

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1564 Session of
1981

INTRODUCED BY CALTAGIRONE, JUNE 15, 1981

REFERRED TO COMMITTEE ON STATE GOVERNMENT, JUNE 15, 1981

AN ACT

1 Providing for the responsibilities of the Pennsylvania Emergency
2 Management Agency and certain individuals in connection with
3 incidents occurring during the transportation, manufacture,
4 use, storage or disposal of hazardous substances and
5 providing a penalty.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Definitions.

9 The following words and phrases when used in this act shall
10 have, unless the context clearly indicates otherwise, the
11 meanings given to them in this section:

12 "Emergency Management Agency." The Pennsylvania Emergency
13 Management Agency established pursuant to 35 Pa.C.S. section
14 7311 (relating to creation) and section 7312 (relating to
15 organization) or any local agency as provided in 35 Pa.C.S.
16 Chapter 75 (relating to local organizations and services).

17 "Hazardous substance." Any natural or man-made substance in
18 a liquid, solid or gaseous form which in an uncontrolled
19 condition as a result of a release into the air, land or water

1 poses a threat to the health, welfare or safety of any citizen
2 of the Commonwealth.

3 Section 2. Training.

4 The Pennsylvania Emergency Management Agency, with the
5 support and assistance of the Department of Education and
6 Department of Transportation, shall make training available for
7 emergency personnel providing fire, rescue or ambulance services
8 in Pennsylvania to better prepare them for the handling of
9 situations involving the manufacture, use, storage, disposal or
10 transportation of hazardous substances.

11 Section 3. Communications.

12 The Pennsylvania Emergency Management Agency shall provide to
13 the officer on duty during the time its office is open,
14 telephone communications equipment separate from the personal
15 telephone service he may have at his residence.

16 Section 4. Notification of civil defense and municipal
17 authorities.

18 (a) Whenever there is an incident involving the
19 transportation of hazardous materials reportable to the Public
20 Utility Commission, the person responsible for its
21 transportation, manufacture, use, disposal or storage shall give
22 immediate notification of it to the emergency management agency
23 of the county and the police and fire authorities of the
24 municipality within which the incident has occurred. Those
25 agencies shall be informed of the complete nature of the
26 incident and the threat that may exist or could exist to
27 personnel or residents. The individual responsible for
28 notification of the Public Utility Commission shall be the
29 person responsible for notification of the emergency management
30 agency of the county and the municipal authorities. The

1 representative of the Public Utility Commission receiving the
2 notification shall determine whether the county and municipal
3 authorities have been properly notified.

4 (b) Whenever there is an incident involving the
5 transportation, manufacture, use, disposal or storage of
6 hazardous materials other than that provided for in subsection
7 (a), the person on the scene responsible for its transportation,
8 manufacture, use, disposal or storage shall immediately notify
9 the county emergency management agency and the fire and police
10 authorities of the municipality in which the incident occurs.
11 Those agencies shall be informed of the exact nature of the
12 incident and, if possible, the extent of danger to personnel and
13 residents or other which does or may eventually exist.

14 Section 5. Availability of information.

15 The Pennsylvania Emergency Management Agency shall provide to
16 all county emergency management agencies, political subdivisions
17 and regional offices information concerning hazardous materials.
18 The information shall include an exact description of the
19 composition of the various hazardous materials, their threat to
20 life and property and known ways to neutralize, disperse,
21 contain, and handle them in the event of an incident that
22 threatens life or property. The information shall be available
23 on a regular basis through the council and regional civil
24 defense offices.

25 Section 6. Right to act in emergencies.

26 Whenever it is determined that a serious threat to life or
27 property exists in an incident involving the transportation,
28 manufacture, use, disposal or storage of hazardous materials, a
29 "hazardous materials emergency" shall be deemed to exist.
30 Emergency personnel of the county emergency management agency or

1 municipal fire authorities may then order such action as is
2 necessary to reduce or eliminate the threat. Such authorities
3 shall be immune from civil liability for any action by the
4 shipper, or storage container owner for actions carried out
5 pursuant to this section.

6 Section 7. Site management and coordination.

7 Whenever there is an incident provided for in this act and
8 emergency personnel are at the site the coordination of the
9 local organization of the municipality in which the incident has
10 occurred shall be the person-in-charge of the scene. He or said
11 designee, in addition to the normal discharge of his functions,
12 shall be responsible for the coordination of personnel,
13 equipment and supplies of all emergency units and personnel
14 responding to the incident.

15 Section 8. Penalty.

16 Any person who is involved in the transportation,
17 manufacture, use, disposal or storage of any hazardous material
18 and who fails to comply with any of the provisions of this act,
19 shall commit a misdemeanor of the third degree and upon
20 conviction thereof shall be sentenced to pay a fine not
21 exceeding \$5,000 and undergo imprisonment not exceeding six
22 months.

23 Section 9. Effective date.

24 This act shall take effect in 60 days.