



COMMITTEE REPORTS

2015 ANNUAL FORUM

September 28-October 1, 2015

Miami, FL

**NEMA Legal Counsel Committee
September 28, 2015
Meeting Summary**

Cross Border and Foreign Mutual Aid Surveys

Committee Chair Brenda Bergeron gave an overview of an informal survey of the states regarding their ability to accept international assistance. The survey was initiated by the FEMA Office of General Counsel as they coordinate with foreign governments that may have resources including skilled response teams to offer as mutual aid in response to large scale disaster. Foreign responders are sometimes hesitant to provide assistance due to liability issues.

In addition, the Legal Counsel Committee is collecting survey responses regarding cross border mutual aid, including any agreements, legal authorities, ability to issue waivers, indemnify, etc. To date, 15 states have responded to the survey. The Committee has established a small work group to review the survey responses. Part of their focus will be to ensure that legislation and policies are compatible with EMAC.

Legal Issues and Volunteers

Cathie Hutchins, representing the Virginia Department of Emergency Management, raised the issue of mobilizing multi-jurisdictional assets for disaster response.

As background, several mutual aid tools are available to assist Virginia localities in times of need.

1. Local Memoranda of Understanding. Local governments are authorized by the Virginia Code to enter into memoranda of understanding with other local governments. The memoranda of understanding are a type of mutual aid agreement generally between contiguous localities for specific services or resources. Examples include police, fire, EMS mutual aid agreements.
2. Regional Memoranda of Understanding. In some cases, several localities in a defined or specific area sign a regional agreement for mutual aid. The agreements are generally for resources or services to be utilized throughout the specified region only. Examples include Regional Hazardous Materials Response Teams, Central Virginia All-Hazards IMT.
3. Statewide Mutual Aid. SMA is a local government-to-local government system of resource sharing/mutual aid authorized in the Virginia Code. Signatories pass authorizing resolutions. Once a local government has adopted the SMA resolution, the locality can request and receive resources and support from other signatory parties. The SMA program addresses issues of liability, insurance, and cost recovery. Declaration of a local emergency is the triggering event.
4. EMAC-- State-to-State mutual aid. Compact approved by Congress, adopted by all 50 states, District of Columbia, and some U.S. Territories. EMAC framework provides common structure/process for the request and receipt of aid, as well as cost recovery procedures. In addition, legal issues such as tort liability and workmen's compensation have been addressed. Gubernatorial declaration of state of emergency is triggering event. Because EMAC is a mutual aid framework between states, local governments are not authorized to respond directly to an EMAC request. Typically, the responding state "recognizes" the local resource as a state asset subject to deploy under EMAC. States accomplish this in different ways; in Virginia, the local asset signs an "Intergovernmental Agreement" becoming essentially an agent of the state for purposes of EMAC deployment.

The specific issue raised by Virginia involves the National Capital Region Incident Management Team (NCR-IMT): The NCR-IMT was established in 2004 and was funded through the federal Urban Area Security Initiative. The original project plan identified the purpose of the NCR-IMT as assuring that the national capital region had a well-equipped, well-trained incident management team available to respond to public safety events in the NCR. Although

the initial scope of deployment did not refer to responses outside the NCR jurisdiction, the NCR-IMT has deployed outside of the NCR in response to disasters in other states.

The deployment of the NCR-IMT outside of the NCR has been the subject of ongoing discussions at the state and local level for several reasons. First, the team as established was intended to be used for events within the NCR, but the team quickly wanted to expand the scope of operations. Second, the composition of the NCR-IMT presents an issue if deploying outside the NCR as members hail from not only Virginia, but Maryland and the District of Columbia, too. Due to the multi-state nature of the NCR-IMT, one of the main issues is whether authority exists for deployment of non-Virginia members. Third, the IMT is resource comprised of local assets, and therefore, the EMAC process would most likely need to be implemented.

At one time, Fairfax County, Virginia, acted as the grant administrator for the IMT. However, that placed the County in the position of potentially assuming liability for the non-Virginia members. Moreover, an improper deployment might deprive Maryland and DC members of liability protections and expose them to individual civil claims.

One potential solution is to process an EMAC request for the NCR-IMT; it involves synchronization among the EMAC coordinators in Virginia, Maryland, and DC. The requesting state sends in its request through the normal EMAC channels. If the IMT wants to accept the mission, then the emergency management agency of Virginia, Maryland, and DC would each have to accept the mission. On paper it may sound cumbersome, but each state's EMAC coordinator would complete their necessary paperwork, while one state would shepherd the paperwork through EMAC process. This paperwork would be handled behind the scenes and the IMT would then constitute itself as the IMT for the event. This issue remains unresolved and discussions are ongoing.

Conclusion: An IMT consisting of personnel from the same locality/localities of a state may be deployed as an EMAC resource provided the appropriate steps are taken to deem the IMT a state resource. A problem arises when the IMT is comprised of members from different states because an entity must be identified that is willing to deem the out-of-state members as agents or temporary employees. Also, appropriate mechanisms/agreements need to be identified to document coverage for the out of state members of the IMT.

Gubernatorial Power to Waive or Modify Statutes, Regulations, or Policies

Chair Bergeron reminded the group that many governors may have extraordinary emergency powers to waive or modify statutes, regulations and/or policies. Governors should consider use of such powers to aid response in events such as avian influenza. CAVEAT: With the avian flu, draw the geographic area subject to a declaration of emergency as narrowly as possible, because your state's ability to conduct trade may be affected by such as declaration.

Examples included waiver of transport vehicle restrictions, driver hours of service, tolls, etc. These are all things that can significantly slow or impeded response yet are relatively simple for Governors to address if they have these powers.

Summary of ABA Homeland Security Legal Meeting

Samantha Ladich of Nevada reported out on the recent American Bar Association Homeland Security legal meeting held in Washington, DC. Emergency management and homeland security topics were discussed, including drones, which is a good topic for a future NEMA legal meeting. This meeting will be held August 24 and 25 of next year, and might be valuable for emergency management legal practitioners, particularly if they also work on homeland security issues.

Social Media and Legal Issues

North Carolina legal counsel Will Polk led an in depth discussion on legal issues associated with the use of social media that every state emergency management agency should consider. If social media, including apps, are used to gather information by the state then privacy issues can come into play. There's also the potential for negligence. If a

state responds to an individual posting on social media has the state then created a relationship that requires a response? Polk advised that states be transparent on use of situational awareness information gathered through social media. State should have a social media policy in place. Use disclaimers on websites and apps instructing individuals to call 911 for emergencies. Remember that the use of different communications platforms creates public records and records retention issues. Be transparent to the public about how your agency is using social media.

The US Department of Homeland Security Privacy Office has been active in this sphere, and issued an updated privacy impact assessment document in May of 2015, which may be useful to state legal advisors. Also, see *United States v. Jones*, 132 SCt 945 (2012) regarding the application of the 4th Amendment expectation of privacy to GPS devices.

The group discussed the different types of data, including meta data, or “data about data.” Know the terms of use policies for the platforms that your agency is using.

Adrian Sevier, FEMA Chief Counsel, observed that the pace of technological change makes it very difficult to have lawyers on staff who can keep up with the issues, much less be involved in the day-to-day review of data.

Cyber Security and National Guard Resources

Will Polk also reported out that the Department of Defense is working through the Council of Governors to establish a policy on use of National Guard cyber response teams by states; i.e., how the teams can be used and for what missions. These teams can be requested through EMAC and the requesting state reimburses the National Guard. The committee discussed what specific actions the cyber response teams can or cannot take in addressing a cyber incident. Can they actually “touch keyboards” or are they restricted to advising IT or law enforcement officials on actions to take? North Carolina has an MOU with their National Guard for cyber response team support and will share a copy with the committee. Under the North Carolina process, when the State Chief Information Officer learns of an intrusion, he notifies emergency management to determine if it is appropriate for the National Guard to assist. Under the MOU, the agency with the intrusion pays for the assistance. County governments are also looking for some help with cyber issues.

Effect of Legal Restrictions on Land Use and the Hazard Mitigation Grant Program

Ohio legal counsel Holly Welch discussed how fracking issues in their state have had unintended consequences under the Hazard Mitigation Grant Program (HMGP). Following a 2004 flood, a county purchased repetitive flood property to be maintained as open space. Oil and gas company later leased land from the county with a plan to frack. Ohio EMA learned of this in 2015 and sent a letter back to county indicating (1) you did not get the state’s approval for the leases and (2) this use does not meet the open space requirements. In May of 2015, the county/company wrote back, we won’t do any surface activities, but not prohibited from underground activities. In August, Ohio EMA sent the issues to FEMA. Under guidance released in 2014-2015, FEMA won’t allow horizontal drilling or fracking, which is interpreted as a violation of open space requirements. FEMA had set precedent in a Pennsylvania ruling. The state had to instruct the city to break the leases. Welch advised the following practice pointers:

- Document your HMGP program.
- Review your agreements—they are not just for three years; for example, open space restrictions are in perpetuity.
- Monitor closely what is taking place, not just visual review. Tweak the questions that you ask to address the specific situation.
- Review FEMA guidance.
- Keep your litigation folks in the loop; they may need to represent the agency.

Ernie Abbott pointed out that one party may own the surface, and another party may own the subsurface rights.

Adrian Sevier indicated that FEMA has a number of cases that deal with the failure to live up to the open space requirement. FEMA has held that there is currently no guarantee that fracking won't affect the surface; therefore, FEMA will not accept it at this time.

Bryan Koon, NEMA President, asked if FEMA is pursuing the science, since the present policy could keep states from being able to give out mineral rights. Sevier indicated, not at this time.

Florida counsel Mike Kennett asked if states could use Management and Administrative (M&A) funds to pay for legal costs to enforce the restrictions. Sevier stated he believed the answer was no, but would get back to us.

FEMA Update

FEMA General Counsel Adrian Sevier provided an update on several issues of interest to the committee. He announced that on September 30, 2015, FEMA would publish for public comment in the Federal Register the new recovery policy on Section 705, Disaster Grant Closeout Procedures. There are several appeals that have been held while the policy was finalized. It will be applied going forward. If a state wants to have FEMA review other cases for re-consideration, send them to FEMA.

- FEMA issued policy on Public Assistance insurance in June 2015. The purpose was to update the terminology, to provide greater flexibility.
- Sevier provided an update on flood insurance review following Hurricane Sandy. Due to thousands of claimants possibly not receiving the full payments they were owed by insurers, FEMA developed a process to offer another independent review. To date, there have been 15,000 reviews requested. The review process is open until October 15, 2015. Litigation so far has not shown any fraud or racketeering, but lack of good management.
- FEMA has published a Procurement Field Manual that is of value to state and local governments. Their Procurement Disaster Assistance Teams have trained 33 states and territories, and 3,200 people have been trained online. Peace time training is available. State/ Locals cannot waive federal procurement requirements; that's why the training so important.
- An update to the FEMA-State Agreement for disaster declarations was released in June.
- Finally, Jimmy Gianato, Emergency Management Director for West Virginia, raised the issue that DHS was getting ready to release Fusion Center assessments. States will lose trust in DHS if they release what was sent with an expectation of privacy.

**EMAC Executive Task Force Meeting
Monday, September 28, 2015
Meeting Summary**

The meeting was called to order at 1:37 pm by EMAC Executive Task Force Chair Victoria Carpenter.

Advisory Group Meeting Report

Angela Copple reported the idea of using Storycorps or a Storycorps like concept to record EMAC deployment experiences, an idea that was suggested by the EMAC Advisory Group. John Ufford said he thought it was a great idea adding that one of the things that has helped the EMAC program in WA was sharing experiences they brought back during Hurricane Sandy – because they had people go to both Delaware and NY and taken lessons learned and helping NY in their EOC and brought those back into their program. Anything that can be done to make those lessons learned discernable to other people and programs, should be looked at very seriously.

Reports by Region

ETF Task Force Chair Elect: Jonathan York

Looking forward to assuming the position of Chair in March/April 2015 and the National Coordinating State Transition Exercise.

EMAC Executive Task Force Past Chair: Carol Walton

Arkansas is conducting Mission Ready Package (MRP) workshops throughout the state and working to get MRPs uploaded into the Mutual Aid Support System (MASS).

Region II: Vince Fargione

Virgin Islands have gone through leadership change. Working with FEMA Region II to get more involved and do more training possibly through webinars. Puerto Rico is also showing more interest and is working through FEMA Region II to provide information on EMAC. Working to figure out an exercise to demonstrate how they would utilize EMAC in an emergency. NY: Finishing sending out reimbursement packages - one more to get to MA. NY is also reviewing past EMAC missions and using the data from previous missions to develop MRPs.

Region IV: Susan Perkins

Region IV completed an EMAC exercise that demonstrated the sharing of resources through EMAC for the water sector. All except three states participated in the exercise. TN is working with AL to develop an EMAC exercise that will include North and South Carolina. MS attended EPA workshop that included a discussion on EMAC and will be sending 2-3 going to EMI in November for the Understanding EMAC course.

Region V: Michelle Kuzera

MI is working on updating MRPs to include developing new debris removal packages. Working on having legal review of the MASS 2.0 MOU, reviewed once and made changes, now waiting for internal approval. NJ hosted a few personnel from MI to review their operations and what was learned from Sandy.

Region VI: Steve Palladino

Busy spring for Region VI: 291 counties of region 6 that were PA declared 106 IA declared. Louisiana doing an MRP workshop in December. AR is working with MO on an exercise that focuses on sending building inspectors via EMAC.

Region VII: Jacob Nicholson

Report delivered by Joyce Flinn. RVII has been very busy with avian influenza. Working on the development of the NG Vigilant Guard exercise that will be held in IA, to include EMAC play.

Region VIII: William Miederhoff

Region VIII is continuing the development of the catastrophic mutual aid plan that ties in interstate operations. Patrick Reed from UT will be the new LSR starting in October 2015.

Region X: John Ufford

WA, OR, AK and ID have had significant wildfire activity. WA appreciates MN, CO, WY providing NG helicopter resources to eastern Washington. The MASS MOU is being reviewed by all four states and talked to Angela briefly to address WA's concerns but will be able to resolve those and will pass those on to the other states in the region.

Discussion: EMAC Workshop Data Analysis

The EMAC workshop was in June. All EMAC state directors and coordinators were invited to the workshop.

Outcomes:

- Identified hazards in EMAC Member States
- EMAC Member States have a good understanding of resources within their own states
- EMAC Member States resource shortfalls could, for the most part, be filled from states within their region
- States lacked consistency in resource descriptions
- NEMA recommends the use of NIMS resource typing and the development of MRPs to help standardize language and terminology for resources
- NEMA encouraged states to conduct training and exercises on EMAC within their state to remain familiar with EMAC procedures and to include local jurisdictions

Avian Flu and EMAC

Joyce Flinn (IA) introduced a video showing incident of the avian flu outbreak by day starting with April 14.

Event Summary:

- Need to pre-plan and coordinate with the Iowa Department of Agriculture and educate on emergency management
- Engagement with the USDA and education on emergency management
- Encourage farmers to come to the state EOC
- The response was coordinated from the USDA command in Worthington, MN
- Impact: 18 counties in NW Iowa. 32 million birds
- June 16th was the last case, ended up with 77 sites infected
- Biosecurity was challenging
- Egg production at farms was also affected
- Huge implications on international trade
- States didn't want to declare as it could affect exports to other countries

Challenges with depopulation of turkeys and chickens. Public perception was huge, and agreements with landfills were developed. Most of the landfills are publicly owned and bowed to public opinion on whether they'd accept birds or not. Birds were accepted in a landfill in another state, however the birds were not permitted on major highways, so they were transported on secondary routes.

Ashton Davis asked, "What are the three things you'd do differently?"

Joyce Flinn's reply: 1) identify more resources; 2) educate dept of agriculture; 3) treat USDA like a local partner

Status Update on EMAC Training Initiatives

Victoria Carpenter reported course completion statistics for the 5 online courses that went live in February of 2015.

- Practice and Implementation of EMAC: 128
- EMAC Just in Time Training for Deploying Personnel: 38
- EMAC Reimbursement for State Emergency Management: 36
- National Guard and EMAC: 175
- Pre-Event Preparation: 17

The EMAC Committee will be talking about ways to increase participation in the courses. The Just InTime Online Exercise course development has been slowed to focus on marketing the courses and the development of the documentation for accreditation. Since the exercise is intended to be taken by persons who complete the Just In Time Training for Deploying Personnel course, and enrollment has been low, we will continue to move the exercise forward, but it will be worked on as time allows with the priority on marketing of the primary course.

The Bootcamp for EMAC Authorized Representatives course is moving forward. The course scope is complete. The working group is now reviewing the first versions of the course scripts.

Mutual Aid Support System: Marketing

The EMAC Committee will discuss how to market the Mutual Aid Support System. To mirror their efforts there was discussion on how the EMAC ETF could help promote the development of MRPs within the states.

Victoria Carpenter suggests getting state training officers on board.

NEMA State MRP Project

NEMA is working on Phase 3 of the public health and medical Mission Ready Package project that was led by the Association of State and Territorial Health Officials (ASTHO) public health and medical group. 17 templates were developed over the course of the last two years:

- Bariatric Ambulance Team
- Behavioral Health Team
- Clinical Care Team
- Disaster Portable Morgue Unit
- Four-wheel Drive Ambulance Team
- Medical Facility Emergency Water Supply Team
- Morgue Processing Team
- Morgue Triage Team
- Patient Transport Team
- Pre-hospital Acute Care Team
- Emergency and Critical Care
- High Risk Prenatal and OB
- Laboratory Services
- Pharmacy Services
- Radiology Services
- Acute Surgical and Trauma
- Adult Patient Care Services

NEMA will select 3-5 states that will work with their public health or medical counterparts to develop MRPs using the templates. Selected states have to commit to developing a minimum of five MRPs, and upload into the Mutual Aid Support System (MASS).

Hagerty Consulting will coordinate the MRP workshop within the selected states and work with the state to identify the five MRPs that will be developed from the list of templates, then will conduct a full on-site workshop to develop the MRPs with the participants. They will conduct follow-up to make sure the MRPs are developed and uploaded into MASS that will be in the EMAC inventory.

If any state is interested, talk to your director and then let Angela Copple know your interest.

A-Team Training Update

Paul Hogue reviewed the upcoming A-Team training calendar:

- Kansas City, MO - October 27-28, 2015
- Pearl, Mississippi - December 15-16, 2015
- Indianapolis, Indiana - January TBD
- Sacramento, California - April TBD
- New Jersey - June TBD
- Region I - TBD - August TBD

Fleet Working Group Update

Director Chris Geldart is working with the Fleet Working Group to identify what they would be passing along to the Lead of the National Coordinating State as part of the state notification protocol so the working group can write the notification procedures within the Standard Operating Guidelines for the National Coordinating State.

Overview of EMAC Open Events Since 2015 Mid-Year Forum

Since April 2015, there have been 15 events opened in the EMAC Operations System. Of the 15 events, 9 of them had deployments of 648 personnel. 5 of the events are still open.

Update on SOG for Deploying Personnel & Resource Providers

Victoria Carpenter thanked everyone who worked on the SOG and provided comments. Angela Copple reviewed two of the suggestions she received from the ETF and recommended suggestions for resolving the two outstanding issues which were agreed upon. Angela Copple will complete the edits and send it to the EMAC Advisory Group for review.

EMAC Website Update

NEMA has been working on updates to the EMAC websites. The updates have primarily been on the back end for security and browser updates. Paul Hogue provided examples of the new look of the EMAC website.

Closing Statements

Victoria Carpenter acknowledged Gary Greenly and Bill Miederhoff for their work on the ETF as they have both completed their term. The meeting was concluded at 2:56 pm

**NEMA Preparedness Committee
September 29, 2015
Meeting Summary**

Chair Bill Hackett (CT) called the meeting to order at 10:15 am. He introduced himself as the new chair of the committee, replacing former Nevada Director Chris Smith, who took a position with FEMA. Mr. Hackett explained that the NEMA board asked the Preparedness Committee to try some new things to better engage the audience. This included allowing more time for questions from the audience, taking questions via Twitter and the use of full A/V, etc. He then introduced Tim Manning, FEMA Deputy Administrator Protection and National Preparedness. The committee invited Mr. Manning to weigh in throughout the meeting and provide the federal perspective where appropriate.

NEMA REPP Subcommittee – Chair Kim Stenson (SC)

Mr. Stenson is the newly appointed chair of the subcommittee, which includes membership from the states of California, Illinois, Minnesota, North Carolina, Pennsylvania and South Carolina. He introduced Tim Greten, acting director of FEMA's Technological Hazards Division. Mr. Greten listed revisions to NUREG 0654; outcomes from Southern Exposure, the recent radiological exercise in South Carolina; and the destruction of chemical weapons in Colorado and Kentucky among the division's top priorities. He also offered on-going assistance to the subcommittee. Mr. Stenson quickly reviewed Southern Exposure, a three-day exercise held in July. He considered it the best nuclear exercise his agency had participated in, mainly because everyone involved moved beyond the evacuation phase to better integration of federal assets and a more extensive review of long-term recovery issues. Factors that need further work include the "right-sizing" and use of the Unified Coordination Group; the monitoring plan and interpreting its data; re-entry for non-affected areas; and case management for displaced citizens. Mr. Stenson's final point focused on financial support via the Stafford Act versus the Price-Anderson Act (American Nuclear Insurers), ensuing gaps and the integration of long-term recovery expenditures after a nuclear event into funding mechanisms. This last topic will continue to be discussed by the subcommittee.

NEMA Public Information Subcommittee and PIO Workshop – Greg Flynn, Subcommittee Lead

The workshop/TTX for state emergency management public information officers was held immediately before the NEMA Annual Forum. Twenty-eight states attended this 6th workshop, which was first held in 2008. Sessions on the first day included: avian flu messaging and lessons learned; social media –Baltimore unrest, Virtual Operations Support Teams (VOSTs), social media policies; private sector integration; working with tribal partners; messaging for those with functional needs; promoting local partners in EMAC deployments and messaging during an Ebola event. The second day was a disaster declaration, table-top exercise, focused on the joint field office and information center as well as managing expectations from both the federal and state perspective. According to FEMA, those responsible within the federal government for approving the workshop called it one of the strongest agendas it had seen. Mr. Flynn thanked FEMA for its on-going support of the workshop and for covering airfare/travel costs of state participants, the Florida Division of Emergency Management for hotel accommodations and overall workshop coordination, and the Oklahoma Department of Emergency Management for additional financial assistance. During Mr. Flynn's last point about the importance of preparedness programs for children, the committee received a special surprise visitor – the mascot from FDEM's "Kids Get a Plan" program. Julie Roberts, external affairs director for FDEM, detailed the success of the 11-year-old campaign that features an interactive exhibit, a set of five books and a website. Florida continues to make the materials available to any other state interested in making the program part of their preparedness efforts.

Emergency Management Professional Program/EMI – Tony Russell

Mr. Russell serves as director of National Training and Education and superintendent of EMI. Given the large number of new state directors, Mr. Hackett had asked for a review of the academy. It includes the basic academy for those new to the emergency management profession; the advanced academy which is designed specifically for on-going training, education and the professionalization of those working in the field; and the executive academy, which EMI created in collaboration with programs at higher education institutions. The goal is to offer a comprehensive, cutting-

edge curriculum to those engaged in EM at the strategic planning and policy levels. The latter program has been experiencing exponential growth and expects to double the number of graduates from 37 in FY15, FY16 and FY17 to 74 in FY18. The projected budget will be increased to meet the demand. Mr. Russell stressed that the delivery of these academies to the state emergency management community is the top priority for EMI. It will eventually replace the existing Advanced Professional Series. A full outline of courses for each is available on the EMI website at <https://training.fema.gov/empp/>

Extreme Weather Adaptation/Northeast States Emergency Consortium – Ed Fratto

Mr. Fratto, executive director for NESEC, provided background on the consortium, which is the only multi-hazard consortium of its kind, led exclusively by state emergency management directors, funded by FEMA and which takes a regional approach to a variety of threats/disasters. It makes regular use of HAZUS, the GIS-based tool developed by FEMA that estimates damage and losses resulting from selected natural hazards. Mr. Fratto clarified FEMA's requirements regarding climate change and how states must include the probabilities of future hazard events in their planning. This might include changes in location, increases or decreases to the impacts, and/or extent of known natural hazards, such as floods or droughts. He added that 44 CFR Part 201 doesn't prescribe the specific hazards that must be addressed, nor the specific data or methodology to assess risks in hazard mitigation plans. The FEMA Climate Change Adaptation Policy appears to apply more broadly across all FEMA programs. Mr. Fratto's full PPT presentation is available on the NEMA website.

Latest Analysis on Correlation/EMAP and State Preparedness Reports – Katie Fox, FEMA

FEMA recently conducted an analysis of EMAP accreditation and scoring on the State Preparedness Report (SPR). States that have earned EMAP accreditation are rated as being more prepared across all of the thirty-one core capabilities; 45% of the states that are EMAP accredited provide a confident high ranking of 4 or 5 on average versus 39% of the states that are not accredited. Since the introduction of the SPR in 2012, states that are EMAP accredited have consistently exhibited higher ratings to their threats and hazards identification and risk assessment. It still needs to be determined what is driving the results – if better prepared states are more likely to seek accreditation or if the EMAP accreditation somehow contributes to higher scores.

IPAWS Demonstration – Antwane Johnson, FEMA

The meeting concluded with a demonstration by IPAWS Director Antwane Johnson on new capabilities and technologies. IPAWS also provided several documents: a Toolkit for Alerting Authorities, an IPAWS Adoption Checklist and How to Sign up for IPAWS. These are available on the NEMA website. With the agenda completed, the meeting adjourned at 11:45 am.

**NEMA Homeland Security Committee
September 29, 2015
Meeting Summary**

Response to Civil Unrest and Consequence Management

The committee heard from David Purkey, Deputy Commissioner of the Tennessee Military Department and Homeland Security Advisor, on lessons learned from the tragedy that occurred in Chattanooga this summer where 4 marines were killed and 3 other people wounded by a lone gunman. The shootings marked the first time that the state terrorism protocols had been implemented. The Governor had very recently instructed all state agencies to coordinate and come to agreement on how government would respond to a terrorist event. Within 15 or so minutes after notification of fatalities, Commissioner Purkey recommended to the Governor that the terrorism protocols be activated. State legislators were briefed via email. The surrounding states and FEMA Region IV were notified. The city of Chattanooga requested state assistance and the Highway Patrol Strike Team was activated. The perpetrator never left his vehicle but nine officers fired weapons during the chase. The gunman was not on the radar of the FBI but had been radicalized. The resources of the city and state were put to the full test as they were overwhelmed by over 800 Federal personnel converged at the county EOC. Purkey recommended to other states to ensure that the state response plan for a terrorism event is in place, understood and exercised by all pertinent agencies, and to be prepared for multi-day operations. He also advised maintaining close relations with the media as they have a constant desire for information and in the absence, sometimes misinformation is given.

Countering Violent Extremism (CVE): the Three-City pilot program, challenges faced in states and communities

The committee welcomed Seamus Hughes, Deputy Director of the Program on Extremism, George Washington University's Center for Cyber & Homeland Security. Hughes recently co-authored a report on countering violent extremism in the United States. According to Hughes, the United States has lagged behind many European countries in creating a comprehensive CVE approach, largely because its homegrown violent extremist threat is relatively low. Only in 2011 did the U.S. launch a formal CVE strategy and its implementation has been disjointed and underfunded. The Boston Marathon bombing and later the rise of ISIS triggered a renewed focus on CVE, culminating in a recent high-profile White House summit. Part of the revamped effort includes pilot programs in three cities, each with a distinct approach: Minneapolis-St. Paul's focused on societal-level concerns, Los Angeles' on community engagement, and Boston's on interventions with radicalized individuals. Hughes discussed the challenges facing the Administration's CVE approach: lack of resources, lack of a lead federal agency, and resistance from Muslim communities. The report also states that the CVE strategies in Europe, applied over decades, can be useful learning tools for the U.S.

Committee Chair Chris Kelenske provided another helpful resource to the committee available through the Center for Homeland Defense and Security. The Radicalization Puzzle can be accessed through:
<https://www.chds.us/ed/items/2253>.

The OPM Cyber Attack

Kevin Hyer with the DHS Office of Intergovernmental Affairs gave an update on the cyber-attack on the federal Office of Personnel Management. He indicated that progress is being made on notifications to individuals whose information was accessed. A contract has been awarded for credit monitoring for employees and contractors impacted. OPM has developed a cyber security information center on their website at www.opm.gov/cybersecurity. This is for those that have been notified and those not notified by concerned. As a lesson learned, state governments should look at how data centers are protected.

DHS Intelligence & Analysis as a Resource for Stakeholders

Kevin Saupp, I&A's State, Local, Territorial, Tribal Liaison, Department of Homeland Security addressed the committee. Kevin was recently appointed to this new role and is responsible for ensuring state and local partners

can quickly access the capabilities, resources, and expertise across I&A, DHS, and the Intelligence Community. He encouraged NEMA to help identify priority issues that could be addressed in partnership with DHS I&A. One area of focus could be law enforcement versus emergency management information sharing and access.

**NEMA Mitigation Committee
September 29, 2015
Meeting Summary**

Mitigation Chair, Kris Hamlet (UT) welcomed everyone to the committee and mentioned the webinar held by the Mitigation and Response and Recovery Committees along with the US Army Corps of Engineers on the North Atlantic Coast Comprehensive Study. This study included new information on increased flood risks, rising sea levels, and how communities can become more resilient. The study, which was mandated by Congress after Hurricane Sandy, provides new technical products that state emergency management can use in evacuation planning, flood hazard mitigation, floodplain management, and coastal community resilience. Hamlet also gave a brief update on the Earthquake Subcommittee which has been moved under the Response and Recovery Committee.

After the chair gave his opening remarks, Utah's State Hazard Mitigation Officer, Brad Bartholomew, gave an update from the State Hazard Mitigation Officer (SHMO) meeting. He discussed the National Emergency Management Information System (NEMIS) white paper that the group is currently working on.

The module within the NEMIS system used to manage data associated with Hazard Mitigation Grant Program (HMGP) funds (NEMIS HMGP) is the only one of the system's eight modules used to manage grant applications and reporting. As per the Unified Hazard Mitigation Assistance (UHMA) guidance, dated February 27th, 2015, grant recipients (States, Territories, and Federally-Recognized Tribes) are obligated to use this module for HMGP grant application, administration, and reporting. However, this system is in need of modernization. The SHMOs are working to develop the white paper by the NEMA Mid-Year Forum.

Bartholomew also discussed the pilot program that provides hazard mitigation assistance for fire management assistance grants (FMAG). He mentioned that in the next SHMO meeting they will look at the best practices from the pilot program and learn from those states that had applied and gone through the process.

After the SHMO update, Chris Currie from the Government Accountability Office shared findings from the recently released report titled, "Hurricane Sandy: An Investment Strategy Could Help the Federal Government Enhance National Resilience for Future Disasters". The report focused on five federal programs that helped enhance disaster resilience during the Hurricane Sandy recovery. The programs included the Federal Emergency Management Agency's (FEMA) Public Assistance (PA), Hazard Mitigation Grant Program (HMGP), the Federal Transit Administration's Public Transportation Emergency Relief Program, the Department of Housing and Urban Development's Community Development Block Grant-Disaster Recovery, and the U.S. Army Corps of Engineers' Hurricane Sandy program.

State and local officials from the states affected by Hurricane Sandy that GAO contacted reported they were able to effectively leverage federal programs to enhance disaster resilience, but also experienced challenges that could result in missed opportunities. The challenges fell into three categories:

- Implementation challenges with PA and HMGP—for example, officials reported that FEMA officials did not always help them pursue opportunities to incorporate mitigation into permanent construction recovery projects;
- Limitations on comprehensive risk reduction approaches in a post disaster environment—for example, officials reported difficulties with navigating multiple funding streams and various regulations of the different federal programs funded after Hurricane Sandy; and
- Local ability and willingness to participate—for example, officials reported that some home and business owners were unwilling or unable to bear the required personal cost share for a home-elevation or other mitigation project.

Currie explained that the GAO recommends that FEMA assess the challenges state and local officials reported and implement corrective actions as needed and that the Mitigation Framework Leadership Group (MitFLG) establish an investment strategy to identify, prioritize, and implement federal investments in disaster resilience.

Following the briefing from GAO, NEMA President Bryan Koon talked about Florida's Community Rating System (CRS) with members of the committee. He explained that out of 2.1 million flood insurance policies in the country Florida makes up 37 percent of the policies. CRS operates as a voluntary program for recognizing and encouraging community floodplain management activities exceeding NFIP's minimum standards. It uses a class rating system similar to fire insurance rating in determining flood insurance premium reductions for residents. Florida has done a significant amount of outreach and expanded the staff to help with the expansion of CRS. The state is working to generate points for communities to receive the discount for the communities. Currently they are working towards a state wide emergency notification system (flood notification) which would help to get enough points at the state level that every community can be qualified for the Community Rating System.

Lastly, Kris Hamlet introduced Roy Wright, who is the Deputy Associate Administrator for the Federal Insurance and Mitigation Administration (FIMA), and he gave an update on several of FEMA's priorities:

- National Flood Insurance Program (NFIP) – Wright mentioned that the NFIP would be up for reauthorization in 2017. He explained that the NFIP lost eight percent of customers in the last year due to the increase in premiums and the surcharges. FEMA opened the Hurricane Sandy Claims Review process and began mailing letters to approximately 142,000 NFIP policyholders who filed claims resulting from Hurricane Sandy, offering them an opportunity to have their claims reviewed. Wright explained that FEMA established a task force to resolve the litigation involving Hurricane Sandy claims; established a process in which Sandy survivors who have not pursued litigation can promptly have their claims reviewed if they feel they were underpaid; and began developing and executing options to reform the NFIP. He also mentioned that the suspected wide scale fraud is under investigation. From the affordability aspect, the National Academy of Science will release a report on the affordability study.
- Federal Flood Risk Management Standards – Wright explained that the order gave agencies the flexibility to select one of three approaches for establishing the flood elevation and hazard area. They can use data and methods informed by the best-available, build two feet about the 100-year flood elevations for standard projects, and three feet above for critical building, or build to the 500-year flood elevation. He did mention that this standard does not prohibit building in the floodplain, does not apply to private investment, and does not affect the NFIP rates. He also explained that the MitFLG is charged with leading the standards and that clarification on the standards will be released by FEMA before the end of the year.
- Mitigation Grants – Wright discussed the streamlining HMA program delivery and explained that FEMA was working to speed up the availability of Hazard Mitigation Grant Program (HMGP) funds and make it easier to spend the funds in the first 12 months with seventy-five percent availability. He also discussed PreDisaster Mitigation (PDM) and explained that seven cents was spent on PDM for every dollar of Post Disaster Mitigation. He discussed the funding outlook and mentioned that \$200 million had been requested for PDM.
- Fire Management Assistance Grants and Hazard Mitigation Grant Program – Wright explained that the FMAG/HMGP pilot program would end at the end of the fiscal year but would extend in the event of a continuing resolution. He did mention that the appropriation for next year remains unknown.

**NEMA EMAC Committee
September 29, 2015
Meeting Summary**

Marketing the EMAC eLearning Courses

An issue paper was distributed via email prior to the meeting detailing the need for state emergency management to help market the EMAC eLearning courses. Chair David Maxwell asked for a motion on the issue paper to move it forward to NEMA's membership. Motion by KY. Seconded by KS. The issue paper will be moved forward to the full body in the State Director Executive Session.

The 5 online courses went live in February 2015. Since then,

- 128 people have completed the Practice and Implementation of EMAC course
- 38 people have completed the EMAC Just in Time Training for Deploying Personnel course
- 36 people have completed the EMAC Reimbursement for State Emergency Management course
- 175 people have completed the National Guard and EMAC course and
- 17 people have completed the Pre-Event Prep course

The higher enrollment numbers for the National Guard course are attributed to Kim Ketterhagen's work engaging the National Guard on EMAC and pushing them to taking the course.

David Maxwell asked for a short brainstorming session for state directors to increase participation in the courses.

- Angee Morgan: Recommended that EMAC courses be marketed in the same way as FEMA or state courses through the State Training Officers. The State Training Officer sends out a one-page brochure to the target audience and it is distributed to EM coordinators, emergency management support partners, and it trickles down to the associations. Can hit a large target of people who can be deployed. This can quell rumors about EMAC. It will be beneficial to responders.
- Kurt Schwartz(MA) has mandatory training requirements for staff with the overwhelming majority of those classes being online. Right now have to consider the next two year cycle of required courses, one thing MA will do is build the EMAC courses into some or all of the training standards for their agency.
- Michael Dossett: Recommended reaching out to federal partners and asking them to help market the courses as an in-kind service.

Mutual Aid Support System (MASS 2.0) Usage and Marketing

Dave Maxwell reported that only 20 states have signed the Mutual Aid Support System memorandum of agreement. Within MASS there are 44 draft Mission Ready Packages and 130 published MRPs for a grand total of 174. Dave encouraged states who have not signed the MOU to identify any barriers to getting it signed and to take the barriers to NEMA to get resolved.

Dave asked if there are thoughts on MRPs that directors would like to see built.

- Angee Morgan (KS) requested that NEMA develop a spreadsheet or list of the top most requested resources that are asked for within the first 24 or first 36, or 72 hours which would help directors focus on developing MRPs for those packages as a start. Then building more of the expertise for the specialized resources and teams later one.

- Jonathan Monken (Private Sector) suggested working with the private sector committee citing examples of engineering teams being developed on the private sector side that provide logistical and public safety support as well as cyber expertise.
- Joyce Flinn (IA) recommended that there is a focus on avian influenza planning and the types of resources that may be shared among states such as depopulation equipment in anticipation of return of the avian flu.
- Brian Satula (WI) suggested that states work within their regions to continue to identify regional shortfalls and identify MRPs that would be beneficial.
- Trina Sheets (NEMA) suggested that State Directors look at building inspectors as the resource was identified as a need during the June EMAC Workshop.

Dave Maxwell reminded everyone that the MRP workshop is on the EMAC website available for download by states. Dave Maxwell reported that NEMA is working on a project that will help to add 15 -25 Mission Ready Packages into MASS over this next year. This is Phase 3 of the public health and medical Mission Ready Package project that was led by the Association of State and Territorial Health Officials (ASTHO) public health and medical working group.

The Working Group developed 17 templates over the past 2 years:

- Bariatric Ambulance Team
- Behavioral Health Team
- Clinical Care Team
- Disaster Portable Morgue Unit
- Four-wheel Drive Ambulance Team
- Medical Facility Emergency Water Supply Team
- Morgue Processing Team
- Morgue Triage Team
- Patient Transport Team
- Pre-hospital Acute Care Team
- Emergency and Critical Care
- High Risk Prenatal and OB
- Laboratory Services
- Pharmacy Services
- Radiology Services
- Acute Surgical and Trauma
- Adult Patient Care Services

NEMA will select 3-5 states that will work with their public health or medical counterparts to develop Mission Ready Packages using the templates developed during Phase 1 and 2 of the project. Selected states have to commit to developing a minimum of five MRPs and upload them into the Mutual Aid Support System (MASS).

Hagerty Consulting will coordinate the Mission Ready Package workshop within the selected state and work with the state to identify the five MRPs that will be developed from the list of templates. They will then conduct a full day on-site workshop to develop the MRPs with the participants. They will also conduct follow-up to make sure the MRPs are developed and uploaded in to MASS. If you are interested in the project, let NEMA know your interest by contacting Angela Copple.

June 2015 National EMAC Workshop

Doug Hoell (NEMA) provided an overview of findings from the June 2015 EMAC workshop:

- States have a good understanding of resources within their own states
- States resource shortfalls could, for the most part, be filled from states within their region

- States are still not using common/standard language to request and offer resources
- States should use MRPs and NIMS resource typing
- Regional planning has an important role in preparedness. Most of the resources a state would need to respond to an incident could likely be found within the region instead of across the country
- States should continue to integrate EMAC into exercises and conduct regional exercises

The report from the workshop will be shared with the Member States following the NEMA Forum.

NEMAC Update

Brian Satula provided an update on NEMAC and the history of NEMAC's creation starting in 2011. NEMAC's membership includes Illinois, Indiana, Michigan, Minnesota, Montana, New York, North Dakota, Ohio, Pennsylvania, Wisconsin, and Alberta, Manitoba, Ontario, and Saskatchewan. The Compact is open to any state that would like to join.

NEMAC is currently working on operationalizing the compact, look towards standardization; what are the needs and will they work on the Canadian side, and develop MRPs that can be moved across the border. The goal is to operationalize; including how to request and receive resources. NEMAC has made a formal request to the EMAC Committee that the EOS be opened to the Canadian partners and eventually MASS for cross-border mutual aid. Dave says the group has done excellent work and from the EMAC standpoint wants to support any mutual aid and has traditionally supported international mutual aid agreements on the border. Dave Maxwell asked Angela Cople to begin working on identifying system edits that would need to take place in order for the EOS to be used internationally. Angela asked if NEMA should plan on all international compacts wanting to use the system as well. Brian responds that NEMAC will be doing outreach to get that question answered.

Robert Ezelle (PNEMA) will raise the question with member states and providences as it makes sense. Bruce Fitzgerald (IEMG) has placed the topic on their agenda in the fall; but, feels that there will be interest as they currently do not have a system.

Wendy Stewart (AZ) asked if the compact covers and addresses all liability challenges because it's an issue across the southern border. Brian responded that they used EMAC as the basis of the language and still have issues with deploying National Guard across the border.

Dave Maxwell suggested tabling the topic until the other two international compacts have given their opinion.

Electric Sector Activities in the Areas of Disaster Response and Coordination

Puush Kumar with America Public Power Association (APPA) provided an update on mutual aid efforts. APPA is a trade association founded in 1940 and based in the Washington DC area. Key issues are cyber preparedness, physical security and disaster preparedness response, and resilience. The electric sector is split in investor utilities, public power utilities, and cooperative utilities. There's a challenge in communicating with over 2000 utilities. Have been doing mutual aid since the late 1990s when working with the rural electric cooperative on a mutual aid agreement; to date over 2000 electric companies have signed. APPA developed a mutual aid working group and plan, called the Mutual Aid Playbook that includes operationalizing the agreement.

Regions are purposefully divided into the 10 FEMA regions. Building partnerships is important - here to build partnerships with NEMA, states, and to connect states with counterparts in their state.

Dave Maxwell added that APPA should partner with states to utilize EMAC for the publically owned utilities, as it was a great opportunity to move mutual aid forward.

Next month APPA is hosting a mutual aid working group meeting where Trina Sheets (NEMA) will present. Part of the discussion at the meeting will be to discuss the gap between the industry and state counterparts.

Angee Morgan asked for a list of APPA contacts in each state could be given to NEMA so states could conduct outreach and provide education.

Discussion Topics: Law Enforcement/National Guard and EMAC Missions

Dave Maxwell brought up the discussion of the deployment of law enforcement. The question that comes up at each deployment is the authorities in each state or jurisdiction to deputize officers and what use of force policies are in effect.

These issues were identified after Hurricane Katrina that led to the development of the Law Enforcement Checklist. Given the increase in law enforcement deployments, we would like to elevate this as a priority and conduct a survey that identifies who in each state has the authority to deputize officers and what use of force policies are in effect, or if it is possible to identify this type of information on a state-by-state basis.

The issue here is delays. We want to be proactive so we can overcome any delays in law enforcement deployments. Michael Dossett said that in Kentucky, they work with 30-40 different law enforcement agencies and utilize the chief deputy of the US marshal service for swearing in with misdemeanor.

Dave Maxwell said that the EMAC Advisory Group stated the swearing in was likely at the county level throughout most of the country with the elected sheriff.

NEMA will work to develop a survey to identify who, in each state, has the authority to swear in officers. The survey will be vetted through the law enforcement groups we have relationships with before we send it out. The CDC suggested sending it out to a few high level locations to test it and see if the questions are well understood. We would really appreciate any input that you might have on what to include in the survey –want to keep it as succinct as possible.

Ohio interested in survey results – state highway patrol and some officers are interested in forming a task force to deploy through EMAC and this question comes up frequently.

Dave Maxwell stated that he thought the survey would give us a better idea on how to train A-Teams to better request and know what to put in the request. The survey results would be posted to the EMAC website as reference. Angee Morgan asked if use of force is a secondary topic and whether or not it would be included in the survey. Angela Copple responded that it was a separate topic and one that is a lot more in-depth as use of force can change jurisdiction-by-jurisdiction, not state-by-state.

Dave Maxwell stated that the A-Team should make sure it is included in the REQ-A that it needs to be resolved before teams are deployed.

EMAC Executive Task Force Update

Victoria provided an update from the EMAC ETF highlighting operational activities. The ETF has also worked on the development of Standard Operating Guidelines for Resource Providers and Deploying Personnel. The document should be moved to the EMAC Advisory Group over the next few months and then finalized.

Finally, NEMA worked on cleaning up the list of A-Team members by contacting the states and asking them to review their list of A-Team personnel. Only four states have not responded. Angela emailed the updated numbers to the Committee last week.

- The list went from 826 to 704 personnel.
- As you know, we work to maintain a minimum number of two Type IV A-Teams in each state, which is 4 A-team trained personnel in each state. We have a few states that are below this number and will be doing outreach directly to them to get people into one of the 6 scheduled A-Team courses this year.

EMAC Advisory Group Update

Dave Maxwell reported that the EMAC Advisory Group has four new members representing the National Guard, National League of Cities, National Governors Association, and International Association of Fire Chiefs. Dave thought the meeting Monday was the best they've had, a lot of lively discussion. The law enforcement issue had a lot of discussion.

Update from FEMA National Integration Center (NIC)

Doc Lumpkins provided an update on resource typing efforts including updates to search and rescue, EMS, and cyber. Cyber has also presented an opportunity to recognize field and virtual use to provide support. Looking at potential areas in social media in that regard.

A new edition of the national preparedness goal will be released soon which will include a new core capability: fire management. The FEMA NIC will move forward with the framework and operational plans throughout the calendar year.

The FEMA NIC will be reaching out to individual members of the EMAC Advisory Group for feedback on the draft national mutual aid guidelines.

Closing Statements

Dave Maxwell thanked Angela Copple and all NEMA staff for their excellent support to the committee and announced that Angee Morgan will become the EMAC Committee Chair with Dave transitioning to the Vice-Chair of the Committee.

Motion to adjourn by KY and seconded by KS.

NEMA Pacific and Caribbean Territories and States Caucus
September 29, 2015
Meeting Summary

Interim Chairman Mike O'Hare (AK) provided the welcome and asked everyone in the room to introduce themselves. He then asked if Chris Maier with the National Weather Service would give the group an update.

Chris Maier from the National Weather Service (NWS) gave an update on the latest weather that NWS is tracking. Maier discussed with the group that there is an approximately 95 percent chance that El Nino will continue through Northern Hemisphere winter 2015-16, gradually weakening through spring of 2016. The El Nino is contributing to a very active tropical cyclone season in the Pacific with 39 storms, 23 hurricane/typhoons (8 major hurricanes and 6 super typhoons), Maier told committee members at the time of the forum.

Maier also reviewed the 2015 hurricane season and explained that El Nino dampened tropical cyclone formation in the Atlantic. He then discussed the wildfires and droughts that have been occurring and even mentioned that in Alaska there has been a near record wildfire season in which 767 wildfires have burned over 5.1 million acres.

NWS provided a map that showed 82 percent of the Deep-ocean Assessment and Reporting of Tsunamis (DART) buoys were operable. The National Weather Service has access to the data that is produced from the international buoys however a few of them are inoperable. Maier mentioned that 32 of the 39 buoys were operational and were maintained by the Coastguard as well as NOAA.

After the update from the National Weather Service, the committee discussed some of the lessons they have learned to deal with the unique challenges they face. American Samoa discussed challenges with providing residents with earthquake warning and evacuation messages. Some of the residents live near or on the boarder of independent Samoa and the earthquake messaging is different.

Other territories discussed challenges with logistics and using alternative methods to deliver necessities. Alaska, for example discussed the role of the military in disaster response and recovery. Other members discussed challenges with incoming Incident Management Assessment Teams (IMAT) and their ability to adapt to the climate and the culture that they were assisting.

Several members at the meeting discussed the unique issues and challenges that come along with being a cruise line destination. Challenges such as medical evacuations, limited air strips, communication issues, relocating foreign citizens, and potential disease outbreaks were all discussed. Many members of the group discussed the need for a Caribbean Emergency Management Assistance Compact.

The caucus members finished the meeting by discussing ways to interact with one another on a more regular basis and discussed ways to share information such as memorandums of understanding (MOUs) and private sector contracts.

NEMA Response and Recovery Committee
September 30, 2015
Meeting Summary

Committee Chair Wendy Smith-Reeve (AZ) opened the meeting at 8 am with several brief updates:

- In June, the long-awaited functional needs state and local planning documents were released and sent to each state agency. This project was the result of a joint work group between the NEMA Response and Recovery Committee and IAEM. The, “Disability Access and Functional Needs Emergency Planning Guidance” and the “Quick Reference Glossary Terminology List” are also both available on the NEMA and IAEM websites.
- In August, the R&R and Mitigation Committees co-hosted a webinar on the US Corps of Engineers North Atlantic Coast Comprehensive Study, which includes new technical products that state emergency management can use in evacuation planning, flood hazard mitigation, floodplain management and coastal community resilience. All states were encouraged to use the available tools.
- State emergency management staff was reminded to sign up and participate in the Yahoo user groups for public assistance, individual assistance and recovery chiefs. Curtis Caldwell with Illinois Emergency Management moderates the public assistance Yahoo user group; Bill Dugan, Individual Assistance Section Chief for New York, serves as moderator for the IA group and John Moore, Recovery & Mitigation Branch Director with Minnesota Homeland Security and Emergency Management, moderates the newly formed Yahoo group for recovery chiefs.
- A workshop on the status of the FEMA PA re-engineering process was held the previous day at the forum. Ms. Smith-Reeve, who will continue to act as the NEMA point person on this initiative, listed some of the main elements of the re-design including a focus on increased efficiency in project formulation; using metrics to improve quality and ensuring the best trained personnel for all parts of the process. FEMA has developed a three-phase business model: the operational planning, the intake and eligibility analysis, and grant scoping and costing. A playbook and templates have been developed and beta testing of the revised process is now being conducted in Iowa. A full launch of the re-engineered program is expected in 2016.

Best Practice – Meteorologists as Watch Officers at EM Agency

Arvin Copeland, Response and Recovery Division Director for the Indiana Department of Homeland Security, presented on his agency’s recent practice of hiring professional meteorologists as watch officers and how it has impacted their operations. The upgraded position with its additional technical and analytical skillset has resulted in data mining, added weather briefs and emergency alerts. Since so many disasters in Indiana result from extreme weather, having someone with the ability to navigate and assemble accurate forecasts has been invaluable. Their detailed reports have also become part of presidential declaration requests. Since hiring the first meteorologist as a watch officer five years ago, the agency has employed nine others. Four of these have been promoted to logistics, operations and mitigation. A few other states including Florida and California have meteorologists on staff. The most recent example is Pennsylvania EM, which is sharing the salary with three other state agencies.

Updates from FEMA

- New Alignment of Field Operations/Regional Office Structure - Beth Zimmerman, FEMA Associate Administrator for the Office of Response & Recovery: goal is to have all aspects of field operations better coordinated and personnel better trained. Regarding federal coordinating officers and federal disaster recovery coordinators, these are both still nationally managed cadres, but now they work for the regional administrators. Jonathan Hoyes is the director of the Office of Federal Disaster Coordination (OFDC) and heads up the effort with a particular focus on a catastrophic event.

- Predictive Analytics – Corey Gruber, Deputy Associate Administrator in the Office of Response and Recovery: FEMA is employing data analytics to work smarter; extracting additional information from existing data sets for operational decisions that impacts personnel, equipment usage and mobilization, etc. They've identified 800 data sets and are extracting regularly from about 100 of these.
- 705c Guidance – Alex Amparo Assistant Administrator of the Recovery Directorate: the FEMA Recovery Policy, Stafford Act Section 705, Disaster Grant Closeout Procedures is currently out for public comment until early November. After the forum, it was decided that NEMA would submit a compiled state response on this policy to FEMA. Mr. Amparo also reminded the group that the FEMA Damage Assessment Operations Manual is out for public comment as well until November 14, 2015.

John Kelly – OIG and Audits

The committee invited John Kelly, Assistant Inspector General in the Emergency Management Oversight Division of the DHS Office of Inspector General back to continue the conversation started at the R&R meeting during the NEMA Mid-Year Forum in March 2015. Mr. Kelly reminded the group that in 2013 the OIG initiated its Life Cycle Audit Approach, which includes four phases: deployment audits, capacity audits, early warning audits and close out/completion audits. In 2 ½ years, there has been a significant shift from recommendations that funding be returned to recommended actions to prevent the need to return money in the future. Prior to 2013, it was very rare for the office to issue a no finding report. Today, about 30 percent of the reports are clean opinions. Audits do continue to see procurement issues, especially those involving competitive procurements and the use of prohibited procurements practices such as cost plus percentage of cost contracting. Another problem – whether all costs are adequately supported, insurance proceeds are adequately allocated and disaster assistance is the correct funding source. The office has made some additional changes, including adding advisory reports to its portfolio of products. Also, in September, the office issued a report on a potential project at the request of one of the regions, pointing out what it would be looking for in the event of an audit. Finally, the OIG issued the Audit Tips report that FEMA will be sharing with all recipients of disaster assistance. Various OIG documents helpful in the audit process have been posted to the NEMA website. One state commented that inconsistencies from region to region still exist. Another suggested closer engagement with FEMA on procurement questions.

NEMA Hurricane Subcommittee – Mike Sprayberry (NC), Chair

Dr. Rick Knabb, director of the National Hurricane Center, was supposed to join the meeting, but had to cancel because of Hurricane Joachin bearing down on the East Coast. Mr. Sprayberry outlined the activity of the subcommittee, including monthly conference calls that include representatives from the Inter-Agency Coordinating Committee on Hurricanes (ICCOH), FEMA's National Hurricane Program, the National Hurricane Center as well as the NEMA Subcommittee. The subcommittee is focused on a list of priorities including more training opportunities, continued HURREVAC updates, more timely and frequent post-storm assessments, on-going discussion of 6-7 days forecasts from the National Weather Service/NHC and expanded capabilities of NHC products. Mr. Sprayberry has also developed a draft hurricane resource guide to assist new state hurricane program managers in finding products/services throughout the federal family. Finally, Mr. Sprayberry congratulated the new National Hurricane Program Manager Chris Penney, who came from the US Corps of Engineers. Mr. Penney has worked with the states for several years through the ICCOH as an active federal partner.

Newly Formed NEMA Earthquake Subcommittee – Robert Ezelle (WA), Chair

The creation of a NEMA earthquake subcommittee was approved at the NEMA 2014 Annual Forum. Robert Ezelle (WA) agreed to chair the new group. It currently includes state directors from each region plus one representative from the four earthquake consortia. While membership is still being finalized, the subcommittee held its first conference call in early September. The next call is planned for November. Issues that the subcommittee is considering: addressing the issue of a national earthquake program on the federal level; reauthorization of the National Earthquake Hazard Reduction Program; outlining what a national earthquake program would look like; working with states that have current projects that contribute to the national discussion on earthquakes; and early

earthquake warning – education and monitoring. Ms. Smith-Reeve thanked Mr. Ezelle for his leadership with the new subcommittee.

Snow Policy Work Group

Albert Ashwood (OK) is a member of the joint NEMA-FEMA Snow Policy Work Group and provided an update. The work group was established in late 2014 to create a new draft policy that addresses the deficiencies in the current policy and which could be piloted this year. One possible concept focused on Category B/road treatment measures and included gathering stockpile (sand, salt, chemical, etc) data from each state as a way to gauge capability. FEMA was concerned that the data wouldn't be reliable. The concept also didn't address those situations where snow removal costs represented the lion's share of expenditures. The state members of the group are now considering a different approach and have decided to talk to the American Public Works Association for additional expertise and collaboration. No pilot will be tested in the 2015-16 winter season. The revised goal is to have one in place for the 2016-17 winter.

Wildfires in the West – Mark Ghilarducci (CA)

Mr. Ghilarducci explained that in multiple states in the West, the on-going drought – now in its 4th year – is a major contributing factor in the increasing number and severity of fires. Other issues: no sustained recovery because of the dry and ample burning material including dying trees with extensive beetles infestations; fires are spreading erratically and unpredictably; they are occurring in urban mix areas, making response and evacuations more difficult; residents aren't heeding evacuation order, which is how most deaths have taken place; firefighters have to divert from fires to perform rescues and aren't available to battle the fires; water to fight the fires must be procured from further distances. Other complicating issues are the loss of communications for responders/EM; interoperability; social media impact; lack of communication in rural areas, etc. Mr. Ghilarducci said that drought is definitely an emergency management issue and one that will continue to stress resources and budgets, and put more people as well as property in harm's way. He thanked EMAC teams that had responded to requests for assistance and cited mutual aid as critical in managing the threat. He also acknowledged FEMA for its support. At the conclusion of his report, Ms. Smith-Reeve reminded the group about FEMA Administrator Fugate's recent op-ed on funding wildland fire response. She also thanked Mr. Ghilarducci for agreeing to take over as chair of the committee. With no further business, the meeting was adjourned at 9:45 am.

**NEMA Legislative Committee
September 30, 2015
Meeting Summary**

Committee Chair Jimmy Gianato (WV) welcomed everyone and introduced Aaron Davis with FEMA, Rusty Russell with IAEM, Pam Williams with House Transportation and Infrastructure Committee, and Justin Stevens with NGA before proceeding with the planned agenda.

FEMA Update

The update from FEMA's Director of Legislative Affairs, Aaron Davis, focused on a few pieces of legislation. The first, which was the Resilient Federal Forests Act of 2015 (HR2647), included language that would allow wildland firefighting on federal lands to be funded through the Disaster Relief Fund (DRF). The other piece of legislation that Davis focused on was the FEMA Disaster Assistance Reform Act of 2015 (HR 1471), which also contained a provision that would permit the transfer of funds from the DRF to the Departments of Interior and Agriculture for wildfire suppression activities.

Davis explained that the Budget Control Act of 2011 ensures that disaster relief funds are based on anticipated needs, thus avoiding the need for Congress to provide supplemental funding in the immediate aftermath of a disaster. And as a result of this act, FEMA and the DRF were ready when Hurricane Sandy hit the East Coast in October 2012. Additional funding was ultimately required in response to this devastating and costly disaster, but a well-funded DRF bought Congress the additional time it needed to deliberate and appropriate.

Discussion on Unmanned Aircraft Systems

After the update from FEMA, Captain Chris Kelenske discussed some of the legislative challenges that Michigan has faced regarding Unmanned Aircraft System (UAS). Michigan has found that during emergencies and disasters there have been challenges with private citizens flying UAS's over the affected area. Captain Kelenske mentioned that the Federal Aviation Administration (FAA) recommends that UAS fly below 400 feet and fly in clear zones. He explained that in 2015, 45 states are considering legislations that deal with UAS. Six states have passed legislation that deal with the use of UAS. Recently, Michigan has banned the use of drones to hunt, fish, or harass hunters under new laws signed by Gov. Rick Snyder. The legislation prohibits hunters from using an unmanned aerial device or water-based version to take game or fish. It also prohibits individuals from using drones to interfere with someone who is lawfully hunting or fishing.

Captain Kelenske mentioned that Michigan will work within the parameters of a criminal statute for violations. He also discussed some of the challenges that law enforcement officers were having enforcing the law. Challenges with individuals trespassing and determining the height in which a UAS was flying, and how to get the UAS out of the sky were some of the challenges mentioned.

In Michigan, law enforcement officers who operate UAS's are required to have a pilot's license and are required to have a spotter just as they would for a helicopter pilot. Captain Kelenske explained UAS's are not used by law enforcement teams for surveillance missions, unless the UAS is above a residence where a tactical team is going to enter.

Congressional Staff Updates

Following the discussion on legislative challenges with UAS's in Michigan, Pam Williams with the House Transportation and Infrastructure Committee Economic Development, Public Buildings, and Emergency Management Subcommittee discussed the legislation introduced back in April titled, "FEMA Disaster Assistance Reform Act of 2015" (H.R. 1471). She explained that this legislation was introduced to address the rising costs of disasters in the United States, reduce the toll of future losses, and improve the efficiency and effectiveness of the Federal Emergency Management Agency's (FEMA) disaster assistance capabilities and programs. Williams discussed the

bill's provisions which include: reauthorizing spending through fiscal year 2018 consistent with current funding levels for FEMA, Urban Search and Rescue teams (USAR), and the Emergency Management Assistance Compact (EMAC).

Williams also mentioned that the legislation would also raise the Public Assistance small projects threshold to \$1 million to reduce administrative costs, expedite assistance, and help communities recover more quickly; establish rates to reimburse states and local governments for the administrative costs incurred to implement disaster recovery projects, providing a fixed cap to avoid uncontrolled administrative costs; reinstate the 3-year statute of limitations on FEMA's ability to reclaim funds, based on a change in policy determination, after an applicant has spent the funds on previously determined eligible projects and when there is no evidence of fraud, waste or abuse; and clarify mitigation activities related to wildfires and earthquakes.

She also mentioned that the provision concerning the transfer of funds from the Disaster Relief Fund (DRF) to the Departments of Interior and Agriculture for wildfire suppression activities on federal lands. She explained that this language is placeholder language for now and that they are interested in protecting the Disaster Relief Fund. Williams concluded with asking the NEMA State Directors to provide comments on the challenges and successes they have seen with the Sandy Recovery Improvement Act.

National Governors Association Priorities

After the update from Capitol Hill, Justin Stevens with the National Governors Association (NGA) gave insight into NGA's priorities for the upcoming year including their current policy review process. He also explained for the new members of the Legislative Committee that NGA is the collective voice of the nation's governors. Its members are the governors of the 55 states, territories and commonwealths. NGA represents states on Capitol Hill on key federal issues to developing and implementing innovative solutions to public policy challenges through the NGA Center for Best Practices. NGA also provides management and technical assistance to both new and incumbent governors. Stevens explained that through NGA, governors identify priority issues and deal collectively with matters of public policy and governance at the state and national levels.

A few of the policy priorities for NGA included the effects of the sequestration on the National Guard and the proposed cuts to the Army, the impacts of a long-term CR versus a shorter one, and FirstNet, which has completed the state consultations and are currently meeting with the State Points of Contacts. Stevens also addressed NGA's cybersecurity priority and explained that they are working with the Department of Homeland Security to identify gaps in information sharing between states. NGA is engaged with Congress as they work to produce legislation that handles the challenges that exist with information sharing. Stevens also provided a recap of the State Cyber Summit which focused on incident response and governance issues.

He finished up by discussing the recent legislation regarding fusion centers that has been introduced. The first would work to enhance the partnership between DHS and the National Network of Fusion Center and the second piece of legislation would require an assessment of fusion center personnel needs. Both NEMA and NGA look forward to maintaining the strong working relationship into next year.

International Association of Emergency Managers Priorities

The meeting concluded with an update from Rusty Russell with the International Association of Emergency Managers (IAEM) who began his comments by highlighting the many issues that NEMA and IAEM work closely on, including sustained funding for the Emergency Management Performance Grants (EMPG). NEMA and IAEM partnered together this year for the 2015 EMPG Return on Investment Report and will continue to do so next year. Russell also discussed the upcoming IAEM conference and highlighted a few of the topics they would be discussing there. He also touched on two additional issues that NEMA and IAEM have found common ground on and those are the sustained attention and funding for the Emergency Management Institute as well as critical investment in the National Weather Service. He mentioned the joint letter that IAEM did with the National Association of Counties on a piece of legislation titled, "Weather Alerts for a Ready Nation Act of 2015" (S.1573). Russell also elaborated on the

think tank that IAEM held on the topic of Ebola epidemic and mentioned that there would be an upcoming think tank on the Integrated Public Alert Warning System (IPAWS).

**NEMA Private Sector Committee
September 30, 2015
Meeting Summary**

Chair: Brock Long
Vice-chair: Shandi Treloar

The meeting was brought to order by committee chair Brock Long. Brock welcomed those in attendance, described the purpose of the committee and how the committees' role within NEMA has recently evolved and will continue to do so in the coming years. The chair then introduced the new Director of FEMA's Private Sector Division, Rob Glenn.

Rob Glenn thanked the chair for the invitation to address the committee and outlined his goals for the Private Sector Division in the coming months. Glenn intends to work on increase collaboration with businesses, improve and expand partnerships, improve supply chain resiliency and build an internal network within FEMA to support private sector efforts with the common doctrine to engage early and often.

The chair thanked Glenn for his efforts so far and invited him and his team to engage with the committee at every opportunity. The chair then introduced Shandi Treloar, Webinar Working Group Lead, for an update on the NEMA Webinar Series.

The NEMA Webinar Series has now addressed 2 topics, functional needs and crude by rail preparedness and those 2 webinars were viewed by more than 880 participants. A third webinar will be held in December with the topic and date to be determined.

The chair thanked Shandi and the working group members for their hard work and announced that the next speaker, Rick Neudorff was unable to attend the meeting but called on Doc Lumpkins with FEMA to provide insight on FEMA's efforts to standardize reentry post disaster. FEMA is compiling feedback from states to assemble into a scoping document for release soon. A methodical approach is being taken to insure that they are correctly capturing the need and creating a clear understanding of the issues involved in order to connect all the dots. New national preparedness goals are being considered with a focus on logistics and supply chain management and are considering a supply chain pilot to determine how to incorporate them. They have partnered with IAEM on reentry dialog and have a set goal for a solution.

The chair thanked Lumpkins for attending and providing an update then called on Alex Amparo and Bill Roche to discuss FEMA's recovery reorganization and ways the committee can increase dialog.

Alex Amparo thanked the chair and explained that the initial design model for recovery re-engineering was created with an expectation of test-beds to identify success and areas for improvement. Iowa was designated as a "beta test" and the program will be augmented and changed where needed.

On the broader subject of the private sector having more involvement in policy discussion going forward, FEMA would welcome deeper involvement and cooperation with the Private Sector Committee and is open to creating a process, determine who should be part of the conversation and devise ways to communicate progress on goals and metrics. The committee could comment on FEMA activities in the form of white papers, offer actionable recommendations and committee representatives could participate in subject/issue based working groups.

One topic for consideration is how to determine ways for local/state/federal governments to more effectively communicate with businesses during and after disasters. Another was what critical elements and information are needed by companies and how that information could be provided easily in one location rather than the process being different for every state.

The chair thanked Amparo for attending and offering cooperation. Further discussions would take place and would be reported back to the committee.

Brock Long thanked everyone all the speakers for participating and announced that he was stepping down as chair and Shandi Treloar would be taking over the committee. After thanking everyone for attending the chair asked for a motion to adjourn which was given by Frank Koutnik, seconded by Tom Serio and the meeting was adjourned.