

Decree No. 36.957 of 10 July 1997

Regulates Law No. 11.368 of 17 May 1993, Which Provides for the Transport of Hazardous Products of Any Nature by Cargo Vehicles in the City of Sao Paulo.

Celso Pitta, Mayor of the City of Sao Paulo, by virtue of the authority vested in him, hereby decrees the following:

## Chapter I

### Preliminary Provision

Art. 1. Pursuant to Law No. 11.368 of 17 May 1993, notwithstanding the provisions contained in the specific laws relating to the matter, hazardous products shall be transported on the public roads of the City of Sao Paulo in accordance with the provisions established in this Decree.

Paragraph 1. For purposes of this Regulation, hazardous products shall be considered as being those listed in Ministry of Transport Administrative Decree No. 291 of 31 May 1988.

Paragraph 2. The specific regulations of the Ministry of the Army and the National Nuclear Energy Commission, respectively, shall be followed when transporting explosive products and radioactive substances.

## Chapter II

### Municipal Commission for the Transport of Hazardous Cargo

Art. 2. Operational and technical advising and consulting relating to the implementation and execution of the plans and programs provided for in this Decree and in the current law shall be undertaken by the Municipal Commission for the Transport of Hazardous Cargo (CMTCP).

Paragraph 1. The CMTCP will be permanently established pursuant to Administrative Decree of the Chairman of the Municipal Civil Defense Commission (COMDEC), and will consist of representatives of City Government agencies and entities and public and private entities with an interest in participating in its activities.

Paragraph 2. The Chairman of the COMDEC shall be responsible for coordinating the CMTCP.

Paragraph 3. Participation in the CMTCP shall be subject

to the appointment of one acting and one alternate representative by entity or agency.

Paragraph 4. Participation in the CMTCP by agencies and entities not associated with the City Government shall be voluntary in nature and they shall be excluded at the request of the interested parties or upon failure to attend 2 (two) meetings during the course of the year, to which they had been previously and duly invited.

Paragraph 5. Participation by city agencies and entities involved in programs and projects relating to the transport of hazardous products shall be mandatory in nature.

Paragraph 6. The CMTCP shall hold the following meetings by convocation sent to its members:

- a) Ordinary -- quarterly, for purposes of analyzing events occurring during the period, as well as in order to discuss any difficulties and conflicts arising during the implementation of this Decree;
- b) Extraordinary -- convoked by the CMTCP Coordinating Body in the event of exceptional cases which, by reason of their seriousness and urgency, justify taking such a measure, as well as at the request of a CMTCP member;
- c) Annual -- for the specific purpose of evaluating the need for changes in city laws relating to this issue, preparing proposals with a view to optimizing and facilitating the procedures or rectifying any operational conflicts.

### Chapter III

#### Classification of Hazardous Products

Art. 3. The hazardous products covered by this Decree shall be classified as follows:

- I -- products of high intrinsic danger: those listed in Annex 1 of this Decree;
- II -- products subject to high frequency of circulation, to be defined by Administrative Decree of the Municipal Transport Secretariat (SMT) through the Road System Operations Department (DSV);
- III -- products for local consumption: those listed in Annex 2 of this Decree;

IV -- other hazardous products: all other products listed in Ministry of Transport Administrative Decree No. 291 of 31 May 1988.

Paragraph 1. Vehicles carrying one or more of the products listed in Annex 1, in quantities equal to or less than those considered exempt, pursuant to Ministry of Transport Administrative Decree No. 291 of 31 May 1988, shall not be required to comply with the restrictions imposed on those products by the Administrative Decree mentioned in article 4 of this Decree, provided that they are compatible with each other.

Paragraph 2. For the purposes mentioned in the above paragraph, products shall be considered as being compatible with each other if, when in contact with each other, they do not cause fire, explosive chemical reaction, exothermic reaction or the formation of gases or vapors with higher levels of flammability or toxicity than those of the original agents.

Paragraph 3. The restrictions on circulation provided for in this Decree shall apply in their entirety to the products listed in Annex 1, in quantities greater than those considered exempt.

Paragraph 4. The exempt quantities provided for in Annex 1 shall be assumed as being gross weight, which includes the packaging and the cargo itself.

## Chapter IV

### Circulation

Art. 4. The conditions of and restrictions on circulation, parking, stopping, loading and unloading vehicles transporting hazardous products on City of Sao Paulo roads shall be subject to an Administrative Decree to be handed down by the Municipal Transport Secretariat (SMT), through the Road System Operations Department (DSV), particularly with respect to the definition of alternate routes and schedules for undertaking such type of transport.

Paragraph 1. Transport of the products mentioned in sections I, II and IV of article 3 must be scheduled in such a way as to avoid the times of highest traffic intensity on high-flow roads.

Paragraph 2. The products listed in section III, article

3, being intended for local consumption, shall receive differentiated treatment, through specific regulation, by Administrative Decree to be handed down by the City Transport Secretariat (SMT) through the Road System Operations Department (DSV).

## Chapter V

### Duties, Obligations and Responsibilities

Art. 5. The following shall be the duties, obligations and responsibilities of the agents involved in the transport of hazardous products:

I -- all those provided for in Chapter IV of Federal Decree No. 96.044 2 of 18 May 1988;

II -- the shipper must send to COMDEC annually, during the months from January to March, a report containing information relating to the flow of hazardous products shipped, specifying the name and classification of each product, annual volume transported and points of origin and destination;

III -- with respect to the products specified in sections I and II of article 3, the information by the shipper contained in the report mentioned in the preceding section, on the maintenance of emergency service plans, listing the human and material resources available and the notification system;

IV -- in order to transport the products classified in sections I and II of article 3, the licensing of the transporter must be duly expedited by the DSV, in the Municipal Transport Secretariat (SMT).

Sole paragraph. COMDEC shall provide the members of the CMTCP the information contained on the report described in sections II and III of this article.

## Chapter VI

### License

Art. 6. The transporter must request a license from the DSV, submitting the following documentation:

I -- General information: corporate name, address, telephone number, responsible party, quantity and specifications of the transport equipment;

II -- Record of Goods Transported (RTB);

III -- List of products transported, as specified in Ministry of Transport Administrative Decree No. 291/88;

IV -- Plan for attending to emergencies, specifying, at a minimum, the list of available human and material resources, own or contracted, in accordance with Annex 3.

Paragraph 1. Transporters who satisfy the requirements of section IV through contracted resources, or which have an operating base located over 100 (one hundred) kilometers from the City, must also submit a document providing evidence of an agreement signed with a company located in the Sao Paulo Metropolitan Region, qualified for attending to emergencies involving the transport of hazardous products.

Paragraph 2. For purposes of satisfying the provision contained in the preceding paragraph, a company qualified to attend to an emergency involving the transport of hazardous products shall be considered as being one that satisfies the minimum requirements specified in Annex 3 of this Decree.

Paragraph 3. The Municipal Secretariat for Green Areas and the Environment (SVMA) shall be responsible for analyzing and approving the plan provided for in section IV of this article.

Art. 7. The DSV, after approval of the documents presented pursuant to the terms of the preceding article, shall provide the transit license for transporting hazardous products, valid for 12 (twelve) months.

Paragraph 1. No license shall be issued to transporters with debits resulting from the application of penalties.

Paragraph 2. The DSV must be notified immediately in the event of any change in the data of the company mentioned in article 6.

## Chapter VII

### Emergency Plan

Art. 8. An "Emergency Plan" shall be created for addressing accidents involving the transport of hazardous products in the City of Sao Paulo, and a "Minimum Training

Period," directed to employees of the agencies involved, shall be created.

Sole paragraph. The Emergency Plan and the Minimum Training Plan shall be specified in Annex 4 of this Decree.

Art. 9. The COMDEC must implement a communications system integrated with the City emergency system, and undertake the maintenance, improvement and expansion of the system already in operation.

Art. 10. The COMDEC must implement and manage a Data Base, integrated with the DSV, containing a list of human and material resources for mobilization in the event of an emergency, as well as a classification of the products transported.

Paragraph 1. The Data Base may be integrated into the systems of the agencies and entities represented in the CMTCP.

Paragraph 2. The COMDEC must provide for disclosure of the Emergency Plan, as well as hold seminars and events for clarifying and disclosing the issues to the community.

## Chapter VIII

### Holding Yards

Art. 11. The Public Authorities, through the Municipal Transport Secretariat (SMT) must provide the City of Sao Paulo with holding yards for violating vehicles or those in an emergency condition.

Paragraph 1. The yards stipulated in the heading of this article may be provided by private initiative, through concession of the services involving implementation, economic application and operation, preceded by a bid process.

Paragraph 2. Until such time as there is a holding yard in the area covering violating vehicles and/or those in an emergency situation, such vehicles, at the discretion of the competent authorities, must be removed to a safe location, in order to correct irregularities and/or rectify the emergencies.

Art. 12. Plans for implementing holding yards must be first subject to evaluation by the Municipal Planning Secretariat (SEMPLA), the Secretariat for Green Areas and

the Environment (SVMA), the Secretariat of Housing and Urban Development (SEHAB) and the Secretariat of Transport (SMT), within the scope of their jurisdictions, notwithstanding such other legal requirements as may apply.

Art. 13. The regulations relating to the holding yards shall be subject to specific regulation.

## Chapter IX

### Monitoring

Art. 14. The City Public Authorities, through the DSV, shall monitor the transport of hazardous products in the City of Sao Paulo, considering both the responsibilities provided for in Federal Decree No. 96.044 of 18 May 1988, and those contained in this Decree and its complementary regulations, in collaboration with the Transit Police Command, environmental agencies and other similar bodies.

## Chapter X

### Violations and Penalties

Art. 15. Notwithstanding the penalties provided for by federal, state or municipal law, failure to comply with the provisions of this Decree and its subsequent regulation shall subject the violator to the following penalties, applied by the DSV:

I -- fine in the amount of 50 (fifty) UFM's, converted pursuant to Decree No. 35.854 3 of 1 February 1996;

II -- holding of the vehicle, until such time as the irregularity is corrected, by the party responsible;

III -- inclusion on the record of companies that fail to satisfy the regulations for the transport of hazardous products;

IV -- suspension, for 15 (fifteen) days, of the license mentioned in article 7 of this Decree;

V -- cancellation of the license mentioned in article 7 of this Decree.

Paragraph 1. In the event of a repeat violation, the fine provided for in section I shall be doubled.

Paragraph 2. When necessary, and at the discretion of

the authority with jurisdiction, the vehicle punished pursuant to section II of this article must be sent to one of the holding yards.

Paragraph 3. The record provided for in section III of this article must be maintained by the Commission mentioned in article 2 of this Decree, which will publish it as necessary.

Paragraph 4. Companies that have been punished pursuant to the terms of section III of this article shall be excluded from the record referred to therein, as soon as the irregularities are corrected and the existing debts paid.

Art. 16. The shipper shall be subject to application of the penalties of fine and inclusion in the record of companies that fail to satisfy the regulations for the transport of hazardous products, in the event that it fails to inform COMDEC as stipulated in sections II and III of article 5 of this Decree.

Sole paragraph. Upon completion of the period provided for in section II of article 5, COMDEC shall send the DSV a list of shippers in violation.

Art. 17. The transporter shall be subject to application of the following penalties:

I -- fine and inclusion on the record of companies that fail to comply with the regulations for the transport of hazardous products, when not duly registered with the City, pursuant to article 7 of this Decree;

II -- holding of the vehicle, upon verification of any violation of the corresponding law, whether federal, state or municipal;

III -- suspension of the license mentioned in article 7 of this Decree for 15 (fifteen) days when, during a period of 12 (twelve) months, it is punished 3 (three) or more times with the penalty provided for in section I of this article;

IV -- cancellation of the license mentioned in article 7 of this Decree when, during a period of 12 (twelve) months, it is punished 6 (six) times with the penalty provided in section I of this article.

Art. 18. The violator shall have a period of 30 (thirty)

days for payment of such fine as is applied thereto, with the fine to be considered past-due after that period.

Sole paragraph. The values of the past-due fines shall be corrected based on the change in the Tax Reference Unit (UFIR).

Art. 19. A violator subject to a fine shall be assured of ample defense prior to the collection thereof by the DSV, for a period of 30 (thirty) days after the date of the application.

Art. 20. Decisions relating to the penalties provided for in sections I, III, IV and V of article 17 shall be subject to appeal, with suspensive effect, to be filed with the Municipal Transport Secretariat (SMT) within 30 (thirty) days after the date on which the violator was notified.

Art. 21. Any vehicles held or removed and loads not removed by their owners shall be auctioned off pursuant to applicable current law.

## Chapter XI

### Final Provisions

Art. 22. Compliance with the regulations relating to the transport of hazardous products of any nature by cargo vehicles in the City of Sao Paulo, as discussed in this Decree, shall be the exclusive responsibility of the agents mentioned in Federal Decree No. 96.044 of 18 May 1988, the Municipal Public authorities being responsible for the monitoring and application of the respective penalties.

Art. 23. The transporter shall have a period of 90 (ninety) days after the validity date of this Decree to request its license, as provided for in article 6, and shall be subject to application of the corresponding penalty after that period.

Art. 24. Expenses relating to the execution of this Decree shall be assumed by the corresponding budgetary allocations.

Art. 25. Upon revocation of any provisions contrary thereto, this Decree shall enter into force eight months after its publication, in order to ensure the proper operational application.

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- 1 City of Sao Paulo, 1993, page 119.
- 2 Federal Law, 1988, page 306.
- 3 City of Sao Paulo, 1996, page 49.

Annexes Forming Part of Decree No. 36.957 of 10 July 1997

Annex 1 \*

Products of High Intrinsic Danger

Class I -- Explosives

Class 2 -- Gases

Class 3 -- Flammable Liquids

Class 4.2 -- Substances Subject to Spontaneous  
Combustion

Class 4.3 -- Substances Which, When in Contact with  
Water, Emit Flammable Vapors

Class 5.1 -- Oxidants

Class 5.2 -- Organic Peroxides

Class 6 -- Toxic Substances

Class 7 -- Radioactive Substances

Class 8 -- Corrosive Substances

Annex 2 \*

Group III -- Products for Local Consumption

Automotive Fuels

Bottled Gas

Air Gases

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\* Editor's Note: Annexes 1 and 2 were not published in their entirety because of errors in the original.

## Annex 3

Minimum requirements for the qualification of transporters for addressing emergencies in the transport of hazardous products:

### 1 -- Human Resources

Team to immediately address emergencies, duly trained through a minimum training program, available 24 hours per day for carrying out activities for which the transporter is responsible, as provided for in the emergency plan.

Team director, with minimum training in job safety techniques, duly accredited by the Ministry of Labor (MTb).

### 2 -- Material Resources

#### 2.1 -- Bulk Loads

-- Pump and hoses for performing the transfer, compatible with the product being transported;

-- Generator unit, in the event that the transfer pumps are electric;

-- Vehicle for transferring and transporting the load, consistent with the product involved in the accident.

#### 2.2 -- Packaged Load

-- Vehicle for transferring the load, consistent with the products, the quantity and the needs involved in the accident;

-- Availability of packaging consistent with the products transported, and materials for undertaking transfer of the load when necessary.

#### 2.3 -- Other Resources

-- The human and material resources must be provided in order to ensure the control of emergencies in accordance with the potential risk as a function of the transported products;

-- Individual Protection Equipment (IPE), in sufficient quantity for the emergency team, in accordance with the specific ABNT regulation for the product involved in the event, or with NBR 9734, on a complementary basis;

- Equipment for ensuring a minimum level of isolation of the accident site, in accordance with the provisions contained in NBR 9735;
- Availability of a safe location for temporary storage of the packaging and/or residue originating from the accident, where necessary;
- Specific vehicle for carrying out the emergency plan, and for transporting the equipment and material resources.

### 3 -- Minimal Training Program

- Standards for handling hazardous products -- 16 class/hours
- Chemistry of hazardous products -- 7 class/hours
- Identification and Classification of hazardous products -- 6 class/hours
- Individual protection equipment -- 6 class/hours
- Decontamination -- 9 class/hours
- City Law -- 2 class/hours
- Emergency Plan -- 2 class/hours
- Apprenticeship Evaluation -- 2 class/hours
- Total -- 50 class/hours

### Comments

1 -- All required resources for attending to accidents must be available 24 hours per day, independently of the materials provided in the kits of vehicles transporting hazardous products.

2 -- The proper emergency guarantee must be provided within the scope of the human and material resources, regardless of the scope of the event.

3 -- The qualified companies shall be responsible for providing the training. Upon registration, they must present a program containing a list of the trainees and instructors, the content of the disciplines, and the date, time and place the course will be held. Such statement

must be signed by the responsible company officer, who may enter into agreements with local entities to perform the training; in such event, the corresponding agreement must be submitted, upon registration.

#### Annex 4

### I -- Emergency Plan for Attending to Accidents Involving the Transport of Hazardous Products in the City of Sao Paulo

#### 1 -- Objective

The objective of the plan is to organize the means of attending to emergency situations caused by accidents during the transport of hazardous products.

Hazardous products shall be considered as being those listed in Ministry of Transport Administrative Decree No. 291/88 and other chemical products, which as a function of their characteristics may endanger the safety of the community and/or the environment.

#### 2 -- Agencies Involved

##### 2.1 -- Operational Agencies

- CEDEC (State Civil Defense Coordination Agency)
- COMDEC (Municipal Civil Defense Commission)
- CETESB (Environmental Health Technology Company)
- DER (Highway Department)
- DERSA (Desenvolvimento Rodoviario S/A) (Highway Development Inc.)
- DNER (National Highway Department)
- FEPASA (Ferrovia Paulista S/A) (Sao Paulo Railroad Inc.)
- IPEN (Nuclear Energy Research Institute)
- Sao Paulo State Military Police:
- CB (Fire Department)

- COPOM (Military Police Operating Center)
- CPM (Metropolitan Police Command)
- CPRv (Highway Police Command)
- CPTRAN (Transit Police Command)
- Federal Highway Police
- Sao Paulo City Council:
- CET (Traffic Engineering Company)
- DSV (Road System Department)
- SAR (Municipal Secretariat for Regional Governments)
- SMS (Municipal Health Secretariat)
- SVMA (Municipal Secretariat for Green Areas and the Environment)
- RFFSA (Rede Ferroviaria Federal S/A) (Federal Railroad Network Inc.)

## 2.2 -- Support Agencies

- ABIQUIM (Brazilian Association for the Chemical and Chemical Byproducts Industry)
- NTC (National Cargo Transport Companies Association)
- SETCESP (Sao Paulo State Cargo Transport Companies Union)
- Other entities which may directly or indirectly contribute to attending to emergencies during the transport of hazardous products in the City of Sao Paulo

## 3 -- Area of Coverage

The Emergency Plan for Attending to Accidents during the Transport of Hazardous Products shall cover the entire territory of the City of Sao Paulo.

In cases where, as a function of the scope of the accident, another City is involved, as well as in cases where an event occurring in another City may have repercussions in Sao Paulo, this plan may be activated

through the State Civil Defense System.

#### 4 -- Responsibilities

##### 4.1 -- General responsibilities

Following is a description of the responsibilities corresponding to all entities involved in addressing emergency situations:

- Periodically training their emergency teams, individually and/or in combination with other agencies involved in the plan;
- Maintaining permanently installed systems for addressing emergencies;
- Independently of the activation and mobilization of other agencies, the first entity present at the accident site must take the following measures:
  - 1 -- perform a preliminary evaluation of the event;
  - 2 -- identify the product or products involved;
  - 3 -- call the Fire Department;
  - 4 -- report the event to the COMDEC, which must notify the other agencies involved in the plan, if necessary.

If possible, the following measures must also be taken:

- 1 -- signaling and isolation of the accident site;
- 2 -- first aid for victims.

##### 4.2 -- Specific responsibilities

###### 4.2.1 -- Operational agencies

###### 4.2.1.1 -- CETESB (Environmental Health Technology Company)

- provides technical support to the other agencies with respect to the characteristics and risks of the products involved in the accident;
- guides other agencies involved as to the actions to be taken from the standpoint of environmental risk;

- provides support for field work with human and material resources in activities involving cargo transfers, containment, removal, neutralization and/or final disposal of products or residue involved in the accident;

- determines the control actions to be taken for preservation of the environment and recuperation of the affected areas.

#### 4.2.1.2 -- COMDEC (Municipal Civil Defense Commission)

- notifies the agencies participating in the plan;

- mobilizes the human and material resources for supporting field work;

- maintains an updated registry of human and material resources, for supporting field activities while attending to accidents.

#### Comment

The CEDEC (State Civil Defense Coordinating Agency) may be notified on a complementary basis, in order to mobilize additional resources, as provided for in the State Civil Defense System.

#### 4.2.1.3 -- COPOM (Military Police Operations Center)

- notifies the COMDEC, passing on information about accidents when communicated to the COPOM;

- provides support for field work through the communications center, in activities involving evacuation of the community.

#### 4.2.1.4 -- Fire Department

- notifies the COMDEC, passing on information about accidents when communicated to the COBOM;

- undertakes preventive and fire-fighting measures and rescues;

- provides support for field work with human and material resources in activities involving cargo transfers, containment, removal, neutralization and/or final disposal of products or residue involved in the accident;

- on a supplementary basis, engages in field

activities, in the absence of technicians and/or resources from the transport companies or manufacturers of the products involved in the occurrence.

#### 4.2.1.5 -- CPM (Metropolitan Police Command)

- engages in activities involving the isolation and security of the accident site;
- engages in activities involving evacuation of the community, when necessary, ensuring the safety of the individuals removed, their goods and belongings.

#### 4.2.1.6 -- Manufacturer, Shipper or Recipient

- supports the field work by supplying equipment and labor for resolving the problem in question, from a standpoint of safety, both environmental and traffic-related;
- provides support to activities involving the neutralization, removal or disposal of products or residue involved in the accident, in accordance with the guidance and supervision of the CETESB and the manufacturer;
- supports the transporter in transferring or transshipping the cargo, providing the resources to that end, where necessary;
- provides the necessary information to the agencies involved, with respect to the characteristics and risks of the products, with a view to providing safe and adequate conditions for the handling, stowing and transfer of the load;
- supports the transporter in removing the vehicle, in collaboration with the representatives of the transit agencies, the Fire Department and the CETESB;
- maintains cooperation agreements for assisting in and attending to emergencies, under the coordination of the ABIQUIM.

#### 4.2.1.7 -- IPEN (Nuclear Energy Research Institute)

In accidents involving radioactive materials, the IPEN shall be responsible for performing the following activities:

- providing technical support to the other agencies

with respect to the characteristics and risks of the products involved in the accident;

- guiding other agencies involved with respect to the actions to be undertaken from the standpoint of environmental risk;

- supports field work with human and material resources, in operations involving cargo transfer, containment, removal, neutralization and/or disposal of the products or residue involved in the accident;

- coordinates the control activities to be carried out for purposes of environmental preservation and the decontamination of affected areas.

4.2.1.8 Transit Agencies: DSV/CET; CPTRAN; DER; DERSA; DNER; State and Federal Highway Police

- operate the road system;

- signal, isolate and remove obstructions from the public roads, in accordance with the specific situation;

- mobilize human and material resources for supporting the field work.

4.2.1.9 -- SAR (Municipal Secretariat for Regional Governments)

- Mobilizes human and material resources for supporting field work.

4.2.1.10 -- SMS (Municipal Health Secretariat)

- Provides first aid to any accident victims, with the support of the Fire Department.

4.2.1.11 -- SMVA (Municipal Secretariat for Green Areas and the Environment)

- Provides support for field work, where necessary.

4.2.1.12 -- Transporter

- provides equipment and labor for resolving the problem in question, from the standpoint of safety, both environmental and traffic-related;

- provides for the neutralization, removal and disposal

of the products or residue involved in the accident, in accordance with the guidance and supervision of the CETESB and the manufacturer;

-- facilitates the transfer or transshipment of the load, where necessary, providing the resources necessary to that end, in accordance with instructions from the manufacturer, shipper and/or recipient;

-- facilitates removal of the vehicle, in accordance with the instructions of the representatives of the Transit Agencies, Fire Department and the CETESB.

#### Comment

In events involving the rail transport of hazardous products, the responsibilities established for the transporter are the responsibility of FEPASA or RFFSA.

#### 4.2.2 -- Support Agencies

##### 4.2.2.1 -- ABIQUIM (Brazilian Association of the Chemical and Chemical Byproducts Industry)

-- supports the agencies, providing information as to the characteristics and risks of the products involved in the accident;

-- notifies the manufacturer, shipper or recipient of the products involved for purposes of quickly attending to the accident, in the event that the staff of PRO-QUIMICA is aware of the fact before the other agencies in the plan. The fact must also be immediately reported to the COMDEC, for purposes of notifying the other agencies. If necessary, PRO-QUIMICA staff will request support from COMDEC for notifying the manufacturer, shipper or recipient;

-- maintains an updated record of resources available for attending to accidents in the transport of chemical products, along with its members;

-- maintains an updated record of accidents attended to by the PRO-QUIMICA program;

-- coordinates the cooperation agreements maintained among its members.

##### 4.2.2.2 -- NTC/SETCESP

-- assists the COMDEC in maintaining a record of its

members, and promotes disclosure of the importance of the supply of information relating to resources available for attending to emergency situations;

- provides support to the other plan agencies, when needed to notify the transport companies;

- coordinates cooperation agreements maintained among the transport companies.

#### 4.2.2.3 -- Other Entities

Depending on the accident, other entities may become involved in the field activities, provided that they are structured for this purpose.

Furthermore, in order that other entities may be included in this plan, they must pass on to COMDEC such resources as they have available, as well as which activities they may undertake while attending to accidents occurring during the transport of hazardous products in the City of Sao Paulo.

### 5 -- Implementation of the Plan

#### 5.1 -- Notification

a) Any entity participating in the plan that becomes aware of an occurrence must complete the "Accident Record" form and notify the Fire Department, which will evaluate the situation and, depending on the seriousness of the case, request that COMDEC notify the other agencies comprising the Coordination Group.

b) The Coordination Group will consist of the following:

- one representative from the Sao Paulo City Council;

- one local police representative;

- one representative from the agencies with jurisdiction over the roads;

- one representative from the Fire Department;

- one representative from the CETESB, or from the IPEN.

c) At such time as the event has been reported, the COMDEC must complete the "Accident Record" form, seeking to obtain the greatest possible amount of information shown thereon, with a view to assisting the other agencies to be

notified, and to decision making.

#### Comments

1 -- The agencies notified by COMDEC must also complete the "Accident Record" form in such a way that all of them have the same information.

2 -- In the event that there is no need to execute the plan, the Fire Department will pass on the information relating to the service carried out to COMDEC, which will record the accident on the "Accident Record" form.

d) The Action Group, responsible for executing the field actions, will consist of both the teams from the agencies comprising the "Coordination Group," as well as those from the other entities involved, such as the transporter and product manufacturer, among others.

#### 5.2 -- Attending to Emergencies

a) decision-making from a technical-operational standpoint at the accident site must be carried out by joint agreement between the representatives of the agencies comprising the Coordination Group;

b) the agencies involved in the operation must act jointly and in integrated fashion, in accordance with the areas of activity and jurisdiction of each;

c) all representatives at the accident site must be properly identified;

d) the action strategy for developing the field work must be discussed among the representatives of the "Coordination Group," together with the representatives of the "Action Group," taking all the following aspects into consideration:

-- limits on isolating the area, preventing the presence of unauthorized individuals;

-- safety during the operations;

-- strategy for transferring the cargo, neutralization, removal and destination of the products or residue.

#### Important

Aspects involving community safety, preservation of the

environment and patrimony must prevail over all others during the execution of the works.

e) in the event of the presence of representatives of the press at the accident site, the members of the "Coordination Group" will pass on the information to them by joint agreement, and in conformance with the jurisdiction of each of the parties involved. Depending on the seriousness of the situation in question, the members of the "Coordination Group" will appoint a representative to pass on information to the press. It must be emphasized that the press representatives must comply with the safety aspects defined by the job coordinator.

## 6 -- Maintenance of the Plan

The entities forming part of the emergency plan must meet at least once every three months, subject to a convocation from the COMDEC, with a view to keeping the plan updated on an ongoing basis, as well as with a view to refining the procedures in question, based on the experience acquired in attending to such emergencies as have occurred.

Any one of the members of the plan may, when deemed necessary, request that COMDEC convoke extraordinary meetings, for purposes of discussing specific matters.

## Action Flow Chart

### 7 -- Form -- Accident Record

### 8 -- Agencies Notified for Addressing the Emergency

### 9 -- Notification List

## II -- Minimum Training Program

### 1 -- Federal and Municipal Laws -- 2 class/hours

### 2 -- Identification and Classification of Hazardous Products -- 2 class/hours

### 3 -- Risks Associated with the Specific Types of Hazardous Products Transported -- 6 class/hours

#### 3.1 -- Principal Physical/Chemical Properties

#### 3.2 -- Risks to humans and the environment

#### 3.3 -- Precautions with respect to the risk class

4 -- Addressing Emergencies in the Transport of  
Hazardous Products -- 6 class/hours

5 -- Emergency Plan for Addressing Accidents in the  
Transport of Hazardous Products in the City of Sao Paulo --  
1 class/hour

Total: 17 class/hours

EFFECTIVE-DATE: 07/10/1997