

FEMA National Advisory Council

November 2017 Meeting Minutes

RESPONSE Subcommittee | November 29, 2017



FEMA

RESPONSE ACT SUBCOMMITTEE REPORT-OUT AND VOTING

Railroad Emergency Services Preparedness, Operational Needs, and Safety Evaluation (RESPONSE), Co-Chairs Kathleen Fox, FEMA, Howard McMillan, PHMSA and Chris Howell, NAC presenting Presentation

Ms. Fox began the presentation by reviewing the RESPONSE Act legislation: RESPONSE Act of 2016 (PL 114-321) - Improving emergency responder training and resource allocation for hazardous materials (HAZMAT) incidents involving railroads. She covered the tasking, subcommittee membership selection and composition, the draft recommendations, and next steps. Per the legislation, the Subcommittee report was due to the NAC on December 16. She commended the subcommittee and FEMA support staff for accomplishing this ahead of schedule, in spite of the catastrophic response burdens placed on the country and the Agency.

The Subcommittee noted that the Act primarily addresses the capacity of rural communities, as the majority of rail runs through remote areas. While HAZMAT incidents are rare, America's legislators also understand that they can have devastating effects.

Discussion

The co-chairs presented the first Subcommittee recommendation:

[Draft Recommendation 1](#): PHMSA, working with other Federal agencies, should establish a new voluntary governance structure and process for national planning and training efforts to minimize risks associated with HAZMAT incidents.

The group discussed Executive Order 13650 on Improving Chemical Facility Safety and Security, which established a Federal interagency working group tasked to implement a transparent, inclusive process and to minimize risks. They discussed the differences with fixed locations and the railroad industry, which is implicitly mobile and constantly changing. They also discussed the role of historic records in providing a reliable indication of materials likely moving through a region at any given time, and their use in local emergency planning. Members discussed the gap in information shared between facilities and the emergency response community.

Several NAC members expressed concern about the limited scope of Recommendation 1 in several areas. Mr. Ginaitt proposed that the NAC pick up the broader mission. Ms. Boston asked that nuclear waste be explicitly included in HAZMAT. Mr. Hansen and Ms. McKinney commented on the federal-centric audience of the recommendation, proposing that it address state, local, and tribal partners. This is important, as coordination needs to include consultation with state, local, and tribal partners who are responsible and have more capacity for operationalizing the resulting tasks. Mr. Kidd said that the railroad-centric scope of the legislation was too narrow, tied too closely to existing reporting structures, and needed to consider more players in the HAZMAT game (i.e. law enforcement, public health, public works/infrastructure, and labor groups).

Ms. Titze pointed out that the real issue is not the availability of training; it is the accessibility to training. It is difficult to incentivize a largely volunteer workforce to attend training. In some jurisdictions, having adequate staff to maintain daily operations while others attend training is a concern.

The NAC moved, seconded, and passed a motion that they would not consider Recommendation 1. The subcommittee co-chairs then introduced the second recommendation.

Draft Recommendation 2: Within the tiered approach, Federal agencies and training providers should place an emphasis on awareness and operations level training in a local/regional setting with mobile training opportunities.

The subcommittee intended the recommendation to address the diversity of the responder community (career/paid, volunteer/unpaid, urban, rural, and tribal), the need for multiple training options, including level of training and delivery format, and accessibility. Mobile delivery addresses course accessibility, bringing the training to the local jurisdictions to reduce travel time and limit time away from other work. Some discussion focused on why the subcommittee referenced OSHA standard 1910.120 instead of NFPA 472. Considering the differences in the two training standards, the NAC revised the recommendation to remove the language stating “place an emphasis on awareness and operations level training.” The terms “remote” and “mobile” are synonymous, referring to field rather than on-campus delivery of courses. Mr. Kidd pointed at that awareness training tends to be basic and insufficient. He recommended that modified language should seek to ensure that Federal agencies provide programs in different geographic areas or provide training that is more prescriptive for tiers. Mr. Hansen agreed and said that responders need technical training more than operational training. Other NAC members raised issues related to the whole community. Ms. Abadie mentioned access and functional needs (AFN) training, such as providing for those with respiratory issues. Mr. Downing asked that tribal partners be included any time state and local partners are addressed.

The NAC moved, seconded, and passed Recommendation 2 with modified language.

Approved Recommendation 2: Federal agencies and training providers should place an emphasis on training in a local/regional/tribal setting with remote/mobile training opportunities.

The co-chairs then introduced Recommendation 3.

Draft Recommendation 3: Federal funding opportunities for HAZMAT emergency responder training should be awarded based on open competition from all qualified organizations, including for-profit organizations, ensuring the most efficient and effective use of taxpayer funds. Before making changes to relevant programs, Federal agencies should obtain input from a diverse range of stakeholders, and assess the costs, benefits, and other implications of such changes.

The subcommittee identified that a potential cost saving measure may be greater use of open competition and public-private partnerships to allow both for-profit and non-profit organizations to apply for grants and cooperative agreements.

Ms. Fox discussed the precedent for government funding in the private sector, citing the Transportation Technology Center (TTCI)/Security and Emergency Response Training Center (SERTC) in Pueblo, CO. NAC members wondered if this recommendation would affect existing grant funding (e.g., EMPG, UASI). Ms. Fox suggested that reworded language could prevent transference of costs and ensure free training. Funding responsibilities would be assumed by FEMA and not depend on cuts to state grants.

Ms. McKinney asked why existing institutions like the Emergency Management Institute (EMI) and Center for Domestic Preparedness (CDP) do not receive more support. Ms. Fox explained that the National Training and

Education Division includes facilities like the National Domestic Preparedness Consortium, EMI, and CDP. Providers within the Consortium agree to serve as centers of excellence for different subject areas. TTCI/SERTC focuses on rail HAZMAT training.

Dr. Stern continued the discussion with regard to whether this recommendation will lower costs. Ms. Long remarked that limited capacity for staff training is not unique to rural first responders, and recommendation language should include all at risk communities. The NAC discussed the need for Federal agencies to analyze data and establish metrics to determine the cost benefit of for-profit vs non-profit training. The NAC also discussed the need for Federal agencies to establish specific parameters and guidance if they decide that for-profit companies can compete for Federal funds.

With modifications reflecting the NAC's provision on free training, the NAC moved, seconded, and passed Recommendation 3.

Approved Recommendation 3: Federal funding opportunities for HAZMAT emergency responder training should be awarded based on open competition from all qualified organizations, including for-profit organizations, ensuring the most efficient and effective use of taxpayer funds.

Before making changes to relevant programs, Federal agencies should obtain input from a diverse range of stakeholders, and assess the costs, benefits, and other implications of such changes. Regardless of what type of organization is awarded funding, training will still be provided free of charge to emergency responders.

The co-chairs then introduced Recommendation 4.

Draft Recommendation 4: FEMA and DOT should consider allowing funding from grants, cooperative agreements, or other sources to cover a daily attendance stipend for volunteer/unpaid emergency responders from rural communities, based on demonstrated need.

This discussion focused on limited financial resources. Members of the NAC discussed the need for additional appropriations from Congress in order to support this recommendation, so that it would not affect other programs. Normally such recommendations are beyond the scope of the NAC, but the RESPONSE Act specifically asked the NAC to identify recommendations may require Congressional action.

With removal of the phrase "from rural communities," the NAC moved, seconded, and passed Recommendation 4.

Approved Recommendation 4: FEMA and DOT should consider allowing funding from grants, cooperative agreements, or other sources to cover a daily training attendance stipend for volunteer/unpaid emergency responders, based on demonstrated need.

The co-chairs then introduced Recommendation 5.

Draft Recommendation 5: FEMA and DOT should consider allowing funding from grants, cooperative agreements, or other sources to cover backfill/overtime payments to be granted to career/paid emergency responders from rural communities, based on demonstrated need.

NAC members asked that the recommendation remove the reference to "rural communities" to broaden the scope. They also asked the Subcommittee to clarify the distinction in this and the previous recommendation regarding the paid and volunteer workforce. Stipends are geared towards volunteer/unpaid responders to address lost

wages, while backfill and overtime payments addresses the lack of funds to cover manning and overtime for career/paid responders.

In discussion, members noted that as written, this recommendation is very broad and includes all training (not specific to railroads and HAZMAT). Ms. Fox clarified that “demonstrated need” is the need of the applicant’s department. The NAC asked FEMA for projections on what effect this recommendation might have if applied throughout the grants program. Pending this information, the NAC returned Recommendation 5 to the Subcommittee for revision.

[Proposed Revision to Draft Recommendation 5](#): FEMA and DOT should consider allowing funding from grants, cooperative agreements, or other sources to cover backfill/overtime payments for career/paid emergency responders to attend training, based on demonstrated need.

The co-chairs then introduced Recommendation 6.

[Draft/Approved Recommendation 6](#): FEMA should develop plans to coordinate increased communications about training opportunities to tribal communities through the FEMA Regional Tribal Liaisons and Tribal Consultation Coordinators. Coordinated communications with national and regional tribal emergency management organizations should also be included in the plans.

The discussion of this recommendation focused on the under-use of tribal liaisons in their current roles. The NAC moved, seconded, and passed Recommendation 6 with no revisions.

The co-chairs then introduced Recommendation 7.

[Draft/Approved Recommendation 7](#): FEMA should consult the National Tribal Affairs Advisor, Regional Tribal Liaisons, and Tribal Consultation Coordinators to develop recommendations, guidelines, or online training to assist any and all responders who will be working with tribal responders and tribal governments.

In discussion, NAC members suggested that they should consider a related recommendation specifically to the Administrator to add EMI course IS-650 on Tribal Engagement to FEMA employees’ annual training requirements. The NAC moved, seconded, and passed Recommendation 7.

The co-chairs then introduced Recommendation 8.

[Draft Recommendation 8](#): Under the direction of PHMSA and FEMA, create a “railroad emergency response toolkit” in a format that allows for the widest possible dissemination to the emergency responder and emergency management communities.

The subcommittee recognized that valuable information resources for first responders already exist. This recommendation would compile those resources, for example in a national planning guide, for accessibility, consistency, and quality. In discussion, NAC members suggested that instead of publishing another resource, that training should incorporate this “toolkit.” Members discussed the idea raised by the subcommittee of a “one-stop shop” and recognized that this would be a good long-term goal. Developing a “real-time tool” would be valuable for HAZMAT training and response. Peter Ginaitt mentioned and Chief Kidd seconded that real-time data is more valuable for assessment of events that are unfolding. Currently available data is more historical in nature and does not always reflect what is on the rails currently.

With modifications to the language, the NAC moved, seconded, and passed Recommendation 8.

Approved Recommendation 8: Under the direction of PHMSA and FEMA, create a “railroad emergency response toolkit” in a format that allows for the widest possible dissemination of real-time information to the emergency responder and emergency management communities.