. Most of my questions I'm
- 25 going to direct to you this morning. So it was a pleasure meeting

- 1 you this morning, all of you.
- 2 MR. ELDRIDGE: Yes, same here.
- 3 DR. HELMER: I'm very glad you're here.
- 4 Can you briefly explain what regulations and standards
- 5 the State of New Jersey uses to apply to emergency response of
- 6 hazardous material releases?
- 7 MR. ELDRIDGE: Yes. New Jersey is a state-approved, a
- 8 OSHA-approved state and have adopted the OSHA standards throughout
- 9 for all industries. So the very requirements for New Jersey would
- 10 be the same as they are on the federal level.
- DR. HELMER: And that would apply to all residents of
- 12 New Jersey or are they -- what does that law specifically apply
- 13 to?
- 14 MR. ELDRIDGE: Only public employees and employers.
- DR. HELMER: Public, okay.
- MR. ELDRIDGE: Yes.
- 17 DR. HELMER: Could you briefly describe then what kind
- 18 of training a first responder, a public employee, might have to
- 19 have in order to respond to such an event?
- MR. ELDRIDGE: Sure. As has been mentioned earlier,
- 21 there are different levels of training: awareness, operational,
- 22 specialists, and of course, incident commander. Those vary
- 23 depending upon the level of training that you need. For
- 24 awareness, it's a pretty basic course and it's meant for first
- 25 responders like police. As you go down the line, you may require

- 1 8 hours of training for a hazmat first responder, and as you go up
- 2 the chain to operations specialist and incident commander, the
- 3 training increases. It's not just classroom training. It's also
- 4 in the field, competency.
- DR. HELMER: All right. What training then would be
- 6 required for, for example, a private employee that shows up to the
- 7 site, such as a Conrail employee that's not a public employee?
- 8 MR. ELDRIDGE: It would be the same.
- 9 DR. HELMER: Same training?
- 10 MR. ELDRIDGE: Yeah, but they would be falling under fed
- 11 OSHA.
- DR. HELMER: Under fed OSHA as --
- 13 MR. ELDRIDGE: Yes.
- 14 DR. HELMER: -- opposed to the state OSHA?
- 15 MR. ELDRIDGE: Yes.
- DR. HELMER: Okay. Very good. As a state agency, do
- 17 you ever conduct hazardous materials response training exercises?
- 18 MR. ELDRIDGE: No. We are a compliance and enforcement
- 19 branch of government. We go out to ensure that they have received
- 20 that training, but we don't conduct it ourselves.
- 21 DR. HELMER: And you mentioned in our conversation this
- 22 morning about consultation work that you do. Would that be
- 23 something you would do perhaps during a consultation, is run
- 24 through a tabletop or something to that effect?
- MR. ELDRIDGE: Not so much that. It's really pointing

- 1 the employer in the right direction as far as what may be missing
- 2 regarding training, respiratory protection. And it's without
- 3 penalty. We go on site to assist them. We would rather educate
- 4 than regulate. And it's really just to provide that on-site
- 5 assistance, which normally helps with getting them in line.
- 6 DR. HELMER: Okay. Are you aware of any times in the
- 7 recent past that the state's weighed in on a situation and
- 8 provided immediate assistance to an organization that was
- 9 responding to a hazardous materials release, such as the event in
- 10 Paulsboro?
- MR. ELDRIDGE: Well, not speaking for the state, but for
- 12 the Department of Health, we respond when requested. We're not a
- 13 formal part of any incident command. But there are times where
- 14 other agencies, state agencies, local health departments, will
- 15 reach out to us for assistance.
- DR. HELMER: And do you have any instances of where
- 17 that's occurred where you've done that?
- 18 MR. ELDRIDGE: Yes. In fact, there was a incident in a
- 19 parochial school in Gloucester County and we were called by the
- 20 local health department to come down. And it was an unknown
- 21 source, an unknown contaminant that was present making children
- 22 sick. They requested us to come down, review air data and provide
- 23 further assistance.
- DR. HELMER: All right. That's all I have at the
- 25 moment. I'm going to turn it back over to Mr. Blackistone, then.

- 1 Thank you very much.
- 2 MR. BLACKISTONE: Thank you.
- 3 I'd like to turn now and speak with Chief Cade from a
- 4 national perspective and look at some of the background and
- 5 history behind the NFPA standards that have been developed for
- 6 hazardous material/emergency response. I'd particularly like to
- 7 ask you to talk about several watershed events that have prompted
- 8 the development of the NFPA standards. Could you briefly share
- 9 with us the lessons that you've learned from some of these
- 10 incidents and how they've affected the development of NFPA 472 and
- 11 other emergency response guidelines? And first would be the 1947
- 12 Texas City, Texas fire and explosion.
- 13 CHIEF CADE: Well, as you correctly point out, hazardous
- 14 materials incidents with devastating effects have been happening,
- 15 unfortunately, here in the United States for quite some time. And
- 16 if you look at just the first explosion in Texas City, Texas in
- 17 '47, killed I think over 600 people, probably more than that,
- 18 because the records are a little sketchy just exactly how many
- 19 people lost their lives in that incident. The fire services has
- 20 been responding to incidents like that for decades.
- 21 NFPA was asked in the early '80s to take a look at
- 22 developing a standard that could be used for first responders to
- 23 begin laying out the competencies necessary to be able to deal
- 24 with hazardous materials incidents. The first edition that was
- 25 released after the standards council put the group together in '87

- 1 has been revised numerous times as we have, unfortunately,
- 2 responded to other types of incidents and realized that, as that
- 3 continues to grow, that there are things that come into play.
- 4 And now the standard NFPA 472 not only covers hazardous
- 5 materials, but it also deals with weapons of mass destruction that
- 6 are being used. Obviously, in the aftermath of the Oklahoma City
- 7 disaster, there was a need for people to recognize that there were
- 8 other incidents that could potentially occur that were going to
- 9 require a hazardous materials response and a set of competencies
- 10 different from what normal hazardous materials responses would
- 11 occur.
- Our codes and standards are reviewed at a minimum of
- 13 every 5 years; in some cases, every 3, depending on what's going
- 14 on. And then there's also a process in place if something in the
- 15 interim happens to be able to put in place something specific to
- 16 deal with that outside of the normal review process.
- 17 So we make sure that as things change, as incidents
- 18 occur and, unfortunately, you know, they continue, we get input
- 19 both from the federal agencies, state agencies, and from the fire
- 20 service that come to us and say, look, there's a gap here; we
- 21 think it is potentially the right place to have it filled by
- 22 adding something else to NFPA 472.
- 23 MR. BLACKISTONE: What exactly does 472 require in terms
- 24 of initial and refresher training for first responders? What's
- 25 necessary in order for a first responder to effectively manage the

- 1 initial response to a hazardous materials incident? And I'm
- 2 talking strictly there about the initial response.
- 3 CHIEF CADE: Okay. NFPA 472 kind of lays out in a
- 4 stair-step methodology of what's necessary depending on who the
- 5 person is that's responding. So the first level that it talks
- 6 about for a first responder is the awareness level. And really
- 7 what you're looking for there in that set of competencies is just
- 8 someone that is able to recognize what's going on, protect
- 9 themselves and really be able to call for trained personnel and
- 10 secure the area. So that's all that's expected. We don't define
- 11 the number of hours that it takes for someone to do that. We have
- 12 taken the position that it is better to define the competencies
- 13 that a person has to be able to exhibit. Some of us are slower
- 14 learners than others and so --
- MR. BLACKISTONE: Understandably.
- 16 CHIEF CADE: -- you know, it's more important to do it
- 17 that way.
- Then, obviously, the next is the operations level. So
- 19 you would expect someone to have the awareness training and then
- 20 be able to determine the scope of the problem, plan for the
- 21 potential outcomes, and begin to implement the incident command
- 22 system.
- 23 So I think early on, those would be the first couple of
- 24 things that you would look to first responders to be able to do.
- 25 And then, obviously, as more trained personnel come in, people at

- 1 the hazmat technician level, instituting the incident command
- 2 system and those types of things. So each succeeding level builds
- 3 on the competencies from the one before.
- 4 MR. BLACKISTONE: Thank you very much.
- 5 Related to that, NFPA 472 identifies four important
- 6 areas that should be considered in planning for any hazardous
- 7 materials events: analyzing the incident, planning the response,
- 8 implementing the response, and then evaluating progress as you're
- 9 going. Are there other issues that communities should be
- 10 considering as they plan for major hazardous materials events?
- 11 CHIEF CADE: Well, one of the companion documents to 472
- 12 is NFPA 1620, which talks about the standard for pre-incident
- 13 planning. And it lays out in general terms of what a community
- 14 should -- a fire department should be looking at if they're the
- 15 person with that responsibility, kind of being able to evaluate
- 16 what are the potential hazards in the community, what's going
- 17 through there. Obviously, Paulsboro knew that the train went
- 18 through, I think the chief said, the middle of the town. So it
- 19 was a daily event.
- The expectation would be that you would look at that
- 21 type of transportation system that's coming through there and make
- 22 an evaluation of what the potential is and then begin to lay out
- 23 the plan, as was discussed earlier, their emergency operations
- 24 plan of how they would potentially deal with all of the things
- 25 that would come into play should something occur.

1 MR. BLACKISTONE: And I assume a part of that would be

- 2 looking for additional resources beyond the capability of the
- 3 jurisdiction?
- 4 CHIEF CADE: Oh, absolutely. I mean, you would expect
- 5 to see in any plan that is put together of, you know, once your
- 6 particular set of resources are overwhelmed, how do you begin to
- 7 draw from whether it's the county level, the state level or the
- 8 federal level, and how you activate the appropriate system to
- 9 request that type of assistance.
- 10 MR. BLACKISTONE: Okay. Thank you very much.
- 11 Let me turn to Chief Royall and ask you to talk a little
- 12 bit from the perspective of what a fire department, either with or
- 13 without a hazardous materials team, looks like. And we recognize,
- 14 of course, that local fire departments across the nation vary
- 15 widely in their available resources, their operating practices and
- 16 other factors, the types of calls that they might see, what their
- 17 call load is. But given that there is that wide variety, could
- 18 you describe for us what a typical fire department hazardous
- 19 materials response team might look like?
- 20 CHIEF ROYALL: Yes, Mr. Blackistone. First off, there's
- 21 probably some confusion over what a hazardous material response
- 22 team really is. If we turn to FEMA typing, resource typing, right
- 23 now it specifies a hazmat entry team. That's currently under
- 24 revision and will be out for public comment hopefully very soon
- 25 that will change that to a hazmat response team.

1 Around the country, we find different levels of what's

- 2 called hazmat response teams currently. There may be chemical
- 3 protective clothing, rescue teams. There may be other kinds of
- 4 hazmat teams that may be specialized hazmat teams that respond to
- 5 maybe flammable liquids themselves or some other kind of special
- 6 hazard. There's industry hazmat teams. There are some teams that
- 7 are called hazmat response teams that strictly are trained to the
- 8 first responder operations level and not technician level.
- 9 So a typical fire department -- large municipalities and
- 10 career departments notwithstanding, which typically will have
- 11 either a combination hazardous material response team, combination
- 12 hazmat/rescue or maybe a dedicated hazardous material response
- 13 team -- most fire departments will be trained to the operation
- 14 level and then know where to call upon additional resources for
- 15 technician level response.
- So typically, your typical fire departments -- and
- 17 incidentally, there's over 30,000 fire departments in the United
- 18 States and about 70 percent of those are volunteer fire
- 19 departments. And those volunteer fire departments typically will
- 20 rely on regional, state, hazmat assets to respond mutual aid with
- 21 them if they need a technician level response team.
- 22 MR. BLACKISTONE: And can you give an idea of what
- 23 percentage or what portion of fire departments in this country
- 24 have some sort of specialized team?
- 25 CHIEF ROYALL: I wish I could give you that number.

- 1 That's been an elusive number. I can tell you that a couple of
- 2 years ago, I participated in a conference call with DHS where that
- 3 some 17,000 hazmat response teams had been identified, and that
- 4 was a self-reporting identification process to DHS. I haven't
- 5 heard -- and the U.S. Fire Administration is involved in trying to
- 6 quantify how many hazmat teams are around the country, again,
- 7 without a correct definition of what constitutes a hazmat team,
- 8 which incidentally, in 2007, the Hazmat Fusion Center with a joint
- 9 effort with the IAFC and PHMSA, we tried to wrap our brain around
- 10 that, and we've been unsuccessful in identifying how many hazmat
- 11 teams truly exist in the country without a true definition.
- MR. BLACKISTONE: Thank you. I want to get to the
- 13 fusion center, but before we do, I had one other question
- 14 regarding hazardous materials response. And that is, can you give
- 15 us some idea of what the typical hazardous materials team's call
- 16 load is in terms of numbers? For instance, what are the typical
- 17 types of incidents, hazardous materials incidents that fire
- 18 departments respond to?
- 19 CHIEF ROYALL: Strictly speaking, from my statistical
- 20 tracking within my home jurisdiction, which seems to be -- hold
- 21 true for a large fire department like the Houston Fire Department,
- 22 and my hazmat team is the Harris County hazmat team, you will see
- 23 a wide variety of activity that will range from small
- 24 municipalities or areas that have limited hazmat response
- 25 activities from under 100 responses a year to a medium-sized

- 1 department that will have between 200 and 500 legitimate hazmat
- 2 responses a year. And then the very large municipalities'
- 3 dedicated hazardous material response team, such as the Houston
- 4 Fire Department, their call volume for hazmat ranges somewhere
- 5 around 1400 or better per year.
- 6 MR. BLACKISTONE: And what are the typical calls that
- 7 they run?
- 8 CHIEF ROYALL: Most of the hazardous materials that are
- 9 out there right now have some kind of flammable properties to
- 10 them. So whether it be flammable liquid, flammable gas, whatever
- 11 the case may be, some of -- most of those incidents involve some
- 12 flammability issue.
- The lion's share of a lot of incidents that hazmat teams
- 14 and first responders respond to are going to be carbon monoxide
- 15 emergencies in homes, fuel spills from vehicle accidents on the
- 16 roadway. They will also respond to residential hazmat emergencies
- 17 where things like swimming pool supplies may be involved,
- 18 residential natural gas leaks, things of that nature. A small
- 19 percentage involves very large and complicated hazmat incidents.
- MR. BLACKISTONE: So an incident such as this would be
- 21 in Paulsboro, would be fairly rare for any department?
- 22 CHIEF ROYALL: Yes, sir. I would say that would be an
- 23 accurate statement.
- MR. BLACKISTONE: Okay. You made reference to the
- 25 Hazardous Materials Fusion Center. Could you describe for us how

1 it came to be and what it does and what resources it offers to

- 2 local departments?
- 3 CHIEF ROYALL: Yes, sir. I'd be glad to do that.
- 4 Actually, it's a passion of mine.
- 5 MR. BLACKISTONE: Good.
- 6 CHIEF ROYALL: Being in this business now for a number
- 7 of years, starting in about 2005, the Hazardous Material Committee
- 8 of the IAFC started looking at a need for a national repository of
- 9 data concerning hazardous material responses around the country.
- 10 The IAFC in conjunction with PHMSA developed a vision of putting
- 11 together a national repository called the National Hazmat Fusion
- 12 Center.
- 13 It started with the development of a steering committee
- 14 with stakeholders from all across the country that are in the
- 15 hazmat response business as well as private industry and
- 16 government agencies. These stakeholders came together. They
- 17 fashioned what they believed would be a good national fusion
- 18 center for the exchange of information about hazmat incidents,
- 19 collect information about responses, put together lessons learned,
- 20 and even develop training programs and classes associated with
- 21 certain incidents.
- We launched that in 2007. Recent economic downturn and
- 23 budgetary issues kind of impacted our funding, so we are still
- 24 operating that at the IAFC, and certainly I believe at IAFC that
- 25 additional funding needs to come forth for that so that we'll have

1 a national repository and a center for exchange about hazardous

- 2 materials information and responses.
- 3 MR. BLACKISTONE: What kind of responses have you
- 4 received from fire departments around the country? To what extent
- 5 are you getting inquiries from them or are they seeking out the
- 6 resources of the fusion center?
- 7 CHIEF ROYALL: We continue to get inquiries on our web
- 8 page of fire departments that are interested in a number of the
- 9 training opportunities and information exchange that we've
- 10 offered. A great success story is our hydrogen response program,
- 11 which is an online training program. And through July 1st of this
- 12 year, we've had 6,866 contacts of people that have taken that
- 13 training course online, and that spans a 16-month period.
- 14 Other things that they come to us for are lessons
- 15 learned, technical information about carbon monoxide releases,
- 16 responding to ethanol emergencies. We have an ethanol emergency
- 17 response training program, hydrochloric acid training program. We
- 18 partnered with Department of Transportation and did a training
- 19 video for the 2008 Emergency Response Guidebook. We keep that
- 20 digital version on our website. There's a number of things that
- 21 responders from around the country come to us for. And we would
- 22 like to expand those capabilities at any chance that we're given.
- MR. BLACKISTONE: Okay. Thank you.
- Let me ask now for both you and Chief Cade to respond to
- 25 a couple of questions which are of a broader nature. And the

- 1 first is that fire departments and firefighters are required to
- 2 undertake a wide variety of tasks that's seemingly growing in
- 3 addition to their basic firefighting duties. In many
- 4 jurisdictions, some 80 percent or more of fire department
- 5 responses are for emergency medical services calls. Additionally,
- 6 departments are being asked to take on more fire prevention and
- 7 other public safety responsibilities such as Homeland Security
- 8 type concerns. Where does hazardous materials fit in this mix in
- 9 typical fire departments?
- 10 CHIEF ROYALL: It's only one of the many
- 11 responsibilities that fire departments are faced with today. Time
- 12 management is extremely tough, as I think you've heard, for
- 13 training and preparation and competence, proficiency in responding
- 14 to the many different facets of emergency response that today
- 15 America's fire service is faced with today.
- Some of the things that -- some of the challenges that
- 17 fire departments face, if you have an indexed airport within your
- 18 jurisdiction, you have crash fire rescue that you must prepare for
- 19 or aircraft rescue. Today, as tragic as we've seen in recent
- 20 days, there's a wildland urban interface that some firefighters
- 21 are faced with having to be trained to deal with the wildland
- 22 fires as well as their structural firefighting. If you have a --
- 23 I know this is a navigable waterway that we've talked about here
- 24 in the last two days. If you have a maritime nexus, then marine
- 25 firefighting and marine emergencies is another issue. Technical

- 1 rescue, the list goes on and on.
- 2 Today, the white powder responses with the hoaxes of
- 3 anthrax and certainly the ricin incidents of recent times, mass
- 4 care and decontamination of the public, weapons of mass
- 5 destruction, improvised explosive device responses, radiation
- 6 response, pipeline emergencies, where pipelines cross this country
- 7 in many jurisdictions. Unfortunately, we also have to train these
- 8 days to active shooter scenarios. Certainly, pre-incident
- 9 planning is an important part of any fire service. And then
- 10 weather-related incidents like Hurricane Sandy and those that live
- 11 along the Atlantic seaboard and Gulf Coast, who are faced with
- 12 tropical weather potential every year.
- So there's lots of things that we have, in the fire
- 14 service have to be prepared for and be proficient in. It's a
- 15 never-ending task and it sounds like mission creep sometimes
- 16 overcomes us. But we understand that challenge and --
- 17 MR. BLACKISTONE: Absolutely.
- 18 CHIEF ROYALL: -- we try to meet all of those as they
- 19 come at us.
- MR. BLACKISTONE: Absolutely. Thank you.
- 21 Chief Cade, would you like to add anything?
- 22 CHIEF CADE: I would start out by saying when I started
- 23 45 years ago, the list was a lot shorter. And unfortunately, I
- 24 think what is going on is people more and more expect emergency
- 25 response capability to take on these things.

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1 So one of the -- maybe as a part of this. NFPA recently
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- 2 released its third needs assessment survey for the fire service.
- 3 And in line with what we're talking about today, one of the
- 4 statistics out of that is that the fire departments that responded
- 5 to our needs assessment survey, which we did -- let me back up a
- 6 little bit. We did that to help justify the expenditure of
- 7 federal funds for the Assistance to Fire Act Grant. The question
- 8 is always asked legitimately by Congress: What are we getting for
- 9 our money? And so what NFPA has tried to do with its needs
- 10 assessment survey is to answer that question of where do we start
- and for \$10 billion worth of money, what have we gotten?
- One of the questions asked is: Does your department
- 13 respond to hazardous materials incidents? And over 50 percent of
- 14 the fire departments said yes, they were responding to and
- 15 responsible for hazardous materials incidents. And then the
- 16 second part of that question is: Do you have the equipment and
- 17 the training? And over 50 percent of them said no. So it's --
- 18 MR. BLACKISTONE: Which leads to my next question is,
- 19 how do smaller departments handle incidents like that?
- 20 CHIEF CADE: Well, hopefully, what we have looked to do
- 21 with the codes of standards that we provide is to give them a
- 22 pathway of where you are and how then do you garner other
- 23 additional resources. For small departments and especially rural
- 24 volunteer departments, it's pretty darn hard for them to be
- 25 expected to have all of that particular expertise in-house, but

- 1 it's certainly not out of the realm of possibility for them to
- 2 have some methodology in place that says when it exceeds my
- 3 capability, I'm going to call Bob, and if it exceeds Bob's
- 4 capability, Bob's going to -- you know, down the line -- that
- 5 there is this response capability of going up the line to get
- 6 additional resources that are out there and being able to know and
- 7 identify ahead of time what those resources are, you know.
- 8 And it various, obviously, from jurisdiction to
- 9 jurisdiction. Bob talked about the capabilities in Harris County
- 10 outside of Houston. And I certainly am familiar, having been the
- 11 chief in Virginia Beach of the resources that not only was
- 12 available inside my department, but also in the region. And I
- 13 think that's the real key to it is to look from a regional
- 14 standpoint of what's available.
- 15 MR. BLACKISTONE: So your conclusion is that it's
- 16 critical, then, for smaller departments to be looking for the
- 17 resources in the community around them or in the region around
- 18 them?
- 19 CHIEF CADE: Absolutely. I think it's unrealistic to
- 20 expect them to have all of those capabilities in and of
- 21 themselves, but certainly, not out of the realm to be able to
- 22 figure out where, going forward, they can garner those additional
- 23 resources. And hopefully, that's what's we've covered within the
- 24 codes of standards that NFPA produces, kind of laying out that
- 25 roadmap for them of things that they need to check off.

- 1 MR. BLACKISTONE: Similarly, let me ask about training
- 2 in smaller departments. Chief Royall had described earlier the
- 3 training that's necessary for firefighters and departments to be
- 4 able to handle hazardous materials incidents. Smaller
- 5 departments, similarly, have smaller training resources available
- 6 to them. Where can they turn to get the training that you
- 7 described as being necessary?
- 8 CHIEF CADE: Well, hopefully, what they're doing as part
- 9 of that pre-incident planning process is identifying where they
- 10 may be. So it may be online courses that are available from NFPA
- 11 or from the Emergency Management Institute at the National
- 12 Emergency Training Center, or may be available at either the
- 13 private industry with -- that was talked about before at the
- 14 county level, at the state level, at the federal level. There is
- 15 a wide variety of ways of doing it.
- I talked briefly about the needs assessment survey and
- 17 its tie into the Assistance to Fire Act Grant. It's also another,
- 18 you know, opportunity for people to maybe apply for those grants
- 19 that would help pay for the training.
- 20 So I think there's a lot of opportunities out there. I
- 21 think part of the dilemma is being able to identify all of them
- 22 and know, you know, exactly what's available and how do you access
- 23 them. But my experience has been there's plenty of people out
- 24 there willing to share that knowledge, whether it's the
- 25 International Association of Fire Chiefs or the National Volunteer

- 1 Fire Council or any of the other national organizations, the
- 2 International Association of Firefighters. There's plenty of it
- 3 out there.
- 4 MR. BLACKISTONE: Okay. Thank you very much. I believe
- 5 that concludes our questioning at this time. We may have more
- 6 questions later.
- 7 HEARING OFFICER NICHOLSON: Chairman Hart, that
- 8 concludes our questioning at this time for Panel 3.
- 9 CHAIRMAN HART: Thank you, Mr. Nicholson. Before we
- 10 resume with questioning by the parties, we're going to take a 25-
- 11 minute break and be back at 10:25. Thank you.
- 12 (Off the record at 10:00 a.m.)
- 13 (On the record at 10:25 a.m.)
- 14 CHAIRMAN HART: Now I'd like to begin the questioning by
- 15 the parties. We're going to start with the Coast Guard. Have any
- 16 questions for this panel?
- 17 CAPT FISH: Yes. Thank you, Chairman Hart.
- 18 For Chief, for Paulsboro, is there a site safety plan
- 19 within the hazmat annex that addresses railroad infrastructure?
- 20 CHIEF ROEMMICH: Within the annex, we do have one. I'm
- 21 not sure if it's in the annex in the book that you have, but we
- 22 can provide it with the update.
- 23 CAPT FISH: Okay. Thank you.
- 24 For Chief DeAngelo for Gloucester, could you please
- 25 explain your hazmat modeling capabilities?

- 1 CHIEF DeANGELO: Our capabilities, we have dual
- 2 capabilities. One we use pretty much with the state who's using
- 3 it as well, as well as Chief Robinson, from the industry, CAMEO
- 4 that we can do a plume modeling. We also have a plume modeling
- 5 software which we can use in conjunction with our AreaRAEs. So we
- 6 can use real-time meter readings, real-time weather station and
- 7 provide it through another private air monitoring as well.
- 8 CAPT FISH: Okay. Thank you. And was modeling provided
- 9 during this incident?
- 10 CHIEF DeANGELO: No, it was not.
- 11 CAPT FISH: Okay. Were you asked for modeling?
- 12 CHIEF DeANGELO: I was not at the incident the day of
- 13 question. To my recollection, modeling was not requested.
- 14 CAPT FISH: Okay. Thank you.
- No further questions.
- 16 CHAIRMAN HART: Thank you very much.
- 17 PHMSA.
- 18 MR. SHOONOVER: Thank you, Chairman Hart.
- My first question is to Chief DeAngelo. Chief, are you
- 20 familiar with the Hazmat Emergency Preparedness Grants Program
- 21 that the DOT provides?
- 22 CHIEF DeANGELO: Yes.
- 23 MR. SHOONOVER: Does Gloucester County get grant funding
- 24 under that, either for planning or training?
- 25 CHIEF DeANGELO: No, we do not.

1 MR. SHOONOVER: You do not? Okay. Have you tried to

- 2 get planning?
- 3 CHIEF DeANGELO: We've applied 2010, '11 and '12 and
- 4 were denied for funding those years.
- 5 MR. SHOONOVER: Okay. Were you given reasons for the
- 6 denial?
- 7 CHIEF DeANGELO: The one that I can recall at the
- 8 present time was our geographical area was too large.
- 9 MR. SHOONOVER: Okay. Thank you.
- 10 My next question was to Chief Royall. Chief, you
- 11 mentioned the broad range of hazmat responses that fire
- 12 departments are required to or are expected to respond to. Could
- 13 you give an idea of what percentage of those are hazmat
- 14 transportation related?
- 15 CHIEF ROYALL: Yes, sir, I'd be glad to. Again,
- 16 speaking from our own experiences in statistical tracking from the
- 17 Harris County metropolitan area, and these numbers probably will
- 18 hold true across the country, somewhere between 40 and 50 percent;
- 19 specifically, in Harris County, 41 percent of our hazmat responses
- 20 involve some mode of transportation.
- MR. SHOONOVER: Thank you.
- 22 And, Chief Roemmich, I had a question on your -- when
- 23 you're doing the planning, how involved is the industry in the
- 24 planning process? Are they a part of it?
- 25 CHIEF ROEMMICH: The emergency operations plan is a

- 1 municipal-based plan. We really don't go out to the industry to
- 2 have them put their -- have their input. They are listed as
- 3 facilities within our municipality, but it's a government
- 4 municipality-based plan.
- 5 MR. SHOONOVER: And one other question for you, Chief.
- 6 Had there been any commodity flow analyses done or considered
- 7 prior to or since this incident?
- 8 CHIEF ROEMMICH: There was none prior and we haven't
- 9 done any since at this time.
- 10 MR. SHOONOVER: Okay. Thank you, Chief.
- 11 PHMSA has no further questions.
- 12 CHAIRMAN HART: Thank you.
- 13 FRA?
- MR. HYNES: Thank you, Mr. Chairman. FRA has no
- 15 question at this time.
- 16 CHAIRMAN HART: Thank you.
- 17 BLET?
- 18 MR. WALPERT: No questions.
- 19 CHAIRMAN HART: UTU?
- MR. BATES: UTU no questions.
- 21 CHAIRMAN HART: Okay. Thank you.
- 22 Conrail, do you have any questions today for this panel?
- 23 MR. LEVIN: Yeah, Mr. Chairman, no questions.
- 24 CHAIRMAN HART: And Paulsboro?
- 25 CHIEF GIAMPOLA: No questions.

- 1 CHAIRMAN HART: Thank you.
- 2 And last but not least, State of New Jersey?
- 3 MR. SWEENEY: We have no questions at this time.
- 4 CHAIRMAN HART: Okay. Thank you.
- 5 Then we'll take it to the Board. Member Sumwalt?
- 6 MEMBER SUMWALT: Good morning. I think these panels
- 7 that we've had has really helped me understand the challenges that
- 8 small communities have with dealing with these types of
- 9 emergencies and also the challenges associated with evacuations.
- 10 You know, it's easy to sit here and read in the docket that this
- 11 was done or wasn't done, but you really have highlighted some of
- 12 the challenges.
- 13 And Chief Roemmich, how long would it take -- you had
- 14 mentioned that to get handicapped, to get a handicapped vehicle
- 15 from Gloucester or to get buses from surrounding municipalities.
- 16 How long would that take?
- 17 CHIEF ROEMMICH: For vehicles from the county, it would
- 18 depend upon what time of the day and if the drivers were on staff
- 19 and how busy the special transportation division of the county
- 20 was. They do have a couple different places where they can draw
- 21 vehicles from. One is West Deptford Township, which is just about
- 22 5 minutes, 10 minutes up the road. But that is if there's a
- 23 driver in the vehicle and that vehicle is available at that time
- 24 from that location.
- 25 From the school districts, you would have to contact the

- 1 local school districts. I know our school district, Paulsboro, we
- 2 do have -- our driver is on staff, but does other duties during
- 3 the day when they're not driving the bus. So that could be an
- 4 issue in another town also. So it could be a matter of getting
- 5 the driver to the vehicle and getting the vehicle to us.
- 6 MEMBER SUMWALT: So we're talking hours. I mean, it's
- 7 not -- these are not like firemen jumping down a pole ready to
- 8 come and respond to your community. They are -- I mean, yeah,
- 9 they've got collateral duties and so, I mean, it could be 2 maybe
- 10 3 hours?
- 11 CHIEF ROEMMICH: Could possibly.
- 12 MEMBER SUMWALT: Yeah.
- 13 CHIEF ROEMMICH: Could be longer also.
- 14 MEMBER SUMWALT: Right. Thanks.
- 15 I'd like to ask this question to the NFPA and to the
- 16 IAFC. So yesterday, we heard -- Mr. Cole [sic] and Mr. Royall, we
- 17 heard yesterday that the -- a couple of comments about the
- 18 firefighters and the police wanting to sort of save the residents
- 19 of the community, and I do realize that they are performing
- 20 lifesaving duties. But you know, it was sort of an attitude that
- 21 we're going to put ourselves in harm's way to save the residents.
- 22 And so I'd like to know what the positions of each of your
- 23 organizations would be with respect to that.
- 24 CHIEF CADE: I'll go ahead and start. Certainly, within
- 25 the competencies that are listed in NFPA 472 at the awareness

- 1 level, so the first level, discusses the ability of the individual
- 2 to protect themselves. So that's the very first thing that we
- 3 recommend as a competency for a first responder, to be able to
- 4 recognize what's going on and to be able to protect themselves.
- 5 It's a little difficult in being able to do that if you yourself
- 6 become a victim.
- 7 CHIEF ROEMMICH: Certainly, in the firefighting and
- 8 rescue business, there are inherent risks associated with those.
- 9 The IAFC, like the NFPA, believes that we should first take care
- 10 of the responder to make sure they can be a part of the solution
- 11 rather than part of the problem. And that being said, depending
- 12 on the nature of the incident, and there's lots of dynamic
- 13 variables with every incident, there should be a measure of risk
- 14 that you're willing to accept when you take this oath of office,
- 15 but we also should try to eliminate as much risk as possible.
- So from the IAFC standpoint, we're very concerned about
- 17 the health and safety of our first responders. When they get
- 18 there, they are faced with a lot of changing, rapidly changing
- 19 information which they must adapt to very quickly. And with that,
- 20 we would hope that they would try to do a hazard and risk
- 21 assessment, identify what risks are there, and then take the
- 22 necessary precautions to protect themselves so that they can also
- 23 protect the community.
- MEMBER SUMWALT: And I appreciate both of those answers.
- 25 And, Mr. Chairman, I have no further questions.

- 1 CHAIRMAN HART: Thank you.
- 2 Member Rosekind?
- 3 MEMBER ROSEKIND: I'm just going to start by thanking
- 4 Steve Blackistone because last week he arranged a meeting for some
- 5 of us to go to the Montgomery County Fire and Rescue Hazmat Team.
- 6 It was incredibly informative. And an interesting question came
- 7 up, so Mr. Cade, Chief Royall, I'm going pose this one to you, but
- 8 it's a joint answer.
- 9 NTSB arrives and we are obviously focused on the
- 10 accident investigation. What should we expect to get from the
- 11 incident commander on the status of the event? We're on the
- 12 scene. What should we expect to get as information from the folks
- 13 there who should be in the know about what's going on and what's
- 14 planned and what we should expect?
- 15 And I'm not looking for a big explanation. In fact,
- 16 what was really interesting, a captain started literally saying
- 17 here's the checklist of things you should be asking about. And
- 18 I'm turning this around. I'm not going to ask about them. I'm
- 19 curious if you're the incident commander, what would I expect,
- 20 let's say, the Board member on scene to be getting from you?
- 21 CHIEF ROEMMICH: Well, certainly, if you follow the NIMS
- 22 that we've all had -- hopefully all of us have had, we would
- 23 expect the NTSB to check in with the incident commander. And once
- 24 there, ask for a situation report of exactly what has taken place,
- 25 what actions have been taken, and should also ask questions about

1 the hazard and risk assessment, what kind of PPE requirements are

- 2 needed, where the exclusion zone might be so that you don't
- 3 inadvertently wander into that area, and any special information
- 4 that you need to know about your own well-being and emergency
- 5 evacuation plans or wherever that you may need to rally in the
- 6 event that there's a catastrophic incident and that you and the
- 7 incident command has to evacuate. Those are just a few of the
- 8 things that I would be asking if I showed up at a scene.
- 9 CHIEF CADE: And I think it's a pretty good list of what
- 10 you would expect. And probably the other thing that I would ask
- 11 in conjunction with that would be, how can you be folded into the
- 12 overall incident action plan? Because as it moves forward, there
- 13 may be some things specific that the NTSB would like to see done
- 14 sequentially, not necessarily changing what's taking place, but to
- 15 be able to help you be more informed of what's going on so that as
- 16 the NTSB investigation ultimately begins to take over and we look,
- 17 as you are here, at the lessons learned out of that, are there
- 18 some ways that it can be done?
- 19 Everybody is always, you know, especially in large-scale
- 20 incidents like this, are looking to tap into the expertise of the
- 21 other individuals who are there. And I would certainly expect as
- 22 an incident commander, that people, staff and commission members
- 23 from the NTSB probably have some experience in dealing with some
- 24 things that maybe haven't -- to me.
- MEMBER ROSEKIND: And that's great. In fact,

- 1 Mr. Nicholson, I would say if you didn't get that list, do we need
- 2 them to provide something to the -- because I think that's
- 3 something we're in the process of creating for us to know, sort of
- 4 a checklist when we're on scene. I mean, what's interesting as a
- 5 Board member, would we know what to ask, you know, to know what
- 6 was there?
- 7 And I like your last point, too, which is that very
- 8 often, unfortunately, we're on scene when, you know, communities
- 9 never had an experience interacting with us and they're trying to
- 10 figure out, what am I supposed to do here? So great. Thank you
- 11 very much. That's helpful. Decide if we need anything extra or
- 12 whether we got --
- HEARING OFFICER NICHOLSON: Yeah, do we want to make
- 14 that an exhibit for the hearing or would this be something we
- 15 take --
- MEMBER ROSEKIND: I'm just asking if you made a list. I
- 17 know Dr. Helmer is going to be working on this --
- 18 HEARING OFFICER NICHOLSON: Yes.
- 19 MEMBER ROSEKIND: -- and some of you. But if you're
- 20 good, fine. If not, we can ask our subject matter experts to
- 21 submit a list of suggested topics would be great. If you'd like
- 22 to do that, it would be helpful.
- 23 And I'm curious -- actually, this is for the whole
- 24 panel, but I only need one or two responses. How do you learn the
- 25 decision making about trying to decide between shelter-in-place

- 1 and an evacuation? And I understand the differences, the tactics
- 2 that are involved, but what it sounds like is the challenge is the
- 3 decision-making process to go one direction or the other. And in
- 4 fact, there's some circumstances where you're going to have both
- 5 going on. So I'm wondering is there scenario-based training? Is
- 6 there some other course? I mean, how do you learn that part of
- 7 the decision making? Not the tactical piece of, you know, duct
- 8 tape, et cetera, but how to distinguish, you know, which way to
- 9 go? Anyone?
- 10 CHIEF DeANGELO: I think the decision whether you're
- 11 going to shelter-in-place and/or evacuate is going to be a dynamic
- 12 situation. It's never going to be a static. So on the fly, you
- 13 need to make decisions. Everything is happening all at once.
- 14 You're trying to get information, you're trying to get intel.
- 15 You're getting a lot of pieces of information coming at you at one
- 16 time, and trying to decipher what's the best course of action for
- 17 the residents is going to take a while.
- 18 My advice would be training on that, throw them in a
- 19 situation, find out what you would do, learn how you can do it
- 20 better, what you can do; why, in fact, is keeping them in their
- 21 residence safer versus evacuating them? You know, a one-way
- 22 street, trying to push people down the opposite way of that,
- 23 you're going to create a panic with fire resources coming down
- 24 that street. So there's a lot that goes into it, and you just got
- 25 to remain dynamic and make a proper decision and be able to

- 1 support that decision when you make it.
- 2 MEMBER ROSEKIND: And I understand the complexity, which
- 3 is why I'm asking. So where do you get the skill about the
- 4 decision making there because those circumstances are going to be
- 5 different every time. But you've got enough -- in fact, the
- 6 fusion center is a good example, right? Here's data about a whole
- 7 bunch of different responses that have gone on. How do you use
- 8 that -- I'm wondering does your industry have a way to teach that
- 9 kind of decision making?
- 10 CHIEF DeANGELO: It's going to be by training. So
- 11 absolutely, there is -- you know, the more and more training you
- 12 get on hazardous materials and different kind of chemicals and
- 13 using different kind of applications to be knowledgeable on the
- 14 chemical at hand, it's going to allow you to make a proper
- 15 decision. So more training you can get on chemicals, on decision-
- 16 making process, the use of the ICS system, that whole conjunction
- 17 of training is going to be able to allow you to make a proper
- 18 decision.
- MEMBER ROSEKIND: The other end of the table, you guys
- 20 are talking in response to anything here?
- 21 CHIEF ROYALL: Yes, sir. If I might offer a couple of
- 22 suggestions. First, that is something that has evolved over time,
- 23 that kind of training. In recent times, you can point to it and
- 24 it's been called risk-based response, and it's taught by a variety
- 25 of different training companies around the country. Texas A&M

- 1 University, Texas Extension Service, offers -- I think it's being
- 2 carved down to maybe a 36-hour course now. It was, once upon a
- 3 time, a 40-hour course called Enhanced Unified Command
- 4 Considerations.
- 5 And I know you understand the challenges, as you've so
- 6 eloquently stated. It's going to be different geographically down
- 7 south where I live. Shelter-in-place, if it's 100 degrees outside
- 8 and 100 percent humidity, is going to be a limited amount of time
- 9 -- the concentration of the chemical, the movement of the
- 10 chemical, how fast it's going to come and go, the medical needs,
- 11 functional needs, all of those things we've spoken about here this
- 12 morning all come into play in that decision.
- But I guess the best term would be risk-based response,
- 14 and that comes through simulations, trainings. The International
- 15 Association of Fire Chiefs, International Hazmat Conference is now
- 16 30 years old. And I'm thinking back, and I chair that committee
- 17 -- and I'm thinking back to the number of courses that were
- 18 delivered there just in mid-June on that very subject, risk-based
- 19 response. So there are training courses available for that.
- 20 MEMBER ROSEKIND: Great. Because I think, you know,
- 21 Member Sumwalt was focused on the risk assessment for the
- 22 individuals making decisions to go in. Now you're talking about
- 23 those risk-based decisions for an entire community. And the
- 24 military, health care, you know, the tactics are different, the
- 25 specifics are different, but the decision making can be trained,

- 1 right, especially when you've got real scenarios.
- I'm curious, if I can go to the other end here,
- 3 Mr. Eldridge, can you talk a little bit about evaluation oversight
- 4 and compliance? You know, we started talking about that a little
- 5 bit, but can you say a little more about sort of what you're
- 6 actually evaluating, what do people have to comply with? You're
- 7 talking about voluntary, so if there are requirements, what can
- 8 you actually do about people that aren't meeting them? Just give
- 9 us a little sense of that.
- MR. ELDRIDGE: Yeah, sure. Yeah, we conduct target
- 11 inspections. A lot of it is complaint driven. There are
- 12 consultations, as I mentioned earlier. Volunteers do fall under
- 13 the state PEOSH Act as employees, so they're covered. We go out
- 14 and we perform an on-site audit. If it's a complaint driven, we
- 15 meet with the employer. We meet with an employee representative.
- 16 We go over the complaint and we do the audit of that particular
- 17 potential violation.
- 18 At times, it expands, depending upon how that initial
- 19 audit is going, to include other items that might not have been
- 20 included on the complaint. With consultation, as I mentioned, we
- 21 are available, we go out and we do the whole thing A to Z if they
- 22 want or we zero in on specifics, such as respiratory protection or
- 23 HAZCOM.
- The enforcement, we have over 12,000 facilities that
- 25 we're responsible for in the state. We've done a lot of cross-

- 1 training as staff reductions have taken place. We do a lot of
- 2 cross-training in other areas to ensure that we have coverage.
- 3 MEMBER ROSEKIND: And what's -- I'm out of time and I'm
- 4 just going to ask -- I have a couple more questions -- finish this
- 5 and that way I'm done too, since -- okay.
- Just on the enforcement side, what sort of authority is
- 7 there? Is this just a fine that comes out or can people lose a
- 8 certain kind of accreditation, or what?
- 9 MR. ELDRIDGE: It's mainly fine driven. However,
- 10 they're all public entities, so we try not to go down that road.
- 11 We try to bring them to the point where they need to be. We all
- 12 understand about -- especially some of the smaller towns like
- 13 Paulsboro, they do have issues with resources. So we take all
- 14 that into consideration as far as when we come out with our
- 15 conclusions. It is a law. There are regulations in place. We do
- 16 a pretty good job of enforcing those regs, but again, a lot of
- 17 that unfortunately is complaint driven or after the fact.
- 18 MEMBER ROSEKIND: And just on the enforcement side, I
- 19 think earlier you characterized that as a guidance so that there's
- 20 more of a collaborative effort, basically, trying to bring people
- 21 up to the standard?
- 22 MR. ELDRIDGE: And that's -- yes, I'm sorry. Yeah,
- 23 that's on the consultation side. There's two components,
- 24 consultation and then compliance and enforcement. The
- 25 consultation is where we go out and we provide assistance and

- 1 guidance on how to comply with the regulations.
- 2 MEMBER ROSEKIND: Great. So just two other quick things
- 3 for that side of the table there. The fusion program, I had never
- 4 heard of that, sounds fascinating. I'm curious. How do you make
- 5 sure people know about it? And the second part is how do you get
- 6 those lessons learned implemented elsewhere? You know, one of the
- 7 worse things we contend with us here at the NTSB, you can publish
- 8 a report, even make recommendations, how do you make sure this
- 9 stuff gets implemented? You've learned all this stuff. How do
- 10 you get it enacted?
- 11 CHIEF ROYALL: First off, the material that's on our
- 12 website, when we first stood up the fusion center, we did mass
- 13 mailings to the trade association operated by the U.S. Fire
- 14 Administration, out to all of the fire departments that are
- 15 registered with the fire department census that DHS does. We did
- 16 a mass public education for the fire service about it. I forget
- 17 now exactly how many thousand folks that we have had that have
- 18 logged on and provided a login, username and password. That
- 19 information is readily available.
- What we would like to see is to take that to the next
- 21 level. So kind of similar to the national near-miss program,
- 22 which is very, very effective, that we would be able to do
- 23 something similar, that we do a blast e-mail out to the masses
- 24 whenever a lesson learned has been published; you know, tune in,
- 25 check it out, come see what we have to say. But we haven't quite

- 1 got to that developmental stage because we're marking time at this
- 2 time in hopes that we can reengage, reconstitute that and take it
- 3 to the next level soon. We've got some great ideas. We just need
- 4 to be able to take it to the next level.
- 5 MEMBER ROSEKIND: And just as a suggestion, because we
- 6 hear this from a lot of different people, the challenges of taking
- 7 the lessons learned to, you know, acting on those is if you can,
- 8 when you're developing all of that, figure out a mechanism to
- 9 determine whether it's effective or not. Because I can't tell you
- 10 how many times we come in and it's like, oh, we have this many
- 11 hits on the website. Okay. Now show me the departments, for
- 12 example, in this case, that are actually using that information
- 13 that have changed their procedures, plans, et cetera, based on
- 14 that. And I think that just, you know, as you're planning those
- 15 next steps and funding comes, right?
- 16 CHIEF ROYALL: Yes, and believe me, we're very in tune
- 17 to that. Some kind of, you know, statement that behavior has
- 18 changed, that we have really made an impact, rather than just
- 19 putting something on a website. That's very near and dear to us.
- 20 MEMBER ROSEKIND: Yeah, hard to measure, but that's
- 21 where the real rubber meets the road stuff.
- 22 CHIEF ROYALL: Yes, sir.
- 23 MEMBER ROSEKIND: And I'm curious, and I don't know if,
- 24 Mr. Cade, you're the one to answer this or what, but I'm listening
- 25 to everybody -- you know, in aviation, we've got air transport

1 pilots and certified flight instructors at different levels. And

- 2 in medicine, I've got interns, residents, specialties that take
- 3 licensing, certification. Do we have that in hazmat?
- I mean, I know we have facilities that have certain
- 5 standards that have requirements to meet, et cetera. But, you
- 6 know, if I'm a citizen and I got somebody, you know, coming in my
- 7 door to tell me that there's something in my community or in my
- 8 neighborhood, et cetera, you know, if I asked, would I say, oh,
- 9 yeah, I'm a licensed so-and-so or certified at this level? Do we
- 10 have that kind of sort of national competence knowledge-based
- 11 certification tracking/training that you would have in these other
- 12 areas?
- 13 CHIEF CADE: There is two. The pro-board certification
- 14 is one.
- 15 MEMBER ROSEKIND: I'm sorry. I missed that.
- 16 CHIEF CADE: The pro-board certification --
- 17 MEMBER ROSEKIND: Pro-board?
- 18 CHIEF CADE: Yes. So they actually -- you take the
- 19 course, graduate from it, and they certify your completion of it.
- 20 And the other is the IFSAC certification. So there's two
- 21 different certifying bodies here in the United States that you can
- 22 turn to as validation. They go through and evaluate the programs
- 23 and make sure that the objectives that are listed in 472 are, in
- 24 fact, met, that the training program does that.
- 25 MEMBER ROSEKIND: And of all the first responders that

- 1 we might refer to as that group, how many have one or both of
- 2 those?
- 3 CHIEF CADE: I can get that answer for you. I don't
- 4 know off the top of my head.
- 5 MEMBER ROSEKIND: Would you do that? I think it'd be
- 6 good for us to submit that number to have a sense of how many
- 7 people have one or both of those certifications within the
- 8 community. Great. Thanks very much.
- 9 CHAIRMAN HART: Thank you, Member Rosekind.
- I have a few questions, starting with the National Fire
- 11 Protection Association. You mentioned that you did not have --
- 12 you had standards for deciding -- I'm going to focus on the
- 13 decision between evacuating and sheltering in place. You had
- 14 standards for deciding, but every situation is so dynamic, the
- 15 best you can do is provide standards. I'm just curious if one of
- 16 those standards is air sampling? Is that one of the decisional
- 17 pieces, is air sampling in place, to see -- to help get a better
- 18 sense of what's going on?
- 19 CHIEF CADE: It's part of the competency program that's
- 20 listed for the technician level or specialty level to be able to
- 21 do that. I don't know that it's specifically listed for an
- 22 incident commander. It's certainly one of the things that has to
- 23 be considered in making the decision of whether or not to
- 24 evacuate.
- I would also anticipate that within NFPA 16, on the pre-

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1 incident planning part of it, that you would go through and look
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- 2 to see, you know, what is it going to take if you have to evacuate
- 3 a specific area, kind of what are the programs that are available
- 4 to help you do that. I know the CAMEO program was mentioned.
- I shift my hat to being fire chief in Virginia Beach.
- 6 the HAZIS program that we used for evacuation time frames for
- 7 hurricanes, you know, is another one that may be adaptable to
- 8 something like that that'll give you evacuation times of how long
- 9 it's going to take you to evacuate people out of specific areas.
- 10 So there are some tools that are available to help an
- 11 incident commander to make that decision, but ultimately, it's
- 12 going to come down to what is the hazard that you're facing and,
- 13 you know, what specifically is going on with that to make that
- 14 decision. That type of suggested information requirements are
- 15 within the competencies listed, but not specifically how to do it.
- 16 CHAIRMAN HART: Okay. Thank you.
- I have some follow-on questions on that, but I'm told by
- 18 our booth that they're having technical difficulties and we need
- 19 to take a break. I don't have any sense of how long this might
- 20 take. Let me start with 5 to 10 minutes and see. Let's come back
- 21 in -- at the top of the hour, 11:00, and see where we are by then.
- 22 Thank you.
- 23 (Off the record at 10:55 a.m.)
- 24 (On the record at 11:00 a.m.)
- 25 CHAIRMAN HART: Thank you.

1 Mr. Cade, if that was an effort to keep me from asking

- 2 more questions, it didn't work. Sorry.
- 3 (Laughter.)
- 4 CHAIRMAN HART: No, I just -- I asked about was air
- 5 sampling one of the criteria. And then the same question about
- 6 modeling. I know that takes a little bit longer and, you know, in
- 7 the moment, it's a little harder to do, but the same question as
- 8 to whether that's one of the criteria to use to determine -- to
- 9 help you with the decision on evacuate versus shelter-in-place?
- 10 CHIEF CADE: It certainly is one of the tools that they
- 11 can use in making that decision. The code itself doesn't
- 12 specifically lay out, you know, you need to be proficient in how
- 13 to do modeling, but it does indicate as part of the overall
- 14 conversation of, you know, these are some things that you need to
- 15 take into account, here's some tools that are available to help
- 16 you with that process as you, you know, look at the incident as
- 17 the incident continues to evolve and things change, and being able
- 18 to reach out and liaison with the other things that are available
- 19 to you whether it's police resources, the Environmental Protection
- 20 Agency, whoever else it may be that you're looking to bring in and
- 21 to recognize that those things are available to you and take
- 22 advantage of those resources.
- 23 CHAIRMAN HART: Okay. Thank you very much.
- Chief Royall, I have a couple of questions for you for
- 25 the IAFC, International Association of Fire Chiefs. You mentioned

- 1 the near-miss reporting system, and I had the privilege and honor
- 2 of helping develop that because I was at the Federal Aviation
- 3 Administration when they started it and the Federal Aviation
- 4 Administration funds to this day and has for 30 years a near-miss
- 5 reporting system in aviation. And so they asked me to help, and I
- 6 was happy to see that that was up and running. And my question
- 7 was to what extent -- I know it has been a big success story. To
- 8 what extent has it helped in the hazmat arena, because I know the
- 9 number of hazmat events is so much -- is a relatively small
- 10 percent of the total pie, but to what extent has it been useful in
- 11 the hazmat arena, if you have any sense of that?
- 12 CHIEF ROYALL: Well, first, not specifically to the
- 13 hazmat arena, because most of the hazmat response resources around
- 14 the country are fire-based. And so I read a lot of those near-
- 15 miss reports. And we have training classes in my own home agency
- 16 about near misses and especially whenever they're even remotely
- 17 close or applicable to a hazmat response. So it -- I would say
- 18 the benefit extends well beyond just a hazmat arena, because we
- 19 are fire-based in most cases, and it gives us an opportunity to do
- 20 these lessons learned and say, wow, you know, we may have taken
- 21 that same action before and it's a good idea perhaps that we don't
- 22 take that action in the future.
- There's a lot of times in our business, we're in
- 24 the -- to coin the phrase, we're in the bad news business. We get
- 25 called out to emergency responses sometimes at people's very worst

- 1 hour. And as such, sometimes, as we talked earlier, we take
- 2 certain risks. And we just need to make sure those -- the risk is
- 3 measurable and make sure that it's reasonable, and the near-miss
- 4 reporting stuff oftentimes is a real eye opener for us. And those
- 5 lessons can be, as you know, can transcend aviation, police, any
- 6 other EMS, hazmat, fire response. So it's very beneficial to us.
- 7 And that's why we would like to try to model this Hazmat Fusion
- 8 Center initiative after the near-miss program so that we do gain
- 9 those same benefits that we have a history of.
- 10 CHAIRMAN HART: Okay. Thank you. And certainly kudos
- 11 to the IAFC for going down that path of starting a near-miss
- 12 reporting system, because that's been so beneficial in other
- 13 places where it's been started.
- I have a micro-question for you. You mentioned that 41
- 15 percent of the hazmat responses were related to transportation.
- 16 Can you break that down any further? Not necessarily as we speak,
- 17 but submit it to the record about what aspects of transportation,
- 18 how much of it was highways, how much of it was rail, how much of
- 19 it was maritime? Do your statistics break it down to that level?
- 20 CHIEF ROYALL: Yes, sir. In my statistical tracking
- 21 with my own agency, it's broken down into modes of transportation,
- 22 and I can provide that.
- 23 CHAIRMAN HART: That would be very helpful if you would
- 24 provide that for the record.
- 25 CHIEF ROYALL: Probably the last 4 years, we've been

- 1 very, very diligent in making sure that we track it by mode of
- 2 transportation, so I can provide --
- 3 CHAIRMAN HART: Do you have any sense of what percentage
- 4 of that, ballpark, might be railroad? I'm just curious how much.
- 5 CHIEF ROYALL: Oh, gosh, a small percentage, a very
- 6 small percentage.
- 7 CHAIRMAN HART: Okay.
- 8 CHIEF ROYALL: And if I were guess at this point,
- 9 operating strictly from memory over the last 4 years of
- 10 statistics, I would say it had to be down in the 5 percent range
- 11 would be rail.
- 12 CHAIRMAN HART: Okay. Thank you.
- 13 CHIEF ROYALL: That's on average though.
- 14 CHAIRMAN HART: The noise is from the construction. I'm
- 15 not going to say the ceiling won't fall, because the ship can't
- 16 sink. I'm not going to say that. But so far so good, and we're
- 17 fairly confident, so --
- 18 (Laughter.)
- 19 CHAIRMAN HART: Now I'm going to ask some high-level
- 20 questions about the volunteer community because I'm just really --
- 21 this has really opened my eyes. This proceeding has opened my
- 22 eyes considerably about the whole volunteer firefighter community.
- 23 First of all, just what percentage of the population of
- 24 firefighters is volunteers? Is that a fair question to ask? Is
- 25 that a reasonable question to ask?

- 1 CHIEF CADE: It's a reasonable question to ask. The
- 2 last census is probably -- there's about 1.1 million firefighters
- 3 in the United States. The number that's normally thrown around is
- 4 80 percent of that are volunteer.
- 5 CHAIRMAN HART: Wow.
- 6 CHIEF CADE: So yeah, a significant number of them. And
- 7 it's been that way. Unfortunately, that number is shrinking
- 8 overall.
- 9 CHAIRMAN HART: Well, that's my next question is,
- 10 looking to the trends, are you overflowing with applicants to be
- 11 volunteer firefighters or are you having trouble finding them or
- 12 somewhere in between? I mean, what's the trend on that in terms
- 13 of finding new people who can replace the people who are leaving
- 14 it for whatever reason? Are you adequately -- you know, is the
- 15 pipeline adequate or not adequate? Can you give me some sense of
- 16 that?
- 17 CHIEF CADE: In my experience both as a fire chief and
- 18 head of the U.S. Fire Administration, those numbers are shrinking,
- 19 the number of people coming are continuing to be reduced, and part
- 20 of that is just the availability of younger people that are
- 21 interested in doing specifically that level of community service
- 22 with relationship to the fire service. I mean, they're out doing
- 23 things, and I don't want to imply they're not. They are -- you
- 24 know, they're doing lots of really good stuff. I think the
- 25 difference is there's so much going on nowadays that there's more

- 1 than one thing that keeps them involved.
- 2 The bulk of the volunteer fire service, people age --
- 3 you know, middle-aged people, is that they're beginning their
- 4 careers or beginning their families. It's just a huge amount of
- 5 pressure on them. And in my experience, what you would see is
- 6 young people up to maybe age 22 actively involved. Then they'd go
- 7 away for a while, and they'd come back maybe when they were 45 or
- 8 48, kind of on the backside of when their careers are in place and
- 9 their families are pretty settled. And that huge gap in between
- 10 makes it really, really tough.
- 11 And then if you layer on top of that all of the
- 12 regulations for training -- we were talking earlier when I started
- 13 in the fire service in 1968, it was here's the gear over in the
- 14 corner, go find something that fits, when the bell rings, jump on
- 15 the back step of this 48 Mack and whoever is standing next to you
- 16 will tell you what to do. You can't do that today for a wide
- 17 variety of correct reasons. But just that requirement of the
- 18 training continues to put a huge strain on the volunteer fire
- 19 service.
- They're all looking at ways of trying to do that. The
- 21 Department of Homeland Security through the assistances of the
- 22 Fire Act Grant is spending money trying to find ways of increasing
- 23 volunteer membership because, quite frankly, communities can't
- 24 afford to hire career firefighters.
- 25 CHAIRMAN HART: And you must have read my mind regarding

- 1 where I'm going with this because I'm -- my question is some high-
- 2 level thinking, how do you have enough training to make sure
- 3 they're competent but not so much that it scares them away from
- 4 wanting to do it in the first place? Do you have any high-level
- 5 thoughts on that?
- 6 CHIEF CADE: Well, the feedback that we got both at the
- 7 National Fire Academy and even as a chief in Virginia Beach is
- 8 that -- as Bob went through the laundry list of things that we're
- 9 expected to be able to respond to from the fire service, it adds
- 10 requirements of training and licensure just -- you know, 62
- 11 percent of the calls that fire departments respond to are
- 12 emergency medical related. And that training, certainly in my
- 13 experience in Maryland and Virginia, if you are a certified
- 14 emergency medical technician, that's a four-year certification.
- 15 So every four years, you've got continuing education, you've got
- 16 to go back and recertify. You know, and so just that one
- 17 certification requires an awful lot of time and effort. And then
- 18 if you start layering hazmat response, fire response, everything
- 19 else on top of it, it makes it very, very difficult for someone to
- 20 be a volunteer. It is not easy today.
- 21 And I think that's -- I think what you see is that if
- 22 you join a volunteer organization and said I'm willing to give you
- 23 four hours a month, most of them would be extremely happy. If you
- 24 came to the volunteer fire service and said we can give you four
- 25 hours a month, they'd tell you to go someplace else. You can't --

- 1 you just can't keep up. It's impossible to be an active duty --
- 2 you know, you might be -- I don't mean to imply there's not
- 3 something administratively you couldn't do, but to be a frontline
- 4 firefighter --
- 5 CHAIRMAN HART: Right.
- 6 CHIEF CADE: -- it just wouldn't work.
- 7 CHAIRMAN HART: Okay. Thank you very much. That's very
- 8 helpful.
- 9 Let's now go back to the Tech Panel, and let's give the
- 10 Tech Panel 30 minutes to ask additional questions.
- 11 HEARING OFFICER NICHOLSON: Thank you Chairman Hart.
- I just want to start with closing some loose ends on
- 13 exhibits. We had several exhibits requested during this last
- 14 round of questioning. So I have Exhibit J of Group 7. That's a
- 15 request to Glenn Roemmich of Paulsboro to provide a site safety
- 16 plan for rail. That came from the Coast Guard, I believe, in the
- 17 first round of questioning.
- 18 I have an Exhibit K. That's a request of the NFPA,
- 19 Chief Cade, to provide the number of first responders trained and
- 20 certified in hazmat. That was requested by Member Rosekind.
- 21 And lastly, I have an Exhibit L to be provided by the
- 22 IAFC, Chief Royall, to provide a breakdown of the 41 percent of
- 23 hazmat-related transportation accidents by transportation mode,
- 24 and that was requested by Chairman Hart.
- We'll resume with Tech Panel 3. Mr. Blackistone?

- 1 MR. BLACKISTONE: Thank you, Mr. Nicholson. Before I
- 2 pass the questioning to Mr. Stancil, I just wanted to follow up on
- 3 Chairman Hart's question regarding volunteers and ask Mr. Roemmich
- 4 if you might provide a specific application to Paulsboro.
- 5 Although you're not representing Paulsboro department, do you have
- 6 any idea what the volunteer participation is today? Is it more,
- 7 less? Are you experiencing the same kinds of problems that Chief
- 8 Cade described?
- 9 CHIEF ROEMMICH: As captain of the fire department also,
- 10 I'm the training officer responsible to handle training of our
- 11 firefighters. Our medium age -- and as you were going through it
- 12 -- our medium age of the firefighters is in the 40- to 50-year
- 13 range. We have very few new individuals that come out.
- 14 Recruitment is very tough because they're starting their families,
- 15 they're starting their careers. And when they do come in the door
- 16 and you tell them in order to fight fires, structure fires, you
- 17 have to go to 120-hour training that -- the Firefighter-1 training
- 18 in Gloucester County at the Gloucester County Fire Academy,
- 19 usually the fall semester starts the second or third week of
- 20 August and you graduate the week before Christmas. And that's
- 21 Monday/Wednesday nights and alternating weekends. So there's a
- 22 lot of time. And that's just the Firefighter-1. Then you have
- 23 awareness that you have to get, operations that you have to get.
- 24 And there are a lot of times that you have to look at --
- 25 and because we are volunteers -- I can use myself as an example.

- 1 I have a Level 1 certification for -- I'm a Level 2 instructor in
- 2 the State of New Jersey. I'm a licensed fire official. I am an
- 3 EMT. All those require CEU classes that you have to attend to
- 4 keep your certifications up. There's not enough time in a year to
- 5 get those.
- 6 Luckily, my fire service certifications are due one year
- 7 and my EMT is due another year. So one year I'll concentrate on
- 8 getting my EMT certification, and that'll last for three years or
- 9 four years. And then the following year, I'll concentrate on my
- 10 fire service paperwork that I need to do, outside of the
- 11 restraints from my job that I have to keep -- you know, I have a
- 12 full-time job. My full-time job is with the County of Gloucester.
- 13 I am a 911 dispatcher. There are certifications that I have to
- 14 keep up with that job also.
- 15 So the training, it's just -- there's not enough hours
- 16 in the day to handle home, family items and volunteer time and to
- 17 get this training, you know. It's offered. We all know that it's
- 18 offered. They said they do mass mailings. Everybody gets them.
- 19 It's just there's not enough time. And the volunteer ranks are
- 20 shrinking.
- 21 MR. BLACKISTONE: Okay. Thank you very much.
- Now I'll pass it to Mr. Stancil.
- MR. STANCIL: Yes. Thank you.
- Chief Royall, I just wanted to follow up on a question
- 25 that Member Rosekind had asked you regarding numbers of responders

- 1 that are certified for hazmat. And you mentioned pro-board and
- 2 IFSAC. Do these certify the program or the individuals?
- 3 CHIEF ROYALL: Mr. Stancil, I believe that was my NFPA
- 4 rather that addressed that question --
- 5 MR. STANCIL: I'm sorry. Chief Cade, I'm sorry.
- 6 CHIEF CADE: They actually do both. They review the
- 7 programs to make sure that it is, in fact, meeting the
- 8 competencies that are laid out and then actually certify the
- 9 individual once they have completed and graduated from the course.
- 10 MR. STANCIL: Thank you for that clarification.
- 11 Chief Roemmich, we've heard about evacuation and
- 12 shelter-in-place for residents, but what provision is there in
- 13 your plan for industrial facilities in your community?
- 14 CHIEF ROEMMICH: Within our community, we really only
- 15 have at this point one true -- well, Exxon Mobil Lube Plant is the
- 16 only facility within our municipality boundaries. They are
- 17 building the Port of Paulsboro. There is a construction staff
- 18 there. And we do have a ST terminal, which is a terminal that has
- 19 jet fuel storage tanks. So each individual industrial complex has
- 20 their own emergency operations plan, and it's addressed -- their
- 21 evacuation procedures are addressed in their individual plans.
- 22 Some of them do come to us for some assistance or some quidance,
- 23 but the industrial neighborhood partners would have their own
- 24 plans.
- 25 MR. STANCIL: And would you expect them to implement

- 1 those plans when there are external events to the facility?
- 2 CHIEF ROEMMICH: I can tell you that the day of the
- 3 incident, with the Conrail incident, Exxon Mobil Lube Plant did
- 4 shelter their folks in place. We got involved later on with some
- 5 regulatory questions, but the Exxon Mobil Lube Plant did, and I
- 6 also believe the Paulsboro Refining Company did also.
- 7 MR. STANCIL: Thank you. Chief Roemmich, going on to a
- 8 different topic, back to your emergency operations plan, in
- 9 addition to the OSHA respiratory protection requirements,
- 10 Paulsboro has a respiratory protection program that discusses when
- 11 self-contained breathing apparatus must be worn. And we've heard
- 12 from first responders how they assume some personal risk to
- 13 accomplish response goals. What review is Paulsboro conducting to
- 14 assure compliance with its respiratory protection plan?
- 15 CHIEF ROEMMICH: Well, according to our respiratory
- 16 protection plan, you're supposed to wear SCBA whenever you're
- 17 going into a hazardous environment or a toxic environment, that
- 18 being a structure fire, vehicle fire and the train derailment.
- 19 The morning of the -- and also our respiratory protection plan
- 20 says you will wear that SCBA until told otherwise by the incident
- 21 commander.
- 22 Well, that morning of the incident, our incident
- 23 commander -- both incident commanders at the time, because I have
- 24 a portable radio and was listening, never addressed that issue, so
- 25 -- and then when we got on location, the firefighters were told to

- 1 remain in the vehicle while I got out to see what course of action
- 2 we were going to take with the firefighters. And at that point,
- 3 again, we felt that we were safe and we didn't put the SCBA on at
- 4 that point. We did later in the day when the numbers were
- 5 elevated and we had to.
- 6 MR. STANCIL: Okay. And are all firefighters and
- 7 command personnel fully aware of the requirements that you just
- 8 outlined in your plan?
- 9 CHIEF ROEMMICH: Yes. Our respiratory protection plan
- 10 that's part of the fire annex is a standard operating guideline by
- 11 the Paulsboro Fire Department. And there was a memo or a
- 12 directive from the Division of Fire Safety a few years ago that
- 13 said that you will have that in place along with PEOSHA. And the
- 14 plan that you see in our emergency operations plan is the plan
- 15 that was first put out by the Division of Fire Safety and PEOSHA
- 16 as the model for the departments to follow in New Jersey.
- 17 MR. STANCIL: Thank you. I was alarmed to hear from
- 18 Chief Giampola yesterday that the fire department lacks the
- 19 resources to provide SCBAs, or self-contained breathing apparatus,
- 20 to all of its members, but I understand that respirators have been
- 21 provided. Do you realize the limitations of air purifying
- 22 respirators, what they have over self-contained breathing
- 23 apparatus?
- 24 CHIEF ROEMMICH: Yes, I'm aware of the differences.
- 25 MR. STANCIL: Can you discuss how your plan addresses

- 1 this in your new revisions of your plan?
- 2 CHIEF ROEMMICH: Well, again, following the state
- 3 guidelines, if you go to any toxic or hazardous environment,
- 4 you're supposed to have self-contained breathing apparatus on. We
- 5 would only go to a respirator probably after we got on location
- 6 and were -- and knew that the canisters for our respirators were
- 7 going to provide protection for us for what we're doing.
- 8 And again, I agree with Chief Giampola, that we do not
- 9 have the resources for every firefighter. However, we do follow
- 10 the NFPA 1901 standard for our apparatus, that you must have an
- 11 SCBA for each riding position in the vehicle, along with the
- 12 driver.
- MR. STANCIL: Okay. Thank you, Chief Roemmich. How
- 14 often does the fire department conduct exercises with other
- 15 agencies and mutual aid departments to reinforce knowledge of the
- 16 respective roles that are outlined in your emergency plan?
- 17 CHIEF ROEMMICH: The Paulsboro Fire Department, we have
- 18 two drills a month. It's usually the second Tuesday and fourth
- 19 Tuesday in the month. And one of those drills is usually with one
- 20 of our mutual aid companies, be it the East Greenwich Township
- 21 Fire Department or the Greenwich Township or Gibbstown Fire
- 22 Department or the Thorofare Fire Department. They are our mutual
- 23 aid companies that we call immediately, and we drill with them on
- 24 a regular basis. We're aware of their membership. They're aware
- 25 of our membership and the training that each member has.

- 1 Also, with the industrial, we go to every industrial
- 2 facility once a year. Paulsboro Refining Company has a SARA Title
- 3 III drill every year, same with NuStar and Exxon Mobil.
- 4 MR. STANCIL: Can you describe some of the activities
- 5 that occur at some of your recent drills?
- 6 CHIEF ROEMMICH: Sure. The East Greenwich Fire
- 7 Department recently -- well, since the beginning of the year,
- 8 there are mandatory drills or mandatory training that firefighters
- 9 have to have besides for hazmat. There's bloodborne pathogens.
- 10 There's right-to-know. We've done CPR training with them. We
- 11 have gone to the Gloucester County Fire Academy and done the live
- 12 burn building. We've also done the smokehouse, which is SCBA
- 13 training with the East Greenwich Fire Department and with the
- 14 Gibbstown Fire Department.
- 15 MR. STANCIL: Okay. Thank you, Chief Roemmich.
- 16 Chief DeAngelo, since this accident, we learned that
- 17 some members of the CBRNE team withdrew from participation because
- 18 of alleged problems with equipment and training. And I'd like to
- 19 have you give us an update on the status of the CBRNE team.
- 20 CHIEF DeANGELO: Current status of the CBRNE team is we
- 21 have 28 team members. They comprise of technician level,
- 22 specialist level in the areas of railcar, tank car, weapons of
- 23 mass destruction, meth labs, so the specialty areas that we're
- 24 included in. And in conjunction, we also have two bomb
- 25 technicians on our team as well.

1 MR. STANCIL: What's been done to address the concerns

- 2 that were raised by the team members back in January?
- 3 CHIEF DeANGELO: Based on the team members, they
- 4 actually had a complaint that was issued to PEOSHA, so we went
- 5 through a PEOSHA inspection and PEOSHA audit, and which I'm very
- 6 happy to please that anything that they complained about, all the
- 7 disagreements that they had, we did not find cited, or PEOSHA
- 8 didn't find any bearing on the complaints that were founded by
- 9 that fire department.
- 10 MR. STANCIL: Can you elaborate on what some of the
- 11 problems that were identified by the members of the team?
- 12 CHIEF DeANGELO: The day in question, the issues that
- 13 they were having, they stated that the AreaRAEs were not working
- 14 and some of the SCBAs were not working. Based on the inspection
- 15 that was conducted on those meters, one of the -- two of the
- 16 meters, correct, they were not working when you pressed the on
- 17 button. However, there are backup batteries in that same exact
- 18 Pelican case that those meters are encased in, and that could have
- 19 been swapped -- I believe I did in the PEOSHA inspection in 38
- 20 seconds. So that's a pretty quick fix.
- 21 And the other issue was the air packs that they stated
- 22 did not work. On the air packs, there is what they call a heads-
- 23 up display on the air pack, which basically just gives you a LED
- 24 green light indicating how much air you have left in your SCBA
- 25 pack. The batteries were dead in two of those units, so that was

- 1 a complaint they had. However, to go back on that, to say they
- 2 were not working, that's an improper statement. They do work
- 3 without that heads-up display. You have other means of gauging
- 4 how much air you still have in those meters, so -- in that SCBA.
- 5 So they were, in fact, working the day of question.
- 6 MR. STANCIL: Okay. And one last question. How many
- 7 calls for service does the CBRNE team receive?
- 8 CHIEF DeANGELO: We vary year to year. We have a number
- 9 of probably anywhere between 250 to 300 DEP complaint inspections
- 10 where we'll send out an investigator after someone has a release
- 11 or has a spill. We'll send someone out to investigate those.
- 12 Team member activity, we range anywhere between 75 to 105 per year
- 13 for responses.
- 14 MR. STANCIL: Do you have numbers that you could supply
- 15 to us?
- 16 CHIEF DeANGELO: Yes.
- 17 MR. STANCIL: We'd like the Hearing Officer to request
- 18 that information, please.
- 19 HEARING OFFICER NICHOLSON: Okay. So Exhibit M in Group
- 20 7 will be a request for the number of hazmat responses by the
- 21 CBRNE team; is that correct?
- 22 MR. STANCIL: Can we go back 2 years' worth of data,
- 23 please?
- 24 HEARING OFFICER NICHOLSON: Okay. Yes.
- MR. STANCIL: That's all I have.

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- 1 Dr. Helmer?
- DR. HELMER: Thank you, Paul, very much.
- Mr. Cade, or Chief Cade, I want to come to you on this
- 4 one. We've heard a lot of different NFPA documents mentioned
- 5 today, 471, 472, 1620, Chief Roemmich just mentioned 1901. Are
- 6 any of these documents listed required to be adhered to?
- 7 CHIEF CADE: That would be a question that you'd have to
- 8 ask the State of New Jersey. I have no idea if there's any legal
- 9 requirement within the state to follow them.
- DR. HELMER: All right. Well, what I'm looking for,
- 11 then, is in the Occupational Safety and Health Act, there's a
- 12 caveat called incorporation by reference. And it's 29 CFR 1910.6.
- 13 And it lists quite a few documents or standards that are required
- 14 to be adhered to when they have the word shall written into the
- 15 documents themselves, and they're very specific about which ones
- 16 they are. For example, NFPA 101, the Life Safety Code, is a
- 17 required document; it has to be adhered to. But 472, 1620, 1901,
- 18 471 are not in that list. And what I'm wondering is has there
- 19 been any effort by NFPA or IAFC or any other organization to get
- 20 those incorporated by reference?
- 21 CHIEF CADE: We have sent a couple of pieces of
- 22 correspondence to OSHA asking them to update the references that
- 23 they have. As you correctly point out, they reference NFPA 101,
- 24 but it is not the current edition of it.
- DR. HELMER: 2009 version I think is what they have.

- 1 CHIEF CADE: Yeah, is what they have in there.
- DR. HELMER: Yeah.
- 3 CHIEF CADE: So in some cases, they're not the most
- 4 current version of what is in there. We have been working with
- 5 them trying to get them to help do that. OSHA's regulatory
- 6 processes takes them a while --
- 7 DR. HELMER: Sure, it does.
- 8 CHIEF CADE: -- to go through that whole process. But
- 9 from our perspective, we, you know, we work with them all the time
- 10 trying to help them if they're interested in incorporating by
- 11 reference our codes and standards. I think there's 28 federal
- 12 agencies, I believe, that use some version of NFPA code or
- 13 standard that incorporate it by reference --
- 14 DR. HELMER: Oh, there's no doubt they're excellent
- 15 documents and extremely well thought out. You put a lot of effort
- 16 into them and they're very, very useful. I don't want to imply
- 17 that they're not. I just want them to have a little more
- 18 horsepower. And being in the law, the Occupational Safety and
- 19 Health Act would really help that. It would help agencies get
- 20 more of what they need to address some of these issues that are
- 21 coming out. So any way we can help do that, we'd like to provide
- 22 that help to you if we could.
- 23 However, in the law, there is a thing, and Mr. Eldridge
- 24 mentioned this, that they adhere to the Occupational Safety and
- 25 Health Act in New Jersey. And in that act, 29 CFR 1910.120 deals

- 1 with hazardous waste operations and emergency response. And it
- 2 outlines some very specific guidelines for who responds to those
- 3 emergencies, what training they have to have, et cetera. And we
- 4 talked earlier about awareness level and operational level, but we
- 5 haven't talked too much about the person who assumes the job of
- 6 incident commander.
- 7 What, Mr. Eldridge, what guidance or what regulations
- 8 are there for the incident commander responding to an emergency
- 9 event like this? Can you just briefly go over those a little bit.
- 10 For example, what type of training and how much training would
- 11 that individual have to have?
- MR. ELDRIDGE: Yeah, I believe the standard requires
- 13 them to have a minimum of 24 hours of training and also a number
- 14 of years of experience in certain areas.
- 15 As far as how you become an incident commander, it's
- 16 really out of our realm. We just do the enforcement piece of
- 17 that. But certainly, the standard is pretty clear of what they
- 18 need to -- the amount of training that they actually have to have
- 19 in those specific areas.
- DR. HELMER: Could you tell us just a couple of the
- 21 items? For example, when a person show up on scene and becomes
- 22 the incident commander, what are some of his or her
- 23 responsibilities?
- MR. ELDRIDGE: Well, it's to, you know, assess the
- 25 situation, take control of the situation, ensure that there's

- 1 protection built in, that you determine what the hot zone is and
- 2 you ensure that you keep people away who shouldn't be there.
- 3 DR. HELMER: Okay. Good. Very good. What about for
- 4 PPE requirements? Would that person be the one that would direct
- 5 what PPE is required in that event?
- 6 MR. ELDRIDGE: Yes.
- 7 DR. HELMER: He would be. All right.
- 8 What -- and this is a little stretch, but this was
- 9 mentioned earlier. I forget, I think Chief Roemmich mentioned the
- 10 globally harmonized system, or one of you did. I'm sorry. I
- 11 forget which one. What's being done in the state to ensure that
- 12 the public employees are able to comply with that law? There are
- 13 some provisions that have to be met by December of this year.
- 14 Have you put anything in place training-wise, et cetera, for --
- 15 MR. ELDRIDGE: Well, we have a very detailed right-to-
- 16 know program within the state which incorporates a lot of global
- 17 harmonization. We're looking at the differences between the two,
- 18 pictogram as being the big one, and the right-to-know is really
- 19 specific to a certain chemical as opposed to the product itself.
- 20 So we are looking at and we are working on incorporating that into
- 21 state regulation. And we hope -- we should be able to meet the
- 22 deadline. We're hoping to.
- 23 DR. HELMER: Do you have any written documents as of
- 24 today, for example?
- MR. ELDRIDGE: Not that I can share yet.

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- 1 DR. HELMER: Okay.
- 2 MR. ELDRIDGE: But certainly, once we move forward and
- 3 it goes through the rulemaking process, we can certainly,
- 4 certainly do that.
- 5 DR. HELMER: All right. Thank you very much. And I'd
- 6 like to turn it over now to Mr. Downs.
- 7 MR. DOWNS: Thank you. I have a question that would be
- 8 addressed at a global issue theme of risk assessment by
- 9 communities and their preparedness planning processes, and this
- 10 could be addressed to any of the panel members, although
- 11 Mr. Eldridge, Chief Cade and Chief Royall might be the initial
- 12 respondents here.
- In reviewing a number of emergency operations plans,
- 14 EOPs, of various hazmat accidents that I've worked over the years,
- 15 I've noted that many communities simply have not completed a
- 16 comprehensive risk assessment of their transportation hazards that
- 17 might be endemic to their communities. The question here: What
- 18 measures could be implemented by state governments and/or the
- 19 professional associations, IAFC and NFPA, to help motivate and
- 20 encourage local jurisdictions performing more detailed risk
- 21 assessments such that the data identified could be incorporated
- 22 into their EOPs?
- 23 CHIEF CADE: Well, I guess I'll start. In our case,
- 24 specifically, with NFPA, I mean, our recommendation certainly
- 25 would be looking to use NFPA 1620, the pre-incident planning, to

- 1 help communities go through and identify what the risks are
- 2 specifically in their community. And then based upon what those
- 3 specific risks are, to look at developing then a plan of how you
- 4 would address something going wrong in that.
- 5 And in looking at using, you know, the emergency
- 6 operations plan, as an example, to have annexes in there depending
- 7 upon what the hazards are. Certainly, in Paulsboro, trains going
- 8 through there I would think would be something. I know I heard
- 9 them mention highways, so there would be the potential for highway
- 10 accidents. I mean, it's really just taking a look at what is
- 11 specific to the location that you're in and then looking at, you
- 12 know, what are the things necessary to be able to, after you've
- 13 identified them, to look at how you're going to mitigate something
- 14 happening with that.
- MR. DOWNS: Thank you.
- Mr. Eldridge or Chief Royall?
- 17 CHIEF ROYALL: Certainly, the IAFC, I believe we could
- 18 take you to an advantage of raising the awareness, and especially
- 19 -- I'm going back to the National Hazmat Fusion Center again -- to
- 20 put some guidance up there on our website whereby it's very -- how
- 21 important it is for a community to be able to assess their risk
- 22 and from the risk determine what level of hazmat response or
- 23 capability that you would need, and then figure out what you
- 24 currently have versus what would be expected that you would need
- 25 to assess -- to address those risks that have been assessed, and

- 1 then try to -- it's kind of like a gap analysis -- and figure out
- 2 what it is that you need to do in order to prepare and be ready to
- 3 respond to those assessed risks.
- 4 MR. DOWNS: Great. Thank you.
- 5 And Mr. Eldridge, any thoughts?
- 6 MR. ELDRIDGE: Yeah. We're continuing to evaluate the
- 7 whole event that occurred in November. As we move forward, we're
- 8 trying to ensure that we learn the lessons and that we work with
- 9 our state partners and our local partners, because New Jersey is
- 10 an industrial state in many ways, and to make sure that people are
- 11 following what they need to follow, that they understand what
- 12 their EOP is, that it's updated, that it's being complied with.
- 13 And any way that we can help with making that -- you know, doing
- 14 the outreach and awareness on that, we certainly will do.
- 15 MR. DOWNS: Great. Thank you. The point that was
- 16 offered to me in talking to some of these local agencies is that
- 17 they simply don't have the funding available to put together
- 18 sometimes the detailed preparedness plans, meaning they have to
- 19 pay either a town employee, jurisdictional employee, or a
- 20 contractor, whatever. Perhaps grant funding might be a solution
- 21 here?
- 22 MR. ELDRIDGE: That's hard for me to speak to since our
- 23 state police has control over that EOP. But certainly, you know,
- 24 we try to make sure that the locals are, through the other side of
- 25 the department that deals with emergency response and mainly with

1 natural disasters and things like that, that they're aware of

- 2 funding opportunities to help them meet those unmet needs.
- 3 MR. DOWNS: Great. Thank you.
- 4 MR. BLACKISTONE: Thank you, Mr. Downs.
- I just have a couple of quick questions, one for
- 6 Mr. DeAngelo. With regards to the hazardous materials team, what
- 7 kind of maintenance and checkout procedures does the team use?
- 8 CHIEF DeANGELO: Weekly, we do an inventory check sheet
- 9 of the CBRNE truck. So we go through making sure the equipment is
- 10 checked, is on there and the hydro date is calibrated; for our
- 11 level A suits, make sure they are flow tested and tested. So we
- 12 go through weekly to make sure all these checks and balances are
- 13 in place.
- 14 MR. BLACKISTONE: And that would include the items
- 15 Mr. Stancil was referring to previously, the SCBA and batteries
- 16 and that sort of thing?
- 17 CHIEF DeANGELO: Yes.
- 18 MR. BLACKISTONE: Okay. And then, secondly, and I'll
- 19 throw this out to whoever on the panel might want to offer some
- 20 guidance, what guidance can you offer in terms of where the
- 21 command post at a hazmat incident ought to be placed? How does a
- 22 initial responder or the initial chief officer make a decision
- 23 about where to place it?
- 24 CHIEF ROYALL: From our NIMS teaching, the incident
- 25 command post typically will be located in the cold zone or the

- 1 area beyond which you would expect to be exposed to whatever
- 2 material is being released. I think that pretty much lays out
- 3 what the expectation would be.
- 4 MR. BLACKISTONE: Any other comments on that?
- 5 CHIEF DeANGELO: Well, in the mandate, all the police
- 6 department and fire departments have a ERG book inside their
- 7 vehicle as well, and there's distances in those for different
- 8 types of, various chemicals. So again, looking at the ERG book,
- 9 looking to see what the safe distance away is, and selecting an
- 10 appropriate spot is ideal as well, and also using -- going back to
- 11 the awareness level, you know, make sure you're upwind, uphill of
- 12 that as well is also going to help.
- MR. BLACKISTONE: Okay. Thank you very much.
- Mr. Chairman, that concludes our questioning at this
- 15 time.
- 16 CHAIRMAN HART: Thank you. We'll move on to the
- 17 parties' questioning. I apologize for the video difficulties
- 18 we're having. What that means is, (a) the people in this room
- 19 can't see the screens, but (b) the people looking on the webcast
- 20 can hear it but not see it. So I apologize for that. We'll try
- 21 to see -- apparently, we're having some power spike problems.
- 22 We'll try to see what we can do with that over lunch, but
- 23 meanwhile we'll continue with the parties. And yes, you are the
- 24 last thing between us and lunch, but no pressure there.
- 25 Coast Guard?

- 1 CAPT FISH: Thank you, Mr. Chairman. No questions.
- 2 CHAIRMAN HART: Thank you.
- 3 PHMSA?
- 4 MR. SHOONOVER: Thank you, Mr. Chairman. No question.
- 5 CHAIRMAN HART: Thank you. I was only kidding, guys.
- 6 (Laughter.)
- 7 CHAIRMAN HART: Federal Railroad Administration?
- 8 MR. HYNES: No questions, Mr. Chairman.
- 9 CHAIRMAN HART: Okay.
- 10 BLET?
- MR. WALPERT: No questions.
- 12 CHAIRMAN HART: And UTU?
- MR. BATES: No questions.
- 14 CHAIRMAN HART: Conrail?
- 15 MR. LEVIN: Mr. Chairman, no questions?
- 16 CHAIRMAN HART: Paulsboro?
- 17 CHIEF GIAMPOLA: Mr. Chairman, I have just a couple
- 18 questions for Chief Cade. I quess it's working.
- 19 Chief Cade, they're asking you to get the number of
- 20 certified -- the two positions that are certified for hazmat,
- 21 they're asking you to get numbers on that. I would just ask, when
- 22 you get those numbers, could you do one other thing? Could you
- 23 break that out paid to volunteer on those numbers for the
- 24 certified hazmat people, and the -- and if you could, the amount
- 25 of education time that is needed to be able to get those

certifications? 1 2 CHIEF CADE: I will make that part of the question. I don't know if they keep them by career and volunteer personnel. I 3 4 don't know the answer, but I'll ask. I will ask that to both of 5 those organizations. 6 CHIEF GIAMPOLA: Thank you. 7 My last question is: Does NFPA have a standard for 8 career staff firefighters as well as volunteer firefighters? they have two different standards that are referenced? 9 10 CHIEF CADE: Yes, they do. 1710 and -20 are the two --11 1710 for assembling for career firefighters a residential incident 12 and 1720 for volunteers. 13 CHIEF GIAMPOLA: Thank you. 14 CHAIRMAN HART: Thank you, Paulsboro. 15 State of New Jersey? 16 MR. SWEENEY: We have no additional questions. 17 CHAIRMAN HART: Okay. Thank you. At this point we'll 18 take a lunch break. We're planned for an hour and a half, and 19 that -- we'll still do pretty much that and be back at 20 minutes 20 after 1. Thank you very much. 2.1 (Off the record at 11:45 a.m.) 2.2 2.3 2.4

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25

1 AFTERNOON SESSION

- 2 (1:20 p.m.)
- 3 CHAIRMAN HART: Good afternoon, everyone. Welcome back.
- 4 Mr. Nicholson, will you present Panel Number 4?
- 5 HEARING OFFICER NICHOLSON: Yes.
- At this time, I'd like to have Captain Kathleen Moore,
- 7 Mr. Scott Lundgren, Sergeant Bryan Everingham, Mr. Joe Eldridge
- 8 and Mr. Robert Van Fossen to take your places at the witness table
- 9 and remain standing. Thank you. Please raise your right hand.
- 10 (Witnesses sworn.)
- 11 HEARING OFFICER NICHOLSON: Thank you. Please take your
- 12 seats. And if you would, please, beginning with Captain Moore,
- 13 each of you please state your name title, place of employment or
- 14 agency you represent at this hearing.
- 15 CAPT MOORE: Good afternoon, I'm Captain Kathy Moore,
- 16 Sector Commander, Sector Delaware Bay.
- 17 MR. LUNDGREN: Good afternoon, Scott Lundgren, U.S.
- 18 Coast Guard Headquarters Technical Advisor, Office of Marine and
- 19 Environmental Response Policy.
- 20 SGT. EVERINGHAM: Good afternoon, Bryan Everingham,
- 21 Sergeant First Class, Emergency Management, South Region Office,
- 22 with the New Jersey State Police.
- 23 MR. ELDRIDGE: Joe Eldridge, Director, Consumer,
- 24 Environmental and Occupational Health within the New Jersey
- 25 Department of Health.

1 MR. VAN FOSSEN: Good afternoon, Bob Van Fossen with New

- 2 Jersey Department of Environmental Protection, Director of
- 3 Emergency Management.
- 4 HEARING OFFICER NICHOLSON: Thank you.
- 5 Chairman Hart, the witnesses have been prequalified.
- 6 Their respective experience and qualifications appear in the
- 7 docket under Group 6, Exhibits A through S.
- 8 Mr. Vorderbrueggen, you may begin.
- 9 MR. VORDERBRUEGGEN: Thank you, Mr. Nicholson. This
- 10 morning, the hearing panel examined incident management and the
- 11 regulations, standards and best practices that apply to a
- 12 hazardous materials emergency response operation. The final panel
- 13 of this hearing will now examine the state and federal agencies'
- 14 emergency response actions, including planning activities and the
- 15 response activities during the morning of the accident.
- We will address the following issue areas: The process
- 17 of New Jersey for emergency operations planning and the area
- 18 contingency plan approval. We will examine the previous
- 19 approvals, reviews and findings related to the Paulsboro emergency
- 20 preparedness. We will examine the chemical release plume models
- 21 available to an incident commander. We will discuss when those
- 22 plume models were provided to the incident commander and how the
- 23 models were used in the Paulsboro emergency response. We will
- 24 discuss the local and state actions and the public statements
- 25 related to the Paulsboro response efforts, discuss the issues

- 1 involved when state and federal agencies establish a unified
- 2 command in a local jurisdiction, and discuss the Coast Guard
- 3 decision process and actions preceding the establishment of the
- 4 unified command the afternoon of the accident.
- 5 Before we begin the witness questions, I invite Captain
- 6 Moore to give you a brief presentation, which I request you
- 7 complete in no more than eight minutes.
- 8 Captain Moore?
- 9 CAPT MOORE: Good afternoon. And in case we lose
- 10 audio/visual, the presentation is Group 5, Exhibit AC.
- The presentation really is designed to give context to
- 12 the response as a whole vice the first day. But in terms of the
- 13 initial overview, as we've already explored, the incident occurred
- 14 around 7:00 on Friday, November 30th, on the train tracks which
- 15 bisect Paulsboro, approximately 6,000 residents that are in the
- 16 borough, and that borough itself is situated between two
- 17 refineries, as we've already discussed.
- 18 Also, contextually to this, in terms of the federal
- 19 government's decision making, we had a President of the United
- 20 States visit that was scheduled for 11:00 that morning.
- 21 Firefighters, hazmat, refinery workers were some of the first on
- 22 scene, and we had a report that 22 were initially taken to local
- 23 hospitals.
- We have fairly thoroughly explored already the rail
- 25 cars, those that were in the water and those that were on land.

- 1 Four vinyl chloride cars were involved, one of which was breached.
- 2 There was an ethanol car in the water, as labeled, as well as a
- 3 lumber car and a car out of view of this particular photograph
- 4 that had plastic pellets. The sheen that you see that was boomed
- 5 off is hydraulic fluid from the mechanism that operates the
- 6 bridge.
- We established a unified command. The unified command
- 8 members are as you see: Of course, Coast Guard for the federal
- 9 side; the State of New Jersey was represented by the state
- 10 on-scene coordinator from New Jersey Department of Environmental
- 11 Protection, as well as the New Jersey State Police, Office of
- 12 Environmental Management; responsible party was Conrail; and the
- 13 Paulsboro fire chief served as the local municipality incident
- 14 commander, our representative on the UC.
- 15 In order to resolve all of the issues associated with
- 16 the incident that occurred, we developed a plan for a phased
- 17 response. The Phase 1 was to deal with the breached rail car
- 18 itself, as in secure the hazmat release. Then Phase 2 was site
- 19 preparation. Phase 3 was to remove the rail cars out of the water
- 20 and from the track. And then, finally, Phase 4 was to rerail the
- 21 rail cars to remove them from the area and complete the track
- 22 repair so that the track was again open for use.
- 23 Specific to the response operations with respect to the
- 24 breached rail car, the breach rail car was penetrated at the mid
- 25 body. The size of the opening was a fairly substantial opening,

1 but really, only about a 3 foot by 1½ foot very jagged section was

- 2 open to responders because the bolster, which is a structural
- 3 portion of another rail car was penetrating several feet into the
- 4 damaged rail car. That made that hole very jagged. It was all
- 5 steel on steel. So as you can imagine, the flammability risks
- 6 associated with the hazardous material, the vinyl chloride, was
- 7 foremost in our minds as we were dealing with the penetration and
- 8 the fumes associated with that hole and the structure that was in
- 9 the way.
- 10 As well, the end of the tank car that was breached was
- 11 also partially submerged in Mantua Creek. Mantua Creek is a tidal
- 12 creek. We went through three to four tide cycles each day. It is
- 13 a very -- it's a 5-foot tide range, and the flow of water through
- 14 there is very high velocity. That creek sees normally current
- 15 velocities on the order of 5 to 6 knots.
- With respect to public safety, we ended up conducting,
- 17 as we've discussed, two evacuations. The first occurred on the
- 18 30th of November and involved the area that's bounded by the
- 19 yellow in this graphic. It involved approximately 48 homes as
- 20 well as three businesses. And as you've already heard, early on
- 21 the decision was made to close schools that day.
- 22 And a second evacuation decision on the 4th of December,
- 23 which was a Monday, an additional 200 -- I'm sorry. I don't know
- 24 if it's an additional. 260 total homes were evacuated; the total
- 25 number of evacuated residents around 640. That included 9

- 1 businesses. The challenge is, of course, site security and
- 2 evacuation zone security as well.
- 3 Once the hazardous release had been completely dealt
- 4 with, Phase 2 operations were site preparations. Very first and
- 5 foremost was to get folks that had been evacuated back into their
- 6 homes. That was Operation Home Safely.
- 7 We had to also remove portions of protective structures
- 8 that protect the bridge because it is open for maritime traffic.
- 9 That included structures called dolphins and fenders, and those
- 10 are basically wooden structures, part of the bridge protection
- 11 system. They had to be removed in order to get the crane that was
- 12 used to lift the rail cars in close to the bridge. We also had to
- 13 remove the A-frame and we had to take the bumper and pellet cars
- 14 out of the area that were on land because that provided a staging
- 15 area for future operations.
- 16 Here are some additional photographs -- I want to go
- 17 back -- there we go. Underwater rigging was a tremendously
- 18 challenging element of the Phase 3 rail car removal operations.
- 19 Again, as I mentioned, the waterway was tidal. Visibility was
- 20 zero. We had two to three daylight, 45-minute windows of slack
- 21 tide in which to dive. All of the dive operations were used to
- 22 evaluate the structures underwater and perform all of the rigging.
- 23 Then we brought in a 150-ton lift crane, and the crane operator
- 24 was closely coordinating with the riggers in order to be able to
- 25 sling the rail cars. They were reoriented in midair in order to

- 1 be properly situated on barges behind the crane or next to the
- 2 crane so that they were safe and out of the way as this operation
- 3 of rail car removal continued.
- And again, these are some additional photographs of
- 5 response operations.
- Phase 4 involved rerailing, then, the rail cars back on
- 7 the rail that was determined to be the safest and most effective
- 8 route to put the damaged rail cars which still contained product
- 9 back on the rails and get them to a facility where they could be
- 10 both offloaded and examined, as well as perform the necessary
- 11 track repair to get the rail line reopened and the rail commerce
- 12 moving.
- And that concludes my presentation, obviously, for
- 14 questions.
- 15 MR. VAN FOSSEN: Thank you very much, Captain Moore.
- Mr. Paul Stancil will now begin questioning the
- 17 witnesses.
- 18 MR. STANCIL: Good afternoon, Sqt. Everingham and
- 19 Mr. Van Fossen. I would like you two to please explain the
- 20 state's capabilities and authorities to provide emergency response
- 21 to hazardous materials incidents. First, Mr. Everingham -- or
- 22 Sqt. Everingham?
- 23 SGT. EVERINGHAM: Could you ask the question again,
- 24 please?
- 25 MR. STANCIL: Yes, sir. I would like, if you could,

1 explain the state's capabilities and authorities with respect to

- 2 hazardous materials response?
- 3 SGT. EVERINGHAM: With regard to hazardous materials
- 4 response, all incidents in New Jersey begin at the local level.
- 5 We have a hazardous materials response unit. They are largely a
- 6 law enforcement-centric unit that is able to provide resources for
- 7 investigations. It's a very small unit. But they do not have any
- 8 oversight responsibility. They do provide minimum benchmarks for
- 9 hazmat teams. However, they also go out and do assessments of
- 10 teams largely for resource typing.
- 11 So they'll go out -- and most recently, in 2012, there
- 12 was a assessment that was conducted by a contractor hired through
- 13 our HMRU folks. And they went out and assessed capabilities of
- 14 the teams and typed them appropriately. And there was review and
- 15 inventory of equipment.
- So to answer your question, we do have some subject
- 17 matter folks in our HMRU unit, but their responsibility is not
- 18 responding to local events unless there's a request for some
- 19 support and guidance in that regard.
- MR. STANCIL: Thank you.
- 21 Mr. Van Fossen, give us an overview of what authorities
- 22 and capabilities the Department of Environmental Protection have.
- 23 MR. VAN FOSSEN: Thank you, sir. New Jersey DEP has a
- 24 emergency response bureau group capability that works with the
- 25 local incident commander to help support, assess and work with the

- 1 municipal or county incident commander in hazardous materials
- 2 spills. If we get to the point -- and again, there's all types of
- 3 hazardous material incidents within the state -- but if we get to
- 4 the point where a responsible party is not viable or is not moving
- 5 quick enough, the state has the capability of opening up what we
- 6 have is called the Spill Compensation and Control Fund, the Spill
- 7 Act, if you will. We have the ability to access that to get
- 8 the -- to have the response done and completed and financed by the
- 9 state.
- In this case, down in Paulsboro, Conrail stepped up to
- 11 the plate and was using their funds. So again, DEP came in to
- 12 help assess and support the incident commander who was in charge
- 13 at the time.
- 14 MR. STANCIL: And what sort of assets do you have to
- 15 support an incident commander on a local event?
- MR. VAN FOSSEN: The assets that the state has in place
- 17 is much like -- is the coordination effort and the communication
- 18 and the ability to help the incident commander. I mean, there's
- 19 mutual aid agreements set up with the -- as you heard earlier,
- 20 with the municipalities and the counties. And there's other
- 21 assets that we would help coordinate.
- 22 Like in this response, as soon as we received the
- 23 notification what was happening, we were able to do some initial
- 24 assessment, reach out to the Environmental Protection Agency out
- 25 of Region 2, had them deploy some of their resources and some of

- 1 their people down to help us start with the assessment and down
- 2 the road help us with some of the air monitoring issues that we
- 3 knew were coming down the pike.
- 4 MR. STANCIL: Does the state have its own hazmat team or
- 5 air monitoring capability?
- 6 MR. VAN FOSSEN: We have a bureau that is the Bureau of
- 7 Emergency Response, but their role is not to be the first
- 8 responders on scene. Again, it's typically your municipal or
- 9 county teams that are first. And then if our assets or resources
- 10 are needed, we will deploy our people down, and again, contractors
- 11 and help coordinate and assist the incident commander.
- MR. STANCIL: Okay. Sqt. Everingham or Mr. Van Fossen,
- 13 either of you who could answer this, the Gloucester County
- 14 Emergency Support Function Plan says that when an incident goes
- 15 beyond the capabilities of both the municipality and the county,
- 16 the state is empowered to assume control of all emergency
- 17 operations. Under what circumstances would the state exercise
- 18 that authority and assume control?
- 19 SGT. EVERINGHAM: I'm not aware of a circumstance in my
- 20 training and experience where we've ever stepped in front of a
- 21 local event and taken over. When we show up, we're not in charge.
- 22 We are in support of the person who is in charge. And so without
- 23 actually being able to lay eyes on that language and the context
- 24 that it's in, I'd have to disagree with, you know, what the
- 25 expectation is.

1 MR. STANCIL: Mr. Van Fossen, do you have anything to

- 2 add to that?
- MR. VAN FOSSEN: I would agree with the sergeant. Our
- 4 role is to assist and to support. In a large incident like we had
- 5 down in Paulsboro, to make our -- to make that coordination
- 6 available and to help move a large event like this with the
- 7 incident commander into a unified command and get that unified
- 8 command set up, coordinated and activated. So we've got the
- 9 ability to bring in other resources in a unified fashion.
- 10 MR. STANCIL: Understood. So please explain how New
- 11 Jersey's home rule provision comes into play with the way
- 12 hazardous materials responses are managed. You mentioned earlier
- 13 that all incidents begin at the local level. Could you elaborate
- 14 on that, sergeant?
- 15 SGT. EVERINGHAM: Yeah. In New Jersey, all incidents
- 16 begin at the local level. They're to be handled at the lowest
- 17 level of government possible. When an incident exceeds the
- 18 capability of the locality, the mechanism is, through the
- 19 Emergency Management System, is to reach out to the county office
- 20 of emergency management and pass on the requests for support that
- 21 have exceeded the local's capability.
- 22 If the county is then -- capability is then exceeded,
- 23 then the process is for them to reach out to the state. And in
- 24 this event, you had a conglomeration of local, county and state
- 25 partners that responded to and worked in conjunction with

- 1 resolving the incident. But that's the process that we follow.
- MR. STANCIL: Mr. Van Fossen, anything to add to that?
- 3 MR. VAN FOSSEN: No. That is the process. With
- 4 Paulsboro, as we move from an incident command into a unified
- 5 command, that was the process we followed. And that was the
- 6 outcome of it.
- 7 MR. STANCIL: Okay. Mr. Van Fossen, could you describe
- 8 how your agency assessed the Paulsboro emergency response during
- 9 its first hours following the accident?
- 10 MR. VAN FOSSEN: Challenging would be the one word that
- 11 comes to mind. As we rolled up on scene, I myself got on scene
- 12 about 9:15, 9:20. There was, as you heard earlier, a lot of
- 13 people on scene at the forward command post or on the front lawn
- 14 of the assistant chief's house.
- 15 So as I went on scene, walked toward where I could see
- 16 what might be incident command set up, looked around, noticed
- 17 where we were, looked for my counterparts, as I was coming on to
- 18 the scene. I knew state police OEM sergeant and Trooper Godish
- 19 were on scene. So I looked for them and looked for my guys who
- 20 were on scene. I noticed the trains, noticed there was definitely
- 21 an incident issue going on, and the few minutes of assessments and
- 22 briefing I got, understood that there was probably, probably vinyl
- 23 chloride that was discharging.
- 24 At that point in time I backed out, looked for Bryan and
- 25 Greg, who I typically look for when I'm on a scene like that,

- 1 moved back to the church, had some discussions about where -- you
- 2 know, we need to move the command post back and we need to start
- 3 setting up a unified command effort in conjunction with the
- 4 incident commander.
- 5 MR. STANCIL: On the morning of the accident, Department
- 6 of Environmental Protection conservation officer sent an e-mail to
- 7 other staff in DEP expressing concern about sending officers into
- 8 the scene until trained professionals have reported the area to be
- 9 safe. And he further noted that individuals were on scene without
- 10 hazmat gear. This suggests to me that the state had some concerns
- 11 about site safety. Would you care to elaborate on that?
- MR. VAN FOSSEN: After the fact, I did see that e-mail.
- 13 And the way the department works is when my -- when I got on
- 14 scene, I started to send situation reports back to my chain of
- 15 command which filters out through the department. At that point
- 16 in time, I can only assume that somebody from Fish and Wildlife
- 17 Conservation looked at one of the e-mails, and if there was work
- 18 that was planned to be done in the Mantua Creek area, and I don't
- 19 know, but if there was work to be done, that was their decision to
- 20 say, hey, let's stand down and let's figure out what's going on;
- 21 we don't need to be working in the Mantua Creek area because of
- 22 the train accident.
- 23 MR. STANCIL: And what about your staff? You mentioned
- 24 you arrived at 9:15. Did you have any concerns about site safety
- 25 upon your arrival?

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1 MR. VAN FOSSEN: Absolutely, and that's why I stood back
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- 2 and reached out to Sergeant, and Trooper Godish to start having --
- 3 and the county to start having that discussion that we've got to,
- 4 one, push the command post back; and, two, start moving to a
- 5 unified command so we can get some -- so we can do further
- 6 assessment and help with the organization of what we're seeing out
- 7 there right now.
- 8 MR. STANCIL: Thank you. I see my time's up.
- 9 Mr. Bowling?
- 10 MR. BOWLING: Thank you.
- 11 This question would go out to Mr. Lundgren with Coast
- 12 Guard Headquarters. Can you briefly explain the concept of an
- 13 area contingency plan and what elements are supposed to be in that
- 14 plan?
- 15 MR. LUNDGREN: Absolutely. The area contingency plan is
- 16 a key concept under the National Oil and Hazardous Substance
- 17 Pollution Contingency Plan, which I'll also refer to as the
- 18 National Response System. The National Response System is the
- 19 approach that the nation has for federal and, indeed, national
- 20 response to oil and hazardous substances. It's a system that has
- 21 been in place for about 45 years and has evolved a number of times
- 22 based upon statute and our own lessons learned to address the
- 23 threat of oil and hazardous chemicals in our society.
- The key element to introduce the area contingency plan
- 25 was the Oil Pollution Act of 1990 that was passed after the Exxon

- 1 Valdez incident and introduced a new layer of planning atop
- 2 several others that had existed under the National Response
- 3 System, each with its own planning body.
- 4 There's a national response team that consists of 16
- 5 federal agencies that cooperate to support response to oil and
- 6 hazardous substances. There are regional response teams, and this
- 7 is the federal regional level, so multiple states. And then the
- 8 area contingency plan is written by a community area committee
- 9 that supports a key role in the National Response System, which is
- 10 the federal on-scene coordinator. The federal on-scene
- 11 coordinator for the incident that we're talking about here is
- 12 sitting next to me, Captain Kathy Moore.
- And the concept of an area contingency plan, or an ACP,
- 14 is to ensure that that federal lead for the federal oversight of
- 15 an oil or hazardous substance release has a planning community
- 16 that gets together prior to an incident and writes a contingency
- 17 plan to address those hazards.
- 18 I mentioned the connection to the Oil Pollution Act and
- 19 Exxon Valdez, and a lot of what this was was to also provide a
- 20 framework for industry plans that are required for transporters of
- 21 oil in particular. On the hazardous substance side, the area
- 22 contingency plans also deal with those that have a little bit less
- 23 detail on the tactics, because in many cases in an oil spill,
- 24 you're protecting sensitive areas through booming and some very
- 25 specific techniques, whereas the variety of issues that may be

- 1 present in a hazardous materials incident are much greater.
- 2 So it's not as detailed a section of the plan, but
- 3 there's an element of the National Response System regarding
- 4 hazardous substances that really works at the local level to
- 5 address a lot of those. And that's under the Emergency Planning
- 6 Community Right-to-Know Act, or EPCRA, also known as SARA Title
- 7 III, that really puts a lot of emphasis on local planning for
- 8 hazardous incidents, hazardous materials incidents, and ensuring
- 9 that information is available from facilities that present risk to
- 10 that community so that there is the ability to plan for.
- 11 So that, in summary, is where the area contingency plan
- 12 fits and is part of the National Response System. And again, this
- 13 case, it was Sector Delaware Bay's area contingency plan that was
- 14 used, had a hazardous materials section that described the various
- 15 roles and responsibilities in a hazardous substances incident.
- MR. BOWLING: Thank you. Now, in that same thought
- 17 process with regard to the ACP, would you cover the difference
- 18 between the inland zone and the coastal zone and how that affects
- 19 the predetermination of the federal on-scene coordinator?
- MR. LUNDGREN: Absolutely. Exhibit AB within the
- 21 documents for Group 5 has one image showing the EPA and Coast
- 22 Guard jurisdictional boundary as it's documented within the
- 23 regional contingency plans for the National Response System.
- To go a little bit further in detail on the role of the
- 25 federal on-scene coordinator. The nation is largely broken out

- 1 into the inland zone and the coastal zone in terms of overall
- 2 agency responsibility for who the pre-designated federal on-scene
- 3 coordinator is. EPA has the inland zone. The Coast Guard has the
- 4 coastal zone. We both operate under the same statutes, the same
- 5 national contingency plan, the same regional contingency plans.
- 6 And then when it gets down to the area level, that's where it goes
- 7 to the OSC and the area contingency plan that they have along with
- 8 the community.
- 9 So in the case of Paulsboro, the slide that's listed in
- 10 Exhibit AB shows the jurisdictional boundary for that pre-
- 11 designation between the EPA and the Coast Guard for the coastal
- 12 zone and the inland zone. And you'll see from that, the train
- 13 derailment location is within the coastal zone because of the
- 14 proximity to the Delaware River, in particular.
- 15 And largely, these zones are set in advance so that
- 16 there's no question as to who that initial on-scene coordinator
- 17 is. But the reality of the National Response System is that the
- 18 capability of the federal government and the system itself is
- 19 available to that on-scene coordinator. So you've heard examples
- 20 mentioned this afternoon of how EPA was supporting with their
- 21 trace atmospheric gas system that they have on the bus. So those
- 22 capabilities are available regardless of who the on-scene
- 23 coordinator is. There are a number of special teams that are
- 24 available to the on-scene coordinator, and it doesn't matter if
- 25 it's coastal or inland. That capability is still available to the

- 1 OSC.
- 2 MR. BOWLING: Thank you.
- And to the representatives from the State of New Jersey,
- 4 what is the state's involvement with the area contingency plan,
- 5 for example, Sector Delaware Bay area contingency plan?
- 6 MR. VAN FOSSEN: State of New Jersey, specifically, New
- 7 Jersey DEP, sits on the -- with Sector Delaware Bay and
- 8 participates in the development of the area contingency plan,
- 9 which is exercised and developed and fine-tuned on a yearly basis;
- 10 I don't know about exercised, but looked at on a yearly basis. So
- 11 we're part of that along with Pennsylvania and Delaware with the
- 12 implementation and the development of it.
- MR. BOWLING: Thank you.
- 14 Captain Moore, I'd like to get into some of the response
- 15 issues. And my first question is can you tell me what went into
- 16 consideration when you established your first set of operational
- 17 objectives for the first work cycle?
- 18 CAPT MOORE: Certainly. With respect to our primary
- 19 objectives, of course, public health and safety, taking care of
- 20 identifying the source and securing the source of the hazmat
- 21 release as well as identifying what the plume characteristics
- 22 were, in other words, our lingo, fate and effect of the hazardous
- 23 materials plume. We also, understanding this to be a
- 24 transportation accident, set in the early objectives the idea to
- 25 preserve evidence that would support the investigation.

- 1 The public and responder safety, there were several
- 2 other objectives that we really -- they're kind of cookie cutter;
- 3 every time you have a response, there's a set of objectives -- as
- 4 well keep the public and the local community informed.
- 5 MR. BOWLING: Thank you. What air plume models were you
- 6 using during the initial on-scene phase?
- 7 CAPT MOORE: I requested from our NOAA scientific
- 8 support coordinator support for modeling with respect to a plume,
- 9 and actually, they were ahead of me in terms of asking for it.
- 10 They utilized the Interagency Modeling Atmospheric Assessment
- 11 Center, which actually is a capability I had not seen before, and
- 12 they produced a model for us. It was the initial release model,
- 13 but it was foundational for me in understanding for the future,
- 14 for the long term, what the risks were associated with a potential
- 15 further release from another one of the damaged tank cars. So we
- 16 had a release, and that model covered pretty much a full tank car
- 17 release with the weather that we had forecasted for the period.
- 18 But it was very useful in terms of it gave me a general
- 19 idea what would happen in terms of the exposure and risk issues
- 20 for an additional -- if the situation were not to be stable and we
- 21 lost another car, we had another release from another car. It was
- 22 a great planning element for me to understand what the risks were
- 23 for a future release as well as dealing with the one that we
- 24 already had.
- So it was tremendously valuable. I sent it ahead and we

- 1 got it somewhere between 10 and 11:00 in the morning. And we sent
- 2 it with some of our first responders. And then I believe I had a
- 3 copy with me when I finally did establish a unified command.
- 4 MR. BOWLING: Thank you. There were some photographs,
- 5 and I may be wrong on the times, but I thought I saw some of the
- 6 Coast Guard first response team on site around 9 a.m. And
- 7 regardless of the time, can you tell us what the purpose of that
- 8 first response team is and how -- what are they doing on site that
- 9 early?
- 10 CAPT MOORE: We had asked -- we had recalled a couple of
- 11 teams from Sandy response on the Jersey shore, and we had also
- 12 requested special team support from the Atlantic Strike Team with
- 13 respect to this incident.
- 14 I believe our first responders were between 9:30 and
- 15 10:00 on scene. I want to say that. But their goal is to quickly
- 16 interface with the established incident command post and
- 17 understand the scope of the incident, the scope of response, and
- 18 to help us to understand what's going on, on scene. That is our
- 19 first, essentially, idea to get the picture of the response.
- 20 That's our most reliable understanding of what's going on in terms
- 21 of the response, what resources are already deployed, what
- 22 decision making has already taken place, and that informs us as to
- 23 whether or not -- informed me as to whether or not -- what our
- 24 actions were going to be from there.
- MR. BOWLING: Thank you.

- 1 Mr. El-Zoghbi?
- 2 MR. EL-ZOGHBI: Thank you.
- 3 Mr. Van Fossen, during a news conference at
- 4 approximately 10:45, I believe, in the morning of the incident, a
- 5 spokesperson for the New Jersey Department of Environmental
- 6 Protection announced to the public that the airborne hazard had
- 7 already dissipated. What data or information was this public
- 8 statement based on?
- 9 MR. VAN FOSSEN: The press conference, as I understand
- 10 it, because I wasn't involved with it, happened during the time
- 11 frame that we were moving from the one command post to the other,
- 12 so there's obviously a lot of flux going, a lot of communication
- 13 and a lot of movement going on with people and information. It
- 14 was my understanding that PIO received information from incident
- 15 command at that point in time, or incident command at that point
- 16 in time and relayed that information on. Now, I can't tell you
- 17 who he spoke to specifically, but he was relying on information
- 18 that he thought he understood at the time.
- 19 CHAIRMAN HART: You have appropriately answered it based
- 20 on what you know. We're not asking you to speculate, and I would
- 21 caution the other witnesses as well. We want to know what you
- 22 know and not to speculate. Thank you.
- MR. VAN FOSSEN: Okay.
- MR. EL-ZOGHBI: So you're saying that the spokesperson
- 25 did not coordinate with you? Were you the senior New Jersey DEP

- 1 member at the site at the time?
- 2 MR. VAN FOSSEN: Yes, sir.
- MR. EL-ZOGHBI: And that was not coordinated with you?
- 4 MR. VAN FOSSEN: I had no knowledge of the press
- 5 conference at that point in time.
- 6 MR. EL-ZOGHBI: Okay. Were you -- was New Jersey DEP
- 7 responsible in any way for providing air monitoring advice or
- 8 input to the incident commander at that point and actually even
- 9 communicating that information to the public? Was that one of the
- 10 roles you were given?
- MR. VAN FOSSEN: As we transferred from an incident
- 12 command to a unified command, and that was probably around -- we
- 13 started that process around 11:30 or 12:00, I guess, as we were
- 14 moving into the municipal building as this command post -- one of
- 15 my directions to my staff was pull together a group of subject
- 16 matter experts and start developing an air monitoring plan that we
- 17 can start implementing down the road within the next few hours.
- 18 So that was the process that I requested to be put together.
- 19 It was unclear to me -- and the reason I did that
- 20 because it was unclear to me earlier in the morning who was doing
- 21 air monitoring and what results they were coming up with and who
- 22 that information was being sent to. It was very unclear to me.
- 23 So I felt that we needed to have a plan put together that we could
- 24 start looking at and using for guidance down the road.
- 25 MR. EL-ZOGHBI: So at the time of that statement from

- 1 the representative from the New Jersey DEP, you're stating that
- 2 you did not have that responsibility, yet there are individuals
- 3 that went out and spoke to the public. Can you -- you had no
- 4 knowledge of the statements that representatives of your agency
- 5 were making?
- 6 MR. VAN FOSSEN: I had no knowledge of that press
- 7 conference, and around that time frame is when I asked my staff,
- 8 directed my staff to go out and put together a plan. Up until
- 9 then, I really did not have any handle or confidence on who was
- 10 doing what with air monitoring and where that information was
- 11 going.
- MR. EL-ZOGHBI: Is it common for New Jersey DEP
- 13 spokepersons or such to, you know, participate and perhaps not
- 14 coordinate with, you know, the senior member on site? Just for
- 15 clarification --
- MR. VAN FOSSEN: It was a very challenged site with many
- 17 people moving around and we were changing command posts, and
- 18 that's all I could say at that point in time.
- MR. EL-ZOGHBI: Okay. We know that there is an EPA
- 20 situation report we received that was sent out around 11 a.m.
- 21 That seems about roughly the same time. And just a quote from it,
- 22 it says, "New Jersey DEP is conducting air monitoring activities
- 23 with handheld photoionization detectors. Readings indicate high
- 24 levels of vinyl chloride over a half mile away from the derailment
- 25 scene."

- 1 Did any members of your -- of the New Jersey DEP report
- 2 to EPA this information, or how was that disseminated?
- 3 MR. VAN FOSSEN: I don't know how EPA reported that
- 4 information. The two people I had on site were on site helping do
- 5 assessments, and both of them were in the command post at the
- 6 municipal building trying to put together a monitoring plan at
- 7 that point in time.
- 8 MR. EL-ZOGHBI: Okay.
- 9 MR. VAN FOSSEN: And up until that point, again, data
- 10 results from air monitoring was, in my mind, very unorganized and
- 11 challenged.
- MR. EL-ZOGHBI: Thank you.
- 13 Sgt. Everingham, the New Jersey Civil Defense and
- 14 Disaster Control Act mandates that each county municipality has to
- develop an EOP, and we heard a little bit about the process with
- 16 annexes that they need to implement the plan, and our
- 17 understanding is that they have to submit this to the state police
- 18 for ultimate approval and disapproval of the plan. Can you
- 19 elaborate a little more on the EOP review process?
- 20 SGT. EVERINGHAM: Sure. You're correct in that the
- 21 EOPs, it's at the local level. They're certified for four years.
- 22 Before the conclusion of that four-year certification, they are to
- 23 be submitted initially to the county office of emergency
- 24 management for review and comment, if necessary, for any revisions
- 25 and then ultimately forwarded to our office for recertification.

- 1 MR. EL-ZOGHBI: How do you determine if they are
- 2 adequate or not? What criteria do you use to evaluate the plan?
- 3 SGT. EVERINGHAM: Back about 1989 is when the initial
- 4 quidance was put out. The state essentially forwarded the federal
- 5 guidance, which at that time, I believe, was SLG 101. That
- 6 quidance provided texts for a base plan. And at that time it was,
- 7 I believe, 15 functional annexes, which has subsequently been
- 8 expanded out to 16 to include a terrorism annex. And there also
- 9 was a checklist that was developed to assist in the review of
- 10 those respective annexes.
- MR. EL-ZOGHBI: But how do you verify the capabilities
- 12 and resources and other things like that that are mentioned in
- 13 there, like those in the plan itself?
- 14 SGT. EVERINGHAM: Well, frankly, our office is not
- 15 positioned to get into the weeds on every municipal plan. We have
- 16 to rely heavily on our county partners. The county is essentially
- 17 the clearinghouse, where that level of thorough review takes
- 18 place. And frankly, the county office understands the unique
- 19 sensitivities to each of their respective municipalities,
- 20 challenges, risks, hazards. So, you know, it's still an effective
- 21 process. The level of review is still very thorough, and again,
- 22 it's following that guidance, which has now been expanded to
- 23 include the comprehensive plan and quide. So they can use --
- 24 currently under the directive, they can use either of those SLG or
- 25 CPG quidances.

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1 MR. EL-ZOGHBI: So are you -- so is it essentially by
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- 2 the time it arrives to the New Jersey State Police, you accept it
- 3 based on the recommendation of the county?
- 4 SGT. EVERINGHAM: That's correct.
- 5 MR. EL-ZOGHBI: You don't conduct any audits or
- 6 verification of any of those capabilities at all?
- 7 SGT. EVERINGHAM: We're not positioned to do that. We
- 8 have a small, eight-person unit. At the time of the incident, we
- 9 had -- our area of responsibility included ten counties and 268
- 10 municipalities. We're a response bureau, and frankly, we're just
- 11 not positioned to be able to support, you know, reviewing every
- 12 local plan.
- MR. EL-ZOGHBI: Do you know if the counties have that
- 14 responsibility given that that level of review has sort of been
- 15 delegated to the county level?
- 16 SGT. EVERINGHAM: They do. I mean, I've seen some of
- 17 the comments where they've sent back, you know, comment and
- 18 review. There's things they want changed in the local plans. So
- 19 I have confidence that -- again, that level of review takes place
- 20 at the county level.
- 21 MR. EL-ZOGHBI: Does the state police have the authority
- 22 to do that given that the regulations and the statutes outline
- 23 that responsibility to the state? Is there authority to delegate
- 24 that responsibility down to the county?
- 25 SGT. EVERINGHAM: Well, it's actually part of the

- 1 process. It's the first step in the process is for the county to
- 2 conduct that review. But like I said, we're not -- our office is
- 3 not positioned to be able to review 268 plans with eight personnel
- 4 who respond to responses from Monmouth County to Cape May.
- 5 MR. EL-ZOGHBI: The Paulsboro emergency operations plan
- 6 we know required certification -- or recertification July 31st of
- 7 2010. And at the time of the incident, it had not been
- 8 recertified, so that's roughly about a 2-year period. What steps
- 9 or controls or processes do you have in place to monitor the
- 10 status of the review process to ensure timely reviews of these
- 11 plans?
- 12 SGT. EVERINGHAM: Well, essentially, if the plan isn't
- 13 completed and it's not forwarded to the county, then there's
- 14 nothing to review.
- 15 MR. EL-ZOGHBI: But you have no mechanism in place to
- 16 write to those -- I guess the county. Or what are your
- 17 procedures --
- 18 SGT. EVERINGHAM: Okay. I understand the question. The
- 19 counties actually have sent -- in the occasions where we've had
- 20 lapsed plans, the counties will send -- they'll maintain a paper
- 21 trail where they send correspondence to municipalities that are in
- 22 that situation where they have a plan that's lapsed. So again,
- 23 there's some reliance on our county partners to do some of that
- 24 oversight. And in this particular case, I know that there was at
- 25 least one letter that was sent to the municipality.

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1 As a corrective action in our office, we have developed
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- 2 a letter now that goes out to municipalities and counties 90 days
- 3 in advance of an expiration date and also a letter that is sent
- 4 out upon expiration. It's been effective. When we sent those
- 5 letters out, it has assisted in increasing the compliance rate.
- 6 MR. EL-ZOGHBI: And just a quick follow-up here. What
- 7 percentage of New Jersey EOPs are past -- or for your, I guess
- 8 area, are past due for recertification?
- 9 SGT. EVERINGHAM: I don't know that off the top of my
- 10 head.
- MR. EL-ZOGHBI: Could you provide that data to us?
- 12 SGT. EVERINGHAM: Yes.
- MR. EL-ZOGHBI: Okay. I'd like to request that from the
- 14 Hearing Officer.
- 15 HEARING OFFICER NICHOLSON: Okay. Exhibit N, Group 7,
- 16 will be the number of overdue response plans currently at the
- 17 Office of Emergency Management; is that correct?
- 18 MR. EL-ZOGHBI: Yes.
- 19 HEARING OFFICER NICHOLSON: Okay.
- MR. EL-ZOGHBI: The New Jersey State Office -- okay. I
- 21 see that my time has passed. I hand off the questioning to
- 22 Mr. Vorderbrueggen.
- 23 MR. VORDERBRUEGGEN: Thank you, Mr. El-Zoghbi.
- 24 Captain Moore, you mentioned in your -- one of your
- 25 earlier responses that the IMAAC model for the plume model, which

- 1 comes from the Defense Threat Reduction Agency, DTRA, was
- 2 initiated, I believe, through the Coast Guard, that they were
- 3 requested to generate the model? Is that correct?
- 4 CAPT MOORE: Actually, our normal modeling support comes
- 5 through our NOAA scientific support coordinator, and he reached
- 6 out and initiated the request for the model.
- 7 MR. VORDERBRUEGGEN: Okay. So DTRA pushes the buttons
- 8 on the model based on the inputs that are provided to them and
- 9 then feeds that back to NOAA, who fed it to you?
- 10 CAPT MOORE: That's correct, sir.
- 11 MR. VORDERBRUEGGEN: Okay. Great. And that was
- 12 somewhere, I believe, in the morning, 9:00-ish or so?
- 13 CAPT MOORE: Yeah, we talked about it -- I talked with
- 14 the NOAA scientific support coordinator, Ed Levin. Normally, I
- 15 was asking for a NOAA model. Then he explained to me that is not
- 16 the way that we're doing it now, that it was an IMAAC model that
- 17 took a little longer to generate, that he had already requested it
- 18 based on the weather reports that he had access to and the
- 19 product. So we were -- it was in the works. I want to say we got
- 20 it between 9:00 and 10:00 and then pushed it out to the site.
- MR. VORDERBRUEGGEN: Okay. Thank you.
- The after-action report, the latest draft that we've
- 23 received -- I believe it's a draft. There's no information on the
- 24 document. It is Exhibit 3BY, and we did receive it early last
- 25 week, I believe. But there's nothing on the document that

- 1 indicates that it is the final, and it does not have a date.
- 2 But in that document, it makes some comments. For
- 3 example, it says that some sector staff are not familiar with the
- 4 emergency response guide and that some responders got too close to
- 5 the incident. Those are two excerpts from that document. I'm
- 6 interested, in the extent that the Coast Guard provided to your
- 7 first team on scene, what information were they provided? Did
- 8 they -- were they told that it was possibly vinyl chloride or did
- 9 they feed that back to you?
- 10 CAPT MOORE: Our early reports did indicate it was vinyl
- 11 chloride. We didn't know what else was there in terms of other
- 12 hazards with respect to the train. We fielded several teams. And
- 13 I say a team, meaning two people, at least one of which fully
- 14 qualified, fully certified, and then sometimes the other one being
- 15 fully qualified, fully certified versus sometimes a trainee. We
- 16 had a host of people that already had been deployed to the New
- 17 Jersey coast because of actively pursuing Hurricane Sandy response
- 18 operations. So we did pull some people to connect with the
- 19 command post out of the staff back at the office who were trainees
- 20 in that regard. So those folks, as trainees, this was -- they
- 21 were new arrivals, and this was their first introduction to the
- 22 ERG.
- 23 MR. VORDERBRUEGGEN: Okay. Who has the responsibility
- 24 to inform those forward teams of the possible hazards? Is that
- 25 the responsibility of Coast Guard -- I'll use the term management,

- 1 or are they directed to go to the incident commander, or is it a
- 2 combination?
- 3 CAPT MOORE: It's certainly both. They're given as much
- 4 information before they leave the office, and they were, in fact,
- 5 reminded that they don't have any gear with them. They are not
- 6 first responders. They are one of the early elements of the Coast
- 7 Guard that's supposed to connect with the command post. And so
- 8 when they got there, that's what they did. They went straight to
- 9 the command post. But the command post is also then to give them
- 10 additional information as to what the situation is, what resources
- 11 are already deployed, if any support is being requested, and then,
- 12 of course, what the local hazards are.
- 13 MR. VORDERBRUEGGEN: Okay. Thank you.
- 14 You mentioned that these individuals -- at least there a
- 15 member of that team that is qualified and certified. Would you
- 16 expand on that qualification? What does that encompass, the areas
- 17 of that qualification?
- 18 CAPT MOORE: For the incident responding folks, they are
- 19 pollution responders or pollution investigators, and that includes
- 20 a host of skills having to do with identifying and collecting
- 21 samples for oil, because that is more of our bread and butter
- 22 response, as well as using the guides -- they are HAZWOPER
- 23 trained, so hazardous materials operations trained. They have
- 24 that training as well. Most of them get it when they come out of
- 25 the resident schools, but it can be done as a discrete training at

- 1 the base as well.
- 2 MR. VORDERBRUEGGEN: Thank you. One more question for
- 3 you that I'd like to ask. Were there any other chemicals
- 4 considered for modeling as either the first day progressed? And I
- 5 know we essentially committed to staying within the first day, but
- 6 since there was -- there were other chemicals involved, ethanol,
- 7 for example, was there ever consideration or any specific actions
- 8 for plume modeling for the other chemical hazards that you were
- 9 dealing with?
- 10 CAPT MOORE: No, sir. It was specific to the vinyl
- 11 chloride. We did explore what would happen if we breached the
- 12 alcohol car, alcohol being much more soluble in water. We really
- 13 dealt with that as being a pollutant into the waterway versus
- 14 contaminate in the air.
- MR. VORDERBRUEGGEN: Thank you.
- Sgt. Everingham, we note that the Sector Delaware Bay
- 17 area contingency plan primarily addresses only waterborne hazards
- 18 within the coastal zone. What's the state's perspective on the
- 19 exclusion of other hazards in the area contingency plan? Or maybe
- 20 -- I hate to say exclusion, but the lack of coverage.
- 21 SGT. EVERINGHAM: I'm not sure I understand the exact
- 22 scope of the question.
- 23 MR. VORDERBRUEGGEN: Well, the area contingency plan is
- 24 a comprehensive document used for these types of responses. Yet
- 25 we noted that it really is only targeting waterborne hazards. It

- 1 doesn't look at airborne, you know, a vapor cloud type of an
- 2 event. And is that an area that the state would consider to be
- 3 something that ought to be addressed? Is this something that
- 4 should be considered as you move forward?
- 5 SGT. EVERINGHAM: Yes, sir, I agree with that. I think
- 6 there has been through our experiences, a lot of the responses,
- 7 particularly in the southern New Jersey area are very petroleum-
- 8 based, oils spills, things of that nature. When you're dealing
- 9 with volatile chemicals that have different effects on the
- 10 environment and on individuals, I think that's an area where
- 11 there's probably room for some improvement. But the oil stuff, I
- 12 think by no means are we experts, but I think we're certainly more
- 13 practiced in relation to some of those type incidents. In fact,
- 14 we've had several large-scale ones in a not too recent past that
- 15 we've dealt with.
- However, with respect to an incident such as this, where
- 17 you have an unknown hazard and potential impacts, and when we saw
- 18 some of the concerns with respect to evacuation and shelter-in-
- 19 place and some of the other complications that events like this
- 20 provide emergency responders, that's certainly an area where I
- 21 think we could and should, you know, do some more work.
- MR. VORDERBRUEGGEN: Thank you.
- This question is directed to Mr. Eldridge. It's been
- 24 reported that 23 people were injured by the chemical exposure the
- 25 morning of the accident. Would you please explain what the New

- 1 Jersey Department of Health is doing to document those exposures
- 2 or any others that have been identified since then?
- MR. ELDRIDGE: Yes. After the event occurred, we began
- 4 to develop a health survey with the assistance from CDC to go not
- 5 only to the community but the first responders as well to get
- 6 their input on what possible health effects they thought they may
- 7 have -- that they may be experiencing at that time. That
- 8 included, also, medical records checks at the surrounding
- 9 hospitals that many of the patients went to. We are in the middle
- 10 of analyzing all that data. And once that report is completed, we
- 11 can certainly furnish a copy.
- MR. VORDERBRUEGGEN: We would like a copy of that, and
- 13 so panel chair?
- 14 HEARING OFFICER NICHOLSON: That'll be Exhibit O under
- 15 Group 7.
- MR. VORDERBRUEGGEN: As an interim update, is there a
- 17 revised number greater than the 23 that was originally reported
- 18 that you can provide to us today?
- MR. ELDRIDGE: I don't have the exact number, but I
- 20 believe it's over a hundred people that reported to the various
- 21 hospitals that first day or so.
- MR. VORDERBRUEGGEN: Does your examination and your
- 23 research, does that include Conrail employees?
- MR. ELDRIDGE: No, it does not.
- MR. VORDERBRUEGGEN: Why would it not include Conrail?

1 MR. ELDRIDGE: I believe that they were utilizing their

- 2 own consultant for that work.
- 3 MR. VORDERBRUEGGEN: Okay. Does it include Coast Guard?
- 4 MR. ELDRIDGE: No, it does not.
- 5 MR. VORDERBRUEGGEN: Can either you or the Coast Guard
- 6 explain why you would not include those individuals?
- 7 MR. ELDRIDGE: Well, typically, we do not address
- 8 federal employees. They're covered under their own statutes. Our
- 9 major responsibility is for the New Jersey residents and public
- 10 employees, first responders.
- MR. VORDERBRUEGGEN: Thank you.
- 12 Team members, anybody want to ask one more question each
- 13 on this round before we turn it back?
- 14 MR. STANCIL: Certainly, I'll take one here.
- 15 Mr. Lundgren, this train included 29 tank cars of crude
- 16 oil, which was about a third of the train. Do the Oil Pollution
- 17 Act of 1990 facility response planning requirements apply to
- 18 railroads as it does with other modes of transportation?
- MR. LUNDGREN: The Oil Pollution Act of 1990 requires a
- 20 variety of contingency plans on the regulated industry. I
- 21 certainly know that fixed facilities and vessels require them.
- 22 From our standpoint, the Coast Guard regulates as a facility those
- 23 trucks that are transferring oil to vessels above a certain gross
- 24 tonnage to have facility response plans. The responsibility such
- 25 that it exists for the rail is not a Coast Guard responsibility,

- 1 so I don't know the exact answer to that, but I know that that's
- 2 an item that we're not involved in regulating unless they are
- 3 fueling a vessel in which case it may apply under our side of the
- 4 regulations.
- 5 MR. STANCIL: And also, Mr. Lundgren, the Sector
- 6 Delaware Bay area contingency plan identifies 9 counties and 98
- 7 municipalities. Mr. Bowling had asked you a earlier question
- 8 about state participation in the area contingency plan. What
- 9 level of participation in the area committee and its drills and
- 10 exercises are you typically seeing from the counties and
- 11 municipalities?
- MR. LUNDGREN: Certainly, the area committees to write a
- 13 strong area contingency plan to encourage involvement from
- 14 involved stakeholder groups that would be involved in a response.
- 15 So I know our sectors, as the -- through the lead of that
- 16 community plan and the federal on-scene coordinators in their role
- 17 as the lead for the sectors, seek to encourage participation. But
- 18 we've heard a number of times in this hearing about limited
- 19 resources, and that isn't always a reality that travel distances
- 20 can be made up. So I know certainly some area committees will
- 21 seek to rotate around the locations that they may be hosting the
- 22 forum to try to encourage involvement.
- One of the areas post the Deepwater Horizon incident we
- 24 have been emphasizing is ensuring that we have that connectivity
- 25 to local government as well as state government and not

- 1 necessarily expecting the state always to serve in a role as
- 2 broker to ensure that we have those relationships built. So some
- 3 of that may be done outside of area committee meetings
- 4 independently.
- 5 For the purposes of Delaware Bay, I might look to see if
- 6 Captain Moore has anything to add for that particular area if
- 7 that's all right?
- 8 MR. STANCIL: Yes.
- 9 Captain Moore?
- 10 CAPT MOORE: We actually leverage exercises to get that
- 11 participation both from municipalities and counties, as well as
- 12 adjacent counties and municipalities. When we have a big exercise
- 13 planned and we do both tabletop functional exercises on a regular
- 14 schedule, we do leverage those exercises as the opportunity to
- 15 have direct engagement with the local participants and the local
- 16 responders. It gets them a chance to exercise their equipment.
- 17 They obviously have exercise responsibilities. And we try to move
- 18 those -- the locations of those exercises and the types of those
- 19 exercises around to make the most of building those relationships.
- MR. STANCIL: Do you see a need for more participation
- 21 on the municipal level?
- 22 CAPT MOORE: With respect to my area, Sector Delaware
- 23 Bay, it is actually phenomenal participation. I, to this point,
- 24 haven't lacked participation. In fact, the City of Philadelphia
- 25 has been a tremendous partner, and the other municipalities around

1 where there's a tremendous industrial base are very committed to

- 2 emergency preparedness and response.
- 3 MR. STANCIL: Thank you.
- 4 Anyone else?
- 5 MR. VORDERBRUEGGEN: Mr. El-Zoghbi, we'll go with the
- 6 question from you, and then we'll take a break.
- 7 MR. EL-ZOGHBI: Okay.
- 8 Mr. Eldridge, according to the PEOSH 5-year strategic
- 9 plan for fiscal year 2009 through 2013, my understanding is PEOSH
- 10 has sort of set a goal for itself of reducing injuries and
- 11 illnesses by 5 percent within the local fire protection industry
- 12 in New Jersey. Can you please describe, you know, what PEOSH has
- done and how it's going about achieving that goal?
- MR. ELDRIDGE: Sure. We've done some outreach, but
- 15 mainly through targeted inspections of different municipalities
- 16 that we either know have issues or kind of a random sample. We go
- 17 out and we conduct those inspections, and that's kind of where
- 18 it's at.
- MR. EL-ZOGHBI: That sounds like sort of what the normal
- 20 routine operations are for consultations and other things like
- 21 that. But what additional activities, you know, have you taken
- 22 upon, I guess, to specifically target -- I mean, that seems like a
- 23 high goal, five percent reduction?
- MR. ELDRIDGE: Yeah. We also have a -- we have a grant
- 25 within my service that's not, you know, directly connected to

- 1 PEOSH, but I utilize staff who have a NIOSH grant, where we look
- 2 at injuries, fatalities. We do a lot of outreach and education
- 3 through that. We try to get the word out to as many groups as we
- 4 can, and in this case, the firefighters --
- 5 MR. EL-ZOGHBI: Are there --
- 6 MR. ELDRIDGE: Go ahead.
- 7 MR. EL-ZOGHBI: I guess are there any specific standards
- 8 that you are focusing on during these inspections or assistance?
- 9 MR. ELDRIDGE: Yeah. Good question. Respiratory
- 10 protection and HAZCOM.
- MR. EL-ZOGHBI: And is HAZWOPER one of the -- you just
- 12 said those two?
- 13 MR. ELDRIDGE: Yes.
- 14 MR. EL-ZOGHBI: There are no others?
- 15 MR. ELDRIDGE: Yeah.
- MR. EL-ZOGHBI: Okay.
- 17 MR. ELDRIDGE: They're the two most -- medical
- 18 surveillance is another. It's probably the top three violations
- 19 cited.
- MR. EL-ZOGHBI: Excellent. Thank you.
- 21 MR. VORDERBRUEGGEN: Thank you, Mr. El-Zoghbi.
- 22 Mr. Nicholson, we'll turn the panel back to you. We do
- 23 reserve the right for more questions provided we have time.
- 24 HEARING OFFICER NICHOLSON: Okay. With that, I think
- 25 that concludes this round for the Tech Panel.

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- 1 Chairman Hart?
- 2 CHAIRMAN HART: Thank you. We'll take a break now for
- 3 25 minutes. Return, please, at 2:55 for the question by the
- 4 parties. Thank you.
- 5 (Off the record at 2:30 p.m.)
- 6 (On the record at 2:55 p.m.)
- 7 CHAIRMAN HART: Welcome back, everyone. We're going to
- 8 resume now with questioning by the parties. So we're going to
- 9 start with Coast Guard.
- 10 CAPT FISH: Thank you, Chairman Hart.
- I have a question for Mr. Lundgren. Earlier we were
- 12 discussing ACPs and authorities and roles of the ACP. In
- 13 particular to airborne hazmat, is the ACP an appropriate vehicle
- 14 or are there other more appropriate plans to address these risks
- 15 and come up with mitigation strategies?
- MR. LUNDGREN: Thank you. Certainly, as the area
- 17 contingency plan is a community plan written by the federal on-
- 18 scene coordinator and key partners in response, there is a need
- 19 for some addressing of hazardous materials within that plan to
- 20 show how the federal support may come into play.
- 21 However, as I mentioned in one of my earlier
- 22 statements, the Emergency Plan Community Right-to-Know Act, or
- 23 EPCRA, which was passed, also known as SARA Title III following
- 24 the Bhopal incident over in India did set up a system of state
- 25 emergency response commissions, local emergency planning

1 committees, that really looked to get to some of the detailed risk

- 2 analysis and planning for hazardous materials.
- 3 And I would suggest that the area contingency plan,
- 4 given some of the larger areas that are covered, are probably not
- 5 the only vehicle. But it would be making appropriate linkages
- 6 between the detailed plans at a community level, which are also
- 7 often included within all hazard emergency operations plans that
- 8 have been mentioned several times here today. That's certainly
- 9 encouraged and has been the way that planning has gone.
- But I would suggest that for that level of detail that
- 11 it's those all-hazard EOPs at the local level that are certainly
- 12 an appropriate place with a lot of support provided under that
- 13 federal law in terms of industry information on risks that are in
- 14 the community.
- 15 CAPT FISH: Thank you, Scott.
- And for Captain Moore, one of your initial and primary
- 17 objectives, health and safety, could you tell me when the site
- 18 safety officer was designated?
- 19 CAPT MOORE: We requested site safety officer assistance
- 20 from one of the special teams, the Atlantic Strike Team, and he
- 21 ended up getting on scene in the neighborhood of 20 minutes to 1
- 22 in the afternoon. And then his first responsibility, obviously,
- 23 was to understand the scene and to provide support for Coast Guard
- 24 -- the safety of Coast Guard personnel and understand the scene,
- 25 as far as where the CP was at that time. We hadn't established a

- 1 unified command. Once the unified command was established, we
- 2 asked him to serve that first day as safety officer and start to
- 3 write the site safety plan.
- 4 CAPT FISH: Okay. Thank you. And part of a site safety
- 5 plan is procedures that ensure site safety. What were the initial
- 6 procedures that were put in place to ensure site safety?
- 7 CAPT MOORE: One of the first procedures was to
- 8 establish a perimeter and identify those zones. And then as the
- 9 incident had responders going in and out of it, we had to identify
- 10 what the purpose of somebody going into that zone was, in other
- 11 words, what was their reason for being there.
- Second of all, what was their required PPE, did they
- 13 have it; fit testing for respirators and so forth as long as we
- 14 had the hazmat release; whether or not they were in flammable --
- or in flammable protective clothing; if they were going to be over
- 16 the water, then whether or not they had life preserver or,
- 17 basically, a personal flotation device; all of those different
- 18 elements, depending on what it was that they were doing at the
- 19 site.
- 20 CAPT FISH: Okay. Thank you very much, captain.
- No more questions, Chairman.
- 22 CHAIRMAN HART: Thank you.
- 23 PHMSA?
- MR. SHOONOVER: Thank you, Chairman. I have one
- 25 question for Sgt. Everingham.

1 Sqt. Everingham, the New Jersey State Police is the

- 2 governor's designee for hazardous materials program, grant
- 3 program, for emergency planning. And a certain portion of those
- 4 funds given to the State of New Jersey each year are for planning
- 5 at the local level. Can you describe how the state police decide
- 6 where the funds are spent and the oversight of that program to
- 7 ensure that those funds are utilized?
- 8 SGT. EVERINGHAM: You're talking specific to the HMEP
- 9 grant?
- 10 MR. SHOONOVER: Yes, sir.
- 11 SGT. EVERINGHAM: Okay. That's overseen by our HMRU
- 12 unit. They post the availability of those funds in the state
- 13 register every year. Those funds are available to any applicant.
- 14 And I'm told that, unfortunately, they've had to turn dollars back
- 15 because folks have not taken advantage of some of those funds that
- 16 are available.
- 17 Now, I think it is -- the application process is not --
- 18 I wouldn't say easy, but the money is there if people are willing
- 19 to put in the application.
- MR. SHOONOVER: Thank you, sir.
- Thank you, Chairman. No more questions.
- 22 CHAIRMAN HART: Thank you.
- 23 FRA?
- MR. HYNES: No questions, Mr. Chairman.
- 25 CHAIRMAN HART: Thank you.

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- 1 BLET?
- MR. WALPERT: Thank you, Mr. Chairman. The BLET has no
- 3 questions.
- 4 CHAIRMAN HART: Thank you.
- 5 UTU?
- 6 MR. BATES: UTU, no questions.
- 7 CHAIRMAN HART: Okay. Conrail?
- 8 MR. LEVIN: Yes, Chairman. We have a few questions.
- 9 For Mr. Van Fossen, you've stated that you arrived on
- 10 the scene between 9:15 and 9:20 a.m. When did your agency first
- 11 learn of the incident at Paulsboro?
- MR. VAN FOSSEN: I think, as discussed yesterday,
- 13 officially, we received a notification to the hotline around
- 14 9 a.m. I started receiving calls on my cell phone probably around
- 15 quarter of 8, 8:00 in the morning, from a variety of sources,
- 16 indicating there was an incident in Paulsboro and did I know
- 17 anything about it.
- 18 MR. LEVIN: Okay. So you knew quarter of 8 or so of the
- 19 incident ongoing?
- MR. VAN FOSSEN: I was notified via phone that there was
- 21 something going on in Paulsboro and did I know anything about it.
- 22 At that point time, I was in Lakehurst, New Jersey dealing with
- 23 Hurricane Sandy issues, so the assessment and investigation from
- 24 DEP started around that time. Again, official notification didn't
- 25 come to the department until about 9:00.

- MR. LEVIN: When you were at the scene, how long were
- 2 you at the command post after you arrived?
- 3 MR. VAN FOSSEN: If you're referring to the assistant
- 4 chief's front lawn, I was there maybe, maybe five minutes, if that
- 5 long. Moved back to the church, connected with the sergeant and
- 6 Trooper Godish, and started having discussions about moving the
- 7 command post further back.
- 8 MR. LEVIN: And did you stay at the relocated command
- 9 center very long?
- 10 MR. VAN FOSSEN: I stayed at -- I was at the church, the
- 11 command post at the church long enough to work with the state
- 12 police and with the incident commander to -- and others to make
- 13 sure that everybody was falling back to the municipal building at
- 14 that point in time. I can't tell you how many minutes that was,
- 15 but that was the goal, to get people out of there and move them
- 16 back to a safe distance.
- 17 MR. LEVIN: Were you there the majority of the day, or
- 18 for how long were you there --
- MR. VAN FOSSEN: At the municipal building, sir?
- MR. LEVIN: Yes.
- 21 MR. VAN FOSSEN: We were there at the municipal building
- 22 until about 3:00. At that point in time, the EOC, the command
- 23 post was moved out to Clarksboro, and we all finished out the day
- 24 out there probably around 1 or 2 in the morning.
- MR. LEVIN: And did you return back to the scene after

- 1 leaving the command post or --
- 2 MR. VAN FOSSEN: No, sir.
- 3 MR. LEVIN: No? At any time, did you use any form of
- 4 respiratory protection while you were out at the scene or
- 5 anywheres near the hot zone?
- 6 MR. VAN FOSSEN: For the five minutes I was on scene,
- 7 not knowing what the issue was, I did not have respiratory
- 8 protection. Realizing what the -- taking a look and seeing what
- 9 the potential was, that's when we -- that's when I got out of
- 10 there.
- MR. LEVIN: Was DEP equipped with any type of air
- 12 monitoring equipment when they arrived on site on the morning of
- 13 the 30th of November?
- MR. VAN FOSSEN: We had a responder on scene
- 15 approximately 9:00, 8:30, 9:00, who had a PID and was doing
- 16 some -- was doing monitoring for his -- in the areas he was
- 17 traveling at. And so he had that device with him.
- 18 MR. LEVIN: And did he continue to take samples and
- 19 monitoring throughout?
- MR. VAN FOSSEN: No, sir. He fell back to the church
- 21 and then back to the municipal building and then back to
- 22 Clarksboro. His job was not to do air monitoring. The little bit
- 23 he did was to make sure he was in a safe environment.
- MR. LEVIN: When you went to the command post, did you
- 25 advise the Paulsboro fire chief at the time or at any time that

- 1 the residents should be evacuated?
- 2 MR. VAN FOSSEN: Which command post, sir?
- 3 MR. LEVIN: The incident command at any time when you
- 4 were with the Paulsboro fire chief at the incident command?
- 5 MR. VAN FOSSEN: I did not run into the incident
- 6 commander when we were standing on the front lawn of the assistant
- 7 chief's house. First time I ran into the incident commander was
- 8 back at the church along with State Police OEM and the county, and
- 9 we had that discussion about falling back to the municipal
- 10 building. I did understand there was an evacuation and a shelter-
- 11 in-place. I did not have enough of assessment or a briefing to
- 12 understand if a further evacuation needed to be taken at that
- 13 point in time.
- One of the goals, one of our goals once we got back to
- 15 the municipal building and we actually had time to understand what
- 16 was going on was the coordination of putting together an air
- 17 monitoring plan so we could get a plan so we could do some
- 18 monitoring so we could understand a couple things. One, is
- 19 evacuation -- does evacuation need to be expanded; is the
- 20 sheltering in place appropriate, and are the first responders --
- 21 to my knowledge, whatever information we were getting up until
- 22 that point in time, I was not clear where it was going to or who
- 23 was handling it. So we needed to get a monitoring plan put
- 24 together so we could understand that and make educated decisions
- 25 based on science.

1 MR. LEVIN: Yeah, when did you get the monitoring plan

- 2 up and running?
- 3 MR. VAN FOSSEN: Sir, I would like to think that I
- 4 tasked staff to do that probably around noontime, and I think they
- 5 had a draft, rough plan together and were out in the field around
- 6 2:00 or 3:00 in the afternoon using assets from the country, from
- 7 the DEP, and also bringing down, coordinating with the EPA and
- 8 using their TAGA bus to help do some of that air monitoring. And
- 9 based on that air monitoring, based on that air monitoring and the
- 10 report back to unified command that afternoon, the decision was by
- 11 unified command, based on the science, to expand the evacuation
- 12 plan, as indicated earlier in the attachment that was looked at
- 13 earlier in the afternoon.
- 14 CHAIRMAN HART: Just FYI, we're doing this with five-
- 15 minute per party time limit, and I don't remember if I said that
- or not, and since I don't remember, I'm just going to ask you to
- 17 bring it to a close sooner rather than later.
- 18 MR. LEVIN: Okay. Thank you, Mr. Fossen.
- 19 Thank you.
- 20 CHAIRMAN HART: Thank you.
- 21 Paulsboro?
- 22 CHIEF GIAMPOLA: Yes, Chairman, just a couple questions.
- 23 Mr. Eldridge, you referred to approximately 100 health
- 24 cases that your department were tracking. Are these cases
- 25 exposures or illness caused by the accident, or do you know if

- 1 they're -- what the difference is?
- 2 MR. ELDRIDGE: No, I think what I said was we weren't
- 3 tracking them, but they were -- we know of roughly over 100 people
- 4 who reported to various hospital emergency rooms.
- 5 CHIEF GIAMPOLA: And do you know whether they're
- 6 illness-based or if they were exposure-based?
- 7 MR. ELDRIDGE: I really can't answer it at this time.
- 8 CHIEF GIAMPOLA: Okay. Thank you.
- 9 Captain Moore, you referred earlier to physical evidence
- 10 and preserving and collecting physical evidence. Was there any
- 11 physical evidence collected, and do you know what it was?
- 12 CAPT MOORE: All we did was make sure that -- yeah, I
- 13 believe that the train cars, rail cars, ended up at least looked
- 14 at, photographed by NTSB. I don't know if they took parts away or
- 15 not.
- 16 CHIEF GIAMPOLA: Okay. Thank you.
- Nothing else, Mr. Chairman.
- 18 CHAIRMAN HART: Thank you.
- 19 State of New Jersey?
- MR. SWEENEY: Thank you, Mr. Chairman.
- 21 I have a question for Captain Moore regarding the IMAAC
- 22 plume model. Did the Coast Guard share the results of the plume
- 23 modeling with anyone and, if so, with who and when?
- CAPT MOORE: We sent it with one of the early that
- 25 rolled out of the sector to the incident command post, and then I

- 1 brought a copy with me, and it was part of our decisionmaking once
- 2 the unified command was established.
- 3 MR. SWEENEY: Okay. Could I ask the chief of police if
- 4 he -- chief of the fire department if he recalls getting that
- 5 IMAAC model? He's not on the panel, but I'd like to determine if
- 6 anyone from the Coast Guard delivered it to the incident
- 7 commander.
- 8 CHAIRMAN HART: Standby one -- thank you for your
- 9 patience. Yes, you can ask him, and just to remind you, you're
- 10 still under oath.
- 11 CHIEF GIAMPOLA: Captain Moore shared that information
- 12 with me, and I don't believe it -- I believe it was first at the
- 13 municipal building prior to going over to the command post in
- 14 Clarksboro.
- 15 MR. SWEENEY: Could you put a time frame on that, Chief?
- 16 CHIEF GIAMPOLA: 2:00 to 4:00 area, after --
- 17 MR. SWEENEY: Thank you very much.
- 18 CHIEF GIAMPOLA: Yeah, maybe 1 to 3 --
- MR. SWEENEY: Mr. Chairman, thank you for the latitude
- 20 on the question.
- 21 CHAIRMAN HART: Yes.
- 22 MR. SWEENEY: Question for Mr. Van Fossen. Can you
- 23 recall any other coordination activities or outreach activities
- 24 that you accomplished on your arrival to help organize the
- 25 response?

- 1 MR. VAN FOSSEN: Again, my primary concern was
- 2 establishing, working with OEM, the county, and the other partners
- 3 to start moving toward a unified command. That was one. Second
- 4 was to move the command post based on what I saw and what the
- 5 assessment and briefings were getting, get the command post back
- 6 to an area that was safe. And third, on my way from Lakehurst to
- 7 Paulsboro, I worked with staff back in my headquarters to start
- 8 rolling EPA down there, bringing some of their assets, and then
- 9 once on scene, tasking my staff to start working with the
- 10 stakeholders at the county, federal and state level, to start
- 11 putting together that plan for monitoring, which I said earlier,
- 12 Dave, was the science that helped us make a determination, unified
- 13 command make a determination of a further evacuation later on that
- 14 day.
- MR. SWEENEY: Thank you.
- And a final question for Sgt. Everingham. Could you
- 17 give a brief narrative of your activities upon your arrival and
- 18 then OEM's role, including in the transition from incident command
- 19 to unified command?
- 20 SGT. EVERINGHAM: Okay. So we played a support role at
- 21 the scene. I arrived shortly before 9:00. There was some
- 22 confusion as to where the initial command post was. I was getting
- 23 feedback from one of my troopers who was already on the scene.
- 24 Ultimately, I arrived shortly before 9:00 at St. James Church,
- 25 which was identified the most recent command post. When I walked

- 1 in there, there was no one in the command post, so I proceeded
- 2 down Jefferson Street and identified some partner agency
- 3 individuals that I have worked with on other responses and
- 4 essentially tried to get an assessment of what we were dealing
- 5 with both in terms of the response and also in terms of the actual
- 6 hazard, the cars themselves and the situation.
- 7 It didn't take long to realize that we were in a hot
- 8 zone. I had the discussions with the folks. We made some
- 9 decisions. When DEP got on site, we worked together, because
- 10 we've had a lot of experience with working responses together.
- 11 And Bob and I weren't comfortable with the situation that we were
- 12 in, and we brought that to the attention of the IC and worked with
- 13 him. He obviously had his hands full in this situation.
- 14 So at that initial briefing, we had been waiting for
- 15 Conrail to complete their initial assessment on the cars, give us
- 16 some details as far as were there multiple breaches, was there one
- 17 breach, what exactly are we dealing with here. So at that initial
- 18 briefing, once Conrail was there and able to impart a lot of that
- 19 wisdom, that's when we worked with Chief Giampola. And the
- 20 recommendation was made to move that command post back and get
- 21 people a little bit further out of that hot zone so that we could
- 22 start making better decisions, get people out of harm's way, start
- 23 standing up an emergency operations center, because we understood
- 24 that this was going to be a dynamic situation that was going to
- 25 require other assets and other agencies. Some were already en

- 1 route, many were already on scene. But we tried to assist in that
- 2 coordination piece.
- Once we got settled back at Paulsboro Borough Hall, then
- 4 we were able to start sorting through what agencies were there,
- 5 what their roles and responsibilities, what priorities we had
- 6 going forward, and start coordinating information back to our
- 7 respective agencies so that better assessments and better resource
- 8 allocations could be made at that point.
- 9 A little bit after 3:00, I'd say, after Captain Moore
- 10 arrived at the Paulsboro location and we had our briefing with her
- 11 and the decision was made to move the command post back to
- 12 Clarksboro, we again provided some support and had some
- 13 discussions with the IC in terms of writing an emergency
- 14 proclamation, which essentially was establishing temporary law to
- 15 help support some of the protective actions that he had taken.
- And at that point, he started working on some of those
- 17 details and the command post was moved back to that Clarksboro
- 18 location where probably around 5:00, where we fully instituted
- 19 what I would consider that full five-agency unified command was
- 20 probably in its infancy right there at that 5:00 hour when we
- 21 originally got that moving.
- 22 MR. SWEENEY: No other questions from New Jersey. Thank
- 23 you, Mr. Chairman.
- 24 CHAIRMAN HART: Okay. Thank you very much. Now we'll
- 25 move to the members.

- 1 Member Sumwalt?
- 2 MEMBER SUMWALT: Mr. Van Fossen, you arrived on the
- 3 scene, what around 9:20 of the morning of the accident. Is that
- 4 somewhere around there?
- 5 MR. VAN FOSSEN: Yes, sir.
- 6 MEMBER SUMWALT: And when you arrived on scene, I think
- 7 you testified just a few minutes ago that you witnessed several
- 8 safety issues. Is that true? Safety concerns?
- 9 MR. VAN FOSSEN: Yes. I saw a lot of people gathered 50
- 10 feet -- 50 yards from the train wreck. I obviously thought --
- 11 knew this was not the place to be gathering and started working
- 12 with people who I know on the state side to start pushing the
- 13 command post back and start creating some distance between us and
- 14 train wreck.
- 15 MEMBER SUMWALT: Did you feel like you -- those concerns
- 16 that you had, did you feel that they were addressed adequately as
- 17 you expressed them?
- 18 MR. VAN FOSSEN: I think as we got back into the church
- 19 and we started that discussion with the incident commander, that
- 20 support and that assessment that state police and DEP brought to
- 21 the table along with the county started to result in moving it yet
- 22 again to the municipal building.
- 23 MEMBER SUMWALT: If you would, just pull the mike a
- 24 little bit closer to you. Thank you.
- 25 Did you feel like the situation was being addressed as

- 1 it should be or did you feel like -- we heard just a minute ago
- 2 Mr. -- Captain Efferim [sic] say that he felt like the Borough of
- 3 Paulsboro sort of had their hands full, the IC had his hands full?
- 4 I mean, did you feel like the situation was being contained
- 5 properly, the response to the emergency?
- 6 MR. VAN FOSSEN: Incident commander had a lot of issues
- 7 he was dealing with and a lot of challenges on site at that point
- 8 in time. When the state arrived, we were able to provide that
- 9 support to help move that -- help support the incident commander
- 10 to address some of the issues that needed to be addressed. Moving
- 11 the command post was one of those issues.
- 12 MEMBER SUMWALT: I realize it's a sensitive issue
- 13 between the local community and the state. Just like a lot of
- 14 people don't want to see the federal government coming in, I
- 15 suspect there is a lot of protectionism with communities, that
- 16 they don't want the larger state coming in and telling them what
- 17 to do. There are sensitivities there, I suspect. But did you at
- 18 any time feel that it would be advantageous for the State of New
- 19 Jersey to declare this as an emergency so that the state could
- 20 take over the incident command or the unified command?
- MR. VAN FOSSEN: No, sir.
- MEMBER SUMWALT: Okay. If the state had done that, what
- 23 advantages would there possibly have been?
- MR. VAN FOSSEN: Sir, I can't recall a time when the
- 25 state would take over for the incident commander, would come in

- 1 and say we're in charge. I can't ever think of a time that
- 2 happened except for Hurricane Sandy and we had a declared state of
- 3 emergency. I can't see a benefit to that. Our role is to come in
- 4 and support and work with the incident commander, which we did in
- 5 this case.
- 6 MEMBER SUMWALT: Thank you.
- 7 I think we heard earlier that the state -- who has the
- 8 responsibility for auditing a community's emergency operations
- 9 plan? Is it the state or the county?
- 10 SGT. EVERINGHAM: Sir, it's a combination. As the
- 11 directive is written, the process requires a submission of the
- 12 plan to the county first where they conduct the review, and then
- 13 it's forwarded to the state office.
- 14 MEMBER SUMWALT: And I think we heard earlier that
- 15 the -- did the state office ever receive a copy of the -- or did
- 16 the State of New Jersey ever review Paulsboro's emergency
- 17 operations plan?
- 18 SGT. EVERINGHAM: Sir, it's been our policy for as long
- 19 as -- I've been in the Southern Region office for 10 years. It's
- 20 been our policy in that -- during that time frame and prior to,
- 21 that the EOP, municipal EOP reviews are conducted at the county
- 22 level. We rely on that review. And when the county has conducted
- 23 that review, if there aren't changes or recommendations that they
- 24 send back to the municipality to enact in their EOP, they
- 25 essentially send us a letter requesting that we recertify the

- 1 plan, and that's been our policy.
- 2 MEMBER SUMWALT: So did the State of New Jersey approve
- 3 Paulsboro's plan? Did you receive it from the county?
- 4 SGT. EVERINGHAM: On the most recent plan, the one that
- 5 expired in 2010?
- 6 MEMBER SUMWALT: Right.
- 7 SGT. EVERINGHAM: No, sir.
- 8 MEMBER SUMWALT: You never received it from the county?
- 9 SGT. EVERINGHAM: No. What we would do is we would
- 10 receive the record of changes. So it would be identified -- along
- 11 with that request letter would be a record of changes page so that
- 12 those areas in the plan that were updated would be on file.
- 13 MEMBER SUMWALT: Thank you.
- Mr. Chairman, I'd like to recall Jack DeAngelo, Deputy
- 15 Emergency Manager for Gloucester County Emergency Response,
- 16 please?
- 17 CHAIRMAN HART: Jack DeAngelo, are you in the audience?
- 18 Yes, please come forward. Yeah, that's fine. I was
- 19 just arranging which mike to use. That one would be very good.
- 20 MEMBER SUMWALT: Thank you for coming back.
- 21 CHIEF DeANGELO: No problem.
- 22 MEMBER SUMWALT: And as the --
- 23 CHAIRMAN HART: And you understand that you are still
- 24 under oath?
- 25 CHIEF DeANGELO: Yes, sir.

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- 1 CHAIRMAN HART: Okay. Thank you.
- 2 MEMBER SUMWALT: Did Gloucester County review the 2010
- 3 Paulsboro emergency EOP?
- 4 CHIEF DeANGELO: The last review we did was 2006 EOP
- 5 from Paulsboro. The 2010, what you're referring to, sir, is when
- 6 it was out of date. So we've recently just did another review
- 7 about a week or two ago.
- 8 MEMBER SUMWALT: All right. So let's get this straight.
- 9 So Paulsboro submitted to you in 2010 their revised plan, their
- 10 revised EOP?
- 11 CHIEF DeANGELO: No, sir. It's been out of date since
- 12 2010. The last review we did was back in 2006.
- MEMBER SUMWALT: When they updated it in 2010, are they
- 14 required to submit it to you?
- 15 CHIEF DeANGELO: Yes.
- MEMBER SUMWALT: Did they?
- 17 CHIEF DeANGELO: No.
- 18 MEMBER SUMWALT: Do you --
- 19 CHIEF DeANGELO: It's been out of date, sir, since 2010,
- 20 so that means they have not done a revision since 2010 that we've
- 21 received at the county level.
- 22 MEMBER SUMWALT: All right. I'm confused, and it's late
- 23 in the afternoon. So they did update it in 2010, true or false?
- 24 CHIEF DeANGELO: False. They did not review it in 2010.
- MEMBER SUMWALT: Okay.

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- 1 SGT. EVERINGHAM: Sir, if I could jump in? It only
- 2 requires -- it's a quadrennial certification. So in 2006 when the
- 3 county conducted that review, it was forwarded to our office for
- 4 certification. So the review was done in 2006, the plan was
- 5 recertified for four additional years, which would take you to
- 6 2010, which is when that plan was due back to the county for their
- 7 next level of review. So we're now at this point in time, using
- 8 today's date, almost three years into the four-year cycle that
- 9 that plan would have been expected to have been submitted back in
- 10 2010.
- 11 MEMBER SUMWALT: Okay. So let me make sure I've got it
- 12 right. They did a plan in 2006, correct?
- 13 SGT. EVERINGHAM: Yes, sir.
- 14 MEMBER SUMWALT: And that plan would be good for four
- 15 years?
- 16 SGT. EVERINGHAM: Yes, sir.
- 17 MEMBER SUMWALT: Until 2010. It should have been
- 18 updated by Paulsboro in 2010, correct?
- 19 SGT. EVERINGHAM: Yes, sir.
- 20 MEMBER SUMWALT: And was that done?
- 21 SGT. EVERINGHAM: No, sir.
- 22 MEMBER SUMWALT: Okay. But it should have been done?
- 23 SGT. EVERINGHAM: Yes, sir.
- MEMBER SUMWALT: Okay. All right. Well, I'm wondering
- 25 if we ought to recall a witness from Paulsboro to ask about that

- 1 plan.
- 2 CHAIRMAN HART: Standby one. The answer is yes, and we
- 3 would leave to Paulsboro to decide who is the most appropriate
- 4 person to do that.
- 5 CHIEF ROEMMICH: No, we did not recertify the plan in
- 6 2010.
- 7 CHAIRMAN HART: Just for the record just -- Chief
- 8 Roemmich, to let you know you're still under oath.
- 9 CHIEF ROEMMICH: Yes, sir.
- 10 CHAIRMAN HART: Thank you.
- 11 MEMBER SUMWALT: And was it your understanding that it
- 12 should have been done in -- should have been recertified in 2010?
- 13 CHIEF ROEMMICH: Yes. I was aware that it should have
- 14 been recertified in 2010. I had sent paperwork to the municipal
- 15 government stating that the plan was due for revision, and nothing
- 16 occurred. It did not occur until after the train derailment.
- 17 MEMBER SUMWALT: Okay. And who specifically did you
- 18 send it to in the municipal government? Was it the mayor, or
- 19 whom?
- 20 CHIEF ROEMMICH: The mayor and council. I answer to the
- 21 mayor as the emergency management coordinator, sir.
- MEMBER SUMWALT: Okay. Thank you very much.
- Then, actually, I have no further questions. Thank you
- 24 very much.
- 25 CHAIRMAN HART: Mr. DeAngelo, you may resume your seat

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- 1 in the audience. Thank you.
- 2 All right. Thank you, Member Sumwalt.
- 3 Member Rosekind?
- 4 MEMBER ROSEKIND: Just to be explicit, the folks sitting
- 5 on the panel there, raise your hand if you were on scene November
- 6 20th [sic], 2012. Sergeant, you were there -- November 30th,
- 7 thank you, yes. Captain Moore, were you there or --
- 8 CAPT MOORE: No, sir, I was not at the scene of the
- 9 wreck.
- 10 MEMBER ROSEKIND: Okay.
- 11 CAPT MOORE: I only went to the borough municipal
- 12 building and then transitioned to the Clarksboro location.
- 13 MEMBER ROSEKIND: Got it. Thank you.
- 14 But I would like to hear from the three of you.
- 15 Sergeant, you just sort of did this, but I'm curious. The
- 16 transition from the incident command to the unified command, and
- 17 you're each going to have your view of sort of how things
- 18 transitioned, from your perspective. So we heard yours, Sergeant.
- 19 While the others are speaking, you can decide if you want to add,
- 20 but you had your time, because I'd like to keep this fairly brief.
- 21 But I'm curious in the transition, specifically any
- 22 comments about the sort of leadership, coordination,
- 23 communication. In that transition, you each had a different role
- 24 and I'm sure a different perception. So if you could just give a
- 25 brief comment about your -- that's why I say we kind of just heard

- 1 the sergeant's over a few minutes, what his experience was. I'd
- 2 like to hear Captain Moore what you can tell us and then
- 3 Mr. Van Fossen as well, the transition part.
- 4 CAPT MOORE: Yes, sir. I arrived at the incident
- 5 command post while it was at the municipal building. I met with
- 6 at that time the incident commander in an antercom where the RP,
- 7 Conrail, some of his hazmat support team were involved -- were
- 8 there. I also at that time was introduced to the New Jersey State
- 9 Police OEM representatives. I had known Mr. Van Fossen as his
- 10 participation in the area committee, so I saw him there at that
- 11 time. I also met the -- for the first time, I met Chief Giampola,
- 12 and I saw Pat Robinson there. And I believe I met Pat Giangi
- 13 (ph.) from the state DEP as well that day.
- 14 There were a host of other faces in the room I can't
- 15 recall right now, but basically, what I did was I had with me that
- 16 IMAAC model that I referred to. At that time, it was going to be
- 17 a situation briefing anyway, so after everybody was introduced, we
- 18 went to Mr. Robinson, who was Chief Robinson from PBF Paulsboro,
- 19 who was doing an excellent job, by the way, of keeping a chronicle
- 20 of the events and where the resources were. And he gave a very
- 21 thorough situational brief.
- 22 At that time, I introduced the model that I had that
- 23 basically with respect to the quidance we had also, half a mile
- 24 was the area of concern for release, but one mile was an area
- 25 concern for catastrophic failure of one of the other tanks. At

- 1 that time, we had dialogue about this is probably not the best
- 2 location for the long-term planning that needs to go into
- 3 resolving this whole response.
- 4 And I asked at that time for who in the room knew of a
- 5 facility where we were at least over a mile away, we had good
- 6 communications, areas, room areas to meet and the ability,
- 7 basically, to house what would be a fairly comprehensive incident
- 8 command post. And the borough building didn't have those aspects.
- 9 It didn't have an extensive computer network and areas where you
- 10 could have discreet meetings. They identified -- I have no idea
- 11 who in the room, but I believe it was a county representative that
- 12 was able to identify the Clarksboro location.
- And at that time, we basically closed out and move
- 14 quickly to stand up that Clarksboro facility. And we started the
- 15 incident command process in earnest, in terms of establishing
- 16 planning, operations, logistics, the senior team, the UC itself,
- 17 as well as identified the supporting staff structures of public
- 18 information, the safety officer, liaison officer, and as well,
- 19 added some space, as NTSB was in those early meetings as well.
- 20 MEMBER ROSEKIND: About what time was that, that
- 21 meeting?
- 22 CAPT MOORE: The first meeting that I was at was 1:00 at
- 23 the borough municipal building. And then I want to say about --
- 24 we were stood up and started to have chairs in the room and
- 25 started to meet in earnest at 4:00. I think that meeting

- 1 concluded around 5:00 because there was some municipal people
- 2 there as well that had some strict concerns with respect to
- 3 residents. And then after that, we were -- started to break up
- 4 into smaller groups.
- 5 MEMBER ROSEKIND: And just to be clear, you just
- 6 described really two transitions, right? One was the physical
- 7 move and the other is from sort of a local IC, right, incident
- 8 command, to the unified command. So really both happened
- 9 simultaneously? When you made the physical move, it also
- 10 transitioned to a unified command?
- 11 CAPT MOORE: Yes, sir. Absolutely.
- 12 MEMBER ROSEKIND: Okay. Great.
- Mr. Van Fossen, do you want to add anything from your
- 14 perspective of --
- 15 MR. VAN FOSSEN: I think the captain did a great job
- 16 capturing that. The only thing I would suggest is the movement to
- 17 a unified command probably started a little bit earlier, but it
- 18 really took hold when we all moved out to the Clarksboro facility
- 19 and sat down for the first time, 4:00, whatever time that was.
- 20 MEMBER ROSEKIND: And when you just said that it started
- 21 earlier, that's because what, there was discussion or people
- 22 starting to arrive on scene? What happened?
- 23 MR. VAN FOSSEN: I think we had the people on scene. It
- 24 was a lot of pushing and discussions from -- I'll say OEM and DEP
- 25 at the time to -- let's, you know, work with the incident

- 1 commander, but this is a big incident. Let's start moving from an
- 2 incident command to a unified command to try to get our arms
- 3 around it a little bit better.
- 4 MEMBER ROSEKIND: Um-hum. Sergeant, do you want to add
- 5 anything -- you had the most time and sort of the most detail.
- 6 Anything you want to add from your perspective of that transition
- 7 period?
- 8 SGT. EVERINGHAM: I believe you've heard enough from me,
- 9 sir.
- 10 MEMBER ROSEKIND: Okay. And I'm curious for all of you,
- 11 can you say anything about your experience training as a group?
- 12 You know, it's one thing to have it on paper. We were hearing
- 13 yesterday a bit about some of the training kind of experiences and
- 14 how people do that. And, Captain Moore, you mentioned some people
- 15 you had worked with before, et cetera, but what can you tell me
- 16 about prep work for this, as far as any training, scenario
- 17 experience on the ground together doing this around certain
- 18 scenarios? Any experience either with this crowd or a subset of
- 19 this crowd or that the county does, the state does? Give any
- 20 sense of anything that goes on there.
- 21 CAPT MOORE: Well, sir, I was new in my position. I had
- 22 arrived and took command in May of '12. And so my contact -- they
- 23 had just in April, the sector had participated with many of these
- 24 agencies. And one of the largest joint security and area
- 25 committee ACP exercises that had been done, it was a tremendously

- 1 -- 79 different agencies and entities participated in that
- 2 exercise, and that occurred under the previous sector commander.
- 3 And so when I was introduced with these people, I had worked
- 4 together with them really just in a meeting process. But I have a
- 5 fairly extensive background in terms of responding to incidents
- 6 with an interagency response using unified command both in natural
- 7 disasters as well as hazardous material and oil responses, vessel
- 8 salvages, facility casualties, such as terminal fires, and so
- 9 forth.
- 10 MEMBER ROSEKIND: And so you've done this. You'd just
- 11 hadn't done it with this group?
- 12 CAPT MOORE: That's correct, sir.
- MEMBER ROSEKIND: Okay. Others?
- 14 SGT. EVERINGHAM: So as far as practice time behind the
- 15 wheel with this particular group, as the captain said, she was
- 16 newly appointed to that position. So our office has always had a
- 17 liaison to that area security committee. We've had some different
- 18 liaisons, had some turnover in our office with -- in dealing with
- 19 some of the current events, Hurricane Sandy, in particular. So
- 20 there was new faces and some new relationships, and some growing
- 21 pains. And so this was really our first incident to roll up our
- 22 sleeves and to work, you know, hand in hand with the captain.
- Bob and I obviously have -- on the response side for at
- 24 least the ten years that I have been in the Emergency Management
- 25 Office, Bob and I have unfortunately bumped into each other in a

- 1 lot of ugly places, this being, you know, certainly one of the
- 2 largest magnitude incidents that we've had to be involved in.
- But on the preparedness side, a few years back, Bob and
- 4 I co-facilitated a tabletop exercise in Paulsboro at one of the
- 5 private facilities there.
- 6 MEMBER ROSEKIND: What was that tabletop on?
- 7 SGT. EVERINGHAM: Hydrogen fluoride.
- 8 MEMBER ROSEKIND: How'd that go?
- 9 SGT. EVERINGHAM: I think there was a lot of lessons
- 10 learned. I mean, I don't pretend to be a hazmat person, but it's
- 11 bad stuff, and I think that some of the best practices that were
- 12 discussed and identified from -- as a result of that exercise were
- 13 implemented, you know, during this response and --
- 14 MEMBER ROSEKIND: I'm sorry. Just to nail that down a
- 15 little. Can you say when that tabletop exercise a little more
- 16 refined? 2000 --
- 17 SGT. EVERINGHAM: If I had to guess, it would be 2010.
- 18 MEMBER ROSEKIND: Okay. And that was on -- a specific
- 19 tabletop on hydrochloride?
- 20 SGT. EVERINGHAM: Hydrogen fluoride.
- 21 MEMBER ROSEKIND: Hydrogen fluoride, okay.
- 22 SGT. EVERINGHAM: Which is nasty stuff. Basically, if
- 23 you breathe it in, you're -- it's too late for you. But that was
- 24 -- you know, that's one of the planning efforts that we have.
- 25 But, you know, we've had a lot of experience whether

- 1 it's wildfire scenes, Hurricane Sandy. Bob and I continue to
- 2 correspond with -- he has responsibilities with a lot of the
- 3 waterway debris and removal of debris and some of the
- 4 environmental hazards that were associated with Sandy. So our
- 5 offices are kind of joined at the hip in many situations.
- 6 There are some situations where we take a step forward,
- 7 and there's other situations where he takes a step forward. DEP,
- 8 obviously, is the lead state agency for hazardous materials. But
- 9 again, we enjoy a good working relationship and have a lot of
- 10 field experience.
- 11 MEMBER ROSEKIND: And clearly, you're both experienced
- 12 enough to understand there's a real difference between having to
- 13 do it and having a chance to prep for it and kind of see what's
- 14 going on, which is why it's fascinating there was actually a
- 15 tabletop experience in this city.
- My last question is -- I'm just curious. A unified
- 17 command, who's responsible for public communications and how is
- 18 that coordinated? Who's supposed to be talking to the public,
- 19 getting messages out or interacting with the media?
- 20 SGT. EVERINGHAM: The incident commander designates a
- 21 public information officer through the incident command system.
- 22 That's one of the responsibilities of the IC, to identify a public
- 23 information person. I think as we moved -- transitioned into a
- 24 unified command, that became more of a joint information
- operation, so that each of the stakeholder agencies had an

- 1 opportunity to have a PIO involved in that messaging and making
- 2 sure that the messages were consistent and that we didn't have,
- 3 you know, issues with respect to what the actual status of the
- 4 incident was and what the guidance was from the leadership, in
- 5 terms of protective actions.
- 6 MEMBER ROSEKIND: And the final responsibility, though,
- 7 and oversight for content, timing, et cetera, is going to rest
- 8 with whom in that structure?
- 9 CAPT MOORE: Sir, the public information officer in the
- 10 response -- and we had a JIC, a joint information center -- it is
- 11 responsible to the UC. It's not responsible to the individual.
- 12 It's responsible to the UC. So in fact, every time we had a press
- 13 release, every entity of the UC had to initial off their approval
- 14 on that release.
- 15 In terms of doing a press briefing, I think the agencies
- 16 were responsible for what they were saying, but the general
- 17 summary of what the status of operations were and what the next
- 18 evolutions planned were, that, again, was an agreed-to text for
- 19 the most part, that we agreed to as a UC.
- 20 MEMBER ROSEKIND: Great. And that's the clarification,
- 21 which is they're not going to be doing press releases or anything
- 22 else on their own. They're going to have a unified command.
- 23 There's no individuals that's going to say it's okay, basically,
- 24 but it's signed off by everybody who's there. Okay. Great.
- 25 Thank you.

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1 CHAIRMAN HART: Thank you. I'm hoping that by the time
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- 2 we're done with this, we will have a fairly good timeline, and I'm
- 3 going to ask the Tech Panel, are we in good shape for having a
- 4 timeline regarding when was the command instituted in the
- 5 backyard, when was it moved to the church, when was it moved to
- 6 the municipal building, when was the air sampling first done and
- 7 by whom, when was the state saying there's no toxic problem, you
- 8 know, the whole timeline. Are we pretty good to go with that?
- 9 Because if not, I'm going to ask some questions. Or do you have
- 10 good ways to find that out, because if not, I need to ask some
- 11 questions in that regard?
- MR. STANCIL: Yes, Chairman, we do have a very detailed
- 13 timeline, so --
- 14 CHAIRMAN HART: Okay.
- 15 MR. STANCIL: One of the exhibits -- Exhibit D, 3D.
- 16 CHAIRMAN HART: Okay. Great. Then what I will ask is
- 17 I'd be interested in knowing both from the state and from the
- 18 Coast Guard, starting with the state, when you showed up on the
- 19 scene, was your presence viewed as, oh, this is helpful, we need
- 20 all the help we can get, or was it an annoyance or what are you
- 21 doing here, get out of my face? I mean -- and I'm not asking you
- 22 to speculate. I'm just asking you, based on your experience, was
- 23 it received positively or negatively when the state showed up to
- 24 provide whatever assistance they could? And I'll ask any of the
- 25 three of you from the state at the state level that can speak to

- 1 that from your own -- from experience.
- 2 SGT. EVERINGHAM: I think it was a mixed bag. I think
- 3 the incident commander had his hands full. And I think we were
- 4 there to lend support and guidance to the incident commander, and
- 5 I think as time went on, that we developed a good rapport. It was
- 6 my first opportunity working with Chief Giampola, unfortunately,
- 7 but that was the situation that we found ourselves in. But we
- 8 worked together, and I think it took a little time to understand
- 9 what we brought to the table and understanding, you know, what his
- 10 process was.
- But you know, I think it was initially, you know, maybe
- 12 some speculation in terms of what our role was there and, you
- 13 know, what can we actually do to help him. And I think not too
- 14 far into that incident, we started making decisions and we started
- 15 working together and understanding that, as the incident
- 16 progressed, we were trying to bring stability and control to that
- 17 scene and get people out of harm's way and do what was right for
- 18 the responders as well as for the community.
- 19 CHAIRMAN HART: Thank you. And Mr. Van Fossen, you were
- 20 also on the scene. Did you have any thoughts in that regard?
- 21 MR. VAN FOSSEN: Yes, sir. As I said earlier, I think
- 22 the initial scene was very dynamic, very overwhelming and very
- 23 challenged. I think as we progressed from an incident command
- 24 into a unified command, there were a lot of challenges. But I
- 25 think we progressed into that. Any emergency, the first couple

- 1 hours, first day is going to be very hectic. But as we moved into
- 2 that unified command later on in the day and understood the size
- 3 and the complexity of the issue, again, we started to work
- 4 together more as a team than not. So it worked out.
- 5 You know, one thing Bryan talked about earlier, the last
- 6 thing you want to do is work with -- the experience and
- 7 relationships you have always come into a response. And at the
- 8 state and the county level, we have a lot of relationships and
- 9 experience. So it wasn't the first time that we all sat down. We
- 10 may not all agree, but we all understand what we're facing, and we
- 11 hang all the titles and everything up at the door and walk in and
- 12 try to get the job done.
- 13 CHAIRMAN HART: Thank you. That's very helpful. Now
- 14 from the Coast Guard's point of view, Captain Moore, can you tell
- 15 me when the transition was from the incident command to the
- 16 unified command, was that favorably received, unfavorably
- 17 received? Do you have any -- what was your impression on that?
- 18 CAPT MOORE: I think, you know, under the circumstances,
- 19 it was an incredibly smooth transition. I think, you know,
- 20 probably if you had the opportunity to identify a site that was
- 21 actually within the jurisdiction of Paulsboro that would have been
- 22 as good as where we ended up in Clarksboro, it would have been a
- 23 lot easier for the local folks to swallow, because basically, I
- 24 was taking them further away from their incident. But you know,
- 25 in the grand scheme of things, that distance, which was, you know,

- 1 what, a ten-minute drive or so, it provided a facility that,
- 2 actually, we never had to move out of.
- 3 And that -- you know, in terms of my view on this, I was
- 4 looking at a tremendous amount of steel and tonnage in the creek,
- 5 early on, hazardous, toxic, flammable, explosive, steel-on-steel,
- 6 tremendous number of risks and hazards. I wanted -- did not want
- 7 to be close to it. I also wanted a place where we could plan to
- 8 operate and have those operations far enough away that they could
- 9 be done safely, that we could keep the media, if you will -- work
- 10 with the media without bringing any risk to them, to host, which
- 11 eventually, we did, the VIPs and so forth.
- I mean, those kinds of characteristics of a long-term
- 13 response -- and this, you know, wasn't months or anything. It was
- 14 only 18 days. But nonetheless, to have that kind of facility, we
- 15 did have to go a little bit of distance. And I'm sure that was
- 16 not easy for the local folks from the jurisdiction to be able to
- 17 deal with. But I have to say, the captain of the police
- 18 department, the chief of the police department, Chief Giampola,
- 19 his assistant, everybody was phenomenally flexible to go through
- 20 that process and establish the unified command. And you know,
- 21 Chief Giampola stayed, again, as a volunteer, served in that
- 22 unified command as a very wise and rational and mature member of
- 23 that unified command for all 18 days as a volunteer. And you
- 24 know, it just was tremendous.
- CHAIRMAN HART: Okay. Thank you. That's very helpful.

1 That's all the questions I have. So let's move back to

- 2 the Tech Panel. And Tech Panel, you can take 30 minutes.
- 3 MR. VORDERBRUEGGEN: Thank you, Chairman Hart.
- 4 Captain Moore, you've answered a lot of my -- I'm
- 5 jotting questions down and they're getting answered faster than I
- 6 can write. But I do have a couple. How many qualified federal
- 7 on-scene coordinators does Sector Delaware Bay have?
- 8 CAPT MOORE: I don't know that number now. I can get
- 9 that number. We have a number of people in the incident
- 10 management, and a variety of them have that qualification. I
- 11 don't know what that number is, but we can get it to you.
- MR. VORDERBRUEGGEN: Well, it's not critical how many
- 13 you have, but it's more than two or three, is that a fair --
- 14 CAPT MOORE: Yes, sir. Yes, sir.
- 15 MR. VORDERBRUEGGEN: Okay. I'm curious as to why the
- 16 sector commander ended up being the FOSC on this accident. Is --
- 17 that seems to be a pretty high level if, in fact, maybe other
- 18 resources were available. Was there any particular reason why the
- 19 Coast Guard put you in other than your vast experience as an FOSC,
- 20 from what you've described as well?
- 21 CAPT MOORE: FOSCR is federal on-scene coordinator's
- 22 representative. And that is a tremendously valuable skill set to
- 23 have in terms of onsite response and onsite monitoring of response
- 24 and recovery operations. And it is totally appropriate to small
- 25 spills and a qualification we use frequently in the field.

1 The FOSC is a slightly different -- and it's a title.

- 2 It goes with my job as sector commander. It is the federal on-
- 3 scene coordinator role. And I punch it to Mr. Lundgren, if you
- 4 will, for a more textbook definition, but it is one of the five
- 5 statutory authorities that I have in my job. The deputy sector
- 6 commander holds that designation when I am not available or when I
- 7 am not on scene or in the area. But it is a title very
- 8 specific -- it's a statutory title specific to my role as sector
- 9 commander.
- 10 MR. VORDERBRUEGGEN: I understand. Thank you.
- One other question related to the Coast Guard's moving
- 12 into the unified command process. Is it de facto that the feds
- 13 take over? In other words, I have been on accident scenes where
- 14 they only provide an advisory role in a unified command system.
- 15 What was the decision that the Coast Guard would take the -- I'll
- 16 call it the lead role as the incident commander in the Paulsboro
- 17 accident?
- 18 CAPT MOORE: As I came to understand the incident in the
- 19 course of the first several hours, the complexity of the risks,
- 20 the risk to public safety, the fact that the waterway had to be
- 21 closed, the amount of hazardous material we were dealing with,
- 22 what would need to be done in terms of recovering the rail cars
- 23 out of the water, in other words, diving operations, there's a
- 24 host of capabilities that the federal government has and could
- 25 bring to bear when the Coast Guard comes in to serve in that role

- 1 on the unified command.
- 2 For instance, we were able to bring in an incident-
- 3 specific meteorologist that helped us not only with daily weather
- 4 reports, which are key, we had a crane with a very high structure
- 5 that had a lightning risk. So we had a incident-specific
- 6 meteorologist tell us sunrise, sunset, weather conditions, wind
- 7 conditions. We were limited by wind in terms of our crane
- 8 operations. We were able to put a tide -- from NOAA, again, we
- 9 were able to put a tide instrument and a current instrument in the
- 10 waterway to safely identify the periods where we could dive
- 11 safely.
- We had access, of course, to the EPA, and they were a
- 13 tremendous assist throughout, in terms of the TAGA bus and
- 14 advisory role. Assistance was also provided by Fish and Wildlife
- 15 Service to understand resources at risk. I mean, just a whole
- 16 host of capabilities, Coast Guard special teams, that we had
- 17 access to that really bring a lot to bear in terms of a complex
- 18 response like this.
- MR. LUNDGREN: If I could briefly add to that, from a
- 20 policy level, the National Contingency Plan and the underlying
- 21 statutes, Clean Water Act and CERCLA, give a great deal of
- 22 discretion to the federal on-scene coordinator as to the level of
- 23 involvement. But what is required of them upon notification of an
- 24 oral or chemical release is an assessment and a determination from
- 25 that federal side as to whether assistance is needed, and

- 1 discretion as to how much to bring to bear in that regard. And
- 2 certainly, Captain Moore has described that very effectively,
- 3 about some of the risks in this situation that warranted that.
- 4 MR. VORDERBRUEGGEN: Thank you very much. That was very
- 5 helpful.
- 6 And then one final closure that I have with Captain
- 7 Moore, and that is that -- would you -- can you advise us when the
- 8 final after-action report will be made available, and can we get
- 9 it documented that it will be delivered at some point?
- 10 CAPT MOORE: Right now, I believe you have the initial
- 11 release and the supplemental that reflected the secondary hot wash
- 12 comments that were added. I'll have to go back to Mr. Vansant
- 13 (ph.) from headquarters, but I believe what you have is pretty
- 14 much the final product.
- 15 MR. VORDERBRUEGGEN: We were under the impression
- 16 another one was coming with some additional information, and
- 17 that's why I'm presuming there is an additional one from the one
- 18 we received a week or so ago by e-mail.
- 19 CAPT MOORE: Okay. Yes, I'm sorry. You will get a copy
- 20 of the supplemental that was just recently completed. The
- 21 supplemental had to do with incorporating some lessons learned
- 22 from a interagency hot wash that we held, and you probably don't
- 23 have a copy of that yet.
- MR. LUNDGREN: Our contingency preparedness system
- 25 reports are final when they're released into that, so it's

- 1 available then to the larger Coast Guard. That's one of the
- 2 reasons you're not seeing a date -- there's no memorandum,
- 3 necessarily. It's released for general availability, but I think
- 4 we could certainly document that in a transmission that this is
- 5 the final report released into the system with the supplemental.
- 6 HEARING OFFICER NICHOLSON: Okay. So for the record,
- 7 that will be Exhibit P under Group 7 exhibits, U.S. Coast Guard's
- 8 final after-action report supplemental with lessons learned.
- 9 MR. VORDERBRUEGGEN: Thank you very much.
- 10 At this point, I'm going to turn the line of questioning
- 11 over to Mr. Stancil.
- MR. STANCIL: Yes. Captain Moore, yesterday, Chief
- 13 Robinson with the Paulsboro Refinery told us that he provided
- 14 incident briefing and incident objective forms, the ICS-201 and
- 15 202, along with some of his notes to the unified command. Does
- 16 the Coast Guard have any of this original documentation?
- 17 CAPT MOORE: No, sir. The response was funded by the
- 18 RP, so the documentation associated with the response is in the
- 19 custody of the RP.
- 20 MR. STANCIL: Is in the custody of Conrail?
- 21 CAPT MOORE: Yes, sir.
- 22 MR. STANCIL: I'd like to pose a question to Conrail, if
- 23 I may?
- 24 CHAIRMAN HART: Go ahead. You understand you're still
- 25 under oath?

- 1 MR. FERRONE: Yes, sir.
- 2 CHAIRMAN HART: Thank you.
- 3 MR. STANCIL: Mr. Ferrone, does Conrail have possession
- 4 of the original response documentation?
- 5 MR. FERRONE: We received all the documents that was at
- 6 the incident command. Yes, sir, we have them all in the same
- 7 boxes they were sent into us in.
- 8 MR. STANCIL: Yes. I would like for the hearing officer
- 9 to request the original scribe notes, the ICS-201 and 202, and any
- 10 notes that were collected during the morning of the incident
- 11 response.
- MR. FERRONE: Mr. Stancil, I don't know if they are
- 13 original or not. I know whatever was gathered at IC was put in
- 14 boxes, and when the IC was broken up, sent to Conrail. I don't
- 15 know that they're original. I haven't gone through them, but I
- 16 will be more happy to see what we have for you, sir --
- 17 MR. STANCIL: Original or a photocopy, is that what
- 18 you're suggesting?
- MR. FERRONE: It may be, sir. I don't know.
- MR. STANCIL: That's fine, yes.
- 21 HEARING OFFICER NICHOLSON: Okay. That'll be Exhibit O
- 22 under Group 7, Conrail is to submit to the NTSB the ICS-201 and
- 23 202 forms and any notes collected during the morning of the
- 24 emergency response.
- MR. STANCIL: And I just have a follow-up to Mr. Van

- 1 Fossen. To follow-up on the state notification issue, yesterday
- 2 the state asked some questions about the state law that requires
- 3 the release of -- notification of the release of any hazardous
- 4 material immediately to the DEP hotline. And you noted that
- 5 although the report came in later than expected, the state was
- 6 notified by other means? I believe you mentioned that you
- 7 received a phone call at 7:45. Is it reasonable, or is it -- let
- 8 me rephrase that.
- 9 Is a responsible party that notifies the National
- 10 Response Center, does that satisfy the state's requirement to be
- 11 notified?
- MR. VAN FOSSEN: No, it does not. A separate call to
- 13 the New Jersey DEP Hotline Communications Center satisfies the
- 14 state's requirements.
- 15 MR. STANCIL: Does the state also receive notifications
- 16 from the National Response Center?
- MR. VAN FOSSEN: Because of the relationships we have
- 18 with the NRC, we do get a copy via fax from them, yes.
- MR. STANCIL: And what time did you receive notification
- 20 from the NRC?
- 21 MR. VAN FOSSEN: Sir, I'd have to go back and look at
- 22 the record on that. I hesitate to give you a number, a time right
- 23 now.
- MR. STANCIL: That was in the documentation that was
- 25 already provided?

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1 MR. VAN FOSSEN: Yes, sir.
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- 2 MR. STANCIL: And I believe that since you were notified
- 3 at 7:45 a.m., do you feel that there was any delay in the state's
- 4 response to this incident?
- 5 MR. VAN FOSSEN: Yes, sir.
- 6 MR. STANCIL: What would have happened under normal
- 7 circumstances that didn't happen this time?
- 8 MR. VAN FOSSEN: I think we would have -- I know we
- 9 would have gotten a call from the responsible party within 10 or
- 10 15 minutes of the incident, and at that point in time, we would
- 11 have started making our communications with State Police OEM,
- 12 Gloucester County OEM and with Paulsboro, and we probably would
- 13 have -- I know we would have started having people roll -- on the
- 14 road rolling by 7:30 and coordinating with EPA a lot sooner than
- 15 we did.
- MR. STANCIL: Okay. Thank you. You also mentioned that
- 17 one of your initial responders was on scene with a PID, an
- 18 instrument to measure organic vapors, and he was there sometime
- 19 between 8:30 and 9 a.m. You mentioned that he was reporting air
- 20 monitoring results to you. Were any of those results recorded?
- 21 MR. VAN FOSSEN: He was not reporting air monitoring
- 22 results to me personally. He had his instrument on because he was
- 23 unsure of the environment he was going into. So as part of his
- 24 safety protocol to protect himself, he turned on his PID to
- 25 understand whether he was going into, what type of an environment

- 1 he was going into. He did not report those numbers to me at that
- 2 point in time.
- 3 MR. STANCIL: Did he record any of those numbers?
- 4 MR. VAN FOSSEN: He did not. But what he did do was
- 5 monitor it to see what type of -- he would look at it to see what
- 6 type of numbers he was getting at that time, and I think the
- 7 highest that he saw at that point in time, and I think we have
- 8 that documented, was 16 ppm.
- 9 MR. STANCIL: And what was the location of these tests?
- MR. VAN FOSSEN: Sir, I'd be speculating where he was
- 11 exactly at that time.
- MR. STANCIL: And none of these results were reported in
- 13 any report or was it recorded on the instrument or any other
- 14 location?
- 15 MR. VAN FOSSEN: There was no -- there was no reporting
- 16 mechanism for air monitoring that I know of set up at that point
- 17 in time.
- MR. STANCIL: Okay. Thank you.
- Mr. El-Zoghbi?
- MR. EL-ZOGHBI: Thank you. This is for Mr. Eldridge
- 21 regarding enforcement of the HAZWOPER regulations. We know a
- 22 report by your agency covering the period between fiscal year 2008
- 23 and 2013 indicates that 21 of 89 initial inspections at local fire
- 24 departments found HAZWOPER deficiencies. And for consultation
- 25 visits, the data shows that 65 -- out of the 65 on-site

- 1 consultation visits, a total of 25 facilities had HAZWOPER
- 2 violations. How does this inspection and compliance data compare
- 3 to national compliance levels for local fire departments? Do you
- 4 have that data?
- 5 MR. ELDRIDGE: No, I don't. I can get that, but I don't
- 6 have that with me.
- 7 MR. EL-ZOGHBI: What about for other New Jersey public
- 8 sector compliance? How does that data compare? I mean, outside
- 9 of -- we were looking at local fire departments. What about other
- 10 NACS codes?
- 11 MR. ELDRIDGE: It's kind of consistent. Again, you
- 12 know, there's a few hundred thousand employees throughout the
- 13 state, 12,000 facilities. So they tend to have the same types of
- 14 issues, respiratory protection, indoor air quality for non-
- 15 firefighter types of occupations. It's consistent. We got to do
- 16 a better job with it, but it's consistent.
- 17 MR. EL-ZOGHBI: For the hearing officer, I'd like to
- 18 note -- to request that data, the national comparison for
- 19 compliance.
- 20 HEARING OFFICER NICHOLSON: Okay. So you want national
- 21 compliance versus local compliance?
- MR. EL-ZOGHBI: Correct.
- 23 HEARING OFFICER NICHOLSON: Okay. And that'll be
- 24 supplied by Mr. Joe Eldridge?
- MR. EL-ZOGHBI: Um-hum.

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1 HEARING OFFICER NICHOLSON: Okay. That will be --

- 2 that's Exhibit R, Group 7.
- 3 MR. EL-ZOGHBI: Also, in fiscal year 2011, federal
- 4 annual monitoring evaluation report of the PEOSH program that was
- 5 done by the region, the federal OSHA region, it was noted that --
- 6 of your goal of reducing injuries and illnesses by five percent. I
- 7 think in 2011, there was a noted increase. It was a 9.4 percent
- 8 increase in injuries and illnesses in the local fire industry in
- 9 New Jersey. How have you addressed that issue?
- MR. ELDRIDGE: Well, we have begun to have more of a
- 11 presence in the field. I've done a lot of cross-training with
- 12 staff to almost double the amount of staff that are going out to
- 13 do those inspections. Not all of those are paid strictly out of
- 14 OSHA dollars, but it's -- you know, the long and short of it is
- 15 when I have someone going to a facility, a public facility, they
- 16 wear several different hats whether it's to enforcement asbestos
- 17 regulations, the right-to-know regulations or PEOSH.
- 18 So they're getting trained, cross-trained, to do all
- 19 those functions so that I don't have three different people going
- 20 to the same facility to do one inspection. Now it's one person
- 21 who is capable of covering all those areas. We've started to
- 22 implement that back in July of last year. We have not done an
- 23 analysis to see how effective that's been although that is on my
- 24 table. But it's having more of a presence in the field, because
- 25 if you don't have the presence, then things do occur.

- 1 MR. EL-ZOGHBI: Have you done any trending at all on
- 2 that data? I mean, have you noted -- has it dropped? Has federal
- 3 OSHA done other audits since this time?
- 4 MR. ELDRIDGE: Yeah, not yet. We have not -- I think
- 5 they just completed their last -- it may have been their last
- 6 reporting period. That information may become available probably
- 7 in the fall. But again, we also have a surveillance mechanism
- 8 under our NIOSH grant, and we have not seen that kind of increase
- 9 on that side for injuries or fatalities.
- MR. EL-ZOGHBI: Well, I guess, also, besides injury and
- 11 illness rates, are you using any other metrics to measure your
- 12 performance in that area?
- MR. ELDRIDGE: Well, we look to see how effective we are
- 14 in going out to get our message out through our inspection work
- 15 and our audit work and also through our consultations. And when
- 16 we look at the overall picture, we look at all those activities to
- 17 gauge where we are and where we need to go.
- 18 MR. EL-ZOGHBI: I have a question also for Mr. Eldridge
- 19 about ten months prior to the accident, PEOSH conducted an
- 20 inspection of the fire department, and we sort of noted that they
- 21 identified HAZWOPER operations level training violation. Can you
- 22 discuss sort of the scope of that inspection, what was looked at
- 23 when your inspectors were on scene with the fire department and
- 24 address how they have verified abatement of the citations?
- 25 MR. ELDRIDGE: Yeah. It was a focus inspection based on

- 1 the complaint that we had received, an anonymous complaint, so it
- 2 was a very focused inspection. We went out to look at the
- 3 specific complaints. One was bloodborne pathogen, I believe -- or
- 4 hepatitis vaccination. I'm sorry.
- 5 MR. EL-ZOGHBI: It was not expanded to become a
- 6 comprehensive --
- 7 MR. ELDRIDGE: Well, yeah, I was going to get to that in
- 8 a second.
- 9 MR. EL-ZOGHBI: Oh, okay.
- 10 MR. ELDRIDGE: And then also about the training aspect
- 11 of it. And then it did kind of go into -- when we go out, it goes
- 12 from more of an enforcement for those two components to actually
- 13 working with the locality in other areas that they may be
- 14 deficient in. And we -- when an order to comply is issued, they
- 15 have, you know, 30 days to abate the order.
- MR. EL-ZOGHBI: Now, we noted in the abatement
- 17 documentation that was submitted to the state that they conducted
- 18 a three-hour drill, I believe it was. Given what the requirements
- 19 of the regulation are, understanding as it's eight hours of
- 20 training or documentation of competencies and such, how did you
- 21 verify that abatement?
- 22 MR. ELDRIDGE: I believe it's through paperwork or
- 23 documentation that was issued from the county. I believe.
- MR. EL-ZOGHBI: Thank you.
- 25 Captain Moore, with IMAAC modeling, you mentioned that

- 1 this was sort of new for you to receive this model. For that
- 2 being new, how comfortable were you with the model and the
- 3 information that was actually provided in the model given that --
- 4 I mean, we spoke to the scientific support coordinator and there
- 5 were some questions about who provided the data that the model was
- 6 based on.
- 7 CAPT MOORE: Well, I was very comfortable with it in the
- 8 sense that it did have -- it was based on a weather window that
- 9 was actual versus no weather information at all. So that was
- 10 very, very helpful. It was based on a full-tank release, so it
- 11 was a more conservative model than the situation we actually had.
- 12 It was detailed. The graphic had the City of Paulsboro -- the
- 13 Borough of Paulsboro underneath the plume itself. I think the
- 14 areas that I didn't necessarily understand about it as I was
- 15 trying to work with it was how long it was going to be good for.
- 16 So I really just had to say, well, this is as it was described to
- 17 me, an initial release model. And so we used it in that sense.
- 18 And as far as what the federal government provided, it was a great
- 19 tool, and we ended up using it as part of one of the things in
- 20 terms of making decisions.
- 21 MR. EL-ZOGHBI: Were any additional iterations or any --
- 22 well, was any feedback, basically, provided by the Coast Guard
- 23 back to update the model? I mean, was that request made at all?
- CAPT MOORE: No, we didn't update the model. What we
- 25 did do, the NOAA scientific support coordinator ended up

- 1 transitioning into the command post. So we actually ended up with
- 2 a tremendous amount of support to understand more locally what we
- 3 were seeing, and we had a very dynamic situation in terms of what
- 4 the air monitoring results were showing us. So we didn't really
- 5 ask for plume modeling that was anything more than what we
- 6 initially got because we really set that aside and said, okay,
- 7 that's full-tank release. And so as we ended up approaching
- 8 operations that involved lifting rail cars, that was part of the
- 9 decision support and the risk assessment associated with that
- 10 operation.
- MR. EL-ZOGHBI: Just a -- I know I'm out of time, here,
- 12 but clarification. With IMAAC models, are they normally shared
- 13 with the state? I mean, who is this model disseminated to when
- 14 it's issued?
- 15 CAPT MOORE: I don't know the answer to your question.
- 16 I shared it with the UC. So I --
- 17 MR. EL-ZOGHBI: Okay.
- 18 CAPT MOORE: -- really don't know the answer to your
- 19 question.
- MR. EL-ZOGHBI: Just a direct -- just a redirect to Sqt.
- 21 Everingham and Mr. Van Fossen. Were you provided with that model
- 22 earlier in the day? I know that -- or do you -- are you privy to
- 23 that type of information, like the IMAAC models that are issued by
- 24 the federal government?
- 25 SGT. EVERINGHAM: I never saw that model?

- 1 MR. VAN FOSSEN: I definitely didn't see that model, and
- 2 maybe -- and I can't remember, but maybe if we saw it later on in
- 3 the day, possible, but nothing earlier in the day, that's for
- 4 sure.
- 5 MR. EL-ZOGHBI: Okay. Sorry I exceeded my time in
- 6 questioning.
- 7 MR. BOWLING: All right. Thank you.
- 8 Captain Moore, earlier in testimony, either yourself or
- 9 Mr. Lundgren talked about the Sector Delaware Bay Area Committee
- 10 and at least on the record indicated -- or on the record now, I
- 11 couldn't find anywhere that listed the Borough of Paulsboro,
- 12 Gloucester County or Conrail as active members of that committee
- 13 or stakeholders. Is there a reason that they are not
- 14 participating in the area committee?
- 15 CAPT MOORE: The area committee is a very dynamic group.
- 16 As far as members of the executive steering group, no. The
- 17 executive steering group is a designated set of agency
- 18 representatives. But as far as active members of the committee,
- 19 they are actually active members. And in fact, Conrail has
- 20 already come to give presentations to the area committee. We had
- 21 a joint meeting of the area committee and the area maritime
- 22 security committee at which we had all of those elements.
- 23 The county, Gloucester County, has in the past
- 24 participated on our area maritime security committee, so they are
- 25 actively involved. As far as discrete listing in the area

- 1 contingency plan, I wouldn't necessarily expect to see them as a
- 2 discrete listing in the area contingency plan.
- MR. BOWLING: Okay. Thank you.
- 4 The next question I have is related to the evacuation.
- 5 Can you walk us through the decision process on the first
- 6 evacuation and what your expectations were once that decision was
- 7 made with regard to participants in the unified command as to what
- 8 agency was supposed to carry out?
- 9 CAPT MOORE: As far as the decision, we had just
- 10 concluded one of our organizational, the initial organizational
- 11 meeting of the unified command. In other words, we had just
- 12 walked through stated objectives, identified who was responsible
- 13 for planning and operations. We set the operational period. We
- 14 identified safety officers. We had done all of that work.
- 15 We then transitioned and started to meet as a UC really
- 16 just trying to find what with each other kind of roles and
- 17 responsibilities to get through the evening. During that time, we
- 18 received information that some of the air monitoring that was
- 19 going on -- and we had 7 stationary air monitoring stations at
- 20 that time and 16 people in the field that were performing air
- 21 monitoring, but at that time, we were getting detectible levels of
- 22 vinyl chloride at our action threshold, our action threshold being
- 23 1ppm. We were getting readings on the streets of Paulsboro
- 24 adjacent to the accident scene.
- When we got that information back into the command post,

- 1 we met as a UC because we had established a very sensitive action
- 2 threshold. The action threshold of 1ppm is an employee threshold,
- 3 and our threshold was 1ppm for ten minutes. The tools that we
- 4 were using to get our measurements was not a sustained measure.
- 5 Instead, it was discrete measures. So we didn't necessarily know
- 6 that we had 1ppm for ten minutes, but we had 1, 1.5, 2 -- we had a
- 7 number of times in different intersections along the street that
- 8 we had readings of 1 or over 1 ppm of vinyl chloride as the
- 9 evening wore on, and we were getting into a sunset and a marine
- 10 inversion layer.
- In order to try to understand what we had, we knew that
- 12 the material in a vapor form was heavier than air. I can't
- 13 explain exactly why all of the forces started to -- at that time,
- 14 I didn't understand it, but as we came to understand later, the
- 15 sun provides a lot of energy and it volatizes the vapors so that
- 16 we didn't see that kind of -- those kind of metrics, those kind of
- 17 levels during the day. But as we went into the evening, we did.
- 18 We had already made a determination that those
- 19 properties that were along the Mantua Creek needed to be
- 20 evacuated, and we had already made some decisions in regards to
- 21 establishing the support for the people in the residences and the
- 22 businesses there so that they could be evacuated. And we needed
- 23 to very quickly establish what other resources we had to put into
- 24 play to start to make that evacuation a much larger evacuation
- 25 into that yellow scribed area on the graphic out of my

- 1 presentation.
- 2 We identified that zone really by understanding, first
- 3 of all, where we were getting our readings from, and then we
- 4 expanded essentially one street, one block out. Our measurement
- 5 methods were detecting vinyl chloride essentially at the street.
- 6 We weren't going on anybody's property. We weren't cutting
- 7 through yards. So what we would do is we went to one block
- 8 outside where we were getting somewhat frequent readings, and we
- 9 went to that as essentially creating kind of a -- at least a half
- 10 a block buffer zone. And so that's how we scribed that area.
- We also looked at the two-day weather, which we had. We
- 12 were already pretty much one day into that two-day weather. But
- 13 we looked at that 2-day weather. We had very consistent wind
- 14 predictions for that period. And so we felt pretty confident that
- 15 we would be able to get through the evening and not have to do any
- 16 additional expansion of that area, but that we would commit to
- 17 continuing to do air monitoring not only through that evacuation
- 18 zone, but the remainder of the area through Paulsboro to be able
- 19 to understand what the vinyl chloride was doing.
- As we got into the evening, we not only did the
- 21 evacuation through the municipals, and the order was done through
- 22 the municipal authority; the federal authority doesn't have that
- 23 -- federal government doesn't have that authority. They did the
- 24 evacuation, performed the evacuation. All of those people were
- 25 actually put into hotels, and we worked to take care of their

- 1 pets, and all those kinds of things were all part of the UC
- 2 discussions and determinations and decisions.
- And then as we got into the evening, even the readings
- 4 that we had in the evacuated zone started to go down, but they
- 5 resurfaced again the next morning in that same weather condition.
- 6 So we went several days with that situation where in the evacuated
- 7 zone, we had higher than acceptable readings, but outside we had
- 8 random ones and twos discretely in locations but not at a
- 9 sustained level that suggested we should evacuate again until
- 10 December the 4th.
- MR. BOWLING: Thank you. My last question actually
- 12 probably is a tag team to Mr. Lundgren and Captain Moore, but
- 13 would you briefly explain the term as far the -- is used common
- 14 operation picture, and how it is applied to a successful response?
- 15 And then Captain Moore, I'd like to hear if you faced any
- 16 challenges getting all the players in the unified command onto a
- 17 common operational picture.
- 18 MR. LUNDGREN: Certainly, common operation picture,
- 19 shared situational awareness are terms that are used quite
- 20 frequently these days to describe good situational awareness. And
- 21 the way that we do that at the most basic level is using the
- 22 incident command system and the situation unit and the situation
- 23 unit leader to capture the information within an incident command
- 24 or a unified command and ensure that is available to all members
- 25 of the command as needed, which can include the external

- 1 dissemination of that information for offsite reporting.
- 2 So there may be a variety of different tools that could
- 3 be used to create that shared situational awareness from the
- 4 simplicity of, you know, grease pencil on maps in a command post
- 5 that has limited technology available, to more sophisticated
- 6 information tools where you're actually using a software system or
- 7 something online for that.
- 8 So again, shared situational awareness is very
- 9 important, but we look at it as a basic function of incident
- 10 command and using the situation unit.
- MR. BOWLING: Thank you.
- 12 Captain Moore?
- 13 CAPT MOORE: With respect to our incident, we did
- 14 establish a situation unit. It was early on in the incident.
- 15 Chief Robinson from PBF Paulsboro did really start that first
- 16 situation unit. He was the situation unit in terms of starting to
- 17 ascribe where the resources were.
- 18 As we transitioned into the Clarksboro facility, we
- 19 established the unified command and we also stood up the situation
- 20 unit. We staffed it with folks that were trained and qualified.
- 21 And one of the things that we really had a challenge with is
- 22 everybody's got a cell phone. So there were certainly times when
- 23 the on scene operations got reported to elements in the command
- 24 post in advance of those same reports making it to the situation
- 25 unit.

- But I would say that because we had established a battle
- 2 rhythm and because we established reporting thresholds for certain
- 3 events happening -- that means that it's going to initiate a call
- 4 back to the command post -- we had the critical elements of the
- 5 big picture back at the situation unit, and then they had clear
- 6 instructions as to when to come to the UC with certain reporting.
- 7 So they had reporting requirements that they had.
- 8 We even established a daytime and nighttime -- nighttime
- 9 operations were much more constrained. There's less going on at
- 10 night. And so we had a different set of reporting thresholds from
- 11 the situation unit to the UC at night as well.
- MR. BOWLING: Okay. Thank you very much, Captain.
- Mr. Vorderbrueggen, I have no more questions.
- 14 MR. VORDERBRUEGGEN: Thank you, Mr. Bowling.
- Mr. El-Zoghbi has one question and then I have one
- 16 question to close out the panel.
- 17 MR. EL-ZOGHBI: Captain Moore, we know that there were
- 18 sort of public relations challenges associated with the, you know,
- 19 some of the meetings with the community. You know, I guess my
- 20 question is: Did the earlier statements about the hazard being
- 21 dissipated and stuff like that that happened earlier in the day,
- 22 did that play a role in some of the -- or how challenging did that
- 23 make communicating evacuating expansions and such for the unified
- 24 command?
- 25 CAPT MOORE: I couldn't possibly comment on what that

- 1 particular report did. The media reports, they're very challenged
- 2 to get the early, early reports correct. And so there was
- 3 helicopters over top of the scene in spite of the fact we had a
- 4 temporary flight restriction in place. So all of that, I think,
- 5 was probably disturbing to the community of Paulsboro.
- 6 MR. EL-ZOGHBI: Would you say it made the challenge of
- 7 evacuations more complicated than you would have anticipated per
- 8 se or --
- 9 CAPT MOORE: I think that was -- I think that may have
- 10 been part of it. But I have to tell you that, you know, we also
- 11 had a community that had gone through -- many of them, many, many
- 12 of them had heard the wreck. So they had seen the fog. As they
- 13 came to understand what that fog was, they had a lot of anxiety
- 14 associated with that.
- 15 And I would have to say, then, that once you start to
- 16 talk about evacuation, there's three flavors of public that you
- 17 have to really be very careful to communicate with and provide
- 18 information to. The first is your evacuated public. The second
- 19 is that public that is not evacuated and doesn't know why. And
- 20 then the third public is the greater community of Paulsboro and
- 21 the State of New Jersey who's watching this whole event evolve on
- 22 television and trying to understand it and understand if a train
- 23 is running local to their backyard what hazards maybe they are
- 24 exposed to.
- 25 So those are very, very discretely different populations

- 1 with very different needs in terms of the information that they
- 2 need to be able to feel comfortable that they are safe. And
- 3 communicating with all three of those different flavors of public,
- 4 if you will, and I'm using, you know, certainly non-technical
- 5 terms, but that's a tremendously challenging task and one faced
- 6 from the very first day of the incident on.
- 7 MR. EL-ZOGHBI: Thank you.
- 8 MR. VORDERBRUEGGEN: Captain Moore, one last question.
- 9 Back on the IMAAC plume model -- and we understand that plume
- 10 models are purely a prediction tool. They don't tell us reality.
- 11 The atmosphere is too complex for models that tell us really
- 12 what's going on, but there are critical parameters that go into
- 13 these prediction tools, such as the weather conditions at the
- 14 time, the location, day/night conditions, et cetera.
- 15 We have studied the model that was provided, and it is
- 16 in Exhibit 3-B(c). We have been unable to identify the mass flow
- 17 rate -- the numbers used for the mass flow rate, in other words,
- 18 how many gallons or pounds of vinyl chloride was being released
- 19 over that period of time, as well as the total quantity that was
- 20 assumed in this model. And we also contacted NOAA, and they've
- 21 been unable to duplicate this information. And you indicated you
- 22 had that information. Can you help us out in locking down what
- 23 was used for this model?
- CAPT MOORE: I didn't mean to suggest that I had that
- 25 information. When I got that model, it was my impression, and I

- 1 can say impression only, that it was that early effort at one tank
- 2 car's worth. And a tank car, a standard tank car is between 20
- 3 and 22,000 gallons. So that was my understanding. And I don't
- 4 know if it's on that documentation or not, but that was my
- 5 understanding of what that initial was.
- 6 MR. VORDERBRUEGGEN: Okay. Thank you very much.
- 7 That ends the panel questioning for the witnesses.
- 8 HEARING OFFICER NICHOLSON: No further questions from
- 9 this panel.
- 10 CHAIRMAN HART: Thank you. Now we'll do a final round
- 11 of questions from the parties, and due to the lateness of the
- 12 hour, I'm going to limit that to four minutes maximum per party.
- 13 Thank you.
- 14 Let's start with the Coast Guard.
- 15 CAPT FISH: Thank you, Mr. Chairman. No questions.
- 16 CHAIRMAN HART: Thank you.
- 17 PHMSA?
- 18 MR. SHOONOVER: Thank you, Mr. Chairman, no questions
- 19 from PHMSA.
- 20 CHAIRMAN HART: I hope I didn't scare anybody.
- 21 (Laughter.)
- 22 CHAIRMAN HART: FRA?
- 23 MR. HYNES: Mr. Chairman, FRA has no questions?
- 24 CHAIRMAN HART: Thank you.
- 25 BLET?

- 1 MR. WALPERT: Yes, Mr. Chairman. I just have one
- 2 question of Mr. Eldridge.
- 3 Do you have a time frame of when the analysis of the
- 4 data of the health effects of the 100 people that were reported to
- 5 the hospital may be available?
- 6 MR. ELDRIDGE: Yeah, it looks to be, I would say, early
- 7 fall.
- 8 MR. WALPERT: Okay. Thank you. That's all I have.
- 9 MR. ELDRIDGE: I'm sorry. But yeah, just to clarify,
- 10 you're asking about the 100 people who went to the hospital?
- 11 MR. WALPERT: Yes.
- MR. ELDRIDGE: Okay. No, we're not doing analysis of
- 13 that. It's a survey that we did throughout the community and
- 14 first responders. It incorporates information about those who
- 15 reported to the hospital.
- MR. WALPERT: Okay.
- 17 MR. ELDRIDGE: And that would be brought out in some
- 18 way.
- MR. WALPERT: All right. And again, when would that be
- 20 available?
- 21 MR. ELDRIDGE: Early fall.
- MR. WALPERT: Okay. Thank you.
- 23 CHAIRMAN HART: Thank you.
- 24 UTU?
- MR. BATES: UTU, no questions.

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- 1 CHAIRMAN HART: Thank you.
- 2 Conrail?
- MR. LEVIN: Yes, Chairman, just a couple follow-up
- 4 questions here.
- 5 One for Captain Moore. When I was finishing up the
- 6 questions here with Mr. Van Fossen on the last round having to do
- 7 with air monitoring, did the unified command rely on the air
- 8 monitoring from New Jersey DEP while the unified command was up
- 9 and running?
- 10 CAPT MOORE: No, sir. I had no reported readings. I
- 11 did know that people were in the field with instruments, but I
- 12 never got any data from them. When we asked, they said they
- 13 didn't write anything down, so we didn't get anything from them at
- 14 all.
- MR. LEVIN: Okay. Thank you.
- And then for Mr. Van Fossen, you mentioned that your
- 17 early-on DEP representative wasn't taking monitoring samples but
- 18 actually did take a couple early-on samples of air, is that
- 19 correct?
- MR. VAN FOSSEN: He had a PID and he was doing
- 21 monitoring of -- around him so he understood what type of
- 22 environment he was in.
- 23 MR. LEVIN: Did he report any of his findings to anybody
- 24 at the incident command at that time?
- MR. VAN FOSSEN: I do not believe he did. He wasn't in

- 1 that area that long. He understood, much like I did and a few
- 2 other people, that we were way too close and moved out of that
- 3 area quickly.
- 4 MR. LEVIN: Okay. And one final question for you. I
- 5 think you made a recommendation at the initial command post at the
- 6 deputy's house or yard to move the command post. Was that made
- 7 on, you know, some document or emergency response guide
- 8 recommendation or requirement to do that?
- 9 MR. VAN FOSSEN: Understanding that the emergency
- 10 response guides recommend a half-mile, coming up onto the scene
- 11 and seeing we were a maximum of 50 yards from a major train wreck,
- 12 that was my deciding factor that we were way too close.
- MR. LEVIN: Thank you very much.
- No further questions.
- 15 CHAIRMAN HART: Thank you.
- Paulsboro?
- 17 CHIEF GIAMPOLA: No questions, Mr. Chairman.
- 18 CHAIRMAN HART: Thank you.
- 19 And New Jersey, State of New Jersey?
- MR. SWEENEY: We have no additional questions, Mr.
- 21 Chairman.
- 22 CHAIRMAN HART: Okay. Thank you.
- 23 All of the witnesses have now testified, so this portion
- 24 of the NTSB investigation into the November 30th, 2012 accident
- 25 involving Contrail Freight Train FC4230, which occurred in

- 1 Paulsboro, New Jersey, is now concluded.
- 2 The record will remain open for additional materials
- 3 that were requested during the hearing. And as I mentioned to you
- 4 before, we will then thereafter complete our fact-finding activity
- 5 whereupon we will go to the analysis and then come out with a
- 6 report with probable cause and recommendations, conclusions and
- 7 recommendations.
- 8 On behalf of my fellow board members and the NTSB staff,
- 9 we extend our sincerest appreciation to the participants in this
- 10 hearing. I thank each of the witnesses for their testimony and
- 11 the parties and the party spokespersons for their cooperation not
- 12 only at this hearing but throughout the investigation. We simply
- 13 could not do this without you, and I know you have places you
- 14 would rather be on two full days of Tuesday and Wednesday than
- 15 here testifying at this hearing. So we appreciate that greatly
- 16 and we could not do this without you.
- 17 I'd like to also acknowledge the NTSB investigators, the
- 18 legal staff and the administrative professionals and others from
- 19 throughout the Agency who have worked to support this hearing.
- 20 Today we have added considerable clarity to the facts and
- 21 circumstances of the event of November the 30th.
- The transcript of the hearing and all the materials
- 23 entered into the record will become part of the public docket
- 24 along with other records of the investigation.
- Our mission, as I mentioned before, is to determine what

- 1 caused this problem and then to make recommendations to try to
- 2 prevent it from happening again and also recommendations to try to
- 3 mitigate the extent of the injury and damage resulting if it does
- 4 ever occur again. As I mentioned before, we are not here to
- 5 determine blame or liability and we have no intent to do that. We
- 6 are here to prevent and mitigate.
- 7 What we heard in the last two days was an amazing story
- 8 of volunteers, people who put their lives on the line every day
- 9 for us. Truly amazing.
- 10 It's become abundantly apparent that what we're looking
- 11 at is not a Paulsboro problem. This is a national problem of
- 12 resources, of training, of how do we address a situation where
- 13 somebody who's been doing this for 30 years has never seen a
- 14 situation like this before. Hopefully -- in this case, we see
- 15 it's a very rare -- hopefully, it will become increasingly rare.
- 16 That increases our challenge to figure out how do we take these
- 17 rare and hopefully increasingly rare situations, which 80 percent
- 18 of the time are going to be faced by volunteers, and come out with
- 19 recommendations that address that reality in a way that protects
- 20 all of us.
- 21 So that is our challenge. We thank all of you for all
- 22 of the help that you've given us to address this challenge,
- 23 because it's a big challenge. We've seen it many times before,
- 24 where we see an accident and we recognize this is not an accident
- 25 for that railroad or that airline or that bus company. This is a

1	national problem. That's what we see today. We take this
2	challenge very seriously, and we intend to address it.
3	Thank you very much. We stand adjourned.
4	(Whereupon, at 4:34 p.m., the hearing was adjourned.)
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CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF: INVESTIGATIVE HEARING IN CONNECTION

WITH PAULSBORO, NEW JERSEY TRAIN DERAILMENT AND HAZARDOUS MATERIAL

RELEASE NOVEMBER 30, 2012

DOCKET NUMBER: DCA-13-MR-002

PLACE: Washington, D.C.

DATE: July 10, 2013

was held according to the record, and that this is the original, complete, true and accurate transcript which has been compared to the recording accomplished at the hearing.

Timothy J. Atkinson, Jr. Official Reporter