

# EPA's ROLE IN EMERGENCIES:

## Response, Crisis Communications, Continuity of Operations, and Homeland Security

The President-Elect's transition and incoming teams could, at any time, face critical decisions regarding threat, risk, emergency response and disaster recovery efforts. The Federal Emergency Management Agency's (FEMA) National Response Framework (NRF) guides how the nation responds to all types of disasters and emergencies, providing a single, comprehensive approach to domestic incident management. EPA is the lead federal agency for responding to releases of oil, hazardous substances and certain radiological materials. Programmatic responsibility for the NRF and related efforts is shared across the agency, usually led by the Office of Land and Emergency Management (OLEM), in collaboration with the Office of National Security (ONS) (formerly known as the Office of Homeland Security) and the Office of Public Affairs (OPA).

### NATIONAL COORDINATION RESPONSIBILITIES

EPA Order 2071 (*National Approach to Response*) states that "[t]he Associate Administrator for Homeland Security (AA/HS) is responsible for EPA's planning, prevention, preparedness, and response to nationally significant incidents and provides Agency-wide policy, guidance and direction, and recommendations for resources on matters of homeland security. The AA/HS serves as the principal EPA contact with the Department of Homeland Security and the White House National Security Council (NSC)", although OLEM has primary program leadership.

During such an event, the Administrator may choose to convene an Executive Policy Coordinating Committee (PCC) to address significant intra-agency and inter-agency national policy issues. The PCC (consisting of appropriate assistant administrators and regional administrators) is responsible for assessing, analyzing, and formulating a coordinated agency position on questions, situations and incidents as they occur. This forum will also provide for the exchange of information among agency senior officials regarding the nationally significant incident.

During a nationally significant incident, the OLEM AA, oversees the national incident coordinator (NIC) and ensures the effectiveness of the response to meet agency objectives. The OLEM AA provides national direction on Superfund/RCRA and other response program issues and represents OLEM on the PCC.

OLEM's Office of Emergency Management will typically serve as the NIC for the incident. In specific situations, such as Office of Air and Radiation's role in a foreign nuclear incident that does not create a specific response site within the US, other offices may provide the NIC. The NIC coordinates with the regions as well as other departments/agencies to resolve policy issues. The NIC oversees the work of the headquarters Emergency Operations Center (EOC). As chair of the national incident coordination team, the NIC will be responsible for coordinating cross programmatic policy and resource needs and elevating issues to the OLEM AA, as necessary. The NICT is a standing team of senior representatives from each headquarters office which functions both in preparedness and emergency response roles.

The EOC will serve as the primary contact point for information coming into the Agency and will disseminate information to appropriate parties. The EOC will also serve as the official channel for the flow of all internal and external information between the regions and headquarters. The regional EOCs serve as the conduit at the regional level.

## RESPONDING TO EMERGENCIES

EPA's federal interagency coordination and internal readiness for emergency response to releases of hazardous substances and oil is led by OLEM. The agency's emergency response work is carried out by On-Scene Coordinators (OSCs), who are based in the 10 regional EPA offices. There are approximately 230 OSCs located across the country to allow for quick response to emergencies. EPA shares response authority with the U.S. Coast Guard, which has responsibility for incidents in coastal zones. The Department of Energy and Department of Defense have the lead and act as OSCs for hazardous substance releases on or from their respective facilities. The National Oil and Hazardous Substances Pollution Contingency Plan implements the statutes that govern EPA actions for releases/discharges respectively: the Comprehensive Environmental Response, Compensation, and Liability Act (aka Superfund), Clean Water Act (CWA), and the Oil Pollution Act.

EPA may also support responses led by FEMA under the Stafford Act or by other federal agencies, such as the Department of Health and Human Services. Examples of EPA support include oil/hazardous substance spill response; damage assessment of drinking water and wastewater treatment infrastructure; issuing waivers of EPA Clean Air Act fuel requirements; and technical support for medical and other waste management. In addition, EPA is the interagency lead for Emergency Support Function (ESF) 10, Oil and Hazardous Materials Response. EPA may also be tasked as a support agency for other ESFs, such as ESF #3 for water/wastewater response. ESFs specify the functions that are most likely needed during actual or potential incidents where coordinated federal response is required.

When an accidental release or spill occurs, the entity responsible is required by law to notify the National Response Center (NRC), which in turn notifies an OSC, who makes a determination whether a federal response is necessary or if current response actions are appropriate. OSCs can oversee actions by the responsible party, direct their activities, or directly access cleanup contractors to ensure that the response is appropriate and protective of public health and the environment. The EPA HQ EOC is the information hub for all EPA response work.

The EOC monitors the NRC reports 24 hours a day, 365 days a year. During an emergency, when an EPA OSC is deployed to a spill or disaster location, the EOC coordinates with the EPA regional EOCs to disseminate information to senior leaders at HQ and regional offices through special spot reports. For large events, OLEM will activate and fully staff the EOC to assist the region in managing the emergency response.

At the field level, EPA operates within the Incident Command System (ICS). **The agency has developed ICS Management and Communications for Executives training for incoming appointees and senior leaders and recommends taking it as soon as possible after onboarding at EPA.** This training will ensure an understanding of the NRF and how HQ, regions and other U.S. departments/agencies interact during emergencies. Recognizing and ensuring consistent adherence to roles and responsibilities, from the field Incident Commander up to senior agency officials, will ensure efficient management.

## CRISIS COMMUNICATIONS AND MANAGEMENT

EPA's crisis communications and management work is accomplished collaboratively by OPA and OLEM and reflects lessons learned from previous situations. In November 2015, Administrator McCarthy requested an after-action review of EPA's response to activities at the Gold King Mine (GKM) release on August 5, 2015. The GKM after-action review report identified opportunities for EPA to improve its incident response systems and better prepare for future emergency responses. The report identified an overarching concern that EPA did not identify the significance of the GKM release quickly enough and was delayed in adequately resourcing the response efforts. A general rule of thumb in response work is to "go early and go big" and the review report found this approach was not followed in the GKM

response. Specific lessons learned focus on three main response areas: 1) response management system and implementation; 2) data and information management; and 3) outreach, communications and notification.

Ten recommendations were outlined in the report, all of which were implemented by the December 2016 deadline, including:

- A National Incident Management Assistance Team (44 members) has been formed to help quickly establish Regional Incident Management Teams for nationally significant incidents and ensures the incident is managed appropriately using the federally mandated National Incident Management System for U.S. departments/agencies.
- The agency continued to focus on critical Data and Information Management Team efforts and products. A recently hired Data Management Coordinator will provide focused HQ leadership and support of the national data management efforts.
- Three Public Information Assistance Teams (18 members) are in place. Led by EPA public affairs directors across the country, the team mission is to strengthen the agency's public affairs capabilities, provide national consistency, and provide communications assistance in the earliest days of an incident.
- Notification procedures have been upgraded to ensure timely notification to the accurate contacts so that potentially-impacted communities are prepared to respond to a release.
- A senior agency official Incident Management and Communications training plan has been established.

The agency has gained considerable experience since 2016—particularly from Hurricane Harvey in 2017—in the areas of environmental justice, environmental data, and risk communication. The Crisis Communication Plan (CCP) is currently being updated to reflect those lessons learned. The current draft version of the agency's CCP has been modernized to achieve a nimbler communications process and better utilize advances in technology. The plan incorporates process excellence principles and incorporates digital media platforms and data review and dissemination standards.

## CONTINUITY OF OPERATIONS PROGRAM (COOP)

FEMA's National Continuity Programs mandate is to minimize the disruption of essential operations to guarantee an enduring constitutional government. Continuity of Operations Program (COOP) capabilities, including alternative facilities, ensure government agencies can continue to provide essential services in a crisis or catastrophic event that may disrupt normal operations. Any event that makes it impossible for employees to work in their regular facility could result in COOP activation. The criterion is focused on whether EPA can function from its regular location and is not limited to whether the incident involves an oil or hazardous substance release. OLEM manages COOP for EPA, and the agency's COOP facility is located about 90 minutes away from EPA HQ offices in the National Capital Region.

FEMA specifies Mission Essential Functions that must be continued throughout or resumed rapidly after a disruption of normal activities. EPA's Primary Mission Essential Function (PMEF) is to "prevent, limit, mitigate or contain chemical, oil, radiological, biological, and/or hazardous materials/agents during and in the aftermath of an accident and/or natural or man-made disaster in designated zones of the United States, and provide environmental monitoring, assessment, and reporting in support of overall domestic incident management." EPA is expected to perform its PMEF as soon as possible, but within 12 hours of being activated.

The incoming Administrator, Deputy Administrator, and all Assistant/Associate Administrators will need to be briefed on the COOP program and their roles associated with it. Upon appointment, FEMA will ask the Administrator to name the Assistant Administrator-level Continuity Coordinator for the agency. The Administrator is also able to review EPA's current order of succession, which designates EPA authority and responsibility if the Administrator and Deputy Administrator become unavailable, to determine if succession changes should be made. Federal Continuity Directive 1, which provides directions on continuity planning, was updated by FEMA in 2017. Both HQ and regional COOP plans must

be updated annually. The EPA COOP plan is usually signed every five years. It was last signed in March 2020. Presidential Policy Directive- 40, which outlines the COOP requirement, is expected to be completed in late fall of 2024. A National Continuity Exercise involving EPA and other agencies is also expected in the spring/summer of 2025.

## NATIONAL/HOMELAND SECURITY

The Office of National Security (ONS) coordinates EPA's national security-related White House policy engagements, facilitates agency policy contributions to these efforts, and engages with the intelligence community to alert agency leadership and programs to threats and other national security matters relevant to EPA's equities.

EPA has been tasked by a variety of Presidential Directives to lead two national security functions: (1) protection of critical water infrastructure (drinking water and wastewater); and (2) cleanup up after a chemical, biological, or radiological (CBR) incident, to include conducting research and development to advance scientific capabilities in these areas. ONS leverages all relevant intelligence community and other executive branch partners to provide reporting and analysis that support EPA's efforts to prevent and protect against these types of incidents, both of which could have significant public health and environmental consequences.

Given growing threats, the Presidential transition may be a particularly vulnerable period requiring heightened EPA involvement with the Department of Homeland Security and the Intelligence Community. **Several Administrator, Deputy Administrator and Assistant Administrator-level meetings with the White House, coordinated by ONS, will likely occur in the first 90 days on a variety of national security issues, including the new Administration's national security priorities.**

As the Sector Risk Management Agency (SRMA) for the Water and Wastewater Sector, ONS has responsibilities to work with utilities, share threat information (intelligence), provide support and feedback to the intelligence community, and work with other departments and agencies to develop and deploy mitigation strategies to address threats against the water sector. ONS and the Office of Water share information and work with water utilities to prevent, prepare for, respond to, and recover from incidents and threats (physical and cyber) that impact public health and the integrity of our drinking water systems.

White House national security policies and national security directives increasingly emphasize the importance of resilience across the federal government, state, local, tribal, and territorial entities, as well as the private sector in a "whole of society" approach. Resilience is currently defined as the ability to prepare for threats and hazards, adapt to changing conditions and disruptions. EPA provides support throughout all stages of a disaster (response, mitigation, and recovery) as laid out in the National Response Framework, National Mitigation Framework, and National Disaster Recovery Framework. ONS provides intelligence and threat information to our law enforcement, emergency response, and water security/critical infrastructure colleagues within and outside the agency and coordinate efforts that support the prevention and protection efforts. ONS communicates across the agency to coordinate mitigation and recovery activities across programs and regions, including representation of at federal mitigation and recovery planning leadership groups, and coordination with FEMA and other federal agencies on specific disaster mitigation and recovery efforts.

Many of EPA's steady state programs support mitigation and disaster recovery efforts which are led by our partners at the state and local level. The goal of ONS' program is to build long-term resilience to disasters by applying EPA's expertise and to streamline federal action to support communities with both pre-disaster planning and promoting sustainable and resilient rebuilding after disasters. With the right planning and community engagement, our mitigation and recovery investments have the potential not only to strengthen resilience to disasters at the local level, but also to protect human health and the environment.