

COMMAND, CONTROL, RESPONSE AND PREPAREDNESS – NEW ISSUES, NEW PROBLEMS, PROVEN SOLUTIONS

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ABSTRACT: *Since the enactment of the Oil Pollution Act of 1990 (OPA '90), the National Response System (NRS) preparedness program has been responsible for the steady evolution and improvement in the response readiness of the "community as a whole" – Area (local), Regional and National. While the direct impact that any one specific component of the NRS preparedness programs have had on the response to a spill may be difficult to evaluate, local response communities and plan holders continue to attest to the value of preparedness in improving their response capabilities. The M/V KURE Spill in Eureka, California in September 1996 is another example of the value of the current Preparedness for Response Exercise Program (PREP). Key government and industry stakeholders exercised only three months before the spill and were able to quickly come together to respond to this incident. In the aftermath of 9/11/01, the NRS is again facing the challenge of having to make significant changes to response management processes in response to the increased likelihood of a Weapons of Mass Destruction (WMD) incident requiring the implementation of the National Contingency Plan (NCP). While the tactical response of how oil, hazardous materials, and other pollutants are contained, recovered, and stored/disposed of remains the same (i.e. a response is a response) – the NRS is faced with the addition of new players with input into, and participation in overall (strategy development) response management development, and changes in how some response tactics are implemented. The NRS preparedness programs are proven approaches for improving local readiness and assisting the NRS in adapting to the changes in response management brought on by OPA '90. If it can do it for one change, why shouldn't it be used to support the development of changes needed after 9/11?*

Introduction/History

In a report to the President of the United States about the Exxon Valdez spill, the National Response Team (NRT) concluded that one of the primary deficiencies in the response was a lack of overall preparedness. The report states, "...various contingency plans did not refer to each other or establish a workable response command hierarchy."² The report recommends: "Improved response coordination between federal,

state, and local authorities..." and "a better way of incorporating the concerns of states into the NRS should be developed..."³

In response to the string of oil spills and reports such as the one from the NRT, Congress enacted the Oil Pollution Act of 1990. One aspect of OPA 90 were requirements to develop a system to improve the preparedness and readiness of the National Response System (NRS) as a whole. This included the following: establishment of Area Committees, development of Area Contingency Plans to improve local (specific geographic area) preparedness and for Area Committees to "work with State and local officials to enhance the contingency planning of those officials which will assure preplanning of joint response efforts". It also included development of Tank vessel and facility response plans and the development of an exercise program to "...periodically conduct drills...in areas for Area Contingency Plans are required...and under relevant tank vessel and facility response plans...to assess the effectiveness of the plans."⁴

The NRT initiated significant changes to its preparedness programs in response to internal lessons learned and Congressional mandates (OPA '90) in the aftermath of a string of major oil spills in 1989 and 1990. The outgrowth of these changes is a true "**National**" preparedness program. What makes it a "national" vice "federal" preparedness program is the joint participation of all Federal, State, and Local Government response organizations; and their industry counterparts. This connectivity is not limited to any one component of preparedness – plan development, plan training, or plan exercise and evaluation – but is found in all facets of this national preparedness program. The clear intent of OPA '90 was to improve the readiness of the NRS and improve coordination among the response community as a whole – in and between all levels of governments, in and between agency response organizations within the various levels, and between government and private sector response organizations.

Why the need for change in 1990

Studies of oil spills (Exxon Valdez, American Trader, Mega Borg to name a few) in 1989 and 1990 conclusively recognized that there was a lack of preparedness within the response community as a whole – Federal, State, and Local Government and Industry. Contingency plans developed by each arm of the

response community weren't linked or coordinated with one another, nor was there a workable response command hierarchy, nor was their significant involvement in the development or implementation of the plans by those stakeholders most likely to be affected.⁵ As an example, though the Regional Response Team (RRT) had developed a process for approving the use of dispersants prior to Exxon Valdez, comments from senior Exxon officials clearly indicated that Exxon was unaware of the process and at least left a perception that Exxon thought it had the authority necessary to authorize the use of dispersants unilaterally.⁶ Preparedness initiatives in OPA '90 outlined above strove to correct these impediments by requiring the development of "community" based response plans (i.e. the Area Contingency Plans) that would take into the account the needs of the response community as whole – including impacted stakeholders, that supporting government and industry response plans be aligned with the community based plans, a unified command system be developed, and that all of the plans and the response processes contained in them be routinely exercised, evaluated, and improved.

OPA '90 Preparedness Initiative effectiveness

While certainly the prevention initiatives in OPA '90 have helped reduce the number and severity of oil spills in recent years, to gauge the effectiveness of the improved preparedness, one needs to look at the changes in contingency planning, response management, and response processes over the last 10 – 12 years and how those changes have come about. All of these changes resulted from the synergistic effect of each of the preparedness initiatives contained in OPA '90. There are legions of anecdotal stories (even if one only believes half of what is heard) that support the fact that oil spill responses (actual and in exercises) reflected – that despite the lessons learned from all the spills in 1989 and 1990 – the fact that it took the response community as a whole some time to change how they respond. Stories of different response organizations storming out of Area Contingency Plan development meetings, refusing to share Command Posts, being unable to agree on a unified command organization to put into the Area Contingency Plan or use during an exercise, being unable to quickly reach consensus on critical, time sensitive decisions such as the use of dispersants and in-situ burning early are abundant; however that was the early 1990's, what about more recently?

While the direct impact of any one exercise may be difficult to evaluate, local Area Committees continue to attest to their value in improving their response capabilities. For example, in August, 1996, an industry (vessel)-led PREP exercise was held in Eureka, California using an offshore tank vessel scenario. The scenario had both fuel oil and olefin spilling from the vessel. The Exercise goals were met, the exercise was a success. Many of the exercise participants who had never worked together before went away feeling good about their experiences.

Three months later, in November, 1996, the M/V KURE, while shifting berth in Eureka, holed a fuel tank spilling approximately 5000 gallons of Intermediate Fuel Oil (IFO) into the harbor. This was the first major spill the Eureka community had seen in many years in the highly sensitive area, which included oyster beds, fisheries, and numerous birds wintering over. The response organization formed up along similar lines as during the PREP exercise three months earlier. The spill response actions went extremely well even though it was difficult to clean up. The Federal On-Scene Coordinator (FOSC) and State On-Scene

Coordinator (SOSC), who had participated in the PREP exercise three months earlier both felt that this response went significantly smoother due to the exercise that was held three months earlier. Much of the credit for the success of the response was attributed to improvements incorporated into the response plans after the exercise. The fact that the exercise provided an opportunity for all of the response organizations to work together prior to the actual spill, using the same response management system and processes used in the spill can also be credited for the success.

An actual spill in June 2000 of 59,000 gallons of number six fuel oil from the T/V POSAVINA into Boston Harbor's Chelsea River was almost the exact same scenario played out in a PREP exercise just 3 months earlier. Generally, the response communities throughout the nation are much better prepared to respond to a major spill.

Today, there is an acceptance of the Incident Command System (ICS) throughout the response community. Almost all Area Contingency Plans have designated Command Posts whose use is agreed upon by all the primary response organizations. Many Area Contingency Plans now contain pre-approval plans for the use of dispersants and in-situ burning and in some areas, dispersant use is the tactic of first choice. All of these changes have been collectively influenced by all response communities jointly participating in the NRS preparedness programs. But have these changes had a positive effect on responses? One look at the response to the T/V WESTCHESTER spill on the Mississippi River would suggest they have.

When the T/V WESTCHESTER spilled over 500,000 gallons of crude oil in the Mississippi River, government (federal, state, and local) and industry response management teams responded quickly and formed a Unified Command. They came together in one command post – rather than separate command posts. Government and private sector initial response equipment was in place and operating quickly as planned; and once the Unified Command was established and the unified management of all response equipment allowed the most efficient use of all response resources. Why – though over 500,000 gallons of crude were spilled into the Mississippi River – didn't this spill cause the outcry that followed even small spills in 1989 and 1990? Our summation is that because the "response community as whole" was able to perform what many have called "a textbook response", the country didn't feel threatened as it did in the early 1990's by oil spills. Other factors beyond preparedness initiatives contributed to the "success" of the T/V WESTCHESTER response – environmental factors that contributed to containing the spill vice spreading it, easily accessible field locations, nearness to major stores of response equipments – were also contributors to the success of the response. However, the biggest contributors (i.e. a true "unified" response, detailed response plans for the geographic area, share responsibility for strategic and tactical decision making, etc.) to the success of the response all had their roots in the preparedness initiatives contained in OPA '90.

NRS Preparedness in the aftermath of 9/11/01

In the aftermath of the response to terrorist attacks on the World Trade Center, the Pentagon and the Anthrax attack following those two events, the NRS is again reverberating with questions of possible changes. Will there ever again be a major incident that is not at least initially responded to as a terrorist incident? If not, what changes need to occur to incorporate all of the "new players" into the NRS? Do we need to change how we

manage our responses? Do we need to change how we respond to incidents? If there will still be simple (relatively) responses under just the National Contingency Plan and its subordinate plans (Regional Contingency Plans (RCP's) and Area Contingency Plans (ACP's)), with just true terrorist incidents generating a response in which the NCP is subordinate to the "CONPLAN" and the Federal Response Plan (i.e. Emergency Support Function (ESF) -10 response) how does the response community as a whole know when to use which plan? How do we prepare and practice for each? While the NRS is struggling with the above, the nation's emergency management professionals are struggling with equally important questions on how to be better prepared for a possible terrorist attack. In the premier issue of the "Homeland Protection Professional" contributing editor Timothy Elliot asks, "Who's in charge here?" In his article, Mr. Elliot examines the management of the responses to World Trade Center, the Pentagon, and the anthrax attacks. His conclusions – that while there is no question that every responder to these attacks performed their response actions courageously and well, each of the responses could have been better managed. Examples are provided that indicated that there was no alignment between the contingency plans within and between all levels of government (federal, state, and local), that there was no well defined command hierarchy for the incidents as a whole, and there was a lack of an effective means to manage the millions of dollars of response equipment and personnel resources that responded to each of these incidents. His recommendations for improving preparedness to terrorists attacks include the need to regularly conduct full-scale exercises; adoption of a "nationwide" Incident Management System (in a sidebar article) the use of unified command to respond to these incidents, and the need to have a plan that details each organizations responsibilities.⁷ It is interesting – and, maybe not to surprising – to note his recommendation at least globally echoes the recommendations provided to the President by NRT in their May 1989 Report on Exxon Valdez and/or lessons learned and implemented as a result of the NRS's preparedness programs.

Changes needed to the NRS Preparedness programs post 9/11

Obviously, in the post 9/11 world in which we live there has to be changes to all of the NRS's preparedness programs. Since then, at least two Government Led Preparedness for Response Exercise Program (PREP) Area Exercises (Hawaii Islands Area PREP Exercise / Mass Rescue Exercise held in July 2002 and the FEMA CHERCAP / Florida Panhandle Area PREP Exercise being held in February 2003) being conducted or planned include multi-hazard response operations and / or a terrorist incident that is the cause for a unified federal, state, and local government and industry response under the National Contingency Plan. But, without the supporting planning and training initiatives the are key to a successful "Preparedness Program" these exercises though beneficial, can't fully prepare the "response community as a whole" to respond to the new threats and challenges facing the NRS. Exxon Valdez, and all the other major spills that occurred in 1989 and 1990, made everyone realize that we had to improve our internal contingency plans and processes and ensure they were aligned with one another, develop Area Contingency Plans, routinely train all responders on how to use all contingency plans and evaluate those plans through realistic exercises to truly improve NRS preparedness. Rather than learn from a less than perfect oil spill/hazardous materials release response following a

terrorist incident that we should have changed our contingency plans, the response management processes used, or done a better job of evaluating the plans and processes used; let's instead use the proven preparedness programs used by the NRS to be proactive in meeting the threats and challenges posed after 9/11. The planning bodies that develop the Area, Regional, and the National Contingency Plans should work with the appropriate emergency management counterparts at each level to update the "command hierarchy" to ensure alignment between all Crisis Management and Consequence Management entities and the Unified Command directing hazardous materials (ESF – 10) response operations. This is especially critical at the Area Contingency Plan level where there is often a significant difference of opinion and friction between local and federal response organizations of not only who the "lead" response organization is, but also who is the lead agency in general.⁸

Once the response plans have been updated, the need to trained internally within each response organization to ensure that changes haven't impacted current response tactics and operational processes. Then the response community as a whole has to be trained on those portions of the plans changed so that they can develop an understanding of how those changes impact how organizations interact with one another. Finally, all the plans have to be exercised and evaluated "as a whole" to determine if the response community as a whole is as prepared as they need to be.

The National Response System Preparedness Program – A model for homeland defense preparedness?

Though maybe the calls have been getting louder since 9/11, for years local and state emergency management officials have been calling for a single all hazards / all risk "National" Response Plan to replace the current system of separate "Federal", "State", and "Local" Government response plans. Is the NRS Preparedness Program the model on which this change should be based? On the plus side, the NRS requires integrated planning at the Area ("community"), Regional, and National levels with involvement of the response system as a whole in the process – federal, state, local government and industry response organizations involved as appropriate. The internal plans of the response organizations for each of the above entities are fully aligned with the response plan of the "response community plan". There is a requirement to form a "unified command" and the use of ICS by all response organizations is "encouraged". Finally the "response community as a whole" rather than one particular entity or level within the response community evaluates preparedness. On the downside – and this is a major downside – everyone within the NRS as a whole recognizes that all as the products mandated by its preparedness programs are "developed" by committee and that the committees (whether a planning subcommittee or an exercise design team) are slow in coming out with the "products" needed. Can we afford the "pace" of production after adding every government (at the federal, state, and local government levels) agency that would have to be part of the committee developing a National Response Plan? Is the NRS preparedness program the best model for Homeland Defense Preparedness? It will be up to those who are charged with developing the preparedness program for Homeland Defense to answer that question. In the meantime, the NRS has to change to meet the changes in threat and the addition of "new players." The fact that we have in place and functioning; well developed plans, proven exercise programs to evaluate those plans, and the planning bodies needed to develop the plan improvements needed

from which the required changes should evolve should allow the NRS to meet the new challenges posed by the need for Homeland Defense.

Conclusion

Since the enactment of the Oil Pollution Act of 1990 (OPA '90), the National Response System (NRS) preparedness program has been responsible for the steady evolution and improvement in the response readiness of the "community as a whole" – Area (local), Regional and National. While the direct impact any one specific component of the NRS preparedness programs have had on the response to a spill may be difficult to evaluate, local response communities and plan holders continue to attest to the value of preparedness in improving their response capabilities.

In the aftermath of 9/11/01, the NRS is again facing the challenge of having to make significant changes to response management processes in response to the increased likelihood of a Weapons of Mass Destruction (WMD) incident requiring the implementation of the National Contingency Plan (NCP) as part of the consequence management response. Obviously, in the post 9/11 world in which we live, there has to be changes to all the NRS's preparedness programs. Without the supporting planning and training initiatives, the are key to a successful "Preparedness Program" exercises, though beneficial, can't fully prepare the "response community as a whole" to respond to the new threats and challenges facing the NRS. Exxon Valdez and all the other major spills that occurred in 1989 and 1990 made everyone realize that we had to improve our internal contingency plans and processes and ensure they were aligned with one another, develop Area Contingency Plans, routinely train all responders on how to

use all contingency plans and evaluate those plans through realistic exercises to truly improve NRS preparedness.

The planning bodies that develop the Area, Regional, and the National Contingency Plans should work with the appropriate emergency management counterparts at each level to update the "command hierarchy" to ensure alignment between all Crisis Management and Consequence Management entities and the Unified Command directing hazardous materials (ESF- 10) response operations. The plans have to be exercised and evaluated "as a whole" to determine if the response community as a whole is as prepared as they need to be.

Finally, the NRS has to change to meet the changes in threat and the addition of "new players." The fact that we have in place and functioning; well developed plans, proven exercise programs to evaluate those plans, and the planning bodies needed to develop the plan improvements needed from which the required changes should evolve should allow the NRS to meet the new challenges posed by the need for Homeland Defense and possible evolution towards a true "National" preparedness program..

Biography

Commander Kristy Plourde is presently serving as the Deputy Commander of the National Strike Force. She has managed numerous responses and has served as Federal On-Scene Coordinators Representative/Incident Commander, Operations and Planning Section Chiefs, and other ICS roles during spill responses. She has over 20 years U.S. Coast Guard experience and has an MS in Chemistry from the University of Connecticut and BS in Physical Sciences from the U. S. Coast Guard Academy.

¹ The opinions or assertions expressed in this paper are solely those of the authors and do not necessarily represent the views of the U. S. Coast Guard.

² The Exxon Valdez Oil Spill; A Report to the President. Prepared by the National Response Team, May 1989, page ES-1.

³ The Exxon Valdez Oil Spill; A Report to the President. Prepared by the National Response Team, May 1989, page 36-37.

⁴ Title 33, Chapter 26, SUBCHAPTER III, Section, 1321 paragraph (j), subparagraph (4), (5), and (7).

⁵ The Exxon Valdez Oil Spill; A Report to the President. Prepared by the National Response Team, May 1989, page ES-1.

⁶ Prince William Sound: Paradise Lost? The Cleanup: Overview, <http://library.thinkquest.org/10867/cleanup/overview.shtml>, page 2.

⁷ Mr. Timothy Elliot, author "Who's in Charge Here?", Homeland Protection Professional, July / August 2002, pages 22-26.

⁸ Mr. Timothy Elliot, author "Who's in Charge Here?", Homeland Protection Professional, July / August 2002, page 24.