



District Preparedness System Legal Handbook

May 2014



**District of Columbia Preparedness System
Legal Handbook**

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Prepared By:

Homeland Security and Emergency Management Agency
2720 Martin Luther King Jr. Ave., SE
Washington, DC 20032

May 2014

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ADMINISTRATIVE AND HANDLING INSTRUCTIONS

The *District Preparedness System Legal Handbook* is a public document and approved for appropriate distribution in its original form. No changes should be made to the content of the *District System Legal Handbook* without approval by the District of Columbia Homeland Security and Emergency Management Agency.

The District of Columbia uses a letter-number convention to catalog all of the preparedness plans, policies, and procedures. Within this convention, the District preparedness strategy documents are labeled as “Pub” for publications; “P” signifies the document as a base, operational, or tactical plan; “G” signifies the document as a guide; “A” signifies the document as an annex; and, “S” signifies the document as a standard operating procedure. After the label, the documents follow a numbering system. District preparedness strategy documents are numbered sequentially, with annexes or guidance documents related to a specific publication classified with a decimal after the parent document number. Mission area documents are cataloged by the type of document and categorized by the mission area and then by subject area. All 100-level documents are within the prevention/protection mission area, 200-level are within mitigation, 300-level are within response, and 400-level are within recovery. The tens digits group documents by subject area within each mission area. Additional information on the document naming and cataloging system can be found in the *District Preparedness Framework*.

This document was prepared under a grant from FEMA's Grant Programs Directorate, U.S. Department of Homeland Security. Points of view or opinions expressed in this document are those of the authors and do not necessarily represent the official position or policies of FEMA's Grant Programs Directorate or the U.S. Department of Homeland Security.

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FOREWORD

The District of Columbia (DC or the District) Homeland Security and Emergency Management Agency (HSEMA) is pleased to issue the *District Preparedness System Legal Handbook* (Handbook). This text collects, in a single volume, a coherent narrative that both describes and explains the essential elements of the District's emergency authorities, as well as the Federal Robert T. Stafford Disaster Relief and Emergency Assistance Act and the related legal authorities that support the District's emergency and disaster operations.

HSEMA expects the Handbook to:

- Sustain the District's disaster-related legal knowledge across emergency events and over time by identifying, capturing, and validating relevant legal information and analysis that exists throughout the District's government;
- Help District attorneys and their client partners find, organize, and share the knowledge of disaster legal operations that the District already has; and
- Increase consistency, collaboration, and the creation and sharing of knowledge and innovative, flexible legal solutions for disaster response and recovery.

Because this reference is not exhaustive, the legal authorities are subject to modification and change, and the specific facts surrounding an issue may change the legal analysis, use of the information contained here should be verified with the respective District agency general counsels before becoming the basis for a final decision by any District agency.

Readers will note that the Handbook references numerous HSEMA plans and operational documents, as well as memoranda of agreement and memoranda of understanding. The District Preparedness System SharePoint site (<https://hsema.sp.dc.gov/dps/default.aspx>) houses all current District Preparedness System plans, policies, and procedures. The site also contains collaboration sites for all DC Emergency Response System working groups and committees. For more information on the SharePoint site, or to gain access to it, please contact the HSEMA Preparedness Planning Division.

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1.0 BACKGROUND AND OVERVIEW

The District of Columbia (DC or the District) is a unique governmental entity in the United States. It is simultaneously considered a city, a state, and a Federal entity. Its Capital City designation, along with the complex set of legal authorities associated with that designation, provides a distinct set of challenges in preparedness. Preparedness is no longer considered only to be the pre-disaster phase of emergency management. Rather, it is a continuous process that should be incorporated throughout a comprehensive emergency management program.

1.1 Purpose

The purpose of the *District Preparedness System Legal Handbook* (Handbook) is to provide District officials and legal counsel—from the Mayor’s Office through the Executive Branch departments and agencies—the appropriate context and authoritative contours of the relevant laws as they apply to preparedness. Because such laws and policies are revised and reissued on a regular basis, the Handbook should be considered a “living” document, which will require review, revisions, and updates on a regular basis.

1.2 Scope

The Handbook is intended to be utilized as a research and reference guide and does not constitute legal advice. Users of this Handbook should always obtain authoritative guidance, direction, and opinions regarding relevant agency authorities and powers from their respective General Counsels. Nothing in the Handbook is intended to alter or impede the ability of any District department or agency to carry out its authorities or meet its responsibilities under applicable laws or directives.

1.3 Structure

The Handbook provides an overview of the District Preparedness System and a comprehensive overview of the relevant District and federal policies, laws, regulations, and authorities as they apply to the District Preparedness System, with a specific focus on emergency and disaster response. In addition to describing the legal context, the Handbook provides numerous references to facilitate additional research, sample Mayor’s Orders from past disasters and emergencies, and a list of points of contact in the District and in relevant Federal agencies (e.g., the Federal Emergency Management Agency’s Office of the Chief Counsel and the U.S. Department of Homeland Security’s Office of the General Counsel).

The Handbook is structured to provide an overview of the District Preparedness System and emergency management activities within the District. It then details the process for how emergencies can be declared within the District and the Mayoral authorities for doing so. The Handbook also provides an overview of the Federal disaster and emergency assistance available to the District. The appendices include useful tools, such as a legal analyst checklist, emergency support function (ESF) roles and responsibilities, sample Mayoral orders, and past Mayoral orders.

1.4 District Preparedness System Overview

In 2011, the President issued Presidential Policy Directive-8 (PPD-8) in order to strengthen “the security and resilience of the United States through systematic preparation for the threats that pose the greatest risk to the security of the Nation, including acts of terrorism, cyber attacks, pandemics, and catastrophic natural disasters.”^{vi} In order to incorporate PPD-8 throughout all elements of the District’s homeland security and emergency management efforts, the District has created the District Preparedness System to provide a consistent and comprehensive District-wide approach to preparedness. In approaching the mission areas, the District combined the Prevention and Protection mission areas based upon the common core capabilities and requirements associated with both mission areas. The added benefit is a reduction in stakeholder requirements, as agencies involved largely play a primary role in both of the mission areas. The DPS reflects four mission areas:

- **Prevention/Protection.** The Prevention/Protection mission area describes the District-wide approach, prevent, avoid, or stop, an imminent threat or actual act against the District of Columbia’s population, critical infrastructures, environment, and/or economy. It also describes the actions the District will take to protect the residents, visitors, and assets with the highest probability and vulnerability to threats and hazards that would affect the District. The Prevention/Protection mission area seeks to effectively increase coordination and collaboration amongst District agencies with prevention and protection responsibilities so that the mission can be properly executed and achieved.
- **Mitigation.** The Mitigation mission area provides a common approach for reducing the impact of disasters by supporting protection and prevention activities, easing response, and speeding recovery to create better prepared and more resilient communities. Through four guiding principles—resilience and sustainability, leadership and neighborhood-focused implementation, engaged partnerships and inclusiveness, and risk-consciousness—the mitigation mission area fosters resiliency to all hazards by improving the District’s capacity to deter, deflect, absorb, or withstand the effects of disasters and emergencies. Mitigation activities conducted before or after a disaster can reduce the impact of damage sustained by communities and citizens; help to eliminate the repetitive damage cycle; reduce costs to taxpayer; and reduce the resources expended to prepare for, respond to, and recover from future disasters. Mitigation encourages District emergency management stakeholders to make informed decisions supporting permanent hazard protection.
- **Response.** The Response mission area focuses on ensuring that the District is able to respond effectively to all types of incidents that range from those that are adequately handled with District resources to those of catastrophic proportion that require regional or federal assets. The objective of the Response mission area is to save lives, protect property and the environment, meet basic human needs, stabilize the incident, restore basic services and community functionality, and establish a safe and secure environment moving toward the transition to recovery.
- **Recovery.** The Recovery mission area includes the capabilities, across the Whole Community, required to promote recovery from all types of disasters and emergencies in the District through the following fundamental recovery principles:
 - Empowering individuals and families

- Providing leadership
- Recognizing the importance of neighborhoods
- Establishing and nurturing partnerships with the Whole Community
- Providing timely and accurate public information
- Fostering unity of effort
- Flexibility, resilience, and sustainability
- Supporting the psychological and emotional recovery of District residents affected by the disaster

Significant challenges confront all recovery efforts, from a localized incident to a large-scale disaster. Recovery planning addresses disasters of all kinds and sources.

These four mission areas serve as an aid in organizing the District’s preparedness activities, and do not constrain or limit integration across mission areas, which by their nature are highly interdependent and may have operations and actions related to all threats and hazards. Actions within these mission areas occur along a continuum, and there is a dynamic interplay between and among them. As seen in Figure 1-1, activities within the mission areas are always occurring within the District—regardless of an

DISTRICT PREPAREDNESS SYSTEM

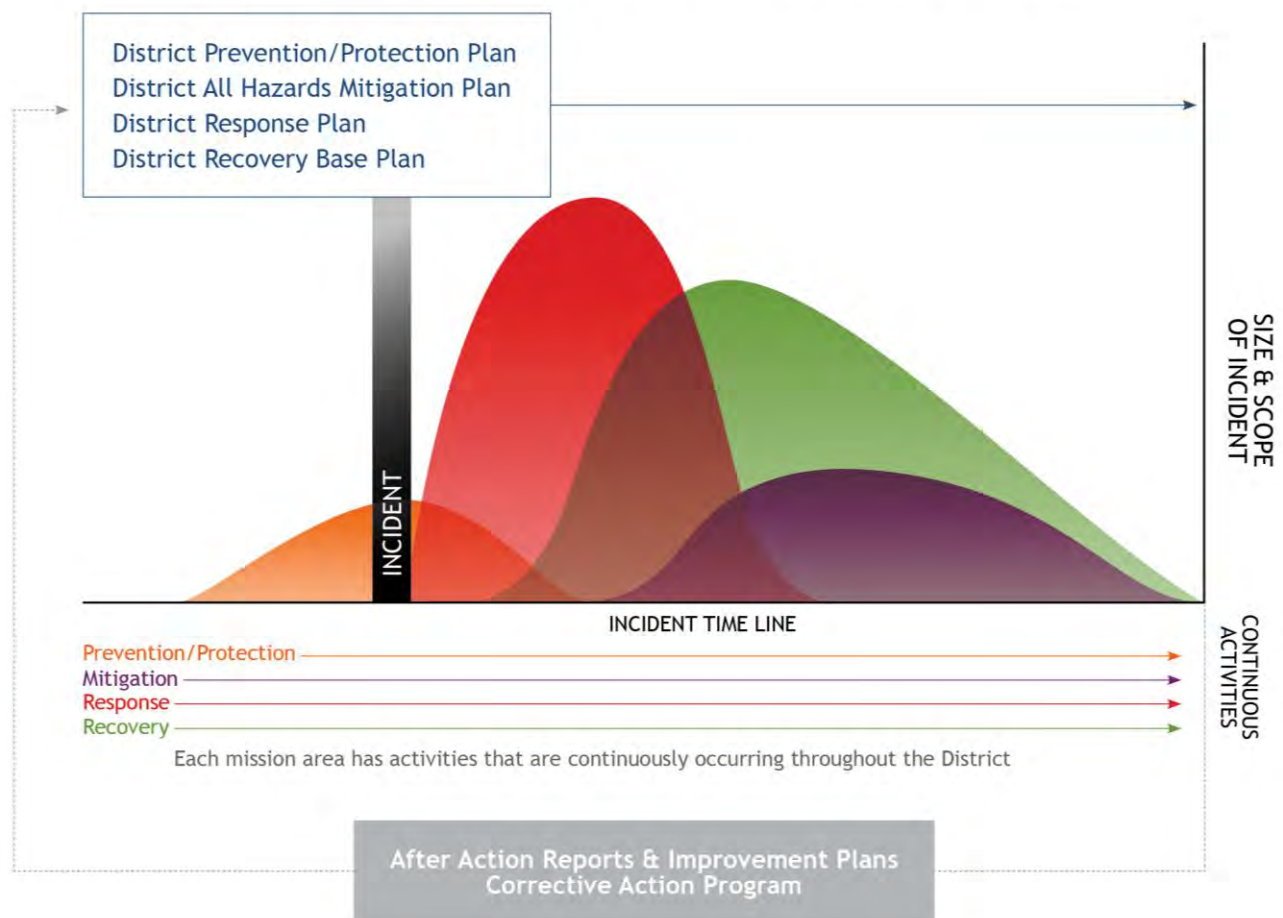


Figure 1-1. The District Preparedness System

incident occurring. This is known as the steady state. Prior to or during an incident District activities within the mission areas move to an enhanced or operational state so that District can take the necessary actions. However, while in an operational state, steady state activities continue within each mission area. As operational mission area activities are no longer needed, the District returns to the steady state.

1.4.1 Threats and Hazards

The District is vulnerable to a number of threats and hazards. Through the District Mitigation Plan, the District has identified the threats and hazards that the District is most susceptible to. These threats and hazards are based on past incidents that have affected the District, and assessments performed to identify future hazards and threats to the District. The threats and hazards are group by the following types:

- **Natural Hazards** are incidents caused by one or more natural occurrences, including hurricanes, tornadoes, storms, floods, tidal waves, tsunamis, high or wind-driven waters, volcanic eruptions, earthquakes, snowstorms, wildfires, droughts, landslides, and mudslides. While incidents caused by natural hazards may be increased or decreased as a result of human activity, they are not inherently human-induced.
 - District Natural Hazards include floods; winter storms; thunderstorms and tornadoes; extreme temperatures (hot and cold); hurricanes, tropical storms, and tropical depressions; earthquakes; and pandemic.
- **Technological Hazards** are incidents that originate from technological or industrial accidents, infrastructure failures, or certain human activities. These incidents cause loss of life or injury, property damage, social and economic disruption, or environmental degradation and often come with little to no warning.
 - District Technological Hazards include hazardous materials release (chemical or radiological), urban fires, utility failure, and transportation incidents
- **Human-Caused Hazards** are incidents caused by an intentional action by an adversary including the use of a an aircraft as a weapon, an armed assault, a biological terrorism attack, a chemical/biological food contamination terrorism attack, a cyber-attack, an explosives terrorism attack, a nuclear terrorism attack, or a radiological attack. These incidents also cause loss of life or injury, property damage, social and economic disruption, or environmental degradation and often come with little to no warning.
 - District Human-Caused Hazards include special events, demonstrations, civil disobedience, and terrorism, which can include cybersecurity, bioterrorism, improvised explosive devices, chemical agents, radiological dispersal devices, aircraft as a weapon, and improvised nuclear devices.

Please see the *District 2013 All-Hazards Mitigation Plan* for additional information on these threats and hazards.

Special Events

Within the Human-Caused Hazards, the District has identified special events, demonstrations, and civil disobedience. While not a traditional hazard, special events present unique challenges that the District must address on a regular basis. On average, the District coordinates more than 270 special events each year. Major events and demonstrations include marches, protest rallies, riots, non-peaceful strikes, and other activities that involve large groups of people. These often require extensive pre-event planning, logistical planning, and substantial city resources for traffic and crowd control, food safety, sanitary facilities, street detours and closings, emergency medical services, public transportation, police and fire support, and pre- and post-event debris management. Examples of major special events include the following:

- Presidential Inauguration
- National Cherry Blossom Festival
- Gay Pride Parade
- Right to Life March
- Annual NOW March
- Independence Day Celebration
- H Street Festival and Parade
- Hispanic Day Festival and Parade

National Special Security Event

Among certain special events are those that are designated as National Special Security Events (NSSEs). The U.S. Department of Homeland Security (DHS) designates complex major events as NSSE (e.g. the Presidential Inauguration, State of the Union Address, G20 Summit, etc.). The primary emphasis of an NSSE is to provide a safe and secure environment for dignitaries, event participants, and the public. The NSSE designation indicates the following:

- The Federal Bureau of Investigation as the lead agency for counterterrorism, counterintelligence, intelligence collection, crisis management, hostage rescue, weapons of mass destruction, and Federal criminal investigation.
- The U.S. Secret Service (USSS) is responsible for security design and implementation of security operations.
- The Federal Emergency Management Agency (FEMA) has the lead for emergency management.

NSSEs require substantial coordination and collaboration among stakeholders within all levels and disciplines of the Federal and District governments. Planning contingencies address physical infrastructure, security, credentialing, law enforcement, communications, transportation, resource management, and other concerns.

Special Event Assessment Ratings

For those Special Events that do not rise to the level of a NSSE, there is the Special Event Assessment Rating (SEAR) system. The SEAR system was created by DHS and is the evolution of various special event ratings previously used by the Federal government. The SEAR incorporates a risk methodology that prioritizes special events submitted to the Federal government for their awareness and consideration of support. The system uses seven factors in its risk assessment process and has five Special Event Assessment Rating levels. The SEAR ratings run from Levels 1 to 5, with Level 1

indicating the most risk. DHS runs events through a risk methodology program that analyzes response criteria and assesses the stages of threat, consequences, and vulnerabilities for the event. The preliminary ratings are assessed by subject matter experts to ensure the methodology fits the needs of users at the Federal, state, and local levels.

- An event is considered **SEAR Level 1** when it is of such significant national and/or international importance that it may require extensive Federal interagency security and incident management preparedness. Pre-deployment of Federal assets as well as consultation, technical advice, and support of specific functional areas that the state and local agencies may lack expertise in or key resources for may also be warranted. In order to ensure unified Federal support to the local authorities and the appropriate national situational awareness, a Federal Coordinating Officer (FCO) is designated and an Integrated Federal Support Plan (IFSP) is developed. Examples include public venues with the President and/or other dignitaries in attendance.
- **SEAR Level 2** events are significant events with national and/or international importance that may require direct Federal support and situational awareness. The magnitude and significance of these events calls for close coordination between Federal, state, and local authorities and may warrant limited pre-deployment of Federal assets, as well as consultations, technical advice, and support to specific functional areas in which the state and local agencies may lack expertise or key resources. In order to ensure unified Federal support to the local authorities and the appropriate national situational awareness, an FCO is designated. The annual Marine Corps Marathon has been classified as a SEAR Level 2 event.
- **SEAR Level 3, 4, and 5** events do not have an identified FCO or an IFSP generated. However, state and local officials may still solicit resources from Federal agencies at the agency's expense. Regardless of the SEAR Level designation assigned, the Federal government can remain involved with the special event. DHS maintains awareness of all special events through reporting produced by the National Operations Center. In addition, state and local planners may request support for their events from Federal departments and agencies located near the event.

1.4.2 Preparedness Plans

District Preparedness Framework

The purpose of the District Preparedness Framework (Framework) is to prepare the District by providing strategic direction that will enable all of the District's emergency management and homeland security partners to achieve our collective goals of:

- Implementing a coordinated, all-hazards approach to planning, organization, equipment, training, and exercises;
- Preventing and protect against human-caused incidents;
- Build and sustain scalable, flexible, and adaptable core capabilities;
- Build a community that is resilient to the impacts of all hazards and is empowered to rapidly recover from all hazards.

The Framework sets the doctrine for how the District builds, sustains, and delivers core capabilities in support of the District Preparedness Goal—established within the *District Homeland Security and Emergency Management Strategy*. The Framework describes the overall organizational and operational concepts for District preparedness and provides strategic guidance and guiding principles. However, the Framework must be supplemented by additional strategic, operational, and tactical planning efforts within each mission area. The framework applies to all natural, technological, or human-caused hazards that threaten the well-being of the residents, visitors, and workforce—including vulnerable populations (e.g., those with access and functional needs, the very young and elderly, those with limited English proficiency, etc.) within the geographic boundary of the District.

District Response Plan

The *District Response Plan (DRP)* is the base level plan for the District’s response to all hazards. The plan unifies and coordinates efforts of District departments and agencies, non-governmental and voluntary organizations, regional and federal partners involved in emergency management and homeland security with the goal of protecting life and property and ensuring public safety. Although the *DRP* assigns emergency roles and responsibilities to specific District agencies, it does not provide details on how each agency fulfills its responsibilities under the plan. Each participating agency is responsible for developing its own operational plans and procedures to carry out its assigned responsibilities under the *DRP*.

The *DRP* is organized into the following sections:

- The **Base Plan** and associated appendices contain sections that describe relevant policies, the concept of operations, roles and responsibilities, and the incident life cycle.
- The **ESF Annexes** organize the District agencies and departments into 18 ESFs (**see Table 1**). Each of the ESFs describes the purpose and scope of each function, the operating policies, the planning assumptions, the concept of operations, and the responsibilities of the primary and support agencies. While these are separate documents and are not contained in this plan, they are updated on a regular basis with key information from existing District agency emergency plans and provide a quick reference for critical information.¹
- The *DRP* also includes **Support Annexes** that provide information on common functional processes and the administrative requirements necessary to ensure efficient and effective emergency management. For example, the Administration of Criminal Justice Annex—jointly administered by HSEMA and the District of Columbia Superior Court—describes the policies, roles and responsibilities, and the concept of operations for assessing, prioritizing, protecting, and restoring the administration of criminal justice within the District of Columbia during actual or potential domestic incidents. Additional example Support Annexes include:
 - Special Events Management
 - Financial Management
 - Health and Safety

¹ See Appendix C for a detailed description of the ESF roles and responsibilities of all District agencies.

- Alert and Notification
- Statewide Interoperable Communications Plan
- The **Hazard-Specific Annexes** of the *DRP* provide information on contingency or hazard situations that require more detailed guidance from the *DRP*. Example Hazard-Specific Annexes include:
 - Pandemic Flu Plan
 - Radiological Incident
 - Hurricane
 - Terrorist Incident Management Plan
 - Biological Incident

ESF 1	Transportation Lead Agency: District Department of Transportation Support Agencies: HSEMA, DCPS, DHS, DOES, DPW, DPR, MPD, FEMS, DMH, DCNG, DOH, DMV, FMA, DCHA, WASA, OCTO, DCOA, Serve DC, DHR, Amtrak, FHWA, MDOT, MTA, MWCOG, PEPCO, VDOT, VRE, and WMATA
	Communications Lead Agency: Office of the Chief Technology Officer Support Agencies: HSEMA, OCTT, DCPS, FEMS, MPD, DPR, DHS, DPW, DOH, WASA, DOES, DRES, DCNG, OUC, OC, DOC, DDOT, REACT, Verizon, DDOE, and WMATA
	Public Works and Engineering Lead Agency: Department of Public Works Support Agencies: WASA, DRES, DCRA, HSEMA, DDOT, DDOE, MPD, OCP, OUC, DCPS, and DPR
	Fire Fighting Lead Agency: Fire and EMS Department Support Agencies: HSEMA, MPD, DOH, DCRA, DPW, DHS, DMH, WMATA, OCME, WASA, WSSC, PEPCO, Washington Gas, DDOE, DDOT, and NCR Fire Departments
	Emergency Management Lead Agency: HSEMA Support Agencies: EOM, OC, DDOT, OCA, DHR, OCTO, OCFO, DMH, DCOP, DCPS, DHS, DOH, DPW, DPR, FEMS, MPD, OCTT, OAG, ARC, DCHA, OUC, PEPCO, Serve DC, Washington Gas, and WASA
	Mass Care, Emergency Assistance, Housing, and Human Services Lead Agency: Department of Human Services Support Agencies: HSEMA, DCPS, MPD, FEMS, DCPL, DDOT, DOC, DOH, DOES, DRES, DPW, DMH, DPR, CFSA, OLA, OAPIA, DCOA, WRC, COU, DYRS, OUC, DCHA, DCNG, and DCVOAD

ESF 10	Oil and Hazardous Material Lead Agency: Fire and EMS Department Support Agencies: DPW, DDOE, DOH, MPD, HSEMA, DDOT, DCRA, DOES, DMH, DHS, OCME, OUC, DCNG, WMATA, and NCR Fire Departments
	Food Lead Agency: Department of Human Services Support Agencies: HSEMA, DOES, DOH, DPR, CFSA, DCOA, DMH, DCNG, DCPS, DMH, DDOT, MPD, OCP, COU, and ARC
	Energy Lead Agency: District Department of Environment Support Agencies: DPW, PEPCO, DDOT, HSEMA, DCHA, DCNG, PSC, Washington Gas, MWCOG, MD Energy Administration, and VA Department of Mines, Minerals, and Energy
	Law Enforcement Lead Agency: Metropolitan Police Department Support Agencies: HSEMA, DOC, OAG, DPW, FEMS, DRES, OCME, DDOT, DCPS, DYRS, OUC, DOH, and DCNG
	Long-Term Community Recovery and Mitigation Lead Agency: HSEMA Support Agencies: DCHA, DHS, DOH, DHCD, DPW, DSLBD, DDOT, HFA, OCP, OPGD, DOES, DDOE, OCME, and Serve DC
	External Affairs Lead Agency: Office of Communications, Executive Office of the Mayor Support Agencies: EOM, OCS, DMH, HSEMA, FEMS, DCPS, MPD, DDOT, DPW, DPR, DOH, DHS, OCTT, OC, OCO, DCOA, MOCRAS, OLA, OAPIA, Serve DC, and OAG

ESF 7	<p align="center">Resource Support</p> <p>Lead Agency: Office of Contracting and Procurement Support Agencies: HSEMA, OCTO, DHS, OCFO, DOES, OAG, DHR, DRES, MPD, DPW, FEMS, DOH, DCPS, DPR, COU, UDC, and DDOT</p>	ESF 16	<p align="center">Volunteer and Donation Management</p> <p>Lead Agency: Serve DC Support Agencies: HSEMA, DMH, EOM, MOCRAS, OCA, DPW, DPR, MPD, FEMS, DRES, OCTO, DMH, DHS, DOH, DOES, DOC, DCPS, OC, DCNG, DCVOAD, ARC, UDC, OPGD, OUC, COU, Salvation Army, and other non-governmental organizations</p>
ESF 8	<p align="center">Public Health and Medical Services</p> <p>Lead Agency: Department of Health Support Agencies: DMH, FEMS, OCME, OCP, OCC, DPW, DDOE, DDOT, MPD, OCTO, OUC, WASA, DHS, HSEMA, DPR, CFSA, ARC, Serve DC, DC Health Care Alliance, DC Hospital Association, MSDC, Medical Chirurgical Society of DC, DC Nurses Association, DC Primary Care Association, National Medical Association, and Nursing Home Association</p>	ESF 17	<p align="center">Private Sector</p> <p>Lead Agency: Deputy Mayor for Planning and Economic Development Support Agencies:</p>
ESF 9	<p align="center">Search and Rescue</p> <p>Lead Agency: Fire and EMS Department Support Agencies: MPD, DPW, DDOE, DCRA, DOH, OCME, HSEMA, DCNG, OCP, DHS, DMH, OCS, WMATA, PEPCO, Washington Gas, Howard University Hospital, George Washington University Medical Center, and NCR Fire Departments</p>	ESF 18	<p align="center">Military Affairs</p> <p>Lead Agency: District of Columbia National Guard Support Agencies:</p>

Table 1. District Emergency Support Functions*

**Note: The definitions of all abbreviations in Table 1. can be found in Appendix A. Acronym List and Key Terms.*

1.4.3 Emergency Response and Coordination Structure

Recognizing the need for a standardized approach to emergency response, the District has adopted the principles of the National Incident Management System (NIMS) and the Incident Command System (ICS). As described in PPD-8, NIMS provides a consistent, nationwide approach for Federal, state, and local governments to work effectively and efficiently together to prevent, protect and mitigation against, respond to, and recover from incidents, regardless of cause, size, or complexity.

Routine Operations (Steady State)

Executive Office of the Mayor

The Executive Office of the Mayor comprises six divisions, including the Office of the City Administrator. The City Administrator oversees the Deputy Mayors, each of whom provide oversight and support to numerous District departments and agencies. The Office of the Deputy Mayor for Public Safety and Justice includes HSEMA, the MPD, the FEMS, the Office of the Unified Communications, the Department of Corrections, the Office of the Chief Medical Examiner, and the Justice Grants Administration.

Emergency Preparedness Council

The Mayor's Emergency Preparedness Council (EPC)² was formed in 2002 under Mayor's Order number 2002-01. The EPC monitors, evaluates, and oversees implementation of District preparedness actions. The EPC meets quarterly and is comprised of representatives from all ESF primary agencies as well as regional organizations, such as the DC Hospital Association, DC Water (formerly known as the DC Water and Sewer Authority), the MWATA, and the American Red Cross.

The EPC is co-chaired by the Deputy Mayor for Public Safety and Justice and the HSEMA Director, and is staffed by HSEMA. Specifically, the EPC is charged with:

- Continually reexamining the overall state of emergency and disaster readiness of the District of Columbia;
- Providing access to a network of District agency expertise to make the District of Columbia government a national leader in comprehensive emergency management; and
- Making recommendations on improving District homeland security and emergency management infrastructure, including coordinating planning, response, and recovery from emergency and disaster events as well as emerging threats.

District of Columbia Emergency Response System

The DC Emergency Response System (DCERS) supports District departments and agencies in developing, refining, and expanding the District's Prevention and Protection, Mitigation, Response, and Recovery capabilities. DCERS is chaired by the HSEMA Director and comprised of representatives from those District departments and agencies that have primary and support responsibilities for ESFs, representatives from the lead agencies for preparedness mission area subcommittees, and

² Mayor's Order 2012-82, June 15, 2012.

representatives of each DCERS working group who will make recommendations on programmatic priorities and funding.

DCERS serves as a collaborative partnership between relevant District government agencies and the private sector to bolster emergency management and homeland security capacity through the integration of plans, training, exercises, resource allocation, information-sharing, and program management. DCERS makes recommendations to the EPC regarding programmatic areas and projects that should be funded and capabilities that should be strengthened within the District. DCERS supports the District and NCR by providing services including but not limited to:

- Grant and funding guidance;
- Training, policy, and process coordination;
- Inventory and procurement for medical surge;
- Citizen preparedness and outreach;
- Regional logistic improvement;
- Operational plans, standard operating procedures, and manual updates;
- Regional public health planning;
- Medical reserve corps training and coordination;
- Recovery resource planning; and
- Law and policy guidance and integration.

DCERS also coordinates closely with its NCR neighbors and regional partners in Maryland and Virginia.

Disaster and Emergency Operations

Emergency Operations Center

In a large emergency or disaster, the efforts of first response agency personnel and others must be coordinated to ensure an effective response. The Emergency Operations Center (EOC) is the central location from which off-scene activities are coordinated. The EOC is activated as necessary to support local efforts. In these situations, the EOC plays a critical role in acquiring, allocating, and tracking resources; managing and distributing information; and setting response priorities among many incident sites.

In general, District emergency responders use the ICS command and coordinating structures to manage response operations. ICS can be used in any size or type of emergency to control response personnel, facilities, and equipment, and it is flexible enough to be used during day-to-day incidents as well as catastrophic incidents. Coordinating structures are usually composed of entities within a specific functional area, such as public works, law enforcement, emergency medical services, and fire

departments. Integration among these structures occurs at an Incident Command Post (ICP), which provides on scene incident command and management.³

The EOC is responsible for the strategic overview, or “big picture,” of the disaster, and does not directly control field assets, instead making operational decisions in support and coordination of the ICP. Tactical decisions and control of field assets are left to the Incident Commander.

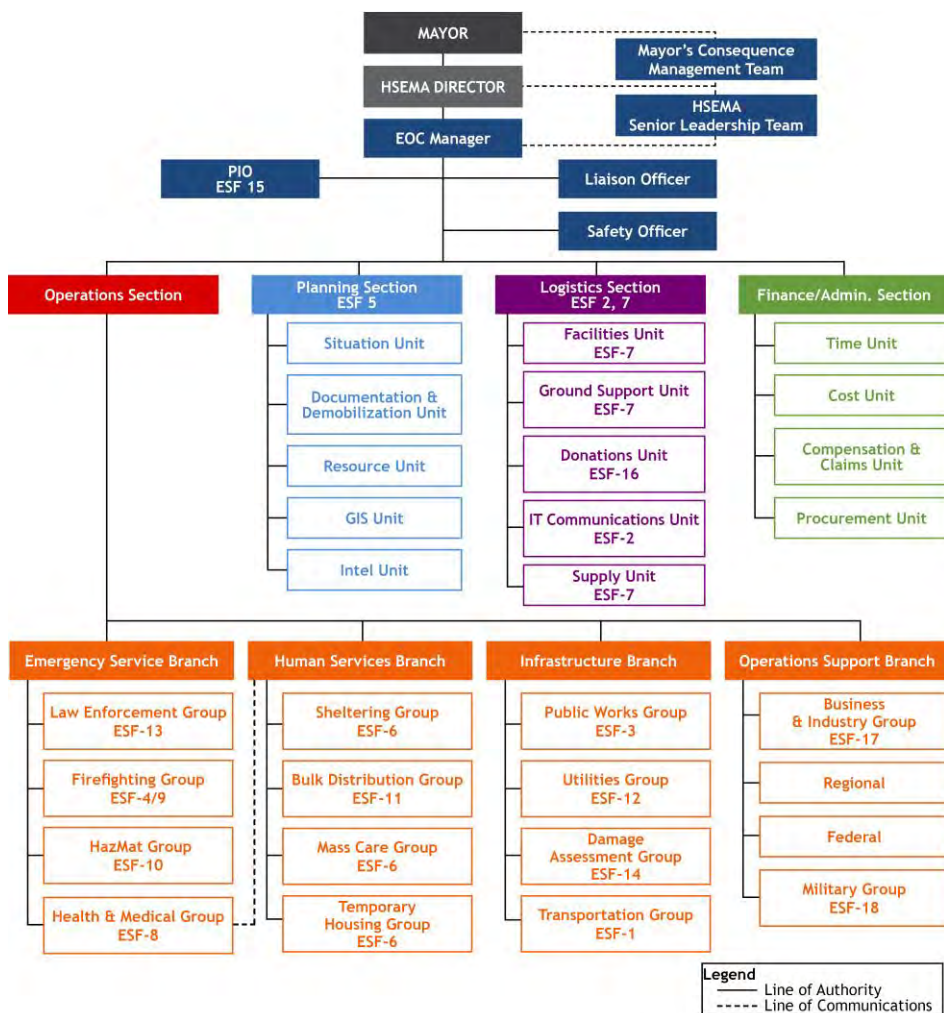


Figure 1-2: District EOC Organization Chart

The District EOC utilizes a hybrid ICS/ESF organizational structure (see Figure 1-2). This allows clear paths of communication between District departments and agencies, as well as between responders at the local, regional, and Federal levels. During activation of the EOC, staff are required to wear colored

³ FEMA offers numerous online courses on emergency management and response, including the NIMS that is utilized by the District. Office of Attorney General attorneys may be able to use these courses to satisfy their annual requirements for continuing legal education and management training hours. See <http://training.fema.gov/IS/NIMS.aspx> for details on these courses.

vests that identify their role in the EOC organization, consistent with the colors used in Error! Reference source not found. (e.g., a purple vest = Logistics Section and a blue vest = Planning Section).

The **Policy Group**, led by the Mayor, provides overarching goals, objectives, and guidance to the team and receives situation reports from the Command Staff, permitting District leadership to have centralized control over team activities. Also, the Policy Group manages the Joint Information Center (JIC) through the Mayor's Office of Communications.

The **Command Staff** is responsible for the overall management of the incident. They follow Policy Group guidance to formulate the prioritized activities that become the Incident Action Plan (IAP). Department Directors, subject matter experts, and other liaisons augment the Command Staff.

The **General Staff** provide the tactical level activities during an emergency and follow the direction of the Command Staff. The General Staff has four sections that support emergency operations:

- The Operations Section is responsible for all activities focused on the reduction of the immediate hazard, saving lives and property, establishing situational control, and restoration of normal operations.
- The Information and Planning Section collects, evaluates and disseminates incident situation information and intelligence to Command Staff and the Policy Group, prepares status reports, displays situation information, maintains the status of resources, and documents the IAP.
- The Logistics Section supports the logistics requirements needed to facilitate effective and

efficient incident management across all specialties.



Figure 1-3. Organizational Structure of the Consequence Management Team.

The CMT is the primary body coordinating the response to emergencies and is composed of three major organizational groupings: the Policy Group (Mayor), Command Staff, and General Staff.

Core Competencies

As described in the *DRP*, Core Competencies are functional areas of expertise that relate specifically to tactical operations managed by the Operations Section. District Agencies have the authority to direct operations related to their core competencies at incidents. If more than one agency is capable of performing the same tactical operations, the agency assigned a core competency will give tactical direction, by the ranking officer, to other agencies performing operations within that competency.

■ The Finance and Administrative Section provides financial, reimbursement, and administrative service to support incident management. The Mayor, supported by the Consequence Management Team (CMT) (see **Figure 1-3**), leads and manages the department and agencies engaged in the District's EOC.

1.5 Continuity of Operations and Continuity of Government

1.5.1 Continuity of Government

The purpose of Continuity of Government (COG) planning is to provide the policy, procedures, roles and responsibilities for the preservation, maintenance, or reconstitution of the government's ability (local, state, or federal) to carry out its constitutional and other legal responsibilities under circumstances that may significantly disrupt normal governmental operations.⁴ A key element of such planning involves lines of succession in the event the chief executive of a government is unable to perform essential functions.

For the District of Columbia, Mayor's Order 2011-145 designates the authority to execute and perform the powers and duties of the Mayor to members of the Mayor's cabinet should the Mayor be *disabled* or *absent* from the District. The following is the order of Mayoral succession:

- (1) The City Administrator
- (2) Deputy Mayor for Public Safety and Justice
- (3) Deputy Mayor for Planning and Economic Development
- (4) Deputy Mayor for Education
- (5) Deputy Mayor for Health and Human Services
- (6) Chief of Staff for the Executive Office of the Mayor

Under DC Official Code § 1-204.21(c)(2), when the Office of the Mayor becomes vacant, the Chairman of the City Council shall become acting Mayor. To date, there has never been an occurrence where the Chairman of the City Council has become the acting Mayor because of a vacancy. Vacancy is not defined in the Code and it appears vacancy is envisioned by the Code as "permanent," because the Chairman is designated acting Mayor until an election is held to fill the Mayoral vacancy, at which time the acting Mayor shall revert to his previous position as Chairman of the Council. Thus § 1-204.21(c)(2) would arguably apply in situations where the Mayor has resigned, died, or been rendered permanently incapacitated.

1.5.2 Continuity of Operations

Continuity of Operations Plans (COOP) are defined as efforts within individual organizations to ensure they can continue to perform their essential functions during a wide range of emergencies, including routine incidents like power outages or building fires that render a facility unusable. In 2012, Mayor's Order 2012-61 required that each District cabinet level agency create or update their COOP according to a template provided by HSEMA. COOPs are to be exercised, updated, and submitted to HSEMA annually. Each agency COOP contains details on the agency's essential functions, the order of succession, vital records, databases, systems, and emergency relocation sites.

The District's General Counsels should be familiar with their agency's COOP, as well as the specific lines of succession within their respective agencies.

⁴ See National Governors' Association, *Issue Brief, Planning for Government Continuity*, November 2003.

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2.0 DECLARATIONS OF EMERGENCY

2.1 Background and Process

The District of Columbia Code addresses disasters and emergencies through public emergency statutes (§ 7-2201 *et. seq.*), the express and inherent executive powers of the Mayor, and the Anti-Terrorism Act of 2002 (§ 22-3152 *et. seq.*). Implementing regulations for declaring a state of emergency and associated emergency regulations are found in DC Municipal Regulations 24 DCMR 2200, 24 DCMR 2201, and 24 DCMR 2203. The Mayor is authorized to declare emergencies, and the District Council and DC Courts participate in continuity of government efforts. A graphic representation of the declaration process (for both public emergencies and public health emergencies) is shown in Figure 2-1.

In general, the Mayor may establish a public emergency preparedness program that uses the services of all appropriate agencies and includes the development of an Emergency Operations Plan and procedures for training staff and conducting exercises. Also, the Mayor must review the District's Response Plan annually and coordinate Federal and state preparedness programs (D.C. Official Code § 7-2302).

When the Mayor of the District publicly issues the existence of a State of Emergency for a natural or man-made incident, the order applies to all departments, agencies, and instrumentalities of the District government as provided in the *DRP* and coordinated by the Director of HSEMA. The Chief Financial Officer of the District is authorized to approve the disbursement of all appropriations necessary to carry out the order.

The State of Emergency authorizes the City Administrator, in coordination with the Deputy Mayor for Public Safety and Justice, the Director of HSEMA, and the Chief Financial Officer, to apply for financial assistance through FEMA and other federal, private, or nonprofit disaster relief and recovery organizations to recoup expenditures incurred, or obtain the funding needed, under this order.

The Mayor's Declaration of a State of Emergency in the District—and the issuance of an Emergency Executive Order—is a necessary condition for requesting federal disaster and/or emergency assistance from the President. Recent examples of incidents that resulted in the declaration of a State of Emergency in the District include:

- October 26, 2012: Hurricane/Post Tropical Cyclone Sandy
- June 30, 2012: Derecho
- September 11, 2001: Terrorist attacks⁵

⁵ Copies of these Mayor's Orders can be found in Appendix E.

District Emergency Declaration Process



Figure 2-1: District Emergency Declaration Process

2.2 Mayoral Authorities

2.2.1 General Authorities

Under the District of Columbia Home Rule Act (P.L. 93–198, as amended), the Mayor is granted executive power over the District of Columbia, and as such he/she, “shall be responsible for the proper execution of all laws relating to the District, and for the proper administration of the affairs of the District coming under his jurisdiction or control.” Once a State of Emergency is declared, the Mayor may implement one or more of the following authorities (D.C. Official Code § 7-2304(b)):

- Expend funds to carry out emergency missions and responsibilities
- Enter into contracts
- Incur obligations
- Employ temporary workers
- Rent equipment
- Buy supplies
- Spend public funds
- Prepare for and implement measures to protect people and property (evacuation to emergency shelters)
- Disconnect utilities
- Destroy contaminated property
- Regulate the sale and distribution of food, fuel, clothing, goods, and services
- Establish curfews
- Establish public emergency services
- Have operational direction of all agencies
- Procure supplies and equipment
- Begin training and public information programs
- Request Federal disaster assistance
- Prevent or reduce harmful consequences of disasters
- Detain or quarantine people for medical reasons

In addition, the Mayor may also join or enter into, on behalf of the District, regional programs, and agreements with the Federal government, neighboring states, and political subdivisions on behalf of the District for the coordination of disaster preparedness programs.

Under the authority of § 7-2201, the Mayor may also invoke requirements and limitations of citizens, as in, “Any person who violates any provision of an emergency order or regulation issued by the Mayor under the authority of § 7-2201 shall, upon conviction, be punished by a fine of not more than three hundred dollars (\$300), or by imprisonment for not more than ten (10) days.”

Finally, the Mayor may adopt and implement such rules and regulations as s/he finds necessary to carry out the purposes of an emergency-driven event, pursuant to the District of Columbia Administrative Procedure Act (§ 2-501 *et. seq.*).

Duration of State of Emergency

An emergency executive order—or a public health emergency executive order—issued by the Mayor is effective for a period of no more than 15 calendar days from the day it is signed. However, the order may be rescinded in whole or in part by the Mayor within that period should s/he determine that the public emergency no longer exists. Alternatively, an emergency executive order or a public health emergency executive order may be extended for up to an additional 15-day period, but only upon

request by the Mayor for, and the adoption of, an emergency act by the Council of the District of Columbia.

Should extenuating circumstances, such as death, destruction or other perilous conditions prohibit the convening of at least two-thirds of the members of the Council for consideration of emergency legislation, the Mayor must make a reasonable attempt to consult with the remaining members of the Council, after which s/he may decide to extend the emergency executive order for up to 15 days.

Upon the issuance of any emergency executive order or a public health emergency executive order as soon as practicable given the condition of the emergency, the order must be published in the District of Columbia Register, in two daily local newspapers, and be posted in public places in the District that the Mayor determines by regulation.

2.2.2 Public Health Emergency

When the Mayor declares a public emergency, the Mayor may issue an additional executive order to proclaim a public health emergency (see **Figure 4**) if the Mayor has reasonable cause to believe that there is an imminent hazard of or actual occurrence of any of the following harms:

- A large number of deaths in the District of Columbia
- A large number of serious or long-term human health disabilities in the District of Columbia
- Widespread exposure to an infectious or toxic agent that poses a significant risk of substantial future harm to a large number of people in the District of Columbia
- Use, dissemination, or detonation of a weapon of mass destruction, as defined by Chapter 31A of Title 22, in the District of Columbia
- Other emergency events that create an acute and immediate need for volunteer health practitioners

Through a Public Health Executive Emergency Order, the Mayor can temporarily waive DC licensing requirements, permits, and fees for healthcare providers licensed elsewhere. A healthcare provider is defined as any person or entity that provides health care services to include hospitals, medical clinics and offices, special care facilities, medical laboratories, physicians, pharmacists, dentists, physician assistants, nurse practitioners, registered and other nurses, paramedics, emergency medical or laboratory technicians, and ambulance and emergency workers.

A Public Health Emergency Executive Order may also include terms that exempt licensed healthcare providers—either from the District or from other jurisdictions—from civil liability for damages for any actions taken within the scope of the provider’s employment, or voluntary service to implement the provisions of the *DRP*, except in instances of gross negligence, and solely for the duration of the public health emergency. (DC Public Health Executive Order, D.C. Official Code § 7-2304.01; Emergency credentialing of voluntary health professionals, D.C. Official Code § 7-2304.01(d)(4))

The DOH serves as the lead agency for ESF #8 in the *DRP* (Public Health and Medical Services), and provides mechanisms for coordinating District assistance and resources to identify and respond to public health and medical care needs during an emergency. DOH is supported by several Federal and District agencies and private health service providers.

2.2.3 Natural Disaster Consumer Protection Act

The Natural Disaster Consumer Protection Act (NDCPA) (D.C. Official Code § 28-4102 (b)) imposes legal penalties on any person who charges more than the normal average retail price for any merchandise or service sold during an emergency that resulted from a natural disaster, if an emergency has been declared pursuant to this act.

Within 48 hours of a natural disaster, the Mayor also may declare, ***for not more than 30 calendar days***, a state of emergency for the purposes of this act. The Mayor shall prepare an emergency declaration that shall include a description of the existence, nature, extent, and duration of the emergency. Upon the issuance of a declaration of an emergency or as soon as practicable given the nature of the emergency, the Mayor shall publish a copy of the emergency declaration in the DC Register and in two daily newspapers of general circulation. Counsels should note that the duration of this declaration is different than the duration of a Mayoral Declaration of Emergency. (See **Section 2.2.1**)

As a best practice, in the case of natural disasters, the Mayor's Order declaring a public emergency also should include a reference to the NDCPA. (See **Appendix E**, Mayor's Order 2012-186, "Declaration of Public Emergency," October 26, 2012.)

To date, the NDCPA has not been used in the District. However, similar statutes have been enacted and exercised in other jurisdictions. For example, in 1993, the State of Florida enacted a statute that protects disaster victims from unnecessary price hikes (Florida Statute 501.160). It prohibits the sale or rental of essential commodities at unconscionable prices during a declared state of emergency. Several of the goods that fall under this law include lumber, ice, water, chemicals, and generators. The law dictates that during a declared state of emergency merchants may not grossly exceed the average price at which the commodity was sold in the area within the previous 30 days. However, the statute does allow for merchants to pass along additional charges attributed to acquiring goods, as a result of the natural disaster. In Florida, violators of the law are subject to a \$1,000 fine.

2.2.4 Snow Emergency

Mayor's Order 2002-4, "Designation of Lead Agency for the District Government Snow and Ice Control Operations," (January 10, 2002) designates the Department of Public Works (DPW) as the Lead Agency for the coordination of Snow and Ice Control Operations. Pursuant to this order, the Director of DPW coordinates and manages manpower and the equipment needed to facilitate the required activities to implement the Snow and Ice Control Operations program.

18 DCMR 2417.1 authorizes the Director of DPW to declare a snow emergency whenever snow, sleet, or freezing rain is creating a condition making it necessary to prohibit the parking of motor vehicles on Snow Emergency Routes, or whenever on the basis of a firm forecast by the United States Weather Bureau of snow, sleet, or freezing rain such that the weather conditions so forecast may create a condition making it necessary to prohibit the parking of motor vehicles on Snow Emergency Routes, so as to prohibit parking on Snow Emergency Routes.

Standard practice in the District in the event of an actual or potential snow emergency is as follows: the Mayor, upon advice from and consultation with the Director of DPW, may declare a public emergency

in the form of a snow emergency. Following such a declaration, the Director of DPW then declares the enforcement of snow emergency parking regulations, including the clearance of snow emergency routes. (See 18 DCMR 2417, 2414, 2421 and 2219.)

2.2.5 Mayoral Police Power

DC Official Code § 5-101 *et. seq.* establishes the District as a police district called MPD of DC. Within the MPD of DC, it is the duty of the Mayor to:

- To preserve the public peace;
- To prevent crime and arrest offenders;
- To protect the rights of persons and of property;
- To guard the public health;
- To preserve order at every public election;
- To remove nuisances existing in the public streets, roads, alleys, highways, and other places;
- To provide a proper police force at every fire, so that the firemen and property may be protected;
- To protect strangers and travelers at steamboat and ship landings and railway stations;
- To see that all laws relating to the observance of Sunday and regarding pawnbrokers, mock auctions, elections, gambling, intemperance, lottery dealers, vagrants, disorderly persons, and the public health, are promptly enforced; and
- To enforce and obey all laws and ordinances in force in the District or any part thereof, which are properly applicable to police or health, and are not inconsistent with the provisions of this title; the police shall, as far as practicable, aid in the enforcement of garbage regulations.⁶

In addition, DC Official Code § 5-133.05 extends the provisions of laws and regulations within the District for the protection of public or private property and the preservation of peace and order to all public buildings and public grounds belonging to the United States within the District.

2.2.6 Limitations of Authority

According to the U.S. Census, DC's population swells by 79% every workday as commuters pour into the city from the around the region, far exceeding similar growth patterns in other large cities across the country. In addition, over 18 million visitors travel to the District each year. These facts, coupled with the extensive property within the boundaries of the District that is under the control of the Federal government, places a number of constraints on the authorities and actions of the Mayor following the declaration of a State of Emergency. Such constraints include the following:

- The evacuation of any personnel or activities of the Federal government shall take place only with the consent of the President or the President's designee, provided that, upon

⁶ In addition to the duties of the Mayor as described in this section, 24 DCMR 2201 describes further emergency regulations that the Mayor may order or promulgate during an emergency declaration, including the imposition of a curfew; the prohibition of the sale or dispensing of alcoholic beverages; and the prohibition of the sale or dispensing of gasoline or other inflammable materials or liquids.

agreement of the Federal and District governments, any pre-arranged evacuation plan will constitute such consent.

- Access and/or use of Federal land under the legal control of the National Park Service and/or other Federal agencies.
- Authority of the U.S. Department of State with respect to foreign government embassy property.
- Authority of the USSS and matters of the Executive Branch and Presidential concern.

2.2.7 Essential and Emergency District Employees

The process for designating District employees as either “essential” or “emergency” is defined at 6-B DCMR 1270. Because critical District government operations cannot be suspended or interrupted during emergency situations, District agencies are required to identify each agency position with duties that are vital to the continuity of medical facilities, public safety, emergency services, or other crucial operations. Employees occupying such positions are designated as “essential employees” and are required to be at work regardless of the emergency situation declared.

District employees designated as essential employees must be identified by position title or other appropriate means and must be notified in writing of their designation as an essential employee and the specific requirements placed upon the employee in emergency situations. The written notification must occur within one day of the agency determination for current employees, or at the time of hire or appointment to the essential position, as applicable.

In addition to employees designated as essential employees and required to be at work regardless of the emergency situation declared, an agency head also may designate employees as “emergency employees,” based on the nature and circumstances of a particular declared emergency. That is, employees may be designated as emergency employees on a case-by-case basis and, when so designated, will be called in to work or required to stay at work during the particular emergency situation.

An employee designated emergency must be informed of the designation in writing if practicable, or by any other means the agency deems appropriate (i.e., over the telephone or by electronic mail if the employee is not at work when the emergency is declared). A written notification must follow a non-written notification.

Because of the differences among collective bargaining agreements (CBAs) across District departments and agencies, there is no consistent standard for the designation of emergency employees or compensation for emergency employee duties. General Counsels should review their respective agency CBA for further details on emergency versus non-emergency designations within their agency.

2.2.8 Equal Access to Emergency Services and Programs

Before, during, and after an emergency or disaster the District and the Federal government may offer District residents services or access to programs, such as evacuation, sheltering, and financial assistance through grants and loans. As a result, it is important to be mindful of several statutes that require equal access to government services and programs.

Title VI of the Civil Rights Act of 1964, P.L. 88-352, 78 STAT 241, prohibits discrimination in programs and activities by entities receiving federal financial assistance.

The Rehabilitation Act of 1973, P. L. 93-112, provides, in relevant part that “[n]o otherwise qualified individual with a disability in the United States... shall, solely by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance or under any program or activity conducted by any Executive agency or by the United States Postal Service.”

Title II of the Americans with Disabilities Act (ADA) provides, in relevant part, that “[n]o qualified individual with a disability shall, by reason of such disability, be excluded from participating in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity.” (42 U.S.C.A. §12132 (1990)). Additionally, people cannot be denied “meaningful access” to the benefits of a public service or program by reason of their disability.

In addition to the ADA and the Rehabilitation Act, the District of Columbia Human Rights Act, DC Official Code §§ 2-1402.01 to 2-1402.73, states in part that “[e]very individual shall have an equal opportunity to participate fully in the economic, cultural and intellectual life of the District and to have an equal opportunity to participate in all aspects of life, including, but not limited to, in employment, in places of public accommodation, resort or amusement, in educational institutions, in public service, and in housing and commercial space accommodations.”

Notably, in *Brooklyn Center for Independence of Disabled v. Bloomberg*, 11 CIV. 6690 JMF, 2013 WL 5943995 (S.D.N.Y. Nov. 7, 2013), the Court found that New York City did not adequately plan for and provide for the needs of people with disabilities. The Court determined that the appropriate standard in cases involving emergency preparedness and persons with disabilities is whether the persons with disabilities were given meaningful access to services provided to other residents. In finding for the plaintiffs, the court discussed four specific areas of emergency services that must include plans for accommodating the needs of people with disabilities: (1) communications, (2) evacuation and transportation, (3) shelters, and (4) recovery.

According to a report done by Cornell University in 2011, there are approximately 66,500 people in the District with some form of disability (visual, hearing, ambulatory, or cognitive impairments). Great care must be taken by all ESF lead and support agencies that provide services to District residents during an emergency or disaster to explicitly plan for the needs of disabled persons who may access emergency services.

Finally, the DC Language Access Act of 2004, DC Official Code §§ 2-1931 to 2-1937, requires District government programs, departments, and services to assess the need for, and offer, oral language services; provide written translations of documents into any non-English language spoken by a limited or no-English proficient population that constitutes 3% or 500 individuals, whichever is less, of the population served or encountered. The act also requires District government programs, departments, and services with major public contact to establish and implement a language access plan and designate a language access coordinator. The act authorizes a Language Access Director in the Office of Human Rights to coordinate and supervise District government programs, departments, and services in order to comply with the act.

2.2.9 Animal Emergency Preparedness

DC Official Code § 8-1861.01 requires the Mayor to establish an emergency preparedness plan for the protection, sheltering, and evacuation of domestic animals during and following a major disaster or emergency.

The *District of Columbia Animal Care Disaster Plan* (2006) describes the organizational and operational policies and procedures required to meet the needs of animals during and following a major emergency situation. It provides a system for managing and organizing the animal care function. As described in the plan, the Animal Disease Prevention Division (ADPD) in the Department of Health (DOH) manages and oversees the animal care function during disasters. Working in conjunction with HSEMA, DOH determines the need for animal care services, finds facilities to house animals, identifies locations of problem animals, directs the animal care operation, and cares for animals that are a threat to the community. In addition, DOH helps to recover, transport and shelter animals in a disaster and provides information, training, and education to pet owners on disaster preparedness for pets.

2.3 District Agency General Authorities

2.3.1 Homeland Security and Emergency Management Agency

In 2006, the City Council passed the Homeland Security, Risk Reduction and Preparedness Amendment Act of 2006, which, among other things, designated the HSEMA Director to act on behalf of the Executive Office of the Mayor in matters related to disaster management. The Act also officially changed the name of the DC Emergency Management Agency to the DC Homeland Security Emergency Management Agency, enumerated the responsibilities of HSEMA, and addressed numerous issues related to Civil Defense and public safety. (See D.C. Official Code 7-2231.01, et. seq.)

2.3.2 Fire and Emergency Medical Services

FEMS shall provide fire prevention and fire protection within the geographical boundaries of DC. The District shall be divided into fire companies and other units, as the Council of the District directs from time to time. FEMS shall also provide pre-hospital medical care and transport within the geographical boundaries of the District. (See D.C. Official Code § 5-401.)

In addition, the Mayor also appoints a Medical Director of FEMS who holds the rank of Assistant Fire Chief. The Medical Director shall: (1) provide medical oversight for all aspects of pre-hospital medical services provided by FEMS, including written policies, procedures, and protocols for pre-hospital medical care, medical training and quality assurance of medical services; (2) supervise the administration of pre-hospital medical care; and (3) work collaboratively with the Fire Chief, Assistant and Deputy Fire Chiefs, and other personnel in FEMS.

Moreover, the Medical Director shall have the authority to order hospital emergency rooms within the District not to close to FEMS transports, and to require hospitals and medical providers to accept the transfer of care of a patient or patients within a specified period of time. The Medical Director shall have the authority to work directly with the Mayor, the Director of the Department of Health (DOH), and other appropriate agencies to develop programs or make written agreements with clinics or other health care providers to receive the FEMS transport of patients. Moreover, the Medical Director shall have the authority to work with District-based hospitals to coordinate pre-hospital medical services

with medical research of best practices for delivery of pre-hospital medical care. (See, D.C. Official Code § 5-404.01.)

2.3.3 Department of Health

DOH promotes and protects the health, safety, and quality of life of residents, visitors, and those doing business in the District of Columbia.

DOH's responsibilities include identifying health risks; educating the public; preventing and controlling diseases, injuries, and exposure to environmental hazards; promoting effective community collaborations; and optimizing equitable access to community resources. (See D.C. Official Code § 7-731.)

In addition, within DOH is the Health Emergency Preparedness and Response Administration, whose responsibilities include: (1) ensuring the delivery of the highest quality emergency medical and trauma care services through the provision of regulatory oversight of all emergency medical services provided in the District and (2) the planning, implementation, and direct public health emergency preparedness and response for the District.

2.3.4 Department of Human Services

The District Department of Human Services (DHS) is the District agency responsible for providing temporary support and assistance to low income families and individuals while helping them maximize their potential for economic security and self-sufficiency. Such temporary support and assistance includes, but is not limited to, homeless services through a Continuum of Care, in accordance with the Homeless Services Reform Act of 2005, as amended (DC Law 16-35; DC Official Code §§ 4-751.01, et seq.) (HSRA); public benefits including, but not limited to, Temporary Assistance for Needy Families (TANF), Medicaid, Supplemental Nutrition Assistance, formerly known as Food Stamps, and other public benefits, in accordance with the District of Columbia Public Assistance Act of 1982, as amended (DC Law 4-101; DC Official Code §§ 4-201.01, et seq.); and Adult Protective Services (DC Official Code §§ 7-1901, et seq.). See also, Mayor's Reorganization Plan No. 3 of 1986 (DC Official Code §1986-15 (2010)).

The responsibility of the Department of Public Works is to plan, provide, and maintain the District's physical infrastructure. The District's physical infrastructure refers to those public physical structures, facilities, and services that involve District government functions essential to the quality of DC's environment and transportation system and for which capital monies have been or will be expended. (See D.C. Official Code D. I, T. 1, Ch. 15, Subch. VI, Pt. D, 1983 Plan 4.)

2.3.5 Department of Transportation

The District Department of Transportation (DDOT) is charged with assisting the Mayor to assure the provision of a safe and adequate transportation system for residents and visitors to DC. The Director shall have full authority over DDOT and all functions and personnel assigned thereto, including the power to re-delegate powers to other employees and officials of DDOT as they are considered, in the Director's judgment, to be warranted and in the interest of efficiency and good administration. All authority vested in the Director shall be exercised in accordance with the applicable laws, rules, and regulations. (See DC Official Code D. I, T. 1, Ch. 15, Subch. I, Pt. A, 1975 Plan 2.)

2.3.6 Office of the Chief Medical Examiner

The Office of the Chief Medical Examiner (OCME) was established under DC Official Code § 5-1402. The OCME is responsible for investigating the following:

- (1) Violent deaths, whether apparently homicidal, suicidal or accidental including deaths due to thermal, chemical, electrical or radiation injury and deaths due to criminal abortion, whether apparently self-induced or not
- (2) Sudden, unexpected or unexplained deaths not caused by readily recognizable disease, including sudden infant deaths or apparent sudden infant death syndrome for infants one year of age and younger
- (3) Deaths under suspicious circumstances
- (4) Deaths of persons whose bodies are to be cremated, dissected, buried at sea or otherwise disposed of so as to be thereafter unavailable for examination
- (5) Deaths related to disease resulting from employment or on-the-job injury or illness
- (6) Deaths related to disease which might constitute a threat to public health
- (7) Deaths of persons who are wards of the District government
- (8) Deaths related to medical or surgical intervention, including operative, peri-operative, anesthesia, and medication reactions or deaths associated with diagnostic or therapeutic procedures
- (9) Deaths of persons while in legal custody of the District
- (10) Fetal deaths related to maternal trauma including substance abuse, and extra-mural deliveries
- (11) Deaths for which the MPD or other law enforcement agency or the United States Attorney's Office requests, or a court orders investigation
- (12) Dead bodies brought within the District without proper medical certification

In addition, clearances by the Chief Medical Examiner shall be required for all deaths occurring in the District for which cremations are requested regardless of where the cremation will occur. (See D.C. Official Code § 5-1404.)

Moreover, at the scene of any death subject to investigation under § 5-1405(b), the medical examiner, a medicolegal investigator, or a law enforcement officer shall take possession of any objects or articles which, in his or her opinion, may be useful in establishing the cause and manner of death or the identity of the decedent and shall hold them as evidence. In the absence of the next of kin, a police officer, a medical examiner or a medicolegal investigator may take possession of all property of value found on or in the custody of the decedent. If possession is taken of the property, the police officer, medical examiner, or medicolegal investigator shall make an exact inventory of it and deliver the property to the Property Clerk of the MPD. The Mayor shall issue regulations concerning the transfer of any such property from the OCME. (See D.C. Official Code § 5-1408.)

2.3.7 Office of the Chief Technology Officer

The Office of the Chief Technology Officer (OCTO) is under the supervision of the Chief Technology Officer, who shall carry out the functions and authorities assigned to the Office. OCTO was

established in 1998. The Chief Technology Officer has the full authority over OCTO and all functions and personnel assigned thereto, including the power to re-delegate to other employees and officials of OCTO such powers and authority as in the judgment of the Chief Technology Officer is warranted in the interests of efficiency and sound administration. (See, D.C. Official Code § 1-1401.)

OCTO's purpose is to centralize responsibility for the District government's investments in information technology and telecommunications systems to help District departments and agencies provide services more efficiently and effectively. OCTO will develop and enforce policy directives and standards regarding information technology and telecommunications systems throughout the District government. OCTO also serves as a source of expertise for District departments and agencies seeking to use information technology and telecommunications systems to improve services. (See D.C. Official Code § 1-1402.)

OCTO has the authority to:

- (1) Issue regulations governing the acquisition, use, and management of information technology and telecommunications systems and resources throughout the District government, including hardware, software, and contract services in the areas of data and word processing, telecommunications, printing and copying
- (2) Review and approve all agency proposals, purchase orders, and contracts for the acquisition of information technology and telecommunications systems, resources, and services, and recommend approval or disapproval to the Chief Procurement Officer
- (3) Review and approve the information technology and telecommunications budgets for District government department and agencies
- (4) Coordinate the development of information management plans, standards, systems, and procedures throughout the District government, including the development of an information technology strategic plan for the District
- (5) Assess new or emerging technologies and advise District department and agencies on the potential applications of these technologies to their programs and services
- (6) Implement information technology solutions and systems throughout the District government
- (7) Promote the compatibility of information technology and telecommunications systems throughout the District government
- (8) Maintain and oversee all District data centers, including, but not limited to, the SHARE, Department of Human Services, Department of Employment Services, University of the District of Columbia, MPD, Public Benefits Corporation, Saint Elizabeth's, Department of Health, and District of Columbia Public Schools data centers; provided, that this paragraph shall not apply to the Department of Motor Vehicles
- (9) Review the use of landlines, wireless phone lines, and data for which the District pays for telecommunication services and decertify and disconnect such services whenever not in active use
- (10) Require District agencies to annually re-certify all inventory in the fixed cost management system of active landlines, wireless phone lines, and data circuits.

Moreover, OCTO may: (1) disconnect landlines in favor of wireless devices and vice versa based on usage analysis and in consultation with agency directors and (2) review and reject any requests for telecommunication services that do not comply with the technology standards of the OCTO. (See DC Official Code § 1-1403.)

2.3.8 Office of Contracting and Procurement

The Office of Contracting and Procurement is an independent agency, which is administered by the Chief Procurement Officer (CPO). (See DC Official Code § 2-352.01.) The CPO is the chief procurement official at the District and has, among others, the following responsibilities:

- (1) To serve as the central procurement and contracting officer for the District
- (2) To provide overall leadership in the implementation of procurement rules, coordinate all procurement activities of the District government in accordance with the provisions of this chapter, and develop a system of unified and simplified procurement procedures and forms
- (3) To establish a standardization program for goods and services when it is determined to be in the best interests of the District
- (4) To review, monitor, and audit the procurement activities of the District
- (5) To sell, trade, or otherwise dispose of surplus goods belonging to the District government
- (6) To establish procedures for the inspection, testing, and acceptance of goods, services, and construction
- (7) To promote the purchase of environmentally preferable products and services. (See DC Official Code § 2-352.04.)

2.4 Mutual Aid Authorities

2.4.1 Interstate Civil Defense Compacts

The Mayor is authorized to enter into and execute on behalf of the District interstate civil defense compacts with the states to provide mutual aid among the states in meeting any emergency or disaster from enemy attack or other cause (natural or otherwise). (See DC Official Code § 7-2209.)

2.4.2 Emergency Management Assistance Compact

The Mayor has executed, on behalf of the District, the Emergency Management Assistance Compact (EMAC). (See DC Official Code § 7-2332.)

The purpose of EMAC is to provide for mutual assistance between the states entering into the compact in managing any emergency or disaster that is duly declared by the Governor (Mayor) of the affected state(s), whether arising from natural disaster, technological hazard, man-made disaster, civil emergency aspects of resource shortages, community disorders, insurgency, or enemy attack. EMAC is the first national, disaster-relief compact since the Civil Defense and Disaster Compact of 1950 to be ratified by Congress. Since ratification and signing into law in 1996 (Public Law 104-321), 50 states, the District, Puerto Rico, Guam, and the U.S. Virgin Islands have enacted legislation to become EMAC members.

EMAC offers assistance during governor-declared states of emergency through a responsive, straightforward system that allows states to send personnel, equipment, and commodities to help

disaster relief efforts in other states. Through EMAC, states can also transfer services, such as shipping newborn blood from a disaster-impacted lab to a lab in another state. The strength of EMAC and the quality that distinguishes it from other plans and compacts lies in its governance structure; its relationship with Federal organizations, states, counties, territories, and regions; the willingness of states and response and recovery personnel to deploy; and the ability to move any resource state wishes to utilize to assist another state.

EMAC establishes a firm legal foundation. Once the conditions for providing assistance to a requesting state have been set, the terms constitute a legally binding contractual agreement that make affected states responsible for reimbursement. The EMAC legislation solves the problems of liability and responsibilities of cost and allows for credentials, licenses, and certifications to be honored across state lines.

2.4.3 Agency-Specific Mutual Aid Authorities

Metropolitan Police Department

DC Official Code § 5-133.17 authorizes cooperative agreements between federal agencies and the MPD. Each covered Federal law enforcement agency may enter into a cooperative agreement with the MPD to assist the Department in carrying out crime prevention and law enforcement activities in the District.

Fire and Emergency Medical Services

The Council of the District is authorized in its discretion to enter into and to renew reciprocal agreements for such periods as it deems advisable, with the appropriate county, municipal, and other governmental units in Prince George's and Montgomery Counties in Maryland and Arlington and Fairfax Counties in Virginia with the City of Alexandria, Virginia; the City of Falls Church, Virginia; and incorporated or unincorporated fire departments, fire companies, and organizations of firemen in such counties and cities, in order to establish and carry into effect a plan to provide mutual aid, through the furnishing of firefighting personnel and equipment, by and for the District and such counties and cities, for the extinguishment of fires and for the preservation of life and property in emergencies, in the District and in such counties and cities. (See DC Official Code § 5-414.)

In addition, Mayor's Order 2014-059 (March 13, 2014) provides a delegation of authority to the Fire Chief of the Fire and Emergency Medical Services Department to enter into, request, or provide assistance under mutual aid agreements with localities within the NCR and/or the Federal government.

Office of the Chief Medical Examiner

Mayor's Order 2014-082 (April 17, 2014) provides a delegation of authority to the Chief Medical Examiner of the Office of the Chief Medical Examiner to enter into, request, or provide assistance under, mutual aid agreements with localities within the NCR and/or the Federal government.

2.4.4 National Capital Region Mutual Aid

The Metropolitan Washington Council of Governments (MWCOG) is a 501(c)(3) not-for-profit association representing local governments in the District, suburban Maryland, and Northern Virginia.

MWCOG's members include the elected officials from a number of local governments in the NCR, plus area delegation members from the Maryland and Virginia legislatures, the U.S. Senate, and the U.S. House of Representatives.

MWCOG, together with the NCR, DHS's Office for NCR, formed a Homeland Security Task Force and requested attorneys for the MWCOG jurisdictions to address these issues and recommend solutions. A number of state-based remedies were considered and discarded due to legal and political complexities, and focus turned to the possibility of a federal solution. Congressional legislation addressing the issues that are acceptable to the local and state jurisdictions was enacted as part of the Intelligence Reform and Terrorism Protection Act of 2004.⁷

Following the passage of the Federal legislation, the National Capital Region Mutual Aid Agreement (NCR-MAA), developed by the MWCOG Task Force, focuses on emergency response and homeland security after 9/11 sharpened awareness of the need for updated mutual aid capacities and agreements, including clarification of liability issues. The Agreement supports all mutual aid generally provided between and among units of local government, including, but not limited to police, fire, emergency management, public health, and public works, including transportation. A party rendering aid under this Agreement is liable only to the extent permitted under the laws and procedures applicable to the party.

In November 2005, the MWCOG Board approved the NCR-MAA, and forwarded it to the MWCOG jurisdictions and other potential parties for execution. MWCOG has been informed that all 21 participating jurisdictions have executed the NCR-MAA, except for the City of Frederick.

Regional Emergency Coordination Plan

In April 2002, a Memorandum of Understanding (MOU) endorsing the development and maintenance of the *Regional Emergency Coordination Plan (RECP)* was signed by:

- Chief Elected Officials of the MWCOG member jurisdictions
- MWCOG Board of Directors
- State Governors and/or State Emergency Management Directors
- Federal agencies
- Private-sector organizations
- Regional operating agencies

The purpose of the *RECP* is to provide a structure where the NCR can collaborate on planning, communication, information sharing and coordination activities before, during, and after a regional emergency. The *RECP* applies to the NCR, which is defined as the District, including the Supreme Court and the United States Capitol; Montgomery and Prince George's counties in Maryland; Arlington, Fairfax, Loudoun, and Prince William counties in Virginia; and all cities existing in Maryland or Virginia within the geographic area designated by the outer boundaries of the combined counties

⁷ See Section 3.3.5 for further information on the Intelligence Reform and Terrorism Protection Act of 2004.

listed in United States Code (40 U.S.C. 71 (b)). For the purposes of this plan, the term region is expanded to include Frederick County in Maryland and thus includes all COG member jurisdictions.

2.4.5 Requests for Federal Assistance

The Mayor's Declaration of a State of Emergency in the District—and the issuance of an Emergency Executive Order—is a necessary condition for requesting federal disaster and/or emergency assistance from the President. See Section 3.2.2 below for additional information on the federal declaration process and the federal definitions of disasters and emergencies.⁸

Federal Assistance - DC National Guard

Although the Government of the District maintains a close, working relationship with the DC National Guard (DCNG), the DCNG operates under the oversight of the U.S. Secretary of the Defense. DCNG has personnel, equipment, and materials that may be used to support the District government during emergency operations, when such support is requested through the appropriate military channels. The DCNG may provide support to a number of ESFs including law enforcement (when appointed as “Special Police,” as defined under DC Official Code § 5-129.03); transportation; communications; medical resources; security; traffic control; air ambulance mass casualty evacuation; and other operations.

When DCNG assistance is required, the Mayor must coordinate the request through the Commanding General (CG) of the DCNG. The CG notifies the Secretary of the Army of the Mayor's request and the nature of the request. The Secretary then consults with the U.S. Attorney General and the Secretary of Defense about the request. The U.S. Attorney General establishes policies to be observed by the National Guard in the event it is used to support Civil Authorities in the District. If approved by the Secretary of the Army, the CG advises the Mayor of the decision and commits resources as necessary to assist within the parameters established by the Secretary and the U.S. Attorney General. If advance coordination is possible, HSEMA will coordinate potential requests for assistance with the DCNG Military Support Officer. In most circumstances, this request process can be completed quickly, often in less than 30 minutes. The process for activating the DCNG is as follows:

- Step 1 – Local authorities determine there is an emergency and contact CG of the DCNG for support.
- Step 2 – The CG of the DCNG notifies the Secretary of the Army concerning the request for support.
- Step 3 – The Secretary of the Army consults with the U.S. Attorney General on the extent of support to be rendered.
- Step 4 – The U.S. Attorney General advises the Secretary of the Army on alternatives.
- Step 5 – The U.S. Attorney General and the Secretary of the Army establish mission parameters.

⁸ Although the Federal government draws a legal distinction between the terms “emergency” and “disaster,” note that the Mayor's declaration of an emergency within the District provides sufficient justification to request either an emergency or a disaster declaration from the President, dependent on the circumstances of a specific incident.

- Step 6 – The Secretary of the Army makes the mission decision.
- Step 7 – The CG of the DCNG advises civil authorities of the decision by the Secretary of the Army.

3.0 FEDERAL DISASTER AND EMERGENCY ASSISTANCE

3.1 Overview

This section provides an overview of the Federal emergency management structure, particularly as it applies to the District. First, this section will discuss the Stafford Act, the overarching law governing Federal disaster assistance and support. The Stafford Act is important because it dictates the process by which the District can access federal support, in the form of material and monetary aid. Second, this section provides a discussion of other relevant Federal statutes. Finally, this section will briefly describe the overarching Federal policy on national preparedness, focusing on two presidential orders: Homeland Security Presidential Directive 5 (HSPD-5) and PPD-8. This provides a broader context for emergency preparedness beyond the District and demonstrates the alignment between the District Preparedness System and Federal policy.

3.2 Stafford Act

3.2.1 Background

The Robert T. Stafford Disaster Relief and Emergency Assistance Act (the Stafford Act, Public Law 93-288, as amended) establishes the programs and processes for the Federal government to provide disaster and emergency assistance to States, local governments, tribal nations, individuals, and qualified private nonprofit organizations. (See 42 U.S.C.A. § 5121(b).) The provisions of the Stafford Act cover all hazards, including natural disasters and any “other catastrophe in any part of the United States which, in the determination of the President, causes damage of sufficient severity and magnitude to warrant major disaster assistance. . .” (See id. 5122(1)-(2).)

The Stafford Act was enacted in 1988, when Congress amended the Disaster Relief Act of 1974. The Stafford Act created a new category of “emergency” declarations for those incidents that do not rise to the level of, or are different in nature from, a major disaster. It also confirmed the importance of individual assistance and emphasized the mitigation of future hazards. However, with the Loma Prieta Earthquake (California) in 1989 and Hurricane Andrew (Florida and Louisiana) in 1992, national attention focused on FEMA revealed the need for improvements. Between 1993 and 1995 FEMA initiated reforms that streamlined disaster relief and recovery operations. These reforms included a new emphasis on preparedness and mitigation and focusing agency efforts on customer service including the ability to serve non-English speaking customers, provide detailed program information for disaster survivors, and broaden outreach to community-based organizations.

Further, as a result of the issues that arose during the Federal government’s response to Hurricane Katrina (Louisiana and Mississippi) in 2005, Congress passed the Post-Katrina Emergency Management

Reform Act (PKEMRA) in 2006, which amended both the Homeland Security Act and the Stafford Act and provided substantial new authorities to FEMA.

The Post-Katrina Act also addresses concerns about Federal aid to individuals by adding two new population classes—those disabled and those with limited English proficiency—to the discrimination prohibition provisions of the Stafford Act. The section of the statute amends the Stafford Act by directing FEMA to work with state and local governments to identify groups with limited English proficiency (Executive Order 13166) as well as individuals with disabilities or other special needs.

3.2.2 Declaration Process

When an incident occurs in a State, the Governor of a State (or, in the case of the District, the Mayor) or the Acting Governor, may request an emergency or major disaster declaration. The Governor (or Mayor of the District) submits the request to the President through FEMA. The basis for the request shall be a finding that:

- The situation is of such severity and magnitude that effective response is beyond the capabilities of the State and affected local governments; and
- That Federal assistance under the Act is necessary to supplement the efforts and available resources of the State, local governments, disaster relief organizations, and compensation by insurance for disaster-related losses.

In addition to the above findings, the complete request shall include:

- Confirmation that the Governor (Mayor) has taken appropriate action under State (District) law and directed the execution of the State (District) emergency plan;
- An estimate of the amount and severity of damages and losses stating the impact of the disaster on the public and private sector;
- Information describing the nature and amount of State and local resources that have been or will be committed to alleviate the results of the disaster;
- Preliminary estimates of the types and amount of supplementary Federal disaster assistance needed under the Stafford Act; and
- Certification by the Governor (Mayor) that State and local government obligations and expenditures for the current disaster will comply with all applicable cost sharing requirements of the Stafford Act.

Under the Stafford Act, an “emergency” is defined as any occasion or instance for which, in the determination of the President, Federal assistance is needed to supplement state and local efforts and capabilities to save lives and to protect property and public health and safety, or to lessen or avert the threat of a catastrophe in any part of the United States. The act defines a “disaster” as any natural catastrophe (including any hurricane, tornado, storm, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, or drought) or, regardless of cause, any fire, flood, or explosion, in any part of the United States that, in the determination of the President, causes damage of sufficient severity and magnitude to warrant major disaster assistance under this Act to supplement the efforts and available resources of states, local governments, and disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby.

Although similar, the two types of declarations differ in the types and amounts of Federal assistance that are authorized. In general, an emergency declaration will be granted by the President to address an immediate need to save lives and to protect property and public health and safety. Emergency declarations under the Stafford Act are generally shorter in duration and provide limited financial assistance to the impacted area.

If the President determines assistance under the Stafford Act is necessary, the Governor of the affected state (or, in the case of the District, the Mayor) must, “designate a State coordinating officer [SCO] for the purpose of coordinating State and local disaster assistance efforts with those of the Federal government.” For the purposes of a Stafford Act disaster or emergency declaration, the Director of HSEMA is the District’s designated SCO.

Federal Disaster Assistance

Should the President issue an emergency of disaster declaration to the District, the Director of HSEMA—as the SCO—is responsible for coordinating the delivery of supplemental Federal assistance (including post-disaster financial reimbursement) to District agencies. Assistance provided under the Stafford Act includes:

- Direct Federal Assistance—FEMA coordinates all assistance provided directly by the Federal government in response to declared disasters and emergencies.
- Federal Grant Assistance such as the following
 - Public Assistance Programs, which provide Federal grants of “not less than 75%” of the cost of certain emergency costs and of the “repair, restoration, reconstruction, or replacement” of public facilities and certain non-profit facilities.
 - Individual and Housing Assistance, which provides funding for, and in some cases supplies, temporary housing for displaced households and provides for Federal funding of “immediate needs” of affected individuals and families.
 - Post-Disaster Mitigation Programs, particularly the Hazard Mitigation Grant Program.
 - Pre-Disaster Mitigation Programs, which are mitigation planning requirements and funding for pre-disaster mitigation.
- Emergency preparedness planning and exercising authorities.

In general, with respect to disaster assistance, the Stafford Act and its implementing regulations (44 CFR Chapter I, Subchapter D) draw a clear distinction between “costs,” which can be eligible for grant assistance, and “losses,” such as reduced revenues, which are not eligible for such assistance. General statutory requirements and limitations that may affect state and local government eligibility for funding include:

- Duplication of benefits
- Ineligibility of for-profit businesses and the Legal Responsibility Doctrine
- Federal Grant Administrative Requirements

Brief summaries of the principal federal disaster assistance programs are provided below.

Public Assistance

The mission of the Federal Emergency Management Agency's (FEMA) Public Assistance (PA) Grant Program is to provide assistance to state, tribal, and local governments and certain types of Private Non-Profit (PNP) organizations so that communities can quickly respond to and recover from major disasters or emergencies declared by the President.

Through the PA Program, FEMA provides supplemental Federal disaster grant assistance for debris removal, emergency protective measures, and the repair, replacement, or restoration of disaster-damaged, publicly owned facilities and the facilities of certain PNP organizations. The PA Program also encourages protection of these damaged facilities from future events by providing assistance for hazard mitigation measures during the recovery process.

As noted, the Stafford Act authorizes the PA program. Regulations published at 44 CFR Part 206 implement the program. Numerous PA policies have been written to apply the statute and regulations to specific situations and provide clarification on a range of issues. Taken together, these three authorities govern the eligibility criteria through which FEMA provides funds for public assistance.

Individual Assistance

If Individual Assistance is authorized by the Presidential Disaster Declaration, a toll-free teleregistration number (800-621-3362) will be published for use by affected residents and business owners to register for assistance. In some cases, Disaster Recovery Centers are also opened so disaster victims can meet with program representatives and obtain information about available aid and the recovery process.

After the application is taken, damaged property is inspected to verify the loss. If approved, an applicant will soon receive a check for rental assistance or a grant. Loan applications require more information and approval may take several weeks after application. The deadline for most individual assistance programs is 60 days following the President's major disaster declaration.

Individual Assistance generally falls into the following categories:

- Disaster Housing may be available for up to 18 months using local resources for displaced persons whose residences were heavily damaged or destroyed. Funding also can be provided for housing repairs and replacement of damaged items to make homes habitable.
- Disaster Grants are available to help meet other serious disaster related needs and necessary expenses not covered by insurance and other aid programs. These may include the replacement of personal property and transportation, medical, dental, and funeral expenses.
- Low-Interest Disaster Loans are available after a disaster for homeowners and renters from the U.S. Small Business Administration (SBA) to cover uninsured property losses. Loans may be available for repair or replacement of homes, automobiles, clothing or other damaged personal property. Loans are also available to businesses for property loss and economic injury.
- Other Disaster Aid Programs include crisis counseling, disaster-related unemployment assistance, legal aid and assistance with income tax, Social Security and veteran's benefits. Other state or local help may also be available.

3.3 Other Relevant Federal Statutes and Policies

3.3.1 Comprehensive Environmental Response, Compensation, and Liability Act, 42 USCA §§ 9601 et seq.

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), provides the President, and the Administrator of the U.S. Environmental Protection Agency with the authority to respond to the release or threatened release of hazardous substances (generally anything other than commercial grade petroleum). The statute authorizes federal agencies to take response action themselves, order another party to perform the cleanup, or otherwise take the action necessary to abate the harm from a release or threatened release of a hazardous substance.

3.3.2 Federal Assistance to Local Law Enforcement

If a law enforcement emergency exists within a state, the governor, or in the case of DC, the mayor, may request federal assistance for local law enforcement by applying to the U.S. Attorney General, who, after consultation with the Director of the Office of Justice Assistance at the U.S. Department of Justice and appropriate members of the Federal law enforcement community, will approve or deny the assistance within 10 days of receiving the application. (See 42 U.S.C.A. § 10501 (West 1995).) The term “law enforcement emergency” is defined as “an uncommon situation which requires law enforcement, which is or threatens to become of serious or epidemic proportions, and with respect to which State and local resources are inadequate to protect the lives and property of citizens or to enforce the criminal law.” (See *id.* § 10502(3) (West Supp.2005).)

3.3.3 The Homeland Security Act of 2002

The Homeland Security Act of 2002 bestows upon the Department of Homeland Security the legal authority and responsibility to protect the American people from, among other things, the continuing threat of terrorism. In the Homeland Security Act, Congress assigned DHS the following primary tasks:

- “Prevent terrorist attacks within the United States.” (6 U.S.C.A. § 111(b)(1)(A))
- “Reduce the vulnerability of the United States to terrorism.” (*Id.* § 111(b)(1)(B))
- “Minimize the damage and assist in the recovery from terrorist attacks that occur.” (*Id.* § 111(b)(1)(C))
- Act as the focal point regarding natural and manmade crises and emergency planning. (See *id.* § 111(b)(1)(D))

The emergency and disaster preparedness functions of DHS, as they relate to state and local governments, are governed by HSPD-5: Management of Domestic Incidents and PPD-8. These directives are further described below in Section 1.4.

3.3.4 The Insurrection Acts

Portions of the Insurrection Statutes authorize the President, without the prior consent of the state, to direct the armed forces (including federalized militia) to enforce the law to suppress insurrections and domestic violence. (See 10 U.S.C.A. §§ 332 – 333 and West 1998 & Supp. 2005.) For example, “whenever the President considers that unlawful obstructions, combinations, or assemblages, or rebellion against the authority of the United States, make it impracticable to enforce the laws of the

United States in any State or Territory by the ordinary course of judicial proceedings, he may call into Federal service such of the militia of the State, and use such of the armed forces, as he considers necessary to enforce those laws or to suppress the rebellion.” (See id. § 333.) Moreover, the President may act unilaterally in order to preserve federal rights. (See id. § 332.)

3.3.5 Intelligence Reform and Terrorism Prevention Act of 2004

The Intelligence Reform and Terrorism Prevention Act of 2004 was enacted to streamline the intelligence community and reform the intelligence-gathering activities of the United States. (See Pub. L. No. 108-458, 118 Stat. 3638 (2004).) As part of achieving these goals, the Act authorizes the creation of mutual aid agreements between Maryland, Virginia, and DC for the purpose of responding to or mitigating any emergency in the NCR.

3.3.6 The National Emergencies Act

The National Emergencies Act (NEA) establishes procedures for Presidential declaration and termination of national emergencies. (See 50 U.S.C.A. §§ 1601-1651 and West 2003 & Supp. 2005.) The NEA requires the President to identify the specific provision of law under which he or she will act in dealing with a declared national emergency.

3.3.7 Oil Pollution Prevention, Response, Liability, and Compensation Act of 1989, 33 USCA 2701 §§ et seq.

This Act is similar to CERCLA (above); except this scheme deals exclusively with releases of commercially viable petroleum products. It contains similar authorities for the President and Administrator with the exception that there are dollar limits on the costs of a response action for which a responsible party may be liable.

3.3.8 Pets Evacuation and Transportation Standards Act of 2006

The Pets Evacuation and Transportation Standards (PETS) Act amends the Stafford Act to require the FEMA director to ensure that state and local emergency preparedness plans “take into account the needs of individuals with household pets and service animals prior to, during, and following a major disaster or emergency.” (See 42 U.S.C.A. § 5170(b), 5196, 5196(b).)

3.3.9 Posse Comitatus Act (“Force of the Country”)

The Posse Comitatus Act, codified at 18 U.S.C.A. § 1385 (West 2000 & Supp. 2005), states that “[w]hoever, except in cases and under circumstances expressly authorized by the Constitution or Act of Congress, willfully uses any part of the Army or the Air Force as a posse comitatus or otherwise to execute the laws shall be fined under this title or imprisoned not more than two years, or both.” This prohibition applies to Navy and Marine Corps personnel as a matter of U.S. Department of Defense (DOD) regulations. (See DOD Directive No. 5525.5, DOD Cooperation with Civilian Law Enforcement Officials Encl. 4, at 4-6 (Jan. 15, 1986).)

3.3.10 Public Health Emergency Powers

The U.S. Secretary of Health and Human Services may declare a public health emergency after consultation with the necessary public health officials and after determining that either: “1) a disease or

disorder presents a public health emergency; or 2) a public health emergency, including significant outbreaks of infectious diseases or bioterrorist attacks, otherwise exists.” (See 42 U.S.C.A. § 247d(a).) The Secretary can declare a public health emergency for any disease that poses such a threat. After declaring a public health emergency, the Secretary may take appropriate actions to respond, including investigation, treatment, prevention, and making grants or entering into contracts. (See 42 U.S.C.A. § 247d(a).)

The Public Health Security and Bioterrorism Preparedness and Response Act of 2002

The Public Health Security and Bioterrorism Preparedness and Response Act of 2002 was designed to improve the ability of the United States to prevent, prepare for, and respond to bioterrorism and other public health emergencies. (42 U.S.C.A. § 300hh(b).) Key provisions of the Act address the development of a national preparedness plan by the Department of Health and Human Services (DHHS) designed to “provide effective assistance to State and local governments in the event of bioterrorism or other public health emergenc[ies].” (See Id. § 300hh(a) & (b).)

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A. ACRONYM LIST AND KEY TERMS

Acronym	Definition
ADA	Americans with Disabilities Act
ARC	American Red CrossCOU
CBA	Collective Bargaining Agreements
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CG	Commanding General
CMT	Consequence Management Team
COG	Metropolitan Washington Council of Governments
COOP	Continuity of Operations Plan
CFSA	Child and Family Services Agency
DC	District of Columbia
DCERS	DC Emergency Response System
DCHA	District of Columbia Housing Authority
DCNG	District of Columbia National Guard
DCOA	DC Office on Aging
DCOP	District Chief of Police
DCPS	DC Public Schools
DCRA	Department of Consumer and Regulatory Affairs
DCVOAD	District of Columbia Voluntary Organizations Active in Disasters
DDOE	District Department of the Environment
DDOT	District Department of Transportation
DHR	Department of Human Resources
DHS	Department of Homeland Security
DHHS	Department of Health and Human Services
DMH	Department of Behavioral Health
DMV	Department of Motor Vehicles
DOD	U.S. Departments of Defense
DOH	Department of Health (District)
DOES	Department of Employment Services
DPR	Department of Parks and Recreation
DPS	Disaster Preparedness System
DPW	Department of Public Works
DRES	Department of Real Estate Services
DRP	District Response Plan
DSLBD	Department of Small and Local Business Development
DYRS	Department of Youth Rehabilitation Services

Acronym	Definition
EMAC	Emergency Management Assistance Compact
EMS	Emergency Medical Services
EPC	Emergency Preparedness Council
EOC	Emergency Operations Center
EOM	Executive Office of the Mayor
ESF	Emergency Support Function
FCO	Federal Coordinating Officer
FEMA	Federal Emergency Management Agency
FEMS	Fire and Emergency Medical Services Department
FHWA	NEEDS TO BE DEFINED
FMA	Emergency Management Agency
Framework	District Preparedness Framework
Handbook	District Preparedness System Legal Handbook
HSEMA	Homeland Security and Emergency Management Agency
HSPD-5	Homeland Security Presidential Directive-5
IAP	Incident Action Plan
ICP	Incident Command Post
ICS	Incident Command System
IFSP	Integrated Federal Support Plan
JIC	Joint Information Center
MDOT	Maryland Department of Transportation
MPD	Metropolitan Police Department
MOU	Memorandum of Understanding
MTA	Maryland Transportation Authority
MWCOG	Metropolitan Washington Council of Governments
NCR	National Capital Region
NCR-MAA	National Capital Region Mutual Aid Agreement
NDCPA	Natural Disaster Consumer Protection Act
NEA	National Emergencies Act
NIMS	National Incident Management System
NPG	National Preparedness Goal
NSSE	National Special Security Event
OAG	Office of the Attorney General
OAPIA	Office on Asian and Pacific Islanders Affairs
OC	Operations Center
OCFO	Office of Chief Financial Officer
OCME	Office of Chief Medical Examiner

Acronym	Definition
OCP	Office of Contracting and Procurement
OCTO	Office of the Chief Technology Officer
OCTT	Office of Cable Television and Telecommunications
OLA	Office of Latino Affairs
OUC	Office of Unified Communications (District)
PEPCO	Potomac Electric Power Company
PETS	Pets Evacuation and Transportation Standards
PKEMRA	Post-Katrina Emergency Management Reform Act
PNP	Private Non-Profit
PPD-8	Presidential Policy Directive 8
REACT	Radio Emergency Associated Citizens Teams
RECP	Regional Emergency Coordination Plan
SBA	U.S. Small Business Administration
SCO	State Coordinating Officer
SEAR	Special Event Assessment Rating
OUSSS	U.S. Secret Service
VDOT	Virginia Department of Transportation
VRE	Virginia Rail Express
WASA	NEEDS TO BE DEFINED
WMATA	Washington Metropolitan Area Transit Authority
WSSC	Washington Suburban Sanitary Commission

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B. GLOSSARY OF KEY TERMS

Assisting Agency: A law enforcement agency providing law enforcement manpower, equipment, and resources to a law enforcement agency from another jurisdiction that has requested assistance to confront an emergency.

Requesting Agency: A law enforcement agency under an emergency condition that has requested assistance from a law enforcement agency participating in the regional Mutual Aid Agreement.

Emergency: Any occurrence, or threat thereof, whether natural or caused by man, in war or in peace, which results or may result in substantial injury or harm to the population, substantial damage to or loss of property, or substantial harm to the environment and is beyond the capacity of an individual agency to effectively control.

Mutual Aid: A prearranged written agreement and plan whereby assistance is requested and provided between two or more jurisdictions during a designated emergency under terms of the Agreement.

Staging Area: A location identified outside the immediate emergency area where law enforcement personnel and equipment assemble for briefings, assignments, and related matters.

Authorized Representative: The chief executive officer of a participating law enforcement agency, or his or her designee, who has authorization to request, offer, or provide assistance under the terms of this Agreement.

33 Period of Assistance: The period of time beginning with the departure of any personnel and/or equipment of the assisting party from any point for the purpose of traveling to provide assistance exclusively to the requesting agency and ending on the return of all of the assisting party's personnel and equipment to their regular place of work or assignment, or otherwise terminated through written or verbal notice of the designated agency official by the designated official of the assisting party.

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C. DISASTER OPERATIONS LEGAL ANALYSIS CHECKLIST

Before a disaster strikes, legal counsel should be prepared for the role they may be asked to play. Anticipating issues, policies, and legal questions that may arise, identifying the various actors, and knowing how counsel may need to relate to and advise them are obvious starting points. The checklist that follows is organized to help counsel work through the issues and identify topics for researching the laws, systems, and policies that may arise in the context of an unnatural or a natural disaster.

Attorneys should try to determine in advance the roles they may be asked to play by their governmental clients, as well as the scope of the specific actions and responsibilities that particular clients may want to undertake. The tasks and advice asked of counsel, at least to some extent, will be dependent upon the responsibilities that the government officials are likely to be exercising. When a disaster strikes, unless some advanced preparation has taken place, counsel may find that a number of the issues they are being asked to consider will be new to them. Moreover, the disaster may disrupt the infrastructure—such as working computers, telephones, and internet connections—that counsel would normally rely upon to research these issues. Given the scope of actions that could arise and the potential impact that terrorist-caused and major natural disasters may entail, preparation is essential. This checklist is clearly a work in progress, and the Task Force looks forward to suggestions and additions to the issues contributed from all who participate.

Prepare an Emergency and Disaster Response Handbook and Share It with Your Client

- ☐ **Research all relevant emergency powers for the District.**
 - Research using phrases such as “disaster” or “emergency” as these terms relate to the District. This should yield the bulk of the various laws (and possible interpretations of these laws) that describe what the District can and cannot do in times of disaster.
 - Use Legal Indexes of Statutes to look up such topics as disaster, emergencies, war, civil defense and the like. This search is likely to refer you to applicable laws, as well.
 - Check Special Acts for the District; there are many unique acts dealing with disaster response.
 - Check with HSEMA, who may have already compiled many of these sources.
 - Check for local laws, ordinances, and regulations on these topics.
- ☐ **Compile a handbook containing legislative authority and judicial decisions relevant to the variety of issues, policies, and systems that could arise in emergencies and disasters, and keep it current.**
 - Keep a copy (hard and on a disk) onsite at the office, but also at another location, offsite.
 - Provide clients contacts with copies of the handbook for reference in advance as part of disaster crisis management.
 - Distribute copies (both hardcopy and disc) to all relevant stakeholders.
 - Consider meeting annually for a simulated tabletop preparedness exercise.

- ☐ **As part of your Disaster Response Handbook, develop and maintain a list of resources where you can obtain legal assistance and information.**
 - Keep a master list in your notebook of names, addresses, telephone/fax numbers, and email addresses of resources.
 - Have sample forms ready to cover any matters for which specific action cannot be taken beforehand to allow for rapid response to issues that can be anticipated.
 - One resource is the International Municipal Lawyers Association, which has a databank of forms and materials submitted by members on disaster-related legal issues.
 - Research regulatory agencies for references, forms, and materials. For example, in the Center for Disease Control Public Health Law Program, you'll find the Public Health Emergency Preparedness Clearinghouse, a central repository for emergency preparedness-related statutes, regulations, orders, reports, and legal tools.
- ☐ **Develop an appendix of forms and have them (hardcopy and on a disk) on-hand so they can be readily adapted to any particular situation.**
 - Typical forms may include such matters as declarations of emergency, declaration of curfews, a ban on liquor or gun sales, emergency petitions to a court, orders of closure, and others as shown in Appendix F of the *District Preparedness System Legal Handbook*.
- ☐ **Identify sources of information, best practices, and model acts for other assistance with legal issues in your Handbook relating to planning for and responding to disasters.**
 - National organizations, such as the National Governors Conference, the League of Cities, the Conference of Mayors, the National Association of Counties, and the International Municipal Lawyers Association are all good sources of information.
 - The University of the District offers a course in "Legal Issues and Disasters."

Authorities Available to the Jurisdiction to Protect Public Health and Safety

- ☐ **Determine if the emergency authority currently provided and the powers that can be exercised under it are sufficient to deal with the potential scope and range of non-natural and natural disasters.**
 - Among the issues that must be determined is who has the authority to take action, for instance, to tear down dangerous buildings, to exceed appropriations, to hire more workers, etc.
- ☐ **In times of disaster, who is in charge—is it the Mayor or the City Council, or a previously appointed administrative professional?**
 - Who has authority: the Mayor or the City Council, the Council Chairman/woman, the City Administrator, the HSEMA Director, the Police or Fire Chief, or the Mayor or City Administrator (but only with approval of the Council)?
 - In an emergency, the Mayor and staff assess the situation and determine the necessary level of response based upon the operational requirements and District government capabilities. The Mayor may choose to operate from the EOC together with the CMT, or they may

delegate the direction of the CMT. The Mayor will declare a State of Emergency if required by the situation.

❑ Must there be a declaration of an emergency before the person(s) with authority can act?

- See Section 2.0 of the *District Preparedness System Legal Handbook*

❑ When do laws become effective?

- Are there provisions for emergency laws to become effective sooner than non-emergency laws? What are the steps? Does it make a difference if it is a federal or a District law? (There may be special posting requirements for emergency laws.) What procedures apply to renewing such provisions, if that becomes necessary?
 - Most Council bills, with the exception of emergency legislation, contain clauses indicating that they take effect following approval by the Mayor and a 30-day period of Congressional review and publication in the District Register. Emergency legislation is enacted immediately upon declaration.

❑ Who has the authority to declare an emergency, and what laws, potential actions, and access to benefits are triggered as a result of who makes the declaration?

- What powers and authorities of the District are triggered by declarations by various officials: the Mayor, City Administrator, the Council, Police, or Fire Officials?
 - Upon reasonable apprehension of the existence of a public emergency and the determination by the Mayor that the issuance of an order is necessary for the immediate preservation of the public peace, health, safety, or welfare, and as a prerequisite to requesting emergency or major disaster assistance in accordance with the Stafford Act, the Mayor may issue an emergency executive order.

❑ What differences in declarations of an emergency apply to the District and a federally declared emergency?

- Different rules apply to each. For instance, whether it is a local, state, or federally declared disaster may affect the availability of loans, grants, and reimbursements from state and Federal government sources. Depending on the particularities of the jurisdiction's laws, the nature of the designation may also affect the scope of authority and actions that can be taken. Knowing the difference in advance will minimize claims after the disaster is over.
 - The declaration of an emergency in the District is a necessary condition for requesting a federal disaster or emergency declaration and accessing federal disaster grant funds. (See **Section 3.0.**)

❑ What issues of succession of governmental officials may arise in emergency situations that could have implications for the government taking action, for instance, to declare an emergency?

- Determine if the District's constitution provides for the continuity of government in times of emergency? Are there succession powers and designations? Who makes those determinations?

- If the Mayor resigns or dies, the Chair of the Council would become acting mayor until an election could be held. In that scenario, the Council's chairman pro tem calls a council meeting in which the members would select an at-large member to serve as acting chairman.
- If both the Mayor and Chair seats are vacated, the chairman pro tem calls a council meeting in which the members would name a council chairman. That chairman immediately would then assume the acting mayor duties. The council then would follow with another vote to name another acting council chairman.
- Special elections subsequently would be held to fill out the terms of the departed elected officials. Those elections would be held within 114 days, and there would be no primary. The winner would be whoever got the most votes, without provision for a run-off.
- If the vacancy occurs within 60 days of an already scheduled election, the elections board has the option to hold the special election on the already scheduled general election day. Refer to: D.C. Official Code § 1-204.21I(2)

❑ If sufficient powers have not been provided, or are not clear, consider proposing necessary additional relevant authority to cover necessary responsibilities and tasks.

❑ Determine if powers are sufficient for public health and safety purposes in the context of the need for emergency responses.

- For instance, in times of disaster it often becomes necessary to require evacuations, quarantine areas, impose curfews, and restricting persons from access to certain areas, including public thoroughfares and buildings. Also, it may seem advisable to impose other controls in such situations, such as banning sales of liquor and guns.
- D.C. Official Code § 7-2304 states that the Mayor has the authority to issue an emergency executive order to evacuate and shelter if it is necessary for the immediate preservation of the public peace, health, safety, or welfare.

❑ Determine if an evacuation plan exists. Who determines the circumstances that can require population evacuations in the jurisdiction, and what grounds for evacuation are required?

- Establish what facts must be shown to trigger an evacuation. Consideration should be given to whether the circumstances that may be specified are relevant to situations where non-natural disasters cause the need for evacuation. Further, you should determine what procedures apply to exercising such decisions and what, if any, limits on the scope of exercise of such police powers exist.
- Refer to: DC Official Code § 7-2304
- The District may declare a forced evacuation and designate traffic routes and shelters, but it does not permit physically enforced evacuations. Still, it is a good idea to have a notice to give to a property owner advising them of the risks involved and the fact that the government may not be in a position to rescue them as events progress at the ready.
- In addition, HSEMA will assess the situation and execute an evacuation order after consulting with adjacent jurisdictions. If the movement crosses boundaries and the decision is to evacuate, established evacuation routes will be used unless roads are hazardous or blocked. Alternative evacuation routes will be determined after consultation with HSEMA,

MPD, DPW and DDOT. Citizens will be advised and prepared for the evacuation through information announcements over radio and television, and by use of the emergency broadcast system, if necessary.

❑ Determine what authority exists to restrict public access to residential areas and disaster sites, including the residents of such areas and the circumstances that justify such actions.

- Incidents of poisonous fumes from train wrecks or the potential of them and advancing brush fires have been grounds for forcing evacuations of nearby residential areas.
 - DC Official Code § 7-2304 states that once the Mayor issues an emergency declaration, s/he may “destroy or cause to be destroyed any property, real or personal, in the District, found to be contaminated by any matter or substance which renders it deleterious to life or health, and by reason of such contamination is of immediate or imminent danger to persons or property; to cause the removal from the District or from place to place within the District of any contaminated property; and to prohibit persons from contacting or approaching such property so as to endanger their lives or health.”

❑ Determine the scope and range of regulatory powers available to control operation of commercial establishments that may be required in emergencies and disasters, including access to and restrictions on the use of food service establishments, grocery outlets, etc.

❑ Determine the applicability of existing curfew provisions, if they exist, and what grounds or events are required to impose such controls in circumstances of emergencies and disasters and how they are to be documented.

- For instance, what is the process to declare curfews and how are they to be justified?
 - DC Official Code § 7-2304 states that the Mayor may take actions upon issuance of an emergency executive order to include curfews, “The Mayor may direct any person or group of persons, in the District, to reduce or otherwise alter the hours during which they conduct business or similar activity at premises established and maintained for a business and to direct any person or group, or class of persons, within the District, to remain off the public streets in the event that any public emergency requires that the Mayor institute a curfew.”

❑ To the extent that law enforcement powers may pertain to your client’s, or your own role, determine if a relevant range of potential acts of terrorism are sufficiently covered under applicable criminal laws to enable public safety officials to exercise necessary powers to act.

- The FBI is the lead federal agency for investigating attacks involving weapons of mass destruction—those involving chemical, radiological, or biological agents or nuclear weapons. The FBI is also responsible for specific terrorism-related offenses, such as violence at airports, money laundering, attacks on U.S. officials, and others.

❑ Considering the potential issues that may arise under possible biochemical terrorism scenarios, determine if the authority is sufficient to protect residents.

- For instance, can persons within the District be required to undergo tests for possible exposure to toxic substances? Can treatment to protect them be ordered and compelled, including, for

instance, medication with protective agents that may involve injections or ingesting pills that may entail some risk? Can testing (possibly invasive) be ordered? Can use of various protective apparatus, such as biochemical breathing equipment and masks, be mandated?

- Under the *DRP*, the ESF #10 primary agency, FEMS, focuses on the control, containment, identification, assessment, mitigation, and monitoring of hazardous material releases into the environment, with support from several District agencies and the U.S. Environmental Protection Agency. In addition, ESF #10 addresses the delivery of emergency medical services to victims of hazardous material incidents, the decontamination of victims and emergency responders, and the coordination of the cleanup and disposal of hazardous materials.

❑ Determine if a sufficient range of related public health powers is available to deal with preventive efforts or to control contamination and permit destruction of real and personal property that may constitute a potential hazard. What compensation obligation is required of the government.

- What is the process for making buildings or property safe or demolishing them and where can such debris be disposed of? Inevitably, during an emergency situation, there will likely be a need for the government to take action, to raze or board up buildings, or clear property due to health and safety reasons. Even in times of emergencies, there are special procedures that must be followed. A failure to follow the rules could lead to claims later on, even if the jurisdiction was justified in wanting to tear down a dangerous structure. A failure to follow the legal requirements in times of an emergency will likely make it liable for damages. Different rules may apply to different officials who all may be authorized to take such action. Know the differences and the rules.
 - Under the *DRP*, ESF #3—Public Works and Engineering provides technical advice and evaluation and coordinates engineering services, structural inspection, and emergency repair of water and wastewater treatment facilities, distribution of emergency potable water and ice, debris removal, and emergency power support to predetermined District facilities.
 - Through the Department of Consumer and Regulatory Affairs (DCRA), ESF # 3 will assist with contracting for emergency demolition or stabilization of damaged structures and facilities designated by state or local governments as immediate hazards to public health and safety or, as necessary, to facilitate lifesaving operations (e.g., temporary protective measures to abate immediate hazards to the public health and safety reasons until completion of demolition).
 - Finally, in conjunction with the District Department of Consumer and Regulatory Affairs and the Department of General Services, ESF #3 will provide technical assistance, including inspection of private residential structures and commercial structures, District-owned and operated buildings, and public school facilities. During disasters, the services of these agencies may be required to support preliminary and joint damage assessments involving the federal sector.

❑ Review the District's police power authority authorities related to the following matters:

- Restriction and control of access to crime scenes or to areas subjected to biochemical incidents, having the potential of residual pollution of the area requiring abatement and cleanup.
- Protection and control of access to infrastructure critical to functioning of government and the generation and transmission of utilities, such as public buildings; transportation (including bridges, elevated highways, tunnels, and the like); water processing facilities; reservoirs; electrical and gas storage, generation, and transmission facilities; or to other areas and systems subject to potential threats of harm.
- Determine the level of threshold authority available to protect critical sites of governmental and public utility infrastructure, through such measures as authority to search vehicles, detain persons near critical sites for questioning, and to restrict access to such critical areas, while addressing the applicable First Amendment and privacy rights. For example, who has authority to impose emergency actions relative to water supplies and what actions may be taken. These could range from the need to limit water consumption or divert water from one area to another because of drought conditions or the need to protect water supplies, as well as other utilities, from corruption. Consideration will need to be given to handling situations where the water is not produced by the jurisdiction but, rather, is the property of a private utility.
- Imposition of security measures, such as searches and restrictions on access to public gatherings, including sports and entertainment events, or to certain areas requiring protection.
- What is the process to set up roadblocks and vehicle searches in certain areas? What are the legal issues for taking action to stop vehicles or people in public areas during an emergency?
 - When a public emergency is caused by a man-made event, MPD will lead response management coordination for the District, including close coordination with the Federal Bureau of Investigation (FBI); USSS; National Capitol Police; U.S. Park Police; and other Federal law enforcement agencies, HSEMA, and organizations as necessary.
 - MPD will assist in conducting investigations; assessing and documenting crime scenes; and collecting, analyzing, and preserving potential evidence recovered from crime scenes.
 - The MPD Homeland Security Bureau, Special Operations Division, will provide specialized security assets such as traffic barriers; chemical, biological, radiological, nuclear, and high-yield explosives detection devices; canine units; law-enforcement personal protective gear; etc.
 - DDOT will help identify traffic posts, develop emergency routes, identify staging areas, and establish access routes for emergency vehicles. Also, DDOT will supply vehicles and equipment, if available, to serve as perimeter devices to secure a location or a road closure.
 - FEMS will perform search and rescue operations and coordinate that activity with MPD. In some scenarios, FEMS will provide the initial Incident Command and in these situations FEMS will establish a Unified Command with MPD and other agencies to set and implement incident priorities.

❑ What restrictions are there on emergency action in certain areas (i.e., private roads, wetlands, waterways, private lands, utilities easements, etc.)?

- Under the wetlands laws of some states, before emergency work can be done in a protected area, there must be approval of the emergency by the local agency having jurisdiction. Be familiar with the process for emergency work in such areas before you need to utilize it. Under what circumstances and conditions can entry be made on private property? Under what circumstances and conditions can private property—both real and personal—be taken or used during an emergency? What, if any, compensation may need to be provided to the owner for the loss of use or damage to such property?
 - See sample permit issued by the State of MD after Hurricane Sandy: [Maryland Department of the Environment, November 2, 2012, Emergency Tidal Wetlands Permit.](#)
 - Surveillance Authority and Protection of Security Information

❑ Determine the District’s authority to conduct surveillance activities and identify potential legal issues that could arise.

- The surveillance activities of government already have triggered issues with respect to use of closed circuit video cameras, photographs, and aerial surveillance, and the extent of authority for government to impose restrictions or sanctions based on such surveillance. Consideration will need to be given to possible damage claims that could be made as a result of governmental actions.
 - The MPD’s closed-circuit television (CCTV) system was implemented, among other things, to facilitate crowd management during large demonstrations; however, officials indicated that the system could also be used to help combat terrorism. The system is used on an as-needed basis for such things as crowd control and when the national terrorism threat level is set to high alert (code orange). The MPD obtained public comments on its implementation of CCTV. In contrast, the U.S. Park Police uses CCTV, among other purposes, primarily to combat terrorism and operates its CCTV system on a continuous basis.
 - The MPD has developed regulations, and the U.S. Park Police has developed draft policies for operating their CCTV systems. Both include management controls that address the protection of privacy and the proper use of CCTV, such as the need for supervision to protect against improper use and the establishment of procedures to control access to CCTV images.

❑ Determine the District’s authority to institute record background checks on individuals, use of licensing documentation, and access to public safety information in facilitating responses to potential threats to public safety.

- How does the FBI’s National Name Check Program impact the District’s authority?

- ☐ **Determine what forms of communications during the onset of a disaster are available to the District as it develops strategies for ensuring coordination of communications in such circumstances.**
 - Various client communication systems need to be shared by different departments and units of government that must act in a coordinated fashion in disaster situations. These systems should include access to legal counsel to obtain advice on issues that are likely to arise during the course of events where guidance may be requested.
- ☐ **Determine who has authority for your client to access and respond to various types of intelligence information from other levels of government.**
 - Those persons who are authorized to receive and be responsible for actions upon receipt of communications from other levels of government regarding intelligence matters and how that responsibility will be designated officially need to be determined.
- ☐ **Who is to have access to intelligence information, and how will such information be safeguarded from those without such authority or the need to know? How will advance clearance to such communications be determined and documented?**
 - Does the Mayor have the power to determine, draft, and enact executive orders relative to intelligence information?
- ☐ **Communication links and command authority need to be established with medical support systems, such as hospitals, doctors, emergency medical services, etc. How such communications will be safeguarded with these medical and health support systems needs to be determined.**
 - In an era of highly communicable diseases, bioterrorism is a potential basis for attacks on the population that will require careful management and difficult decisions regarding how information on conditions will be communicated.

Intergovernmental Joint Powers Agreements and Actions

- ☐ **Determine the scope of existing joint powers agreements with other governmental bodies and determine if the powers are sufficient to cover issues that may arise in the allocation of manpower and resources and to ensure the cooperation necessary to respond effectively to various types of disasters.**
 - Be familiar with existing joint powers agreements and mutual aid agreements. For instance, if there are mutual aid agreements, how are they activated?
 - See **Section 2.3** of the *District Preparedness System Legal Handbook* for an overview of mutual aid agreements in the District.

- ❑ **Determine what existing policies and procedures have been agreed to by various District agencies concerning potentially exercising the joint responsibility of dealing with disasters and whether these powers are adequately documented regarding responsibility for responding to particular disasters.**
 - The *DRP* establishes the framework for District government entities to prepare for, respond to, recover from, and mitigate an emergency in a methodical and efficient manner that protects life and property and ensures public safety.
- ❑ **Review the District’s emergency plans and command structure for emergency management and the client’s role in both in order to prepare to respond to client questions regarding the legal authority for carrying out various actions for which your client’s jurisdiction has responsibility and to ensure effective cooperation between various governmental jurisdictions at all levels of government.**
 - Determine the legal authorities in advance of an emergency for communications oversight.

Disseminating Critical Information to the Public

- ❑ **Review the available communications systems to be used to convey information between government officials and the public for such matters as disaster alerts and management information, and determine how the authority to exercise such communications systems needs to be authorized and documented.**
 - Determine what procedures and legal approvals should be used in advance and during an emergency regarding who has authority and responsibility for determining when and what will be communicated to adequately alert and inform the public of potential disaster situations and conditions.
 - HSEMA—HSEMA provides public notifications through WAWAS and the Roam Secure Alert Network (RSAN). HSEMA can activate local Radio Amateur Civil Emergency Services (RACES) and Radio Emergency Associated Citizens Teams (REACT) to complement or augment emergency communications systems.
 - MPD—MPD will use the 460 MHz radio system as a primary means of communication and the 800 MHz as a secondary means of communication. MPD will defer to FEMS for communications lead (COML) when interoperability issues arise.
 - Office of Cable Television (OCT)—OCT will, in conjunction with District radio stations, broadcast the Emergency Alert System to inform District residents of pending or occurring emergencies and provide guidance on appropriate protective actions.
 - Office of Communications (OC), Executive Office of the Mayor—OC will identify alternate communication mediums to keep the public notified on the state of the emergency.
 - The Alert DC system provides rapid text notification and update information during a major crisis or emergency. This system delivers important emergency alerts, notifications and updates on a range of devices including e-mail accounts (work, home, and other); cell phone; pager; BlackBerry; or wireless PDA. When an incident or emergency occurs, authorized DC Homeland Security & Emergency Management personnel can rapidly notify

the public using Alert DC for real-time updates, instructions on where to go, what to do (or what not to do), who to contact, and other important information.

- ❑ **Determine how dissemination of information to the public will be provided using cooperative local media outlets, radio, television, and cable technology for notifications as well as the use of various warning systems and alarms that may be available in a jurisdiction, such as sirens, loud speakers in public and commercial areas, etc.**
 - In the event of an emergency, each District agency shall coordinate the distribution of information to ESF #15 for dissemination to the public, the media, and other involved organizations through the Office of Communications, Executive Office of the Mayor to ensure accurate, consistent, timely, and reliable information.
- ❑ **Anticipate the parameters regarding the sharing of intelligence and disaster information with the news media and the extent of access to be provided to the media or to any citizen to make inquiries of government officials or to obtain access to government documents and intelligence information or to sensitive records, including those maintained by medical facilities and health care professionals.**
- ❑ **Determine how freedom of information and the application of open meetings laws will be applied during periods of crisis management and planning and to governmental information sources.**
 - What are the effects of an emergency declaration or situation on open meeting laws, public records laws, and ethics laws, etc.? For example, what are the requirements for holding an emergency meeting? Are onsite inspections considered meetings? (Typical open meeting laws provide exemptions for posting notices of meetings for emergencies. Know in advance what constitutes an emergency under the law and know what special steps must be taken.) Consider the procedures needed to provide centralized and consistent treatment of these issues by governmental clients and to provide the media and the public in advance with information about how such matters will be handled.

Establish Guidance for Administrators Regarding Administrative Functions during Emergency and Disaster Crises

Fiscal and Budgetary Matters

- ❑ **Determine what existing sources of funding can be used and what procurement requirements are applicable to emergency situations.**
 - For instance, who has the authority to order emergency actions entailing governmental costs? Who determines the use and allocation of resources? What procedures must be observed and how are they to be documented? What restrictions or limitations apply to such actions? Decide whether existing special emergency authority in this regard is sufficient and propose changes if needed.
 - In an emergency, the Mayor may expend such funds appropriated to the District government that are sufficient to carrying out public emergency service missions and responsibilities.

- S/he may also procure supplies and equipment, institute training programs and public information programs, and take all other preparatory steps, including the partial or full mobilization of public emergency service units in advance of and actual disaster to ensure the furnishing of adequately trained and equipped personnel during a public emergency.
 - The Mayor can also request pre-disaster assistance or the declaration of a major disaster from the Federal government, certify the need for Federal disaster assistance, and commit the use of a certain amount of District government funds to alleviate the damage, loss, hardship, and suffering resulting from the disaster.
 - DC Official Code § 1-204.50a. Subsection (a) establishes an emergency cash reserve fund that may be used for unanticipated and nonrecurring extraordinary needs of an emergency nature, including a natural disaster or calamity as defined by the Stafford Act or in the event of a state of emergency declared by the Mayor.
 - Subsection (b) establishes a contingency cash reserve fund to be used for nonrecurring needs, including expenses associated with unforeseen weather or other natural disasters, unexpected obligations created by Federal law, or new public safety or health needs or requirements.
- ☐ **Determine if current emergency procedures are sufficient to authorize funds and obtain access to budgetary resources that may be required, including whether normal limits and restrictions on spending will apply and who can make those decisions.**

- The extent that supplemental approvals will be required should be determined as well.

Who Can Exercise Fiscal Authority and How?

- ☐ **Who has the authority to do what in times of disaster?**
- The *DRP* addresses roles, relationships and inter-dependencies among District, regional, and federal agencies during emergencies and disasters.
- ☐ **What limits are there on the authority of various boards, city council, or executive officials in terms of exercising their typical authority?**
- During an emergency, the Mayor and staff assess the situation and determine the necessary level of response based upon the operational requirements and District government capabilities.
 - Under §7-2034, the Mayor may expand existing departmental and agency units within the District government concerned with public emergency services, and exercise operational direction over all District government departments and agencies during the period when an emergency executive order may be in effect.
- ☐ **Who has the authority to waive certain laws?**
- Under disaster laws, some laws can be waived, but only upon prior action by designated officials. Determine if that authority exists in the jurisdiction, who can exercise it, and what must be done. (If a declaration must be made, have sample forms readily available that can be filled in with the details. See Appendix D for Sample Orders.)

- A public emergency empowers the Mayor to implement portions of the *DRP* without regard to established operating procedures related to entering into contracts, incurring obligations, rental of equipment, and the purchase of supplies and materials.
 - A state of emergency also gives the Mayor other special powers, including the authority to call upon the resources of the National Guard, turn off public utilities, issue orders governing the allocation and distribution of food, direct a change in hours of operation of private businesses, establish new public emergency service units or expand existing government units charged with addressing emergencies, and exercise operational direction over all District government departments and agencies.
- ❑ Is there authority to exceed appropriations and basically disregard set budgets when there is an emergency situation and who has the authority to do what is essentially emergency borrowing?**
- What limits are there on what the money can be spent on? Dealing with the issue of exceeding budgetary appropriations is often one of the first legal issues to arise. Some laws require there to be a vote of various governing board officials. Others may require the approval of state officials, the obtaining of which during disasters can be problematic. Some laws may restrict or limit funds exceeding a budget approval and how they can be spent. Knowing these limitations will be essential advice to your client.
- ❑ Determine how reimbursement for emergency expenditures for resources can be obtained, what procedures are required to obtain such funding and from what sources of funds, and what restrictions apply.**
- The HSEMA Director serves as the Mayor’s authorized representative during a Federally-declared disaster or emergency. District agency reimbursement processes and procedures are coordinated by HSEMA.

Contracting and Procurement Procedures

- ❑ Determine what contractual procedures will be applicable during an emergency that could allow for expedited procurement of necessary resources and personnel, including equipment, supplies, materials, food, shelter facilities, etc.**
- Identify any special rules in contracting during times of a disaster and how they differ from the typical procurement rules. What triggers special contracting authority, if applicable. Is a declaration of disaster needed, and by whom? A related question is, what rules for contracting and procurement are waived when there is an emergency?
 - What special actions must be taken to utilize the emergency rules (i.e., certain types of emergencies, who declares them, special filings of actions taken under emergency laws, limitations on whether the emergency work can only be so far as necessary to temporarily abate the emergency, etc. need to be determined.) (Some laws limit the emergency contract work to the least amount of work needed to abate the emergency. Some laws require approval from state officials before normal contract rules can be waived. There may also be special requirements for filing certifications with the state when there has been a contract entered into without the normal procurement process.)

- Such special authority may be needed for:
 - Procurement of services, supplies, and materials (especially food, shelter supplies, and medical supplies)
 - Public works projects (i.e., bridge repairs, road work, dams, etc.)
 - Public building projects (i.e., repairs, reconstruction, temporary structures, etc.)
 - Utility contracts (i.e., water, gas, etc.)
- Upon declaration of a disaster event, the Mayor may implement those provisions of the District response plan as issued by the Mayor without regard to established operating procedures relating to the performance of public works, entering into contracts, incurring obligations, employment of temporary workers, rental of equipment, purchase of supplies and materials, and expenditure of public funds, provided that this paragraph shall apply only to employees of the District government.
- When possible, separate emergency procurement accounting will be established within the Procurement Automated Support System (PASS) to help account for emergency expenditures. This approach will ensure emergency procurement orders are entered into PASS and paid for via purchase cards held by OCP. Also, this process permits orders to be tracked from requisition through receipt and payment.

Handling Personnel Issues in an Emergency Situation

- **Determine how personnel can be hired in an emergency, how compensation is determined, and what worker rights will apply where increased governmental staff resources must be provided at times of an emergency.**
 - In a declared emergency, the Mayor may implement those provisions of the District response plan without regard to established operating procedures relating to the performance of public works, entering into contracts, incurring obligations, employment of temporary workers, rental of equipment, purchase of supplies and materials, and expenditure of public funds, provided that this paragraph shall apply only to employees of the District government.
 - The Mayor may also expand existing departmental and agency units within the District government concerned with public emergency services. The chief financial officer (CFO) will finance emergency procurements charged to the OCP credit cards. The CFO will determine the budget unit to be charged for each transaction. Procurement transactions occurring within departments and agencies are the financial responsibility of the executing department.
- **Identify what personnel rules apply in times of disaster, such as hiring procedures, liability for employee actions, actions available under mutual aid agreements, calculation of benefits, wage/hour limits, etc.?**
 - What special rules apply to personnel matters in times of emergencies? In responding to an emergency, a jurisdiction will almost always need more employees than it typically has. It is critical to know beforehand how to hire people in an emergency, particularly in view of civil service or local personnel code requirements. Other issues that may be affected are whether medical examinations are needed for employees hired in an emergency. Administrators may need to exercise care regarding hiring of persons who would not have been hired under normal

times who may gain preferences or access to benefits not normally available to them by suddenly responding to calls for emergency employees.

❑ Determine under what circumstances emergency appointments can be made, which in effect bypass normal hiring rules (civil service, collective bargaining, etc.)

- What restrictions are there on emergency employees performing the duties of other employees? Some laws restrict, for example, police performing the duties of fire fighters. Are there emergency exceptions? What special rules exist for calling into service employees who have already retired? Retired employees may be a good source of additional workers when there is a disaster. However, there may be special restrictions on their returning to work, even in times of an emergency. Other personnel issues can also arise. For instance, can an unpaid volunteer be considered an employee if they serve in an emergency situation?

- In a declared emergency, the Mayor can establish public emergency services units as s/he deems appropriate; expand existing departmental and agency units within the District government concerned with public emergency services and exercise operational direction over all District government departments and agencies during the period when an emergency executive order may be in effect.

❑ What special rules are there in terms of the number of hours/days an employee can work and how are those rules applied in times of emergency?

- District and Federal laws may limit the number of consecutive hours or days an employee can work. Special rules may apply in times of emergencies, however. What are the rules of the Fair Labor Standards Act and the Family Medical Leave Act concerning emergency situations? Are there comparable state laws to be considered? (See 29 CFR 553.25(c), regarding there being an exception to the rules on providing reasonable time off under the FLSA if there is an emergency situation.)
- How does the Federal Uniformed Services Employment and Reemployment Rights Act of 1994 (38 USC 4301 et. seq.) affect employment practices when employees are called up for military duty? Are there comparable state laws to be considered? (Some key—and not so key—employees may be called up for reserve duty during the time the jurisdiction also needs them. There are special rules on how soon they must return to work following release from military service in order to maintain their rights to their positions.)

Liability of Governmental Units in Emergency Situations

❑ Determine the extent of the District’s potential for liability for injuries/medical expenses sustained by employees and volunteers or retirement/disability benefits for them in times of emergency.

- While there is usually little that can (and some would argue should) be done when people need to be saved from injury or death, administrators should at least know what the government’s exposure will be if a volunteer is injured, the rescue of a victim fails, or a citizen’s property is damaged. Other issues range from what is the jurisdiction’s potential liability for benefits to an emergency employee or to a volunteer’s family should the employee or volunteer die while serving in the emergency? Similarly, to what extent is the jurisdiction liable for injuries/medical

expenses or personal property damages sustained by employees from other jurisdictions or for contributions to their retirement/disability? What is the liability of governmental units in emergency situations?

❑ What are the special rules for dealing with hazardous substances in times of emergency?

- Are there environmental restrictions when taking action to dispose of materials, including debris, snow, water, etc.? Are piles of snow, which may have road salt or other chemicals mixed in, considered hazardous material for which special disposal rules apply? Environmental agencies have been known to cite (and fine) local governments for such acts as dumping snow (which has chemicals in it from the roads) into a body of water. Knowing where such material can be disposed of in advance could save a jurisdiction considerable costs if remediation becomes necessary, let alone embarrassment.
 - As the primary agency for ESF #10, FEMS develops hazardous materials policy, provides planning guidance and coordination assistance, standardizes unit procedures, evaluates operational readiness, and funds special equipment and training requirements.
 - Several federal agencies are on a 24-hour standby to assist with cleanup of hazardous materials incidents. These include the U.S. Environmental Protection Agency, the U.S. Department of Energy, and the U.S. Coast Guard.

❑ Determine to what extent governmental liability will still apply in emergency and disaster management situations.

- For instance, to what extent is a jurisdiction liable for injuries/medical expenses/property damage caused by employees and volunteers in times of emergency? Further, will the employee or volunteer be indemnified for any damage or injury they may cause? What if they are performing a task which normally requires a special license and they do not have it because they are filling in during an emergency? Do these same rules apply and to what extent is a jurisdiction liable for injuries/medical expenses/property damage sustained or caused by employees from other jurisdictions or for contributions to their retirement/disability benefits as a result of those employees coming to the aid of another jurisdiction. Typically, mutual aid agreements or laws provide that the entity providing the employees remains liable for payment, but the entity receiving the services has to reimburse the entity sending the help.
- Federal and state statutory protections against liability have been created to address the concerns of volunteers and others involved in emergency response, as well as to ensure that there are adequate numbers of medical, public health, and other individuals and institutions to participate in response efforts. These various laws work together to form a patchwork of liability protections. These protections, however, can be highly dependent on the nature of the services provided by the person (volunteer versus paid employee) and the extent of protections provided under the program the person is participating in.
- Individuals and organizations who participate in emergency response activities can potentially be liable under a number of theories of civil and criminal liability. While many of the parties and activities involved in emergency response are covered under one or more liability protections and waivers, there remains the potential for liability, especially for egregious conduct or the particular circumstance of an emergency event and the response to it.

- Within the emergency response context, civil liability claims are the most likely to arise, particularly negligence. Other potential liability claims include intentional torts, violations of statutory or regulatory requirements, and constitutional violations.

❑ What special liability rules apply in emergency circumstances?

- For instance, what are the jurisdiction’s special liability rules that might apply to doctors, nurses, and other health care professionals, or a “good Samaritan” who come forward to help people in times of emergency? (State laws often provide special exemptions to liability by doctors, nurses, people with CPR training, etc. Knowledge of the application of such rules is likely to affect whether a jurisdiction enlists the assistance of such professionals.)

❑ What are the liabilities the District faces when entering on private property or taking or using private property during an emergency?

- What District laws apply to government entering private property in times of an emergency can be critical regarding government liability. Those laws may be different if it is not a state-declared disaster. Photographs or videos taken of the area before or at least while work is being carried out may provide useful evidence to sustain government intervention. State eminent domain laws may also apply to such situations.

❑ Determine what laws are subject to suspension during times of emergency.

- For instance, how are laws regarding statute of limitations, Sunday or Blue Laws, waiver of minimum number of school days, local tax proceedings, and creditor/debtor laws affected by declarations of emergency? Special rules may even govern the use of vehicles (including all-terrain vehicles and snow mobiles) in times of emergency. Often there are special rules for using such vehicles on public streets during an emergency if authorized by the appropriate official. Such vehicles may be the community’s only source of transportation in some disasters.
- Special laws concerning rebates on taxes paid for property damaged during a disaster may apply during emergencies. Some states have laws that provide for rebate of taxes when property has been damaged and the taxes were paid on the pre-damaged value of the property. Special laws concerning the value of property to be taken under eminent domain where the property was damaged in a disaster may apply. Similarly, access to state funding may apply in times of emergency or to the time for repayment of loans.
- Disaster relief organizations may also receive special treatment under state laws.
- Contract provisions can also be affected by definitions concerning Acts of God, disaster, emergency, etc. In some states, special laws establish a day or week for particular recognition of workers in disasters. Disasters can also affect issues in the administration of the criminal justice system in times of emergency. Some municipal councils also handle criminal prosecutions, so counsel need to know the rules regarding the effect of a delay on bringing someone before the court for bail or arraignment in times of an emergency, as well as the other nuances of criminal law in times of an emergency.
- Insurance provisions can also be affected by disaster situations. Know before disaster strikes what your insurance policies provide for coverage in times of an emergency. Remember, an emergency declaration may be helpful in getting state or federal aid, but it also may affect the level of insurance coverage that can later be obtained from the carrier. Similarly, “force majeure

clauses” in existing contracts may need to be evaluated when emergencies occur. Many construction project contracts may provide for extensions of time and releases from liability if there is an enemy attack, Act of God, or other force majeure occurrences. Many times these clauses are left in contracts with little thought to them. Since contractors can often obtain insurance to cover these contingencies, governments may want to consider excluding such clauses.

Develop a Knowledge of Applicable Federal and State Government Laws, Regulations and Authority in Handling Disasters, Both Non-natural and Natural

Key Federal Laws

❑ The Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. § 5121, et seq., as amended

- This act deals with federally declared disasters and emergencies; it is a principal source of federal disaster assistance to state and local government in times of disaster. See Section 3.2 of the *District Preparedness System Legal Handbook*.

❑ Small Business Administration

- SBA provides low-interest disaster loans to homeowners, renters, businesses of all sizes, and most private nonprofit organizations. SBA disaster loans can be used to repair or replace the following items damaged or destroyed in a declared disaster: real estate, personal property, machinery and equipment, and inventory and business assets.

❑ Specific Departmental Emergency Programs

- Department of Health and Human Services
- Department of Transportation
- Department of Housing and Urban Development
- Environmental Protection Agency
- Department of Agriculture

❑ National Flood Insurance Program

- Federal law requires property owners in the District's high-risk flood zones to purchase flood insurance through the National Flood Insurance Program (NFIP) as a condition of federally insured financing.
 - The District Department of the Environment (DDOE) coordinates participation in the NFIP, and works with FEMA and District agencies on implementation. DDOE's floodplain management program has regulatory authority and also provides technical assistance to District property owners and other interested parties on issues such as the NFIP, floodplain management, flood insurance, floodplain development requirements, floodplain mapping, and flood mitigation.

D. DISTRICT AGENCY EMERGENCY SUPPORT FUNCTION ROLES AND RESPONSIBILITIES

Emergency Support Function	Roles and Responsibilities
Child and Family Services Agency (CFSA)	
ESF 6 - Mass Care	CFSA will mobilize its staff and volunteers to assist in District-wide responses. These resources will primarily be used in emergency shelter operations and staffing. CFSA, in concert with the MPD, will oversee the identification, processing, and protection of any children who may be separated from their parent(s) or guardian, or children identified or reported to be at risk for neglect or abuse while in the emergency shelters or in the community during an emergency.
ESF 8 - Public Health and Medical Services	CFSA will ensure the safety of the children under its care and provide emergency intake services for children separated from their families as a result of the public health emergency.
ESF 11 - Food	CFSA will mobilize staff and volunteers to assist in District-wide feeding and will help staff the Disaster Food Stamp and Voucher Issuance program sites, as necessary. CFSA will oversee the identification, administrative processing, protection, and feeding of any children who may be separated from their parent(s) or guardian(s), monitor the identification of children reported to be at risk for neglect or abuse in the shelters or in the community during the emergency period.
DC Housing Authority (DCHA)	
ESF 1 - Transportation	DCHA may be contacted to coordinate the use of its fleet and crews for the movement of supplies and resources.
ESF 5 - Emergency Management	DCHA manages and provides subsidized public housing for low-income, and District residents with special needs. Additionally, DCHA possesses contracts to identify temporary housing and provide housing counseling.
ESF 6 - Mass Care	DCHA manages and provides subsidized public housing for low-income, elderly, and disabled District residents. DCHA will utilize contracts to identify temporary housing and provide housing counseling.
ESF 13 - Law Enforcement	DCHA will use its law enforcement capabilities and security personnel to coordinate with MPD to ensure public safety at District housing sites, specifically, and the District population, in general.
ESF 14 - Damage Assessment	TBD
ESF 17 - Private Sector Coordination	DCHA will manage and provide subsidized public housing for low-income, elderly, and disabled District residents and maintain contracts to identify temporary housing and provide housing counseling.
ESF 18 - Military Affairs	DCHA will use its law enforcement capabilities and security personnel to coordinate with DCNG to ensure public safety at District housing sites, specifically, and the District population, in general.
DC Public Libraries (DCPL)	

Emergency Support Function	Roles and Responsibilities
ESF 6 - Mass Care	DCPL will mobilize its staff to be primary providers of computers, enabling residents to have a place to obtain information, contact and care for family members, contact insurance providers, etc. Additionally, DCPL will assist those in need of restoring family documents, photos, and heirlooms.
DC Public Charter School Board	
ESF 17 - Private Sector Coordination	DC Public Charter School Board will support other educational partners to return children to school after an event.
DC Public Schools (DCPS)	
ESF 1 - Transportation	DCPS will provide its fleet of school buses to assist with transport of evacuees to shelters once all students are safe. Also, DCPS will notify ESF #1 regarding the movement of students during an emergency.
ESF 2 - Communications	DCPS will use the 700-MHz radio system as a secondary means of communication and can share these assets and resources as part of a coordinated communications response effort.
ESF 5 - Emergency Management	DCPS will provide student awareness programs of hazards particular to the District through disaster preparedness training, presentations, and communications, and will provide regular status updates on DCPS resource needs and issues directly affecting District schools and students, including information on school closings, restrictions, shelters, and so forth. Additionally, school buildings may be used as shelters and DCPS buses may be used for emergency transportation.
ESF 6 - Mass Care	DCPS will provide school facilities to be utilized as shelters for emergency sheltering operations, as required. DCPS will facilitate the opening of emergency shelter sites upon request; provide personnel, equipment, supplies, and other resources needed to assist in shelter operations for victims of the affected emergency/disaster area; provide personnel to assist in the mass feeding of evacuees and relief workers at the shelter sites; and provide emergency food, food storage, and cooking facilities for bulk food issuance. DCPS will coordinate approval for food distribution from U.S. Department of Agriculture or other District and federal agencies. DCPS will provide emergency medical support at the shelter sites by utilizing nursing staff. DCPS will provide the ESF coordinator with frequent updates as to the shelter status and assist in the development and maintenance of a shelter operations plan.
ESF 7 - Resource Support	DCPS will provide school facilities to be used as shelters for emergency sheltering operations and storage and distribution of procured items to District agencies. DCPS will provide a liaison to the EOC.
ESF 11 - Food	DCPS will provide food storage and mass feeding/food distribution center sites. DCPS will help identify emergency food vendors, especially those who offer pre-packaged food in children's portions.
ESF 13 - Law Enforcement	DCPS will coordinate with MPD to ensure the safety of the system's students, faculty, and staff as well as to protect the school facilities and other DCPS properties.
ESF 16 - Volunteer and Donations	DCPS will provide space/facilities and staff to support VDCTs, and will help in receiving, organizing, and distributing donations.

Emergency Support Function	Roles and Responsibilities
ESF 17 - Private Sector Coordination	DCPS will support other educational partners to return children to school after an event.
ESF 18 - Military Affairs	DCPS will coordinate with DCNG to ensure the safety of the students, faculty, and staff.
DC Water (DCW)	
ESF 1 - Transportation	DCW will provide information on waterway emergency access routes during emergencies. DCW will coordinate with ESF #1 pertaining to construction of critical water and sewer facilities and/or destruction or stabilization of structures that affect the transportation system.
ESF 2 - Communications	DCW will use the 800 MHz radio system as a primary means of communication. DCW provides situational awareness information and communications assets may be leveraged for response activities.
ESF 3 - Public Works and Engineering	DCW will provide maintenance of the public water distribution and sewer collection system in the District. Additionally, DCW will be responsible for ensuring the collection system can function adequately and deliver wastewater to the wastewater treatment facility located at Blue Plains. DCW, in conjunction with the Washington Aqueduct, will provide information to the ESF #3 ELO on supply of potable water through the distribution system. DCW will provide temporary restoration of any portion of the water distribution and sewer collection system affected by the declared emergency and will ensure the availability of water for fire suppression, when possible. DCW will provide crews to facilitate emergency restoration of any affected portion of the water distribution system and the sewer collection system. This would include the pump stations and wastewater treatment systems. When activated, DCW will provide equipment and personnel to support the ESF #3 primary agency during snow emergencies.
ESF 4 - Firefighting	DC Water will ensure that adequate water supply is maintained to support firefighting efforts.
ESF 5 - Emergency Management	DCW will be available in the HSEMA EOC to coordinate information with DCW's Command Center to restore service. DCWASA will collect, analyze, and disseminate information to the EOC to aid in the overall response and recovery operations.
ESF 8 - Public Health and Medical Services	DCW will coordinate activities with the appropriate divisions of the DDOE in order to ensure maintenance of sewage operations, safe and potable water supply in the District.
ESF 10 - Oils and Hazardous Materials Response	DC Water will ensure that adequate water supply is maintained to support oil and HazMat response and decontamination efforts.
ESF 14 - Damage Assessment	TBD
ESF 18 - Military Affairs	DCW will be available in the HSEMA EOC to coordinate information with DCW's Command Center to restore service. DCWASA will collect, analyze, and disseminate information to the EOC to aid in the overall response and recovery operations.
Department of Behavioral Health (DBH)	
ESF 4 - Firefighting	DBH will provide behavioral health outreach, assessment, support, education, and interventions for survivors of traumatic events, their family members, and emergency rescue personnel.

Emergency Support Function	Roles and Responsibilities
ESF 5 - Emergency Management	DBH will provide behavioral health outreach, assessment, supports, education, and interventions for survivors of traumatic events, their family members, and emergency rescue personnel. Provide disaster related public health messaging; briefings on mental health status of responders and community and if long-term care deemed appropriate and Federal disaster declared coordinate the implementation of the FEMA crisis counseling program.
ESF 7 - Resource Support	TBD
ESF 8 - Public Health and Medical Services	DBH will coordinate mental health activities within the District through needs assessment and the provisioning of appropriate crisis support services and counseling for first responders, victims, families and special vulnerable populations.
ESF 9 - Search and Rescue	DBH will coordinate mental health activities within the District through needs assessment and provision of critical incident stress management for first responders and crisis counseling for victims/families and special vulnerable populations.
ESF 10 - Oils and Hazardous Materials Response	DBH will coordinate mental health activities within the District through needs assessment and provision of critical incident stress management (CISM) for first responders and crisis counseling for victims/families and special vulnerable populations.
ESF 11 - Food	DBH will provide bag storage space, refrigeration, and food preparation at St. Elizabeth's Hospital for bulk meals/food supply stockpiles.
ESF 13 - Law Enforcement	TBD
ESF 14 - Damage Assessment	TBD
ESF 16 - Volunteer and Donations	DBH will coordinate mental health activities within the District through needs assessment and provisioning of appropriate crisis support services and counseling for first responders, victims, families, and special vulnerable populations. DBH will provide a Clearinghouse Communication Center for volunteers to provide mental health services for those seeking assistance. Also, this clearinghouse acts as a referral service for local community members seeking such support.
ESF 17 - Private Sector Coordination	DBH will coordinate mental health activities within the District through needs assessment and the provisioning of appropriate crisis support services and counseling for first responders, victims, families and special vulnerable populations and provide Crisis Counseling Program teams, as appropriate.
ESF 18 - Military Affairs	DBH will provide the CMT with a regular assessment of first responders' "burn out" symptoms and report on counseling and preventative mitigating actions for the public.
Department of Consumer and Regulatory Affairs (DCRA)	
ESF 3 - Public Works and Engineering	DCRA will cooperate in the coordination effort of HSEMA for District-wide emergencies where DCRA is deemed an appropriate agency to assist in emergency response operations.
ESF 4 - Firefighting	DCRA will provide engineers to assess structural damage and provide building plans as available for affected structures.
ESF 9 - Search and Rescue	DCRA will provide information and building plans for unsafe or collapsed structures to the extent that such information is available and plans exist. DCRA also will provide structural engineers to inspect these structures and serve on the IST.

Emergency Support Function	Roles and Responsibilities
ESF 10 - Oils and Hazardous Materials Response	DCRA has a regulatory role in hazardous materials. Additionally, DCRA will provide information on building plans and licenses.
ESF 14 - Damage Assessment	DCRA is responsible for conducting the damage assessment.
ESF 17 - Private Sector Coordination	DCRA will support rebuilding operations through the DCRA Surveyor's office and the Permitting and Zoning Administrator's offices, provide information on the District Construction Codes; and handle all non-health related business licensing and corporations/nonprofit regulation.
Department of Corrections (DOC)	
ESF 1 - Transportation	DOC will assist and provide transportation vehicles (busses, vans, etc.) and other transportation equipment as requested and needed by DDOT.
ESF 2 - Communications	TBD
ESF 13 - Law Enforcement	DOC will direct operations inside the institution affected by any public emergency. DOC will coordinate all actions necessary to restore the institution to normal operations. DOC will coordinate with local and federal ordinances during operations outside of the facility.
ESF 18 - Military Affairs	DOC will direct operations inside the institution affected by any public emergency. DOC will coordinate all actions necessary to restore the institution to normal operations. DOC will coordinate with NCNG during operations outside of the facility.
Department of Disability Services (DDS)	
ESF 1 - Transportation	DDS will provide coordination and technical advice for access and functional needs population.
ESF 6 - Mass Care	TBD
ESF 8 - Public Health and Medical Services	DDS will oversee and coordinate services for residents with disabilities through a network of private and non-profit providers.
Department of Employment Services (DOES)	
ESF 1 - Transportation	DOES will assist in recruitment of emergency staff support, as needed, to assist in the emergency.
ESF 6 - Mass Care	DOES will assist in the provision of staff and volunteer resources, recruit emergency manpower to work at emergency shelters, and coordinate with DHS and human services partners to provide employment services to disaster clients if/when such services might be needed.
ESF 7 - Resource Support	DOES, in cooperation with HSEMA, will manage issues related to the recruitment of labor during an emergency and will serve as the central clearinghouse for mobilization and referral of paid and unpaid workers. DOES, in coordination with all other critical agency liaisons will work together to allocate critical labor resources on a priority basis. DOES will ensure the continuation of unemployment benefits payments and employer tax collections, disability and workers compensation payments, summer youth employment programs, Job Training Partnership Act (JTPA) programs, and Job Services activities.

Emergency Support Function	Roles and Responsibilities
ESF 10 - Oils and Hazardous Materials Response	DOES will coordinate technical support (for example, fit testing) through their Office of Occupational Safety and Health.
ESF 11 - Food	DOES, in coordination with HSEMA, will help recruit emergency manpower to support emergency feeding requirements and the delivery of emergency food and supplies.
ESF 17 - Private Sector Coordination	DOES will manage issues related to the recruitment of manpower during an emergency; serve as the central clearinghouse for mobilization and referral of paid and unpaid workers; work with Emergency Liaison Officers (ELOs) to allocate critical manpower resources on a priority basis; and ensure the continuation of unemployment benefits payments, employer tax collections, disability, and workers compensation payments, summer youth employment programs, JTPA programs, and Job Services activities.
Department of Forensic Science (DFS)	
ESF 8 - Public Health and Medical Services	DFS will conduct and coordinate public health lab operations.
Department of General Services (DGS)	
ESF 1 - Transportation	DGS will provide security at the District's leased or owned property.
ESF 2 - Communications	DGS will use the 800 MHz radio system as a primary means of communication and can share these assets and resources as part of a coordinated communications response effort.
ESF 3 - Public Works and Engineering	<p>DGS will be the lead agency in implementing facilities management for District-owned and operated facilities. This includes emergency restoration of critical District-owned and operated facilities, building security, maintenance and repairs, custodial services, and snow removal (from sidewalks, driveways, etc.) of District-owned and operated facilities. DGS includes energy management, which is responsible for the purchasing and distribution of fuel oil to supplement DPW Fleet Management Administration's fuel supply. DGS will ensure routine inspection and maintenance of generators in facilities that are leased and/or owned by the District. Also, energy services will track utility services within the District government. The DGS Facilities Maintenance can assist in restoring facilities.</p> <p>Demolition or stabilization will be performed when structures and facilities are designated by the District government as immediate hazards to public health and safety or to facilitate lifesaving operations, as necessary. This may include temporary protective measures to abate immediate hazards to the public until demolition is accomplished.</p>
ESF 5 - Emergency Management	DGS will provide security at the District's leased or owned property. DGS will assign continuity of operations locations to District agencies in coordination with HSEMA.
ESF 6 - Mass Care	<p>DGS will provide equipment, materials, and trade persons to support mass care efforts and identify alternative shelter sites, temporary staging locations, storage locations, and other related services in the event of an emergency.</p> <p>Protective Services Division will provide security inside shelters, including control of egress and ingress in coordination with DHS and the ARC.</p>

Emergency Support Function	Roles and Responsibilities
ESF 7 - Resource Support	DGS will provide security at the District's leased or owned property.
ESF 8 - Public Health and Medical Services	DGS will provide security at the District leased or owned properties.
ESF 10 - Oils and Hazardous Materials Response	TBD
ESF 11 - Food	DGS, in cooperation with MPD, will provide support and assistance in maintaining security around emergency feeding areas, including control of ingress and egress in coordination with DHS and HSEMA. The Facilities Division will provide janitorial/cleaning assistance in coordination with Department of Parks and Recreation (DPR) and DHS as food storage and mass feeding/food distribution center sites. The Portfolio Division will provide available locations for food storage and mass feeding/food distribution in coordination with DHS and HSEMA.
ESF 12 - Energy	DGS will provide generator support by identifying available generators to be used in response operations, in coordination with HSEMA.
ESF 13 - Law Enforcement	DGS/Protective Service Unit will provide security at the District's leased or owned property.
ESF 14 - Damage Assessment	TBD
ESF 16 - Volunteer and Donations	DGS will be mobilized during an emergency to aid in warehousing and staging of donated goods and services.
ESF 17 - Private Sector Coordination	DGS will provide equipment, materials, and trade persons to support mass care efforts and identify alternative shelter sites, temporary staging locations, storage locations, and other related services in the event of an emergency and will coordinate the emergency inspection and contracting and managing of demolition or stabilization of damaged structures and facilities designated by the District government as immediate hazards to public health and safety or as necessary to facilitate lifesaving hazards to the public health and safety reasons until demolition is accomplished.
ESF 18 - Military Affairs	DGS/Protective Service Unit will provide security at District leased or owned properties.
Department of Health (DOH)	
ESF 1 - Transportation	DOH will provide support for persons requiring special transportation (transportation of patients requiring medical care). DOH employees and/or volunteers may be requested to staff transportation facilities to provide emergency medical first aid. DOH will provide ESF #1 with guidance on the distribution of the Strategic National Stockpile.
ESF 2 - Communications	DOH will use the 800 MHz radio system as a primary means of communication, and provide public health warnings through the Health Alert Notification network. These assets and resources can be leveraged as part of a coordinated communications response effort.

Emergency Support Function	Roles and Responsibilities
ESF 4 - Firefighting	DOH will provide technical assistance on the health and medical impact of the emergency and assist in the determination of appropriate care for victims. The DOH's Health Emergency Preparedness and Response Administration (HEPRA) will provide medical consultation, provide advice on health risks and recommendations, and support pre-hospital care. DOH will establish casualty collection points (CCP) in coordination with FEMS.
ESF 5 - Emergency Management	DOH will function as a medical consultant; assist in collecting health and medical related information; develop plans; and assist in disseminating health and medical related information to the public, through ESFs #5 and ESF #15.
ESF 6 - Mass Care	<p>DOH will coordinate medical care for impacted populations either in or outside the shelter locations; provide emergency first aid services, with medical staff and volunteers, to shelter clients and workers, and assist with medical supply resources when requested and as DOH inventory permits; and ensure oversight and quality of health care that is provided to shelter clients and staff and monitor the administration of medications and the provision of special dietary requirements. DOH will provide the ESF coordinator with frequent updates as to the shelter status and ensure health standards, including food, sanitation, and water, are maintained at all service sites.</p> <p>Also, DOH will protect animals during an emergency, including providing for animal sheltering facilities, if/when appropriate; protect the public from disease, injury, or other public health safety risks associated with an animal- or animal-industry-related emergency or disaster; and promote information sharing in order to assist animal owners in protecting themselves and their animals in case of an emergency or disaster. DOH will promote information sharing in order to assist the animal industry in protecting itself in case of an emergency or disaster and evaluating public health and safety risks potentially associated with animal emergencies and considering ways to avoid or minimize their effects.</p> <p>□DOH will coordinate medical services for persons in shelters with functional or medical support needs.</p>
ESF 7 - Resource Support	DOH will identify, obtain, and allocate needed medical resources, recommend policy direction, and direct resources according to needs and potential impact on District-wide services.

Emergency Support Function	Roles and Responsibilities
ESF 8 - Public Health and Medical Services	<p>DOH acts as the lead agency for ensuring the provision of emergency health and medical services to District residents, workers, and visitors. DOH coordinates the health and medical response from appropriate District, regional, Federal, and private agencies working through HSEMA to assist with coordination of the District's overall emergency response. DOH will provide leadership in directing, coordinating, and integrating the overall efforts to provide medical and public health assistance. DOH will coordinate and direct the activation and deployment of resources of health/medical personnel, supplies, and equipment. DOH will coordinate the evacuation of patients from the disaster area when evacuation is deemed feasible and appropriate. DOH will arrange for establishing active and passive disease surveillance systems for the protection of public health. DOH will coordinate with the support agencies to direct and prioritize health and medical activities. DOH will coordinate with ESF #6 and ESF #16 - Volunteer and Donations Management and the Medical Reserve Corps to ensure that a sufficient number of trained medical and support personnel are stationed at each mass care site, coordinate with ESF #7 - Resource Support for key supplies and equipment, coordination with ESF #7 - Resource Support and ESF #16 - Volunteer and Donations Management for supply information pertaining to potential volunteer groups, contract vendors, and other entities that may be able to supplement local resources.</p> <p>In addition to those activities previously stated, ESF #8 will coordinate with ESF #16 - Volunteer and Donations Management regarding the activities of volunteers actively engaged in providing assistance, such as developing and maintaining a roster of personnel that staff the ESF. Sufficient staffing will be available for 24-hours-per-day, 7-days-per-week. They will record incoming requests for assistance; track personnel assigned to respond and actions taken; establish a protocol for prioritizing response activities; coordinate activities with other ESFs; coordinate food and water safety; coordinate the sheltering, evacuation, and care of pets; monitor the local wildlife population and perform disease management operations during the response; perform laboratory testing and analysis during response operations; and provide medical intelligence to the Washington Regional Threat Analysis Center (WRTAC) and other ESFs, as needed.</p>
ESF 9 - Search and Rescue	<p>DOH will provide technical assistance on the health and medical impact of the emergency and assist in the determination of appropriate care for victims. DOH's Health Emergency and Response Administration (HEPRA) will provide medical consultation, provide advice on health risks and recommendations, and support pre-hospital care. DOH will establish Casualty Collection Points (CCP) in coordination with FEMS.</p>
ESF 10 - Oils and Hazardous Materials Response	<p>DOH will provide technical assistance on the health and medical impact of hazardous materials and determine appropriate care for victims. DOH will provide information to the public about self-protection. DOH will help the DDOE assess environmental damage and assist in cleanup and recovery planning (for example, toxic substance, air quality, water quality, and radiological sampling).</p> <p>The DOH Health Emergency Preparedness and Response Administration (HEPRA) will provide medical consultation to the Incident Commander, provide advice on health risks and recommendations, and support pre-hospital care. Other offices, such as the Preventive Health Service Administration and the Medical Assistance Administration, will be involved, as needed. DOH will provide assistance in the direction and control responsibilities at a HazMat accident scene to determine the environmental damage and suggest a course of action of incidents involving oil spills, hazardous chemicals, or radioactive material. DOH will establish casualty collection points (CCP) in coordination with FEMS.</p>

Emergency Support Function	Roles and Responsibilities
ESF 11 - Food	DOH will monitor the emergency food assistance program to ensure the transport, storage, handling preparation, and service of meals.
ESF 13 - Law Enforcement	DOH will coordinate health and medical assistance in the District. This will be done through clinical assessment and management of health care facilities, mental health assistance for those affected, assessment of health and medical needs, and notification to local hospitals for mass medical care activities.
ESF 14 - Damage Assessment	TBD
ESF 16 - Volunteer and Donations	DOH will provide information on the types of donations and/or trained volunteers that would be most beneficial to assist victims during the disaster.
ESF 17 - Private Sector Coordination	DOH will: Identify, obtain, and allocate needed medical resources; and Recommend policy direction; and direct resources according to needs and potential impact on District-wide services.
ESF 18 - Military Affairs	DOH will coordinate health and medical assistance in the District. This will be accomplished through clinical assessment and management of health care facilities, mental health assistance for those affected, assessment of health and medical needs, and notification to local hospitals for mass medical care activities.
Department of Housing and Community Development (DHCD)	
ESF 6 - Mass Care	DHCD will help coordinate interim housing for individuals requiring shelter for an extended period of time.
ESF 14 - Damage Assessment	TBD
ESF 17 - Private Sector Coordination	DHCD will plan for and provide economic recovery and growth assistance; provide technical assistance in community planning and economic assessment; and identify, train, and assign personnel to maintain contact with ESF #17 and prepare to execute missions in support of ESF #17.
Department of Human Resources (DHR)	
ESF 1 - Transportation	DHR will provide ESF #1 with human resource guidance during a public emergency. For instance, in the case of a Pandemic Flu incident, DHR can provide guidance on which employees to call-in.
ESF 5 - Emergency Management	DHR will manage all personnel issues that arise during emergency operations, including union and management relations, leave policies, personal and workplace safety, special payroll provisions and temporary hiring, and workplace relocation issues.
ESF 7 - Resource Support	DHR will coordinate with agencies to identify and deploy personnel resources before, during, and after an emergency.
ESF 17 - Private Sector Coordination	DHR will provide for language access services.
Department of Human Services (DHS)	

Emergency Support Function	Roles and Responsibilities
ESF 1 - Transportation	DHS is the primary agency coordinating the transportation of persons to and from District shelters. Also, DHS will coordinate the movement of persons who require special transportation.
ESF 2 - Communications	DHS will use the 800 MHz radio system as a primary means of communication and can share these assets and resources as part of a coordinated communications response effort.
ESF 4 - Firefighting	DHS will assist in providing for evacuees, including food, shelter, and supplies; request assistance from ESF #1 to transport evacuees to shelters; and establish shelter operations in coordination with DHS's agreements with the American Red Cross of the National Capital Region.
ESF 5 - Emergency Management	DHS will provide HSEMA information on social service providers relative to any risk associated with any emergency, including but not limited to situations involving special needs populations. DHS will plan any contingency services for these populations. DHS will provide information on social services through its command center to HSEMA and the Joint Information Center (JIC). DHS will also collect and analyze social services information to plan for public awareness of emergencies and it will produce and disseminate information to the public. In addition, DHS is the primary agency for ESF #6—Mass Care, Emergency Assistance, Housing and Human Services and ESF #11, Food, coordinating the district's effort to provide mass care needs (including but not limited to shelter and food) to victims of a public emergency.

Emergency Support Function	Roles and Responsibilities
ESF 6 - Mass Care	<p>DHS will coordinate ESF #6 for the District. DHS will ensure that shelters are appropriately staffed to direct operation of the facility. Staff will be prepared to register all shelter occupants, individually or by family. Information on the registration form will include data for each occupant, specific needs for health services, special medications, medical equipment requirements, contagious diseases, physical disabilities, or other special needs. DHS will coordinate with the ARC to assist in administration of the shelter and registration. DHS will coordinate supervision and services for persons in emergency shelters with communication, mobility, independence, supervision, and transportation functional needs. DHS will coordinate with ESF #8 - Public Health and Medical Services for individuals with medical needs in shelters and support ESF #8 with materials, supplies, and food.</p> <p>DHS will reasonably ensure that individuals have access to health care, required medications, and appropriate food, especially for people with communication, mobility, independence, supervision, and transportation functional needs. The agency will coordinate and assist with emergency feeding in and out of the shelter environment. They will coordinate food purchases and reimbursement for emergency food during the crisis period; coordinate delivery of emergency food to the appropriate service delivery locations; assess and ensure community behavioral health needs following an emergency/disaster; Assist or provide personnel, supplies, and other resources to assist in shelter operations for victims of the effected emergency/disaster area; assess and coordinate with DOH to ensure provision of emergency medical support at the shelter sites; assist or provide the development and maintenance of a shelter operations plan; assist or coordinate with Department of Behavioral Health (DBH) for counseling and crisis intervention services; Provide referrals for additional services for mental health, substance abuse, mental retardation, disability services, child welfare, and public assistance; monitor the compliance with the Americans with Disabilities Act (ADA); Assist or coordinate with DC Office on Aging (DCOA) to provide services for seniors and their families and individuals with disabilities; Ensure response for adult and child protective services; assist or provide for the mass feeding of evacuees and relief workers at the shelter facilities; during shelter operations, provide frequent updates to the EOC concerning the status of shelter operations; maintain records of cost and expenditures and forward them to the Finance and Administration Section Chief; assist or provide the coordination of the DWI center; and develop and maintain a shelter operations plan.</p>
ESF 7 - Resource Support	<p>DHS will manage procurements with its service providers and ensure that payments are made to providers. DHS and the CFO will assist in providing HSEMA with resources and supplies for District-wide emergencies in concurrence with availability. DHS will fully mobilize resources to restore the operational functions of its facilities throughout the District. DHS will activate its DHS EOC to ensure continuity of DHS services.</p>
ESF 8 - Public Health and Medical Services	<p>DHS will be the lead agency in providing mass care and sheltering. . DHS will maintain the family reunification centers, which coordinate with DOH's patient tracking efforts. DHS will also provide SNS support to DOH at RSS sites.</p>
ESF 9 - Search and Rescue	<p>DHS will provide for the needs of evacuees, including food, shelter, and supplies, and will request assistance from ESF #1 to transport evacuees to shelters and establish shelter operations in coordination with DHS's agreements with the ARC.</p>

Emergency Support Function	Roles and Responsibilities
ESF 10 - Oils and Hazardous Materials Response	DHS will assist in providing for evacuees, including food, shelter, supplies, and will request assistance from ESF #1 to transport evacuees to shelters and establish shelter operations in coordination with DHS's agreements with the American Red Cross of the National Capital Area.
ESF 11 - Food	DHS will respond to activation of the ESF and will assist the ARC with bulk food or meal acquisition and emergency feeding activities internal and external to the shelter environment. DHS will coordinate the deployment of District agency staff for feeding, facilitating food acquisition and distribution through the coordination of purchases and reimbursements, and overseeing logistics for emergency food supplies during the crisis period. In addition, DHS will activate the Disaster Food Stamp and Voucher Issuance Program within 72 hours, which will authorize emergency-issued food stamps and vouchers. Eligible customers and families will then be able to purchase food on the open market, as necessary. In coordination with the ARC, HSEMA, the Salvation Army, and other agencies, DHS will assess the operation, the critical needs of the affected population in terms of numbers of people, their location, and usable food preparation facilities for congregate feeding.
ESF 14 - Damage Assessment	TBD
ESF 16 - Volunteer and Donations	DHS will work with volunteer organizations to coordinate the delivery of donated goods and services to shelters and will assist with FEMA procedures relative to emergency declarations.
ESF 17 - Private Sector Coordination	DHS will identify and advise on long-term recovery housing options for displaced victims, and reasonably ensure that disaster victims care, required medication and food.
Department of Insurance, Securities and Banking (DISB)	
ESF 17 - Private Sector Coordination	DISB will assist in ensuring access to and proper regulation of insurance, securities, banking and related financial instruments in a time of emergency so as to allow the city to rebuild.
Department of Parks and Recreation (DPR)	
ESF 1 - Transportation	DPR will mobilize its staff, fleet, and volunteers to assist with transportation activities, which may include providing transportation to or assisting with the operation of shelter facilities. City parks and recreational facilities may be used as transfer points for people leaving an evacuation area who need assistance.
ESF 2 - Communications	DPR will use the 800 MHz radio system as a secondary means of communication and can share these assets and resources as part of a coordinated communications response effort.
ESF 3 - Public Works and Engineering	DPR is responsible for clearing, removing, and disposing of debris on DPR property. Also, DPR supports ESF #3 as needed in its efforts to remove and dispose of vegetative debris during the response and recovery phases of an emergency event by providing temporary debris management sites, personnel, equipment, and vehicles. Through ESF #16 - Volunteer and Donations Management, DPR provides volunteers to ESF #3 for water and ice distribution (see References A, C, and D).
ESF 5 - Emergency Management	DPR will provide updates to ESF #5 on their emergency operation activities, including parks and recreation sites, personnel, and equipment. Additionally, they may provide facilities for shelters.

Emergency Support Function	Roles and Responsibilities
ESF 6 - Mass Care	DPR will mobilize its staff and volunteers to assist in District-wide responses and provide transportation to or assistance with the operation of shelter facilities. City parks and recreational facilities may be used for staging areas, storage areas, temporary open-air shelter sites, and for other uses in support of mass care response efforts. DPR will assist with providing children's activities.
ESF 7 - Resource Support	DPR, at the direction of the HSEMA director, will mobilize its staff to assist in District-wide responses. DPR has a volunteer organization of approximately 1,000 individuals with a variety of skills and abilities.
ESF 8 - Public Health and Medical Services	DPR will assist other support agencies in providing facilities as needed for mass care, sheltering, alternative triage and treatment sites, and points of dispensing (POD).
ESF 11 - Food	DPR will mobilize its staff and volunteer organizations as directed by DHS to assist in District-wide responses. Activities may include providing transportation or assisting with mass feeding.
ESF 14 - Damage Assessment	TBD
ESF 16 - Volunteer and Donations	DPR will provide space/facilities and staff to support VDCTs, and will help in receiving, organizing, and distributing donations.
Department of Public Works (DPW)	
ESF 1 - Transportation	DPW will coordinate, obtain, and stage vehicle fleets and crews as designated by ESF #1. DPW will coordinate the clearing of debris from emergency routes. DPW will coordinate the staging and use of towing cranes. DPW will make available the use of Parking Control Officers, as needed. Also, DPW and DDOT will advise on the use of equipment and supplies when developing strategies for protecting the transportation infrastructure.
ESF 2 - Communications	DPW will use the 800 MHz radio as a primary means of communication and can share these assets and resources as part of a coordinated communications response effort. In the event of a District communications system failure, DPW can supply personnel and vehicles as couriers.
ESF 4 - Firefighting	DPW will provide on-site refueling and on-site sand and salt, as necessary, for slippery conditions. DPW will provide debris removal in accordance with their Debris Removal Plan. In concert with the Office of Contracting and Procurement, DPW will help coordinate heavy equipment, operators, riggers, and mechanics to support firefighting efforts as necessary. DPW will coordinate with DC Water to ensure an adequate supply is maintained to support firefighting efforts.
ESF 5 - Emergency Management	DPW will provide updates to ESF #5 on their disaster operation activities, including debris removal and disposal operations.
ESF 6 - Mass Care	DPW will provide solid waste removal and debris removal; coordinate the inspection of facilities as needed, in conjunction with the DC Department of Consumer and Regulatory Affairs (DCRA). DPW will coordinate with DC Water DOH to ensure that water and sewer sanitation within the emergency area are safe; and coordinate with DC Water to ensure that shelter facilities have clean water and working sewerage connections.

Emergency Support Function	Roles and Responsibilities
ESF 7 - Resource Support	DPW will supply fuel, as needed, via fueling operations or mobile fuel trucks. DPW will also provide personnel and equipment to assist the District in any emergency response operations.
ESF 8 - Public Health and Medical Services	DPW, in coordination with DC Water, will ensure that the water and sewer sanitation within the emergency area are safe. DPW will support DDOT in the transportation of the Strategic National Pharmaceutical Stockpile.
ESF 9 - Search and Rescue	DPW will provide on-site refueling and on-site sand and salt, as necessary, for slippery conditions. DPW will provide debris removal in accordance with their Debris Removal Plan. In concert with the Office of Contracting and Procurement (OCP), DPW will help coordinate heavy equipment, operators, riggers, and mechanics to support SAR efforts as necessary.
ESF 10 - Oils and Hazardous Materials Response	DPW will provide on-site refueling and on-site sand and salt for slippery conditions. DPW will provide debris removal in accordance with its debris removal plan. In concert with the OCP, DPW will help coordinate heavy equipment, operators, riggers, and mechanics to support oil and HazMat response efforts as necessary. DPW will coordinate with DC Water to ensure an adequate supply is maintained to support decontamination efforts.
ESF 12 - Energy	DPW will support the restoration of energy delivery and fuel supplies during and/or following an emergency. They will also provide generator fuel supplies as needed.
ESF 13 - Law Enforcement	DPW will assist MPD and HSEMA via communication and contact with the Emergency Coordinator in the DPW.
ESF 14 - Damage Assessment	TBD
ESF 16 - Volunteer and Donations	DPW will provide transportation assistance to support the VDCTs or voluntary organizations in distributing donated goods and services.
ESF 17 - Private Sector Coordination	DPW will plan for and coordinate debris management
ESF 18 - Military Affairs	DPW will assist NCNG and HSEMA via communication and contact with the Emergency Coordinator in the DPW.
Department of Risk Management	
ESF 4 - Firefighting	TBD
ESF 10 - Oils and Hazardous Materials Response	TBD
ESF 13 - Law Enforcement	TBD
ESF 14 - Damage Assessment	TBD

Emergency Support Function	Roles and Responsibilities
ESF 17 - Private Sector Coordination	Department of Risk Assessment/Management will assist in assessing and mitigating against risks by and for the City; serve as the point of contact between the Federal Occupational Safety and Health Administration (OSHA) and the DC Government to conduct workplace safety inspections of all DC Government buildings, if necessary, to ensure that they meet the minimum OSHA requirements during an emergency crisis; investigate occupational accidents, illnesses, injuries and fatalities to identify potential and existing risks, determine injury/loss causes, and investigate reports of unsafe work environments during the emergency; analyze damage assessment data, particularly where critical facilities are housed and located, in an effort to reduce or eliminate risk to employees and any other citizen who may access government property during the crisis; and provide government advice to officials to reduce liability that may occur as a result of government action during an emergency.
Department of Small and Local Business Development (DSLBD)	
ESF 17 - Private Sector Coordination	DSLBD will foster economic growth and development of Local, Small and Disadvantaged Business Enterprises (LSDBEs) through supportive legislation, business development programs, and agency and public/private contract compliance; identify, train, and assign personnel to maintain contact with ESF #17 and prepare to execute missions in support of ESF #17; and identify, train, and assign personnel to maintain contact with ESF #17 and prepare to execute missions in support of ESF #17.
Department of Youth Rehabilitation Services (DYRS)	
ESF 13 - Law Enforcement	DYRS has custody over youth detained by or committed to the District's juvenile justice system. DYRS will use internal plans and procedures to ensure safe and secure housing of youth in the event of a public emergency that requires the closure of part or all of a facility.
ESF 18 - Military Affairs	DYRS has custody over youth detained by or committed to the District's juvenile justice system. DYRS will use internal plans and procedures to ensure safe and secure housing of youth in the event of a public emergency that requires the closure of part or all of a facility.
Deputy Mayor for Planning and Economic Development	
ESF 17 - Private Sector Coordination	<p>The Deputy Mayor for Planning and Economic Development will oversee private sector coordination efforts under ESF #17. To accomplish this, the Deputy Mayor for Planning and Economic Development will identify, train, and assign personnel to staff ESF #17 in the EOC, and notify all ESF #17 supporting agencies upon activation.</p> <p>Specific responsibilities include developing plans, processes, and relationships, and facilitate coordinated response planning with the private sector at the strategic, operational, and tactical levels; sharing information, including threats and warnings, before, during, and after an incident; informing and orienting the private sector on the contents of the response plan; encouraging and facilitating the development and coordination of equivalent private-sector planning; coordinating and conducting local incident management functions with the private sector and the District government; developing, implementing, and operating information-sharing and communication strategies, processes, and systems with District security stakeholders.</p>
District Department of Environment (DDOE)	

Emergency Support Function	Roles and Responsibilities
ESF 2 - Communications	DDOE will coordinate with ESF #2 to help facilitate the restoration of energy systems and fuel supplies following a public emergency.
ESF 3 - Public Works and Engineering	DDOE will coordinate with ESF #3 to help facilitate the restoration of energy systems and fuel supplies, and the disposal of hazardous materials following an emergency. DDOE will coordinate flood plain management.
ESF 4 - Firefighting	DDOE will provide air quality monitoring support, to include plume monitoring, collect surface water runoff samples for analysis, and other support to monitor the affected area of contaminants. DDOE will coordinate with the National Response Center (NRC) and the On-Scene Coordinator (OSC) in the monitoring and analysis of data and provide mitigation recommendations.
ESF 8 - Public Health and Medical Services	DDOE will coordinate with DOH to monitor environmental quality during an emergency. DDOE will contact the National Response Center (NRC) to report the declared incident and, if the On-scene Coordinator (OSC) is deployed, DDOE will coordinate with the OSC in the monitoring and analysis of data.
ESF 9 - Search and Rescue	DDOE will provide air quality support, ground water runoff testing, and other support to monitor the affected area for contaminants. In addition, DDOE will contact the National Response Center (NRC) to report the declared incident. If the On-Scene Coordinator (OSC) is deployed to the scene, DDOE will coordinate with the OSC monitoring and analysis of data and provide mitigation recommendations.
ESF 10 - Oils and Hazardous Materials Response	DDOE will provide and coordinate air quality monitoring and water runoff monitoring support, to include plume monitoring, collect surface water runoff samples for analysis, and provide other support to monitor the affected area of contaminants. DDOE will coordinate with the National Response Center (NRC) and serve as the state on-scene coordinator (SOSC) in the monitoring and analysis of data and provide mitigation services and/or recommendations. DDOE shall also coordinate and assist with deployment of Federal resources from U.S. EPA and USCG should they be needed.
ESF 12 - Energy	As the primary District agency for ESF #12, DDOE will use the framework of its Energy Supply Disruption Tracking plan to coordinate information flow, assist in determining the level of event severity, assist in identifying measures to be implemented, monitor energy supply prior during and after the event, tracking energy supply during the event, and conducting follow-ups after the event. In the event of an energy emergency, DDOE will track information during the event, provide situational awareness of the event, and assist in developing management decisions to respond to the event.
ESF 13 - Law Enforcement	TBD
ESF 14 - Damage Assessment	TBD
ESF 17 - Private Sector Coordination	DDOE will assist in ensuring energy needs are met for long-term recovery efforts, advise on environmental impacts of long-term recovery efforts, and plan for and provide technical assistance for contaminated debris management and environmental remediation.
District Department of Transportation (DDOT)	

Emergency Support Function	Roles and Responsibilities
ESF 1 - Transportation	DDOT will manage and coordinate emergency transportation response operations and restoration of the transportation network during emergencies. DDOT will ensure the completion of SITREPs, tracking of expenses, and sharing information with HSEMA or other stakeholder agencies upon request. DDOT will ensure that situation reports are completed, expenses are tracked, and information is given to HSEMA when requested. The DDOT director or their designee shall serve as the Mayor's primary Point of Contact (POC) regarding transportation issues
ESF 2 - Communications	DDOT will use the 800 MHz radio as a primary means of communication and can share these assets and resources as part of a coordinated communications response effort.
ESF 3 - Public Works and Engineering	DDOT will dispatch emergency teams to inspect and report on the stability and availability of emergency routes, streets, bridges, and ports. DDOT will assist with procurement and execution of contracting for construction management and inspection services. DDOT will coordinate and offer, when available, commercial driver licensed (CDL) drivers and commercial vehicles to support debris removal, the clearing of roadways, the movement of Strategic National Stockpile supplies, and the re-establishment of the District's infrastructure. DDOT will need to coordinate with Potomac Electric Power Company regarding down power lines when supporting debris removal activities that include trees.
ESF 4 - Firefighting	DDOT will assist with traffic control and provide traffic operations support to emergency location(s).
ESF 5 - Emergency Management	The DDOT Public Information Officer will assist in gathering and disseminating public transportation information. DDOT will provide updates and transportation-related information to ESF #5.
ESF 6 - Mass Care	DDOT will provide DHS and HSEMA with current traffic conditions and roadway operation information to support the identification of mass care facilities. The agency will coordinate with ESF #6 agencies in establishing a system for providing transportation assistance for victims and supplies within a shelter. DDOT will coordinate with ESF #6 agencies and transit providers to provide transportation for the population requested to evacuate from the affected area and will provide similar coordination for transportation of pets owned by individuals required to evacuate. DDOT will coordinate with the Department of Disabilities Services, transit providers and appropriate disability service providers in establishing a system for providing transportation assistance for disaster victims with disabilities requiring specialized transportation.
ESF 7 - Resource Support	DDOT will provide the needed information to OCP in order to receive the needed resources for reestablishing damaged infrastructure. DDOT also will coordinate with OCP in acquiring additional transportation resources, whether it is for construction or for the movement of the population.
ESF 8 - Public Health and Medical Services	DDOT with DPW will coordinate with DOH on the requirements for the transportation of the Strategic National Stockpile. DDOT will support the Metropolitan Police Department on perimeter control during a public health emergency and provide traffic management plans around closed locations.
ESF 9 - Search and Rescue	DDOT will manage and coordinate emergency transportation response operations and restoration of the transportation network during emergencies.

Emergency Support Function	Roles and Responsibilities
ESF 10 - Oils and Hazardous Materials Response	DDOT will assist FEMS with traffic management and incident coordination during HazMat incidents that occur along the District transportation network.
ESF 12 - Energy	DDOT will facilitate and coordinate in the restoration of damaged transportation infrastructure within the public right-of-way to reestablish utilities. DDOT will also coordinate with Potomac Electric Power Company (PEPCO) regarding downed power lines caused by trees.
ESF 13 - Law Enforcement	DDOT will help identify traffic posts, develop emergency routes, identify staging areas, and establish access routes for emergency vehicles. DDOT also will supply vehicles, if available, and equipment, if available, to serve as perimeter devices to secure a location or a road closure.
ESF 14 - Damage Assessment	TBD
ESF 17 - Private Sector Coordination	DDOT will provide status and resource information concerning reestablishing any part of the transportation infrastructure that is damaged, plan for and provide technical assistance in transportation planning and engineering, and coordinate transportation assistance programs.
ESF 18 - Military Affairs	DDOT will help identify traffic posts, develop emergency routes, identify staging areas, and establish access routes for emergency vehicles. In addition, DDOT will supply vehicles and equipment, if available, to serve as perimeter devices to secure a location or a road closure.
Fire and Emergency Medical Services Department (FEMS)	
ESF 1 - Transportation	FEMS is responsible for emergency transport from the incident scene to medical facilities. Also, FEMS will coordinate on transportation issues regarding the decontamination and transportation of victims exposed to a toxic element and the decontamination of District and regional vehicles.
ESF 2 - Communications	FEMS will use the 700/800 MHz radio system as a primary means of communication.
ESF 4 - Firefighting	FEMS responds to calls from residents, visitors, and organizations in the District. FEMS will provide an ELO to the HSEMA EOC to provide FEMS' operations status. FEMS accomplishes this responsibility through five areas of operations: (1) Fire Prevention, prevents fires before they occur; (2) Fire Suppression, extinguishes fires that do occur; (3) Special Operations, provides technical rescue; (4) Emergency Medical Services, provides state-of-the-art pre-hospital emergency medical treatment and transport services; and (5) Support Services, provides administration, finance, communication, fleet maintenance, research and development, risk management, professional standards, management information and technology services, and departmental training.
ESF 5 - Emergency Management	The FEMS Public Information Officer will take the lead in disseminating FEMS information to the public through the JIC. FEMS will provide regular field status updates to HSEMA via its communications center and/or incident command post.
ESF 6 - Mass Care	FEMS is primarily responsible for the evacuation of specific locations (e.g., Metro stations, buildings, etc.) and will provide for decontamination, if public safety becomes an issue.

Emergency Support Function	Roles and Responsibilities
ESF 7 - Resource Support	FEMS will coordinate with HSEMA in managing critical resources under their control, including notification when resources are about to be or have been depleted.
ESF 8 - Public Health and Medical Services	FEMS will coordinate response activities with DOH and will report to the EOC on the status of EMS, HazMat Rescue and related efforts. FEMS will provide pre-hospital care and transport during emergencies. FEMS will respond to emergency medical calls for residents, visitors, and organizations in the District.
ESF 9 - Search and Rescue	<p>FEMS will coordinate the search and rescue (SAR) operations and the use of rescue and extrication resources during emergencies. The FEMS SAR team is dispatched with fire and emergency medical units to incidents involving SAR efforts. Fire and emergency medical units will provide on-scene, pre-hospital emergency medical care.</p> <p>FEMS establishes, maintains, and manages the SAR response system, including pre-emergency activities such as training, equipment purchase, and evaluation of operational readiness.</p> <p>FEMS maintains a memorandum of understanding (MOU) with appropriate agencies to ensure a functional SAR team is maintained by having necessary specialists, not available with FEMS, trained and ready to respond as needed. FEMS also maintains MAAs to ensure additional immediate response if necessary from surrounding jurisdictions.</p> <p>FEMS responds to and coordinates SAR operations for incidents of collapsed structures and provides rescue and extrication resources during acts of terrorism.</p>
ESF 10 - Oils and Hazardous Materials Response	<p>FEMS will maintain the protection of life and property from fire hazards in emergencies with emphasis on incidents involving the release of hazardous materials and the use of WMD. FEMS will provide emergency medical care to victims affected by chemical, biological, and radiological contaminants and will decontaminate patients prior to transport to a hospital emergency department. Specific responsibilities will include establishing a command post and institute Incident Command or Unified Command as necessary; isolating the area with the assistance of law enforcement agencies; denying entry to the hazardous areas with the assistance of law enforcement agencies; identifying the hazardous materials involved; assessing the situation; establishing isolation zones (hot, warm, cold); performing rescues in contaminated areas; conducting operations in contaminated areas; delivering EMS, including triage treatment and transportation to victims of HazMat incidents; control/contain the incident; decontaminate victims and emergency responders as required; monitoring downwind/downhill/downstream hazards; evacuating/shelter in place as needed, with the assistance of law enforcement agencies when needed; requesting additional resources as escalating incident conditions warrant; preserving the crime scene and notify law enforcement officials of a potential criminal/terrorist act, if indications are present; and coordinating decontamination, containment, public notification, etc. with the DOH, DDOE, and HSEMA.</p>
ESF 13 - Law Enforcement	FEMS is the primary agency for the Fire Investigation Team and a member of the DC Arson Task Force (ATF). FEMS will also perform search and rescue operations and coordinate that activity with MPD. In some scenarios, FEMS will provide the initial Incident Command and in these situations, FEMS will establish a Unified Command with MPD and other agencies to set and implement incident priorities.
ESF 14 - Damage Assessment	TBD

Emergency Support Function	Roles and Responsibilities
ESF 16 - Volunteer and Donations	FEMS will coordinate with Serve DC in managing donations, including notification when donations are about to be or have been depleted.
ESF 18 - Military Affairs	FEMS is the primary agency for the Fire Investigation Team and a member of the DC Arson Task Force (ATF). FEMS will perform search and rescue operations and coordinate that activity with DCNG. FEMS will also coordinate HazMat and weapons of mass destruction (WMD) response. FEMS also responsible for initial mass casualty coordination and management. In some scenarios, FEMS will provide the initial Incident Command and in these situations FEMS will establish a Unified Command with DCNG and other agencies to set and implement incident priorities.
Homeland Security and Emergency Management Agency (HSEMA)	
ESF 1 - Transportation	HSEMA has the responsibility for collecting, analyzing, processing, and coordinating the dissemination of information regarding emergencies. Under the direction of the Mayor, HSEMA will coordinate District assets to provide the necessary emergency assistance before, during, and after the occurrence of emergencies. HSEMA will execute actions to facilitate access to federal disaster assistance process upon depletion of District, regional and interstate resources. HSEMA will receive and assemble damage reports from all sources and prepare an incident report for the CMT. The CMT will assess the emergency and provide a copy of their assessment to the primary ESF agencies. These agencies will communicate response actions and any changes in operating status to the EOC through their ELOs.
ESF 2 - Communications	HSEMA has the responsibility for collecting, analyzing, processing, and coordinating the dissemination of information regarding emergencies. Under the direction of the Mayor, HSEMA will coordinate District assets to provide the necessary emergency assistance before, during, and after the occurrence of emergencies. HSEMA will execute actions to facilitate access to the federal disaster assistance process upon depletion of District, regional and interstate resources. HSEMA will use the 700/800 MHz radio as a primary means of communication to include two mobile command vehicles with GIS capabilities. Also, HSEMA provides public notifications through WAWAS and the Roam Secure Alert Network (RSAN). HSEMA can activate local Radio Amateur Civil Emergency Services (RACES) and Radio Emergency Associated Citizens Teams (REACT) to complement or augment emergency communications systems.
ESF 3 - Public Works and Engineering	HSEMA will coordinate with ESF#3 regarding the need to conduct preliminary and joint damage assessments. HSEMA will receive and assemble damage reports from all sources and prepare an incident report for the CMT. The CMT will assess the emergency and provide a copy of their assessment to the primary ESF agencies. The ESF primary agencies will notify their support agencies, implement their COOP plans and follow their standard operations guides (SOGs). The ESF primary agencies will communicate response actions and any changes in operating status to the EOC through their ELOs. HSEMA will provide damage and incident updates to FEMA and other federal sector partners to facilitate federal assistance.

Emergency Support Function	Roles and Responsibilities
ESF 4 - Firefighting	<p>HSEMA has the responsibility for collecting, analyzing, processing, and coordinating the dissemination of information regarding emergencies. Under the direction of the Mayor, HSEMA will coordinate District assets to provide the necessary emergency assistance before, during, and after the occurrence of emergencies. HSEMA will execute actions to facilitate access to federal disaster assistance process upon depletion of District, regional and interstate resources.</p> <p>HSEMA will receive and assemble damage reports from all sources and prepare an incident report for the CMT. The CMT will assess the emergency and provide a copy of their assessment to the primary ESF agencies. These agencies will communicate response actions and any changes in operating status to the EOC through their ELOs.</p>
ESF 4 - Firefighting	<p>HSEMA will activate the EOC and require ESFs to staff the CMT and perform an assessment of the situation through SitReps, determining the immediate critical needs and the need for federal assistance. HSEMA also provides public notifications through WAWAS and the Roam Secure Alert Network (RSAN). HSEMA can activate local Radio Amateur Civil Emergency Services (RACES) and Radio Emergency Associated Citizens Teams (REACT) to complement or augment emergency communications systems. The Mobile Command Center may be dispatched to the scene to gather information on the type of hazardous material involved as well as other data.</p>
ESF 5 - Emergency Management	<p>HSEMA is the coordinating agency as well as the Primary Agency for ESF #5 - Emergency Management. See roles and responsibilities below.</p>
ESF 5 - Emergency Management	<p>HSEMA has the responsibility for collecting, analyzing, processing, and coordinating the dissemination of information regarding emergencies. Under the direction of the Mayor, HSEMA will coordinate District assets to provide the necessary emergency assistance before, during, and after the occurrence of emergencies. HSEMA will execute actions to facilitate access to the federal disaster assistance process upon depletion of District, regional and interstate resources. As a part of HSEMA, the Washington Regional Threat Analysis Center (WRTAC) will provide situational awareness and strategic intelligence (collection, analysis, deconfliction, and dissemination), to support District law enforcement, first responder, homeland security, emergency management, and public health personnel, as well as key partners within the private sector.</p>

Emergency Support Function	Roles and Responsibilities
ESF 6 - Mass Care	<p>HSEMA will assist in establishing priorities and coordinating the transition of mass care operations with recovery activities based on emergency situation information and the availability of resources that can be appropriately committed to the operation. HSEMA will provide logistics support, including emergency communications; coordinate the designation and opening of shelters with the building owner or controlling agency; and coordinate with DHS and appropriate agencies to arrange for bedding, cots, food, security, and other essential shelter resources. HSEMA will consider the potential duration of a shelter opening, number of persons needing shelter, and location of an emergency when opening a shelter.</p> <p>HSEMA will coordinate various District and federal agencies and private group responses to support emergency feeding requirements; coordinate the use of federal stockpiles of food through FEMA (the designated lead agency for federal mass care provisions under the NRF); and coordinate disaster assistance if federal assistance is deemed necessary by the Mayor. HSEMA will advise the Mayor on the situation and consult with adjacent jurisdictions. Upon the decision of the Mayor, HSEMA will execute an evacuation. In the event of an evacuation, populations will utilize established evacuation routes unless roads are hazardous or blocked, pending clearance if debris or other obstruction. Alternative evacuation routes will be determined after consultation with MPD, DPW, and DDOT. Residents will be advised and prepared for the evacuation by information announcements over radio and television, and by use of the emergency broadcast system, if incident conditions warrant.</p>
ESF 7 - Resource Support	<p>HSEMA will compile reports and data on the availability or shortage of critical resources in the District that may have to be controlled by executive order for the duration of an emergency. HSEMA receives and compiles status reports from key District agencies on the availability or shortage of needed supplies and resources to alleviate the problem. HSEMA, the CMT, and other critical agency liaisons will work together to allocate critical resources on a priority basis. HSEMA will address the efforts and activities necessary to evaluate, locate, procure, and provide essential material resources for mission critical agencies.</p>
ESF 8 - Public Health and Medical Services	<p>HSEMA has the responsibility for collecting, analyzing, processing, and coordinating the dissemination of information regarding emergencies. Under the direction of the Mayor, HSEMA will coordinate District assets to provide the necessary emergency assistance before, during, and after the occurrence of emergencies. HSEMA will execute actions to facilitate access to the federal disaster assistance process upon depletion of District, regional and interstate resources.</p>
ESF 9 - Search and Rescue	<p>HSEMA has the responsibility for collecting, analyzing, processing, and coordinating the dissemination of information regarding emergencies. Under the direction of the Mayor, HSEMA will coordinate District assets to provide the necessary emergency assistance before, during, and after the occurrence of emergencies. HSEMA will execute actions to facilitate access to federal disaster assistance process upon depletion of District, regional and interstate resources.</p> <p>HSEMA will receive and assemble damage reports from all sources and prepare an incident report for the CMT. The CMT will assess the emergency and provide a copy of their assessment to the primary ESF agencies. These agencies will communicate response actions and any changes in operating status to the EOC through their ELOs.</p>

Emergency Support Function	Roles and Responsibilities
ESF 10 - Oils and Hazardous Materials Response	<p>HSEMA has the responsibility for collecting, analyzing, processing, and coordinating the dissemination of information regarding emergencies. Under the direction of the Mayor, HSEMA will coordinate District assets to provide the necessary emergency assistance before, during, and after the occurrence of emergencies. HSEMA will execute actions to facilitate access to federal disaster assistance process upon depletion of District, regional and interstate resources.</p> <p>HSEMA will receive and assemble damage reports from all sources and prepare an incident report for the CMT. The CMT will assess the emergency and provide a copy of their assessment to the primary ESF agencies. These agencies will communicate response actions and any changes in operating status to the EOC through their ELOs.</p>
ESF 11 - Food	<p>HSEMA will help coordinate the various District and federal agencies and private group responses to emergency feeding requirements, including community food banks. HSEMA will help DHS coordinate use of federal stockpiles of food through FEMA if federal assistance is deemed necessary by the Mayor.</p>
ESF 13 - Law Enforcement	<p>HSEMA has the responsibility for collecting, analyzing, processing, and coordinating the dissemination of information regarding emergencies. Under the direction of the Mayor, HSEMA will coordinate District assets to provide the necessary emergency assistance before, during, and after the occurrence of emergencies. HSEMA will execute actions to facilitate access to federal disaster assistance process upon depletion of District, regional and interstate resources.</p> <p>HSEMA will receive and assemble damage reports from all sources and prepare an incident report for the CMT. The CMT will assess the emergency and provide a copy of their assessment to the primary ESF agencies. These agencies will communicate response actions and any changes in operating status to the EOC through their ELOs.</p>
ESF 14 - Damage Assessment	<p>HSEMA has the responsibility for collecting, analyzing, processing, and coordinating the dissemination of information regarding emergencies. Under the direction of the Mayor, HSEMA will coordinate District assets to provide the necessary emergency assistance before, during, and after the occurrence of emergencies. HSEMA will execute actions to facilitate access to the federal disaster assistance process upon depletion of District, regional and interstate resources.</p>
ESF 15 - External Affairs	<p>HSEMA has the responsibility for collecting, analyzing, processing, and coordinating the dissemination of information regarding emergencies. Under the direction of the Mayor, HSEMA will coordinate District assets to provide the necessary emergency assistance before, during, and after the occurrence of emergencies. HSEMA will execute actions to facilitate access to federal disaster assistance process upon depletion of District, regional and interstate resources.</p> <p>HSEMA will receive and assemble damage reports from all sources and prepare an incident report for the CMT. The CMT will assess the emergency and provide a copy of their assessment to the primary ESF agencies. These agencies will communicate response actions and any changes in operating status to the EOC through their ELOs.</p>

Emergency Support Function	Roles and Responsibilities
ESF 16 - Volunteer and Donations	HSEMA has the responsibility for collecting, analyzing, processing, and coordinating the dissemination of information regarding emergencies. Under the direction of the Mayor, HSEMA will coordinate District assets to provide the necessary emergency assistance before, during, and after the occurrence of emergencies. HSEMA will execute actions to facilitate access to the federal disaster assistance process upon depletion of District, regional and interstate resources. HSEMA manages the notification to Serve DC during an incident and provides requests for volunteers and donated goods through ESF #5: Emergency Management.
ESF 17 - Private Sector Coordination	HSEMA has the responsibility for collecting, analyzing, processing, and coordinating the dissemination of information regarding emergencies. Under the direction of the Mayor, HSEMA will coordinate District assets to provide the necessary emergency assistance before, during, and after the occurrence of emergencies. HSEMA will execute actions to facilitate access to the federal disaster assistance process upon depletion of District, regional and interstate resources.
ESF 18 - Military Affairs	HSEMA has the responsibility for collecting, analyzing, processing, and coordinating the dissemination of information regarding emergencies. Under the direction of the Mayor, HSEMA will coordinate District assets to provide the necessary emergency assistance before, during, and after the occurrence of emergencies. HSEMA will execute actions to facilitate access to federal disaster assistance process upon depletion of District, regional and interstate resources. HSEMA will receive and assemble damage reports from all sources and prepare an incident report for the CMT. The CMT will assess the emergency and provide a copy of their assessment to the primary ESF agencies. These agencies will communicate response actions and any changes in operating status to the EOC through their ELOs.
Metropolitan Police Department (MPD)	
ESF 1 - Transportation	MPD will provide critical-intersection control and will report street closures or any area transportation disruptions. MPD will provide escort service for emergency response vehicles when requested. MPD and DDOT - Traffic Control Officers (TCOs) will jointly be responsible for the coordination of traffic management and street closings as well as with other regional law enforcement and transportation agencies. MPD, in coordination with DPW, will provide towing cranes, if necessary, to remove parked vehicles from designated emergency evacuation routes during an emergency. An ESF #1 ELO will be stationed at the Command Information Center (CIC) when requested for coordination.
ESF 2 - Communications	MPD will use the 700/800 MHz radio system as a primary means of communication and the 700/800 MHz as a secondary means of communication. MPD will defer to FEMS for communications lead (COML) when interoperability issues arise.
ESF 3 - Public Works and Engineering	MPD will provide police escorts for mobile fueling units and Strategic National Stockpile supply vehicles (as warranted). Also, MPD will clear traffic lanes to enable debris removal operations to proceed along access ways.
ESF 4 - Firefighting	MPD will provide site perimeter security, traffic control, staging area security, and assistance with emergency evacuations during and after a fire to protect the health and safety of persons and the integrity of the fire scene. MPD also will perform criminal investigations as necessary.

Emergency Support Function	Roles and Responsibilities
ESF 5 - Emergency Management	MPD will provide all pertinent information concerning police activities and emergency or emerging situations to HSEMA to disseminate to city officials, the press, other agencies, and the public. Also, MPD's Public Information Officer will be available to answer questions and provide information to the public, coordinated through the JIC in ESF #15—External Affairs.
ESF 6 - Mass Care	MPD will provide support and assistance in cooperation with the HSEMA and other city agencies in the event emergency shelters are established. MPD will maintain security outside and around emergency shelters. Also, MPD will provide support and assistance to facilitate the delivery of emergency food and supplies; assist in the notification of the public by providing direction and security along predetermined evacuation routes; and assist in ensuring that any evacuation is conducted in an orderly and safe manner.
ESF 7 - Resource Support	MPD will maintain security of emergency area(s), including ingress and egress in coordination with HSEMA. MPD will notify HSEMA of any critical resource shortfalls. During an emergency, MPD will maintain security of facilities used to store large inventories of emergency physical resources. MPD also will provide escort and security services for large shipments of emergency physical resources to the disaster site.
ESF 8 - Public Health and Medical Services	MPD will assist with enhancing security at hospitals, mass casualty collection points, PODs, and other sites providing public health services during a public health emergency. Hospitals or other health care facilities will make security requests to DOH through ESF #8 who will then contact MPD for assistance.
ESF 9 - Search and Rescue	MPD will provide site perimeter security, traffic control, staging area security, and assistance with emergency evacuations during and after an incident to protect the health and safety of persons and the integrity of the incident scene. MPD also will perform criminal investigations as necessary and provide canine assistance as available for SAR activities.
ESF 10 - Oils and Hazardous Materials Response	MPD will provide perimeter security and staging area security to protect life and property from HazMat incidents. If necessary, MPD will conduct door-to-door warnings in an area affected by a HazMat incident. MPD will assist with traffic control in pedestrian/vehicle areas, if necessary, and will help notify the public of any emergency evacuation. MPD also will assist with explosive ordinance processing and disposal with the Military District of Washington, and will perform criminal investigations as necessary. MPD can provide aid in support of a criminal act centered on terrorists with a weapon of mass destruction.
ESF 11 - Food	MPD, in cooperation with DHS and other District agencies, will provide support and assistance to fulfill emergency feeding requirements. MPD will maintain security around emergency feeding areas, including control of ingress and egress in coordination with DHS and HSEMA. MPD will provide support and assistance to facilitate the delivery of emergency food and supplies. MPD will help notify the public by providing direction and security along predetermined routes to reach central food locations and will assist in ensuring that any ingress and egress to such locations is conducted in an orderly and safe manner.

Emergency Support Function	Roles and Responsibilities
ESF 13 - Law Enforcement	MPD will be in direct liaison with the HSEMA and other city agencies via the EOC in order to coordinate interagency responses to any emergencies that may arise. MPD ELO will keep the ESF #5 apprised of police operations with regular status reports to the EOC. All emergency police responses for major incidents or other critical situations shall be coordinated through the MPD JOCC. MPD will be responsible for the delivery of both emergency and non-emergency police service to the public. If necessary, the entire department will be fully mobilized to ensure a continuity of service and effective police response in the event of an emergency or other critical situation. In addition to existing internal standard operating procedures (SOPs), MPD will be in contact with other city, local and federal police agencies to ensure that the safety of the public is not compromised by domestic or foreign terrorist threats or acts, to include natural and human-caused disasters. They will establish a command post and institute Incident Command or Unified Command as necessary; isolate the area with the assistance of law enforcement agencies; deny entry to the hazardous areas with the assistance of law enforcement agencies; identify the hazardous materials involved; assess the situation; establish isolation zones (hot, warm, cold); control/contain the incident; and request additional resources as escalating incident conditions warrant.
ESF 16 - Volunteer and Donations	MPD will provide security at donation receiving and staging locations, and will provide escort assistance.
ESF 17 - Private Sector Coordination	MPD will provide security for transportation and businesses in an emergency.
ESF 18 - Military Affairs	MPD will provide all pertinent information concerning police activities and emergency or emerging situations to HSEMA to disseminate to city officials, the press, other agencies, and the public. Also, MPD's Public Information Officer will be available to answer questions and provide information to the public, coordinated through the JIC in ESF #15—External Affairs.
Office of the Attorney General (OAG)	
ESF 5 - Emergency Management	OAG will provide legal advice and take legal action for supporting agencies, unless lawyers in the supporting agencies normally perform these functions for their agencies. They will provide legal advice and take legal action for the District government.
ESF 7 - Resource Support	OAG will provide legal advice and take legal action for the supporting agencies unless lawyers in the supporting agencies normally perform these functions for their agencies. OAG will provide legal advice and take legal action for the District government.
ESF 10 - Oils and Hazardous Materials Response	TBD
ESF 13 - Law Enforcement	OAG will provide legal advice and take legal action for the supporting agencies, unless lawyers in the supporting agencies normally perform these functions for their agencies. OAG will provide legal advice and take legal action for the District government.

Emergency Support Function	Roles and Responsibilities
ESF 18 - Military Affairs	OAG will provide legal advice and take legal action for the supporting agencies, unless lawyers in the supporting agencies normally perform these functions for their agencies. OAG will provide legal advice and take legal action for the District government.
Office of Cable Television (OCT)	
ESF 2 - Communications	OCT will, in conjunction with District radio stations, broadcast the Emergency Alert System to inform District residents of pending or occurring emergencies and provide guidance on appropriate protective actions.
ESF 5 - Emergency Management	OCT will utilize Channel 16 and Channel 13 to cablecast emergency information as it becomes available. News briefings by city officials, including the Mayor, the City Administrator, and other top officials, will be cablecast live over both channels, preempting regular programming, as required.
Office of Chief Financial Officer (OCFO)	
ESF 5 - Emergency Management	OCFO will be the lead agency to ensure that disbursement of District funds continues in an orderly manner, including employee pay, vendor payments, and direct transfers. The OCFO will coordinate with the Office of Contract and Procurement to ensure that unforeseen and emergency procurements of critical goods are effected as quickly as possible.
ESF 7 - Resource Support	OCFO will be the lead agency to ensure that disbursement of District funds continues in an orderly manner, including employee pay, vendor payments, and direct transfers. The CFO will coordinate with OCP to ensure that unforeseen and emergency procurements of critical goods are dispersed as quickly as possible.
ESF 16 - Volunteer and Donations	TBD
ESF 17 - Private Sector Coordination	TBD
Office of Chief Medical Examiner (OCME)	
ESF 4 - Firefighting	OCME will coordinate all mass fatality management efforts, including investigating, establishing a temporary morgue(s), coordinating transportation of remains, performing postmortem examinations and identifications, securing evidence, certifying cause and manner of death, and releasing remains.
ESF 7 - Resource Support	TBD
ESF 8 - Public Health and Medical Services	After MPD or FEMS notifies OCME that the incident scene is cleared as safe and secure, OCME will respond to the scene and take charge of fatality management. OCME will coordinate all mass fatality efforts, including investigating, establishing a temporary morgue(s), coordinating transportation of remains, performing postmortem examinations and identifications, securing evidence, certifying cause and manner of death, and releasing remains. In cooperation with DOH through ESF #8, OCME will coordinate with District area hospitals for examination and storage or release of remains and will deputize hospital physicians to allow in-house hospital examinations

Emergency Support Function	Roles and Responsibilities
ESF 9 - Search and Rescue	OCME will respond to the scene and provide coordination of mass fatality efforts, including investigating, establishing temporary morgue(s), coordinating transportation of remains, performing postmortem examinations and identifications, securing evidence, certifying cause and manner of death, and releasing remains, in coordination with DOH through ESF # 8 - Public Health and Medical Services.
ESF 10 - Oils and Hazardous Materials Response	After the incident scene has been cleared for entry by FEMS (HazMat) and is secured, and OCME is notified by MPD/FEMS, OCME will respond to the scene and take charge of fatality management. OCME will coordinate all mass fatality efforts, including investigating, establishing temporary morgue(s), coordinating transportation of remains, performing postmortem examinations and identifications, securing evidence, certifying cause and manner of death, and releasing remains.
ESF 13 - Law Enforcement	OCME will respond to the scene and provide coordination of mass fatality efforts, including investigating, establishing temporary morgue(s), coordinating transportation of remains, performing postmortem examinations and identifications, securing evidence, certifying cause and manner of death, and releasing remains.
ESF 17 - Private Sector Coordination	Through the Family Assistance Center will continue to coordinate with the Metropolitan Police Department (MPD) on family/next-of-kin death notification and continue to work with families/next-of-kin to identify and release remains.
ESF 18 - Military Affairs	OCME will respond to the scene and provide coordination of mass fatality efforts, including investigating, establishing temporary morgue(s), coordinating transportation of remains, performing postmortem examinations and identifications, securing evidence, certifying cause and manner of death, and releasing remains.
Office of Contracting and Procurement (OCP)	
ESF 3 - Public Works and Engineering	OCP provides ESF #3 with pre-positioned and emergency contracts for required equipment and services (as detailed in all references).
ESF 4 - Firefighting	OCP will provide procurement specialists to assist in contracting and procuring the necessary resources and services.
ESF 7 - Resource Support	OCP will coordinate with the appropriate agencies to ensure that procurement processes are expedited. OCP will work directly with HSEMA to quickly identify sources and purchase the required goods as deemed necessary by the CMT Director. Resource support will be conducted from the EOC. However, resource support should be prepared to continue operations from alternate sites in the National Capital Region should the primary site be compromised. Alternate sites for resource support activities will be identified and may be activated at the direction of the CPO or those with delegated authority.
ESF 8 - Public Health and Medical Services	OCP will assist in obtaining emergency supplies, equipment, and services.
ESF 9 - Search and Rescue	OCP will provide procurement specialists to assist in contracting and procuring the necessary resources and services.
ESF 10 - Oils and Hazardous Materials Response	TBD

Emergency Support Function	Roles and Responsibilities
ESF 11 - Food	OCP will manage the development and execution of emergency food/meal contracts to supplement DHS supplies for emergency events and mass care feedings or food distribution to large staging areas.
ESF 14 - Damage Assessment	TBD
ESF 17 - Private Sector Coordination	OCP will assist in obtaining critical resources needed for private sector coordination.
Office of the Chief Technology Officer (OCTO)	
ESF 1 - Transportation	OCTO will provide communication and geographic information systems (GIS) support to ESF #1.
ESF 2 - Communications	OCTO will ensure the provision of adequate communications support to District response operations. OCTO is responsible for assessing the communication requirements to respond to the emergency, and mobilize communication assets and resources to be deployed in support of these efforts; monitor the recovery efforts and, as required, coordinate the provision of communications support required by the District government to meet the challenge; provide situation status reports to ESF #5 as required; monitor the status of critical situations that have the potential for developing into public emergencies and determine whether adequate communications services are being provided to support response operations; assessing the impact on existing District government communications services and employ strategies to mitigate any risk; coordinating the restoration and/or rerouting of existing District government communications services and the provision of new communications services; coordinating with communications service providers and prioritize requirements as necessary when providers are unable to satisfy all communications service requirements or when the allocation of available resources cannot be fully accomplished at the field level; processing industry requests for assistance that support response activities and coordinate with responsible agencies to ensure safe access for communications work crews into restricted areas.
ESF 3 - Public Works and Engineering	DPW will provide solid waste and debris removal. In coordination with DDOT, DCRA, and DGS, they will assist with the inspection of facilities, as required. In concert with DC Water, as necessary, and DOH, they will ensure that the water and sewer sanitation within the emergency area are safe.
ESF 5 - Emergency Management	OCTO will develop and enforce policies and standards for information technology in the District government. OCTO will ensure provisions of adequate communications to support District response operations, including providing GIS capabilities and a Wide-Range Area Network Support Center.
ESF 7 - Resource Support	OCTO will establish and maintain an office for the purpose of monitoring and reporting information system failures (that is, DCnet, District intranet, etc.) throughout District agencies. The public information function will create, prepare, and disseminate information related to the emergency.
ESF 8 - Public Health and Medical Services	OCTO will provide telecommunications support to ESF #8, maintain the area networks, and provide GIS capabilities.
ESF 14 - Damage Assessment	TBD

Emergency Support Function	Roles and Responsibilities
ESF 16 - Volunteer and Donations	OCTO will provide information technology and information management support to assist in monitoring and tracking donations.
Office of the City Administrator (OCA)	
ESF 5 - Emergency Management	The OCA will perform the EOM's oversight and advisory functions for the information and planning facets of the <i>DRP</i> .
ESF 16 - Volunteer and Donations	OCA provides oversight and support to the Deputy Mayors and increases government effectiveness with cross-agency and targeted improvement initiatives, including the integration of strategic policy priorities, budgetary constraints, and operational directives. The office shares administration-level operational information about donations and volunteer needs.
Office of Communication (OC), Executive Office of the Mayor (EOM)	
ESF 2 - Communications	OC will identify alternate communication mediums to keep the public notified on the state of the emergency.
ESF 5 - Emergency Management	The EOM will be the executive-level resource ensuring the planning and the cooperative coordination of all District agencies. The EOM has ultimate responsibility to ensure continuation and restoration of services from District agencies. The Mayor's Communications Director serves as spokesperson for the Mayor on all activities of DC government agencies. HSEMA will coordinate the release of emergency public information concerning consequence management with the Communications Director.
ESF 5 - Emergency Management	The OC will establish and manage a JIC to release critical information to the public and the media under the direction of the Mayor's Communications Director.

Emergency Support Function	Roles and Responsibilities
ESF 15 - External Affairs	<p>The Office of Communications, EOM will ensure that the ESF #15 function promotes equal access to disaster assistance consistent with appropriate District and federal laws, regulations, mandates, and policies (e.g., Title VI of the Civil Rights Act, American with Disabilities Act).</p> <p>Under ESF #15, the Office of Communications, EOM will establish and adhere to standardized procedures that provide for an effective level of community relations services to disaster victims, the public, the media, and other interested and involved organizations. The Office of Communications, EOM, with support from representatives from other District offices and organizations, volunteer organizations, and other sources, will prepare briefings, communication plans, press releases, fact sheets, newsletters, pamphlets, and other communications and outreach materials. These actions will take place through the JIC. Furthermore, other assistance related to outreach functions will be provided (e.g., creating and updating District websites, managing social media, conducting public meetings, providing translators to visitors/tourists impacted by the disaster), as needed.</p> <p>In the event of an emergency involving a District and/or federal government response, the Media Relations Coordinator will collaborate with federal PIOs from the U.S. Department of Homeland Security/federal Emergency Management Agency (USDHS/FEMA) and other organizations to ensure that timely, reliable, consistent, and accurate information is made available to the public, affected communities, and other relevant parties. This collaboration will take place through the JIC, located at the Unified Command Center (UCC), and will be activated by the EOM Chief of Staff. Responsibilities of the JIC include, but are not limited to: monitoring news reports and media outlets to track information concerning the event, ensuring accuracy of reporting, and taking action to correct misinformation and incorrect information concerning the disaster response, recovery and mitigation operations that appear in the news media; maintaining contact with and gathering information from federal, regional, District, and voluntary organizations taking part in disaster response operations; handling news conferences and press operations for disaster area tours by government officials and the press; coordinating with the Logistics Section to provide basic facilities, such as communications, office space, and supplies, to help the news media disseminate information to the public; and providing staff and other resources for a JIC operation.</p>
ESF 16 - Volunteer and Donations	EOM will conduct the community relations aspects of requesting donated goods for emergencies.
ESF 16 - Volunteer and Donations	OC will ensure that timely, reliable, consistent, and accurate information is made available to the public, affected communities, and other relevant parties.
Office of Disability Rights (ODR)	
ESF 6 - Mass Care	TBD
ESF 7 - Resource Support	TBD
ESF 8 - Public Health and Medical Services	ODR will assist in the response and support provided to people with disabilities during a response.
Office of Neighborhood Engagement	

Emergency Support Function	Roles and Responsibilities
ESF 16 - Volunteer and Donations	TBD
Office of Partnerships and Grants Development (OPGD)	
ESF 16 - Volunteer and Donations	OPGD will provide services and assistance to increase Serve DC's capacity to track goods and services donated to impacted communities.
ESF 17 - Private Sector Coordination	OPGD will offer services and assistance to increase the capacity of District government agencies and nonprofit organizations to ensure they are informed of and can successfully compete for federal, District, and foundation grant dollars and identify, train, and assign personnel to maintain contact with ESF #17 and prepare to execute missions in support of ESF #17.
Office of Planning	
ESF 7 - Resource Support	The Office of Planning provides statistical data regarding District populations. In addition, the Office of Planning provides planners for the wards as well as maps.
ESF 14 - Damage Assessment	TBD
ESF 17 - Private Sector Coordination	The Office of Planning will assist in planning for private sector coordination and seek changes, as appropriate, to Comprehensive Plan and Zoning Regulations in light of impact of disaster or emergency as property owners rebuild.
Office of Tenant Advocacy	
ESF 14 - Damage Assessment	TBD
Office of Unified Communication (UNC)	
ESF 2 - Communications	OUC, in coordination with OCTO, will facilitate communications and coordination among local, state, and federal authorities during regional and national emergencies. OUC manages citywide E-9-1-1 emergency dispatch support from the OUC E-9-1-1 Center. Also, OUC has primary responsibility for the first responder radio communications and public safety interoperability. OUC is responsible for: support ESF #2 response activities at the EOC and provide situation status to ESF #2 and the CMT; ensure interoperability on the unified 700/800 MHz radio system; ensure that all information regarding potential or actual public emergency situations with significant communications implications is brought to the attention of ESF #2 and ESF #5; coordinate all response activities with ESF #2 and supporting agencies; monitor the status of crucial situations that have the potential for developing into an emergency and that may require emergency communications support; assist OCTO in assessing the impact of radio communications assets, resources, and services; and coordinate with ESF #2 member organizations to obtain additional communications specialists to augment first responder communications.
ESF 3 - Public Works and Engineering	OUC will facilitate communications and coordination among local, state, and federal authorities during regional and national emergencies.
ESF 4 - Firefighting	OUC, in consultation with ESF #5 on protective actions, will facilitate and coordinate communications with the public. This may include the delivery of mitigation directions, evacuation instructions, and prioritization.

Emergency Support Function	Roles and Responsibilities
ESF 5 - Emergency Management	OUC will facilitate communications and coordination among local, state, and federal authorities during regional and national emergencies.
ESF 6 - Mass Care	OUC will provide information and referrals to human services providers. The OUC will provide information to the public regarding other ESF #6 services. Also, services are available online through www.211metrodc.org .
ESF 7 - Resource Support	OUC will provide centralized, District-wide coordination and management of public safety voice radio technology and other public safety wireless communication systems and resources. More specifically, the OUC will receive and manage all 911 and 311 call volume and will also oversee all land and mobile radio systems tied to that response network.
ESF 8 - Public Health and Medical Services	OUC will facilitate communications and coordination among local, state, and federal authorities during regional and national emergencies.
ESF 9 - Search and Rescue	OUC, in consultation with ESF #5 on protective actions, will facilitate and coordinate communications with the public. This may include the delivery of mitigation directions, evacuation instructions, and prioritization.
ESF 10 - Oils and Hazardous Materials Response	OUC, in consultation with ESF #5 on protective actions, will facilitate and coordinate communications with the public. This may include the delivery of mitigation directions, evacuation instructions, and prioritization.
ESF 13 - Law Enforcement	OUC will provide centralized, District-wide coordination and management of public safety voice radio technology and other public safety wireless communication systems and resources. More specifically, the OUC will receive and manage all 911 and 311 call volume and will also oversee all land and mobile radio systems tied to that response network.
ESF 16 - Volunteer and Donations	OUC provides centralized District-wide coordination and management of public safety voice radio technology and other public safety wireless communication systems and resources and if required, may assist in providing comprehensive information to callers about donations and volunteer needs.
ESF 18 - Military Affairs	The OUC will provide centralized, District-wide coordination and management of public safety voice radio technology and other public safety wireless communication systems and resources. More specifically, OUC will receive and manage all 911 and 311 call volume and oversee all land and mobile radio systems tied to that response network.
Office of Zoning (DCOZ)	
ESF 17 - Private Sector Coordination	DCOZ will support the Zoning Commission (and BZA) to allow proper regulation of rebuilding efforts.
Office on Aging (DCOA)	
ESF 1 - Transportation	DCOA will coordinate on the movement of senior citizens requiring special transportation to shelter facilities. DCOA will identify and coordinate, to the extent possible, the location of District seniors in need of transport to mass feedings, congregate meals, and food distribution centers. DCOA, through its contractors, will assist in shelter-in-place operations and the coordination of mobile feeding units to serve District senior citizens.

Emergency Support Function	Roles and Responsibilities
ESF 6 - Mass Care	DCOA will assist with the management and care, including the distribution of emergency relief items to District senior residents at designated sites. DCOA will assist, potentially through contractors, with operation of shelter-in-place and mobile feeding units to serve District senior residents. Also, DCOA will coordinate the transport and relocation of District senior residents to emergency shelter care facilities, in concert with other agencies; assist with staffing emergency shelter facilities situated in communities with large senior citizen populations; and assist with the operation of designated feeding and health care service sites for District senior residents.
ESF 8 - Public Health and Medical Services	DCOA will assist in the response and support provided to the elderly in the District during a response.
ESF 11 - Food	DCOA will provide technical assistance in the management and feeding of the elderly housed in DCOA shelters. DCOA will identify, to the extent possible, the location of seniors in need of transport to mass feedings, congregate meals, and food distribution centers.
Office of Victim Services (OVS)	
ESF 8 - Public Health and Medical Services	OVS will provide support to victims of man-made events in the District.
Office on African Affairs (OAA)	
ESF 6 - Mass Care	OAA will assist with staffing and language translation services at emergency shelter and health care facilities and emergency relief sites; assist with family reunification efforts for displaced, non- and limited-English-speaking individuals; and assist with the provision of volunteer translators for emergency medical intervention, routine health care services, crisis intervention, and psychiatric services, at designated emergency response sites and on the mobile units. OAA also will work with communicators to ensure that all messages are properly translated or interpreted for speakers of other languages, and that messages are culturally appropriate.
Office on Asian and Pacific Islanders Affairs (OAPIA)	
ESF 6 - Mass Care	OAPIA will assist with staffing and language translation services at emergency shelter and health care facilities and emergency relief sites and assist with family reunification efforts for displaced, non- and limited-English-speaking individuals. OAPIA will assist with the provision of volunteer translators for emergency medical intervention, routine health care services, crisis intervention, and psychiatric services at designated emergency response sites and on the mobile units. Also, OAPIA will work with communicators to ensure all messages are properly translated or interpreted for speakers of other languages, and that messages are culturally appropriate.
Office on Latino Affairs (OLA)	

Emergency Support Function	Roles and Responsibilities
ESF 6 - Mass Care	OLA will assist with staffing and language translation services at emergency shelter and health care facilities and emergency relief sites; assist with family reunification efforts for displaced, non- and limited-English-speaking individuals; and assist with the provision of volunteer translators for emergency medical intervention, routine health care services, crisis intervention, and psychiatric services at designated emergency response sites and on the mobile units. Also, OLA also will work with communicators to ensure all messages are properly translated or interpreted for speakers of other languages, and that messages are culturally appropriate.
Serve DC	
ESF 1 - Transportation	Serve DC will support ESF #1 when ESF #1 requests transportation related volunteers. This could include, but is not limited to, administrative and/or logistical support.
ESF 5 - Emergency Management	Serve DC will provide ESF #5 information on volunteer availability and provide donations management information to responding agencies. The agency will keep a cadre of trained ELOs and respond to the EOC when necessary.
ESF 6 - Mass Care	Serve DC, is the lead for ESF #16 (Volunteer and Donations Management). In this capacity Serve DC will assist DHS and HSEMA, as needed, with coordination of available volunteers and donated supplies to support shelter operations, distribution point processes, provision of initial crisis management for victims, and other ESF #6 services.
ESF 8 - Public Health and Medical Services	Serve DC will support ESF #8 when volunteers are requested to support emergency response and recovery. Voluntary assistance for ESF #8 could include but is not limited to administrative or logistical support. Information on the types of donations that would be most beneficial to assist victims during the disaster will be provided to Serve DC.
ESF 11 - Food	TBD
ESF 16 - Volunteer and Donations	Serve DC will serve as the primary agency for managing volunteers and donations during an emergency. This is done through the Donations Coordinator who works with government entities, voluntary and community-based organizations, the business sector, and the media.
ESF 17 - Private Sector Coordination	Serve DC will provide information on volunteer availability and donation management with regard to private sector coordination efforts

E. SAMPLE ORDERS

Sample Public Emergency Declaration

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order

[Insert Date]

SUBJECT: DECLARATION OF PUBLIC EMERGENCY

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422 of the District of Columbia Home Rule Act ("Home Rule Act"), as amended, approved December 24, 1973, 87 Stat. 790, Pub. Law 93-198, D.C. Official Code § 1-204 (2006 Repl.), the District of Columbia Public Emergency Act of 1980, effective March 5, 1981, D.C. Law 3-149, D.C. Official Code § 7-2301 et seq. (2001) ("Public Emergency Act"), and section 903(c) of the Omnibus Anti-Terrorism Act of 2002, effective October 17, 2002, D.C. Law 14-194, D.C. Official Code § 7-2304.01 (2006 Supp.) ("Anti-Terrorism Act"), it is hereby ORDERED that:

- (1) A state of a public emergency is hereby declared in the District of Columbia effective immediately and continuing until midnight, _____. [EFFECTIVE NO MORE THAN 15 CALENDAR DAYS, UNLESS THE COUNCIL BY EMERGENCY ACT EXTENDS THE EFFECT FOR UP TO AN ADDITIONAL 15 CALENDAR DAYS]. The Chief Financial Officer of the District of Columbia and employees of the Office of the Chief Financial Officer are authorized to approve the disbursement of all appropriations necessary to carry out this order.
- (2) The Director of the Homeland Security and Emergency Management Agency is authorized to implement those provisions of the District of Columbia Emergency Response Plan, as approved by the Mayor, that are necessary to carry out this order.
- (3) All agencies, departments, instrumentalities, and other organizational entities of the District of Columbia government ("the Agencies") shall coordinate their operations under the direction of the Mayor, City Administrator, and Chief of Staff in order to carry out this Order.
- (4) The Agencies shall coordinate their operation in implementing the following measures to protect persons and property in the District of Columbia [AMONG OTHER THINGS, DISTRICT OF COLUMBIA LAW PERMITS THE MAYOR, IN THE EVENT OF A DECLARED EMERGENCY, TO: EXPEND APPROPRIATE FUNDS TO ADDRESS THE EMERGENCY; IMPLEMENT THE DISTRICT EMERGENCY OPERATION PLANS WITHOUT REGARD TO ESTABLISHED OPERATIONAL PROCEDURES; PROCURE SUPPLIES AND EQUIPMENT, INSTITUTE TRAINING PROGRAMS AND PUBLIC INFORMATION PROGRAMS, AND TAKE ALL PREPARATORY STEPS, IN

ADVANCE OF AN ACTUAL DISASTER; REQUEST PRE-DISASTER ASSISTANCE FROM THE FEDERAL GOVERNMENT; AND PREVENT OR REDUCE HARMFUL CONSEQUENCES OF DISASTER];

- (5) The Agencies are ordered to coordinate in evacuating persons in the following areas of the District of Columbia:
-

Persons in these designated evacuation areas of the District of Columbia shall be evacuated to the locations designated in the District of Columbia Emergency Response Plan, or to the following shelters within the District or outside the District (with the approval of the Governor of the receiving State):

The Agencies shall coordinate to receive, shelter, maintain, and care for evacuees at these locations.

This Order to evacuate shall not apply to any personnel or activity of the federal government absent the consent of the President of the United States or his designee; provided that upon agreement between the federal and District of Columbia governments, any prearranged evacuation plan shall constitute such consent.

- (6) The Potomac Electric Power Company (“PEPCO”), any other providers or carriers of electricity, and their parent companies and subsidiaries are hereby ordered to [EITHER suspend, by shutting off, disconnecting, or otherwise temporarily terminating, the provision of electricity to the following areas of the District of Columbia OR continue without interruption the provision of electricity to the following areas of the District of Columbia]:
-

The Washington Gas Company, any other providers or carriers of natural gas, and their parent companies and subsidiaries are hereby ordered to [EITHER suspend, by shutting off, disconnecting, or otherwise temporarily terminating, the provision of natural gas to the following areas of the District of Columbia OR continue without interruption the provision of natural gas to the following areas of the District of Columbia]:

The following utilities, their parent companies, and their subsidiaries are hereby ordered to [EITHER suspend, by shutting off, disconnecting, or otherwise temporarily terminating, the provision of _____ to the following areas of the District of Columbia OR continue without interruption the provision of _____ to the following areas of the District of Columbia]:

The Agencies are ordered to coordinate to ensure that this paragraph is carried out.

- (7) The Agencies are ordered to coordinate to destroy any property, real or personal, that is contaminated by any matter or substance that renders it deleterious to life or health and poses immediate or imminent danger to persons or property.

The Agencies are ordered to coordinate to prohibit persons from contacting or approaching such property in a manner that could endanger their lives or health, or the lives or health of others.

The Agencies are ordered to remove from, or relocate within, the District any such contaminated personal property that is not destroyed, so as to avoid immediate or imminent danger to persons or other property.

The property subject to this order includes, but is not limited to, the following [SPECIFY THE PROPERTY, ITS LOCATION, AND THE ACTION TO BE TAKEN]

_____.

- (8) The Agencies are ordered to coordinate to [control, restrict, allocate, regulate] the [use, production, distribution] of food, fuel, clothing, and the following other commodities, materials, goods, services, and resources, and to seize critical goods or resources from private owners, as required by the District of Columbia Emergency Response Plan, any federal emergency response plan, or as determined by the Mayor:
- _____.

The Agencies are ordered to coordinate to implement the following regulations pertaining to the use, sale, production, and distribution of food, fuel, clothing, and other commodities, materials, goods, services, and resources, as required by the District of Columbia Emergency Response Plan, any federal emergency response plan, or as determined by the Mayor: [IF POSSIBLE, PHYSICALLY ATTACH REGULATIONS]

_____.

The sale, dispensing, use, and transportation of alcoholic beverages are prohibited [in the District OR in the following areas of the District]:

_____.

The sale, dispensing, use, and transportation of firearms, explosives, and flammables materials and liquids are prohibited [in the District OR in the following areas of the District]:

_____.

- (9) The Agencies are ordered to coordinate to impose a curfew on [DESCRIBE PERSONS AFFECTED, AREAS FOR WHICH THE CURFEW APPLIES, AND TIMES WHEN THE CURFEW IS IN EFFECT]:
- _____.

- (10) All [pedestrian and/or vehicular traffic], except essential emergency vehicles and personnel, shall be [prohibited OR regulated] in the following areas [DESCRIBE AREAS AFFECTED AND NATURE AND SCOPE OF REGULATION/PROHIBITION]:
- _____.
- (11) The occupancy and use of buildings in the following areas is [prohibited OR regulated in the following manner]: [DESCRIBE THE AREAS, AS WELL AS THE NATURE AND SCOPE OF THE REGULATION/PROHIBITION]:
- _____.
- (12) The following persons or entities in the District of Columbia are ordered to alter the hours during which they conduct business or similar activities at premises established and maintained for such activities [DESCRIBE PERSONS/ENTITIES AFFECTED AND THE NATURE OF THE ALTERATION]:
- _____.
- (13) The following public emergency services units are hereby established:
- _____.
- (14) The following units of the following Agencies are hereby expanded, as indicated:
- _____.
- (15) The following persons shall be detained because there is probable cause to believe that they are affected with a communicable disease and that their presence in the general population is likely to cause death or seriously impair the health of others [NAME PERSONS OR DESCRIBE DISCRETE GROUPS OF PERSONS AFFECTED]:
- _____.
- (16) All employees of the Agencies shall comply with the operational directions of the Mayor, City Administrator, and Chief of Staff, or their designees.
- (17) As soon as practicable, this Order shall be published in the District of Columbia Register and shall be posted in such public places in the District of Columbia as regulations require.
- (18) It is hereby requested of all publishers of daily newspapers of general circulation in the District of Columbia that this Order be published therein as soon as practicable.
- (19) District of Columbia government funds shall be committed as follows in order to alleviate the damage, loss, hardship, and suffering resulting from the current emergency:
- _____.
- (20) The measures enumerated in this Order are necessary to relieve the public emergency. In addition to executing the specific measures enumerated in this Order, I may invoke all of my lawful authority as Mayor in order to prevent or reduce the harmful consequences of the condition that engendered the emergency.

- (21) Pursuant to section 8 of the Public Emergency Act of 1980, D.C. Official Code § 7-2307, any person who violates any provision of this Order shall be subject to a fine of \$1,000 for each violation.
- (22) This Order supersedes any and all other laws, regulations, and reorganization plans to the contrary to the extent permitted by section 422 of the Home Rule Act and by the Public Emergency Act.
- (23) This order shall take effect immediately.

Signed this _____ day of _____, 20_____.

[Insert Mayor's Name]

MAYOR

ATTEST: _____

[Insert Secretary's Name]

SECRETARY OF THE DISTRICT OF COLUMBIA

Sample Public Emergency Declaration Rescission

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order

[Insert Date]

SUBJECT: RESCISSION OF DECLARATION OF PUBLIC EMERGENCY

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422 of the District of Columbia Home Rule Act ("Home Rule Act"), as amended, approved December 24, 1973, 87 Stat. 790, Pub. Law 93-198, D.C. Official Code § 1-204 (2006 Repl.) and the District of Columbia Public Emergency Act of 1980, effective March 5, 1981, D.C. Law 3-149, D.C. Official Code § 7-2301 et seq. (2001) ("Public Emergency Act"), it is hereby ORDERED that:

- (1) Mayor's Order No. _____, dated _____ is hereby rescinded.
- (2) This order shall take effect immediately.

Signed this _____ day of _____, 20_____.

[Insert Mayor's Name]

MAYOR

ATTEST: _____

[Insert Secretary's Name]

SECRETARY OF THE DISTRICT OF COLUMBIA

Sample Public Health Emergency Declaration

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order

[Insert Date]

SUBJECT: DECLARATION OF PUBLIC HEALTH EMERGENCY

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422 of the District of Columbia Home Rule Act ("Home Rule Act"), as amended, approved December 24, 1973, 87 Stat. 790, Pub. Law 93-198, D.C. Official Code § 1-204 (2006 Repl.), the District of Columbia Public Emergency Act of 1980, effective March 5, 1981, D.C. Law 3-149, D.C. Official Code § 7-2301 et seq. (2001) ("Public Emergency Act"), section 903(c) of the Omnibus Anti-Terrorism Act of 2002, effective October 17, 2002, D.C. Law 14-194, D.C. Official Code § 7-2304.01 (2006 Supp.) ("Anti-Terrorism Act"), and Mayor's Order [NUMBER AND DATE OF MAYOR'S ORDER DECLARING A PUBLIC EMERGENCY] it is hereby ORDERED that:

- (1) A state of a public health emergency is hereby declared in [the District of Columbia OR SPECIFICY WHICH GEOGRAPHIC AREAS WITHIN THE DISTRICT ARE SUBJECT TO THE EMERGENCY] effective immediately and continuing until midnight, _____. [EFFECTIVE NO MORE THAN 15 CALENDAR DAYS, UNLESS THE COUNCIL BY EMERGENCY ACT EXTENDS THE EFFECT FOR UP TO AN ADDITIONAL 15 CALENDAR DAYS]. The Chief Financial Officer of the District of Columbia and employees of the Office of the Chief Financial Officer are authorized to approve the disbursement of all appropriations necessary to carry out this order.
- (2) The declaration of a public health emergency is based on the Mayor's reasonable belief that there is an imminent hazard or actual occurrence of [SELECT ONE OR MORE OF THE FOLLOWING: (1) A LARGE NUMBER OF DEATHS IN THE DISTRICT OF COLUMBIA; (2) A LARGE NUMBER OF SERIOUS OR LONG-TERM HUMAN HEALTH DISABILITIES IN THE DISTRICT OF COLUMBIA; (3) WIDESPREAD EXPOSURE TO AN INFECTIOUS OR TOXIC AGENT THAT POSES A SIGNIFICANT RISK OF SUBSTANTIAL FUTURE HARM TO A LARGE NUMBER OF PEOPLE IN THE DISTRICT OF COLUMBIA; OR (4) USE, DISSEMINATION, OR DETONATION OF A WEAPON OF MASS DESTRUCTION, AS DEFINED BY SECTION 102 OF THE ANTI-TERRORISM ACT, D.C. OFFICIAL CODE § 22-3152(12) (2006 SUPP.)].
- (3) The conditions which have created the emergency are [DESCRIBE THE CAUSE, NATURE, EXTENT, AND SEVERITY OF THE PUBLIC HEALTH EMERGENCY]:

- (4) All agencies, departments, instrumentalities, and other organizational entities of the District of Columbia government (“the Agencies”) shall coordinate their operations under the direction of the Mayor, City Administrator, and Chief of Staff in order to carry out this Order.
- (5) The Agencies shall coordinate their operation in implementing the following measures to relieve the public health emergency:

-
- (6) The Mayor may take, or authorize the Agencies to take, the following steps to ensure that the conduct and management of the affairs and property of licensed health care providers in the District of Columbia are such that they will reasonably assist and will not unreasonably detract from the ability of the District of Columbia government to respond successfully to and control the public health emergency in accordance with the provisions of the District of Columbia Emergency Response Plan:

-
- (7) The Mayor or his designees may appoint licensed health care providers, either from the District of Columbia or from other jurisdictions, as temporary agents of the District of Columbia, provided that such appointments are in effect solely for the duration of the public health emergency, in effect solely for the purpose of assisting the District of Columbia in implementing the provisions of the District of Columbia Emergency Response Plan and the Omnibus Anti-Terrorism Act of 2002, and without compensation.
 - (8) The Mayor or his designees may exempt licensed health care providers, either from the District of Columbia or from other jurisdictions, from civil liability for damages for any actions taken within the scope of the provider’s employment or voluntary service to implement the provisions of the District of Columbia Emergency Response Plan, except in instances of gross negligence, and solely for the duration of the public health emergency.
 - (9) The Mayor or his designees may waive any licensing requirements, permits, or fees otherwise required by District of Columbia law to allow health care providers from other jurisdictions appointed as temporary agents to respond to the public health emergency, provided that the appointed temporary agents are licensed in their home jurisdictions in their fields of expertise.
 - (10) As soon as practicable, this Order shall be published in the District of Columbia Register and shall be posted in such public places in the District of Columbia as regulations require.
 - (11) It is hereby requested of all publishers of daily newspapers of general circulation in the District of Columbia that this Order be published therein as soon as practicable.
 - (12) The measures enumerated in this Order are necessary to relieve the public emergency. In addition to executing the specific measures enumerated in this Order, I may invoke all of my lawful authority as Mayor in order to prevent or reduce the harmful consequences of the condition that engendered the emergency.

- (13) Pursuant to section 8 of the Public Emergency Act of 1980, D.C. Official Code § 7-2307, any person who violates any provision of this Order shall be subject to a fine of \$1,000 for each violation.
- (14) This Order supersedes any and all other laws, regulations, and reorganization plans to the contrary to the extent permitted by section 422 of the Home Rule Act and by the Public Emergency Act.
- (15) This order shall take effect immediately.

Signed this _____ day of _____, 20_____.

[Insert Mayor's Name]

MAYOR

ATTEST: _____

[Insert Secretary's Name]

SECRETARY OF THE DISTRICT OF COLUMBIA

Sample Public Health Emergency Declaration Rescission

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order

[Insert Date]

SUBJECT: RESCISSION OF DECLARATION OF PUBLIC HEALTH EMERGENCY

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422 of the District of Columbia Home Rule Act ("Home Rule Act"), as amended, approved December 24, 1973, 87 Stat. 790, Pub. Law 93-198, D.C. Official Code § 1-204 (2006 Repl.), the District of Columbia Public Emergency Act of 1980, effective March 5, 1981, D.C. Law 3-149, D.C. Official Code § 7-2301 et seq. (2001) ("Public Emergency Act"), section 903(c) of the Omnibus Anti-Terrorism Act of 2002, effective October 17, 2002, D.C. Law 14-194, D.C. Official Code § 7-2304.01 (2006 Supp.) ("Anti-Terrorism Act"), it is hereby ORDERED that:

- (1) Mayor's Order No. _____, dated _____ is hereby rescinded.
- (2) This order shall take effect immediately.

Signed this _____ day of _____, 20_____.

[Insert Mayor's Name]

MAYOR

ATTEST: _____

[Insert Secretary's Name]

SECRETARY OF THE DISTRICT OF COLUMBIA

Sample Emergency Message

Message Template for the First Minutes for all Emergencies

The suggested template below could be used in the first minutes after a suspected terrorist incident when little is known.

- (1) Please pay close attention. This is an urgent health message from the District of Columbia Department of Health.
- (2) Officials of the District of Columbia Government believe there has been a serious incident [describe incident including time and location] in _____ area.
- (3) At this time, we do not know the cause or other details about the incident.
- (4) Local officials are investigating and will work with State and Federal officials to provide updated information as soon as possible.
- (5) Stay informed and follow the instructions of health officials so you can protect yourself, your family and your community against this public health threat.
- (6) Give specific information about when and how the next update will be given.

When more information is known, additional messages could be added about what is happening, the specific terrorist agent, the actions people should take to protect themselves and others and where to go for more information. Since these messages were developed to be effective for a variety of scenarios, they will need to be adapted to the specific event.

Sample Removal & Detention Order

District of Columbia Government

Department of Health

Removal and Detention Order

By order of the Director of the Department of Health and Pursuant to 22 DCMR § 210.8

_____ residing at _____
(Name(s)) (Address)

this _____ day of _____, 20_____, at _____ A.M./P.M. is hereby directed to submit to: ☐ examination ☐ treatment ☐ quarantine ☐ isolation.

Pursuant to 22 DCMR § 210.8, "[t]he Director shall issue a Removal and Detention Order and take whatever further proceedings as may be required by D.C. Official Code § 7-131 et seq., whenever the Director has probable cause to believe that any person is affected with, or is a carrier of, a communicable disease, and whenever the Director has probable cause to believe that that person is likely to be dangerous to the life or health of any other person because of the following reasons: (a) Improper facilities or the lack of facilities for isolation; or (b) That by reason of the person's non-cooperation or carelessness, including but not restricted to his or her refusal to submit to examination or refusal to be treated or cared for, the person is likely to be a danger to public health."

This removal and detention order is being issued for the reasons set forth in an attached affidavit.

The place or facility where ☐ examination ☐ treatment ☐ quarantine ☐ isolation is to be provided, and the address of that place or facility is:

This order shall continue for a period of twenty-four hours after issuance unless a judge of the Superior Court of the District of Columbia continues its force and effect for a longer period. Upon continuance, the person(s) subject to this order may petition for a hearing, to take place not more than ten (10) days thereafter, to determine whether the person(s) is/are affected with a communicable disease and whether release of the person(s) into the general population is likely to cause death or seriously impair the health of others.

Signature of Director

Date

Sample Affidavit in Support of Removal and Detention

AFFIDAVIT IN SUPPORT OF REMOVAL AND DETENTION ORDER

This Affidavit sets forth certain information and documentation to establish probable cause to examine, treat, and isolate the person named herein pursuant to D.C. Official Code § 7-131 et seq. and 22 DCMR § 210.8.

The undersigned deposes and says as follows:

- (1) I am [Insert Name of Public Health Official], [Insert Title] (e.g., Gregory Pappas, M.D., Senior Deputy Director HIV/AIDS, Hepatitis, STD and TB Administration (HAHSTA))
- (2) STATE YOUR MEDICAL QUALIFICATIONS TO MAKE STATEMENT BELOW, i.e. make a determination that the individual is a threat to public health.
- (3) (THIS STATEMENT SHOULD BE MADE AS A FIRST PERSON STATEMENT “I LEARNED THAT, I BECAME AWARE THAT, ETC. THE AFFIDAVIT IS SUPPOSED TO BE YOUR PERSONAL KNOWLEDGE) [Name of affected individual] was diagnosed with [name of communicable disease] on [date] at [name of health care facility]. He/she is considered a threat to the public’s health because [state facts] (e.g.: the District of Columbia Department of Health (DOH) is unable to determine this individual’s communicability to others. He has not completed the recommended medication treatment of 9 months to be considered “cured”. If reactivation has occurred he would be considered contagious to others. This cannot be determined because he refuses to come to the clinic for examination. The patient is now at increased risk for drug resistant tuberculosis, if he has reactivated, due to his lack of compliance with taking his medication.)
- (4) STATE THE MEANS BY WHICH YOU LEARNED OF THE INFECTION (E.G. REPORT TO DOH)
- (5) Include more info from the timeline and indicate how you personally know these things.
- (6) [Specific facts concerning the communicable disease] (e.g.: Tuberculosis (TB) is a disease caused by bacteria called Mycobacterium tuberculosis. The bacteria usually attacks the lungs but can cause disease in any part of the body such as kidney, spine and brain. If not treated properly, TB disease can be fatal. TB is spread through the air from one person to another. The bacteria are put into the air when a person with active TB disease of the lungs or throats coughs or sneezes. People nearby may breathe in these bacteria and become infected.)
- (7) [Specific facts concerning the individual] (e.g.: [name] is a homeless individual who stays at public shelters and visits the Father McKenna Center often. If he has reactivated any person with an impaired immune system, such as individuals with HIV/AIDS, person on large doses of steroids, diabetics, chronic renal disease, individuals with malignancies and children under the age of 5, would be at special risk if exposed to this patient.)
- (8) [Public health authority’s recommendation] (e.g.: At this time the District of Columbia Department of Health (DOH) recommends removal of [name] from the public domain. Due to complicating mental health issues he/she may not fully comprehend the risk to himself/herself and others from this disease. The DOH recommends that [name] be placed in an isolation

room at [name of health care facility] until laboratory tests can confirm his communicability to others.

- (9) [Additional facts] (e.g.: If [name] is determined to be non-communicable at this time, without medication there is no scientific method to determine how long he will maintain this state before his disease progresses and he does become communicable.)

I declare or affirm under penalty of perjury that the foregoing statements are true and correct to the best of my knowledge, information, and belief.

Name: _____

Address: _____

Signature: _____

Sample Communicable Disease Memo to Chief of Police

DEPARTMENT OF HEALTH

COMMUNICABLE DISEASE REMOVAL AND DETENTION ORDER

TO: THE CHIEF OF POLICE, METROPOLITAN POLICE DEPARTMENT:

DATE: [Insert Date]

ORDER: [DOH Order #]

I, _____, Director of the Department of Health of the District of Columbia, have probable cause to believe that [name of individual], of [address], Washington, D.C. is infected with [name of communicable disease], and that he/she is likely to be dangerous to the lives or health of other persons, and that by reason of his/her non-cooperation with treatment the public health is likely to be endangered.

Therefore I, _____, Director of the Department of Health of the District of Columbia, acting in accord with my belief, as stated above, and by authority of the provisions of law contained in District of Columbia Official Code § 7-131 et seq. (2006 Supp.) and according to the regulations promulgated by the Commissioners of the District of Columbia under those provisions of law (22 DCMR 22-200 et seq.), hereby order that you cause [name of individual], of [address], Washington, D.C., a [race if available; male/female], [age] years of age, weighing approximately [weight] pounds and standing approximately [height] tall, to be taken into custody and removed to [name of health care facility], and deliver him/her, together with the original of this order, into the custody of [name of supervising physician] to be detained in the hospital under the provisions of the laws and regulations referred to herein.

Director, Department of Health

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F. PAST ORDERS

Mayor's Orders 2001-138, 2001-139: September 11, 2001

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2001-138
September 11, 2001

SUBJECT: **DECLARATION OF A PUBLIC EMERGENCY**

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, as amended, 87 Stat. 790, Pub. L. 93-198, D.C. Code, 2001 Ed. § 1-204.22(2), and the District of Columbia Public Emergency Act of 1980, effective March 5, 1981, D.C. Code, 2001 Ed. § 7-2301, et. seq., and based on the most recent terrorist acts against the persons and properties within the United States and the District of Columbia, it is hereby **ORDERED** that:

1. That a state of public emergency is hereby declared in the District of Columbia effective immediately and continuing until midnight September 26, 2001. The Chief Financial Officer of the District of Columbia and employees of the Office of the Chief Financial Officer are authorized to approve the disbursement of all appropriations necessary to carry out this Order.

The Director of the Emergency Management Agency is authorized to implement those provisions of the District of Columbia Emergency Operations Plan, as approved by the Mayor, that are necessary to carry out this Order.

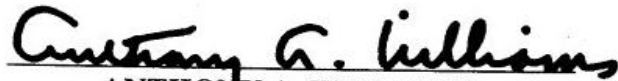
2. The following agencies of the District of Columbia government are ordered to coordinate their operations to assure that the public health, safety, and welfare in the District of Columbia under the direction of the Mayor, City Administrator/Deputy Mayor for Operations and Chief of Staff, in order to carry out this Order:


Office of Corporation Counsel
Metropolitan Police Department
Fire and Emergency Medical Services Department
Department of Public Works
Department of Transportation
Department of Health
Department of Human Services
Department of Mental Health
Child and Family Services Agency
Emergency Management Agency
District of Columbia Public Schools

1-2147-75

(2)

3. These measures are necessary to relieve the public emergency.
4. This Order supersedes any and all other laws, regulations, and reorganization plans to the contrary, to the extent permitted by section 422 of the Home Rule Act and the District of Columbia Public Emergency Act of 1980.
5. This Order shall take effect immediately.
6. Signed this 11th day of September, 2001


ANTHONY A. WILLIAMS
MAYOR

ATTEST: 
BEVERLY D. RIVERS
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2001-139
September 14, 2001

SUBJECT: Rescission of September 11, 2001 State of Public
Emergency; Continued Coordination of Subordinate
Agencies to Meet Potential Terrorist Threats

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by § 422(1) of the District of Columbia Home Rule Act ("Home Rule Act"), approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Code § 1-204.22(1) (2001), and the District of Columbia Public Emergency Act of 1980 ("Public Emergency Act"), effective March 5, 1981, D.C. Official Code § 7-2301 *et seq.*, it is hereby **ORDERED** that:

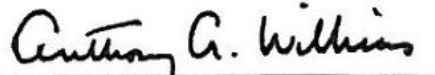
1. The state of public emergency ordered by the Mayor on September 11, 2001 is hereby rescinded effective at midnight on September 14, 2001.
2. Notwithstanding rescission of the September 11, 2001 emergency order, there still exists in the District of Columbia a significant concern that terrorist groups or individuals may engage in violence in the District of the kind that occurred on September 11, 2001 in New York City and at the Pentagon. Therefore, pursuant to section 5(b)(10) of the Public Emergency Act, D.C. Official Code § 7-2304(b)(10), it is hereby ordered, for a period of ten days, that the District remain in a heightened state of alert and that the agencies of the District government subordinate to the Mayor shall, under the direction of the Mayor, the City Administrator/Deputy Mayor for Operations, and the Chief of Staff, continue to take all precautions and other steps necessary to protect life and property in the District of Columbia against terrorist violence. These subordinate agencies include:

Metropolitan Police Department
Fire and Emergency Medical Services Department
Department of Public Works
Department of Transportation
Department of Health
Department of Human Services
Department of Mental Health
Child and Family Services Agency
Emergency Management Agency
Office of Property Management
Office of Contracting and Procurement
Office of the Corporation Counsel

Independent agencies, such as the District of Columbia Public Schools, shall not be included under this directive.

J3147-75

3. To carry out the foregoing directive, the Director of the Emergency Management Agency is authorized to implement the provisions of the District of Columbia Emergency Operations Plan, without regard to established procedures, including procedures for entering into contracts, as provided in section 5(b)(2) of the Public Emergency Act, D.C. Official Code § 7-2304(b)(2). Also, to carry out the foregoing directive, the Chief Financial Officer may expend funds appropriated to the District government pursuant to section 5(b)(1) of the Public Emergency Act, D.C. Official Code § 7-2304(b)(1).
4. This Order supersedes all previous Orders to the extent of any inconsistency.
5. Effective Date: This Order shall become effective immediately.


 ANTHONY A. WILLIAMS
 MAYOR

ATTEST: 
 BEVERLY D. RIVERS
 SECRETARY OF THE DISTRICT OF COLUMBIA

Mayor's Order 2002-4, Designation of Lead Agency for the District Government Snow and Ice Control Operations

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2002-4
January 10, 2002

SUBJECT: Designation of Lead Agency for the District Government Snow and Ice Control Operations

ORIGINATING AGENCY: Department of Public Works

By virtue of the authority vested in me as Mayor of the District of Columbia pursuant to section 422(2) of the District of Columbia Home Rule Act, as amended, 87 Stat. 790, Pub. L. 93-198, D.C. Code, 2001 Ed. § 1-204.22(2), it is hereby **ORDERED** that:

1. The Department of Public Works (DPW) is designated as the Lead Agency for the coordination of Snow and Ice Control Operations. The Director of DPW, shall coordinate and manage manpower and equipment needed to facilitate the required activities to implement the program.
2. **PURPOSE**

The purpose of this Order is to establish policy and responsibilities for the overall authority, direction and coordination of snow and ice control operations for the District government.
3. **APPLICABILITY**

This Order shall apply to all District government departments, agencies and offices under the administrative authority of the Mayor; except for the uniformed personnel within the Metropolitan Police Department, the D.C. Fire and Emergency Medical Services and the D.C. Department of Corrections.
4. **RESPONSIBILITY**
 - a. In the event of a pending snow and/or ice condition, the District Government's Snow and Ice Control Operations network is mobilized only when ordered by the Director of the Department of Public Works.
 - b. The Director of DPW may redelegate this authority.

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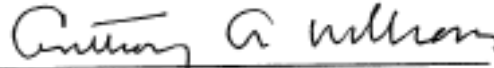
5. **POLICY**


- a. The decision to mobilize a snow and/or ice control operation will be based on an analysis and review of the weather conditions and forecast, with the appropriate coordination of the Department of Public Works, the District of Columbia Emergency Management Agency and the National Oceanic and Atmospheric Administration National Weather Service.
- b. This policy will be carried out with primary regard for the safety and welfare of the District of Columbia, its residents, employees, and commuters.
- c. The decision making process will encompass all essential facts and circumstances so that each snow and/or ice control event will be coordinated so as to minimize disruption to the safe and efficient movement of people, goods and information.

6. **PROCEDURES**

The Director of DPW, in consultation with the Snow and Ice Control Operation's team leaders, will arrange for the issuance of procedures, as necessary, for the implementation of this Order.

7. **RECISSION:** Mayor's Order 2000-168, dated November 2, 2000 is rescinded.
8. **EFFECTIVE DATE:** This order shall become effective immediately.


 ANTHONY A. WILLIAMS
 MAYOR

ATTEST: 
 BEVERLY D. RIVERS
 SECRETARY OF THE DISTRICT OF COLUMBIA

Mayor's Order 2003-20: Snow Emergency

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2003-20
February 16, 2003

SUBJECT: DECLARATION OF PUBLIC EMERGENCY

ORIGINATING AGENCY: Office of the Mayor

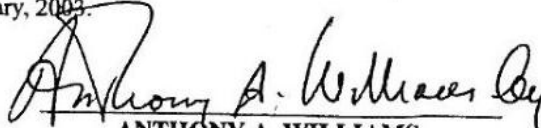
By virtue of the authority vested in me as Mayor of the District of Columbia pursuant to section 422(11) of the District of Columbia Home Rule Act, as amended, Pub. L. No. 93-198, 87 Stat. 790, D.C. Official Code § 1-204.22(11), and the District of Columbia Public Emergency Act of 1980, effective March 5, 1981, D.C. Official Code §§ 7-2301 *et seq.*, and based on the most recent severe weather condition impacting the District of Columbia, it is hereby **ORDERED** that:

1. A state of Public Emergency is declared in the District of Columbia effective immediately and continued until further notice. This public emergency declaration is a result of a severe winter storm, which began on Sunday morning, February 16, 2003. The impact of this severe storm has threatened the health, safety and welfare of residents of the District and requires emergency and protective actions.
2. The rapid accumulation of snow, persistent cold temperatures and blowing and drifting snow has produced a storm of records proportions in the District.
3. The District of Columbia District Response Plan (DRP) is hereby implemented.
4. The Chief Financial Officer of the District of Columbia is authorized to approve the disbursement of all appropriations necessary to carry out this Order.
5. The Director of the Emergency Management Agency is authorized to implement those provisions of the District Response Plan, as approved by the Mayor, that are necessary to carry out this Order.
6. This Order shall apply to all departments, agencies and instrumentalities of the District government in activating Emergency Support Functions (ESF) as provided in the DRP.
7. **EFFECTIVE DATE:** This Order shall remain in effect until further notice and becomes effective immediately.

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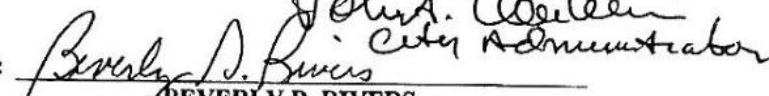
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8. Signed this 16th day of February, 2003.


ANTHONY A. WILLIAMS

MAYOR

ATTEST:


BEVERLY D. RIVERS
SECRETARY OF THE DISTRICT OF COLUMBIA

Mayor's Order 2006-116, 2006-118: Hurricane Ernesto

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2006-116

September 1, 2006


SUBJECT: Declaration of Public Emergency

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia pursuant to section 422(11) of the District of Columbia Home Rule Act, as amended, Pub. L. No. 93-198, 87 Stat. 790, D.C. Official Code § 1-204.22(11), and the District of Columbia Public Emergency Act of 1980, effective March 5, 1981, D.C. Official Code §§ 7-2301 *et seq.*, and on the basis of anticipated effects of tropical storm Ernesto, now over the coastal Carolinas, it is hereby **ORDERED** that:

1. A state of Public Emergency is declared in the District of Columbia, effective immediately and continued until further notice. This public emergency declaration is a response to the potential flooding, loss of electricity, and other adverse effects anticipated as a result of the tropical storm.
2. The District of Columbia Response Plan ("DRP") is hereby implemented to the extent necessary and appropriate to effectuate the relief contemplated by this Order.
3. The Director of the Emergency Management Agency ("EMA") is hereby authorized and directed to undertake all functions necessary and appropriate to implement the applicable provisions of the DRP.
4. The Chief Financial Officer of the District of Columbia ("CFO") is authorized to approve the disbursement of all appropriations necessary to carry out this Order. The CFO and the Director of EMA will coordinate efforts on the part of the District of Columbia government to recoup its expenses and outlays incurred under this Order from appropriate agencies of the United States government.
5. This Order shall apply to all departments, agencies and instrumentalities of the District government in activating Emergency Support Functions ("ESF") as provided in the DRP.
6. **EFFECTIVE DATE:** This Order shall remain in effect until further notice and shall be effective *nunc pro tunc* to 10 p.m. on August 31, 2006.
7. Signed this 1st day of September, 2006.


ANTHONY A. WILLIAMS
MAYOR

ATTEST: 
PATRICIA ELWOOD
INTERIM SECRETARY OF THE DISTRICT OF COLUMBIA

J-3147-75

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

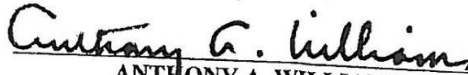
Mayor's Order 2006-118
September 6, 2006


SUBJECT: DECLARATION OF PUBLIC EMERGENCY -- RESCISSION

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia pursuant to section 422(11) of the District of Columbia Home Rule Act, as amended, Pub. L. No. 93-198, 87 Stat. 790, D.C. Official Code § 1-204.22(11), and the District of Columbia Public Emergency Act of 1980, effective March 5, 1981, D.C. Official Code §§ 7-2301 et seq., it is hereby **ORDERED** that:

1. The state of Public Emergency declared in the District of Columbia by Mayor's Order 2006-116, effective at 10 p.m. on August 31, 2006, is hereby rescinded.
2. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to 6 p.m. on September 2, 2006.


ANTHONY A. WILLIAMS
MAYOR

ATTEST: 
PATRICIA ELWOOD
INTERIM SECRETARY OF THE DISTRICT OF COLUMBIA

J3147-75

Mayor's Order 2011-146: Hurricane Irene

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2011-146
August 26, 2011

SUBJECT: DECLARATION OF PUBLIC EMERGENCY

ORIGINATING AGENCY: **District of Columbia Homeland Security and
Emergency Management Agency**

By virtue of the authority vested in me as Mayor of the District of Columbia pursuant to section 422(11) of the District of Columbia Home Rule Act approved December 24, 1973, 87 Stat. 790, Pub. L. No. 93-198, D.C. Official Code § 1-204.22(11) (2011 Supp.) and section 5 of the District of Columbia Public Emergency Act of 1980, as amended, D.C. Law 3-149; D.C. Official Code, § 7-2304 (2008 Repl. and 2011 Supp.), it is hereby **ORDERED** that:


1. Because a storm system associated with Hurricane Irene is rapidly approaching the District, there is, therefore, an imminent threat to the health, safety and welfare of District residents that requires emergency protective actions. Accordingly, a public emergency is by this Order declared in the District of Columbia, effective August 27, 2011. This Order shall stay in effect for 15 days until and unless provided for by further Mayoral Order.
2. The District Response Plan (DRP) is hereby implemented beginning August 27, 2011.
3. This Order shall apply to all departments, agencies and instrumentalities of the District government as provided in the DRP for Emergency Support Function (ESF) missions, as authorized at the direction of the District of Columbia Homeland Security and Emergency Management Agency Director.
4. Pursuant to the emergency conditions provisions of Section 395 of the Federal Motor Carrier Safety Regulations and the implementing regulations of the U.S. Department of Transportation, crews directly engaged in the resolution of this emergency shall not be subject to any provision that restricts the length of their work hours. Accordingly, this order permits utility workers and District agencies to retain crews to complete emergency repairs and restore services beyond normal work hours.
5. The Chief Financial Officer of the District of Columbia is authorized to approve the disbursement of all appropriations necessary to carry out this Order.

Mayor's Order 2011-146
Page 2 of 2

6. The District of Columbia Homeland Security and Emergency Management Agency, through its Director and staff, are duly authorized to apply for financial assistance through the Federal Emergency Management Agency (FEMA), and any other federal, private or non-profit disaster relief and recovery organizations.
7. **EFFECTIVE DATE:** This Order shall become effective immediately.



VINCENT C. GRAY
MAYOR

ATTEST: 

CYNTHIA BROCK-SMITH
SECRETARY OF THE DISTRICT OF COLUMBIA

Mayor's Order 2011-174: Disclosure of Status of Individuals: Policies and Procedures of District of Columbia Agencies

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2011-174
October 19, 2011

SUBJECT: Disclosure of Status of Individuals: Policies and Procedures of District of Columbia Agencies

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(11) (2011 Supp.), it is hereby **ORDERED** that:

I. PURPOSE

The dual purpose of this Order is to establish District-wide policy and procedures concerning the disclosure of immigration status, and to ensure that District resources are not used for federal immigration enforcement activities. This Order supplements Mayor's Memorandum 84-41, dated August 2, 1984, and Mayor's Order 92-49, dated April 29, 1992, by delineating the responsibilities of local agencies, and preserving the limited resources of Public Safety Agencies.

II. DISCLOSURE OF IMMIGRATION STATUS

A. Background

1. The District of Columbia is home to a diverse population. Many of its residents have immigrated here and some are not citizens of the United States. The District of Columbia is committed to promoting the safety and rights of *all* who live here.
2. The District of Columbia should preserve the tradition of ensuring that immigrants and noncitizens are treated equitably at any stage where they seek services from the District of Columbia, provide services to the District of Columbia, or have contact with the criminal justice system. The Metropolitan Police Department and other agencies of the District of Columbia rely upon the cooperation of all persons—documented citizens, lawful residents, and those without documentation status—to achieve our goals of protecting life and property, preventing crime and resolving problems. In addition to promoting important community policing goals, assistance from immigrant populations is especially important when an immigrant, whether documented or not, is the victim of or witness to a crime. These persons must feel comfortable in coming forward with information and in filing reports. Their cooperation is needed to prevent and solve crimes and maintain public order, safety,

Mayor's Order 2011-124
Page 2 of 7

and security in the entire community. One of our most important goals is to enhance our relationship with immigrant communities as well as to establish new and ongoing partnerships consistent with our community policing philosophy.

3. Moreover, the District of Columbia should ensure that the rights of immigrants or suspected immigrant detainees in District of Columbia facilities and facilities elsewhere to which District of Columbia detainees are transferred are observed and that federal immigration officials do not abuse their privilege of access to District facilities.
4. The limited resources of the District, the complexity of immigration laws, limitations on authorities, the risk of civil liability for immigration and enforcement activities, and the clear need to foster trust and cooperation from the public, including members of immigrant communities, are the principal factors that were taken into account when formulating the policy under this Order.

II. Policy and Procedures

1. This Order shall apply to the Department of Corrections, the Department of Fire and Emergency Medical Services, the Metropolitan Police Department, the Office of the Attorney General, the Office of Returning Citizen Affairs, the Office of Victim Services, the Department of Youth Rehabilitation Services, and all other agencies under the direction of the Mayor that employ law enforcement officers (Public Safety Agencies).
2. Public Safety Agencies and their officials and employees shall not inquire about a person's immigration status or contact United States Immigration and Customs Enforcement (ICE) for the purpose of initiating civil enforcement of immigration proceedings that have no nexus to a criminal investigation. It shall be the policy of Public Safety Agencies not to inquire about the immigration status of crime victims, witnesses, or others who call or approach the police seeking assistance.
3. Public Safety Agencies shall establish a policy to ensure that District of Columbia-incarcerated youth and adults are not made available for immigration interviews related to immigration status without a criminal nexus, in person, over the phone, or by video without a court order. The policy shall include a disclosure to the inmate that all information provided to federal agents, including ICE agents, may be used in a criminal, immigration, deportation, or other collateral cases. The disclosure shall be in writing, shall be signed by the inmate, and shall comply with applicable standards of the Language Access Act of 2004 (D.C. Official Code §§ 2-193), *et seq.* (2007 Repl.).
4. No person shall be detained solely on the belief that he or she is not present legally in the United States or that he or she has committed a civil immigration violation. The Department of Corrections shall not send lists of foreign-born inmates to the Department of Homeland Security.

Mayor's Order 2011-174
Page 3 of 3

5. Law enforcement officers shall not make arrests solely based on administrative warrants for arrest or removal entered by ICE into the National Crime Information Center database of the Federal Bureau of Investigation, including administrative immigration warrants for persons with outstanding removal, deportation, or exclusion orders. Enforcement of the civil provisions of United States immigration law is the responsibility of federal immigration officials.
6. Public Safety Agencies shall conduct all necessary training and education to ensure that law enforcement officers are knowledgeable about all provisions contained in this Order. Referrals to medical or social service agencies shall be made for undocumented immigrants in the same manner they are made for all other community members.

III. CONSTRUCTION OF ORDER

This Order:

1. Shall not be construed to prohibit an officer or employee of a Public Safety Agency from cooperating with federal immigration authorities when required by law; and
2. Is not intended to create or imply a private cause of action for a violation of its provisions.

IV. **EFFECTIVE DATE:** This Order shall become effective immediately.


VINCENT C. GRAY
MAYOR

ATTEST: 
CYNTHIA BROCK-SMITH
SECRETARY OF THE DISTRICT OF COLUMBIA

Mayor's Order 2012-88: June 29, 2012 Derecho and Associated Documents

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

**Mayor's Order 2012-88
June 30, 2012**

SUBJECT: Declaration of Public Emergency

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in the Mayor and City Administrator of the District of Columbia pursuant to section 422(7), (11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. No. 93-198, D.C. Official Code § 1-204.22(7), (11) (2011 Supp.), Section 5 of the District of Columbia Public Emergency Act of 1980, as amended, D.C. Law 3-149; D.C. Official Code § 7-2304) (2008 Repl. and 2011 Supp.), and pursuant to Mayor's Order 2011-145, dated August 26, 2011, it is hereby **ORDERED** that:

I. FINDINGS (NATURE OF THE PUBLIC EMERGENCY)

On June 29, 2012, a severe thunderstorm descended on the District of Columbia. The heavy rain, high winds, and lightening from the storm have caused numerous downed trees and power lines, created large amounts of debris, and caused widespread disruption of power to over 10% of District residences. In addition to the loss of power, the District of Columbia is under an extreme heat advisory. Immediately after this occurrence, the District government began, and is continuing, inspection and evaluation of the physical assets of the District of Columbia. Based on the results of such inspection and evaluation, the District government has discovered conditions which pose a possible threat to the public health, safety, and welfare and may require emergency and protective actions.

II. EMERGENCY MEASURES AND REQUIREMENTS

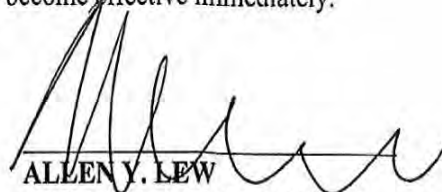
- A. The City Administrator, in consultation with the Director of the District of Columbia Homeland Security and Emergency Management Agency, is authorized to implement such measures as may be necessary or appropriate to protect persons and property in the District of Columbia from the conditions caused by the thunderstorm. Such measures may include, as necessary or appropriate, actions authorized under D.C. Official Code § 7-2304(b), including requesting federal disaster assistance, or taking measures under the District Response Plan to the extent necessary or appropriate to effectuate the relief contemplated by this Order.
- B. This Order shall apply to all departments, agencies, and instrumentalities of the District government as necessary or appropriate to implement this Order.


- C. The Chief Financial Officer of the District of Columbia is authorized to approve disbursement of all appropriations necessary to carry out this Order.
- D. The City Administrator, in coordination with the Deputy Mayor for Public Safety and Justice, the Director of the District of Columbia Homeland Security and Emergency Management Agency and the Chief Financial Officer, is authorized to apply for financial assistance through the Federal Emergency Management Agency, any other federal, private, or nonprofit disaster relief and recovery organizations, and any other appropriate agencies of the United States government to recoup expenditures incurred, or obtain funding needed, under this order.

III. DURATION OF ORDER

This Order shall remain in effect until fifteen (15) days after its effective date, unless earlier rescinded or superseded.

- IV. EFFECTIVE DATE:** This Order shall become effective immediately.


ALLEN Y. LEW
CITY ADMINISTRATOR

ATTEST: 
CYNTHIA BROCK-SMITH
SECRETARY OF THE DISTRICT OF COLUMBIA


GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Attorney General



Legal Counsel Division

MEMORANDUM

TO: Robert J. Hildum
General Counsel
Homeland Security & Emergency Management Agency

FROM: Janet M. Robins 
Deputy Attorney General
Legal Counsel Division

DATE: June 30, 2012

SUBJECT: Legal Sufficiency Review of Draft Mayor's Order to Declare Public Emergency
Related to the Severe Storms of June 29, 2012
(AM-12-535)

This responds to your email request for legal sufficiency review of the above-referenced draft Mayor's Order (Order).

The purpose of the Order is to declare a public emergency, pursuant to the Mayor's emergency authority under Section 5 of the District of Columbia Public Emergency Act of 1980, effective March 5, 1981 (D.C. Law 3-149; D.C. Official Code § 7-2304) (2008 Repl. and 2011 Supp.), as a result of the severe rain, wind and thunderstorms of June 29, 2012, which caused numerous downed trees and power lines, created large amounts of debris, and caused widespread disruptions of power. In addition to the loss of power, the District is under an extreme heat advisory. The Order states findings that support the declaration and sets out the duties of the City Administrator and the measures to be taken, including application for federal and private disaster assistance.

It is my understanding that the Order is to be signed by the City Administrator, who has authority to do so pursuant to Mayor's Order 2011-145, dated August 26, 2011, which permits the City Administrator to execute and perform the powers and duties of the Mayor of the District of Columbia during his absence from the District. I have made changes to the initial paragraph and the signature line to reflect the fact that the City Administrator will sign the Mayor's Order. It is also my opinion that, when the Mayor returns, he should issue a new Mayor's Order, nunc pro tunc to the date of this one, affirming this Order to the extent not inconsistent with his later Order.

The revised Order attached to this memorandum is legally sufficient. You should forward the Order and this memorandum to the Office of Documents and Administrative Issuances for final review and processing.

1350 Pennsylvania Avenue, N.W., Suite 409, Washington, D.C. 20001 (202) 724-5524 FAX (202) 724-6160

Should you have any questions regarding this memorandum, please contact me at 724-5524.

JMR/jmr
Attachment



VINCENT C. GRAY
MAYOR

**REQUEST FOR PRESIDENTIAL DISASTER DECLARATION
GOVERNOR'S REQUEST COVER LETTER
MAJOR DISASTER OR EMERGENCY**

July 1, 2012

The Honorable Barack H. Obama
President of the United States
The White House
Washington, D. C.

Through: Regional Administrator MaryAnn Tierney
FEMA Region III
Philadelphia, Pa.

Dear Mr. President:

Under the provisions of Section 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§ 5121-5207 (Stafford Act), and implemented by 44 CFR § 206.35, I request that you declare an emergency for the District of Columbia as a result of a severe and sudden thunderstorm resulting in citywide electrical power outages in the District of Columbia on June 29, 2012.

The storm has claimed at least one life (due to a downed live power line) and injured dozens of citizens. The storm has caused substantial damage including knocking out power to 64,000 District residences and the interruption of power to assisted living facilities for the elderly and other medical facilities. PEPCO, the local service provider, estimates that power will not be restored for a week. The extreme heat, which is predicted to last for the next several days makes this a potentially life threatening situation. The power outage has also affected traffic signals and street lights throughout the city. The traffic signals will cause problems for the entire region, if they are not restored in time for the Monday morning commute and the street lights present a significant public safety risk.

On June 30, 2012, the City Administrator, acting on my behalf, activated the District Response Plan and in accordance with Section 501 of the Stafford Act, issued an executive order declaring a "state of emergency" in the District of Columbia. In addition, we activated the Emergency Operations Center and convened members of the Consequence Management Team to establish and direct incident priorities and leverage

every available resource. The Metropolitan Police Department has activated its emergency scheduling and is increasing its patrols and visibility, particularly in the areas where power has been lost. The Fire and Emergency Medical Services Department has activated its emergency scheduling and responding as needed throughout the city. The Office of Unified Communications has fully staff the emergency call center. The Department of Human Services (DHS) has mobilized teams to open and staff six (6), 24 hour cooling centers, five of which were opened through last night. The centers are distributing snacks, ice and water as well as allowing residents to re-charge cell phones and other electronic devices. The Department of Parks and Recreation is extending pool operation hours and DC Public Libraries will extend operation hours to ensure citizens can access safe havens. DC Department of Transportation (DDOT) has deployed urban forestry crews to clear and remove downed trees from obstructed roads and severed utility cables. Also, DDOT deployed signal crews to assess and restore traffic signals along evacuation routes and secondary arterials. DHS is coordinating with the Department of Health, Office on Aging and the Department of Disability Services and other stakeholders regarding implementation of mass care, emergency sheltering operations. Also, they are addressing priority relocations for seniors displaced from nursing homes which require power restoration and establishing points of distribution for emergency water and ice to ensure our citizens manage this crisis.

As of 8:00 p.m. on June 30th the DC Department of Public works has cleared 128 tons of debris from the District's streets and sidewalks. The continued presence of downed wires on or near fallen trees has slowed efforts to clear those trees. Moreover, workers are working around parked cars, which is slowing some of the work. The emergency call center since the storm hit has taken approximately 3500 calls for service and 3000 "311" calls.

The District's Consequence Management Team (CMT) is addressing a number of issues today, including: assessment of government buildings operational capabilities for the coming work week; the need for more shelters; the need for transportation to the cooling centers for seniors; assessing the need for transition of the Cooling Center operation into an emergency shelter operations as alternate housing.

I am writing to ask for direct federal assistance for Public Assistance Categories A-Debris Removal and B – Emergency Protective Measures to clear the downed trees and debris from the District. As outlined above, the District has deployed all available resources but the damage requires further federal support. Compounding the issue is the fact that the storm also hit areas of contiguous jurisdictions in Virginia and Maryland, knocking out power to an additional 400,000 PEPCO customers. As I stated previously, the loss of power to so many residences, traffic lights and street lights has created a direct health risk as well as a public safety risk. Restoring the power and clearing the debris are our two biggest needs at this point.

Pursuant to the Stafford Act the District will agree to cover the non-federal cost associated with this request for assistance.

Thank you for your consideration.

Sincerely,



Vincent C. Gray
Mayor
District of Columbia

Enclosures

OMB No. 1660-0009/FEMA Form 010-0-13
Mayor's Order 2011-145

DEPARTMENT OF HOMELAND SECURITY
FEDERAL EMERGENCY MANAGEMENT AGENCY
**REQUEST FOR PRESIDENTIAL DISASTER DECLARATION
MAJOR DISASTER OR EMERGENCY**

OMB No. 1660-0009 Expires December 31, 2012

1. Request Date Jun 30, 2012

<p align="center">Burden Disclosure Notice</p> <p>Public reporting burden for this form is estimated to average 9 hours per response. The burden estimate includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and submitting the form. This collection of information is required to obtain a benefit. You are not required to respond to this collection of information unless it displays a valid OMB control number. Send comments regarding the accuracy of the burden estimate and any suggestions for reducing the burden to: Information Collections Management, Department of Homeland Security, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, Paperwork Reduction Project (1660-0009) NOTE: Do not send your completed form to this address.</p>	
<p>Completion of this form including applicable attachments satisfies legal requirements for emergency and major disaster declaration requests under 42 U.S.C. 5170 and 5191, respectively, as implemented at 44 C.F.R. 206.35 and 206.36. Failure to use this form may result in a failure to meet these requirements and/or a delay in processing the request.</p>	
2a. Name of State requesting declaration (as defined in Stafford Act 102, 42 U.S.C. 5122) District of Columbia	2b. State Population (as reported by 2010 Census) 601,723
3. Governor's Name Mayor Vincent C. Gray	4a. Designation of State Coordinating Officer upon declaration (if available) and phone number Chris Geldart, Director DC HSEMA 202-481-3801
4b. Designation of Governor's Authorized Representative upon declaration (if available) and phone number Chris Geldart, Director DC HSEMA 202-481-3801	
6. Declaration Request For: <input type="checkbox"/> Major Disaster (Stafford Act Sec. 401) <input checked="" type="checkbox"/> Emergency (Stafford Act Sec. 501(a))	
7. Incident Period Beginning Date <u>6/29/2012</u> End Date _____ or <input checked="" type="checkbox"/> Continuing <i>If requesting a "continuing" incident period, enclose an official statement from a qualified Federal government agency acknowledged as a national authority in a specific incident field (e.g., United States Geological Survey for seismic incidents, the National Weather Service for flooding).</i>	
7b. Type of Incident (Check all that apply) <input type="checkbox"/> Drought <input type="checkbox"/> Earthquake <input type="checkbox"/> Explosion <input type="checkbox"/> Fire <input type="checkbox"/> Flood <input type="checkbox"/> Hurricane <input type="checkbox"/> Landslide <input type="checkbox"/> Mudslide <input checked="" type="checkbox"/> Severe Storm (rain, high water, wind-driven rain, hail, lightning) <input type="checkbox"/> Snowstorm (Must include Enclosure D: Historic and Current Snowfall Data) <input type="checkbox"/> Straight-Line Winds <input type="checkbox"/> Tidal Wave <input type="checkbox"/> Tornado <input type="checkbox"/> Tropical Depression <input type="checkbox"/> Tropical Storm <input type="checkbox"/> Tsunami <input type="checkbox"/> Volcanic Eruption <input type="checkbox"/> Winter Storm <input type="checkbox"/> Other (please specify) _____	
8. Description of damages (Short description of impacts of disaster on affected area and population). Include additional details in enclosed Governor's cover letter. Over 64,000 District residents were without electricity in the aftermath of the storm. PEPCO estimates that power may not be fully restored for a week. PEPCO also provides electricity for Maryland and Virginia where hundreds of thousands of residences are without electricity. Temperatures in the District of Columbia are predicted to be above 90 degrees with a heat index over 100 for the next several days. The storm uprooted numerous trees throughout the District that contributed to the loss of power in addition to creating potentially dangerous conditions involving live electrical wires and large unstable fallen trees. Hadley Hospital's ICU unit was down temporarily due to the loss of power. Several dialysis centers and senior citizen facilities lost power and switched over to generators, but it was discovered that the generators did not power the air conditioning for the facilities only the critical systems. 44 traffic lights are out which will have a major impact on the Monday morning commute. Street lights are out throughout the District creating a public safety risk.	
9. Description of the nature and amount of State and local resources which have been or will be committed. Include additional details in enclosed Governor's cover letter. The District has put police, fire and other emergency workers on extended schedules. In addition the Department of Public Works is working overtime on road clearance and to remove debris, the Department of Parks and Recreation is operating 24 hour cooling centers for District residents and keeping pools and public libraries on extended schedules. The District has activated the District Response Plan, the Emergency Operations Center and the District's Crisis Response Team. Numerous other district agencies are operating under extended schedules during this emergency including the Department of Health, the Office on Aging and the Department of Disability Services.	

FEMA Form 010-0-13, (6/12)

10. Joint Preliminary Damage Assessment*				
<input type="checkbox"/> Individual Assistance	Dates Performed _____	Requested _____	Start _____	End _____
Individual Assistance Accessibility Problems (Areas that could not be accessed, and why)				
<input type="checkbox"/> Public Assistance	Dates Performed _____	Requested _____	Start _____	End _____
Public Assistance Accessibility Problems (Areas that could not be accessed, and why)				
11. Programs and Areas Requested				
Individual Assistance	<input checked="" type="checkbox"/> N/A	<input type="checkbox"/> Individual and Households Program	<input type="checkbox"/> Crisis Counseling Program	<input type="checkbox"/> Disaster Unemployment Assistance
	<input type="checkbox"/> All	<input type="checkbox"/> Disaster Case Management	<input type="checkbox"/> Disaster Legal Services	
For the following jurisdictions (specify counties, parishes, independent cities) If additional space is needed, please enclose additional documentation.				
Identify Federally recognized Tribes in the requested counties.				
Please see Enclosure A: Supplemental Information for Individual Assistance for additional information in support of this request*				
*Not Required for Emergency Declaration Request				

11. Programs and Areas Requested (Continued)	
Public Assistance	<input type="checkbox"/> N/A <input checked="" type="checkbox"/> Debris Removal (Category A) <input checked="" type="checkbox"/> Emergency Protective Measures (Category B) <input type="checkbox"/> Permanent Work (Categories C-G) <small>(not available for Emergency Declaration Requests)</small>
<p>For the following jurisdictions (Specify counties, parishes, independent cities) If additional space is needed or your request includes different categories of work for different jurisdictions, please enclose additional documentation.</p> <p>The storm uprooted trees and scattered tree limbs throughout the District. The trees need to be stabilized and removed and the other debris needs to be removed for traffic and public safety.</p>	
<p>Identify Federally recognized Tribes included in the requested counties.</p>	
<p>Please see Enclosure B: Supplemental Information for Public Assistance for additional information in support of this request.*</p>	
Indemnification for Debris Removal Activity	
<input type="checkbox"/> I do not anticipate the need for debris removal. <input checked="" type="checkbox"/> I anticipate the need for debris removal, which poses an immediate threat to lives, public health and safety. Pursuant to Sections 403 and 407 of the Stafford Act, 42 U.S.C. §§ 5170b & 5173, the State agrees to indemnify and hold harmless the United States of America for any claims arising from the removal of debris or wreckage for this disaster. The State agrees that debris removal from public and private property will not occur until the landowner signs an unconditional authorization for the removal of debris.	
Request for Direct Federal Assistance	
<input type="checkbox"/> I do not request direct Federal assistance at this time. <input checked="" type="checkbox"/> I request direct Federal assistance for work and services to save lives and protect property, and:	
<p>a. I request the following type(s) of assistance: The primary need is to restore power to 64,000 District residents. The service provider, PEPCO, has estimated that power may not be restored for a week. This presents a very dangerous and life threatening situation while the area is expected to have temperatures in the 90s and a heat index over 100 for the next several days. Traffic lights and street lights need to be restored for the massive commute and public safety. Temporary street lights and debris removal are also needed.</p>	
<p>b. List of reasons why State and local governments cannot perform, or contract for, required work and services. The District has deployed all available resources. Areas of Virginia and Maryland were also severely damaged and PEPCO is working to restore power to an additional 400,000 residences in those areas. The resources in the area are stretched thin.</p>	
<p>c. In accordance with 44 C.F.R. 206.208, the State agrees that it will, with respect to direct Federal assistance: (1) Provide without cost to the United States all lands, easements and rights-of-ways necessary to accomplish the approved work; (2) Hold and save the United States free from damages due to the requested work, and shall indemnify the Federal Government against any claims arising from such work; (3) Provide reimbursement to FEMA for the non-Federal share of the cost of such work in accordance with the provisions of the FEMA-State Agreement; and (4) Assist the performing Federal agency in all support and local jurisdictional matters.</p>	
Request for Snow Assistance	
<input checked="" type="checkbox"/> N/A <input type="checkbox"/> I request snow assistance.	
<p>Snow assistance for the following jurisdictions (Specify counties, independent cities).</p>	
<p>Please see Enclosure D: Historic and Current Snowfall Data for additional information in support of this request.</p>	
<p>*Not Required for Emergency Declaration Request</p>	

Mayor's Order 2012-86: Hurricane Sandy

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

ADMINISTRATIVE ISSUANCE SYSTEM

**Mayor's Order 2012-186
October 26, 2012**

SUBJECT: Declaration of Public Emergency

ORIGINATING AGENCY: District of Columbia Homeland Security and
Emergency Management Agency

By virtue of the authority vested in the Mayor of the District of Columbia pursuant to section 422(11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. No. 93-198, D.C. Official Code § 1-204.22(11) (2012 Supp.), and pursuant to section 5 of the District of Columbia Public Emergency Act of 1980, effective March 5, 1981, D.C. Law 3-149, D.C. Official Code § 7-2304 (2008 Repl.), and section 2 of the Natural Disaster Consumer Protection Act of 1992 ("NDCPA"), effective March 20, 1992, D.C. Law 9-80, D.C. Official Code § 28-4102 (2011 Repl.), it is hereby **ORDERED** that:

I. FINDINGS (NATURE OF THE PUBLIC EMERGENCY)

Because a storm system associated with Hurricane Sandy is rapidly approaching the District and is expected to have serious widespread effects in the region, there is an imminent threat to the health, safety and welfare of District residents that requires emergency protective actions. Accordingly, a public emergency is by this Order declared in the District of Columbia, effective October 26, 2012. This Order shall stay in effect for 15 days until and unless provided for by further Mayoral Order.

II. EMERGENCY MEASURES AND REQUIREMENTS

- A. The City Administrator, in consultation with the Director of the District of Columbia Homeland Security and Emergency Management Agency, is authorized to implement such measures as may be necessary or appropriate to protect persons and property in the District of Columbia from the conditions caused by the this storm. Such measures may include, as necessary or appropriate, actions authorized under D.C. Official Code § 7-2304(b), including requesting federal disaster assistance, or taking measures under the District Response Plan to the extent necessary or appropriate to effectuate the relief contemplated by this Order. Such measures may also include where appropriate, actions to enforce the NDCPA.

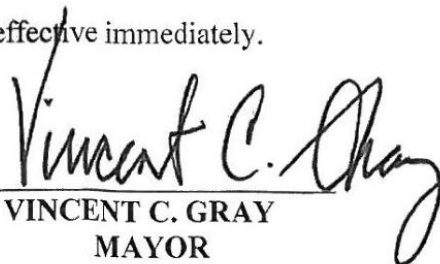
Mayor's Order 2012-186
Page 2 of 2


- B. This Order shall apply to all departments, agencies, and instrumentalities of the District government as necessary or appropriate to implement this Order.
- C. The Chief Financial Officer of the District of Columbia is authorized to approve disbursement of all appropriations necessary to carry out this Order.
- D. The City Administrator, in coordination with the Deputy Mayor for Public Safety and Justice, the Director of the District of Columbia Homeland Security and Emergency Management Agency and the Chief Financial Officer, is authorized to apply for financial assistance through the Federal Emergency Management Agency, any other federal, private, or nonprofit disaster relief and recovery organizations, and any other appropriate agencies of the United States government to recoup expenditures incurred, or obtain funding needed, under this order.
- E. The District Response Plan (DRP) is hereby implemented beginning October 26, 2012.
- F. In accordance with 49 C.F.R. § 390.23 (Relief from Regulations), crews directly engaged in the resolution of this emergency shall not be subject to any provision that restricts the length of their work hours. Accordingly, this order permits utility workers and District agencies to retain crews to complete emergency repairs and restore services beyond normal work hours.

III. DURATION OF ORDER

This Order shall remain in effect until fifteen (15) days after its effective date, unless earlier rescinded or superseded.

IV. **EFFECTIVE DATE:** This Order shall become effective immediately.


VINCENT C. GRAY
MAYOR

ATTEST: 
CYNTHIA BROCK-SMITH
SECRETARY OF THE DISTRICT OF COLUMBIA


GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Attorney General



Legal Counsel Division

MEMORANDUM

TO: Robert J. Hildum
General Counsel
Homeland Security & Emergency Management Agency

FROM: Janet M. Robins 
Deputy Attorney General
Legal Counsel Division

DATE: October 26, 2012

SUBJECT: Legal Sufficiency Review of Draft Mayor's Order to Declare Public Emergency In Anticipation of the Major Storm System Associated with Hurricane Sandy (AM-12-864)

This responds to your email request today for a legal sufficiency review of the above-referenced draft Mayor's Order (Order).

The purpose of the Order is to declare a public emergency, pursuant to the Mayor's emergency authority under section 5 of the District of Columbia Public Emergency Act of 1980 ("DCPEA"), effective March 5, 1981 (D.C. Law 3-149; D.C. Official Code § 7-2304) (2008 Repl.), and section 2 of the Natural Disaster Consumer Protection Act of 1992 ("NDCPA"), effective March 20, 1992, D.C. Law 9-80, D.C. Official Code § 28-4102 (2011 Repl.), as a result of the rapid approach of the storm system associated with Hurricane Sandy. This system is expected to have serious widespread effects in the region and is therefore expected to pose an imminent threat to the health, safety and welfare of District residents. The Order states findings that support the declaration as required by the DCPEA. It also sets forth the duties of the City Administrator and the Director of the District of Columbia Homeland Security and Emergency Management Agency and the measures to be taken, including application for federal and private disaster assistance. It also includes a statement indicating that the District Response Plan is being implemented.

The Mayor's Order is legally sufficient. You should forward the Order and this memorandum to the Office of Documents and Administrative Issuances for final review and processing.

Should you have any questions regarding this memorandum, please contact me at 724-5524.

JMR/jmr
Attachment

1350 Pennsylvania Avenue, N.W., Suite 409, Washington, D.C. 20001 (202) 724-5524 FAX (202) 724-6160



VINCENT C. GRAY
MAYOR

**REQUEST FOR PRESIDENTIAL DISASTER DECLARATION
GOVERNOR'S REQUEST COVER LETTER
MAJOR DISASTER OR EMERGENCY**

October 28, 2012

The Honorable Barack H. Obama
President of the United States
The White House
Washington, D. C.

Through: Regional Administrator MaryAnn Tierney
FEMA Region III
Philadelphia, Pa.

Dear Mr. President:

Under the provisions of Section 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§ 5121-5207 (Stafford Act), and implemented by 44 CFR § 206.35, I request that you declare an emergency for the District of Columbia in anticipation of potentially damaging storms associated with Hurricane Sandy. These storms are expected to make landfall in the District of Columbia on October 28-29, 2012.

The National Hurricane Center (NHC) and NOAA's Hydrometeorological Prediction Center (HPC) report that Sandy is transitioning from a tropical to extra-tropical event that will deliver high winds, potentially serious coastal erosion and coastal flooding, storm surge, heavy rains, and significant snows. Indeed, HPC will be taking over forecasting for this event as it loses its hurricane characteristics and becomes post-tropical. Analysts suggest that Sandy may be unlike anything the region has ever experienced. HPC reports, "MODELS SHOW PRESSURE WELL BEYOND WHAT HAS EVER BEEN OBSERVED NEAR THE NJ/NY COAST (EVEN EXCEEDING THE 1938 LONG ISLAND EXPRESS [HURRICANE])." Because of the unique characteristics of this storm event which threatens destruction that could result in a major disaster, I am requesting a pre-landfall declaration of emergency in the District of Columbia.

On October 26, 2012, I activated the District Response Plan and in accordance with Section 501 of the Stafford Act, issued an executive order declaring a “state of emergency” in the District of Columbia. In addition, I convened members of the District’s Consequence Management Team to establish and direct incident priorities and leverage every available resource and at 4:00 p.m. today we will activate the Emergency Operations Center, which will operate continuously until the emergency is over. We have issued public alerts warning of the storm’s potential impact including flooding and high winds and have asked District residents to take pre cautions and prepare emergency kits with 3 days of water and food if power is lost. We are distributing sandbags to residents and preparing several locations for use as shelters if necessary. The Metropolitan Police Department and the Fire and Emergency Medical Services Department are prepared to activate its emergency scheduling. Moreover, in accordance with the District’s emergency response plan other District agencies including the Department of Public Works, the District Department of Transportation, the Department of Human Services, the Department of Health, the Office on Aging and the Department of Disability Services are all preparing to respond and coordinating resources.

Earlier this year on June 29, 2012 a sudden storm hit the National Capitol Region and knocked out power to over 400,000 residences including over 50,000 in the District of Columbia. In addition to residential power being interrupted hundreds of traffic signals and street lights were also knocked out which created significant public safety and traffic problems. Some residents were without power for several days. Every day hundreds of thousands of commuters descend on the District for work in federal agencies, District agencies and private entities. A major disruption in the District could significantly impact the government and private businesses.

I am writing to ask for direct federal assistance for emergency protective measures to protect the lives and property of the residents of the District of Columbia. As outlined above, the District has deployed all available resources but the potential damage from the anticipated storms requires further federal support. As I stated previously, the potential loss of power to so many residences, traffic lights and street lights will create a direct health risk as well as a public safety risk.

Pursuant to the Stafford Act the District will agree to cover the non-federal cost associated with this request for assistance. I have designated Chris Geldart the Director of the District of Columbia Homeland Security and Emergency Management Agency as the District’s authorized representative.

Thank you for your consideration.

Sincerely,



Vincent C. Gray
Mayor
District of Columbia

Enclosures

OMB No. 1660-0009/FEMA Form 010-0-13
Mayor's Order 2012-186

DEPARTMENT OF HOMELAND SECURITY
FEDERAL EMERGENCY MANAGEMENT AGENCY
**REQUEST FOR PRESIDENTIAL DISASTER DECLARATION
MAJOR DISASTER OR EMERGENCY**

OMB No. 1660-0009 Expires December 31, 2012

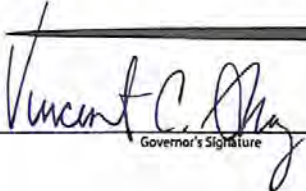
1. Request Date Oct. 28, 2012

Burden Disclosure Notice			
Public reporting burden for this form is estimated to average 9 hours per response. The burden estimate includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and submitting the form. This collection of information is required to obtain a benefit. You are not required to respond to this collection of information unless it displays a valid OMB control number. Send comments regarding the accuracy of the burden estimate and any suggestions for reducing the burden to: Information Collections Management, Department of Homeland Security, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, Paperwork Reduction Project (1660-0009) NOTE: Do not send your completed form to this address.			
Completion of this form including applicable attachments satisfies legal requirements for emergency and major disaster declaration requests under 42 U.S.C. 5170 and 5191, respectively, as implemented at 44 C.F.R. 206.35 and 206.36. Failure to use this form may result in a failure to meet these requirements and/or a delay in processing the request.			
2a. Name of State requesting declaration (as defined in Stafford Act 102, 42 U.S.C. 5122) District of Columbia		2b. State Population (as reported by 2010 Census) 601,723	
3. Governor's Name Mayor Vincent C. Gray		4a. Designation of State Coordinating Officer upon declaration (if available) and phone number Chris Geldart, Director DC HSEMA 202-481-3801	
4b. Designation of Governor's Authorized Representative upon declaration (if available) and phone number Chris Geldart, Director DC HSEMA 202-481-3801			
6. Declaration Request For: <input type="checkbox"/> Major Disaster (Stafford Act Sec. 401) <input checked="" type="checkbox"/> Emergency (Stafford Act Sec. 501(a))			
7. Incident Period Beginning Date 10/28/2012		End Date _____ or <input checked="" type="checkbox"/> Continuing <i>If requesting a "continuing" incident period, enclose an official statement from a qualified Federal government agency acknowledged as a national authority in a specific incident field (e.g., United States Geological Survey for seismic incidents, the National Weather Service for flooding).</i>	
7b. Type of Incident (Check all that apply)			
<input type="checkbox"/> Drought <input type="checkbox"/> Earthquake <input type="checkbox"/> Explosion <input type="checkbox"/> Fire <input checked="" type="checkbox"/> Flood <input checked="" type="checkbox"/> Hurricane <input type="checkbox"/> Landslide <input type="checkbox"/> Mudslide <input checked="" type="checkbox"/> Severe Storm (rain, high water, wind-driven rain, hail, lightning) <input type="checkbox"/> Snowstorm (Must include Enclosure D: Historic and Current Snowfall Data) <input checked="" type="checkbox"/> Straight-Line Winds <input type="checkbox"/> Tidal Wave <input type="checkbox"/> Tornado <input type="checkbox"/> Tropical Depression <input checked="" type="checkbox"/> Tropical Storm <input type="checkbox"/> Tsunami <input type="checkbox"/> Volcanic Eruption <input type="checkbox"/> Winter Storm <input type="checkbox"/> Other (please specify) _____			
8. Description of damages (Short description of impacts of disaster on affected area and population). Include additional details in enclosed Governor's cover letter. A severe storm is approaching the District of Columbia with landfall anticipated on October 28-29, 2012. The National Hurricane Center (NHC) and NOAA's Hydrometeorological Prediction Center (HPC) report that Hurricane Sandy is transitioning from a tropical to extra-tropical event that will deliver high winds, potentially serious coastal erosion and coastal flooding, storm surge, heavy rains, and significant snows. Analyses suggest that Sandy may be unlike anything the region has ever experienced. The potential for damage which may threaten the health, safety and property of District residents is significant. Moreover, the storm could impact the operations of the federal and District governments as well as private businesses.			
9. Description of the nature and amount of State and local resources which have been or will be committed. Include additional details in enclosed Governor's cover letter. The Mayor has declared a "state of emergency" in the District of Columbia, activated the District Response Plan and convened the Consequence Management Team to establish and direct incident priorities and leverage every available resource. In addition at 4:00 p.m. on October 28, 2012 the Emergency Operations Center will be activated and will operate continuously until the emergency is over. The Metropolitan Police Department and the Fire and Emergency Medical Services Department are prepared to activate its emergency scheduling. Moreover, in accordance with the District's emergency response plan other District agencies including the Department of Public Works, the District Department of Transportation, the Department of Human Services, the Department of Health, the Office on Aging and the Department of Disability Services are all preparing to respond and coordinate resources.			

FEMA Form 010-0-13, (6/12)

10. Joint Preliminary Damage Assessment*				
<input type="checkbox"/> Individual Assistance	Dates Performed	Requested	Start	End
Individual Assistance Accessibility Problems (Areas that could not be accessed, and why)				
<input type="checkbox"/> Public Assistance	Dates Performed	Requested	Start	End
Public Assistance Accessibility Problems (Areas that could not be accessed, and why)				
11. Programs and Areas Requested				
Individual Assistance	<input checked="" type="checkbox"/> N/A	<input type="checkbox"/> Individual and Households Program	<input type="checkbox"/> Crisis Counseling Program	<input type="checkbox"/> Disaster Unemployment Assistance
	<input type="checkbox"/> All	<input type="checkbox"/> Disaster Case Management	<input type="checkbox"/> Disaster Legal Services	
For the following jurisdictions (specify counties, parishes, independent cities) If additional space is needed, please enclose additional documentation.				
Identify Federally recognized Tribes in the requested counties.				
Please see Enclosure A: Supplemental Information for Individual Assistance for additional information in support of this request*				
*Not Required for Emergency Declaration Request				

11. Programs and Areas Requested (Continued)	
Public Assistance	<input type="checkbox"/> N/A <input type="checkbox"/> Debris Removal (Category A) <input checked="" type="checkbox"/> Emergency Protective Measures (Category B) <input type="checkbox"/> Permanent Work (Categories C-G) <small>(not available for Emergency Declaration Requests)</small>
For the following jurisdictions (Specify counties, parishes, independent cities) If additional space is needed or your request includes different categories of work for different jurisdictions, please enclose additional documentation.	
Identify Federally recognized Tribes included in the requested counties.	
Please see Enclosure B: Supplemental Information for Public Assistance for additional information in support of this request*	
Indemnification for Debris Removal Activity	
<input type="checkbox"/> I do not anticipate the need for debris removal.	
<input checked="" type="checkbox"/> I anticipate the need for debris removal, which poses an immediate threat to lives, public health and safety. Pursuant to Sections 403 and 407 of the Stafford Act, 42 U.S.C. §§ 5170b & 5173, the State agrees to indemnify and hold harmless the United States of America for any claims arising from the removal of debris or wreckage for this disaster. The State agrees that debris removal from public and private property will not occur until the landowner signs an unconditional authorization for the removal of debris.	
Request for Direct Federal Assistance	
<input type="checkbox"/> I do not request direct Federal assistance at this time.	
<input checked="" type="checkbox"/> I request direct Federal assistance for work and services to save lives and protect property, and:	
a. I request the following type(s) of assistance: Significant power outages have the greatest potential to directly impact the lives and safety of District residents. Resources are needed to prepare for restoration of power, the impact of the loss of power on the region and individual residents requires additional resources for public safety, shelters and medical care. Resources to ensure adequate debris removal to provide access for first responders and emergency workers. General mass care staffing if necessary.	
b. List of reasons why State and local governments cannot perform, or contract for, required work and services. The District is deploying all available resources to prepare for the impact of the storms, however, the potential severity of the storm and the damage it may cause will exhaust the District's resources.	
c. In accordance with 44 C.F.R. 206.208, the State agrees that it will, with respect to direct Federal assistance: (1) Provide without cost to the United States all lands, easements and rights-of-ways necessary to accomplish the approved work; (2) Hold and save the United States free from damages due to the requested work, and shall indemnify the Federal Government against any claims arising from such work; (3) Provide reimbursement to FEMA for the non-Federal share of the cost of such work in accordance with the provisions of the FEMA-State Agreement; and (4) Assist the performing Federal agency in all support and local jurisdictional matters.	
Request for Snow Assistance	
<input checked="" type="checkbox"/> N/A <input type="checkbox"/> I request snow assistance.	
Snow assistance for the following jurisdictions (Specify counties, independent cities).	
Please see Enclosure D: Historic and Current Snowfall Data for additional information in support of this request.	
*Not Required for Emergency Declaration Request	

11. Programs and Areas Requested (Continued)	
Hazard Mitigation* <input type="checkbox"/> Statewide OR	
For the following specific counties, parishes, independent cities.	
12. Mitigation Plan Information*	
a. Mitigation Plan Expiration Date _____	b. Type of Plan <input type="checkbox"/> Enhanced <input type="checkbox"/> Standard
13. Other Federal Agency Programs	
<input type="checkbox"/> I do not anticipate requirement from Other Federal Agencies. <input type="checkbox"/> I do anticipate requirement from Other Federal Agencies.	
Please see Enclosure C: Requirements for Other Federal Agency Programs for additional information in support of this request.	
14. Findings and Certifications	
<input checked="" type="checkbox"/> I certify the following: a. I have determined that this incident is of such severity and magnitude that effective response is beyond the capabilities of the State and the affected local government and that supplementary federal assistance is necessary. b. In response to this incident, I have taken appropriate action under State law and have directed the execution of the State Emergency Plan on <u>October 26, 2012</u> in accordance with the Stafford Act. c. The State and local governments will assume all applicable non-Federal share of costs required by the Stafford Act.	
15. List of Enclosures and Supporting Documentation	
<input checked="" type="checkbox"/> Cover Letter <input type="checkbox"/> Enclosure A (Individual Assistance)* <input type="checkbox"/> Enclosure B (Public Assistance)* <input type="checkbox"/> Enclosure C (Requirements for Other Federal Agency Programs) <input type="checkbox"/> Enclosure D (Historic and Current Snowfall Data) <input checked="" type="checkbox"/> Additional Supporting Documentation <u>Mayor's Order Declaring an Emergency October 26, 2012</u>	
 _____ Governor's Signature	<u>10/28/12</u> _____ Date
If anyone except the Governor signs this document, please provide the documentation that establishes that this individual has the legal authority to act on behalf of the Governor.	
*Not Required for Emergency Declaration Request	

Mayor's Order 2012-82: Emergency Preparedness Council

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2012-82
June 15, 2012

SUBJECT: Re-establishment – Mayor's Emergency Preparedness Council (EPC)

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by Section 422(2) of the District of Columbia Home Rule Act, as amended, 87 Stat. 790, Pub. L. 93-198, D.C. Code 2001 § 1-204.22(2) (2011 Supp.), and the District of Columbia Public Emergency Act of 1980, as amended, D.C. Law 3-149, D.C. Official Code § 7-2301 *et seq.* (2011 Supp.), it is hereby **ORDERED** that:

1. The Emergency Preparedness Council ("EPC") shall continue to operate and serve the District of Columbia, to continually re-examine the overall state of emergency and disaster readiness of the District of Columbia, to provide a consistent network of District agency expertise to make the District of Columbia Government a national leader in comprehensive emergency management and homeland security, and to make recommendations on improving District planning for, response to, and recovery from emergency and disaster events as well as emerging threats.
2. The EPC shall consist of the chief executives of those agencies and departments that have a direct or indirect role in planning for, responding to, or recovering from a major emergency or disaster affecting the District of Columbia, as identified in the District Response Plan ("DRP") and its sixteen Emergency Support Functions ("ESFs").
3. The EPC shall be co-chaired by the Director of the Homeland Security and Emergency Management Agency ("HSEMA") and the Deputy Mayor for Public Safety and Justice. The Chairperson of the D.C. Council and the Chairperson of the D.C. Council Committee on the Judiciary shall also be full members of the EPC.
4. The EPC shall be made up of representatives from those District agencies that have primary and support responsibilities for each specific Emergency Support Functions ("ESFs") as listed in the District Response Plan. Each agency director shall ensure that his or her department is represented at all EPC meetings.
5. Membership: The following officials of the Government of the District of Columbia shall serve as members of the EPC:

Mayor's Order 2012-82
Page 2 of 3

- a. **Regular Members:**
 - Mayor
 - City Administrator
 - Deputy Mayor for Public Safety and Justice
 - Deputy Mayor for Health and Human Services
 - Chief Financial Officer
 - Director, Homeland Security and Emergency Management Agency
 - Attorney General for the District of Columbia
 - Chief, Metropolitan Police Department
 - Fire Chief, Fire & Emergency Medical Services Department
 - Chief Medical Examiner
 - Director, Department of Health
 - Director, Department of Human Services
 - Director, Department of Consumer and Regulatory Affairs
 - Chief Technology Officer
 - Director, Serve DC
 - Chief Procurement Officer
 - Director, Executive Office of Communications
 - Director, Office of Unified Communications
 - Director, Department of General Services
 - Director, Department of Public Works
 - Director, District Department of Transportation
 - Chair, Committee on the Judiciary, Council of the District of Columbia
- b. **Ex-Officio Members:**
 - Commanding General, D.C. National Guard
 - Deputy Mayor for Planning and Economic Development
 - Deputy Mayor for Education
 - Local Administrator of the Emergency Medical Services for Children ("EMSC") Grants
6. From time to time the EPC shall also invite business associations, schools and universities, civic and community organizations, and other local and regional representatives, as well as Federal agencies that would normally provide support to the District under the Federal Response Plan (FRP) to participate in the EPC. Examples include the American Red Cross, DC Hospital Association, DC Consortium of Colleges and Universities, Business Improvement Districts and other organizations identified by the EPC.
7. The EPC shall convene a minimum of once every quarter for the purpose of discussing issues, resolving problems and providing input and guidance to city departments and agencies on issues of emergency preparedness.

Mayor's Order 2012-82
Page 3 of 3

8. The District of Columbia Homeland Security and Emergency Management Agency is responsible for conducting annual emergency preparedness exercises. HSEMA also produces after-action reports for each exercise. The EPC shall review HSEMA's after-action reports and identify any policies and programs to improve the District's overall state of readiness to respond to any major emergency or disaster.
9. Based on need, the EPC may further divide into smaller working groups by common function or area of expertise to discuss and resolve issues of common concern and report to the EPC as a whole.
10. The EPC shall periodically review the DRP and identify potential changes to revise the DRP.
11. The EPC may at any time identify significant emerging emergency management issues in the District of Columbia and make recommendations to the Mayor, individual District agencies or the D.C. Council, where appropriate.
12. This Order supersedes Mayor's Orders 2002-1 and 2003-121 and any other previous Mayor's Orders to the extent of any inconsistency therein.
13. **EFFECTIVE DATE:** This Order shall become effective immediately.


VINCENT C. GRAY
MAYOR

ATTEST: 
CYNTHIA BROCK-SMITH
SECRETARY OF THE DISTRICT OF COLUMBIA

Mayor's Order 2012-61: Continuity of Operations Planning

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2012-61
April 27, 2012

SUBJECT: CONTINUITY OF OPERATIONS PLANNING

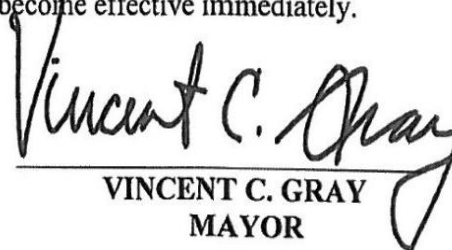
ORIGINATING AGENCY: Office of the Deputy Mayor for Public Safety and Justice


By virtue of the authority vested in me as Mayor of the District of Columbia by sections 422(6) and (11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(6) and (11) (2011 Supp.), and section 3 of the District of Columbia Public Emergency Act of 1980, effective March 5, 1981, D.C. Law 3-149, D.C. Official Code § 7-2302 (2008 Repl.), it is hereby **ORDERED** that:

1. Each District of Columbia cabinet-level agency shall create or update their Continuity of Operations Plan (COOP) to conform to the template produced by the Homeland Security and Emergency Management Agency (HSEMA).
2. Each agency must designate a COOP Coordinator and submit the Coordinator's name and contact information to HSEMA. The COOP Coordinator shall serve as a Point-of-Contact for all issues relating to COOP.
3. Each cabinet-level agency shall update its COOP annually. On or before September 1 of each year, each agency shall submit an electronic copy of their updated COOP to HSEMA.
4. Each cabinet-level agency shall conduct an exercise of its COOP annually, and afterwards evaluate and, if necessary, revise the COOP. Each agency shall provide to HSEMA an After-Action Report (AAR) detailing the results of the exercise. All corrective actions must be incorporated into the agency's COOP by September 1 of each year.
5. HSEMA shall devise a process for reviewing all cabinet-level agencies' COOP. The process shall review the AARs created in pursuance of the mandated exercise requirement.

Mayor's Order 2012-61
Page 2 of 2

6. HSEMA shall prepare an annual report on the status of the cabinet-level agency COOPs. On or before January 31 of each year, HSEMA shall submit the report to the Office of the Deputy Mayor for Public Safety and Justice.
7. HSEMA shall provide technical support and guidance to agencies for developing COOP Plans.
8. **EFFECTIVE DATE:** This Order shall become effective immediately.


VINCENT C. GRAY
MAYOR

ATTEST: 
CYNTHIA BROCK-SMITH
SECRETARY OF THE DISTRICT OF COLUMBIA

Mayor's Order 2014-019: Bus Warming


**GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Attorney General**



Legal Counsel Division

MEMORANDUM

TO: Robert J. Hildum
General Counsel
Homeland Security & Emergency Management Agency

FROM: Janet M. Robins 
Deputy Attorney General
Legal Counsel Division

DATE: January 21, 2013

SUBJECT: Legal Sufficiency Review of Draft Mayor's Order Suspending Enforcement of Engine Idling Requirements for Warming Busses (AM-14-033)

This responds to your email request today for a legal sufficiency review of the above-referenced draft Mayor's Order (Order).

The Order will temporarily suspend the enforcement of certain engine idling provisions of the District of Columbia Official Code and the District of Columbia Municipal Regulations so that the District can deploy warming buses on a limited basis during a period of extreme cold weather extending from January 21-26, 2014. The Order will be issued pursuant to the Mayor's authority under section 422(11) of the District of Columbia Home Rule Act, approved December 24, 1973, as amended, 87 Stat. 790, Pub. L. No. 93-198, D.C. Official Code § 1-204.22(11),

I have reviewed the Mayor's Order and concluded that it is legally sufficient. Please be reminded that the Office of Documents and Administrative Issuances must certify that the Order meets the publication requirements of that office.

Should you have any questions regarding this memorandum, please contact me at 724-5524.

JMR/jmr
Attachment

GOVERNMENT OF THE DISTRICT OF COLUMBIA**ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2014-019
January 21, 2014

SUBJECT: TEMPORARY AND LIMITED SUSPENSION OF THE ENFORCEMENT OF CERTAIN ENGINE IDLING PROVISIONS OF THE DISTRICT OF COLUMBIA OFFICIAL CODE AND MUNICIPAL REGULATIONS FOR WARMING BUSES DEPLOYED BY THE DISTRICT OF COLUMBIA DURING THIS PERIOD OF EXTREME COLD

ORIGINATING AGENCY: Homeland Security Emergency Management Agency

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(11) of the District of Columbia Home Rule Act, approved December 24, 1973 as amended, 87 Stat. 790, Pub. L. No. 93-198, D.C. Official Code § 1-204.22(11), it is hereby **ORDERED** that:

1. BACKGROUND AND PURPOSE:

- a. On January 21, 2014, the District of Columbia, along with many other parts of the United States, began experiencing extremely cold weather conditions that will include temperatures in the teens and wind chill that will reduce the already frigid conditions to temperatures in the single digits. In addition, four to eight inches of snow is expected and with strong winds, there will be blowing and drifting snow.
- b. These weather conditions pose a danger for many residents who are either homeless or are without adequate heating or shelter. Law enforcement personnel and other District employees working during this time may also be vulnerable to the extreme weather conditions.
- c. To mitigate the health hazards associated with being exposed to inclement weather for extended periods of time, the District of Columbia Homeland Security and Emergency Management Agency ("HSEMA") will be providing a limited number of buses to serve as warming stations at designated locations throughout the District for law enforcement personnel, District employees and members of the general public who may need to obtain warmth or require medical attention.

d. Generally, the engine of a gasoline or diesel powered motor vehicle shall not idle for more than three (3) minutes while the motor vehicle is parked, stopped, or standing, except for limited purposes.

e. The District of Columbia acknowledges the necessity of having in place and enforcing engine idling regulations on a uniform and consistent basis to offset the harmful effects excessive engine idling may cause to both the environment and one's health. However, in light of the extremely low temperatures; the need for alternate locations where persons could obtain warmth or medical assistance or both; the potentially greater danger posed to public health and the environment if the District does not provide stations; and the narrow tailoring of this Order to apply to a limited number of warming stations, it is in the interest of the District of Columbia to suspend enforcement during this period of extreme cold of those provisions of the District of Columbia Code and District of Columbia Municipal Regulations that relate to engine idling, for the limited number of warming stations identified herein.

2. TEMPORARY AND LIMITED SUSPENSION OF ENFORCEMENT:

a. No District of Columbia agency, including, but not limited to the Department of the Environment, Department of Health, Department of Public Works, Department of Motor Vehicles, and Metropolitan Police Department, shall enforce the District of Columbia's engine idling regulations from January 21 through January 26, 2014, regarding a limited number of buses designated as warming stations by HSEMA.

b. HSEMA shall take such action as is necessary to clearly identify the limited number of buses subject to the provisions of this Mayor's Order.

3. **EFFECTIVE DATE:** This Order shall become effective immediately.

VINCENT C. GRAY
MAYOR

ATTEST: _____
CYNTHIA BROCK-SMITH
SECRETARY OF THE DISTRICT OF COLUMBIA

Mayor's Order 2014-059: Delegation of Authority to the Fire Chief of the Fire and Emergency Medical Services Department to Enter Into, Request, or Provide Assistance Under, Mutual Aid Agreements with Localities within the National Capital Region and/or the Federal Government

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2014-059
March 13, 2014

SUBJECT: Delegation of Authority to the Fire Chief of the Fire and Emergency Medical Services Department to enter into, request, or provide assistance under, mutual aid agreements with localities within the National Capital Region and/or the Federal Government

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(6) and (11) of the District of Columbia Home Rule Act of 1973, as amended, 87 Stat. 790, Pub. L. No. 93-198 and D.C. Official Code § 1-204.22(6) & (11) (2012 Repl.), and all federal or District authority which vests in me the authority, on behalf of the District of Columbia, to enter into, request, or provide assistance under, any mutual aid agreement, it is hereby **ORDERED** that:

1. The Fire Chief of the Fire and Emergency Medical Services Department, and such subordinates as he or she may designate, are hereby authorized to enter into, request, or provide assistance under, mutual aid agreements with localities within the National Capital Region and/or the Federal Government for the extinguishment of fires and for the preservation of life and property.
2. This Order shall supersede all Mayor's Orders to the extent of any inconsistency.
3. **EFFECTIVE DATE:** This order shall become effective immediately.


VINCENT C. GRAY
MAYOR

ATTEST: 
CYNTHIA BROCK-SMITH
SECRETARY OF THE DISTRICT OF COLUMBIA

Mayor's Order 2014-082: Delegation of Authority to the Office of the Chief Medical Examiner to Enter Into, Request, or Provide Assistance Under, Mutual Aid Agreements with Localities within the National Capital Region and/or the Federal Government

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2014-082
April 17, 2014

SUBJECT: Delegation of Authority to the Office of the Chief Medical Examiner to enter into, request, or provide assistance under, mutual aid agreements with localities within the National Capital Region and/or the Federal Government

ORIGINATING AGENCY: Office of the Chief Medical Examiner

By virtue of the authority vested in me as Mayor of the District of Columbia pursuant to section 422(6 and 11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(6 and 11) (2012 Repl.), and all federal or District authority which vests in me the authority, on behalf of the District of Columbia, to enter into, request, or provide assistance under, any mutual aid agreement, it is hereby **ORDERED** that:

1. The Chief Medical Examiner (CMO) of the Office of the Chief Medical Examiner (OCME), and such subordinates as he or she may designate, are hereby authorized to enter into, request, or provide assistance under, mutual aid agreements with localities within the National Capital Region and/or the Federal Government for the purpose of research, education, toxicology services, and mass fatality management, related to the determination of the cause and manner of death.
2. Except for those circumstances described in section 3, the authority delegated pursuant to section 1 is limited to mutual aid agreements that create no current financial obligation for the District, or create no financial obligation for the District in anticipation of an appropriation, as determined by the General Counsel of OCME, after consultation with the Office of the Attorney General and the Office of the Chief Financial Officer.
3. The CMO may enter into mutual aid agreements described in section 1 which create financial obligations for the District; provided that the General Counsel of OCME determines that there is clear legal and budgetary authority to do so, after legal sufficiency review by the Legal Counsel Division of the Office of the Attorney General and budgetary authority review by the Office of the Chief Financial Officer.

Mayor's Order 2014-082
Page 2 of 2

4. EFFECTIVE DATE: This Order shall become effective immediately.



VINCENT C. GRAY
MAYOR

ATTEST: 

CYNTHIA BROCK-SMITH
SECRETARY OF THE DISTRICT OF COLUMBIA

G. DISTRICT AGENCY GENERAL COUNSEL POINTS OF CONTACT

Name	Agency & Title	E-mail	Phone Number
Robert Hildum	General Counsel, Homeland Security and Emergency Management Agency	robert.hildum@dc.gov	202.481.3011
Robert Warren	Assistant Attorney General, Department of Human Service/Office of the Attorney General	robert.warren@dc.gov	202.671.4452
Marie-Claire Brown	Department of Health/Health Emergency Preparedness and Response Administration/ Office of the Attorney General	marie-claire.brown@dc.gov	202.671.0880
Christine Davis Nakeasha Sanders-Small	Department of Public Works/Office of Chief Counsel	christine.davis@dc.gov nakeasha.sanderssmall@dc.gov	202.671.2030
Jared Piaggiore	District Department of Energy	jared.piaggiore@dc.gov	202.299.3346
Amy Caspari	Department of Parks and Recreation	amy.caspari@dc.gov	202.671.4122
Marie-Claire Brown Phillip Husband	Department of Health	marie-claire.brown@dc.gov phillip.husband@dc.gov	202.442.5970
Dave Rosenthal	Office of the Attorney General/Public Safety Division	dave.rosenthal@dc.gov	202.727.6277
Michael O'Connell	District Department of Transportation/Office of the Attorney General	michael.oconnell@dc.gov	202.671.2215
Nancy Hapeman	Office of Contracting and Procurement/Office of the Attorney General	nancy.hapeman@dc.gov	202.724.4391
Christine Felps	Office of the Chief Technology Officer/Office of the Attorney General	christine.felps@dc.gov	202.727.0619
Andrew Fois	Deputy Attorney General, Office of the Attorney General	andrew.fois@dc.gov	202.727.4750
Terry Ryan	General Counsel, Metropolitan Police Department	terry.ryan@dc.gov	202.727.2184

Name	Agency & Title	E-mail	Phone Number
Irvin B. Nathan	Attorney General, Office of the Attorney General	Irvin.Nathan@dc.gov	202.724.5559
Marceline Alexander	Fire and Emergency Medical Services-General Counsel	marceline.alexander@dc.gov	
Matthew Caspari	Department of Behavioral Health/Office of Attorney General	matthew.caspari@dc.gov	
Mikelle Devillier	Office of the Chief Medical Examiner	Mikelle.DeVillier@dc.gov	
Christine Funk	Department of Forensic Sciences	Christine.funk@dc.gov	
Gregory Evans	Office of Unified Communications-General Counsel	GregoryM.Evans@dc.gov	202.730.0531
	DC National Guard-General Counsel		
	Chief Financial Officer- General Counsel		
Adrian Sevier	Federal Emergency Management Agency-General Counsel (Acting)		202.646.2500
Stevan E. Bunnell	Department of Homeland Security-General Counsel		202.282.9822

H. PRESIDENTIAL POLICY DIRECTIVE 8

In 2011, PPD-8: National Preparedness was issued in order to strengthen “the security and resilience of the United States through systematic preparation for the threats that pose the greatest risk to the security of the Nation, including acts of terrorism, cyber-attacks, pandemics, and catastrophic natural disasters.” Within PPD-8, the NPG created five mission areas—Protection, Prevention, Mitigation, Response, and Recovery—to serve as a way of organizing preparedness activities. However, these mission areas were not designed to limit or constrain activities.

Major Elements of PPD-8

National Preparedness Goal

The NPG is defined as, “A secure and resilient nation with the capabilities required across the whole community to prevent, protect against, mitigate, respond to and recover from the threats and hazards that pose the greatest risk.” The NPG document: (1) defines a series of national preparedness elements (called core capabilities) that we need to achieve the goal; and (2) emphasizes the need for the whole community to work together in a variety of ways and make the best use of resources.

National Preparedness System

The National Preparedness System document outlines the approach, resources and tools for achieving the NPG.

National Preparedness Report

The annual *National Preparedness Report* summarizes progress toward achieving the NPG and is used to inform the President’s budget. Overall the report found that the nation has increased its collective preparedness, not only from external threats but also for natural and technological hazards.

National Planning Frameworks

The National Planning Frameworks are a collection of five frameworks focused on each of the mission areas (Prevention, Protection, Mitigation, Response and Recovery). The frameworks define how we work together to best meet the needs of individuals, families, communities, and states in their ongoing efforts to prevent, protect, mitigate, respond to, and recover from any disaster event.

Federal Interagency Operational Plans

The Federal Interagency Operational Plans will cover the federal government’s activities to deliver the core capabilities outlined in the five frameworks. These plans are intended to demonstrate how federal efforts can work together to support state and local plans. The Federal plans will also describe: (1) critical tasks and responsibilities, such as resource, staff, and sourcing requirements; (2) specific provisions for rapidly integrating resources and personnel. These plans will serve as the Federal government’s concept of operations for each of the five mission areas.

Core Capabilities

As listed below, each mission area has distinct “core capabilities,” all with different legal implications. Some of the core capabilities, such as “planning” apply to all of the mission areas. Note that the District chose to merge the National Preparedness Goal mission areas of Prevention and Protection into a single mission area because they primarily involved the same District stakeholders and due to the number of overlapping core capabilities.

- Prevention
 - Planning
 - Public Information and Warning
 - Operational Coordination
 - Forensics and Attribution
 - Intelligence and Information Sharing
 - Interdiction and Disruption
 - Screening, Search, and Detection
- Protection
 - Planning
 - Public Information and Warning
 - Operational Coordination
 - Access Control and Identity Verification
 - Cybersecurity
 - Intelligence and Information Sharing
 - Interdiction and Disruption
 - Physical Protective Measures
 - Risk Management for Protection Programs and Activities
 - Screening, Search, and Detection
 - Supply Chain Integrity and Security
- Mitigation
 - Planning
 - Public Information and Warning
 - Operational Coordination
 - Community Resilience
 - Long-Term Vulnerability Reduction
 - Risk and Disaster Resilience Assessment
 - Threats and Hazard Identification

- Response
 - Planning
 - Public Information and Warning
 - Operational Coordination
 - Critical Transportation
 - Environmental Response/Health and Safety
 - Fatality Management Services
 - Infrastructure Systems
 - Mass Care Services
 - Mass Search and Rescue Operations
 - On-Scene Security and Protection
 - Operational Communications
 - Public and Private Services and Resources
 - Public Health and Medical Services
 - Situational Assessment
- Recovery
 - Planning
 - Public Information and Warning
 - Operational Coordination
 - Economic Recovery
 - Health and Social Services
 - Housing
 - Infrastructure Systems
 - Natural and Cultural Resources

ⁱ Presidential Policy Directive/PPD-8: National Preparedness (2011, March 30). *DHS.gov*. Retrieved March 17, 2014, from <https://www.dhs.gov/presidential-policy-directive-8-national-preparedness>