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Commissioners, Distinguished Witnesses, and Members of the Public:

Thank you for the opportunity to meet with you today. The work of the Commission is invaluable, and the scope of your present inquiry reflects the urgency of the manner in which you pursue that work. I am here today to offer my observations of federal level decision-making processes as they bear on specific issues of interest to the Commission. In particular, I was asked to comment on certain organizational aspects of a full range of emergency preparedness and homeland security responsibilities.

The State of California has taken significant initiative on its own to close the apparent readiness and preparedness gaps after September 11, 2001. At the expense of details pertaining to implementation, my written testimony seeks to offer specific observations and recommendations in response to your questions. My hope is that the following can serve as productive starting point for an exchange and I look forward to your questions.

**Bolstering management flexibility.** Evolving homeland security threats and emerging awareness of natural disaster risks require management flexibility in emergency preparedness. But public sector management is risk averse, poorly equipped to evolve with shifting needs and design for reliability rather than flexibility. How can the State bolster its management flexibility while ensuring reliability?

- Institutionalize decision-making organizations with inherent cross-agency structure that reflect the complex mission of uncertain homeland security contingencies. The Interagency Incident Management Group (IIMG) model, while typically stood up at the federal level to engage during a crisis, could also serve a planning function during non-emergency periods. To the same extent that managing the response to terrorist attacks and natural disasters requires a robust interagency approach, so also do the strategic planning measures required to prepare for them. Replicating an IIMG-type model could allow for ongoing coordination at the State level across bureaucracies.

- Eliminate unnecessary bureaucratic redundancy. Duplication and gaps are inevitable in a complex system. On the other hand, extreme efficiency obtained by eliminating all duplication tends to increase vulnerability to single point and catastrophic failures. Certain types of redundancy are desirable to increase robustness with minimum impact on efficiency.

**Organizing for decision-making.** Traditional bureaucratic compartmentalization, by function or specialty, hampers efforts to integrate decision-making across departments. What strategies should the State pursue to organize for effective decision-making for emergency preparedness, recognizing both the need for preparation and episodic disaster responses, as well as long-range prevention and recovery strategies?

- Establish Joint Task Forces focused on large-scale emergencies. Joint homeland security taskforces at the Federal level coordinate roles and missions in developing, deploying, and managing an all hazards strategy. These integration mechanisms can be tailored to the State's needs by knitting together new and legacy decision-making entities, as well as connecting up the local and state-level authorities. Moreover, planning and coordination task forces can be tailored to the demands of different scenarios and would match up with the National Incident Management System and adhere to the National Response Plan.
- Coordinate within the State government to avoid duplication of effort and conflicting guidance. Authorities and responsibilities must be clear to state and local decision-makers. Whether from the Office of Homeland Security or the Office of Emergency Services, the trade-off between planning for terrorism or natural disasters is very real and should be informed by cross-agency consultation, but directed by the Governor's office.
- Hurricane Katrina was a perfect storm of inadequacies – infrastructure as well as leadership – that led to a cascading catastrophe. One possible lesson that other states can take away from that case, however, is that jurisdictional authorities peculiar to a state will inevitably impact the tempo and thoroughness of a response, especially where local assets are overwhelmed and response authority transfers to the state level or higher. That means that California's implementation of the National Response Plan, for example, will depend greatly on the scenario as it unfolds in California.

Exercises emerge as the best option to test the threshold. Gaming the National Response Plan in California would demonstrate at what point on the scale of severity do local assets and authorities stop acting as emergency responders and start becoming victims themselves. These are some of the seams in the NRP and any state response plan that require the most attention. Variables along the way include the roles of the private sector, National Guard, and, in the case of California, the Office of Homeland Security and the Office of Emergency Services.

- Surge capabilities must be a priority investment and must be tested. In major contingencies, surge means more than extra wards and hospital beds. It requires mobilizing and informing the public. Mitigating the impact of an attack already underway involves such complex and manpower-heavy operations as shelter-in-place, mass vaccinations, or mass evacuations. To undertake these missions, the State will have to build – in advance – a trained and equipped resource to lead the effort on the ground. What used to be a National Guard role must now be considered the domain of larger and, at present, less trained groups. State Defense Forces, Citizen Corps, Civil Air Patrol, the private sector, and other alternatives to an overstretched National Guard can provide a crucial civilian component to the State’s preparedness, in addition to the first responder community.
- Crisis Communications is vital. It is important to consider how the state government, particularly California, should consider the implications of an attack on another part of the country. The likelihood of synchronized attacks on different high-value targets within the country is increasingly likely. California has itself been a terrorist target in the past. The crisis communications function between the public and local authorities immediately following an attack elsewhere will prove critical. Exercises can illustrate the gaps in this function state-wide, but it can also help determine how the public will react or fail to react (when decision-makers need them to). It also triggers the role of the private sector. Other countries, such as England, have law enforcement liaisons with major oil companies for just this reason. The energy sector is absolutely a critical node requiring priority attention in this sense.
- State-wide, multi-level exercises can strengthen the relationships among policymakers, authorities, and operators/first responders. When tested in a comprehensive or “full scale” exercise, the first gap to emerge tends to be among the authorities and between the levels of government. Identifying the crucial relationships that a response requires allows planners to build reinforced decision-making structures around them.

**Integrating science, technology and innovation into policy.** Advances in science and technology have greatly aided emergency preparedness and threat assessment capabilities. But the State has a weak record of integrating research and science into decision-making and adopting innovation. How can the State better integrate better science and research into its policy and practices? What models might guide California's efforts to improve that integration?

- Decision-makers must know and articulate the needs and problems California confronts. That may come from better integration of science policy with emergency preparedness policy. To increase the likelihood that research and development reflects the needs of the operators in the field, the federal Homeland Security leadership adopted the model of the Domestic Nuclear Detection Office. The need was identified as inadequate defense against smuggled nuclear weapons. The

solution was to marshal the minds of the national labs with the user community in a more systematic fashion. Among other things, the DNDO has an Interagency Coordination Council with representation by members from all interagency partners, such as the Departments of Energy, Justice, State, Defense, Transportation, and others to coordinate and de-conflict research priorities.

- The Technical Support Working Group identifies, prioritizes, and coordinates interagency research and development requirements for combating terrorism. Since 1986, the TSWG has pursued homeland defense technologies by defining technical requirements from the user perspective across the Federal interagency. In doing so, TSWG seeks to maximize U.S. and foreign industry, academic institutions, government, and private labs. With shared oversight by the Departments of State and Defense, and supervisory roles by the FBI and Departments of Energy and Homeland Security, TSWG uses rapid prototyping and development with an investments strategy across the what it calls the “four pillars of combating terrorism”:

Antiterrorism – Defensive measures to reduce vulnerability to terrorist acts.

Counterterrorism – Offensive measures to prevent, deter, and respond to terrorism.

Intelligence Support – Collection and dissemination of terrorism-related information used to combat all forms of terrorism, including chemical, biological, radiological and nuclear materials or high-yield explosives.

Consequence Management – Preparation for and response to the effects of a terrorist attack.

A similar working group model could be created at the State level that would help inform the setting of emergency response policy based on current or potential technology capabilities. It would also help shape the priorities for the private sector as it understands the State’s objectives in terms of innovation needs, technology, and basic research.

**Leveraging strengths of the private sector.** California's residents and businesses cannot rely on the public sector to respond to all hazards. How can the State leverage private sector expertise to bolster public sector preparedness, response, recovery, and prevention?

While my responses to some of the above questions involved specific options for leveraging private sector expertise, the use of exercises is worth revisiting here. The Commission is knowledgeable of the Congressionally-funded Full Scale Exercises called TOPOFF. Carried out every two years, these FSEs incorporate multi-state, and even international, dimensions. Authorities from the President through the local police and fire departments are engaged and tested. And the private sector is significant element in the overall execution.

Last year's TOPOFF3, at a federal cost of \$16 million, included the participation of 190 private sector entities. Almost 50 were from the commercial/industrial service, with 14 from consumable products. Six represented the public services sector, nearly 70 joined from the "structures and commercial facilities" sector, and about ten came from the transportation sector.

TOPOFF 3 illustrated how the private sector collects its own information that could be of use to emergency response decision-makers as it attempts to protect its own assets. Response mechanisms must find ways to open the exchange of information between these parties in a way that avoids compromising industry competitiveness as much as possible.

Conversely, the DHS Taskforce on Preventing Attack with Weapons of Mass Effect heard a consistent complaint from private sector representatives that a government-driven demand for information from the private sector without adequate explanations of why certain information is needed and what the private sector could be using that information for had forced an unfair burden on industry. A demand for transparency on one part of the equation without sufficient reciprocal transparency, the Taskforce found, can lead to resistance at the very worst time: during a crisis.

By incorporating a strategic cross-section of the private sector, bolstering public sector preparedness, response, recovery, and prevention is a primary objective of these Full Scale Exercises. The next exercise will include a west coast scenario and the threat of a smuggled nuclear weapon. The event will surely demonstrate a severe effect on the shipping industry and Pacific coast sea ports, the energy industry, and the ability of the public and private sectors to work in unison during a catastrophic emergency. California so far has declined to participate in TOPOFF.

Thank you for your time this morning, and for your attention to these important issues. I am happy to answer any further questions.