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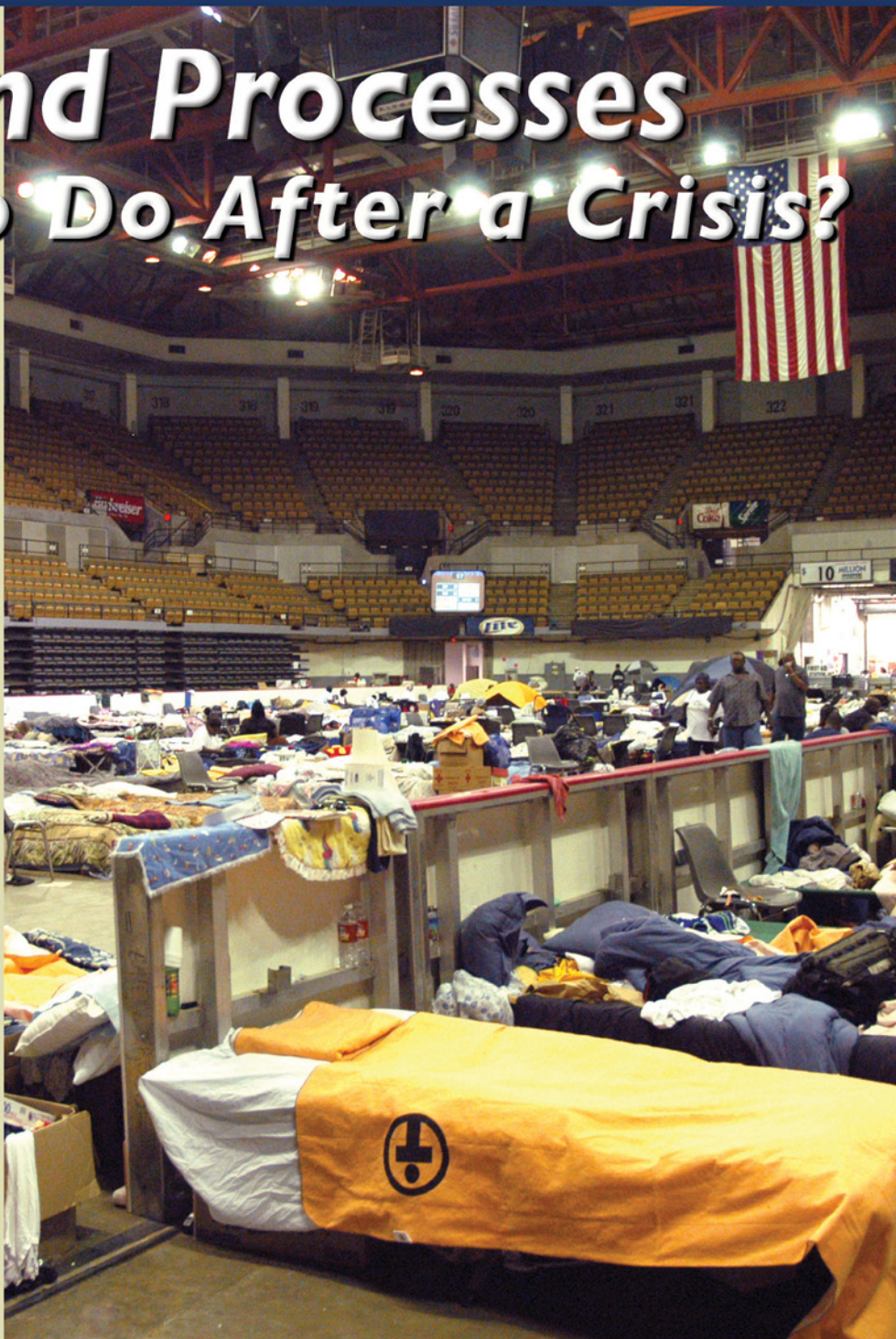
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Publisher's Message

By Martin (Marty) Masiuk, Publisher




Emergency stockpiling is becoming up to date in Kansas City; New York, New York is a wonderful town – and is teaching its younger citizens how to keep it that way; and in the debris-removal business there is one and only one way to succeed: by trying, really trying (and keeping the paperwork in order while doing so).

That is a brief summary of how this printable November “roundup” issue of *DomPrep Journal* might read if set to music. As in all issues of *DPJ*, the November issue provides a veritable consumer's smorgasbord of varied and important topics – all of them written by hands-on homeland-security/domestic-preparedness professionals –and spices them with a heavy emphasis on training, planning, preparing, cooperation and coordination, and, last but not never least, *communications*.

There is an eclectic coverage of recent federal, state, and local initiatives included, as well as a democratic mix of such esoteric topics as the Internet and chain-of-command organization charts marching in lockstep with such down-to-earth (literally) subjects as the removal of fallen trees and emergency-preparedness textbooks for toddlers. The legally imperative but little-understood requirement for the proper licensing of disaster shelters, and of shelter managers, is spelled out by Kay Goss; the equally important but frequently overlooked need for the routine maintenance of EMS vehicles and medical equipment is discussed in detail by Joseph Cahill – who follows up with his insider's insights in a second article devoted to “devolution” – i.e., a backup decision maker, or quarterback, at the scene of a crisis.

Editor in Chief James Hessman logs in with a timely review of the Mid-Atlantic Region's “hugely successful” All-Hazards Forum in Baltimore. Leo Wainwright contributes a report on the innovative approach Washington State follows in preparing and implementing its homeland-security training curricula; Stephen Grainer writes on the same important topic – the Commonwealth of Virginia is his venue, though, and his focus is more on the complications introduced by the federal government's NIMS (National Incident Management System) “compliance” criteria (absolutely necessary, but sometimes hard to follow).

Also included are several other diverse but timely articles: (a) by Joseph Steger, on how Islamic terrorists are now using the Internet to further their murderous plots and plans; (b) by David S. Burns, on the difficulties faced by the Los Angeles Emergency Preparedness Department in its remarkably productive first decade; (c) by Kirby McCrary, on the seemingly mundane but vitally important “aftermath” task of collecting, piling up, and removing debris in the wake of an earthquake, hurricane, tornado, or other natural (or manmade) disaster; and (d) by the peripatetic Adam McLaughlin, who checks in with coast-to-coast (and Middle America) updates on drivers' licenses in New York State, homeland-security textbooks in New York City, Kansas City's plans for the emergency stockpiling of food, water, and other essentials, and California Governor Schwarzenegger's marching orders to the task force investigating that state's recent wildfires.

Finally, and of the utmost importance to all Americans: Neil C. Livingstone, a world-class expert in terrorism and homeland security, discusses the grim findings of a new ExecutiveAction monograph on anthrax – and U.S. vulnerability to it. *Spores* is compelling reading, both dangerous and difficult. The true danger, though, is that this nation's decision makers on Capitol Hill and in the executive branch of government will either not read it, or – culpably worse – not take the actions needed to protect the American people from this already well known but still invisible enemy. 

About the Cover: Volunteer workers at the River Center in Baton Rouge, La., do what they can to help the evacuees from Hurricane Katrina who were left homeless and had to take refuge in emergency shelters throughout Louisiana and neighboring states in the aftermath of that historic storm. (13 September 2005 FEMA (Federal Emergency Management Agency) photo by Win Henderson.)

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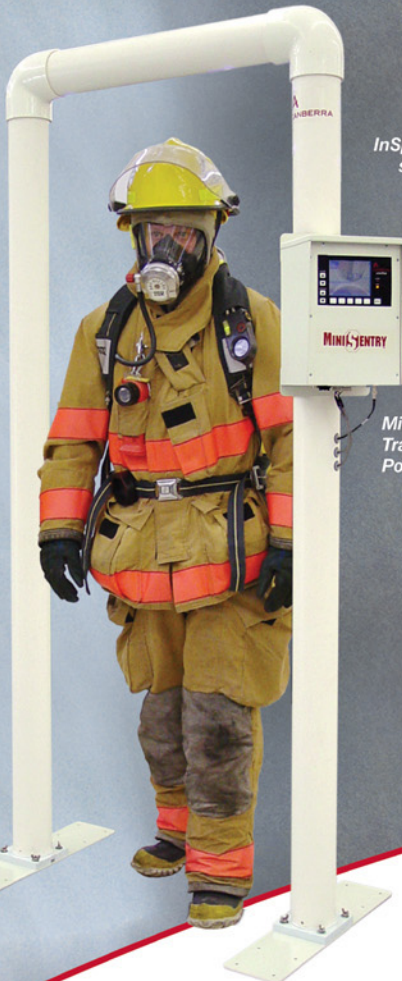


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Licensing Standards For Emergency Shelters

By Kay C. Goss, Emergency Management



Not long after Hurricane Katrina – the largest-ever U.S. post-emergency sheltering operation – Federal Emergency Management Agency (FEMA) Administrator David Paulison said the following: “This has been an historic emergency sheltering effort that has assisted thousands of hurricane evacuees in their transition to longer-term housing. The process of recovery is difficult and we continue to provide rental assistance, apartment locator services, and housing referrals to help evacuees take the next step in securing longer-term housing.” Almost a million families had to be sheltered in the aftermath of Katrina, on either a short-term or long-term basis.

Sheltering is *always* an enormous challenge, though, not only for the evacuees themselves but also for those charged with establishing and/or operating the shelters. One essential but frequently underestimated aspect of the situation is the licensing process required to authorize and operate the shelters.

States that received evacuees from areas affected by Hurricane Katrina were able to request an emergency declaration (under Section 501 of the Stafford Act) to seek reimbursement for the costs incurred in the sheltering operations carried out by those states. Under the Act, state and/or local governments are permitted to start sheltering operations on their own – or to contract with provide-sector companies or other organizations to provide the sheltering services. The costs incurred by state and local governments, including contract costs, are eligible for reimbursement.

Common-Sense Preparation Mandates

But cost reimbursement is only one of many factors that have to be taken into consideration before a state or local jurisdiction decides to set up shelters. In areas threatened by disasters, evacuation plans are, or should be, established beforehand to prepare for an efficient evacuation and to avoid panic. Evacuation simulations, trials, and the writing and promulgation of emergency plans are further measures of preparation that are recommended and/or mandated.

The duration of an evacuation is called the “evacuation time.” There are several methods to forecast probable evacuation times – e.g., full-scale trials and exercises, calculations based on the flow of persons (hydraulic models), or evacuation simulations. These sometimes laborious efforts in the preparedness phase of emergency management may overlook one of the vital technicalities, though – the licensing process required for the establishment and operation of shelters.

The City of Boston – to cite but one example that other jurisdictions might want to emulate – has a variety of shelters, including the following, prepared for any emergency evacuation situation the city faces:

- Adult Shelters: *Men & Women*
- Adult Shelters: *Men Only*
- Adult Shelters: *Women Only*
- Adult Drop-In Programs: *Day*
- Adult Drop-In Programs: *Night*
- Family Shelters

With new legislation governing the evacuation of pets, animal shelters become another major category of shelter. In addition, youth shelters sometimes will be needed in the aftermath of a truly catastrophic disaster, such as after Katrina. This whole system of sheltering then relies on licensing for standards and accountability to protect not only the disaster victims, evacuees, and communities involved but also the responders, emergency managers, law-enforcement personnel, and other decision makers.

Guidelines, Safeguards, And Other Precautions

Before issuance of a permit, licensing staff must develop a plan to evaluate an operation's ability to meet the minimum sheltering standards mandated under federal, state, and local laws. Each state has its own system of licensing and its own requirements. However, a best-practices model, and one that would be a good example for other states to follow, is the one established by the State of Texas.

The plans for all shelters should include guidelines both for inspections and for the documentation of the individual shelter's legal basis for operations – e.g., articles of incorporation, if the shelter is a private-sector facility; if it is a public facility, enabling legislation and/or appropriate regulations are required. Moreover, if the shelter is owned or regulated by a partnership, nongovernmental organization (NGO), or other entity, documents reflecting the existence or creation of that organization or association are required; churches are subject to the same rules and regulations.

Also required are the names, addresses, and titles of the officers or executive committee members of the

facility's governing body who are responsible for and have decision-making authority over the policies and activities of the shelter.

Also required, in writing, are the policies setting forth the governing body's specific responsibilities – e.g., the responsibility for personnel policies and programs, the assurance of adequate financing,

volunteer employees. Here it should be emphasized that, if the facility is a licensed youth shelter, a licensed child-care administrator is required to be on-site. Procedures for obtaining medical and dental care also must be set forth in writing, including the names of the facilities that should be used. Finally, the plans must include the specific procedures required to be taken in fire evacuations or for

In areas threatened by disasters, evacuation plans are, or should be, established beforehand to prepare for an efficient evacuation and to avoid panic

and compliance with minimum standards. The governing body is responsible for ensuring that copies of the policies required under the "minimum standards" rule are available to the facility's staff. Finally, of course, the emergency shelter must always operate in accordance with its own written policies.

All facilities also must have, in writing, a behavior-intervention policy consistent with applicable laws, especially when the sheltering of young people is involved. If a child is absent without permission, for example, the specific steps the staff must take in locating the child must be clearly delineated, along with the designation of the person(s) responsible for taking those steps as well as the time frames specified and the law-enforcement support that might be required.

The facility's organization chart and job descriptions must cover all staff positions, including contract staff and consultants, as well as regular and

power outages, tornado alerts, or similar disasters.

The rules governing other emergency plans will depend, at least in part, on the facility's location. If there is a flood hazard, for example, the facility must have plans for dealing with that kind of emergency. In short, developing, maintaining, and "growing" a shelter program is very much like any other business operation. In the beginning, the process was much less formal, but now it is a very professional operation with operational as well as legal standards, expectations, and safeguards – which, of course, is exactly what it should be.

Kay C. Goss, CEM, possesses more than 30 years of experience – as a federal and state administrator and in the private sector – in the fields of emergency management, homeland security, and both public finance and intergovernmental operations. A former associate FEMA director in charge of national preparedness training and exercises, she is a noted lecturer as well as the author of several books and numerous articles and reports in the fields of homeland defense and emergency management.

Maintaining EMS Equipment in Times of Crisis

By Joseph Cahill, EMS



EMS (emergency medical services) agencies depend on a variety of supplies and services, including many provided by private-sector companies, to stay operational during major disasters and other crisis situations. However, very few if any EMS units are completely self-sustaining; all or almost all rely on other agencies and organizations – from the providers of supplies to the specialized companies that keep the medical equipment running safely to the mechanics who work on and maintain the ambulances – for just about everything they need before, during, and after a crisis erupts.

A major difficulty that most EMS and other first-responder agencies encounter when planning for a “worst-case” scenario such as pandemic influenza that might affect the entire nation, or for regional disasters on the scale of Hurricane Katrina, is that such events also affect the providers of the supplies and services needed by those agencies. The end result, of course – when providers are facing both increased absenteeism and an increased volume of work in the same time frame – is an inevitable reduction in the flow of supplies and services when they are most urgently needed.

There have been a number of strategies employed in facing this problem. The most common of those strategies are: (a) stockpiling (insofar as possible); (b) the increased use of memoranda of understanding (MOUs) between and among various political jurisdictions; and (c) the planned purchasing, ahead of time if possible, of major equipment items that probably would not be available “off the shelf” in times of crisis.

The stockpiling strategy is often an expensive way to go, though, both in the initial outlay of cash required

and in ongoing long-term storage and maintenance costs. The stockpiling of non-disposable equipment is a substantially more expensive proposition because the initial outlay is likely to be higher. For items that have a short shelf life and/or may soon be obsolete – and cannot be rotated through normal use – stockpiling therefore may be only a temporary solution at best

The stockpiling of obsolescent equipment as it is being phased out is a more appealing plan because the equipment is already paid for and most outlays for replacement equipment are usually funded independently of the preparedness effort. There are a number of difficulties, though, in planning to use obsolescent or already obsolete equipment to meet a current crisis, the most important of which is that the proficiency of the staff using the equipment quickly atrophies when the equipment is withdrawn from use – there also may be safety issues involved.

A Multitude of Operational And Fiscal Considerations

A secondary but nonetheless significant consideration goes back to the reason the obsolete equipment was withdrawn from service in the first place. Here it is important to examine very closely the rationale for the replacement of one model of equipment with another, later, model to ensure that using the earlier model in times of crisis does not present a safety issue and/or is not as effective as using the later model. Another factor to be considered in any decision to use obsolete equipment is that servicing of the older equipment and/or finding spare parts for it may either be impossible or economically unfeasible.

MOUs or Memorandums of Understanding are documents between agencies and/or companies that lay the groundwork for future actions. Unlike contracts, MOUs are often non-binding agreements to provide services or

materials as available. The strength of using an MOU is that the provider and agency can enter into the agreement without slogging through all of the numerous fiscal and legal details usually required under a purchasing system, while still leaving enough flexibility to respond to conditions on the ground during the emergency.

An important aspect of whatever strategy is adopted is to purchase equipment that is not only simple to obtain and operate but also capable of being serviced in the field. One line of thought is always – assuming that the funds are available – to purchase the simplest equipment with the lowest service requirements for everyday use with the intent that this equipment will remain serviceable under disaster conditions longer than more high-tech equipment is likely to last. This is a valid strategy as long as the routine standard of care does not suffer.

In any event, even the best-equipped and most fully prepared EMS agency will eventually be unable to provide service during a truly overwhelming regional, national, or global disaster. The real standard of success in that context, therefore, is that: (a) the staff should be empowered to improvise with the remaining equipment on hand; and (b) the various governing protocols, regulations, and legislation are written in terms that give both the provider and the agency involved reasonable coverage in the face of truly unique circumstances.

Joseph Cahill is currently a Medico legal investigator for the Massachusetts Office of the Chief Medical Examiner. He also worked as the Exercise and Training Coordinator for the Massachusetts Department of Public Health - Center for Emergency Preparedness - and as an emergency planner in the Westchester (NY) County Office of Emergency Management, and served as a line Paramedic for over ten years in The South Bronx and North Philadelphia.

*A New NIMS Challenge**Train to Compliance, or Train for Competence?*

By Stephen Grainer, Fire/HazMat



There is a new challenge facing local, tribal, and state governments as they continue their efforts to achieve compliance with the federal government's NIMS (National Incident Management System) guidelines. Actually, the problem is not really a "new" one, but one that has dogged the nation's first-responder community for many years. More recently the challenge has been felt by a broader level of professionals – including the "emergency response provider" segment of the NIMS-affected community. This is not surprising, because, as the definition of emergency response provider has greatly expanded the target audience, the problem has been amplified. Nonetheless, the basic NIMS doctrine has provided a viable framework, particularly in the context of its Command and Management component, for training personnel to appropriate levels on knowledge, skills, and abilities (KSAs), especially as related to job performance in an organized IMS (incident (or event) management system). The problem, therefore, from the manager's viewpoint, is simply this: "Do we train to compliance, or do we train for competence?"

In that context, the NIMS challenge that has grown so rapidly in recent years is yet another manifestation of the age-old problem of "So much to do, so little time [in which] to do it." The problem is enlarged significantly in the homeland-security field, of course, by the closely related problem of obtaining the funds needed to pay for all of the training required.

In addition, there is a parallel challenge facing today's decision makers – namely, finding the time and the means (i.e., money) to train all of the personnel who should receive

the training while simultaneously maintaining the expected service levels those personnel were hired or recruited to provide. All of these complicating factors are compounded, of course, by the threat of having current preparedness funds withheld or denied for failure to adequately meet the NIMS compliance criteria.

***Ill-Advised Shortcuts
And Evasive Maneuvers***

Unfortunately, because of these and other factors, there are several indications that a substantial number

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key positions***

of emergency response providers are now looking for and taking shortcuts to meet the federal NIMS compliance and funding eligibility criteria. More specifically, several (maybe more than several) organizations and individuals have been finding new (and some not-so-new) ways to circumvent the intent of the NIMS policy statement as well as the NIMS compliance guidelines. Sadly, some jurisdictions and organizations have been allowing staff to take on-line tests without having completed the

training associated and/or required for those tests. In various cases, a wide range of "creative solutions" have been employed. A few examples: (a) A student who passes the test gives the "correct" answers to others; (b) A communal answer key is circulated "suggesting" the correct answers; and (c) One student actually takes the on-line test for others. These and other situations that might be mentioned might technically help an organization meet the NIMS compliance requirements, but they do not generate competency.

In addition, recognizing not only the pressures to meet compliance standards but also the temptation that these pressures create, certain commercial vendors have started to market "training tools guaranteed to assure NIMS compliance" in unbelievably short periods of time – and, not so coincidentally, for remarkably high prices. One advertisement recently noted that, by purchasing one approximately 27-minute video program (available in DVD or VHS), the viewer would have all of the information needed to successfully complete tests for at least three fairly difficult NIMS courses. Another commercial venture offers classroom training that in eight hours or less will enable the student to satisfy the training requirements for three other courses – provided, of course, that the agency for which the student works assumes the validation liability. One can only suggest, "Let the Buyer Beware."

However, the initial challenge remains the same: Should a state or other jurisdiction try to train for competence or merely train to compliance? Like virtually all of its partner states (as well as numerous local and tribal entities), the Commonwealth of Virginia is confronting this challenge

in a number of ways. The Virginia Department of Fire Programs (VDFP), to cite but one example, has chosen to “Train for Competence.” The department’s perspective has not been universally embraced, of course. However, realizing that its constituents are held to a high level of performance expectation, VDFP has determined that it is unacceptable to simply “train to compliance.” Classroom training in all NIMS and ICS (Incident Command System) curricula is strongly recommended by the department.

The Determining Factor: Demonstrable Competence

A number of factors were considered in determining the direction VDFP has adopted for its NIMS and ICS training programs. The net effect has been positive, as indicated by the following:

First: Students are “strongly encouraged” to participate in classroom training to meet their NIMS and ICS training requirements.

The classroom environment provides direct input and feedback and generally results in better and more lasting understanding. (Although not completely discounting the importance of accessibility of the on-line training programs, VDFP instructors consistently note that many students entering ICS training are, at best, only minimally familiar with the basics of ICS if they have participated only in on-line training.)

Second: VDFP endorses the requirement for teaching basic ICS courses in a minimum of 20 hours; the optimal time, though, would be 22-24 hours. More advanced ICS training should be taught in not less than 12-14 hours. The agency has experimented with supposedly “compressed” and/or “condensed” delivery methods of training, but the instructional strategies for these alternative training methods have been largely unsuccessful.

In addition to supporting fundamental training programs that are consistent

with the NIMS priorities and criteria, VDFP has undertaken several other initiatives. It is too early to determine if any or all of those initiatives will be successful, but early indications are that they will be both popular and productive. Following are two examples:

(1) Development of a stand-alone “ICS Planning and Forms” class. This class, based upon adaptation of a National Fire Academy (NFA) planning course, is a one-day “upgrade” or refresher class in the primary components of the ICS planning process – including such topics as the Tactics Meeting, Preparing for the Planning Meeting, the Planning Meeting, and the Operational Period Briefing (Shift Briefing). Using a progressive process of forms development and use, the individual student is taken through the key elements of the planning process with practical development of the forms needed in each step. The class culminates in a critiqued delivery of an operational period briefing. Although still in the “pilot”



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testing phase, the student responses have been extremely strong to date, eliciting such comments as “This course covered stuff we never got in the [basic] ICS-300 when we took it.” The primary purpose of this course is to augment or “upgrade” the minimal training often provided in ICS-300 classes intended only to “check the box” in the ICS planning process.

(2) Expanded deployment of the National Fire Academy course, Command and General Staff Functions in the Incident Command System (CGSFICS), as a means to develop local, regional, and eventually statewide capabilities toward the creation of Mobile Incident Support Teams (MISTs) capable of establishing or reinforcing local incident management efforts. This effort is an excellent example of the familiar “walk before you run” principle. The desired initial outcome is to develop a cadre of individuals who possess a sound understanding of command and general staff functions and also have the ability to establish (or fill in for) an incident command structure anywhere in the Commonwealth – if and as needed. Specific attention is being paid to regional MIST development. The eventual outcome hoped for is the development of cadres of 25 to 30 or more individuals within each of the Commonwealth’s seven Homeland Security Regions. Most localities in Virginia will not have the personnel resources immediately available to establish their own IMT or MIST for sustained operations (two weeks or longer) without relief. Recognizing that, when a significant event occurs, one region may be severely stressed, a MIST from a neighboring (or further) region could be mobilized – if needed and requested – to support the stricken area during the immediate aftermath of a major incident. Similarly, members from several MIST groups could be assembled in a task-force construct to provide large-scale

and/or longer-duration support for incident management functions.

Here it should be noted that the MIST concept does not supplant or discount the IMT concept. In Virginia, very few localities will have the personnel resources needed to support full-scale development of Type 3 or above IMT capabilities – especially for deployment

These complicating factors are compounded by the threat of having preparedness funds withheld for failure to adequately meet the NIMS compliance criteria

outside their assigned jurisdictional boundaries. The VDFP strategy is to meet this challenge by developing a broad-based capability in which enough individual responders will have had the training and practice needed to staff several different key positions and therefore could be assembled in a flexible manner when and if the need arises. By developing these “just in case” staff groups from around the state, the potential of being able to mobilize a sufficient number of appropriately qualified personnel in a timely manner is significantly increased. To date, approximately 120 individuals have completed the VDFP-sponsored training required for this class. VDFP believes it has the core components for developing and maintaining MIST capabilities, but also acknowledges the need for further work as described next.

(3) Development of annual (or more frequent) practical review training periods in the form of a program entitled, “Command and General Staff Functions – Practical Evolutions” (CGSF-PE). This program is designed to complement the training provided in various ICS and CGSFICS courses as well as the ICS Planning and Forms classes through an intense real-time sequence of planning exercise steps under conditions as close as possible to “real-life” working situations. Participants must form their own MIST (or IMT) for a simulated scenario for at least one full operational period (12 hours), prepare an appropriate plan for the next operational period, and carry out a “shift change” briefing for an incoming MIST/IMT. A special feature of this program is that it can be extended for an indefinite number of “shifts” – depending, of course, on the number of participants, the time available, and the funding provided. (The program has been highly successful, but is currently limited by funding constraints.)

To summarize: The NIMS concept for developing a national incident management capability is both necessary and achievable. NIMS compliance is one step, but only one, in the process of developing that capability. The most important step falls on the lower-level jurisdiction, and specifically involves accepting the responsibility to develop competence. In other words, simply training to achieve compliance will not suffice. Training to develop and sustain competence is essential.

Stephen Grainer is the chief of IMS programs for the Virginia Department of Fire Programs. He has served Virginia fire and emergency services and emergency management coordination since 1972 in assignments ranging from firefighter to chief officer. As a curriculum developer, content evaluator, and instructor, he currently is developing and managing VDFP programs to enable emergency responders and others to achieve NIMS compliance requirements for incident management.

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Frederick "Skip" Burkle, Jr., MD, MPH, DTM, Senior Scholar, Scientist, and Visiting Professor with The Center for Disaster and Refugee Studies at the Schools of Medicine and Public Health, Johns Hopkins Medical Institutions; Senior Fellow at the Harvard Humanitarian Initiative at the Harvard School of Public Health.



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*The Vile and Versatile Internet**A New Tool for the Cyber-Savvy Terrorist**By Joseph Steger, Law Enforcement*

The Internet is arguably the greatest cross-cultural bridge in the history of mankind. Its global reach enhances business, research, and personal relationships at the speed of light. In addition, it is a tremendously underestimated and versatile tool now being massively used by terrorists. Its most attractive features include the user's ability to be anonymous, to target specific individuals or groups, and to achieve and maintain largely uncontrolled accessibility. Understanding the various ways in which terrorists leverage and exploit the Internet is an important step, therefore, toward the goal of developing countermeasures to deter and detect terrorists and their malicious Internet activities.

The terrorist's objective, by definition, is to use force or violence against persons or property to intimidate or coerce a government or civilian population in furtherance of various political or social goals. The Internet is useful both as a supporting instrument and as the modality of attack. According to Bruce Hoffman of the Rand Corporation, over 5,000 terrorist organizations were operating Internet websites in 2006.

Anonymity is a particularly important Internet attraction for terrorists. E-mail accounts, blog sites, and chat rooms can be set up and used without any verification of a person's identity. Changes can be made and/or sites deleted without any trace back to the true identity of those responsible. In addition, there are websites, such as that used by the French Anonymous Society, where uncensored anonymous communications are supported and even, in some cases, encouraged.

Beyond the anonymity provided to individuals using the Internet, terrorists have exploited Internet service

providers (ISPs) to conceal their true locations. For example, www.alneda.com, an al Qaeda-affiliated site, was first apparently "located" in Malaysia – but then appeared in Texas not long thereafter before reappearing still later under yet another IP address in Michigan. Further investigation revealed that the ISPs hosting the site had no knowledge of its subversive content or even that it was using their

Through open-source data mining, terrorists can find a wealth of pre-attack planning information without having to leave their own geographical sanctuaries

servers. This type of cyber shell game becomes a tremendous challenge to law-enforcement efforts worldwide.

The cyber-savvy terrorist enjoys the Internet's nearly unregulated global reach in furthering his objectives. Internet communications can be openly broadcast to a wide audience or specifically designed to target a single person or cell. In addition, the nature of the communication can be tailored and the delivery targeted to meet the terrorist's sometimes varying objectives. For example, converting Internet messages by language is a relatively easy means of targeting a particular audience. Video clips originally recorded in Arabic, and therefore

suited for one particular audience, have been dubbed in Turkish with a different message for an entirely different sympathizer audience. Moreover, those same messages can be delivered via the Internet to media outlets for broadcast or posted in chat rooms and on bulletin boards for more targeted dissemination – and with very little or no extra cost to the terrorist organization.

Terrorists also can disseminate messages to and through a wide array of multi-media formats. Today, with voice-over IP capability, direct two-way communication can take place over the Internet network. Video clips and still photos of terrorist achievements also can be directly disseminated and posted by websites.

Planning and Command; Recruiting and Fundraising

The Internet is even more valuable, in many situations, as an intelligence collection and reconnaissance medium. Through open-source data mining, terrorists can find a wealth of pre-attack planning information without having to leave their own geographical sanctuaries. Photographs and high-resolution digital images of potential targets are readily accessible via the Internet. Building plans and emergency plans for specific sites are posted on the Internet as a public service. An al Qaeda training manual found in Afghanistan contended, in fact, that at least 80 percent of all of the information needed for a successful terrorist attack could be found through public sources.

Command and control operations are easily facilitated over the Internet. Thanks to the versatility and near unconstrained flow of information over the Internet, terrorist strategic and operational planners can coordinate their plans and activities with minimal

risk of interference to their operations. To cite the most prominent example, the Internet was instrumental in orchestrating the 11 September 2001 attacks in the United States and the later "7-7" attacks in the United Kingdom. In the current Jihadi movement, the Internet has been heavily used to communicate radical ideological arguments and to issue religiously justified orders or calls to action. These types of strategic guidance are a routine form of command and control for the extremist Islamic terrorist.

The Internet provides an efficient medium for terrorist propaganda experts to personalize their messages in ways designed to reach the hearts and minds of specially targeted audiences worldwide. Suicide/homicide bombers are portrayed as heroic nationalists and/or as religiously devout. These martyred terrorists are exalted as role models for others brave enough to follow. The terror propagandist also tailors and construes his messages to entice activist support. Using JavaScript functions, the terror propagandist can develop different messages for Western populations and Asian populations, leveraging the same multi-media message by tailoring it to different language preferences. This Internet feature fosters a form of language-specific, audience-targeted recruitment. For example, Chechen terrorists have designed websites to include links focused on Jihad in Afghanistan, Gaza, and the West Bank as well as in Chechnya itself.

The Internet is regarded by a growing number of experts as the most provocative source for the self-identification of neophyte terrorists to move from the virtual world into the real world through connectivity with other like-minded people. The arrest of the so-called "Toronto 18" in 2006 is but one example of the role the Internet can play in bringing previously disassociated people of similar ideology together in the discussion and planning stages of plots eventually leading to terrorist activism.

Additionally, the Internet facilitates overt and covert fundraising efforts on a global scale. Today, funds are routinely wired across political jurisdictions into foreign banks by means of the Internet. Even more covert means for funneling monetary support to terrorists are facilitated through elaborate integrated websites, chat rooms, and bulletin boards. There are numerous portals, in fact – usually established for everyday business purposes but also available to terrorists – specializing in the anonymous transfer of money.

In the late 19th century, terrorism was described as "propaganda by deed." The Internet efficiently conveys reports on terrorist acts in ways that sway and influence a broad spectrum of target governments and populations. As a psychological weapon, the Internet is ideally suited to convey a message aimed at inciting fear in a target population. One horrific example of this was the repeated display of the video clip of the murder of reporter Daniel Pearl. The worldwide dissemination of those images was purely for the purpose of striking fear in the terrorist's enemy.

Countermeasures Being Used And/or Under Development

In August 2007, the New York Police Department (NYPD) released a study detailing the causes and consequences of homegrown radicalism. The NYPD study pointed specifically to the Internet as the principal means for impressionable young Muslims to gain direct access to, and learn more about, radical extremist ideologies.

The United Kingdom has levied stiff criminal sanctions against those who use the Internet to facilitate a terrorist attack before the attack takes place. In October 2007 the High Court in Edinburgh, Scotland, convicted Mohammed Atif Siddique, 21, a student. The Court sentenced Siddique to prison for eight years for possessing terrorism-related materials downloaded from the Internet, setting up websites with information on building improvised

explosive devices, and circulating inflammatory terrorist-related materials. The Court noted that Siddique's acts in acquiring and possessing materials, via the Internet, for the furtherance of terrorist acts constituted a criminal violation of Britain's Terrorist Acts.

The punitive effects of successful convictions may help deter messengers of terrorism and reduce misuse of the Internet; however, criminal recourse would be difficult in the United States. Interdiction strategies to shut down radical websites address only part of the problem. Arresting individuals for disseminating terrorist messages, and prosecuting those arrested, addresses another part of the problem. Developing and carrying out creative ways to deter the use of the Internet for malicious purpose must therefore remain at the forefront of the international community, and more must be done to standardize legal measures globally.

Law-enforcement authorities and prosecutors need greater awareness of the Internet as a versatile tool in the terrorist toolbox. Greater emphasis also has to be placed on educating Internet service providers on the signs of terrorist exploitation of their services, and strategies must be developed for defeating and reporting the malicious acts of terrorists. Public education also can help to mitigate unfounded fears regarding terrorist uses of the Internet while heightening public awareness at the same time. In the long term, that increase in public awareness should lead to the timely reporting of suspicious Internet activity – and, of greater importance, the early interdiction of terrorist plans.

Joseph Steger is the pseudonym of a senior law-enforcement commander whose undergraduate background in a pre-medical program led to initial certification as an EMT in 1981. He retained that level of certification for eight years and across three states while serving as a federal law-enforcement officer. Over the years, Steger has worked closely with CONTOMS-trained tactical medics and physicians in numerous situations.

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Initial Report**The Mid-Atlantic All-Hazards Forum – “Hugely Successful”**

By James D. Hessman, Editor in Chief



The outbreak of a pandemic flu; the protection of critical-infrastructure (C-I) buildings, bridges, and transportation facilities; the need for additional and better-targeted funding; communications interoperability; the evacuation of major metropolitan areas in the immediate aftermath of a terrorist attack or major natural disaster; local, state, and federal emergency-preparedness training programs – and/or the lack thereof; food safety; and the establishment and operation of new fusion centers, transportation operations centers, and similar organizational/operational tools of government.

Those were among the numerous major topics and issues dissected, examined, explained, and commented on during the thirty 90-minute panel discussions that were the highlight of the hugely successful Mid-Atlantic All-Hazards Forum (AHF) at the Baltimore Convention Center in Baltimore, Maryland. The 7-8 November AHF, fourth in a series that started in 2004, attracted almost 1,000 participants, including public and private-sector attendees from at least 27 states.

Attesting to the growing importance of the Forum, as viewed from the highest level of government, was the attendance – as luncheon “keynote” speakers on 7 and 8 November, respectively – of Colonel Bob Stephan, DHS (Department of Homeland Security) Assistant Secretary for Critical Infrastructure; and Dennis Schrader, Federal Emergency Management Agency (FEMA) Deputy Administrator for National Preparedness.

The 2007 Forum’s Opening Plenary Session started with a no-topics-barred Homeland Security Directors’

Roundtable moderated by AHF Conference Chair John Contestabile and featuring the homeland-security directors of Delaware, the District of Columbia, Maryland, New Jersey, New York, North Carolina, Pennsylvania, Virginia, and West Virginia.

Major Improvements Noted, But Much More Is Needed

Although speaking from different perspectives and different levels of experience, the Roundtable participants, panel discussants, and other Forum attendees seemed to agree in general – albeit not unanimously – on several major conclusions, including the following:

1. There has been significant but far from uniform improvement in the emergency-preparedness

capabilities of all levels of government in the six years that have passed since the terrorist attacks of 11 September 2001.

2. Nonetheless, the dimensions and nature of the threat posed by international terrorism also have increased – but to a somewhat lesser extent.

3. The federal grant programs and other funding initiatives – state and local as well as federal – that have opened up in recent years have helped immensely in the purchase of equipment and the scheduling of additional training exercises and programs, but those gains have been offset to some extent by an increase in unfunded mandates passed on to the states by the federal government.



All Hazards Forum Homeland Security Directors Roundtable: (Left to Right) William (Bill) Bowen, Health Policy Advisor, NY State Office of Homeland Security; Darrell Darnell, Director, DC Office of Homeland Security & Emergency Management; Jim Powers, Director, PA Office of Homeland Security; Secretary Jim Spears, WV Department of Military Affairs & Public Safety; John Droneburg, Director, MD Emergency Management Agency; Robert Crouch, Assistant to the Governor for Commonwealth Preparedness, VA Office of the Governor, Commonwealth Preparedness; David Mitchell, Secretary, DE Department of Public Safety & Homeland Security; and John Contestabile, Director, Office of Engineering & Emergency Services, MD Department of Transportation

4. The nation's various first-responder communities (firefighters, police and other law-enforcement personnel, EMS (emergency medical services) technicians and other healthcare professionals, hazardous-materials specialists, etc.) are planning, training, and working together in a better-organized and more cooperative way than ever before – but additional improvement is still needed.

5. The homeland-security “industrial base” – an umbrella term that

includes many defense-oriented and communications companies as well as pharmaceutical manufacturers, the designers and builders of detection and identification systems, the makers and distributors of personal protective clothing, and the suppliers of a host of other essential systems and equipment – has played a key role in the upgrading of the nation's overall domestic-preparedness capabilities.

Again, though, greater progress could and should have been made – and would have been, if the Department of Homeland Security and other government agencies had been swifter and more proactive in the testing, validation, and fielding of new systems and equipment.

Perhaps the most important current problem still facing the nation's collective domestic preparedness/homeland-defense community, though – again, according not only to the Roundtable directors but also to many of the panel-discussion participants and other Forum attendees – is the need for a significant upgrading of communications systems. In two ways: (a) the development, testing, fielding, and widespread use of standardized, sophisticated, and – of paramount importance – *interoperable* communications systems and equipment of all types; and (b) a major increase in educational and public-affairs efforts across the board to keep the American people, and their elected leaders, fully conversant with the still growing threat posed by international terrorism (and by malevolent acts of nature).

An official report on the 2007 Mid-Atlantic All-Hazards Forum is now in the early stages of editing and evaluation, and is expected to be distributed within the next several months. A notice about the availability of the report, and a summary of its content, will be included in a future issue of the DomPrep Journal.

James D. Hessman is former editor in chief of both the Navy League's Sea Power Magazine and the League's annual Almanac of Seapower. Prior to that dual assignment he was senior editor of Armed Forces Journal International. Hessman received a commission in the Navy following his graduation from Holy Cross College and served on active duty for more than ten years in a broad spectrum of surface warfare and public-affairs assignments.

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Spores: The Threat of a Catastrophic Attack on America

By Neil C. Livingstone, Viewpoint



In 2001, shortly after the September 11th attacks, letters containing a highly virulent strain of anthrax were mailed to addresses in Florida, New York, and Washington, D.C. Five people died, and to this day the source of the attacks remains a mystery.

One positive result of the 2001 anthrax attacks, however, was that the U.S. government conducted a threat assessment in recent years on the possibility of new terrorist attacks against America with anthrax weapons, but the assessment report is classified and unavailable to the general public. To fill the vacuum, ExecutiveAction developed its own threat assessment: *Spores: The Threat of a Catastrophic Attack on America*. (<http://www.domprep.com/reports/AnthraxThreat.pdf>)

The ExecutiveAction monograph relies on open-source material and interviews with policymakers and scientists. It updates what the United States already knew about al Qaeda's past efforts to build an anthrax weapon, and the organization's ability to do so now. It also examines not only the challenges terrorists face to develop or gain access to an anthrax weapon but also America's preparedness to respond in the event of a strike.

Three dramatic scenarios are provided in the monograph that demonstrate both the U.S. vulnerability to a terrorist attack with a small amount of anthrax and the potential devastation – in terms of casualties and economic harm – that probably would result from such an attack.

Below are some of the key findings of the monograph:

- The United States faces a high risk of an attack by terrorists armed with some type of an anthrax weapon. Al Qaeda sought to build such a weapon in the late 1990s, but was

disrupted by the war in Afghanistan. Since then, the terrorist organization has regrouped and now has a new safe haven in Northwestern Pakistan, where it is attempting to restart its program to develop non-conventional weapons, including anthrax.

- Doctors and other educated professionals are joining the frontlines of the jihad against the West. These professionals have both the financial resources and scientific expertise needed to build at least a crude anthrax weapon, which requires minimal laboratory equipment and access to a lethal strain of *Bacillus anthracis*, the bacteria that causes anthrax.
- An anthrax weapon does not have to be elegantly “weaponized” to be effective. As long as virulent anthrax spores enter a victim's lungs, they can replicate and produce death.
- A terrorist attack with only a small amount of anthrax can cause significant casualties and severe economic harm. One gram of anthrax – i.e., about as much as could be contained in a sugar packet – shut down the U.S. Senate's Hart Office Building for five months in 2001; the decontamination costs reached tens of millions of dollars.
- No one died from the mailings to senators because the anthrax was quickly detected and everyone in the building received antibiotics, which are effective if taken soon after exposure.
- The most easily recognized symptoms from an anthrax infection – aches, fever, and a cough – do not normally appear for several days. By then, the disease has progressed to the point that antibiotics are largely ineffective. Had the attack on Capitol Hill not been detected until symptoms appeared, it would have been too late for treatment with antibiotics and many people would have died.

- Today, more than six years after the United States experienced an attack with anthrax, the nation remains largely unprepared for and defenseless against a new attack.
- To protect against a future anthrax attack, the United States must have available, beforehand, not only antibiotics but also therapeutics (which provide protection after antibiotics lose their effectiveness) and a vaccine.
- Time is of the essence. Even after the government awards a contract for an anthrax therapeutic or a new vaccine, it can take years to complete the required manufacturing, conduct safety and efficacy trials, satisfy FDA (Food and Drug Administration) requirements, and produce and stockpile the drugs required in the quantities likely to be needed.
- Procuring therapeutics and a new vaccine will reduce the potential severity of an anthrax attack. Although costly, the expense involved is far less than the cost of the economic damage that probably would result from a single attack involving only a small amount of anthrax.

The conclusion is both obvious, and compelling: To protect the United States from a potential terrorist attack, Congress and the Administration should immediately review the progress made to date and then take all of the steps necessary to accelerate efforts to prepare for a potential second strike that would be much more devastating, in every respect, than the first one.

Dr. Neil C. Livingstone, chairman and CEO of ExecutiveAction LLC and an internationally respected expert in terrorism and counterterrorism, homeland defense, foreign policy, and national security, has written nine books and more than 200 articles in those fields.

Forensic Evidence & Nuclear Radiation**A New Course of Action in the State of Washington**

By Leo Wainhouse, Viewpoint



Integration and cooperation are two key operational virtues needed by first responders to cope with almost any emergency – but especially a nuclear and/or radiological emergency. If one adds terrorism to the mix, those two key virtues become operational necessities. Imagine firefighters, law-enforcement personnel, hazmat teams, and other first responders all arriving at a crime scene at which radioactive contamination has been detected (or is suspected). Without the proper training, the very people who are trying to resolve the situation can unintentionally make it far worse.

The State of Washington's Department of Health has been working with local, federal, and other state emergency-responder departments and agencies to introduce and explain a concept known as the Forensic Evidence Management Team (FEMT), which gets its strength from bringing the members of various emergency-response disciplines together to teach and learn from one another.

The FEMT concept was developed in the United Kingdom in response to IRA terrorist bombings and has worked well there since the late 1980s. It was adopted by the United Nations in 2005 through a "First Responder Manual" developed by the International Atomic Energy Agency (IAEA), and has been taught in Washington State since 2005, when it was first introduced here by a former Scotland Yard forensic expert. The FEMT concept could work just as well under the federal government's ICS (Incident Command System) guidelines.

An Interlocking Network Of Integrated Teams

FEMT is simply an integrated way of teaching emergency responders to preserve evidence, and even to identify evidence found at and/or taken from a crime scene. The FEMT concept integrates emergency responders into

The Leadership Team makes the decisions on which evidence, regardless of contamination levels, should be taken out of the hot zone for further investigation

smaller and more specialized teams as part of the overall response effort. The latter teams might include and be designated as:

- An Entry Team, which conducts radiological surveys and identifies evidence;
- An Evidence Team, which processes the evidence;
- A Decontamination (or Decon) Team, which supports the responders working within what is described as the "hot zone"; and
- A Leadership Team, which guides and directs all of the responders.

All response agencies should be represented on the Leadership Team, and many should be represented on

one or more of the smaller and more specialized operating teams as well. But it is the Leadership Team that makes the decisions on, among other things, which evidence, regardless of contamination levels, should be taken out of the hot zone for further investigation.

The 2006 FEMT course carried out by the state of Washington included presentations by state crime-scene laboratory personnel and provided an awakening of sorts; until then, many of the emergency-responder students enrolled in the course had not realized *how*, and *how much*, their actions might adversely affect the emergency scene. Now one sees law-enforcement personnel, health physicists, members of hazmat teams, and firefighters talking with one another about the best way to approach a scene – always keeping in mind that *it is a crime scene* and that any evidence that might be found on the scene must be carefully preserved for future forensic examination and possible use.

Note: The next Washington State FEMT training course is scheduled for Richland, Washington, the week of 21 April 2008. It will be a one-week course featuring a two-day exercise, running 24 hours a day. The charge for the course will be \$200 per person. For additional information, please contact Johanna Berkey at Johanna.Berkey@doh.wa.gov.

Leo Wainhouse, manager of the Radiological Emergency Preparedness Section of the Washington State Department of Health, has over 26 years experience in health physics, environmental assessment, and emergency preparedness. He has significant experience – with private-sector companies as well as government agencies – with radioactive materials and has participated in the retrieval, packaging, and disposal of "orphaned" or lost radioactive sources.



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Inception, Growth, Reorganization: The Anatomy of an EPD

By David S. Burns, Emergency Management



The City of Los Angeles (LA) is the second largest city in the United States, with a population of nearly 3.9 million residents.

Although both the Los Angeles Police Department (LAPD) and Los Angeles Fire Department (LAFD) have provided various emergency-services capabilities for over 100 years, the city's still relatively new emergency management office has just started to function as a modern 21st-century emergency preparedness, mitigation, response, and recovery organization.

For more than a quarter of a century, LA used a civil defense model – under jurisdiction of the LAPD – from the Cold War era to manage various crises. In 1980, an Emergency Operations Organization (EOO) was established informally by the LA mayor and the City Council. The city's chief administrative officer (CAO) managed the EOO's coordination of LA's local emergency preparedness, response, and recovery functions.

For the next two decades the EOO (later renamed the Emergency

Preparedness Department, or EPD) struggled through its mission by using shared staffing provided by several of the city's other departments. The broad organizational structure and lack of a dedicated emergency manager contributed to the problems EOO/EPD faced in its infancy; those problems were exacerbated by the fact that the department's staff reported through four separate command structures. The 1992 LA riots and 1994 Northridge earthquake provided painful but significant lessons learned, and exposed some major operational gaps as well as a number of problems that would require changes in the city's organizational structure if the EOO was to be able to meet its mission in the future.

A New Beginning, Offset by Additional Challenges

Seeing the need for change, the city's voters and political leaders adopted a new City Charter giving the mayor direct authority over, and responsibility for, the city's emergency-preparedness plans and operations. On 2 July 2000, the mayor and City Council formally established the new Emergency Preparedness Department. The EPD's first general manager, Ellis M. Stanley Sr., was appointed in November 2000. For the first time, LA had a dedicated emergency manager as well as a centralized organization, and all of that organization's employees were working under one roof.

Stanley, a graduate of the University of North Carolina in Chapel Hill, N.C., served as emergency manager of Atlanta, Georgia, before coming to LA. He also had served as president of the International Association of Emergency Managers (IAEM) and as chairman of the Emergency Management Accreditation Program. Before retiring on 17 September 2007, Stanley led

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his department through a dynamic political environment in a city possessing one of the most diverse ethnic populations in the world.

From 2001 to 2006, the city again faced daunting challenges from international terrorism in the aftermath of the 11 September 2001 attack on the Pentagon and the destruction of the twin towers of New York City's World Trade Center. Fortunately, the creation of the U.S. Department of Homeland Security (DHS) in 2003 led to, among other things, the allocation of hundreds of millions of dollars for state and local homeland-security projects and programs. Nonetheless, the entire city was still struggling – as all of the nation's cities were, and still are – to meet the demands of its new homeland-security mission.

Looking Back – And to the Future

Meanwhile, the city's missions in disaster preparedness and all-hazards readiness; in pre- and post-disaster hazard mitigation; in the creation and regulation of robust recovery programs; and in the training of thousands of city employees to meet

the requirements mandated by the new National Incident Management System (NIMS) were severely straining the EPD's staff of just 16 people. In 2006, a reorganization of the department was proposed under a revised city budget that provided funds for additional staffing that would bring the department up to 30 full-time positions.

On 20 September 2007, three days after Stanley announced his retirement, Los Angeles Mayor Antonio Villaraigosa announced the appointment of LAFD Captain James Featherstone as the department's new general manager. Featherstone, who previously ran the LAFD's tactical training division, and served as an assistant general manager of the emergency management office from January through July 2006, started his new duties on 1 October. He brings a strong background in field operations to the agency. Nine new employees hired from outside emergency management agencies since July 2007 join him in bringing new perspectives and ideas into an organization that in

the past had been staffed primarily from intra-city department transfers.

With 25 of 30 staffing positions filled to date, but with several new missions also assigned, the city's newly reorganized EMD looks to the future with certain organizational concerns not yet fully resolved, but also with considerably more experience gained from the previous "lessons learned" and the full backing of not only the city's political establishment but also 3.9 million other concerned citizens in the greater Los Angeles area.

David S. Burns, CEM, campus emergency manager for the University of California Los Angeles (UCLA), has more than 24 years of public-safety experience as a 9-1-1 dispatcher, a paramedic, and an EMS and fleet operations manager. He is currently 1st vice-chair of the Universities & Colleges Committee for the International Association of Emergency Managers (IAEM). He has written numerous articles and reports in the fields of homeland defense and emergency management and holds a number of certifications in threat and vulnerability analysis and assessment, terrorism instruction, and WMD (weapons of mass destruction) training. ▼

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The Evolution of Devolution

By Joseph Cahill, EMS



One of the most important factors that might change during a major emergency is the availability of “command” – which means not only the continued presence of an officially designated leader but also that person’s ability to communicate with resources in the field.

Devolution – the term used when a government official or other leader passes his/her “granting” authority to an official at a lower level of government – facilitates the continuity of operations when there is a disruption of communications and/or a disruption of the designated leader’s ability to communicate. Three common-sense prerequisites must be included in a well-crafted devolution plan: the decision process; a communications capability; and the specific details about both.

A process for deciding *when* it is appropriate to implement the devolution decision must be included in the devolution plan not only because of the understandable reluctance of individuals in higher echelons to yield control but also because of the desire, in many if not all situations, of the designated lower-level leaders to assume the command and decision-making authority.

An appropriate balance is achieved by clearly stating: (a) the conditions under which the decision to devolve is made; (b) the name(s) of the person(s) who can make that decision; (c) the process that must be followed in making the decision; and (d) the documentation needed for all the preceding.

An Urgent Need For Two-Way Communications

When the decision to devolve is made by the appropriate command authority, that decision must be communicated to the resources in the field. This communication can be

issued immediately – i.e., at the time the decision is made – or in advance of the time selected to make the decision. Advance communications about such decisions may take the form of protocols or directives that explain the enhanced authority and either grant that authority in the protocol or explain when it may be used.

Three common-sense prerequisites must be included in a well-crafted devolution plan: the decision process; a communications capability; and the specific details

When a resource assumes expanded authority, that person must attempt to communicate his/her assumption of authority back to command. One of the major risks in any devolution plan, of course, is that some individuals might assume the authority prematurely and put not only themselves but also those around them at considerable risk.

In many respects, it is the details that are the most important aspect of the plan. Such specific details as to who has expanded authority under the devolution plan, under what conditions that person is permitted to use the authority granted, and, of the greatest importance, the limits of the expanded authority should be spelled out as fully and as specifically as possible.

An almost everyday medical situation provides an easily understood example of how devolution works: Paramedics

provide medicine and other treatments under the direction of a physician; many of those medications, of course, are given under written orders provided in advance, but some require a direct conversation with a physician (usually carried out by phone or radio).

In the Philadelphia Fire Department’s EMS (Emergency Medical Services) system, however, when communications fails paramedics are empowered to provide additional treatments under their own authority. This is a very simple example of devolution.

In a rural or otherwise less accessible system, though, when a major increase in the volume of calls overwhelms the system’s ability to respond to calls, provisions might be included in the devolution plan to allow the paramedics affected to refuse transportation for, and/or to triage out, patients who do not require an emergency room and to direct them to a private physician.

Like so many protocols in the EMS field, though, this option probably would require a specific grant of authority from the state – and, possibly, an act of the state legislature. In New York State, an EMT (emergency medical technician) may refuse transportation only after consultation with a physician – but under disaster conditions, of course, a physician is unlikely to be available, in which case the EMT would be faced with an extremely difficult dilemma.

In short, devolution plans are a necessary way of ensuring that the critical functions of government continue to serve the population. However, because most if not quite all disasters generate a major increase in the volume of calls for EMS assistance, appropriate systems and rules must be in place if the local resources are to be able to operate independently – but still within the rule of law. ▼



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Damage and Debris – The Difficult Decisions Involved

By Kirby McCrary, Viewpoint



Following a debris-generating event such as a hurricane, flood, earthquake, or tornado, event-caused damage can be either widespread or concentrated, depending on the type and severity of the disaster. The extent of damage will largely determine the numbers of recovery personnel who deploy to the disaster, and this influx of first responders and others rushing into the region to begin the recovery process can be as overwhelming to local residents as it would be if an army had decided to make the area its bivouac site for field maneuvers. But a virtual army of varying specialists is sometimes needed to help restore critical elements of everyday life in as quick, safe, and efficient a manner as possible.

Two of the most specialized of those personnel are the debris-removal contractor and the debris-removal monitor, each of whom is critical to the recovery effort. The contractor brings the equipment and personnel needed to open roads, collect debris from the roadway shoulders, and process and dispose of it by an approved means. The monitor ensures both that proper procedures are being followed from start to finish during the process, and that the debris being collected is “eligible” for removal – meaning that it is the type of debris designated for collection by the specific contractor involved, that it comes from an eligible source, and that it is picked up or collected from a similarly eligible roadway shoulder.

The debris intended to be collected for disposal is typically pushed or dropped onto a road’s right-of-way or shoulder – but that part of the process has to be done in a way that does not interfere with restored vehicular traffic. Adherence to this rule may and frequently does result in the debris

being placed within close proximity to public or private-sector property or various amenities and attributes – and/or encompassing features along the road’s shoulder that could create a conflicting situation for the contractor during his collection operations.

Those “amenities” include but are not necessarily limited to: (a) such private-property features as privacy walls, gates, fences, mail boxes, sign structures, drainage culverts, and hedges; and (b) such public-property features as utility poles, bus shelters, benches, and street signs. If the contractor is not careful during the debris removal operation, those items and others can be damaged, or sometimes destroyed, during the collection process, in which case close follow-up procedures and the documentation needed for repair or replacement – and eventually final acceptance by the owner – also would be required.

Pushing, Positioning, and The Proper Setting of Priorities

The reasoning behind these rules is obvious: during the initial “pushing” operation, debris that has fallen onto and/or is blocking roadways usually is pushed onto the shoulder with little concern for anything other than to open the roadway – which is almost always the first priority in such situations. This part of the contractor’s removal effort is urgently needed so that recovery personnel, equipment, supplies, and materials arriving on the scene during the recovery phase of the overall operation can find their way to the areas having the greatest need for outside assistance.

The contractor’s pushing operation is usually followed in short order by the issuance of orders by a local government jurisdiction directing home and business owners to bring

debris that has fallen onto private property to the roadway shoulder and to position that debris as close to the road as is safely possible – but, and of the greatest importance, without putting it onto the road itself. Once those two aspects of the operation are underway and/or completed, it is almost inevitable that much of the debris now in position to be collected and removed will be in close proximity to various types of private and public property features. The conflict situation unintentionally created can easily lead to additional damage or complete destruction of those property features during the removal process, thus putting the contractor in the unenviable position of: (a) not having any control of where, specifically, the debris is positioned on the road’s shoulder; but (b) having to deal with the situation nonetheless.

The other type of damaged property for which the contractor also can be blamed is damage caused by the event itself. During the debris removal and collection process, the contractor frequently will encounter instances in which damage has been caused by a fallen tree or large branch, or as a result of some large physical object being hurled by high winds into private or public property, or possibly being carried to that property by flood waters. In those and similar situations, the contractor had nothing to do with the damage that occurred, but could eventually be blamed for it by a property owner who does not have insurance and/or some other way of paying for repairs. Although it is certainly both desirable – and legally as well as ethically justifiable – for a contractor to accept financial responsibility for damage caused by his own operations, it is not reasonable to assign that same responsibility for damage the contractor did not cause.

Visual Evidence Often the Deciding Factor

To help resolve whatever situation applies, the debris monitor becomes the critical element. The monitor should always be mindful of the area in which he or she is operating, particularly and specifically upon arrival into an area in which significant damage has occurred. An initial and thorough survey of the surrounding conditions is required, therefore, both to protect the contractor against possibly frivolous claims of contractor-caused damage, and to ensure that any damage that was in fact caused by the contractor is reported promptly and handled expeditiously. This usually is accomplished by carefully documenting: (a) any damage that was/is evident prior to the contractor beginning his operations; and (b) any damage the contractor himself causes while conducting his debris-removal operations.

Of particular importance to ultimate resolution of the various issues that might develop would be photographs or videos of the damage done, shown in the context of the area involved. For example, when the monitor first arrives in a newly assigned area, if a privacy wall is found to have been damaged, and if a limb from a tree behind the wall appears to have broken and to have crashed into the wall (and is now lying on the ground), having photographs of the damaged wall that show the tree behind it and the broken limb on the ground would be powerful rebuttal material for any claim that the damage was caused by the debris-removal contractor. Alternatively, if the monitor is a personal witness to contractor-caused damage, and properly documents it, the contractor will be unable to deny the damage and/or his resulting financial responsibility.

It is worth repeating, and emphasizing: All documentation – whether in the form of reports,

photographs, video, or other medium – becomes part of the official records of the on-scene damage and can be used to resolve disputes about when the damage occurred and who is ultimately responsible for repairs, restitution, or reparation.

As with all other elements of a debris-removal operation, therefore, the accurate and complete documentation of all pre-existing damage, as well as all contractor-caused damage, is probably the only way to ensure a fair and equitable

resolution of the problem that is (or should be) acceptable to all of the parties involved.

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Kansas, New York, and California

By Adam McLaughlin, State Homeland News



Kansas K.C. Health Department Addresses Pandemic Planning Challenges

Tens of thousands of Kansas citizens could face critical food and water shortages in the aftermath of a pandemic flu outbreak, according to a recent report conducted by the Kansas City Auditor's Office. The reason? They are too poor to stockpile the supplies they would need for a crisis of even a relatively short duration. "I have been talking about this for three years — how we are going to feed people," said Rex Archer, director of the Kansas City Health Department.

Archer met with the City Council's Finance and Audit Committee in late October to discuss the results of the report, which was part of a national review of pandemic preparedness plans. The report noted that government officials have been trying to prepare for a flu outbreak that could make hundreds of thousands of residents sick — but also pointed out that most potential flu patients are not making the same effort.

Public-health guidelines say that families should have a two-week supply of food and water on hand for an emergency. In Kansas City, though, the report estimates, only about 10-15 percent of families now have as much as a three-day supply of food and water on hand. However, more than 80,000 Jackson County residents live in poverty and simply may not be able to stockpile the essential supplies in the quantities recommended, the report said.

The report also noted that most school children in Kansas City now are provided free or reduced-price school lunches — food that would not be available if schools are closed during a flu pandemic. The citizens likely to be the most severely affected during a flu pandemic, said Councilwoman Deborah Hermann, would be those in the lowest income

brackets. She said that efforts to train local health officials to help in an emergency would not solve that specific aspect of the overall problem.

Another important factor to consider if a pandemic flu outbreak strikes, according to the report, is that residents would not be able to completely rely on government to bail them out. "Government will be impacted, too," said Sharon Kingsbury of the auditor's office, noting that many health and social-services workers would be among those who get sick.

Archer said that his office has talked with representatives of a number of churches and various community groups about stockpiling food, water, and medicine, and that most are willing to cooperate. In a pandemic, though, that assistance would not be enough. "You could have one-third to one-half [of] the entire population sick [during a pandemic], and you cannot get food in here," he told the Finance and Audit Committee.

New York Reaches Controversial Compromise with DHS on Driver's Licenses for Illegals

The Bush administration and the state of New York reached agreement in the last week of October to create a new generation of "super-secure" driver's licenses for U.S. citizens — but the agreement would do nothing to stop illegal immigrants from applying for and receiving a modified version of the license as well.

New York is the fourth state — after Arizona, Vermont, and Washington — to reach an agreement with DHS on such federally approved secure licenses. The issue is particularly pressing for border states, where new and tighter rules are soon to go into effect for those seeking to cross the U.S./Canadian or U.S./Mexican borders. The New York/DHS agreement was

announced about one month after New York Governor Eliot Spitzer announced a controversial plan through which illegal immigrants who possess valid foreign passports could obtain drivers' licenses. The Spitzer plan was the subject of an acrimonious debate among the candidates for the 2008 Democratic presidential nomination, and has been denounced by several Republican presidential aspirants.

The state's agreement with the U.S. Department of Homeland Security (DHS) will create a three-tier license system in New York, which is by far the largest state so far to sign on to the government's post-9/11 efforts to make all types of government-issued identification cards much more secure than they previously were.

Spitzer, who has faced considerable criticism on the issue, said in his own defense that the agreement means that New York "will usher in the most secure licensing system in the nation." DHS Secretary Michael Chertoff, however, said that he is not happy that New York would be issuing IDs to illegal immigrants — but that there is nothing he could do to stop it. "I do not endorse giving licenses to people who are not here legally, but federal law does allow states to make that choice," Chertoff said. "It is going to be a big deal up in Buffalo, [and] it is going to be a big deal on the Canadian side of the border," he added.

Under the compromise agreement, New York will produce an "enhanced driver's license" that will be as secure as a passport. The enhanced license is intended for use by people who soon will need to meet the more rigid ID requirements that will be needed for even a short drive into Canada. A second version of the license will meet new federal standards of the Real ID Act. That law is designed to make it much harder for would-be terrorists and illegal immigrants to obtain licenses.

A third type of license will be available to undocumented immigrants. Spitzer has said that this ID will make the state more secure by bringing those people

“out of the shadows” and into American society – and will also lower auto insurance rates. Those licenses will be clearly marked to show that they are not valid federal ID cards. Officials would not say, however, whether that means that local law-enforcement personnel could interpret the possession of such a license as probable cause to detain someone they suspect of being in the United States illegally.

There are now between 500,000 and one million undocumented immigrants in the state of New York alone, according to various estimates, and a large number of them are believed to be driving not only without a license but also without car insurance. In addition, Spitzer said in September when he announced his executive order, an unknown number of those undocumented immigrants are driving with fake drivers’ licenses.

NYC Launches Latest Preparedness Campaign for Young People

During the first week of November, New York City Mayor Michael R. Bloomberg, OEM (Office of Emergency Management) Commissioner Joseph F. Bruno, and Department of Education (DOE) Deputy Chancellor Kathleen Grimm launched *Ready New York for Kids*, the latest addition to the OEM’s long-term general preparedness campaign.

As part of the City’s ongoing effort to encourage all New Yorkers to prepare for emergencies, OEM and DOE have created two Ready New York for Kids guides. One guide is designed for elementary school children; the other targets students in middle school and high school. Throughout the month of November, *Ready New York for Kids* is being distributed to all 1.1 million New York City public school students. In addition, public school teachers are being provided a list of ideas for preparedness-related lessons and classroom discussions.

“Our administration has been doing everything possible over the past six years to be as prepared as possible for emergencies,” said Bloomberg. “With *Ready New York for Kids*, we have created

two fun-filled, interactive versions of the guide – so both younger and older students can make sure that, no matter what kind of emergency strikes the City, they will be as prepared as possible.”

“One in seven New Yorkers is a public school student,” OEM Commissioner Bruno pointed out, “so *Ready New York for Kids* offers a great opportunity to further the message of emergency preparedness. I encourage all parents to discuss the guide with their children.”

OEM’s Ready New York campaign was initiated in 2003 to inform New Yorkers about the hazards they may face during a major emergency and to encourage the city’s residents to prepare for disasters and crises of all types. Ready New York, which takes an all-hazards approach to emergency preparations, follows three guiding principles: knowing the hazards in New York City, making a disaster plan, and stocking emergency supplies.

Ready New York for Kids is available in nine languages: English, Spanish, Russian, Chinese, Korean, Haitian-Creole, Urdu, Arabic, and Bengali. The guides also will be available online (www.nyc.gov).

California State Task Force To Review Firestorm Efforts

In early November, Governor Arnold Schwarzenegger ordered a review of California’s response to the wildfires that burned more than 2,000 homes last month and asked a state-appointed task force to identify any organizational weaknesses that could be fixed. The fires, which raged for days, caused most of their damage and fatalities in San Diego County.

Schwarzenegger asked the task force to determine not only if California had enough fire engines and personnel to coordinate its response, but also to consider whether the state should allow homes and businesses to be built in the areas most prone to wildfires – and, if so, to recommend whether those buildings should be required to meet higher fire-resistant standards.

“The governor believes that the state did a great job in its response to the fires,” said Schwarzenegger spokesman Aaron McLearn, “but we should always be asking ourselves what additional steps we need to take to do even better. He [Schwarzenegger] is calling on the experts to examine the most recent fires and to make additional recommendations to ensure we are always improving our fire response.”

Schwarzenegger addressed his questions, and concerns, to the state’s “Blue Ribbon Task Force,” a panel of fire chiefs and other appointees that was established after a review of California’s response to the 2003 fires that destroyed more than 3,600 homes – many of them in the same areas as last month’s fires.

“The Legislature will be holding public hearings [on the wildfires], and we are hoping the administration does the same,” said Steven Maviglio, a spokesman for Assembly Speaker Fabian Nunez. Assemblyman Pedro Nava, a Santa Barbara Democrat who heads California’s Joint Legislative Committee on Emergency Services and Homeland Security, said that his committee will hold the hearings.

Michael Warren, chief of the Corona Fire Department and past president of the California Fire Chiefs Association, also serves as the task force chairman. He said the group will review the 48 recommendations generated after the 2003 round of fires and determine which of those recommendations were implemented and whether or not they helped during the recent fires. He said that the state’s air assets, ground-response capabilities, and interagency cooperation efforts all would be scrutinized during the review, which he expects to finish in early 2008.

Adam McLaughlin is Preparedness Manager of Training and Exercises, Operations, and Emergency Management for the Port Authority of N.Y. & N.J. He develops and implements agency-wide emergency response and recovery plans, business continuity plans, and training and exercise programs.