

LEPC PLANNING RESOURCE GUIDANCE

The Indiana Emergency Response Commission (IERC) requires through 13-25-2-10.6(b) that LEPC funds provided by that statute be used for hazardous materials planning only if the LEPC has received approval for the planning programs from the Commission.

The planning resource opportunities published in the LEPC Planning & Training Resource (LPTR) List are deemed by the IERC to be of sufficiently high quality to make them eligible for payment with IC 13-25-2-10.5 funds. The list of the approved vendors and the planning services provided is posted at <http://www.in.gov/dhs/2362.htm> under the heading of Information for LEPCs. The services are preceded by asterisks*.

This approval of services does not guarantee the efficacy of particular planning resources for particular vendors, and the IERC cannot be held responsible for particular planning service outcomes.

Note: The IERC advises that all planning projects that comply with annual LEPC funding requirements such as the development, implementation, and documentation of exercises and hazardous materials response plans must be pre-approved by the field representative. Additionally, it is recommended that all payments for projects occur after IERC approval is officially confirmed.

The types of hazardous materials planning services required under IC 13-25-2-10.6(b) include but are not limited to the following:

- Commodity Flow Studies
- Hazard Analyses—county-wide and/or state-wide
- Hazardous Materials Response Plans—development, review, update and revision
- Tabletop Exercises—facilitation/coordination of hazardous materials
- Emergency Response Drills associated with response plans—facilitation/coordination of hazardous materials

In order to be considered for planning contracts, a vendor must first gain approval from the IERC to be added to the list of LEPC planning resource service providers. All vendors (and LEPC members seeking contracts) must submit the following to **the IERC Policy/Technical Committee** for consideration:

- A formal letter from the vendor with a request for addition to the resource list
- The specific planning service(s) offered by the vendor to be added to the list
- The qualification(s) of the vendor for the specific planning service(s)
- Samples of the planning materials used and/or produced by the vendor

All proposed planning services must address hazardous materials awareness and/or response as defined under the Emergency Planning and Community Right-to-Know Act.

LEPC members seeking independent contracts with any LEPC must act as other vendors and first gain approval from the IERC to be added to the list of LEPC planning resource service providers. In addition to the required submissions above, these LEPC members must also comply with the following (*see footnote*)¹:

- Submit a uniform conflict of interest disclosure statement (IC 35-44-1-3)
- Adhere to the conflict of economic interest rules (IC 4-2-6-9)
- Follow the guidelines of the jurisdiction of the state ethics commission (IC 4-2-6-2.5)

The IERC solicits feedback from LEPC members regarding any training taken from the listed providers and will consider adding other training which is brought to the attention of the IERC or delisting providers or programs based on information provided by LEPCs.

Please submit a written request for you, your instructors and/or your services to be added to or removed from the LPTR list. The IERC will review your request and notify you of their decision. You, your instructors and/or your services will only be added to the list after the IERC has approved your request and sent you a confirmation.

Submit requests via hardcopy or electronic form to the IERC Policy/Technical Committee at Indiana Government Center South, 302 West Washington Street, Room E241, Indianapolis, IN 46204-2760 or SARATR2@dhs.IN.gov.

You may also direct your questions or comments to IERC staff at (317)719-5561 or SARATR2@dhs.IN.gov.

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- ¹ The Criminal code governing public employees, including the criminal conflict of interest code at IC 35-44.1-1-4. Under this law, in summary, it is a Class D felony if an LEPC member has a financial interest in or derives a profit from a contract or purchase with the member's LEPC. This law does not affect the LEPC member's ability to enter into a contract with another LEPC.
 - The State Ethics Code, including IC 4-2-6 and 42 IAC. Generally, LEPC members are prohibited under IC 4-2-6-10.5 from having a financial interest in a contract with a state agency. LEPCs are state agencies, and as used in this law, contracts include grant agreements. Therefore, LEPC members cannot enter into a contract with an LEPC, unless a list of conditions has first been met. These conditions are:
 - The LEPC member does not participate in or have official responsibility for any of the activities of the LEPC that the member intends to contract with.
 - The LEPC that wants to procure the services must have used a competitive bidding process to select the vendor/LEPC member. If the LEPC did not use a competitive bidding process to select a vendor, then the LEPC member who wanted to accept the contract award would be in violation of the State Ethics Code if they did enter into a contract for the work.
 - The LEPC member must file with the State Ethics Commission a statement making full disclosure of all related financial interests in the contract. (Completion and submission of State Form 53345, Uniform Conflict of Interest Ethics Disclosure Statement, satisfies this requirement)
 - The contract must be able to be performed without compromising the performance of the official duties and responsibilities of the LEPC member.
 - In the case of a contract for professional services (as defined in IC 23-1.5-1-11), the IERC must have first filed a written certification with the State Ethics Commission that no other state employee or special state appointee of that agency is available to perform those services as part of the regular duties of the state employee or special state appointee.