

**TESTIMONY**  
**STATEMENT OF**  
**MICHAEL D. BROWN**  
**ACTING DIRECTOR**  
**AND**  
**GENERAL COUNSEL, OFFICE OF GENERAL**  
**COUNSEL**  
**FEDERAL EMERGENCY MANAGEMENT AGENCY**  
**BEFORE THE**  
**SUBCOMMITTEE ON INTERNATIONAL SECURITY,**  
**PROLIFERATION AND FEDERAL SERVICES**  
**COMMITTEE ON GOVERNMENT AFFAIRS**  
**OCTOBER 17, 2001**

**Introduction**

Good morning, Mr. Chairman and Members of the Subcommittee. I am Bruce Baughman, Director of the Planning and Readiness Division, Readiness, Response, and Recovery Directorate, of the Federal Emergency Management Agency (FEMA). Director Allbaugh regrets that he is unable to be here with you today. It is a pleasure for me to represent him at this important hearing on biological and chemical terrorism. I will describe how FEMA works with other agencies, our approach to dealing with acts of terrorism, our programs related to terrorism, and new efforts to enhance preparedness and response.

**Background**

The FEMA mission is to reduce the loss of life and property and protect our nation's critical infrastructure from all types of hazards. As staffing goes, we are a small agency. Our success depends on our ability to organize and lead a community of local, State, and Federal agencies and volunteer organizations. We know who to bring to the table and what questions to ask when it comes to the business of managing emergencies. We provide an operational framework and a funding source.

The Federal Response Plan (FRP) is the heart of that framework. It reflects the labors of interagency groups that meet as required in Washington, D.C. and all 10 FEMA Regions to develop our capabilities to respond as a team. This team is made up of 26 Federal departments and agencies and the American Red Cross, and organized into interagency functions based on the authorities and expertise of the members and the needs of our counterparts at the state and local level.

Since 1992, the Federal Response Plan has been the proven framework time and time again, for managing major disasters and emergencies regardless of cause. It works during all phases of the emergency life

cycle, from readiness, to response, recovery, and mitigation. The framework is successful because it builds upon the existing professional disciplines and communities among agencies. Among Federal agencies, FEMA has the strongest ties to the emergency management and the fire service communities. We plan, train, exercise, and operate together. That puts us in position to manage and coordinate programs that address their needs. Similarly, the Department of Health and Human Services (HHS) has the strongest ties to the public health and medical communities, and the Environmental Protection Agency (EPA) has the strongest ties to the hazardous materials community. The Federal Response Plan respects these relationships and areas of expertise to define the decision-making processes and delivery systems to make the best use of available resources.

### **The Approach to Biological and Chemical Terrorism**

We recognize that biological and chemical scenarios would present unique challenges. Of the two I am more concerned about bioterrorism. A chemical attack is in many ways a large-scale hazardous materials incident. EPA and the Coast Guard are well connected to local hazardous materials responders, State and Federal agencies, and the chemical industry. There are systems and plans in place for response to hazardous materials, systems that are routinely used for small and large-scale events. EPA is also the primary agency for the Hazardous Materials function of the Federal Response Plan. We can improvise around that model in a chemical attack.

With a covert release of a biological agent, the 'first responders' will be hospital staff, medical examiners, private physicians, or animal control workers, instead of the traditional first responders such as police, fire, and emergency medical services. While I defer to the Departments of Justice and HHS on how biological scenarios would unfold, it seems unlikely that terrorists would warn us of a pending biological attack. In exercise and planning scenarios, the worst-case scenarios begin undetected and play out as epidemics. Response would begin in the public health and medical community. Initial requests for Federal assistance would probably come through health and medical channels to the Centers for Disease Control and Prevention (CDC). Conceivably, the situation could escalate into a national emergency.

HHS is a critical link between the health and medical community and the larger Federal response. HHS leads the efforts of the health and medical community to plan and prepare for a national response to a public health emergency. FEMA works closely with the Public Health Service, as the primary agency for the Health and Medical Services function of the Federal Response Plan. We rely on the Public Health Service to bring the right experts to the table when the Federal Response Plan community meets to discuss biological scenarios. We work closely with the experts in HHS and other health and medical agencies, to learn about the threats, how they spread, and the resources and techniques that will be needed to control them. By the same token, the medical experts work with us to learn about the Federal Response Plan and how we can use it to work the management issues, such as resource deployment and public information strategies. Alone, the Federal Response Plan is not an adequate solution for the challenge of planning and preparing for a deadly epidemic or act of bioterrorism. It is equally true that, alone, the health and medical community cannot manage an emergency with biological causes. We must work together.

In recent years, Federal, state and local governments and agencies have made progress in bringing the communities closer together. Exercise Top Officials (TOPOFF) 2000 in May 2000 involved two concurrent terrorism scenarios in two metropolitan areas, a chemical attack on the East Coast followed by a biological attack in the Midwest. We are still working on the lessons learned from that exercise. We need time and resources to identify, develop, and incorporate changes to the system between exercises. Exercises are critical in helping us to prepare for these types of scenarios. In January 2001, the FBI and FEMA jointly published the U.S. Government Interagency Domestic Terrorism Concept of Operation Plan (CONPLAN) with HHS, EPA, and the Departments of Defense and Energy, and pledged to continue the planning process to develop specific procedures for different scenarios, including bioterrorism. The Federal Response Plan and the CONPLAN provide the framework for managing the response to an act of bioterrorism.

### **Synopsis of FEMA Programs**

FEMA programs are focused mainly on planning, training, and exercises to build capabilities to *manage* emergencies resulting from terrorism. Many of these program activities apply generally to terrorism, rather than to one form such as biological or chemical terrorism.

#### Planning

The overall Federal planning effort is being coordinated with the FBI, using existing plans and response structures whenever possible. The FBI is always the Lead Agency for Crisis Management. FEMA is always the Lead Agency for Consequence Management. We have developed plans and procedures to explain how to coordinate the two operations before and after consequences occur. In 1999, we published the second edition of the FRP Terrorism Incident Annex. In 2001, the FBI and FEMA published the United States Government Interagency Domestic Terrorism Concept of Operations Plan (CONPLAN).

We continually validate our planning concepts by developing plans to support the response to special events, such as we are now doing for the 2002 Olympic Winter Games that will take place in Utah.

To support any need for a Federal response, FEMA maintains the Rapid Response Information System (RRIS). The RRIS provides online access to information on key Federal assets that can be made available to assist state and local response efforts, and a database on chemical and biological agents and protective measures.

In FY 2001, FEMA has distributed \$16.6 million in terrorism consequence management preparedness assistance grants to the States to support development of terrorism related capabilities, and \$100 million in fire grants. FEMA is developing additional guidance to provide greater flexibility for states on how they can use this assistance.

FEMA has also developed a special attachment to its all-hazards Emergency Operations Planning Guide for state and local emergency managers that addresses developing terrorist incident annexes to state and local emergency operations plans. This planning guidance was developed with the assistance of eight Federal departments and agencies in coordination with NEMA and the International Association of Emergency Managers.

FEMA and the National Emergency Management Association (NEMA) jointly developed the Capability Assessment for Readiness (CAR), a self-assessment tool that enables States and Territories to focus on 13 core elements that address major emergency management functions. Terrorism preparedness is assessed relative to planning, procedures, equipment and exercises. FEMA's CAR report presents a composite picture of the nation's readiness based on the individual State and Territory reports.

FEMA's Comprehensive Hazardous Materials Emergency Response Capability Assessment Program (CHER-CAP) helps communities improve their terrorism preparedness by assessing their emergency response capability. Local, State, and Tribal emergency managers, civic leaders, hospital personnel and industry representatives all work together to identify problems, revise their response plans and improve their community's preparedness for a terrorist event. Since February 2000, a total of 55 communities have been selected to participate, initiated, or completed a sequence of planning, training, and exercise activities to improve their terrorism preparedness.

### Training

FEMA supports the training of Federal, State, and local emergency personnel through our National Fire Academy (NFA), which trains emergency responders, and the Emergency Management Institute (EMI), which focuses on emergency planners, coordinators and elected and appointed officials. EMI and NFA work in partnership with State and municipal training organizations. Together they form a very strong national network of fire and emergency training. FEMA employs a "train-the-trainer" approach and uses distance-learning technologies such as the Emergency Education Network via satellite TV and web-based instruction to maximize our training impact.

The NFA has developed and fielded several courses in the *Emergency Response to Terrorism (ERT)* curriculum, including a Self-Study course providing general awareness information for responding to terrorist incidents that has been distributed to some 35,000 fire/ rescue departments, 16,000 law enforcement agencies, and over 3,000 local and state emergency managers in the United States and is available on FEMA internet site. Other courses in the curriculum deal with Basic Concepts, Incident Management, and Tactical Considerations for Emergency Medical Services (EMS), Company Officers, and HAZMAT Response. Biological and chemical terrorism are included as integral parts of these courses.

Over one thousand instructors representing every state and major metropolitan area in the nation have been trained under the ERT program. The NFA is utilizing the Training Resources and Data Exchange (TRADE) program to reach all 50 States and all major metropolitan fire and rescue departments with training materials and course offerings. In FY 2001, FEMA is distributing \$4 million in grants to state fire-training centers to deliver first responder courses developed by the NFA.

Over 112,000 students have participated in ERT courses and other terrorism-related training. In addition, some 57,000 copies of a Job Aid utilizing a flip-chart format guidebook to quick reference based on the ERT curriculum concepts and principles have been printed and distributed.

NFA is developing a new course in FY 2002 in the Emergency Response to Terrorism series geared toward response to bioterrorism in the pre-hospital recognition and response phase. It will be completed with the review and input of our Federal partners, notably HHS and the Office of Justice Programs.

EMI offers a comprehensive program of emergency management training including a number of courses specifically designed to help communities, states, and tribes deal with the consequences of terrorism and weapons of mass destruction. The EMI curriculum includes an Integrated Emergency Management Course (IEMC)/Consequences of Terrorism. This 4-½ day course combines classroom training, planning sessions, and functional exercises into a management-level course designed to encourage communities to integrate functions, skills, and resources to deal with the consequences of terrorism, including terrorism. To foster this integration, EMI brings together 70 participants for each course that includes elected officials and public health leaders as well as representatives of law enforcement, emergency medical services, emergency management, and public works. The course provides participants with skill-building opportunities in preparedness, response, and recovery. The scenario for the course changes from offering to offering. In a recent offering, the scenario was based on an airborne anthrax release. Bioterrorism scenarios emphasize the special issues inherent in dealing with both infectious and noninfectious biological agents and stresses the partnerships between local, state, and Federal public health organizations.

#### Exercises

In the area of exercises, FEMA is working closely with the interagency community and the States to ensure the development of a comprehensive exercise program that meets the needs of the emergency management and first responder communities. FEMA is planning to conduct Phase II of a seminar series on terrorism preparedness in each of the ten FEMA Regional Offices. In addition, exercise templates and tools are being developed for delivery to state and local officials.

#### **New Efforts to Enhance Preparedness and Response**

In response to guidance from the President on May 8, 2001, the FEMA Director created an Office of National Preparedness (ONP) to coordinate all federal programs dealing with weapons of mass destruction consequence management, with particular focus on preparedness for, and the response to the terrorist use of such weapons. In July, the Director established the ONP at FEMA Headquarters. An ONP element was also established in each of the ten FEMA Regional Offices to support terrorism-related activities involving the States and localities.

On September 21, 2001, in the wake of the horrific terrorist attacks on the World Trade Center and the Pentagon, the President announced the establishment of an Office of Homeland Security (OHS) in the White House to be headed by Governor Tom Ridge of Pennsylvania. In setting up the new office, the President stated that it would lead, oversee and coordinate a national strategy to safeguard the country against terrorism and respond to attacks that occur. It is our understanding that office will coordinate a broad range of policies and activities related to prevention, deterrence, preparedness and response to terrorism.

The new office includes a Homeland Security Council comprised of key department and agency officials, including the FEMA Director. FEMA expects to provide significant support to the office in its role as the lead Federal agency for consequence management.

### **Conclusion**

Mr. Chairman, you convened this hearing to ask about our preparedness to work with State and local agencies in the event of a biological or chemical attack. It is FEMA's responsibility to ensure that the national emergency management system is adequate to respond to the consequences of catastrophic emergencies and disasters, regardless of cause. All catastrophic events require a strong management system built on expert systems for each of the operational disciplines. Terrorism presents tremendous challenges. We rely on our partners in Department of Health and Human Services to coordinate the efforts of the health and medical community to address biological terrorism, as we rely on EPA and the Coast Guard to coordinate the efforts of the hazardous materials community to address chemical terrorism. Without question, they need support to further strengthen capabilities and their operating capacity. FEMA must ensure that the national system has the tools to gather information, set priorities, and deploy resources effectively in a biological scenario. In recent years we have made tremendous strides in our efforts to increase cooperation between the various response communities, from fire and emergency management to health and medical to hazardous materials. We need to do more.

The creation of the Office of Homeland Security and other efforts will enable us to better focus our time and effort with those communities, to prepare the nation for response to any incident.

Thank you, Mr. Chairman. I would be happy to answer any questions.

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