



## **Committee Reports and Position Papers**

**2009 Mid-Year Conference  
March 6-11, 2009  
Alexandria, VA**



## **NEMA Position Paper on Critical Emergency Management Issues**

**DATE:** March 10, 2009

**SUBJECT:** Critical Emergency Management Issues for the Obama Administration and Congress

**DISCUSSION:** The National Emergency Management Association has identified a list of critical issues that must be addressed by the Obama Administration and Congress in order to maintain a viable and effective national emergency management system for the United States.

### **BACKGROUND:**

#### *Communication and Collaboration*

There has been significant effort in the past eight years to improve our national ability to prevent, protect, respond, recover and mitigate across the full range of threats and hazards confronting America. Success in these efforts requires constant assessment of our national strategic goals and the steps being taken to achieve them. No single entity, public or private, is the sole authority in defining these goals and none is solely responsible for their accomplishment. Building America's all hazards emergency preparedness capability is a shared *national* responsibility that federal, state, local, tribal, territorial and private sector organizations share with the American people.

The federal government currently has the opportunity to transition from top-down direction to meaningful collaboration with all non-federal stakeholders. A robust and consistent capability for engaging national stakeholders in both national discussions and the resulting decision making process is required.

#### *National Preparedness*

The Department of Homeland Security and the Federal Emergency Management Agency have taken the approach of leading the national emergency management/preparedness programs with limited regard to input from State and local stakeholders. Those who practice the emergency management profession at the State and local level are as committed to national standards, measurable capabilities, and improved readiness posture as our federal counterparts. That is why emergency managers have voluntarily created, implemented and measured themselves against an agreed upon set of national standards.

The Emergency Management Accreditation Program should be the voluntary national measure of achievement for both State and local emergency management programs. Congress, DHS and FEMA should endorse and embrace EMAP and refrain from inventing duplicative and competitive programs

### *National Response and Recovery System*

When disasters strike, the only metric we should ever measure ourselves on is whether we met the needs of the survivors of that event. Every iterative process, government regulation, new idea, technological investment, statutory rule, grant program, assessment process, training effort, or education endeavor is only important and necessary if it leads to the achievement of this outcome. If it does not, its implementation, use, and expenditure of resources must be questioned.

The Emergency Management Assistance Compact is a program that NEMA has developed over time that could very effectively help address response and recovery capabilities. Since 1993 EMAC has been used to respond to the nation's largest disasters and was cited by Congress and the White House as one of the few success stories in the responses to Hurricane Katrina. EMAC was created *by States for States*.

NEMA acknowledges that our federal counterparts, our local partners and our members are all interested in accomplishing the goal of a nation prepared for any emergency or disaster. Congress, DHS and FEMA should acknowledge State and local initiatives as tools that may be used to achieve our collective national goal. EMAP and EMAC are examples of established, functional alternatives to some of the programs being promoted by DHS and FEMA.

### **RECOMMENDATIONS:**

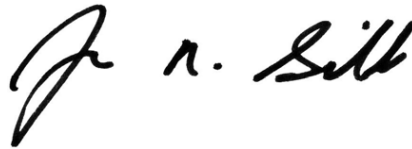
- Foster communication and collaboration. Ensure stakeholders are included in all aspects of national policy development as successful collaboration requires a partnership with state and local governments, the private sector and nongovernmental organizations. This collaboration must occur with involvement of non-federal stakeholders at the development stage for programs/policies and not just as a review and comment action.
- The federal government should coordinate all national and regional policies, programs and initiatives through the State and not directly with local government. Bypassing the States jeopardizes the achievement of State-wide goals and objectives and creates distrust between State and local jurisdictions and their federal partners.
- Maintain FEMA's mission and lead agency responsibilities for all hazards emergency preparedness, regardless of where the agency resides within the Federal organizational structure. Ensure any evaluation of FEMA's status within DHS or as an independent agency is thoughtful, deliberative and comprehensive, taking into account all the potential ramifications. Include NEMA and key stakeholders in any such evaluation.
- Revise the FEMA Interim Final Rule on State Management Costs and establish reasonable rates that allow States to recover eligible costs for administration of the Public Assistance and Hazard Mitigation Grant Programs.
- Adopt and implement the NEMA-FEMA recommended disaster declaration criteria indicators for Individual Assistance. The Federal government must build greater transparency in the declaration process and provide quicker and more detailed communication with the States on disaster declaration request and appeal decisions.
- Congress, DHS and FEMA should place a moratorium on all evolving and new requirements on State and local emergency management programs and conduct a comprehensive review of policies, programs and requirements to determine their effectiveness in reducing risk and

building capabilities for State and local governments. This review includes, but isn't limited to, the Target Capabilities List and the TCL assessment, NIMS compliance requirements, planning requirements for emergency management and homeland security grants, National Planning Scenarios, Gap Analysis Program, State Preparedness Reports, Comprehensive Assessment System, and Cost-to-Capability pilot. Involve state and local government representatives whom you are trying to serve through these programs in the review process.

- Work with key stakeholders to create a new National Sheltering System for disaster evacuations.
- Conduct a comprehensive review and evaluation of the effectiveness of the national response and recovery system and disaster assistance programs; redesign as necessary to meet the needs of the future. Include key stakeholders like NEMA in the process from beginning to end.

Moved: CO  
Second: CNMI

DISPOSITION: PASSED UNANIMOUSLY



Authenticated: \_\_\_\_\_  
NEMA Secretary

NEMA 2009 Mid-Year Conference, March 6-11, 2009, Alexandria, VA

**Legal Counsel Committee Meeting Notes  
2009 Mid-Year Conference, Alexandria, VA  
March 7, 2009**

**Welcome and Opening Remarks**

Welcome remarks by Tom Balint and self introductions of room attendees.

Tom Balint took an informal poll on having quarterly conference calls. The Committee agreed to have quarterly conference calls

**Update from FEMA**

Mary Ellen Martinet, Linda Davis and Erin McMunigal from FEMA OCC briefed the committee. Mary Ellen Martinet manages the attorneys that go out to field to the joint field office. FEMA is conducting legal training to get new FEMA attorneys up to date and prepared for deployments. This is a 4 day training system that FEMA may be able to break into modules in order to open 2-3 days up to others. The course looks at privacy issues, form processing, joint operations. Committee members strongly encourage FEMA to open the course up to state attorneys and to look at joint legal exercises. Any training that can be provided would be very welcomed. The training is run by subject matter experts.

In the field, JFOs have had many requests for FEMA attorneys at the JFO. Many of these are looking at the private contracts and eligibility under Stafford Act.

- This could resolve a lot of issues by being able to talk over the issues. Often when trying to call the Chief Counsel's office you get moved around a lot on the phone and you don't get a chance to discuss the actual issue. This would make the regions the "go to person" which would simplify.
- Issues could be worked through the FCO.
- FEMA Attorney Contact Information: Office: 202-646-3341 Mobile: 202-230-6633

**Bills of interest for 2009**

- Issued an executive order that all regulations have to be approved by the Administration (the Secretary). Did a comprehensive review of 44 CFR which is very outdated. Have a clean-up order as a first step to try and improve the regulations. This is a technical amendment – will not change substance – just clean them up.
- Special Community Disaster Loan Cancellation. Working to tailor to traditional programs that will not cause surprises. It does not go into effect immediately. Cannot get applications. Have to collect comments and then can issue a final rule before doing that.
- Doing a comprehensive review of the Public Assistance program. Will implement many of the PKREMA changes and ways to improve the program itself – looking at timelines, the documents, etc. There will be a comment time before it goes into full effect. This is part of the unified agenda. Take a look at the unified agenda that will come out this spring.
- Working with Nuclear Regulatory Commission. NRC is working on a rule that will alter the determinations for nuclear power plants. Have a joint policy and working on a supplement to that policy for hostile actions. Hoping to release for comments around the same time as the NRC.
- Management Cost Rule – thank you to everyone who submitted data. FEMA understands the current methodology is not well liked and got your comments. Going through now and running numbers on a final rule for the management cost. Able to provide comprehensive and broad comments. OMB could also change this – this is what is in the unified agenda but given the new administration – this could all change.
- Repetitive Damage Rule – Stafford Act Change – issue a rule to reduce the federal share for damaged facilities.

- Making a lot of efforts to improve the regulations. This is from comments within and without FEMA. Looking at areas where the rule is vague or where FEMA can be more flexible.
- Question to FEMA OCC: Is there a way to gauge the needed changes instead of developing the document, opening for 30 day comment, get comments, and then re-write? Is there a way to get ahead of that and do it in front?
- New arbitration panel – it is better to open it up to the entire public rather than just opening it up to a smaller group. This would allow for people to hear what went into the dialogue so they know what went into it while we were writing it.
- Question to FEMA OCC: Has there been any thought on policies, strategies, and running them against the regulations to ensure that they are consistent? Yes. FEMA is undertaking that effort.
- Operational personnel in the States often read the policies and feel that the policy is the law. The thought behind the policies is to still provide clarification and align them with the law.

New Potential Authorities. Pamela Williams from FEMA Legislative Affairs Office briefed the committee.

- Have had 8 scheduled congressional hearings focused on housing and public assistance.
- Do not have any pending legislative investigations. Senate launched a housing investigation. It is on the Senate web site and is on their web site. We will hold a hearing and look at further regulations and possible even HUD's authority.
- FEMA still continues to struggle with the temporary housing issue. Transportation Infrastructure is still looking at that issue.
- Stimulus bill passed. This will bring forth many new projects and requirements.
- There are bills looking at taking FEMA out of DHS. The administration has not taken a position on these bills yet. We are standing by looking to determine the administration's position.
- Looking at another DHS authorization bill. Jurisdiction is the biggest issue with this bill. Does not look at Stafford Act bills.
- Lapses in authorizations such as National Flood Insurance program. If this program lapses, the mortgage market can grind to a halt. Flood insurance is going to be a big issue this year.
- Defense Production Act is also up for reauthorization.
- Definition of USAR teams and mandatorily setting up more USAR teams.
- Flood map implementation: Have had a lot of issues with flood maps and the implementation of those maps. This would set constraints on FEMA.
- Mortgage and Rental Assistance reauthorization discussion.
- PA Pilot program that would advance more money, pay overtime, etc. FEMA is still collecting data on this project which ended Dec. 2008.
- Summary Section 601: One paragraph in stimulus bill that says they have to create an arbitration panel for anything over \$500,000. FEMA is brainstorming how to implement and set up arbitration for PA projects that are at an impasse in the gulf region. Don't have anything to share. Did take recommendation that seek input from states that have been impacted.

## **Mutual Aid Issues**

### **International Compacts:**

New compact in the NE region. SW states are talking about a compact and there is also discussion on 1 large agreement that can umbrella all of them. Have been working with NEMA and FEMA to come up with an international compact. This is an important partnership as there is often tension. FEMA has been an excellent partner in helping us move this forward. In CA, trying to work along with what everyone else is doing. Through PNEMA – are looking at moving forward and looking at issues. Are looking at building upon what PNEMA has in the NW and joining up with that compact. They have a framework for doing this mutual aid. Along with southern border, are dealing with coming up with an

agreement for both the states in Mexico, states in USA, and the 2 national governments, the 2 congresses of the national governments that are involved. The language barrier has been a minimal issue at this point. Have started to circulate a very general compact for both sides to review. Looking at security, immigration, liabilities, etc. The basis of the agreement is EMAC. Notable differences: Mexico doesn't allow states to enter into agreements without their consents. Have to ensure that this government will consent to the agreement. Just now starting to circulate and structure it to be open.

- Many compacts for international do not need a declaration.
- Through NEMA and FEMA – are also looking to developing 1 larger umbrella agreement.
- Carole Cameron: Thanked NEMA for stepping up to the plate to look at international mutual aid. Have been working with David and Tom and find more and more issues as the onion is peeled away. NEMA is working to look at all of it together. Don't want to interfere with the agreements that are in place now but will complement those as to not hurt the social capital that was developed. Looking at following NIMS and NRF.
  - Issues that are being looked at:
    - Who needs to adopt it on the other side of the border?
    - Stacking mutual aid agreements. If NY State goes into Canada and is a member of EMAC, can they then send assets they request through the other agreement.
    - Canada: Providence or National adoption or both? Mexico: states and national adoption or both?
    - Canadians call it a MOU as they cannot adopt a "compact".
- Many of these are treaties and they just keep stacking on top of one another.
- Bill paying – each have different mechanisms for paying or not paying the bills.
- The first time something happens we will be faced with the legal issues so we try to spot them upfront so we don't have to deal with them.
- We need someone from the Department of State but have been very supportive to date.
- Will work with broad outlines. Relationships are very dynamic.

### **National Capital Region:**

President Bush declared an emergency for the Inauguration. National Security Event declaration. FEMA attorneys told DC that they could use the federal declaration as the trigger to use EMAC by using the Intelligence Reform Act Provisions. The Intelligence Reform Act Provisions trumped EMAC was the premise that was used to say that they could share resources but it says that it cannot trump EMAC within its legislation. DC wanted to say that because DC had declared an emergency, they could request resources under EMAC. Florida had its difficulties. VA requested resources. Operationally were working through EMAC and the emergency management agency. The National Guard Bureau issued their own agreement as there was no disaster declaration. VA was taken off guard as well.

### **EMAC Discussion and Issues:**

We are soon going to be competing against ourselves. There are unresolved legal issues on who needs to be at the table. Is there an effort to catalog all of the agreements that are out there? Yes. FEMA has done this and is happy to share it with the Committee. Have broadened the list to include existing agreements with Mexico. Will send out the list of agreements and can add one if yours if it is not on there. If you look at your law, you will likely find a ton of agreements.

### **Credentialing:**

- This is a frustration with the NIMS requirements.

- There is no definition for credentialing and qualifications and how to be done. It is also your access card to get into a scene. There is no guidance on what the card will look like. Will not be useful going from state to state. A lot of issues that the EMAC Committee is dealing with.
- Certified by the local employer - - resource owner.
- They say it is intended for interstate mutual aid. There are a lot of issues on this topic and expect them to come back more and more.

### **Inauguration Issues**

- Emergency Declaration
- EMAC and mutual aid Issues

### **ABA Homeland Security & Emergency Management Committee**

- Policy for how law should be used – mitigation. Very curiously looked at federal flood insurance policy & coverage. Looked at private insurance coverage.

### **Reports from other Committees/Groups**

- Groups have not yet met yet so there is no report.
- Will bring up the recommendations for the legal exercise is an increased need for private sector. There were 6 different legal subject matter experts.

### **Discussion of Legal Table Top Exercise**

The tabletop exercise was a radiological attack – and the impact. Made up the geography – so there could be a good exercise with the courthouse shut down near the hospital.

Takeaways: This was an excellent exercise that Ernie has been talking about 3-4 years now. The quality and success was excellent. There were 6 breakout sessions in the group – with excellent attendees.

- Subject matter experts were excellent.
- FEMA: Were there any limitations in regulations what were identified?
  - Louisiana will have a list of these issues.
- A lot of the legal issues that came back mirrored the operational issues.
- Shared the stories in the midst of the situation – so looked at the legal issues that came out of that.
- Some of the same issues came up in each of the 6 sessions. Liability and Communications, who is in charge, and who will pay.
- Identified issues: Will we get \$, how long to get the answer, where to get the answer. What happens if you don't get help? Add liability protection so the state is not liable for anything they do.
- In the housing section we had the legal and then the practical. Had the wrong person asking the wrong agency for the right stuff to ensure the legal counsels the huge number of programs that are out there.
- Next steps
  - Will work on a final report of the exercise. Hope we can replicate this in a year or so and spotted a number of issues that will arise during events.
  - The report will be very interesting to state emergency management and their staff.
  - Made audio tapes of each of the breakout sessions.
  - The main session was videotaped.
  - Develop training materials that go across the country.

**Other issues**

NCCUSL: have a model uniform volunteer health practitioner's act. Looks at fully compensated hospital employees outside of the EMA and puts them in another hospital. Puts the liability on the home state without the home state knowing they are there. They go directly to the legislature. Workers compensation provision where you get it through the state. This can cause budget and other issues and the fact that it bypasses EMA is beyond comprehension.

**NEMA Mitigation Committee Meeting Highlights  
NEMA 2009 Mid-Year Conference – Alexandria, VA  
March 7, 2009**

**Introduction**

NEMA Mitigation Committee Chairman Jim Mullen called the meeting to order and welcomed the meeting participants. Mullen thanked the Committee for their efforts and support on the initiative for a National White Paper on the Future of Mitigation. The Committee's priority business for the year will include the White Paper and also reauthorization of the Predisaster Mitigation Program. A document including success stories has been compiled by NEMA staff and will be expanded to include more non-flood examples and to also include a variety of state examples for Congressional staff to use. The Committee will also be working to support the National Earthquake Hazard Reduction Program.

**Update from FEMA Mitigation Division**

Mike Buckley, the Acting Assistant Administrator for the FEMA Mitigation Directorate explained that the White Paper effort seems to be going in the right direction and the draft paper hits on the right issues. IN the 1980s, there was a movement to include mitigation issues in all projects, but the effort never gained steam. The Committee discussed how to implement mitigation into all federal projects through a possible Executive Order or other means. For FY 2009, the Predisaster Mitigation Grant Program had 600 applications for a total need of \$380 million. State, local, and tribal governments participated in the peer review for the grants and in the future FEMA will seek to obtain continuing education units for the peer review participants. The Mitigation Division will be looking for ways to streamline the grant process and will also discuss these issues during the Hazard Mitigation Summit in May 2009. The Summit will be timed at the same time as the roll-out of the grant guidance and FEMA committed to sharing the grant guidance for comment with NEMA. The Division is actively pursuing web based grant application processes. In the past several years, there has been an increase of over an additional 1000 communities in the Community Ratings System program for governments.

FEMA is working to support the extension of the National Flood Insurance Program, with the continuing resolution containing a new extension until September 30, 2009. Risk MAP (Mapping Assessment and Planning) is the next step in the map modernization process. The new concept to package map modernization efforts with risk will help to identify gaps in data especially in coastal areas and communities with levees, increase public awareness of risk management, allow for risk based mitigation planning, and serve as a digital platform to better integrate components. The Dam Safety Program received a \$6 million increase in FY 2009. The baseline for funding levels should be maintained since only 50 percent of the 7000 state registered dams have emergency action plans in place.

Currently, 18,800 local communities have approved hazard mitigation plans, which comprise 77 percent of the US population. In 2009, 1800 jurisdictions have to revise plans and in 2010, 2000 jurisdictions have to revise plans. For state plans, one plan expires in 2009 and another 32 state plans expire in 2010. Deb Ingram, FEMA's Director of Risk Reduction explained that a new wildfire mitigation policy is in place, in addition to last year's safe room policy. FEMA will also be working towards reauthorization of the Predisaster Mitigation Program. FEMA will be conducting stakeholder meetings at the end of March and April to discuss the implications of the Hazard Mitigation plan renewals. Additionally, FEMA will be pulling together a focus group on Severe Repetitive Loss Grants as the program has been challenging to implement with not a lot of interest generated in the \$120 million currently available in the program. The Severe Repetitive Loss Program expires along with the National Flood Insurance Program.

The Committee discussed the possibilities for integration of mitigation for all hazards including buffer zone protection and critical infrastructure protection into risk analysis. Buckley explained that FEMA Mitigation is in active discussions with other colleagues in DHS and they are looking to mitigation to provide guidance on how to address efforts. The Committee also discussed the role of local elected officials in helping to complete hazard mitigation plan reviews and promote overall awareness for mitigation.

### **Discussion on the NEMA White Paper Mitigation Initiative**

Chair Mullen updated the Committee on the January 13, 2009 meeting to develop a White Paper on the Future of Mitigation. Over 25 groups were invited and over 15 participated in the session. NEMA Past President Glen Woodbury, and former Mitigation Committee Chair, drafted the paper and comments are due back to the NEMA staff by March 27, 2009. The goal would be to integrate the comments in a few weeks and to have a final draft for review by the NEMA Mitigation Committee and other associations participating later in April. The paper highlights the need to integrate mitigation into programs and to refocus energy and efforts on the mitigation. The Committee discussed the need to include language addressing the role of federal, state, and local governments in the paper.

### **State Hazard Mitigation Officers (SHMO) Update**

Mark Stewart, the Washington State Hazard Mitigation Officer explained that the SHMOs are communicating on a regular basis in support of the Mitigation Committee. An annual meeting has not been scheduled for 2009 at this time. The SHMOs are spending time looking at the review process for hazard mitigation plans.

### **Innovations in Mitigation**

The Committee discussed recent mitigation initiatives in their states. Washington State efforts have gained the attention of the Governor who wants to mitigate after three recent floods. Wisconsin used the opportunity after floods in 2008 to promote mitigation. Louisiana is instituting a community education program aimed at assisting in mitigation. Alaska is looking at how to address permafrost, erosion and wind through mitigation. Iowa communities are discussing risk reduction versus loss avoidance. FEMA explained that they are working with the Weather Channel to do a special on mitigation in the future. Utah has updated materials for SHMOs on a CD-ROM and additional updates of the materials will be necessary with the changes in consolidating all the mitigation plans. Berginnis explained the challenge of the lack of funding to provide for State Hazard Mitigation Officer training and that the program has been given once in the last three years. The SHMOs are looking into conducting their annual meeting in Vermont this summer and may look into providing the training there. Berginnis also explained SHMO issues of concern including plan update guidance, state management costs, and the need to update the BCA. Berginnis also explained that he serves as a liaison to the Association of State Flood Plain Managers for NEMA and that the groups are partnering on issues like legislation for the National Flood Insurance Program and the regular time reimbursement for mitigation workers during disasters.

### **Position Papers**

The Committee approved two position papers. The first paper calls on Congress and the Administration to reauthorize the Predisaster Mitigation Grant Program. The second position paper calls for Congress to reauthorize the National Earthquake Hazard Mitigation Program.

**NATIONAL EMERGENCY MANAGEMENT ASSOCIATION  
MITIGATION COMMITTEE  
POSITION PAPER**

**DATE:** March 10, 2009

**SUBJECT:** Support for Reauthorization of the Predisaster Mitigation Program to complement the Hazard Mitigation Grant Program

**DISCUSSION:**

The Disaster Mitigation Act of 2000 (DMA2K and P.L. 106-390) authorized a national disaster hazard mitigation program “to reduce the loss of life and property, human suffering, economic disruption, and disaster assistance costs resulting from natural disasters and to provide a source of predisaster hazard mitigation funding that will assist states and local governments in implementing effective hazard mitigation measures that are designed to ensure the continued functionality of critical services and facilities after natural disaster.” The title of the bill that authorizes the predisaster mitigation program sunsetted on December 31, 2003. Congress approved several more authorizations, keeping the program currently running until September 30, 2009.

Congress has funded the national predisaster mitigation program at the following funding levels:

- FY 2009 - \$90 million
- FY 2008 - \$114 million
- FY 2007 - \$100 million
- FY 2006 - \$50 million
- FY 2005 - \$100 million
- FY 2004 - \$150 million
- FY 2003 - \$150 million

While federal costs towards disasters remain a concern, significant commitments must be made towards both predisaster and post-disaster mitigation in order to lower overall disaster costs in the long run. With such low levels of funding, the predisaster mitigation program has never fully able to address the intent of DMA2K. In 2005, the Multi-Hazard Mitigation Council published a study that found that every \$1 FEMA invested into mitigation projects saves society approximately \$4. The Congressional Budget Office has also found that for every \$1 of investment in mitigation yields \$3 in savings in a September 2007 study.

Predisaster mitigation programs and initiatives have proven their value in not only saving lives and property in recent disasters, but also in many cases have negated the need for any emergency response and recovery. The key to the value of the programs is that predisaster mitigation is coordinated through the Governors and the state hazard mitigation plan as required by DMA2K. The program addresses the unique areas of greatest need to prepare for and reduce the overall costs of a disaster event.

A competitive program as proposed in Presidential budget requests and advocated by some members of Congress severely limits the ability of smaller states, the territories, and those with less frequent disasters to apply for grants and receive grants. These states and territories may face scrutiny because their grant applications would not be viewed favorably against those from larger states experiencing more frequent events. There is a distinct possibility that a competitive approach would mean the end of mitigation funding in many states, territories, and local communities. Additionally, the

costs of preparing the application and the various reviews are substantial and burdensome to smaller jurisdictions. Predisaster mitigation must include all, since science cannot accurately predict where the next disaster may be or what kind of disaster may be faced. The predisaster mitigation program must create readiness in all states and territories from the most critical potential disasters.

While NEMA is supportive of the Predisaster Mitigation Program, we remain supportive of both pre- and post-disaster mitigation. The Hazard Mitigation Grant Program (HMGP) must not be changed in order to ensure a balanced holistic national mitigation program that includes both pre- and post-disaster mitigation.

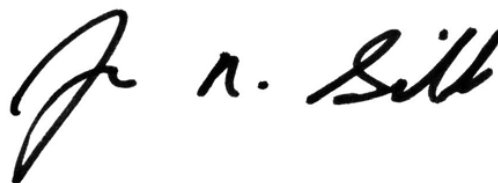
**RECOMMENDATIONS:**

1. NEMA calls on the President and the Congress to reauthorize the Predisaster Mitigation Program as authorized by DMA2K. NEMA offers itself as a resource during the consideration of reauthorization legislation.
2. NEMA vigorously supports a separate predisaster mitigation program, but remains concerned that adequate funding must be provided to reap the benefits of mitigation across the country.
3. Attempting to prioritize limited predisaster mitigation funding on the national level is counter productive to the establishment of State and local planning, therefore NEMA supports the distribution of predisaster mitigation funds by a base plus population formula rather than by competitive grants. Further, NEMA supports a predisaster mitigation program that follows the criteria included in the Disaster Mitigation Act of 2000 (DMA2K). *(Note: Previous NEMA Position dating back to the start of the program.)*
4. NEMA strongly supports a balanced national and federal mitigation program that adequately funds both a Predisaster Mitigation Program and a Hazard Mitigation Program with the formulas included in the Post-Katrina Emergency Management Reform Act (P.L. 110-295).

Moved: Arkansas  
Seconded: Iowa

DISPOSITION: Approved Unanimously

Authenticated:



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NEMA Secretary

NEMA 2009 Mid-Year Conference, March 6-10, 2009, Hilton Alexander Mark Center Hotel, Alexandria, Virginia

**NATIONAL EMERGENCY MANAGEMENT ASSOCIATION  
MITIGATION COMMITTEE  
POSITION PAPER**

**DATE:** March 10, 2009

**SUBJECT:** Support of Reauthorization of the National Earthquake Hazard Reduction Program (NEHRP) and full funding of the Advanced National Seismic System (ANSS)

**DISCUSSION:** **The Earthquake Hazards Reduction Authorization Act authorizes appropriations for carrying out the Earthquake Hazards Reduction Act of 1977. The program provides funding for the National Science Foundation, FEMA, the U.S. Geological Survey (USGS), and the National Institute of Science and Technology. Currently, the authorized funding level for NEHRP is \$191 million for FY 2009. The program's authorization will expire on September 30, 2009.**

In addition to NEHRP's scientific and research driven efforts, the program provides assistance that enables States to develop preparedness and response plans as well as increase earthquake awareness. A primary objective of NEHRP is to provide outreach and public education. Other key NEHRP objectives include development of cost-effective measures to reduce earthquake impacts on individuals, the built environment, and society-at-large; providing guidance and recommendations on codes and ordinances to enhance seismic safety; and improving earthquake resilience of communities nationwide.

In 1999, Congress initially authorized funding to the U.S. Geological Survey for an ANSS. This authorization was part of the reauthorization of the National Earthquake Hazards Reduction Program (P.L. 106-503). Congress reauthorized the program in 2004 (P.L. 108-360). The ANSS is an initiative to modernize, expand, and integrate seismic monitoring and notification nationwide. This system will provide rapid information within minutes after an earthquake on the distribution and severity of strong ground shaking in urban areas. This information will greatly improve the speed and effectiveness of emergency response, disaster recovery, and enhance our nation's ability to warn of impending tsunamis and volcanic eruptions. The system will provide critical data for research on the nature and causes of strong earthquake shaking. The results of this research will be used in the design and construction of earthquake-resistant homes and structures, and thus prevents damage from future earthquakes. Further, applied research that is sponsored in part by NEHRP may lead to exciting new technologies, such as early earthquake warning, which are vitally important to protecting human life and critical infrastructure as well as guiding response efforts.

A 2006 National Research Council assessed the economic benefits of improved seismic monitoring proposed under the Advanced National Seismic System (ANSS) program of the U.S. Geological Survey. The report concluded that full deployment of the ANSS could reduce the

annualized losses in earthquakes by \$5.6 billion though “providing critical information for land-use planning, building design, insurance, warnings, and emergency preparedness and response”. The report also noted that the annual cost of a fully deployed ANSS is substantially less than the estimated annual benefits of more than \$140 million derived just from design and construction savings enabled by reduced uncertainty in earthquake motions. In FY 2009, ANSS is authorized at \$36 million.

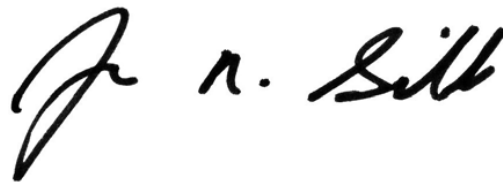
**RECOMMENDATIONS:**

1. NEMA supports the NEHRP program reauthorization during the 111<sup>th</sup> Congress and calls on Congress and the Administration to provide adequate and predictable funding for the program for fiscal year 2010 and beyond.
2. NEMA supports adequate and predictable funding for the ANSS at the authorized level.

Moved: West Virginia  
Second: Alaska

Disposition: Approved Unanimously

Authenticated:



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NEMA Secretary

NEMA 2009 Mid-Year Conference, March 6-10, 2009, Hilton Alexander Mark Center Hotel, Alexandria, Virginia

**NEMA Preparedness Committee Minutes  
NEMA 2009 Mid-Year Conference  
Saturday, March 7, 2009**

**ATTENDING COMMITTEE MEMBERS:**

Doug Hoell, Chair	Hans Kallam
Al Berndt	Joe Wainscott
Proxy for Bill Hackett	John Heltzel
Brock Long	Johnnie Smith
Chuck Ada	Beth Zimmerman for Lou Trammell
Kathy Doult for Christopher Pope	Ron Osborne
Dave Maxwell	Elysa Jones
Barb Farr	

**STAFF:**

Beverly Bell

**COMMITTEE PRESENTERS:**

Ken Watman – FEMA  
Josh Dozor – FEMA  
Jim Kish – FEMA  
John Gibb (NY)  
Jim Mullen (WA)  
Tim Manning (NM)  
Brad Gair– New York Office of EM

Committee Chair Doug Hoell (NC) called the meeting to order at 8:02 am and roll was taken.

**Updated TCL/Comprehensive Assessment System (CAP)** – Ken Watman and Josh Dozor from FEMA gave this briefing. By the end of FY2009, FEMA hopes to have its quantitative measurement system (CAP) in place. The TCL will be the guidance for this system. All 37 capabilities should be revised by end of FY 2010. The CAS will act as a passive warehouse of data developed by states using a variety of sources – Gap analysis; State Preparedness Reports; exercise and training data, grants, etc. It is meant to assist states in identifying and correcting capability shortfalls.

State Preparedness Reports – part of the CAS; in the past, this has taken a narrative, written format. It will change to an online, quantitative yes/no approach. States will be presented with each TCL and will rate themselves, determining how their state’s program measures against the TCL. They will use FEMA’s PrepCAST system. FEMA will field test the new SPR survey in late spring and will collect/incorporate comments during the summer. The revised SPR will be available in August or September.

**REP/CSEPP Briefing** – Jim Kish from FEMA provided this update. REP – currently reviewing all regulations and guidance – expect to distribute an updated rulemaking process within the next month; new REP exercises will include hostile action scenarios; lots of new investment going in nuclear reactors – program is working with NRC to review license applications, which could total 25 through 2010. CSEPP – slowing closing this program. Only two sites will remain beyond 2013, Colorado and Kentucky, which will probably take another decade. As a result, the REP program will likely expand in the future while CSEPP will be phased out. FEMA is interested in hearing back from the states as to what kind of hazard-specific tools are needed at the regional level to support the states. NEMA will follow up on this. One state applauded FEMA’s efforts in technical hazards, but reminded the agency that states must have access to the findings of all of FEMA’s various comprehensive reviews in order to address any deficiencies.

**State Innovations** – Guam, North Carolina, Vermont and Wisconsin briefly outlined various efforts in their state to better prepare citizens/protect citizens from harm in the event of a disaster. Guam – joint promotion with Pizza Hut and Domino’s to include a disaster preparedness flyer on every home delivery pizza box; North Carolina – evacuation and sheltering plan for the western region (as opposed to plan for eastern region, hurricane area); Wisconsin – Individual preparedness based on Readiness Quotient poll; Vermont – popular preparedness workbooks and calendars

### **NEMA Subcommittee Report**

- Hurricane Subcommittee – Brock Long (AL) – subcommittee has developed a draft strategy for the FEMA National Hurricane Program; draft will be shared with the full committee after the conference, and if supported, will be advanced to the full membership for endorsement. It outlines the strengths of the NHP, its weaknesses, and where it needs to go. A committee conference call will be scheduled after the conference to discuss the strategy.
  
- Interoperable Communications Subcommittee – Bill Hackett (CT) was not able to attend the conference because of travel restrictions in his state. Mr. Hoell provided his report:
  - The Interoperable Emergency Communications Grant Program (IECGP) funds are being released to the states. This two-year grant addresses key issues from each State Communications Interoperable Plan (SCIP) and provides funding for administrative, governance, planning and training for interoperable communications.
  - States are in the process of getting their investment justifications ready for the 2009 Homeland Security Grant Program (HSGP). The HSGP may be an avenue for states to explore supporting these new programs through sustainment funding which could extend beyond the Public Safety Interoperable Communications (PSIC) grant period.
  - Special thanks to Tom Simon from Hawaii, who serves on our Interoperable Communications Subcommittee, for representing NEMA on an Emergency Alert System/Common Alerting Protocols Road Map Committee mandated by the FCC. Vermont, Maine and Connecticut are also serving on four working groups attached to this project.
  - John Gibb (NY) represents NEMA in the Integrated Public Alert and Warning System (IPAWS) Practitioner Working Group with FEMA.
  - A notice came out to all the states that the federal Office of Emergency Communications (OEC) is now collecting various types of agreements, as they relate to interoperability communications, in order to establish a national central repository. These include inter local agreements; joint powers agreements; memoranda of agreement; memoranda of understanding and Standard Operating Procedures.
  - OEC released the National Summary of Statewide Communication Interoperability Plans (SCIP) last week. This document provides the common themes, gaps, initiatives, and a sample of best practices as identified in the 56 SCIP’s and updated SCIP Implementation Reports.
  - OEC is also hosting a national conference on emergency communications in Chicago from April 22 – 24, 2009. They are expecting over 300 multi-discipline practitioners, government officials and private sector representatives to attend. Beverly Bell will be attending for NEMA.
  - A last addition to Bill’s report – there is a webcast from several federal entities on Tuesday, March 10 at 10 am to discuss broadband initiatives that will be funded by President Obama’s Stimulus Package.
  
- Public Information Subcommittee – lead Michelann Ooten from Oklahoma Emergency Management was not able to attend because of a disaster in her state. Mr. Hoell provided her report:
  - FEMA/State PIO Conference – second annual conference in June in Denver; NEMA worked to

get this conference and we appreciate FEMA providing the funding to make it happen. Conference will have case studies; lessons learned from recent events that required crisis communication

- Area of training – subcommittee has a Training Group headed by Virginia – they've been working with EMI to draft plans of instruction for a five-step training structure. Includes: New on-line PIO Awareness Level Course; Two-day Basic PIO Course; New One-day Basic Joint Information Center/Joint Information System Course; Revised Advanced Public Information Officer Course; New Joint Information Center Master Course
- Other work by the subcommittee - Mentoring Working Group headed by Alabama that reaches out to new state emergency management PIOs and helps them connect to the larger network of state PIOs
- There is also a Credentialing Work Group - developing a model to use in credentialing PIOs when called upon to work response and recovery through mutual aid agreements and across jurisdictions

**EMAP Report** – provided by EMAP Executive Committee Chair Tim Manning (NM):

- 23 accredited programs – 20 states and three local programs
- EMAP received accreditation as a standards writing body from American National Standards Institute (ANSI)
- EMAP standards currently out for comment
- Baseline assessments being scheduled now

**Hudson River Plane Crash** –After an introduction by John Gibb (NY), Brad Gair from the New York City Office of Emergency Management gave an overview of the accident and how preparedness efforts helped in the successful response:

- Currently, conduct annual drills with the Port Authority to prepare for plane crashes. This preparation played into the response. However, normally prepare for a plane that is not intact.
- 100,000 NYC employees have received training in ICS, NIMS, etc
- 180/190 employees of NYOEM have participated in regular preparedness drills
- City had its own Citywide IMS – worked well
- State-of-the art incident simulator really helped agencies in ICS/NIMS skills; spent preparedness dollars on it
- Need to do a better job of integrating private sector resources
- Took too long to open up a common communications channel
- The fact that it was a “moving incident” – plane floated for several miles – where should the command post be?
- NTSB is not plugged into the National Response Plan, but federal agencies were
- Need more training on Incident Action Plans – i.e. salvaging the plane was complex
- Establishing a Family Assistance Center for family members of passengers of this event did not work.

**2010 Vancouver Olympics** – Jim Mullen (WA) told the group about his state's work with Canada for next year's winter Olympics:

- Number of U.S. agencies involved in the planning
- Interesting process because U.S. is in a supporting role, not leadership
- Designing the Olympic Coordination Center right now; will be tested over the next couple of months
- Currently discussing how to bring resources across border if needed
- Fear is that as more time passes, more agencies will realize the games are coming and will want to become involved

**FCC/Weather Radios** – a couple of states raised the issue that weather radios distributed by DHS last year, would not work with test codes during Severe Weather Awareness Week exercises last week. It was decided to research the issue and share any answers with directors.

With no further discussion, Vermont moved for the meeting to adjourn and South Carolina seconded.

**EMAC Executive Taskforce Meeting  
2009 Mid-Year Conference  
March 7, 2009**

Chair: Carolyn Freitag

Welcome: Carolyn Freitag welcomed the EMAC Executive Task Force members and spectators.

**Meeting Business:**

Carolyn reviewed the agenda for the ETF meeting and briefly went over what needed to be accomplished.

Angela Copple: Angela introduced Jennifer Perkins to the Task Force. Jennifer will be serving as a technical assistance to Angela. Jennifer will be working on the EMAC Web Site and assisting with the development of EMAC online training.

**Activity Reports from the Chair and Chair-Elect:**

Carolyn Freitag: Carolyn stressed the importance of developing response and recovery capabilities prior to an event. Member States should be actively engaged in the process.

Kim Ketterhagen: Kim expressed his gratitude for the efforts of Member States over the past few months. Member States have been willing to step up to the plate and provide needed assistance when called upon to do so. So far, it has been a very successful year for EMAC.

**LSR Regional & ETF Support Staff Reports:**

Region I: Barbra Farr, the director from the State of Vermont, provided the report for Region I. Several states in Region I are struggling with budget issues. States will continue to support EMAC as needed. Allan Phillips from Massachusetts has offered to take over the reigns as the LSR for the region. Barbra stated the Vermont National Guard provided support for the Presidential Inauguration (under title 32). The Vermont National Guard will be conducting an exercise in June. EMAC will be a part of the exercise. Barbra directed a question to Tom Balint on the Volunteer Medical Program and difficulties in deploying volunteers. Tom stated that unless there is legislation on the books for volunteers to deploy as temporary agents of the state, they cannot be deployed through EMAC. Barbra noted that the State of Vermont also provided assistance to Kentucky for the recent ice storms.

Region II: Howie Butt provided the report for Region II. Howie recently attended a meeting of the Pacific Island Caucus. Effective utilization of EMAC is still an issue for the islands. Catastrophic planning efforts are currently under way in the State of New York and the State of New Jersey.

Region III: Kenny Hayes provided the report for Region III. A training calendar is being developed for presentation of the Understanding & Implementing EMAC Course and A-Team Training Courses. Final dates have not been determined as of yet. EMAC refresher courses will be presented in Maryland, Delaware & Virginia. Pennsylvania is in the process of identifying and training a new EMAC Coordinator.

Region IV: Carolyn Freitag provided the report for Region IV. Efforts are underway in the region to increase the number of qualified EMAC A-Team personnel.

Region V: Scott Gauvin provided the report for Region V. The State of Illinois provided EMAC assistance to Kentucky for the recent ice storms. Work is underway to strengthen response and recovery capabilities at the state and local level. The Region is in the process of developing a Multi-Discipline A-Team. Locals are being invited to participate in EMAC training whenever possible. There is a need for regional planning collaboration because of anticipated delays in federal assistance. States in the Region are planning on being on their own for up to a week. Development of Mission Ready Packages is still a priority. However, funding will be a major stumbling block.

Scott stressed the importance of state-to-state planning. Carolyn offered the assistance of the Task Force members wherever state-to-state planning assistance is needed. Jack Jowett cautioned Task Force members not to layer EMAC in such a way that all EMAC resources must be utilized or committed before federal resources can be requested.

Region VI: No report

Region VII: Dave Miller represented Region VII. Because Past Chair Jerry Ostendorf was in attendance, Dave asked Jerry to give the report. Joyce Flinn has been promoted to fill Jerry's position. A new director has been appointed in the state of Kansas, Angee Morgan. Angee is working on filling the LSR position from her state. States are working on target capabilities (critical medical services). Jerry quickly covered recent events (tornadoes and flooding), in the Region. Resource Owners who provided assistance for the recent events have been or are being reimbursed. Jerry stated that project worksheets have been submitted to FEMA to recoup some of the reimbursement costs.

Dave Miller commented on the 30 day emergency declaration renewal process. Because many Governors have to renew their emergency declaration every 30 days, it does cause some problems for long term disasters. Some recovery efforts can go on for months. It is up to the individual states to work through the issue. Dave Miller commented on the upcoming Vigilant Guard exercise and is concerned that the Guard may not look at EMAC as a critical component of the exercise. Member States must take an active role in making sure that EMAC is incorporated into Guard exercises.

Region VIII: No report

Region IX: Beth Zimmerman provided the report for Region IX. Matt Parks is in the process of putting together an EMAC training schedule for the Region. Training will focus on the new Understanding and Implementing EMAC Course and on the new A-Team Training Course.

Region X: Ward Noland: Efforts are still under way to develop Incident Management Team capabilities within the Region. Refresher EMAC training is tentatively scheduled for the State of Alaska sometime in June. Ward recently attended two meetings at the National Interagency Fire Center in Boise. Duplication of effort still is a problem when requesting firefighting resources through the Interagency Fire Center and EMAC. Ward suggested that an EMAC liaison be appointed who could respond to the Interagency Fire Center to help coordinate requests for assistance during a large fire, much like a response to the NRCC by a National Coordinating Team member. Jack Jowett stated there was nothing in the Compact that prohibited a state from requesting a liaison in the Center if the impacted state felt it was necessary. It could be done utilizing the REQ-A process. Further discussion on the matter is required.

Jack Jowett: Jack mentioned that he is the longest serving Immediate Past Chair. Jack recently attended training with National Guard Joint Force Commanders (week long course). A five person National Guard working group has been established to address EMAC support issues for the National

Guard. Jack suggested that best practices from past National Guard EMAC deployments be compiled and provided to Guard units for training and exercise purposes.

EMAC Training Coordinator: Rick Williams: Rick provided a report on current EMAC training efforts under way. The Understanding and Implementing EMAC Training Course and A-Team Training Course will be reviewed and adopted during the last week of March, 2009.

EMAC Senior Advisor: Leon Shaifer was assigned to review written comments that have been provided on possible language changes to the ETF and LSR protocols. Any additional comments on changes to the protocols must be provided in writing to Angela within 10 days.

NEMA EMAC Coordinator: Angela Copple: Angela provided information on the EMAC Mobilization Unit Plan (EMU) Template that was recently completed. Five states will be selected to pilot the development of an EMAC Mobilization Plan, utilizing the Plan template. If states are interested in developing a plan, they can go to the EMAC Web Site and fill out an application. NEMA will provide \$10,000.00 to each state selected to develop and carry out an EMU Plan. Developing an exercise to evaluate new plans will be part of the process.

Angela Copple: Superintendent Cortez from EMI is considering recommended changes to the E-430 Train-the-Trainer Course.

**EMAC Executive Task Force Transition:**

ETF Chair Transition: Carolyn Freitag will remain in the position of Executive Task Force Chair until December of 2009. In December 2009, Kim Ketterhagen will take over as the Executive Task Force Chair and will remain in the position until the Mid-Year NEMA Conference of 2011. From that point forward, the Executive Task Force Chair position will change at each Mid Year Conference. LSRs will also change at the Mid-Year Conference, with the odd number regions changing during odd number years and the even numbered regions changing during the even numbered years.

Angela Copple: Angela reviewed recent changes to the EMAC REQ-A.

**Action Items:**

- Efforts to develop a Public Health Exercise will continue with the help of a contractor. Once completed, the exercise will be made available to the Member States.

**EMAC Committee Meeting  
NEMA 2009 Mid-Year Conference  
March 8, 2009**

Chair: Kris Eide

Welcome: Kris welcomed everyone to the meeting and expressed her appreciation for the efforts and hard work by members of the EMAC Committee.

**Meeting Business:**

Kris Eide: Extended a welcome to Jennifer Perkins. As the newest member of EMAC staff, Jennifer will be assisting Angela Copple with technical development of online training and working on enhancing the EMAC Web Site.

**EMAC Executive Task Force Report:**

Carolyn Freitag: Provided a report on the Mid-Year Conference Executive Task Force meeting. Member States are continuing with efforts to strengthen the EMAC system. EMAC Committee members were encouraged to promote EMAC planning, training and exercises within their respective states. Carolyn emphasized the role of the Lead State Representatives (LSRs) in each of the regions and the responsibility they have for sustainment and enhancement of EMAC.

Kim Ketterhagen: Reviewed the transition schedule for the Executive Task Force Chair position. Carolyn Freitag will remain in the position as Executive Task Force Chair until December of 2009. In December 2009, Kim will take over as the Executive Task Force Chair and will remain in the position until the Mid-Year NEMA Conference in 2011. From that point forward, the Executive Task Force Chair position will change at each Mid Year Conference. LSRs will also change at the Mid-Year Conference, with the odd number regions changing during odd number years and the even numbered regions changing during the even numbered years.

**State Commitment to EMAC:**

Kim emphasized the importance of Member State commitment to EMAC. Member States must ensure that a minimum number of EMAC trained individuals are available and ready to go into action when called upon to do so. Kim thanked members of the EMAC Committee for their support to the Task Force.

**EMAC Mobilization Unit Plan Template:**

Kris Eide: Introduced members of the Committee to the newly developed EMAC Mobilization Unit Plan Template. Kris stressed that effective emergency response requires plans for the efficient identification, ordering, mobilizing, deploying, tracking and accounting of resources. The Mobilization Unit Plan template can be used by Member States to develop such a plan. Use of the Mobilization Unit Plan template will be piloted by 5 Member States. States interested in piloting efforts to develop and implement a Mobilization Unit Plan will be provided \$10,000.00 by NEMA to get the planning and development started. Those states interested in the project will be able to go online and submit an application for pilot development funds. Development of a training exercise to evaluate planning efforts will be part of the process. NEMA will review developed plans and exercises to ensure funds are expended correctly.

**Direct Reimbursement for EMAC Missions:**

Kris Eide: There are concerns about entering into agreements with FEMA for direct reimbursement for EMAC Missions. Member States continue to misinterpret the language of the Compact and are creating

problems when it comes to reimbursement. Kris stated that if we continue to utilize the EMAC system in a way that it was not intended, something else will take its place. A lot of hard work has gone into ensuring that EMAC remains a mutual aid agreement between the states and that it does not become an arm of the federal PA program.

Kris stated that many of the questions being raised are coming from the firefighting community. (Kris opened the issue for discussion).

Doug Hoell: Stressed the fact that regardless of reimbursement through FEMA, under the Compact, Member States are still obligated to provide reimbursement for assistance provided. Doug agreed that if EMAC continues to be used improperly, something else will take its place. To ensure that doesn't happen, Member States must use the system properly.

Leon Shaifer: Emphasized that if FEMA provides direct reimbursement, it could very well be in conflict with Compact language.

Dave Maxwell: Ideally, personnel deploying through EMAC should be reimbursed by their home state EMA once mission assignments have been completed. They shouldn't be at the mercy of the Requesting State. Dave emphasized that once the REQ-A is signed by the Requesting and Assisting States, it becomes a legally binding agreement. Dave stated that EMAC wasn't intended to be an "End All Agreement". Nothing prohibits the development of other agreements if needed. However, let's not destroy what we have tried so hard to develop over the years.

Kris Edie: Stated how important tracking and submission of appropriate documentation is to the reimbursement process. Direct and ongoing communication is critical to the development and submission of reimbursement documentation.

Nance Dragani: Stressed that Member States should have a responsibility to police themselves when it comes to reimbursement. Nancy suggested that the ETF could look into ways in which Member States can do a better job in addressing reimbursement issues before they become a problem.

Doug Hoell: Development of Mission Ready Packages, with pre-determined cost estimates, will go a long way in eliminate some of the reimbursement issues.

Dave Miller: The EMAC system has proven to be a very effective tool. The system provides the flexibility required of the Member States.

Kris Eide: Recommended a small working group be established to address reimbursement issues. Members of the group must be dedicated to resolving the reimbursement issues.

LTC Skaggs: The National Guard Joint Force Headquarters is currently looking into the possibility of direct reimbursement from the federal government for EMAC Missions. It was noted by the group however, that direct reimbursement would probably come from the military side of things and not through FEMA. Any direct reimbursement through FEMA would only be at 75%, leaving the states to still pick up the balance. LTC Skaggs emphasized that the National Guard Bureau is still in favor of deploying NG personnel through EMAC.

John Heltzel: Emphasized the importance of open communications between the NG and Member States.

Dave Maxwell: Suggested the possibility of developing a Position Paper on the direct reimbursement issues for the NG. After discussion between members of the Committees, the issue was tabled. The Committee will wait on further information from the NG Bureau.

**EMAC A-Team Training:**

Kris Eide: Encouraged Member States to conduct A-Team training that includes representatives from the various disciplines. (NG representation is critical). NEMA is working on an A-Team training schedule for each of the regions.

**International Mutual Aid:**

Carole Cameron: Provided a quick report on efforts at the federal level to develop international mutual aid agreements. There is some discussion about developing a blanket global agreement between Canada and Mexico. Carole stressed the fact that at the international level, money is considered to be the best method of providing assistance. It is very unlikely that an international response plan will be developed. Canada likes the EMAC format.

Charles Ada: Stated that international assistance from Japan is much closer than trying to get assistance from Hawaii or the other states.

Carole Cameron: There is a long way to go before a global mutual aid agreement can be implemented. Though things are moving smoothly in the US, they are not moving as smoothly in Canada or Mexico. Take baby steps.

**FEMA Credentialing Guidance:**

Kris Eide: Report on the FEMA credentialing document. Progress seems to have slowed with the FEMA credentialing project. Kris emphasized the need for coordination between all parties when it comes to credentialing guidelines.

**Shelter Management Teams:**

Brock Long: Recommended that Shelter Management Team Mission Ready Packages be developed that can deploy to provide assistance within a state that has been impacted by a disaster. Rather than moving thousands of people, move the Shelter Management Teams to pre-identified shelters in the impacted states. Bring Mohammad to the mountain instead of bringing the mountain to Mohammad.

**Action Items:**

- Encourage Member States to continue with EMAC planning efforts
- The Committee will continue to work through National Guard issues
- Continued support will be provided for the development of international mutual aid agreements
- Reimbursement/Paper work issues

**Open Discussion:**

- Tom Dance suggested that an electronic document be developed that could be sent to a governor's office, indicating that payment was due for mission assignments completed within in his or her state. No action was taken.

**NEMA Response and Recovery Committee Minutes  
NEMA 2009 Mid-Year Conference  
Sunday, March 8, 2009**

**ATTENDING COMMITTEE MEMBERS:**

Tim Manning for Chair Craig Fugate	Jim Bassham
Albert Ashwood	Greg Wilz
Darrell Darnell for Rob French	John Porco
Proxy for Charley English	Matt Bettenhausen
Don Boyce	Michael Cline
Ed Teixeira	Mike Womack
Proxy for Jack Colley	Mark Cooper
Jerome Hatfield	Jack Omar

**STAFF:**

Beverly Bell

**COMMITTEE PRESENTERS:**

Beth Zimmerman  
Bob Powers – FEMA  
James Walke – FEMA  
Jim Caverly – DHS  
Sarah Hyder – FEMA  
Chris Maier – National Weather  
Service

Committee Chair Craig Fugate (FL) was not able to attend the conference due to his nomination as FEMA Administrator by President Obama. Tim Manning (NM), a former chair, stepped in and called the meeting to order at 1:15 pm. Roll was taken.

**Discussion with FEMA** – FEMA acting assistant administrators Bob Powers and James Walke accepted the committee's invitation to discuss various issues, as identified by the committee:

- Public Assistance Pilot Program – It is Congress' decision to fully support the program or extend the pilot program, which ended December 31, 2008, not FEMA's. FEMA has expressed support for all four main components of the program and will state this is a report due to Congress at the end of March. The four components are 1) FEMA to provide grants on the basis of estimates for large projects up to \$500,000; 2) FEMA to provide an additional five percent Federal cost share, not to exceed 100 percent for FEMA-approved debris management plans; 3) applicants can keep revenue from recycled disaster debris salvaged from an event; and 4) FEMA will reimburse straight or regular time salaries and benefits of an applicant's permanent employees who perform debris related activities. FEMA can't recommend to NEMA about providing additional support to Congress. That is the association's decision.
- Management Costs Rule – the rule is being vetted right now within FEMA, trying to address state and NEMA concerns regarding the inadequate percentages for administration of PA and mitigation grants. The FEMA representatives did indicate that this was a priority for the agency.
- FEMA Snow Policy – problems persist with FEMA's current Snow Assistance Policy 9523.1. It is the contention of some states that the policy does not take into account snow pack and accumulated snow fall upon accumulated snow fall, but only addresses "record snow fall." FEMA believes that the current policy does address all hazard concerns. The state of North Dakota introduced a draft position paper. The committee will review this paper after the conference. It will also look at a similar

paper which was passed at the NEMA 2008 Annual Conference and see if that document addresses the same issues.

- Disaster Housing
  - Category B/Apartment Renovations – FEMA has determined from its pilot in Iowa and Texas that allowing renovation to apartments damaged in a disaster under Category B makes financial sense, and will state the same in its report to Congress. There are concerns, however, that this approach does place additional burdens on the states, since a 25% cost share is required under Category B as opposed to a 100% federal share under Section 408 of the Stafford Act. This approach of apartment renovation is being considered as an alternative to FEMA providing travel trailers or mobile homes.
  - Alternative Housing Pilot Program – five projects selected in four states - AL, LA, MS and TX
  - Non-Traditional Alternative Disaster Housing – FEMA is looking at various alternative housing options and plan to purchase some of these for use during the upcoming hurricane season.
  - Disaster Housing Strategy – Implementation Plan and CONOPS on target with due dates.
- IA/ESF #6 Conference – Planned for June 2009 in Albuquerque, NM; FEMA will provide invitational travel for one person from each state
- IMAT – meant to work with states in identifying resources and providing situational awareness; not command and control teams. Confusion has ensued with IMTs.
- Other issues - EMMIE – Emergency Management Mission Integrated Environment – FEMA’s grants management system; FEMA is aware that there are problems with its functionality and level of support from the agency; is setting up a user group to address the problems.
- IA Declaration Guidelines/Document – document still under review at FEMA; no action will be taken until new leadership is in place. Later in the meeting, NEMA representatives on this initiative reported that FEMA did have funding to provide invitational travel to meet and discuss other PA, declaration issues.

**Controlled Access to Disaster Sites** – Jim Caverly with the DHS Infrastructure Protection and National Protection and Programs discussed the need of critical infrastructure owners and operators to gain access to sites after disasters have occurred. Process varies from state to state; needs to be defined with a single point within each state for approval.

**Social Networking and Technology** – Matt Bettenhausen (CA) presented in place of Craig Fugate on his state’s efforts to use various social networking channels such as Facebook, Twitter, etc to connect to audiences and the public at large before, during and after disasters. He explained that the first real shift occurred after the Virginia Tech shootings when students were using Twitter to let others know they were okay. In California’s most recent earthquake, residents reported power outages on Twitter. In last year’s fires, the public posted photographs on sites like Flickr. California believes the public can help provide content and fill in the gaps on situational awareness. The state is also looking at its intranet, posting policies where other agencies can review and provide input.

Other state directors did raise the issue about managing misinformation on the web, but California explained that in its experience, there is a “wisdom of crowds” where self-correcting takes place.

**NEMA PA/IA Subcommittee** – Subcommittee Lead Beth Zimmerman outlined current activities:

- NEMA group worked with FEMA/EMI in developing a State IA Operations Course; pilot was held in January 2009. 15 state representatives attended. Funding was allocated only through the pilot. Additional NEMA support might be necessary to fund the course completely.
- IA Declaration Guidance Document – already discussed
- Declaration Work Group also has other issues to discuss with FEMA. These include national PDA training; more transparency in the declaration process and the sharing of information between the states, regions and HQs; update the FEMA disaster declarations templates to include the expanded detail that is now in the guidance document; update definitions of small, medium and large states, with possible addition of a smaller state subset; review rural areas of larger states being held to large state criteria; federal incentives to states to develop their own state IA program; additional guidance for the under-insured in a disaster; and general training in writing a declaration request.
- John Gibb (NY) and Kristi Turman (SD) continue to serve on the FEMA IA Program Board. This is the steering committee for the FEMA IA Steering Committee.
- ESF #6 & IA Conference – already discussed; NEMA and states will help develop presentations, sessions, etc.
- IA Yahoo Group – reminder to states about this invitation only group for IA staff; thanks to the State of Massachusetts for hosting it and specifically to Liz McDonald.
- FEMA PA Steering Committee - 10 State representatives (one from each region) on the committee; next face to face meeting Mar. 17-18 in Maryland; critical that the state representatives actively participate in the conference calls and forward the information to the other states in their region.
- FEMA/State PA Workshop – held in November 2008 at EMI. Key discussion topics were Management Costs in regards to what is eligible and chargeable for the subgrantee and grantee; training opportunities (peacetime vs. just-in-time) & EMMIE; 406 Mitigation Task Force; Appeals Process timelines that FEMA does not meet; Insurance deductibles the 2<sup>nd</sup> time around are not eligible; State Contractor vs. FEMA Contractor and their relationship; consistency between Regions. The 2<sup>nd</sup> day of the workshop was a pilot of a new Eligibility Course. After a few modifications, it will be piloted in the field and then offered in JFO's. Regarding the QA/QC Project, the final meeting was held December 10 & 11, 2008 in Atlanta. AZ & GA were present. The next step is to pilot the methodology in Iowa on their existing disaster and then a state within each Region.
- National PA Conference Call – discussions began Discussion began to share information on top issues/concerns and best practices. Still researching the idea.
- Management Costs – already discussed; the Final Interim Rule was re-opened for comments with a Public Meeting on December 10, 2008. Guam, Florida, New York, Arizona and two contractors representing sub-grantees were present at the Public Meeting.
- PA Pilot Program – already discussed; report due to Congress March 31, 2009
- PA Yahoo Group - on-going source of communication for the state and territory PA Officers. Thanks to the state of Illinois and Curtis Caldwell for hosting it.

**Proposed Position Paper – 60-Day Deadline to Report Damage** – California has proposed a position paper that addresses a trend in its region of requiring all completed Project Worksheets within 60 days of the first “substantive” meeting. It was decided that after the conference, NEMA will clarify the current regulations/policies with either a position paper or a communication to FEMA.

**Real Impact of Management Costs** – the group discussed what impact the Final Interim Rule was having on states that had experienced disasters since it went into effect. Several states agreed that small disasters really bear the brunt of the ruling. Florida did a comprehensive study of its disasters

going back 10 years and found that for its “mid-range” disasters, management costs were around 5-7%, but these numbers did not include passing any funds down to sub grantees.

**HazCollect Program – All-Hazards Emergency Message Collection System** – Sarah Hyder with FEMA and Chris Maier of the National Weather Service presented on this program which allows government officials to issue non-weather emergency messages through a national, automated system. FEMA and NWS will pilot a training program in late March in KY, WI, AK, HI and FL.

With no further discussion, California moved for the meeting to adjourn and Mississippi seconded.

**NEMA Homeland Security Committee Meeting  
2009 Mid-Year conference  
March 8, 2009**

**Meeting Summary**

**DHS Threat Briefing – Tara Hardiman, DHS Intelligence & Analysis**

- Al Qaeda is still a threat. Recruiting Europeans.
- American Somalis are being recruited to fight in Somalia.
- Hezbollah is not interested in attacking the U.S. right now but they are fundraising here.
- Travel and demographics is an area of concern, particularly with regard to VISA waiver program for students. Are other countries adequately controlling passports and security?
- Border issues are of concern: Mexican border – drugs, guns, cigarettes.
- Domestic radicalization is of concern.

**National Counter Terrorism Center – Capt. Todd Kilby, Illinois State Police**

- The Homeland Security Committee received a briefing on the Interagency Threat Assessment Coordination Group. The purpose is to enhance information sharing between levels of government. The NCTC was created through the 9/11 Implementation Act.
- An advisory council exists with 50% representation by State, local and tribal governments.
- Looking for State/local reps for a 1 year detail. DHS pays all costs. There could be availability for an emergency management representative.

**Project on National Security Reform – Tim Manning, Chair**

- During the Bush Administration DoD Sec. Gates initiated a group to make recommendations for improving interagency and stakeholder collaboration on national security issues. Over time the initiative evolved to include domestic homeland security issues. The group developed a series of recommendations, many of which impact State and local stakeholders and the private sector.
- NEMA was recently approached by PNSR to participate in the review and comment of two recommendations: (1) establishment of a collaboration steering committee to facilitate the formal and up-front participation of State and local stakeholders and the private sector in national homeland security policy and strategy development; and (2) establishment of a public/private operational collaborative structure to further the engagement of the private sector in homeland security policy and strategy development and execution.
- NEMA HS Committee members expressed concern that such recommendations were being made without engaging appropriate stakeholders until very late in the process. Due to the newness of the issue the Committee wanted to take more time to review the recommendations and weigh in with the PNSR following the conference.

**Lessons Learned from the Presidential Inauguration – Darrell Darnell, Director, DC Homeland Security & Emergency Management Agency**

- Darnell shared with the committee some of the experiences with regard to planning for the Presidential Inauguration.
- Secret Service was in charge of security planning. Interagency coordination was very good and built upon planning that had taken place for the Pope's visit last year.
- IED awareness training was provided to over 1,000 persons including hotel employees in the area.

**NEMA 2009 Mid-Year Conference  
Private Sector Committee  
Monday, March 9, 2009**

Committee Chair: Mike Byrne

Chair Mike Byrne opened the Private Sector Committee meeting with introductions and an overview of the committees' role and purpose within NEMA.

The chair welcomed NEMA Vice President Dave Maxwell. Dave expressed his appreciation of the contributions of the private sector and his intent to help public/private partnerships mature.

The chair introduced Jeanie Moore with the DHS Private Sector Office. Jeanie gave background on when the Private Sector Office was created and its goal to sync with non-traditional partners. Current projects to assist in this goal include a web portal, monthly meetings between stake holders in all 20 FEMA offices with private sector programs, field training in the EOC for private sector, expand information sharing between public and private sector sources, identification of dedicated public/private points of contact, education on federal and local assistance programs, vendor opportunities, and donation of resources.

Successes in public/private partnerships at the federal level include a roundtable with CEO's to determine PS needs, disaster recovery center located in central business district, national "big box" store provided parking for relief crews, major retail chain in EOC, 2 organizations partnered to provide meals to EOCs, provided generators to restaurants in order to feed response/recovery crews and get employees back to work.

Future projects include offering training at EMI, adding staff, increase outreach, ongoing work on the web portal, and a national workshop on public/private partnerships.

The Private Sector Office engages year round through councils and committees and is working closely with the regions on these projects. NRF roles are also being reviewed.

Questions:

Duncan Campbell: How does FEMA work with DHS on public/private issues?

Moore: Infrastructure liaisons in states, staff in EOC, working groups

Ernie Abbott: Is FEMA working on ways to better allow access to disaster sites for those with contracts to assist?

Moore: Yes

Byrne thanked Moore for her insights and introduces Jim Caverly for an update on the Private Sector Preparedness Accreditation Program.

Caverly began by stressing that the program mandated by Congress is completely voluntary, designed as a business continuity standard and a third party will administer the program and certify conformity. The standard will conform to existing standards, not override or create another level of reporting. NFPA 1600 will likely be the standard but DHS is also looking at the standard Great Britain uses called British Conformity 209 as a potential second standard. Also being considered for small businesses is a self certification.

Caverly said that this certification is one part of a larger picture which includes individual preparedness and community (state/local) preparedness.

Questions:

Ernie Abbott: Success in adoption of standards will lead to questions of negligence following disasters which could result in professional malpractice. What considerations are being made for this?

Caverly: The supply chain will likely be the focus of the standard.

Audience: Will a distinction be made between companies involved in critical infrastructure and non-critical infrastructure?

Caverly: Yes, there will be more focus on CI services but the same standard will apply. Tools will be offered to help small business along with assistance from SBA. The program will look similar to the "Energy Star" program. This will create a process of managing assets and getting access to them.

Access will be determined by business owners/managers and incorporated in MINS/ICS.

Ernie Abbott: Do you expect that the strained economy will affect CI entities in this process?

Caverly: Anecdotal evidence says yes it will due to downsizing and putting it off for better economic times.

Byrne: Is any sector leading the way in this effort?

Caverly: Utilities and others who are dictated by the nature of the business. The lack of resources (phone, electric, etc) will dictate use of this system going forward.

Byrne thanked Caverly for the good information and welcomed Diana McClure with IBHS to discuss the implications of Title IX for small business.

Areas of concern with Title IX for IBHS are reduction of loss and the separate classifications and certifications of businesses.

Key considerations are:

- Insurance – most only covers assets, not planning
- Messages must come from trusted sources
- Keeping things simple since most companies do not have resources for planning
- Program must be personalized and internalized by the businesses based on what the business is most afraid of.

Byrne thanked McClure for being there and introduced Ann Beauchesne with the US Chamber of Commerce.

The FEMA Advisory Committee recently conducted a survey of the states to gather information on the level of integration between the states and the private sector. The results were not surprising. PS presence in the EOC is increasing, as is PS assistance and participation in fusion centers. Ann provided a handout which will be posted to the NEMA website.

Byrne provided an update on Web 2.0. EM must look at new and emerging technologies in order to effectively plan for emergencies. Recent examples include reaction of emergency personnel to "smart mobs" that are using instant message and short messaging systems in order to organize protests, spontaneous marches and even increasing traffic to businesses who comply with social, political and ecological guidelines.

New business

There are several papers and projects (PNRC, Building a Resilient America, Improving Public-Private Partnerships with the EM Community) now circulating to offer a framework for improving public-private partnerships. All will be posted to the NEMA website for review.

Action item

The committee has been asked by the PNRC working group for comments on the proposal. NEMA will collect that information and add to the comments from the states.

The NEMA Board has asked for a list of key private sector issues. A list will be assembled and sent to the Board soon.

With no further discussion, the chair adjourned the meeting.

**NEMA Legislative Committee Meeting Highlights**  
**2009 Mid-Year Conference – Washington, D.C.**  
**Monday, March 9, 2009**  
**10:15 AM – 12:15 PM**

NEMA Legislative Chair Dave Miller (IA) highlighted the NEMA Congressional Priorities for 2009 that were approved by the membership in Executive Session. Matt Bettenhausen of California moved that the priorities include information on the implications of the reduced management costs included in the Implementing the Recommendations of the 9/11 Commission Legislation from 5 percent to 3 percent. The motion was seconded by Dave Maxwell of Arkansas and approved.

The Chairman recognized the partnership with the International Association of Emergency Managers and invited the IAEM Government Affairs Chair Randy Duncan to share some of the IAEM priorities for 2009. Duncan highlighted that the local emergency managers would continue to work on the Emergency Management Performance Grants (EMPG), the Senate letter to appropriators on EMPG in coordination with NEMA, reauthorization of the Predisaster Mitigation Program, National Weather Service funding, and also funding levels for the Emergency Management Institute. Duncan encouraged Committee members to participate in the October 31, 2009 meeting of IAEM in Orlando, Florida. Duncan also raised the issue of Federal Communications Commission not allowing waivers to use the Emergency Alert System for severe weather awareness week exercises. The issue impacted several states and the Committee will look into the issue and discuss on a future Committee conference call.

**Legislative Update**

Dave Miller updated the Committee on recent developments in legislative activities including the passage of the American Recovery and Reinvestment Act, despite the fact that Senate approved funding for emergency operations centers and fusion centers was not included in the final package. Miller highlighted the need for Predisaster Mitigation Reauthorization before September 30, 2009 and that the President's Budget proposal is expected to be released around April 20, 2009.

**Discussion with Congressional Staff on 2008 Congressional Priorities**

Congressional staff participated in a discussion on 2009 Congressional priorities including: Chuck Kiefer and Drenan Dudley from the Senate Appropriations Subcommittee on Homeland Security; Shalanda Young from the House Appropriations Subcommittee on Homeland Security; Mary Beth Shultz from the Majority Senate Homeland Security and Governmental Affairs Committee; Adam Killian from the Minority Senate Homeland Security and Governmental Affairs Committee; Ben Billings from the Senate Subcommittee on Disaster Recovery; Mike Herman from the Majority House Transportation and Infrastructure Subcommittee on Economic Development, Public Buildings, and Emergency Management; Dan Mathews from the Minority House Transportation and Infrastructure Subcommittee on Economic Development, Public Buildings, and Emergency Management. The key issues on tap for the year include the FY 2010 budget proposal and funding levels, reauthorization of the Predisaster Mitigation Program; management costs for disaster relief and for the homeland security grants program; the Department of Homeland Security reauthorization bill; FEMA independence bill; Stafford Act changes; and a potential catastrophic disaster bill.

The Committee discussed issues including the need for a separate line item for EMPG; emergency operations centers as an eligible expense for EMPG as well, and transition of the new Administration on emergency management issues. The Committee discussed the need to give FEMA the tools to best do their job in disaster response and recovery, though NEMA does not have a specific position on FEMA in or out of DHS. Dave Maxwell of Arkansas raised the issue of potentially reauthorizing the pilot program for public assistance.

Pamela Williams, Acting Director of FEMA Congressional Affairs explained that NEMA and FEMA are partners in the legislative process to improve the nation's emergency management system. FEMA's first priority will be the passage of the FY 2010 budget and other legislative priorities have not yet been finalized. FEMA is also working to get the National Flood Insurance Program (NFIP), the Defense Production Act, and the FIRE Grant program reauthorized.

### **Proposed Stafford Act Changes**

The Committee discussed potential changes to the Stafford Act to address catastrophic disasters. A list of potential changes was submitted by Jack Colley of Texas for the Committee's information based on the State's experience with recent Hurricanes. Also, a recent report by the Senate Subcommittee on Disaster Recovery included a long list of changes. The Committee decided to address the possibility of a Work Group on potential changes to the Stafford Act in executive session on March 11, 2009.

### **Committee Issues**

Committee Chairs shared their legislative issues with the Legislative Committee for the year, to gain assistance with getting these tasks accomplished legislatively. Issues include: EMAC authorization and a specific line item; Predisaster Mitigation reauthorization; and reauthorization of the National Earthquake Hazards Reduction Program.