

This rule was filed as 20 NMAC 4.4

TITLE 20 ENVIRONMENTAL PROTECTION
CHAPTER 4 HAZARDOUS WASTE
PART 4 HAZARDOUS MATERIALS ACCIDENT RESPONSE TRAINING

20.4.4.1 ISSUING AGENCY: Hazardous Materials Safety Board.
[10/15/96; 20.4.4.1 NMAC - Rn, 20 NMAC 4.4.I.100, Recompiled 11/27/01]

20.4.4.2 SCOPE: This Part applies to personnel of state agencies who participate as trainers or responders in hazardous material accident responses governed by the Emergency Management Act, NMSA 1978 Sections 74-4B-1 et seq.
[10/15/96; 20.4.4.2 NMAC - Rn, 20 NMAC 4.4.I.101, Recompiled 11/27/01]

20.4.4.3 STATUTORY AUTHORITY: This Part is adopted pursuant to the Emergency Management Act, NMSA 1978, Sections 74-4B-1 to 74-4B-14, specifically Section 74-4B-8(B).
[10/15/96; 20.4.4.3 NMAC - Rn, 20 NMAC 4.4.I.102, Recompiled 11/27/01]

20.4.4.4 DURATION: Permanent.
[10/15/96; 20.4.4.4 NMAC - Rn, 20 NMAC 4.4.I.103, Recompiled 11/27/01]

20.4.4.5 EFFECTIVE DATE: October 15, 1996. This Part amends and replaces the "Curriculum of Hazardous Material Accident Response Training and Certification Program", SP/HMER-2, filed February 5, 1991, as amended.
[10/15/96; 20.4.4.5 NMAC - Rn, 20 NMAC 4.4.I.104, Recompiled 11/27/01]

20.4.4.6 OBJECTIVE: This Part is intended to enable state agencies to assure that their respective employees comply with OSHA regulations for training and response to a hazardous materials incident. Courses approved by the Board will meet or exceed the requirements established by 29 CFR 1910.120 as interpreted by the Board. Additionally, the following standards may be used as described in detail in "The Guidelines for Public Sector Hazardous Materials Training" (guidelines) published by the Federal Emergency Management Agency ("FEMA"). Copies of the FEMA guidelines are available from FEMA or from the New Mexico Department of Public Safety, Emergency Management -- Planning and Coordination Bureau. The guidelines should be used during the review process when a more in-depth description of any given requirement is necessary.
[10/15/96; 20.4.4.6 NMAC - Rn, 20 NMAC 4.4.I.105, Recompiled 11/27/01]

20.4.4.7 DEFINITIONS: [RESERVED]

20.4.4.8 EMPLOYER REQUIREMENTS: It is the responsibility of employers whose employees are engaged in emergency response to comply with all requirements established under 29 CFR 1910.120. State employees who must respond as part of their duties to a hazardous materials incident must follow these guidelines where appropriate. The Board has developed these guidelines to assure that the State of New Mexico and its employees are in compliance. Local emergency responders (other than state employees) are strongly encouraged to attend these courses, but their respective employers must certify the responder's ability to meet the regulations.
[10/15/96; 20.4.4.8 NMAC - Rn, 20 NMAC 4.4.I.106, Recompiled 11/27/01]

20.4.4.9 INSTRUCTOR REQUIREMENTS: Instructors who teach any of the relevant subjects shall have good command of the subject matter of the course they are to teach. Additionally, they should have documented training and/or academic credentials and instructional experience necessary to demonstrate competent instruction.
[10/15/96; 20.4.4.9 NMAC - Rn, 20 NMAC 4.4.I.107, Recompiled 11/27/01]

20.4.4.10 to 20.4.4.199 [RESERVED]

20.4.4.200 COURSE REQUIREMENTS:
A. GENERAL REQUIREMENTS:

(1) All courses and the instructors of courses under this program will be sponsored by one or more of the following state agencies: Department of Public Safety Law Enforcement Academy, University of New Mexico Emergency Medical Services Academy, Firefighters Training Academy and others deemed appropriate by the Board. The sponsoring academy will screen both courses and trainers prior to submission to the Board. Additionally, the sponsoring Academy will ensure that this program is fully complied with.

(2) OSHA, 29 CFR 1910.120 defines the minimum number of hours at the operations, technician, specialist and incident commander levels. An effective hazardous materials response is based on the competency of the responders, not the number of their training hours. Hours listed for each of the categories is a suggested minimum and courses typically are longer to accommodate the curriculum or student needs.

(3) There are five different course levels. Individuals taking Board approved courses must meet the prerequisites listed before taking a higher level course.

B. LEVEL I - FIRST RESPONDER AWARENESS:

(1) Persons trained at this level are those likely to witness or discover a hazardous substance release and who have been trained to initiate an emergency response sequence by notifying the proper authorities of the release. Training must include instruction on the New Mexico Hazardous Materials Emergency Response Plan.

(2) Hours of attendance: Eight (8).

(3) Audience: Very broad; all who may first respond to hazardous materials incidents.

C. LEVEL II - FIRST RESPONDER OPERATIONS:

(1) Persons trained at this level are those whose duties include responding to the scene of emergencies that may involve hazardous materials. Training should contain appropriate subject matter which will allow individuals to respond safely to hazardous materials incidents as part of the initial response to the site for the purpose of protecting nearby persons, property, or the environment. Persons trained at this level will be able to respond in a defensive manner by taking appropriate actions.

(2) Hours of attendance: Twenty-four (24).

(3) Audience: Broad; all who may participate in initial operations at a hazardous materials incident.

(4) Prerequisite: Board approved Level I training.

D. LEVEL III - HAZARDOUS MATERIALS TECHNICIAN:

(1) This level of training is for personnel whose job duties require them to respond to releases or potential release of hazardous materials for the purpose of stopping the release.

(2) Hours of attendance: Eighty (80).

(3) Prerequisites: Board approved Level I and II training.

E. LEVEL IV - HAZARDOUS MATERIALS SPECIALISTS COURSES:

(1) This level of training is for individuals who respond to releases or potential releases to provide support to hazardous materials technicians. This training will contain appropriate subject matter which will allow the student to perform duties requiring a more direct or specific knowledge of the various substances or management techniques required during an emergency response.

(2) Hours of attendance: Varies depending on course content.

(3) Prerequisites: Board approved Levels I, II and III training.

F. LEVEL V - ON SCENE COMMANDER:

(1) This level of training is for persons whose job duties require them to assume control of the incident beyond the first responder awareness level. These courses must utilize the National Interagency Incident Management System Incident Command System to meet the executive order of the Governor of the State of New Mexico.

(2) Hours of attendance: Forty (40).

(3) Prerequisites: Board approved Levels I and II training.

[10/15/96; 20.4.4.200 NMAC - Rn, 20 NMAC 4.4.II.200-205, Recompiled 11/27/01]

HISTORY OF 20.4.4 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the commission of public records - state records center and archives.

SP/HMER - 2, Hazardous Materials Safety Board Curriculum Of Hazardous Materials Accident Response Training And Certification Program, 6/19/87.

SP/HMER - 2, Hazardous Materials Safety Board Curriculum Of Hazardous Material Accident Response Training And Certification Program, 7/13/90.

SP/HMER - 2, Hazardous Materials Safety Board Curriculum Of Hazardous Material Accident Response Training And Certification Program, 2/5/91.

History of Repealed Material: [RESERVED]