

DEPARTMENT OF THE ARMY
COMPLETE STATEMENT
OF
MAJOR GENERAL DON T. RILEY
DIRECTOR OF CIVIL WORKS
U.S. ARMY CORPS OF ENGINEERS
BEFORE THE
ENVIRONMENT and PUBLIC WORKS COMMITTEE
UNITED STATES SENATE

**Stafford Act: A Path Forward For the Nation's
Emergency Preparedness and Response System**

July 27, 2006

INTRODUCTION

Mr. Chairman and members of the Committee, I am Major General Don T. Riley, Director of Civil Works for the U.S. Army Corps of Engineers (USACE). Thank you for the opportunity to testify before you today concerning the Corps' disaster-relief missions under the Stafford Act. The Corps has a long standing, highly effective relationship in support of Federal Emergency Management Agency (FEMA) under the former Federal Response Plan (FRP) and now the National Response Plan (NRP). We also have major responsibilities for disaster planning, response and recovery under our own authority (Public Law 84-99), our Civil Works infrastructure missions (Flood Damage Reduction, Navigation, and Hydropower) , and our inherent responsibility to support the Department of Defense in execution of any of the Department's disaster relief missions as required. I will address my comments this morning to our role in support of FEMA under the Stafford Act and National Response Plan.

Under the National Response Plan, the Corps has primary responsibility for Emergency Support Function #3, Public Works and Engineering, and several assigned tasks in support of the other Emergency Support Functions (ESF) specified in the Plan. Our mission portfolio during major disaster response will typically include activities such as provision of ice and water, debris clearance and disposal, temporary roofing, emergency power to critical facilities, and assistance to FEMA with provision of temporary housing.

Based on 14 years of experience in executing missions under the FRP and NRP, I believe the Stafford Act and the NRP have the empowering authorities and tools needed to be successful in performing our assigned missions. Response to Hurricane Katrina was a tremendous challenge for USACE and all responding Federal and state agencies given the catastrophic nature of the mission workload and many limiting factors that impacted the initial response. However, a look at the overall mission execution tells us that more water and ice were delivered faster than ever before, and the debris mission, which has a magnitude several times that of Hurricane Andrew in 1992 (the previous record in terms of mission magnitude), has also seen achievement in terms of debris removed in the 9 months since the event, that exceeds any previous hurricane mission experience. Many lessons learned have been documented that can only be gained through such an experience. These lessons learned have led to improvements to our operational procedures and training. One area that needs more attention is how we transfer this knowledge back to the local governments so they too can benefit from these lessons learned, plan more effectively, and eventually be better prepared to manage more of their own recovery operations. This transfer of knowledge is needed throughout all USACE NRP missions that include commodities, temporary power, roofing, temporary housing, and debris. One solution we are developing with FEMA is to have, as part of the overall Federal concept of operations and initial mission assignments, a requirement to work with the local governments covered by the declaration to provide a localized

plan for each mission that is based on the actual response details gained from the event. This concept will help transfer the knowledge gained and leave the local governments with a proven operational plan. The National Incident Management System provides for this integration of Federal, state and local planning and operations, so the authorities and plans are already in place to facilitate this improved coordination.

Pre-event preparedness, to include enabling mitigation actions, based on lessons learned and best practices, is critical to minimizing post event damage and to reduce the number of citizens that become victims. The mitigation program and the lessons learned process are two methods used to assist in determining which actions a community should perform. The U. S. Army Corps of Engineers through their Floodplain Management Services Program, provides advice and assistance to communities in terms of reducing their flood risk with regard to community infrastructure. The Corps Flood Damage Reduction authorities provide a broad range of Flood mitigation tools that are used in supporting State/Local flood mitigation objectives.

The life-cycle lessons learned process consists of: planning; exercising the plan (through exercise or a real event); evaluating the successes and opportunities for improvement; documenting best practices and developing corrective actions; revising the plan to include the best practices and implementing the corrective actions. Mitigation and lessons learned are tied to routine pre-event meetings and post-event processes. FEMA's Regional Mitigation staff and USACE Districts provide mitigation services year round to local communities and states. A forum used to highlight preparedness is the FEMA Regional Interagency Steering Committee (RISC) meeting. RISC meetings are usually conducted quarterly and attended by representatives from all federal ESFs and states within the respective FEMA region. In addition, several states conduct annual hurricane exercises and conferences where federal, state and local interests and concerns for specific geographic areas are raised.

Over the last three years, there has been a significant increase in planning. USACE, in coordination with FEMA, has provided states with planning tools and assisted in preparedness efforts, especially in the areas of commodities planning (quantities required and distribution point set-up), temporary power, and debris management. These planning tools, briefings, and actions taken were developed as a result of lessons learned from past disasters. While there is always room to improve and more communities to get involved, these efforts have resulted in some coastal states improving their preparedness posture. The Corps has authority under PL 84-99 to plan and prepare for our NRP missions in coordination with Department of Homeland Security (DHS)/FEMA , other Federal agencies and state and local agencies. The Corps will also be working closely with DHS Preparedness Directorate in the future to insure that DHS programs and grants support the building of state and local "Public Works and Engineering" capabilities. For example, state and local capabilities to manage debris

operations vary widely. With more emphasis on comprehensive debris planning, state and local governments would be much better prepared to manage these types of operations on their own. There are also requirements for state and local governments to assess generator needs at critical facilities and to prioritize possible temporary power requirements in advance of an emergency. Some states have made progress in this area, but there is still much work to be accomplished. With additional planning and coordination, the intergovernmental team will be better prepared to respond more quickly to temporary power needs at critical facilities. We will continue to aggressively pursue a lifecycle of improvements to our mission preparedness based on lessons learned from each disaster event, working closely with these key partners.

In reference to the on-going debris mission from FEMA, we have been following an acquisition strategy based on the concept of geographic set-asides under the Stafford Act as a follow-on strategy to our initial emergency contracting process put in place to handle the unprecedented amount of debris resulting from the effects of Katrina – as a result of both wind and flood. Our first attempt to use this state set-aside authority under the Act was in Mississippi. Our goal was to use the Act to generate contracting opportunities at the prime level for Mississippi disadvantaged, small and large businesses. Competition was limited to Mississippi companies only. Although the subject of a GAO protest, we eventually prevailed as the GAO held that our concept of using geography was valid. I'd also like to take this opportunity to thank the GAO for reviewing the protest using their expedited procedures. As a result we were able to get their ruling in 65 days versus the more normal 100 days. We are disappointed that we were not able to implement the Act in Mississippi after receiving the favorable GAO ruling. Circumstances and time conspired against us as the Mississippi debris removal efforts are projected to be completed by the end of this month. In reference to the state of Louisiana, we are pursuing a similar geographic-based acquisition strategy in using the Stafford Act and recent revised language in 42 U.S.C. §5150 signed by the President on April 20, 2006, removes all doubt that geographic set-asides may be used when appropriate.

The Corps of Engineers performed unprecedented debris operations in order to address the historic debris quantities and waste streams generated by Hurricanes Katrina and Rita. In the state of Louisiana, the Corps performed debris segregation, processing, handling, recycling, treatment, and disposal, as required, per waste stream in order to maintain timeliness and compliance with applicable regulations. Additionally, the Corps developed debris working groups, comprised of Federal, state, and local representatives, to provide a basis for daily input to debris planning and execution. Representatives from the Corps, the contractors, FEMA, Environmental Protection Agency, Occupational Safety and Health Administration, Centers for Disease Control, and Louisiana Department of Environmental Quality provided various field oversight roles as well as providing feedback to the working group on a daily basis concerning needs, status, and communications. After nine months of debris management, the following waste

streams and quantities have been segregated and removed within the State of Louisiana.

<u>Waste Stream</u>	<u>Quantity</u>	<u>Disposition</u>
Vegetative	8.2 M cubic yards	Reused
Consolidation & Demolition	14.5 M cubic yards	Disposed
White Goods	800,000 items	Recycled
Household Hazardous Waste	1.4 M items	Treated, Disposed
Electronic Waste	489,000 items	Recycled
Asbestos	136,000 cubic yards	Disposed
Tires	95,000 items	Recycled
Residual Solids	24, 300 cubic yards	Disposed
Small Motorized Equipment	150,000 items	Recycled

While the process to manage all these waste streams can never be perfect, the Corps is pleased to have diverted so much debris from inappropriate placement in a landfill, which is the basis for so many concerns.

FEMA is the Primary Agency under the National Response Plan for Emergency Support Function #3 recovery activities, to include federal debris support. During the 2005 Hurricane Season, FEMA tasked USACE to take the lead for federal debris management assistance in certain localities in Mississippi, Louisiana, Alabama and Texas. EPA has worked closely with USACE, FEMA, and State and local governments to assist in these debris removal activities. For example, EPA assisted the States in developing guidance regarding demolition of structurally unsound buildings as well as guidance for debris burning. Along with FEMA and the USACE, EPA also provided assistance to the States as they developed their debris removal plans.

The Corps of Engineers takes pride in being a Learning Organization. We have learned that every event is different. Our goal is to immediately provide the urgently required immediate relief services to the impacted populations. We recognize that in urgent situations, mistakes can and do occur. There is also opportunity for unscrupulous individuals to take advantage of the system. We work to strike a balance between expeditiously providing relief to those in need and limiting the opportunities for malefactors. Our solution is to immediately deploy Corps internal auditors, teamed with the Defense Contract Audit Agency and the U. S. Army Criminal Investigation Command, to oversee all emergency response efforts (both Corps and contractors' operations) to help detect – early in the process – actual or potential mistakes, help mission managers comply with

their fiscal stewardship responsibilities, and detect instances of fraud, waste, or abuse. Corrective actions are implemented immediately to address problems or weaknesses identified by these teams. We have learned that by doing so, we not only improve our processes, but avoid unnecessary or wasteful expenditures, and become more efficient. I welcome the reviews conducted by external audit and investigative activities as they are also a valuable tool to help us identify potential vulnerabilities and weaknesses in processes and procedures.

As noted earlier in this statement, part of being a Learning Organization is implementing actions to correct our mistakes and strengthen our weaknesses. Several years ago the Corps instituted a formal procedure, our Remedial Action Program, to capture lessons learned and adjust our processes for future events. Simply put (although this is not a simple process) for each emergency event we prepare After Action Reports, which include issues and weaknesses identified from all sources during our response efforts. We attempt to correct or strengthen our procedures and adjust supporting Standard Operating Procedures (SOPs). Personnel are trained on the new procedures and then we conduct exercises, which help us determine whether the corrective actions were effective. Where necessary, the procedures and SOPs are adjusted and placed in readiness for the event. We then start this process all over again.

In the future to be best prepared we may need to think beyond our traditional assistance methods. The critical missions of commodities distribution, providing temporary power, temporary housing and debris management require skills not often maintained by local governments. They are, however, maintained by some state governments and by FEMA, the supporting ESFs and within the private sector. Individuals with these skills can be pulled together, both pre- and post-event, to develop plans for the specific communities in those specific areas. The result could be a local community with planned distribution points, critical generator requirements pre-identified, debris clean-up planned and more quickly performed, and temporary housing sites pre-identified allowing for quicker construction and occupation by displaced citizens.

SUMMARY

To close, I would like to thank you once again, Mr. Chairman, for allowing the Corps of Engineers the opportunity to appear before this Committee to discuss our activities in support of FEMA under the Stafford Act. Many Corps personnel have served our Nation by helping in the response to natural disasters in Texas, Louisiana, Mississippi, Alabama, Florida, or elsewhere in the nation or the world. We are proud to do so. I would be happy to answer any questions Members of the Committee may have. Thank you.