

# Developing and Maintaining Your Incident Response Plan



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## What is an incident response plan?

An incident response plan is a document you develop to help you prevent and respond to agricultural chemical (fertilizer and pesticide) incidents.

## Who is required to have a plan?

Some businesses are legally required to develop and maintain an incident response plan. If your business is engaged in one or more of the following, it must establish and maintain an incident response plan:

- Commercial pesticide application;
- Pesticide dealer;
- Noncommercial pesticide application;
- Structural pest control;
- Storage of bulk pesticides; and/or
- Storage of bulk fertilizers, including anhydrous ammonia

Regardless of whether you fall into one of these categories, an incident response plan is part of good business planning.

## Where should I keep the plan?

The incident response plan must be kept at the principal business site or location within the state. We recommend that another copy of the plan be kept at a different location so that if an incident makes the site or plan inaccessible, you will still be able to obtain a copy of the plan.

## Incident Response Plan Contents

Minnesota Statutes require the following activities to be documented accordingly:

- be updated every three years, or whenever contents become outdated;
- be reviewed with employees once per year
- be made available to local first responders

Plan contents include:

- Identity and contact information for persons, companies, and agencies to be notified in the event of a release
- Ag chemical purchase information
- Procedures to implement to control and respond to a release and recovery of product
- Emergency equipment and supplies
- Maps and diagrams of the facility itself and surrounding environment
- Ag chemical inventory, labels, and SDS

## References

- Minnesota Statutes**  
Section 18B.37, subdivision 4 (Incident Response Plan);  
Section 18C.235, subdivision 1 (Storage, handling, disposal, and incident response plan)
- Minnesota Rules**  
Part 1505.3100 (release response plan); Part 1510.0372, subpart 2.P.; and Part 1510.0402, subpart 2.L.

## Background

Legislative changes to incident response plan requirements were enacted in 2015. The changes were made to clarify who needs a plan, what the plan must contain, and how to maintain a plan. Identical language is now used for both fertilizer and pesticide plans so if you handle both products, you only need one plan.

This sample plan has been prepared by the Minnesota Department of Agriculture (MDA) to provide general guidance to those persons required to develop and maintain an incident response plan.

Facility owners/managers are not required to use this sample form, but plans must cover all the contents of this sample form. Contents of the Appendix are not required but firms are strongly encouraged to consider any topics that apply and include them in your plans.

Plan contents found in an approved federal Risk Management Plan (RMP) Prevention Program and Emergency Response sections for your facility may fulfill requirements for the anhydrous ammonia portion of your incident response plan **provided they are 1) updated at least every three years, 2) reviewed with employees at least once per calendar year and include documentation of training events, and 3) are made available to local first responders and documented accordingly.**

## Disclaimer

The MDA makes no claims, implied or otherwise, as to the suitability of the personal protective gear, emergency response and excavation equipment, or procedures with regard to release remediation, firefighting, or first aid discussed in this sample plan.

This incident response plan fulfills requirements established by the MDA. Other local, state, federal, or tribal agencies may have additional information needs not covered in this sample plan.

The Occupational Safety and Health Act (OSHA) places substantial emphasis on employee training. All employees of the facility should be trained to identify an emergency response incident (e.g., major or minor spills, potential for fire, etc.), who to call for remediation assistance, and/or evacuation routes. If employees are to participate in emergency response and remediation (e.g., firefighting, etc.), those employees must be trained to perform the necessary tasks safely. Employees must also know what personal protective equipment to use, when and how to use it, and who to call for assistance.

The plan template will be available at [www.mda.state.mn.us/agchemspills](http://www.mda.state.mn.us/agchemspills)