
A bit of confusion over terminology has resulted. Unlike the traditional incident management system, NIMS is a universal approach to emergency management, as opposed to an incident-specific structure. This brief discussion deals with the parameters of the traditional incident management system, which will be referred to as “incident command” for purposes of clarity.

The concept of incident command (more recently and commonly referred to as incident management) originated in the early 1970s, when a group of innovative California fire department and federal agency heads began working on a new system to organize, deploy, and care for the significant resources needed to fight big wildland fires. In many incidents before adoption of the Incident Command System (ICS), lack of interagency teamwork resulted in dangerous conditions and unsuitable distribution of resources. The managers noted several specific difficulties:

1. lack of communication due to incompatible radio codes;
2. no command system in place—every organization hinged on the personality of the leader in charge at any particular moment;
3. lack of common language—even when communication was achievable, errors arose;
4. resources not managed centrally—logistics was a result of luck; and
5. no clear designation of roles or how different functions related to one another.

ICS arose in response to these issues. ICS evolved into the commonly accepted way of integrating response to emergencies.

The accomplishments of the newly created ICS resulted in its being adopted by many players, including law enforcement, public health, public works, and the private sector. Emergency management groups also adopted the system and advocated in 2000 that all levels of government make use of it for response to events involving weapons of mass destruction (WMD). Credentialing bodies have unanimously embraced ICS as the pattern for integrating emergency response. Despite ICS’ established worth, however, not all emergency response groups have adopted it.
A further development, used so far only in California, is the Standardized Emergency Management System (SEMS). SEMS encompasses ICS, multi- and inter-agency coordination, mutual aid, and an operational area concept for flexible response to very large incidents. SEMS has been predicted to be the accepted standard for the future.

Use of ICS is required by both NFPA 1600 and NIMS. As mentioned above, the emergency manager is, therefore, obligated to ensure that it is utilized in emergency responses. OSHA’s Hazardous Waste and Emergency Response standard (HAZWOPER) has been in existence for over 20 years, so its mandates for use of ICS are valuable for the emergency manager thinking about how best to adopt ICS.

The HAZWOPER model requires all HAZMAT responses to make use of ICS. A good ICS contains the following attributes: modular organization, integrated communications, common terminology, a unified command structure, consolidated action plans, a manageable span of control, designated incident facilities, and comprehensive resource management.

HAZWOPER includes essential supplementary and very particular requirements for ICS. It requires that the senior emergency response official responding to an emergency becomes the individual in charge of site-specific ICS (henceforth “incident commander” or IC). The HAZWOPER model acknowledges that incidents change and that the person in charge may change as added assets arrive. One unfortunate feature of the September 11, 2001, attack in New York was the termination of the New York Fire Department’s incident command structure when the towers fell. A significant lesson learned from that calamity is the necessity to put in place back up command structures at terrorism responses. A defined command transfer process must be established well before an incident to avoid possible chaos and hazard to responders and the public.

The IC must categorize, to the extent possible, all hazardous substances or conditions at hand and address site analysis, use of engineering controls, maximum exposure limits, hazardous substance handling procedures, and use of any new technologies. The IC’s duties at this point consist of identifying the substance and controlling the hazard.

The IC must put into practice suitable emergency operations and ensure that the personal protective equipment (PPE) worn is appropriate for the hazards present, such as the particular requirements for breathing equipment. “[T]he number of emergency response personnel at the emergency site, in those areas of potential or actual exposure to incident or site hazards . . . [must be limited] to those who are actively performing emergency operations.”

The “buddy system” in twos or more must be used. This necessitates that one is available to observe and, if required, save the other. Back-up workers must be prepared to provide support or rescue. Advance emergency medical personnel must also be present with medical equipment and transportation.

Perhaps the most imperative obligation is naming a safety officer who is well-informed about operations at the emergency response location. He or she has the specific responsibility of identifying and evaluating hazards and providing direction regarding the safety of operations. The safety officer has the power to alter, suspend, or terminate those activities and must immediately inform the IC of any action required to rectify hazards at an emergency scene. Case law demonstrates that the safety officer must be an individual other than the IC.

The lessons learned over the past 20 plus years from use of ICS at HAZMAT scenes will be invaluable for implementation of the standard in the wake of NFPA 1600’s and NIMS’ requirements to do so.

ACKNOWLEDGMENT

This article was produced under a grant from the FEMA Higher Education Project.

William C. Nicholson, JD, Department of Criminal Justice, North Carolina Central University, Durham, North Carolina. This article is for information only and does not constitute legal advice. For legal advice, consult your own attorney.

REFERENCES

2. Id. at § 501 (5) The HS Act requires “[b]uilding a comprehensive incident management system with Federal, state, and local government personnel, agencies, and authorities, to respond to . . . [terrorist] attacks and disasters.”
4. Incident Command is a system that uses a “command” model, while incident management uses a “management” model. Paul M. Maniscalco & Hank T. Christen, Understanding Terrorism and Managing the Consequences 24 (2001). Experienced responder leaders, however, do not see a difference other than in terminology between the two. Scott Baltic, ICS For Everyone, 3 Homeland Preparedness Professional No. 1, 22 (January/February 2004).


7. Telephone Interview with Tracey Boatwright, Indiana State Fire Marshal (Apr. 24, 2002). Marshal Boatwright served on the Executive Board of the National Association of State Fire Marshals from 1995-2000, and was Secretary/Treasurer from 1999-2000. A long time paid and volunteer firefighter, Boatwright has been State Fire Marshal since 1993.


9. Id.


13. Id. “The goal of SEMS was to organize the response to any incident starting with the lowest level of resources and support required . . . SEMS incorporates . . . [the] Incident Command System. . . .” Id.

14. NFPA 1600 § 5.8.

15. NIMS at 1-2.

16. 29 C.F.R. § 1910.120(q)(3)(i) requires that during an emergency response the most senior emergency response official becomes the individual in charge of a site-specific Incident Command System (ICS). All emergency responders and their communications shall be coordinated and controlled through the individual in charge of the ICS assisted by the senior official present for each employer. Id. 17. See, e.g., William C. Nicholson, Beating the System to Death: A Case Study in Incident Command and Mutual Aid, 152 Fire Engineering at 128, 129-30 (Oct. 1999).

18. 29 C.F.R. § 1910.120(q)(3) requires these characteristics at all HAZMAT response sites.


20. Note to (q)(3)(i) specifies that the “senior official” at an emergency response is the most senior official on the site who has the responsibility for controlling the operations at the site. That person is the senior officer on the first-due piece of responding emergency apparatus to arrive on the incident scene. Id. More senior arriving officers (i.e., battalion chief, fire chief, state law enforcement official, site coordinator, etc.) assume the position, which is passed up the previously established line of authority. Id.


22. 29 C.F.R. § 1910.120(q)(3)(iii) requires personal protective equipment to “meet, at a minimum, the criteria contained in 29 CFR § 1910.156(e) when worn while performing fire fighting operations beyond the incipient stage for . . . [the] incident.”

23. 29 C.F.R. § 1910.120 (q)(3)(iv).

24. 29 C.F.R. § 1910.120(q)(3)(v).

25. 29 C.F.R. § 1910.120(q)(3)(v).


27. 29 C.F.R. § 1910.120(q)(3)(vii). “The individual in charge of the ISC shall designate a safety official, who is knowledgeable in the operations being implemented at the emergency response site. . . .”


29. See Victor Microwave, Inc., 1996 OSAHRC LEXIS 57, at *44-47. Failure to designate a separate safety officer was found to be a serious violation.
Journal of Emergency Management readers...

How often has this happened to you?

You read an article in *Journal of Emergency Management* a year ago...but you really need it today! And guess what? You can’t put your hands on that particular issue!

Well now you’re just a couple of mouse clicks away from having that “make a difference” article pop up on your screen. All you have to do is decide whether you want it on-line or in hard copy.

And you can do this at the special reader discount for any article published in *Journal of Emergency Management* over the last decade!

Simply go to [www.emergencymanagement.com](http://www.emergencymanagement.com) and leave the rest to us!

1:

Simply point your browser to [www.emergencymanagementjournal.com](http://www.emergencymanagementjournal.com)

2:

Click on the Abstracts link to view the online abstracts from over 10 years of articles.

3:

Select either a view-only pdf or have a hard copy of the article express shipped to you.

4:

Place your order using our secure ordering website. Your pdf will be delivered to your email box or your hardcopy will be shipped to your doorstep!

It all starts at [www.emergencymanagementjournal.com](http://www.emergencymanagementjournal.com)!