



Parish of Ascension

OFFICE OF HOMELAND SECURITY &
EMERGENCY PREPAREDNESS



TOMMY MARTINEZ
Parish President

Richard A. Webre
Director

Jun 20, 2013

TO: The Honorable Barbara Boxer, Chairman
Senate Committee on Environment and Public Works

The Honorable David Vitter, Ranking Member
Senate Committee on Environment and Public Works

FROM: Richard Webre, Director, Ascension Parish Office of Homeland Security
828 South Irma BLVD, BLDG 3, Gonzales, LA 70737

SUBJECT: Hearing on Federal Risk Management Involving Chemical Threats.

Dear Madam Chairman,

I understand that the purpose of this hearing is to conduct over site of federal programs designed to prevent, mitigate, and address chemical threats, including risk management, emergency planning, and community right to know programs. I'm not a chemical or mechanical engineer; therefore, will not comment on technical prevention of industrial incidents, but I will provide insight from a local emergency management perspective. Emergency managers at the local level of government are tasked with the functions mentioned above as well as with coordination efforts for all hazards within their jurisdiction. Petro-chemical threats are only one of these hazards and are coordinated and planned within our jurisdiction through a Local Emergency Planning Committee (LEPC) that is mandated by the Emergency Planning and Community Right to Know Act (EPCRA) of 1986. A well managed LEPC is the most critical function that a community can perform to prevent, mitigate, respond to and recover from an industrial incident.

I cannot emphasize enough that all disasters are initially local. Federal legislation governing local planning efforts for chemical threats at fixed facilities are unfunded mandates that are written at the strategic level of management. It is then interpreted operationally at the state level of government through a State Emergency Response Commission (SERC). Unfortunately, in many cases the tactical core that plans for and coordinates response to these incidents at the local level of government is at times either overlooked or not enforced. I believe that these federal laws are not enforced for several reasons:

1. Formal training and education for emergency managers in overseeing an LEPC is nearly nonexistent. An LEPC hand book and the legislation itself is all that I ever had access to.
2. Chairing the LEPC should be the responsibility of the duly appointed local emergency manager at the county level of government and should never be assigned to another entity or chemical industry personnel.
3. There are no consequences should local or state governments choose not to enforce or poorly enforce the federal EPCRA mandate for an LEPC.
4. The federal mandate to plan and coordinate with industry at the local level of government is unfunded.
5. Funding that is available to local governments through federal grants (i.e. HMEP, EMPG) are in many cases retained at the state level of government.
6. TIER II filing fees that could assist in managing an emergency management office and coordinating with industry are at times retained at the state level of government.
7. Metrics do not exist in determining the performance level of an LEPC or SERC.

I'll be brief, but please allow me to elaborate on the history of the federal laws that we are discussing, which may illustrate why I believe that these mandates are not adequately enforced. In 1984 the Bhopal Disaster occurred, which was the world's worst industrial catastrophe. At a Union Carbide plant in Bhopal India forty metric tons of methyl isocyanine was accidentally released resulting in an immediate death toll of 2,259 Bhopal residents with an additional 3,900 receiving permanently disabling injuries.

In reaction the U.S. Congress passed an important piece of legislation, the Emergency Planning and Community Right to Know Act along with other legislation in 1986. This unfunded federal mandate with dual legislative purposes was the principle guiding doctrine of emergency managers for the next fifteen years in terms of petro-chemical emergency planning and public outreach. The office that I currently manage exists today because of this legislation.

In terms of emergency management September 11, 2001 changed our environment forever. To name only a few changes multiple Homeland Security Presidential Directives were issued, the Chemical Facility Anti-Terrorism Standards (CFATS) were developed and maritime security (MARSEC) standards for petro-chemical docks were enforced; however, none of this superseded legislation from the U.S. Department of Transportation governing railway and pipeline incidents, nor any element of the EPCRA law.

Then on August 23, 2005 hurricane Katrina occurred and the emergency management pendulum began to swing away from antiterrorism and back towards preparedness for natural disasters. Flooding events in the Midwest, tornados in Alabama and Oklahoma, and Super Storm Sandy reinforced this. Currently, with the incidents in West, Texas and Geismar, Louisiana we have come full circle.

I am the past president of the Louisiana Emergency Preparedness Association, and one of my responsibilities was oversight of the Louisiana Emergency Manager Certification and training program. I have traveled the state stressing the importance of maintaining a strong LEPC while

trying to accomplish the tasks associated with recent state and federal emergency management doctrine.

I believe that because of new federal doctrine developed over the past thirteen years much less emphasis has been placed on EPCRA and the LEPC at the local level of government; however, I don't believe that more legislation is the answer. Again, let me reemphasize that all disasters are initially local, and I believe that state and federal legislation regarding chemical facility, pipeline, and railway incidents need to be compared, assessed and de-conflicted.

Each time that I assess the mandates from the state and federal government regarding chemical facilities, pipelines, railways, or natural disasters I refer to a quote over the door of the U.S. Army G-2 Section at the Pentagon: "Remember, at the end of every grandiose plan is an eighteen year old infantryman walking point." There may be a 21 year old young lady who is a 911 dispatcher that initiates all response to a major chemical related incident, or an 18 year old firefighter who is the first to arrive on scene. Instructions to them must be predetermined and simplistic. Complexity results in failure on scene.

My staff has developed complex emergency operations plans, hazardous material commodity flow studies, and risk-consequence assessments, all of which are excellent documents for performing long range planning, training and resourcing; however, they are useless during an incident. Creating one common operating picture between the chemical industry, the local 911 center, the Emergency Operations Center and the first responders on scene is absolutely critical. Simple, inexpensive, graphically displayed, two page standard operating procedures can accomplish this. EPCRA states that site specific plans should be developed for each facility in a jurisdiction. There is not a recommended format for this but these simple two page site specific plans can contain:

- Facility emergency points of contact.
- Half mile, one mile, and two mile radiuses around the core chemical processing units.
- One square mile emergency location grids.
- Adjacent facilities and critical infrastructure such as schools, businesses and residential areas that need to be protected, warned, evacuated, or sheltered in place.
- Predetermined road blocks to ensure that the public remains out of the hazard area.
- A brief list of extremely hazardous substances produced by the facility that allows fire chiefs to determine if an offensive attack is needed, or to move personnel to a safe location and allow the product to burn.
- Facility access gate locations.
- Siren identification numbers.
- Triage and command post locations.

No one appreciates technology more than I do; however, there is no app for this nor should there be. If industry is forced to comply with the installation of a mandated online reporting system the problem of triggering the system still exists. As an example, if an operator at a chemical facility experiences a catastrophic explosion and fire the last thing on his or her mind is logging onto a website, sitting behind a key board, and typing situational awareness information to government agencies echelons above their level; however, they can easily key up a radio and

as funding and managing the Ascension Parish Community Awareness Emergency Response (CAER) committee and the Geismar Area Mutual Aid Association (GAMA). The Ascension Parish CAER Committee funds and maintains the community siren system, defrays the cost of our reverse 911 system, and manages public outreach to the near site population. GAMA provides mutual aid across a three county jurisdiction for emergency response equipment and coordinates the installation of emergency radios for each facility.

I have been in my position for seven years. Before June 2013 we experienced only two general emergencies in the chemical industry resulting in zero fatalities or injuries. Two weeks ago we experienced two general emergencies in two days resulting in three fatalities and over one hundred injuries to chemical workers. No other injuries were sustained by first responders or the general public, and no damage was reported to adjacent critical infrastructure. I attribute this in large part to the ability of the first responder community and the chemical industry being able to operate effectively within a unified command. This could not have happened without prior planning, training and coordination. I believe that additional legislation and mandated IT platforms are not the answer. My recommendations are listed below:

1. De-conflict all federal legislation associated with chemical facilities as it applies to local government.
2. Modify EPCRA allowing strict enforcement of LEPC management.
3. Assign LEPC management to the duly appointed emergency manager at the county level of government.
4. LEPC meetings should be held at least quarterly.
5. Empower the LEPC with the ability to enforce EPCRA standards on chemical facilities that do not comply, not by contacting the EPA or a federal attorney, but within their own jurisdiction.
6. Provide funding directly to the emergency management office for LEPC management, but not without metrics to measure performance. Make this funding competitive if necessary for jurisdictions with a large petro-chemical presence.
7. Ensure that TIER II filing fees are shared with the LEPC or emergency management offices.
8. Ensure that emergency management grants and hazardous material grants are passed through to local government and that the assigned metrics are enforced.
9. Design and implement mandatory training for LEPC management.
10. Develop a simple standard for site specific response plans.
11. If anything is mandated to the petro-chemical industry, mandate that they possess a radio capable of communicating with the local 911 center, the EOC and first responders.

Sincerely,



Richard A. Webre
Director
Ascension Parish OHSEP