TRANSPORTATION CODE OF PRACTICE

PART 3. EMERGENCY RESPONSE

Each member company shall have an up-to-date and operational transportation emergency response plan which:

- identifies the hazards associated with the transportation of the company's chemicals and chemical products
- identifies means for dealing with the hazards whether to people or the environment, and indicates ways of containing and cleaning up the release
- identifies emergency response resources whether in-house, through a mutual-aid plan such as TEAP or from a contractor
- provides technical advisors to handle all informational aspects of an accident involving the company's chemicals or chemical products including media relations
- provides specialized equipment and materials required for responding to an accident
- provides assistance, through the association, in training first responders along the transportation corridors
- provides for cooperation with government or other agencies at the accident scene
- is sensitive to and provides for evaluation with appropriate authorities of the need for immediate and short term assistance for persons who are dislocated by a transportation accident.

TRANSPORTATION CODE OF PRACTICE

PART 3. EMERGENCY RESPONSE

Note: Many of the requirements of this section of the transportation code are covered in detail by the CCPA's seminar on the Transportation Emergency Assistance Plan (TEAP). This section therefore provides a brief overview of TEAP and its planning requirements, together with a more detailed explanation of those aspects which are new under the code: training of first responders, and guidelines of assistance to persons dislocated by a transportation accident. For more information or other aspects of emergency response, please contact the CCPA or a member of the TEAP committee.

3.1 PLANNING NEEDS FOR TEAP TECHNICAL ADVISORS

The following notes are reproduced from the CCPA training video for technical advisors involved in transportation emergency response through TEAP

1. Introduction

This program is one of a series produced by the Canadian Chemical Producers Association as a training aid for emergency response personnel in their member companies. It is primarily intended for persons who are technical advisors in their company emergency response organizations and are required to respond to an emergency as a member of the chemical industries transportation emergency assistance plan ... TEAP.

A transportation emergency exists when a dangerous substance escapes or threatens to escape from a transportation container putting people, property or the environment at risk. In case of an emergency involving its shipment, a chemical company has an obligation to provide all needed assistance to the authorities on the scene to prevent injury or damage, not only to persons in the area, but to the reputation of the company and the entire chemical industry.

2. TEAP

TEAP is a mutual aid plan for member companies of the Canadian Chemical Producers Association, to provide prompt on-scene assistance in the event of a transportation emergency. Although the individual companies each have their own or contract response teams, they may be located some distance from the scene of an incident. The TEAP network enables a response team from a member company nearer the scene to reach the scene more quickly, to provide advice and assistance until their own response team arrives on scene. The

responding TEAP team operates under the direction of a technical advisor from the requesting company.

Each member company has a copy of the TEAP Agreement, and the TEAP operating procedures, and they should be reviewed as part of the training of any emergency response personnel.

In this program we deal with the elements of a good emergency plan, and the planning that is required to prepare a company, and particularly the technical advisors representing that company, to use the TEAP organization in responding to an emergency.

3. Company Emergency Response Organizations

Any company shipping hazardous materials should have an emergency response organization capable of handling any emergency involving the chemical. A company's emergency response organization has several responsibilities. It must protect life, property and the environment, as well as the company's business and reputation. Every incident must be handled professionally.

Everyone in a chemical company, whether or not they are formally involved in the emergency response system, has a role to play in preventing transportation incidents. Some companies find that up to one-third of their transportation incidents could have been prevented with proper maintenance of containers, pre-shipment inspection and the proper training of personnel handling the material. Prevention is a key first step in handling emergencies.

However, despite an on-going program of accident prevention, mishaps can occur....resulting in the need for an emergency response plan.

4. Requirements of Emergency Response Organizations

In setting up an emergency reponse program, each company has several factors to consider. They include such things as the size of the company, the products shipped, how they are handled, the kind of containers, the distance shipped, manpower skills available and the geographical distribution of the company.

No matter how small, every emergency organization must fill these basic requirements:

- a 24 hour phone contact and communications system, so that the company may be contacted in the event of an emergency;

- skilled, trained personnel to receive the initial call, gather information about the incident, provide advice to personnel at the scene, assess the situation, and make decisions in a disciplined manner as to what is required to handle the incident successfully. In some company plans, this role is often filled by the person who ultimately becomes the technical advisor on the scene with the TEAP team.

- detailed technical information on the chemicals handled;

- someone to direct the overall handling of the incident, and make sure that all required actions are taken, needed resources are made available, and all necessary communications made, both within and outside the company;

- a response unit to go to the scene of the incident if necessary, to assist the authorities in the safe and effective handling of the emergency. This response unit must be well trained and equipped, and must be capable of contacting the home base whenever needed to get information, assistance and resources, through a home coordinator.

Under the TEAP plan, a team from a TEAP regional response centre can fill the role of on-scene response unit for member companies **for up to 24 hours.** By then, they are to be relieved by the company's own team, or a replacement team arranged by the company.

- when TEAP is used, the company also must have in its emergency response organization technical advisors, who get to the scene within 6 hours, and work with the TEAP team and the authorities, providing the needed technical information on the product involved. A home coordinator must also be available whenever a technical advisor is in the field.

In many cases, several of these roles may be carried out by the same person. For example, the person carrying out overall coordination of the emergency actions of the company may also act as home coordinator.

It is essential that the company organization is detailed in a written plan. The plan will include up-to-date lists of contacts within and outside the company. It will provide for setting up an effective communications system. It will include names of designated technical advisors, home coordinators, response unit members and personnel to coordinate the overall handling of the emergency. It will cover how to get aid from company resource personnel. It will describe how and

when to notify management and make other necessary communications, and activate the emergency plan, including.the authority to use TEAP.

Remember, at the time of a chemical transportation emergency, the satisfactory handling of the incident must be a top priority within the company.

For an emergency response organization to work properly, everything must be planned, and the people must be properly trained. To use TEAP properly, a company's planning must cover two areas. First, the company must establish its emergency response program, and second, its technical advisors must be fully prepared for their role.

5. The Technical Advisor

The duties of the technical advisor are spelled out in the TEAP agreement which every member company signs. He must get to the emergency scene within six hours to work with the TEAP team and provide specialized knowlege on his products. He must provide any specialized equipment which the TEAP team won't have, and he will act as his company's representative and spokesman on the scene. He maintains an ongoing link with his company home base through his home coordinator, and keeps detailed records of events at the scene.

Because of his special knowledge of his company's chemicals, he plays a special role in on-site safety. He must ensure that the TEAP team members and others on the scene protect themselves against the health and safety hazards of his product. He must be prepared to stay on the scene until the TEAP team is relieved by a team provided by his company, and usually coordinates the takeover by the relieving team. Finally, he assists in the preparation of the final report and critique of the incident.

To carry out this role effectively, the technical advisor must have a thorough knowledge of his emergency response plan. He must know how to obtain resources and assistance, needed equipment and supplies, and all necessary technical product information. A copy of the plan should be not only at his office, but at his home as well. In addition, he must have planned fully the actions he must take to respond quickly - assemble his information and equipment package, travel plans, record keeping gear, and most important, alerting his home coordinator to stand by. He must be ready to depart for an emergency scene quickly, either from his office or his home.

6. Preparing For Handling Emergencies

Let's take a closer look at the role of a technical advisor, and how he can prepare for the job.

When the technical advisor responds to an incident, he is there as the representative of his company. He must be capable of bringing the entire strength of his company to bear on the emergency. The technical advisor needs the help of the many resources in his company to give him the information and support he may need. This he obtains through the communication link he establishes with his home coordinator. The home coordinator must be available at any time to contact specialists within the company, and get the help or supplies the technical advisor needs at the scene. For example the home coordinator can arrange for help from such specialists as medical, public relations, environmental, logistics or legal personnel. During an emergency, any of the company's expertise should be available to help solve the on-site problems, or protect the company's interests.

The technical advisor must be ready to depart quickly to the scene of an incident at any time, so his planning must include gathering appropriate travel information. This could include detailed maps and a road atlas, flight schedules, and plans for car and aircraft rental, with some way to arrange payment.

He must also have ready access at all times to his personal travel kit, which should include his technical information package, personal protective equipment, specialized equipment for dealing with his product, record keeping equipment and his personal requirements.

The product information package must be sufficiently detailed to provide answers to any questions which might arise on the scene. It should include physical properties and health effects of the products involved, with information on the proper personal protective equipment; first aid or medical procedures, provided by the company physician, and some way of determining limits of any required evacuation. Other information might include details of the shipping containers, emergency kits, spill containment and transfer procedures, neutralization and decontamination requirements.

It should also include phone lists including all in-company emergency response numbers, particularly that of the home coordinator. Other useful numbers would be TEAP contacts, suppliers of neutralizing chemicals, carriers, cleanup contractors and civil authorities. Of course, the phone list must be kept up-to-date.

The technical advisor is expected to take his personal protective equipment, but major items such as self contained breathing apparatus (SCBA) and total encapsulating suits will be provided by the TEAP team at the scene.

Because he is the product expert, he is also required to provide any special equipment needed to deal with his product, if this is not already on the TEAP equipment list. This list can be found in the TEAP Agreement. Special equipment needed could include analytical and safety equipment, as well as equipment for sealing and transfer. Of course, these latter items may be too large for the technical advisor to take with him. If so, arrangements will have to be made to get them to the scene as quickly as possible.

The technical advisor must be completely familiar with the equipment he takes and that which he must use to protect himself and others, and to handle the emergency. Training and drills in any equipment which might be required are vital - such as SCBAs, analytical equipment or emergency patching kits. And a knowledge of how to decontaminate equipment exposed to the product is essential. These skills come only with practice and hands-on training.

For record keeping at the scene, the technical advisor should have notebooks and pens or pencils, and possibly cameras with spare film and batteries if needed, and a tape recorder with spare cassettes and batteries. On the scene, he'll want to keep an accurate record of all events, to permit an accurate final report and critique of the incident. A taped commentary, backed up with notes and pictures recording communications, decisions and actions, will be invaluable.

Good records may be required for legal and insurance purposes as well, so such items as names, times, events, decisions, action and results should be recorded.

And finally the technical advisor's personal travel kit, including spare clothing, toiletries and health care items, particulary any personal medication required, and perhaps a snack or soft drink. Don't overlook the need for cash or credit cards to purchase needed materials and services, pay for food, car rental and accommodation. He may have to work for many hours without a break, and should be prepared for rough conditions, chemical exposure and inclement weather, although as a member of the TEAP team, he'll be able to make use of their resources.

7. Communications

Throughout the emergency, and particularly at the scene, one of the principal roles of the technical advisor will be to communicate with everyone involved in the incident. He will be in regular contact with the home coordinator, and they should set up a schedule of contact times as soon as possible after he is established at the emergency site. He will work with the TEAP team leader, the person in charge at the scene, others on the scene, and the media. He must ensure that his communications are clear, and that responsibilities and action plans are understood by all involved. To achieve this, planning and practice is necessary.

Working with the media is often particularly difficult for technical people and the technical advisor should receive some training to be sure that he handles himself in a suitable manner. He has the responsibility of representing his company on the scene as his company's spokesperson, and of carrying out all public relations activities with respect to his company and the products involved. Guidance in proper media relations is an essential part of the technical advisor's preparation for his job.

And when the technical advisor's own company response team, or a contractor retained by his company, arrives to relieve the TEAP team within 24 hours, as required by the TEAP agreement, the technical advisor will coordinate the handover. He must make sure that all appropriate information is exchanged, and that the proper contacts are made before he leaves the scene. TEAP strongly recommends that when working with an ER contractor, companies arrange to have a technical advisor with them at all times, just as they do with a TEAP team, to represent the company and make sure the properties of the product are fully understood, and the necessary protective measures taken.

8. Summary

So in summary, planning is essential in making sure that the company, and its technical advisor, are completely ready to handle their products in transportation emergencies.

The company must set up a well defined fully trained emergency response organization with written plan including phone contact and communications network:

- trained personnel to advise and assess, and to direct the handling of the incident;

- technical advisors to work with the TEAP team, constantly backed by a home coordinator;

- and a backup team to relieve the TEAP team at the scene within 24 hours.

The technical advisor must know his products, and be prepared to get to the scene within six hours, to work as technical director of the TEAP team.

He must make plans to expedite his travel:

- have his information package and special equipment ready to go;

- work with his home coordinator and resource personnel from his company and elsewhere;

- and be prepared to stay on the scene until relieved by his company's backup team.

During his stretch on the scene, he must be prepared to be his company's spokesperson with all on the scene including the media; and he must be prepared to keep accurate detailed records for later reporting and appraisal.

The role of the technical advisor is a demanding one, and as in all aspects of emergency response, planning and training, and regular follow-up and checking are necessary to be sure that he, and his company, are ready when the call comes.

This program is one of a series designed as a training aid for technical advisors who may respond to an emergency as a member of the chemical industry's Transportation Emergency Assistance Plan - TEAP.

3.2 TEAP IN BRIEF

1. **What is TEAP and what does it do?**

   - Mutual aid chemical emergency response system for TEAP members.

   - Eleven (Nov. 1987) regional response centres (RRC) across Canada.

   - On request from a TEAP member, RRCs provide a TEAP team for 24 hours to contain emergencies involving the requesting member's chemicals.

   - TEAP teams try to reach emergency scene in 6 hours, stay 24.

   - requesting members indemnify RRCs. TEAP provides 3rd party liability and D&D insurance.

2. **Who can be member of TEAP?**

   - CCPA members, subsidiaries and associated companies. Most CCPA members have joined.

   - Other associations, etc. if they can meet requirements.

   Remember:

   Legally, only members can request the RRCs to send a team for their chemical emergency.

   However, circumstances may govern. "Good Samaritan" protection may help.

3. **Who can members ask for help?**

   - Any appropriate RRC.

   - Any other appropriate TEAP member location. This member does not have to respond and may refuse. If he responds, he becomes a responding member under the contract, and his team becomes a TEAP team, with legal protection.

4. **What must a requesting member do?**

Before the incident:

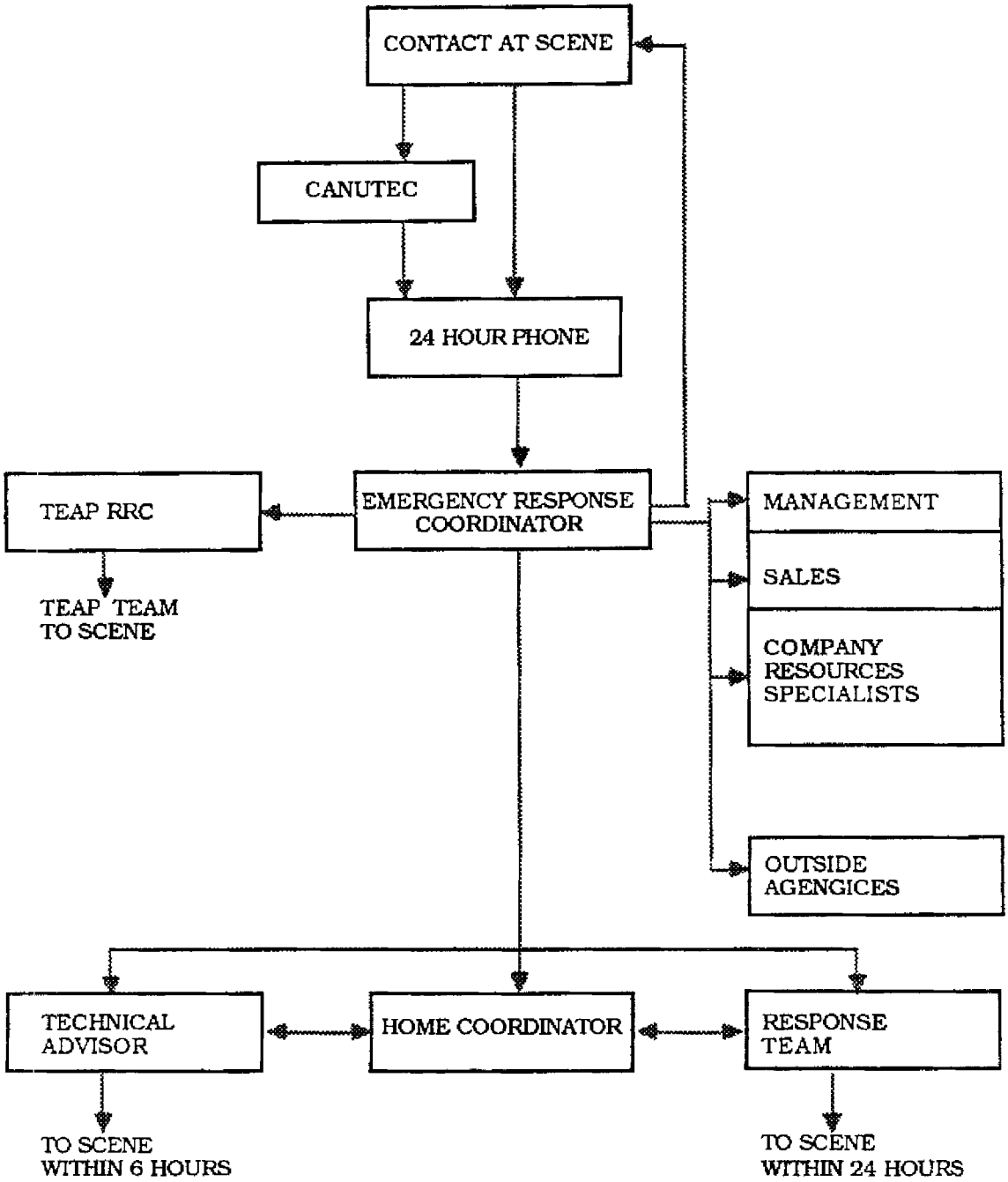
- Sign TEAP Agreement, indemnifying responding members, agreeing with terms.
- Provide a 24 hour number
- Set up his ER plan and organization

During an incident:

- Call RRC nearest emergency, and request help, (or in rare cases, another member).
- Provide technical details on chemical involved. Confirm by telex or telegram within 24 hours.
- Provide a technical advisor on scene in 6 hours to work with TEAP team, with personal protective equipment.
- Provide a team to replace TEAP team on scene within 24 hours, with any special emergency equipment
- Conclude emergency handling and cleanup
- Pay responding member according to fee schedule. (at present $100/man hour portal to portal expenses)

See the TEAP Agreement and Procedures Handbook for more details

SINGLE LOCATION COMPANY BASIC ORGANIZATON
(Initial series of Calls)



PLANNING THE ER ORGANIZATION

Each emergency response system has to be tailored to suit the particularities of a company. The following factors have to be evaluated in the definition of an efficient transportation emergency response system:

- the chemicals handled and their quantity.
- the size, the type of packages and the area served.
- the distance shipped.
- does the company have its own transportation vehicles?
- the company size, the number of locations, the size of the work force.
- how many plants, warehouses and sales offices?
- what are your employee skills?
- what are resources available?
- do you have associated companies?
- what is your emergency response policy?
- look at history of incidents.

3.3 GUIDELINES FOR ASSISTANCE IN TRAINING FIRST RESPONDERS ALONG TRANSPORTATION CORRIDORS

Under Part 3 of the transportation code, companies are to include in their emergency response plans the provision for assistance in training first responders along transportation corridors.

As the code indicates, this assistance will probably be requested is part of a program organized by the association, as outlined in the section of this manual dealing with awareness. Meanwhile, the following guidelines are provided for companies which are interested in preparing for this, or which are planning to contact responders on their own initiative as a part of their emergency response/awareness activities.

Most of this training is likely to be for fire department personnel, since these are the front line of response and are expected to deal with initial rescue and damage control at the scene. They must also be able to assess rapidly the risk to their own personal safety, probably before even approaching close to the incident.

Fire departments vary greatly in their knowledge and experience. In rural areas they may consist entirely of volunteers, with a minimum of training on handling emergencies involving dangerous goods. In other areas there may be full-time professional firemen with a strong background in conventional fire fighting, but little technical knowledge in the properties and handling of dangerous goods. In large metropolitan areas there will often be specialists who do have this training, but these provide support to local fire teams and are rarely on the scene in the initial response. Since even such full-time specialists rarely have the same depth of experience with a particular dangerous material as do those from the company which manufactures it, they also often appreciate the offer of additional training by company experts.

Regardless of the type of fire department involved and the degree of knowledge already present, there are essentially four levels of assistance which a company can provide.

These levels are as follows:

1. **Provide a Contact Person**

   At the most basic level, the company provides the fire department with the name and number of a contact person who will answer any questions they may have on the company's products. This is best done

by the contact person directly, either in writing or, better still, by phone with follow-up in writing or by personal visit. Any useful informative materials can also be provided.

This step involves little effort, but can be a great help in opening up communications. It is easy to apply over a wide area, and fire departments thus contacted feel they have someone they can turn to for advice if they need further help.

2. **Provide a Referral Service**

From step 1 a fire department knows who to ask for advice on the company's products, but this is all. Materials from other companies or industries can still pose problems. Certainly when an incident occurs it is possible to call the number on the shipping papers for advice, but this is not practical for preparedness training.

A company contact person, however, probably already knows his (or her) opposite numbers in many other companies. Even if he doesn't, he can quickly find out with a few calls.

At this level, then, the company contact person informs the fire department concerned that he will not only provide information on his own company's products or raw materials, but will also help by finding contacts for other materials on request. This service ("if you want to know about anything else involving dangerous goods, just give me a call - if I don't know I'll find you someone who does") can be a real help to responders, especially in rural areas, and it can be a great help in building a network among the participants. Note that for emergency responders this service should go beyond that which the CCPA is about to provide for the public. Here the original contact should try to locate an appropriate technical expert, and put the two parties in touch with one another.

3. **Provide a Trainer**

The previous steps involve contact by phone or in writing, with possible personal visits on a one-on-one basis. This step involves supplying a person or team which actually visits responders for the purpose of providing training.

The training may include classroom teaching, use of printed materials or videos, demonstrations or hands-on training using company-owned equipment or materials. If the company has an emergency response vehicle with specialized equipment, this will be a feature for possible inclusion in such programs. So also will any training aids available through the company's contacts with the industry and other

organizations, including the CCPA. Training exercises can often serve a dual purpose, where employees who were due for a refresher exercise on response equipment simply hold the exercise off-site, and demonstrate the techniques to others at the same time as they renew their own knowledge.

4. **Provide Training Facilities**

Some companies have facilities on their property where company personnel are trained in fighting fires, use of emergency equipment, patching, spill control and handling of dangerous materials. They may not realize how much responders would appreciate the chance to train with these facilities.

The operation of joint training exercises for industry personnel (often from several companies) and responders can bring many benefits. First, each gets an opportunity to contribute and to learn more than is likely if only one organization alone is involved. Secondly, each gains a greater understanding and respect for the abilities and concerns of the other when responding to an incident. Third, all those involved get to know one another on a personal basis. This means that if they actually meet later at the scene of an incident, they are likely to work as a team from the outset and inter-group friction will be minimized. Finally, such exercises provide an opportunity to communicate with the public via the news media, both to demonstrate the measures being taken for greater protection of public safety and also to communicate any plans for that protection during response to an emergency.

As mentioned earlier, most of the training of first responders is likely to refer to fire departments because of their responsibility during an incident. The same principles, however, apply to training of other responders such as police, ambulance and emergency medical personnel. Certainly the initial offer of assistance should be made to each, so that these will know that help is available if needed.

Whatever the problems which occur during an emergency, most become much easier to handle with good communication between the parties involved, especially those at the scene. In fact communication - or rather the lack of it - can be the greatest single source of frustration for those faced with the difficult job of emergency response, and it is here that assistance in the training of first responders can bring the greatest rewards. Once those involved know each other personally, once they have worked together and trained together, they are able to act not as members of separate organizations but as a team with a common goal. This may not change the size of the emergency - but it certainly makes the job of responding to it a lot easier!

3.4 GUIDELINES FOR ASSISTANCE TO PERSONS DISLOCATED BY A TRANSPORTATION ACCIDENT

One of the requirements of the transportation code is that each member company shall have an up to date and operational transportation emergency response plan which is "sensitive to and provides for evaluation with appropriate authorities of the need for immediate and short term assistance for persons who are dislocated by a transportation accident".

Since this requirement is new and goes beyond the typical company emergency response plans of the past, the following guidelines are provided as an aid for this step.

1. **The provision of emergency welfare assistance is the direct responsibility of the local authority for the area concerned.**

   The community is required to look after the people within its boundaries when emergencies occur. It is also the local authority which decides when an emergency exists, and issues the public declaration of this. Although volunteer agencies frequently provide many of the emergency services which are needed, the coordination of these efforts also falls under the local authority concerned. Any company action should therefore be placed under this coordination and should not be an independent effort.

2. **Plans don't always work as they should.**

   Ideally, the local authorities take care of everyone dislocated by a transportation accident, and company responders can concentrate on providing assistance to the fire department and environmental clean up. This will be the case in the great majority of responses.

   Occasionally, however, things don't work out that way. For example, consider an apartment fire which occurred in a major Canadian city last winter. The social welfare agent went to the scene on call, but for some reason decided that there was no need to help and went home again (she was later fired). The victims, many of whom had been forced to flee in nightwear and without possessions or money, had to be helped by neighbours or friends. They didn't have much time for decision making either, because this was winter and the heated buses which are normally sent to the scene for immediate shelter had not

been requested by the social welfare agent. The next day the newspapers revealed that one man was taken straight to the hospital by a bystander with a car because he had injured his ankles when jumping from the building. When the hospital discharged him on crutches in the middle of the night, he hobbled in his socks back to the area where he lived to find someone to stay with, because he had no money at all and couldn't get a cab!

Now this was not a transportation accident, and the wrath of the media was directed at the city's emergency welfare system and its shortcomings. One can well imagine, however, the potential media coverage if the incident had been caused by an accident involving chemicals from a large corporation. To argue that the community and not the company should be responsible for dislocated victims may be true, but the public perception can easily be different.

3. **Be aware of potential needs and check the actual situation.**

It makes good sense to be alert to the general situation during an emergency, rather than restricting attention to the actual material release (unless this is so serious that there is no time for anything else.) Anticipating the needs of victims and dislocated persons makes it easier to check and assess how well the response is coping, and whether additional help is needed.

Company involvement in emergency welfare is more likely to be useful in smaller incidents than in major disasters. This is because a large-scale incident will almost certainly involve regional or provincial assistance and at this level planning and preparedness are well-developed. Local incidents can easily cause hardship to dislocated persons if no serious planning has taken place, such plans that do exist are untested or out of date, or key people are unavailable when the incident happens.

Typical needs are given below.

Victims

Rescue, first aid, transportation and emergency health care of victims is generally well covered by emergency services even where other aspects of response planning are not sufficient. However, follow-up (as in the example of the apartment fire referred to above) and assistance to relatives of victims may be overlooked and should be considered along with dislocated persons.

Dislocated Persons

Depending on the weather, location and circumstances, typical needs are:

a) Immediate transportation to move people and possibly some possessions from the affected zone.

b) Shelter capable of providing basic living accommodation until other arrangements can be made. This basic shelter may be simply a hall, but should be heated and equipped with washroom (and possibly kitchen) facilities.

c) Clothing for persons evacuated without suitable clothes or footwear for the prevailing weather.

d) Food, including special dietary requirements.

e) Medication for those who have left critical supplies behind.

f) Provision for care of livestock, including pets, and farm animals. Note that pets are treated so seriously by some people that they will refuse to evacuate or will re-enter a hazard zone for them.

g) Communication with other family members, friends, other evacuees in different reception centres, employers, etc. (For this it is necessary to know who has been evacuated, where they were sent and where they actually went).

h) Transportation after the incident. This need occurs where people have left their cars behind but need to get to work the next day or even on a night shift.

i) Cash for immediate and short-term out-of-pocket expenses.

j) Special needs for the handicapped.

k) Repairs to facilities damaged during the incident but usable with minor work.

l) Security to protect property in the evacuated area.

m) Return of people to their original locations once this is safe.

Responders

In addition to assisting victims and dislocated persons, consideration should be given to helping responders who have out-of-the-pocket expenses or needs. Much of this may already be included in company response plans. If not, the headings above will serve as a guide.

Note: It should not be necessary to provide assistance for public-owned institutions and facilities, or for persons not directly involved in an evacuation except for those helping with the response.

4. Liability for the incident itself is not affected by subsequent action.

Companies responding to emergencies have sometimes been reluctant to get involved in assistance to victims and dislocated persons because they fear that this may imply that they are accepting responsibility, and hence liability , for the incident itself. This reluctance is one of the reasons why media portrayal of chemical companies often shows them as closed organizations lacking in human compassion.

The actual liability for an incident, however, depends on the facts in existence at the time it originally occurred. These facts are not affected by subsequent actions.

Nevertheless, it is true that if further injury, loss or damage results from negligent acts occurring after the initial incident, the negligent party can be held liable for the additional damage. In any case the risk of liability for negligent actions while assisting should not be viewed in isolation, but should be compared with the potential for serious damage to public perception of the company if it refuses to act when faced with obvious human suffering.

Two further points are important in this regard.

The first is that the company can now make clear it is responding in accordance with the industry's code of ethics, rather than to a sense of obligation for the particular incident. This point should be freely communicated to the dislocated persons involved, local officials, the news media and the general public.

The second point is that any assistance provided is given <u>without prejudice to either party</u>. This means that neither the company nor those accepting assistance are giving up any legal rights or obligations by their actions. This is important, and should be set out clearly in any

provided hand out material, press kit, etc. to avoid misunderstanding. If it is not done, there will be some who regard any humanitarian offer by the company as a trick to buy them off cheaply and avoid full responsibility, and they will view offers of help with extreme suspicion. Clear protection of the rights of both parties can go a long way to open communication between those involved, and can greatly influence public perception of the company's concern and desire to help.

5. **Work with the appropriate authorities**

Not only is this necessary because of the responsibilities and coordination referred to under (1) above , it is also likely to be easier to administer than an independent effort. The local authorities will be more familiar with what is available and how to get to it than will company responders, unless they are also from the same community. This means that what is needed is likely to be the awareness to see that needs are being met, and the willingness to provide mostly financial guarantees to cover those essential short-term needs which are not otherwise covered.

6. **Prepare by planning well in advance**

Attempting to provide emergency assistance without a good plan is difficult and can easily be counterproductive. This is because it is rarely easy to establish clear points at which eligibility for assistance reaches its limit. Once aid is started it cannot be extended without any limit, yet limits which are chosen must be recognisable, defined and, above all, consistent during a given incident or situation. In rejecting applicants out-of-hand or inconsistently a company can unwittingly create a perception of unfairness which can outweigh the good effects of the initial intent.

a) Involve insurers

When planning for emergency assistance, the company's insurers should be included in the discussion at an early stage. They may be able to offer useful advice, and in any case should be kept aware of anything which could prejudice any coverage. Insurers may also be prepared to send an adjuster to the scene when an incident happens. This can be a great help but it is essential that the insurance company and the adjuster are fully aware that the company must at all times be seen to display a sensitivity to public inconvenience.

b) Arrange credit rather than cash

Although some cash may be necessary it is preferable to arrange credit where possible because it is much easier to administer and less prone to abuse.

With proper planning, credit can be used to arrange for many of the essential services, such as accommodation at motels or hotels, food, clothing and transportation. Some of these may require credit to be guaranteed by agreement with the management or supplier, but these will usually cooperate willingly and also provide supporting documentation when presenting invoices for later payment. Social or volunteer agencies are often able to provide services if they have credit arranged so that they can get enough supplies. Where these organizations do not work on a strict financial basis, a donation can be arranged to cover the services after the event, since documentation for expenses, items issued and replenishment of emergency supplies is likely to be less complete than with business organizations.

Credit can also be used for medication (once arrangements have been made through appropriate authorities for clearance of prescriptions), for transport and care of livestock and for secure storage of salvageable possessions.

Emergency repairs to facilities to enable rapid re-use can sometimes be arranged fully on credit, though it may be better to arrange separate credit for supplies at wholesalers and for labour from local contractors. This is a potential area for abuse and may need provision for monitoring and audit.

c) Be ready with rapid reimbursement

Some persons (or suppliers of assistance) may have enough cash or credit for the initial period, but may require reimbursement within a few days rather than the standard corporate accounting period. Be prepared by having an arrangement to handle these claims promptly and deal with incomplete documentation, disputes, etc., speedily and with a positive public image. Prompt acceptance of out-of-pocket costs incurred during an evacuation, such as payment on the following day, and rapid payment of qualified claims (within one to two days) can have a strong impact by defusing much of the tension of the incident before worries get a chance to build.

d) Arrange provision for cash payment on standby

When prompt reimbursement is made, bear in mind how the payees will be able to use the funds. For those with bank accounts payment by cheque may be sufficient. However, in some cases, such as on a weekend or in an isolated area, there may be problems in converting this into needed cash or useable credit. There may also be a need for cash where certain expenses cannot be arranged on credit or where persons have no bank account or credit availability. This requires a source of cash, a simple procedure to administer payments and keep track of funds paid out according to payee and purpose, and it also requires an ability to control the situation with a positive public image. Pre-planning for this should be done with the company, its insurer and its banker, so that a contingency procedure can be developed. Implementation of this on the scene will depend on the local authority, local financial institutions and circumstances when an incident occurs.

7. Other potential problems

So far these guidelines have focused on assistance to help dislocated persons when the local authority does not realize what problems are present or is unable to deal with them because of a lack of planning and resources.

Another potential problem, however, is over-reaction. This can occur when the local authority is excessively fearful of the possible risk and wants to evacuate a larger zone than is necessary. It can also occur where the authority considers that the company or its insurer has a bottomless pocket and should be prepared to compensate fully for all actions taken because of the incident, no matter whether these were justified for public safety or not. In addition, these same views and over-reactions can be displayed by individuals in their actions, quite apart from the attitude of the authority.

Over-reaction by individuals is easier to deal with since the local authority declaring the state of emergency will generally support the company's position about reasonable limits, and the on-the-spot assistance is therefore restricted to essentials in order that everyone can be taken care of. Any excess claim would then have to be submitted after the incident is over, and dealt with in the usual way. Over-reaction by the authority presents a more difficult problem. Close contact with other experts at the scene and group assessment of the risk may help to avoid this, but if the authority is determined the company should state its objection in the presence of reliable witnesses, then

continue to do its best in the situation as it develops. The importance of keeping a log of the incident is especially relevant here.

8. Keep records

Standard procedure for responding to emergencies should include keeping a record of the events as they occur and the decisions which are made. Full discussion of this is outside the present scope, but for the purpose of emergency assistance it should include, by time and persons involved:

Records of any decision to evacuate or protect the population, indicating the authority for decisions taken, the area affected and the reason why this area was determined.

If emergency assistance is needed, items listed under Section 3 above should be identified as appropriate, any measures being taken by others should be noted, additional needs and company offers of assistance should be recorded indicating where these were accepted or rejected. Measures taken to reduce the extent of damages and remove valuables from private or public property to secure storage should also be noted.

As claims are paid or funds are disbursed, supporting documentation should be identified showing name of payee and purpose, and these records should be preserved.

The actions taken during an emergency may be considered in the courts, often many years after the incident occurred. Expenses incurred may then be claimed from these who were at fault, including the cost of providing emergency assistance. Written records such as a log book of the incident and supporting documentation are invaluable in this process. The background for the evacuation (forced or voluntary) and the decisions taken for public protection and assistance are particularly important here.

The cost of providing emergency assistance to dislocated persons is unlikely to be very large for the great majority of transportation accidents since major disasters will generally be handled by assistance from the regional, provincial and possible federal authorities.

The public perception of the company, and of the industry as a whole, can be greatly influenced by the attitude of its representatives on the scene. Sensitivity to the needs of dislocated persons, cooperation with the authorities and a willingness to come forward and help when help is needed - none of these will eliminate the incident itself. But they can make a tremendous difference in the way people feel and talk about it, and in the way they feel and talk about the company, for years after the event is over.