

# NRT Assessment Report

## Feedback from the Deepwater Horizon Oil Spill

*May 31, 2012*



**Chair**



**Vice Chair**



**FEMA**



**Member Agencies**

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## Acknowledgements

The National Response Team acknowledges its member agencies and 13 Regional Response Teams for their contributions in preparing this document. We invite comments or concerns on the usefulness of this document in all-hazard planning for responses. Please send comments to:

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## Executive Summary

The National Response Team (NRT) and Regional Response Teams (RRTs), integral parts of the National Response System (NRS) for oil and hazardous materials, played significant roles during the Deepwater Horizon (DWH) event. On April 20, 2010, an explosion and fire aboard the Mobile Offshore Drilling Unit (MODU) DWH set off a chain of events that led to the tragic loss of 11 lives and the sinking of the drilling unit, 87 days of an uncontrolled source, and the largest oil spill in U.S. history.

Due to the severity of the DWH BP Oil Spill, the complexity of response, the potential impacts on public health and the impacts to the environment, extraordinary coordination was required to ensure an effective response. The DWH response was the first instance of a declared Spill of National Significance (SONS) including the application of the National Incident Commander (NIC). The dramatic expansion and complexity of the response challenged the existing NRS coordinating structures for achieving inter-governmental unity of effort, resource administration, public relations, and communications. While the DWH response was successfully conducted under the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), the response organization, especially at the national level, evolved and expanded its organizational elements well beyond what was previously envisioned in existing NRT and SONS policy guidance.

As part of their responsibility to provide national and regional-level response and preparedness planning and policy guidance for oil, hazardous substances, pollutant, and contaminant incidents, NRT and RRT representatives were solicited to provide observations, lessons learned, and recommendations regarding the NRT and national level response components, which are compiled in this NRT-centric report.

Overall, while there tends to be a core group of individuals within each agency or department (at all government levels) who possess the necessary knowledge, experience, and skills in handling oil and hazardous substance events, more NCP-educated individuals are needed to support a catastrophic event. Given this, the majority of the NRT observations focused on three distinct areas of concern:

- 1) Validation of the SONS guidance during an actual event had not occurred prior to the incident and its use had been limited to exercises. The SONS guidance should now be examined based on recommendations in this and other reports and revised as appropriate. The NRT Members agree that the current NCP structure provides an effective mechanism to manage the 30,000 reported incidents per year that do not result in a SONS declaration; however, the mechanisms utilized during DWH need to be evaluated and institutionalized per guidance where necessary and appropriate to do so. DWH was the first event that provided real world experience concerning the effectiveness of NRS management structures needed to manage a SONS.

- 2) It is important to educate and maintain knowledge of the NCP for all responders and leaders at all levels; higher level communication procedures must be reviewed and senior leadership should be involved during the planning and response phases, particularly for catastrophic incidents. It is imperative that participants are knowledgeable with the NCP. This should include Senior Agency Officials and political appointees participating in exercises.
- 3) The NCP and National Response Framework (NRF) procedures should be harmonized as much as possible and where procedures necessarily differ, agencies should be familiar with the variations in procedures under each framework. Internal agency plans are aligned with the NRF and the Federal Emergency Management Agency (FEMA) guidance. Many individuals within the NRT member agencies and departments remarked that they are more experienced with the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act) and Homeland Security Presidential Directive (HSPD)-5/NRF.

The major NRT recommendations and lessons learned from the event are centered on the following:

- Proactive outreach is critical prior to and during the initial phase of the response to support the lead agency and the NIC, as well as ensuring that support agencies are familiar with the processes outlined in the NCP and NRS.
- Additional guidance is needed for NRT and RRT responsibilities during a catastrophic spill or release.
- Examination of the alignment among NCP, HSPD-5, and NRF should occur to ensure that the mechanisms effectively interface.
- Catastrophic oil spill and hazardous substance release training and exercises, particularly for multi-agency, cross-jurisdictional incidents, are needed at all levels of government to maintain familiarity with the NCP.
- Understanding by federal agencies (NRT and non-NRT member agencies) related to their roles, responsibilities, authorities, and functions under the NCP and related authorities is important.

The purpose of this report is to provide recommendations to improve the NRS's capability to respond to emergencies and not to assign fault or question response actions. At the time of this report, the Government's investigation into the cause of the event is still ongoing.

## Section 1: Purpose

The purpose of this Report is to evaluate and make recommendations concerning: the national level coordinating processes that occurred during the spill, including the NRT's own internal processes (e.g., activation policy); the NRT's interaction with the RRTs; and the use of ad hoc structures that emerged such as the Interagency Solutions Group (IASG). As mandated by the NCP (40 CFR § 300.110 (e)), "the NRT shall evaluate methods of responding to discharges or releases; shall recommend any changes needed in the response organization; and shall recommend to the Administrator of U.S. Environmental Protection Agency (EPA) changes to the NCP designed to improve the effectiveness of the national response system, including drafting of regulatory language."

## Section 2: NRT After Action Evaluation Process

Recognizing that the event might drive changes to the oil and hazardous substances pollution response system, the NRT used a variety of channels to request and receive observations from the NRT member agencies both during and after the height of response activities. The NRT established the "NRT observations" email address to receive written observations and information in no specific format from the member agency representatives and RRTs. As response operations wound down, NRT members and RRT Co-Chairs and Coordinators received requests for the submission of observations. Beginning in October 2010, the Executive Director set up interviews with NRT member representatives to verbally collect observations. In addition, NRT leadership met with senior department officials to collect observations and concerns.

A workgroup was convened to analyze the information and produce this Improvement Plan. This plan focuses on evaluating and making recommendations concerning the NRT, NRT's interaction with the RRTs, NIC, IASG and the member agencies, and the NCP.

## Section 3: Introduction

At approximately 21:56 (CDT) on April 20, 2010, an explosion and fire aboard MODU DWH set off a chain of events that led to the sinking of the drilling unit and, subsequently, the largest oil spill in U.S. history. The events occurred at the Macondo exploratory wellhead lying 4,994 feet below the surface of the water and approximately 50 miles southeast of the Mississippi River Delta. By April 29, the Secretary of the Department of Homeland Security (DHS) declared the DWH event a SONS under the NCP (40 CFR § 300.323). Further, on May 1, U.S. Coast Guard (USCG) Commandant Admiral Thad Allen was named the NIC. Please see the National Commission's BP Oil Spill Report<sup>1</sup> and other sources for further details.

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<sup>1</sup> <http://www.oilspillcommission.gov/>

## Section 4: Analysis

Note to reader: This Improvement Plan contains thoughts, observations and considerations from individual NRT Member representatives, which do not necessarily reflect the position of the NRT or the Member's agency. The NRT's intention for this Improvement Plan is to set forth recommendations. Further discussion and evaluation is needed by interagency subject matter experts to explore potential impacts and ensure compliance and consistency with the NCP, 40 CFR Part 300, and other relevant authorities. Additionally, reports authored by response partners will contain information that should be considered before making recommendations for action.

### 4.1 Coordination during a Spill of National Significance

#### 4.1.1 Coordination among NIC, IASG, and NRT

**Observation:** DWH demonstrated that the expected level of coordination (e.g., information management and sharing) for a SONS or large-scale oil or hazardous substance incident was underestimated. DWH also demonstrated that the expected level of support to the Federal On-Scene Coordinator (FOSC) for a SONS or large-scale oil or hazardous substance incident was underestimated. The NRT and RRT have responsibilities to both coordinate and provide support to the FOSC. They were quickly overwhelmed trying to meet the coordination needs of newly connected groups and the needs of the FOSC, particularly for tasks associated with the spill but not directly related to spill control, including public health, behavioral health, human services, and housing needs. Decisions to integrate additional groups (e.g., Cabinet-level representatives) and contingencies to address the need for additional support (e.g., IASG) were made based on best available information at the time during an evolving series of events. Therefore, the same objectives and tasks were trying to be achieved, but by entities at different levels with varying responsibilities.

Key considerations include:

- The NRT has specific national level responsibilities as defined in the NCP. The NCP provides for one NRT, it does not differentiate between a standing or incident-specific NRT, and does not easily permit the integration of other stakeholders during a response.
- The NRT served more as a senior level policy coordinating committee rather than a support organization for the FOSC through the RRTs.
- The lack of a clearly defined relationship between the NIC and IASG with the NRT and RRTs resulted in entities with unclear missions during the event. The IASG included more than the NRT member agencies identified in the NCP and its workgroups addressed some issues not traditionally considered under the oil spill response phase (i.e., funding of citizen behavioral health, medical or housing needs). The IASG operated under the direction of and reported to the NIC.
- In contrast to the national-level experience, at the regional level there was no IASG at Unified Area Command (UAC) or the RRT. The NCP does differentiate between the standing RRT and incident-specific RRT.

**Recommendation:** The NRT should support actions of the various groups (NRT Members, Cabinet-level representatives, etc.) to meet, coordinate, and fulfill their responsibilities in a manner that supports a centralized line of communication between the FOSC and the President.

At the national level, this may include:

- Conducting senior level political meetings that are separate from NRT working member meetings utilizing existing National Incident Management System (NIMS)-based components (i.e. Principals Committee, Deputies Committee, or the Domestic Resiliency Group (DRG)) to handle political issues and address broad management objectives.
- Establishing incident-specific workgroup(s) to the NRT to address issues and develop guidance.
- Developing guidance on how to integrate non-NRT member agencies into the process. (This includes coordination with senior political leadership within the federal government as well as academics and private sector stakeholders. See sections 4.1.2 below regarding coordination and education of senior political leadership and section 4.2.5 of this report for external stakeholder coordination.)
- Reviewing and revising, as appropriate, the role of the Senior Agency Official (SAO) and NIC to address these dynamics, particularly in regard to their interaction with the RRT and NRT. In particular, clarify the role of the NIC and SAO as they relate to the FOSC.

#### **4.1.2 Integration of the Senior Political Leadership**

**Observation:** The NRS does not currently specifically address the role for political leadership with respect to the what, when, where, why, and how of their participation at the national level during an event.

#### **Recommendations**

- a) Identify political and senior agency leadership information needs and ascertain if existing mechanisms are sufficient. Consider additional guidance to strengthen and make the channels more efficient.
- b) Develop guidance on how the NRT will coordinate and integrate their roles and functions with those of other national-level entities (e.g., White House National Security Staff, Principals, Deputies, and Principal Federal Official (PFO)).
- c) Consider guidance for White House and other senior leaders at the national level and Regional Administrators, District Commanders, and Governors at the regional level to better integrate their input into the structure.
- d) EPA and USCG, through the NRT, should consider increased briefing of appointed and elected officials, senior executive service members, and new NRT members on the NCP and NRS. This training program could:
  - Illustrate the various mechanisms in the NRS;
  - Differentiate between strategic vs. tactical roles;
  - Demonstrate authority and responsibility for decision making and potential liabilities; and
  - Be reinforced regularly through trainings, meetings, and exercise participation.

**Observation:** DWH demonstrated that there will be a high level of involvement of political and senior agency leadership during a SONS or large-scale oil or hazardous substance incident. The level of participation from senior political and senior agency leadership during DWH was greater than that observed in recent SONS exercises.

**Recommendation:** Elevate future SONS exercises to a Tier I exercise (as a Principal Level Exercise (PLE) and holding Senior Official Events (SOE)) to emphasize the importance of the SONS exercise. Hold a political leadership or senior-level NRT meeting on an annual basis on planning activities and the response structure. The challenges would include defining the audience and obtaining support from leaders who are also engaged in many competing strategic initiatives.

## 4.2 Coordination during a Spill or Release

### 4.2.1 Multi-region coordination

**Observation:** It was difficult for the NRT to help provide cross regional coordination and keep all affected RRTs involved at the same level.

**Recommendation:** The NRT should consider developing national guidance to formalize expectations and a process for cross RRT coordination during a wide area response. Conduct joint incident specific meetings to facilitate information sharing between the NRT and RRT member agencies. Both the NRT and RRTs should ensure that these meetings occur and meeting summaries are exchanged. This recommendation is closely linked to recommendations in sections 4.1.1, 4.1.2, and 4.2.5 of this report to consider guidance for internal and external stakeholders and partners in the NRS.

### 4.2.2 Top-down approach for information sharing

**Observation:** In the case of DWH, the NRT member agencies began coordinating with DHS and the White House before they engaged the regional components.

**Recommendation:** Policy should be revised to reflect the potential for a top-down approach for information sharing. When the NRT begins coordinating activities and sharing information, the NRT should engage the impacted RRTs.

- Conduct joint incident specific meetings to facilitate information sharing between the NRT and RRT member agencies. Both the NRT and RRTs should ensure that these meetings occur and meeting summaries are exchanged.
- Increase communication during an incident between the RRT leadership and NRT leadership regarding workload, issues, and decision making.
- If SONS is declared, consider whether any RRT responsibilities could be elevated to the NRT level. In addition, the NRT should proactively reach back to RRTs on regional issues.

### 4.2.3 NRS Awareness and Surge Capacity

**Observation:** Other than EPA and USCG, many of the member agencies lack a significant number of Oil Pollution Act of 1990 (OPA 90) experts.

**Recommendation:** Discuss the creation of an “NCP education” strike team and additional outreach materials to provide introductory, just-in-time trainings to cover NRS and NCP-related topics.

#### 4.2.4 NRT and RRT Representative Roles

**Observation:** The NRT Member and RRT representatives have multiple roles, balancing duties to his/her agency simultaneously with the NRT and RRTs, and can be quickly overwhelmed with tasks and competing interests preventing him/her from fulfilling responsibilities.

**Recommendation:** Engage in a collaborative effort with the NRT Members to discuss NRT Member roles and responsibilities during NRT activation, and address staffing issues and redundancy to reduce the impact on individual members during prolonged operations.

- In reference to 4.1.1., work with the member agencies to help empower the NRT member to be designated as their agency's coordinating official. The intent is to establish a direct line of communication from the NRT member, through the member agencies' leadership and any other national level coordination groups (e.g., DRG), to the President.
- In reference to 4.1.2., update the NRT's expectations for NRT Members during a response and during a SONS response, including those Members assigned as their agency's coordinating official. Ensure that NRT outreach materials are readily available for NRT Members' use (via the Web site, operations binder, etc) in order to brief senior political leadership.

#### 4.2.5 Science Coordination

**Observation:** In most cases the FOSC and FOSC Representatives (FOSCRs) were each assigned a Scientific Support Coordinator (SSC) dedicated to provide scientific support and coordination. However, the NIC did not have an equivalent position for an experienced science advisor to provide a direct, consistent, or formal channel to inject science directly at the most senior level. Although the IASG provided scientific solutions for specific response problems, overall its focus remained tactical in scope.

**Recommendation:** A science advisor position should be considered in the NIC's command structure to provide scientific support directly to the NIC, which most likely would be a senior member of the designated scientific support agency. The NIC and FOSC science advisors would be expected to coordinate closely.

**Observation:** Response personnel found it hard to effectively manage the exponential influx of scientific ideas and information. Additionally, scientists within the academic community lacked a clear understanding regarding how best to integrate with the response; what science was occurring; what science was required; and the need to properly communicate science decisions to stakeholders. A more proactive and transparent effort is needed to engage the academic community in opportunities to share and collaborate with response science.

According to the NCP, integrating this scientific expertise is a function performed by the SSC (40 CFR § 300.145 (c)). From an operational perspective, National Oceanic Atmospheric Administration (NOAA) SSCs effectively managed the scientific integration process in direct support of the FOSC at the UAC (e.g., Sub-surface Monitoring Unit, Operational Science Advisory Team). In other words, the UAC included the academic community when necessary to achieve response scientific objectives. Nevertheless, many academic scientists have expressed dissatisfaction that no broader process existed to reach out to the community and integrate their science into the response.

**Recommendation:** A structured, transparent process should be considered for integrating science both in the field and at the national level. Elements of this process could include the following:

- a) Consistent with sections 4.1.1, 4.1.2 and 4.2.1 of this report, provide guidance on how to integrate non-NRT member agencies, industry and academic experts into the process.
- b) As the FOOSC's lead representative for science coordination, the SSC should manage the program during a response to coordinate the participation with external scientists. To collect and focus external input, the Liaison Officer can serve as the point of contact within the command structure.
- c) Establish sole process and procedures to provide instructions for: submitting and screening science and technical proposals, evaluating those proposals and testing/demonstrating such proposals as part of response efforts. The overall process could address valuable research opportunities for the academic community, as well as apply innovative approaches that could propel the response.
  - i. Proposal Process: Define procedures to accept project submissions as well as those to screen requests for scientific research, as well as mechanisms to set aside areas for research. Capitalize on input to the Response Research Clearinghouse (Science & Technology Committee) to help determine and bridge response research gaps.
  - ii. Evaluation Process: Establish procedures to allow testing of unproven science associated with promising technologies. With procedures in place, the process and expectations can readily be communicated to academic interests.
  - iii. Testing/Demonstration/Science Process: Continue developing the Science of Opportunities database (Science & Technology Committee) as a ready reference of proposals for new science. Encourage academic contributions to this repository to facilitate integrating and managing the science during future responses and formalize procedures for establishing an incident-specific Alternative Response Technology Evaluation System (ARTES) based on the Interagency Alternative Technology Assessment Program (IATAP) and ARTES models employed during DWH. Assure that for those technologies or solutions that are tested, data is captured for immediate or later evaluation and science development.
- d) On a regional basis, conduct increased outreach to the academic community between spills.

#### 4.2.6 Offers of International Assistance

**Observation:** Sections §§ 300.3 (c) and 300.175 (b)(13) of the NCP outline the Department of State's (DOS) role in supporting international activities but does not provide specific guidance on carrying out responsibilities for facilitating international coordination of material and human assistance. The NRF contains an International Coordination Support Annex supported by an International Assistance System (IAS) Concept of Operations (CONOPS), which provides procedures for conveying information on needs to the international community, requesting foreign assistance, and reviewing offers of foreign assistance. The Annex and IAS do not reference the response structures established during a SONS. Additionally, the NCP states that DOS "will coordinate requests for assistance **from** foreign governments". However, the NCP does not specifically discuss the potential for international offers of assistance **to** the United States from foreign governments.

#### **Recommendations:**

- a) Consider additional guidance for managing offers of international assistance for a government-wide response for a catastrophic spill or release. Update the NRF, IAS, and other authorities and policy as necessary, taking into account existing International Maritime Organization (IMO) or other international standards and guidance to the extent practicable.

- b) DOS should advocate a greater role in managing international offers of assistance in future SONS exercises.

## 4.3 The FOSC and the Responsible Party

**Observation:** There was a perception among internal and external groups that the Unified Command (UC) approach superseded the FOSC responsibility and authority (40 CFR § 300.120 (a) and 40 CFR § 300.135 (d)) to direct the overall response. A paradox has begun to emerge in which the collaborative environment of a UC is perceived to outweigh the FOSC's authority to be the single person with authority to direct the response.

**Recommendation:** Develop a product (e.g., Technical Assistance Document (TAD) or fact sheet) that explains FOSC responsibility to direct the overall response in coordination with the NIC. The final product should emphasize that stakeholders, including the responsible party (RP), work in a collaborative environment in support of the FOSC.

**Observation:** Concerns were expressed about how UC functions related to key positions within the UC response management structure that could or should be inherently governmental (such as the safety officer or liaison officer positions within the UC).

**Recommendation:** Develop guidance on roles and responsibilities of key positions within the UC response management structure including requirements for positions that should solely be held by Federal employees.

## 4.4 Harmonizing National Systems for Response

### 4.4.1 Reconciling the NCP within the NRF

**Observation:** The NCP and NRF each provide structures that are inclusive of all levels of government and stakeholders, to include national level coordination of federal support, which could be activated simultaneously. There is a lack of specific guidance on how to coordinate this larger government-wide response under the NCP at the national level for a SONS event

The NRF, with its Emergency Support Functions (ESFs) and support annexes, would be a logical, established, and practiced methodology to apply to complement the NCP to manage the expanding national-level structure.<sup>2</sup> The high impact but relative infrequency of catastrophic-scale events warrants maximizing the commonality of response systems and supporting mechanisms.

**Recommendation:** Develop a reconciliation document highlighting differences between NRF and the NCP. Specific topics are not limited to:

- Potential overlaps and potential gaps in authorities and policies;

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<sup>2</sup> This sentence is not intended to imply that the NCP structure should be replaced with the NRF/ESF methodology or the FEMA response organizations (National Response Coordination Center (NRCC), Regional Response Coordination Center (RRCC), and Joint Field Office (JFO)). The NCP structure is well established and effective for oil and hazardous substance incidents and DWH was the first SONS declaration.

- Potential changes to NRF and/or DHS authorities and/or the NRT authorities to address gaps and overlaps;
- Recommendations on the interface between the NCP and the NRF/HSPD-5 authorities, particularly for the use of the NRF for non-Stafford Act eligible incidents; and
- How other ESFs and annexes would be involved in a government-wide response during an oil or hazardous substance event.

**Note for Recommendation:** USCG, FEMA, and EPA are currently chairing a workgroup on the interface of HSPD-5/NRF and the NCP.

#### 4.4.2 The Intersection of the Principal Federal Official and the NCP

**Observation:** There was a lack of guidance regarding national-level domestic incident management integration for a SONS. The Secretary of DHS, as PFO<sup>3</sup>, and the EPA SAO<sup>4</sup> and the USCG NIC<sup>5</sup> have similar responsibilities for either national-level or strategic “coordination” as defined in their respective authorities. Therefore, it was not clear when to expect the Secretary to play a role as PFO and the extent of the Secretary’s interface with the NCP, NIC, FOOSC, and NRT. Second, further guidance should be considered under the NCP and HSPD-5/NRF to more clearly define strategic “coordination” as it relates to the national level and to document the distinction between types of activities that are regarded as strategic vs. tactical.

If the authorities<sup>6</sup> continue to provide more than one position responsible for “coordination” at the national level (as the NCP and HSPD-5/NRF are autonomous but supporting), and assuming that both a PFO and SAO/NIC can be designated for an event, consider issuing more guidance as to the specific responsibilities of those positions to minimize overlaps and gaps.

**Recommendations:** Consider guidance to

- Clarify the definition of “coordination” and provide guidance on the role and specific responsibilities of the SAO or NIC and the PFO in coordinating the national response to minimize overlaps and gaps.
- Clarify within the NRF the role of the Secretary of DHS as the PFO and criteria for assuming the PFO role.
  - Provide input from the NCP perspective concerning the role of the Secretary of DHS as the PFO when there is no Stafford Act declaration and when an agency is leading a response under its own authorities.<sup>7</sup>
  - Develop additional guidance regarding the role of the PFO in leading a government-wide response during a SONS or large-scale oil or hazardous substance incident.

#### 4.4.3 Integrating Whole of Government Actions Outside the Unified Command

**Observation:** There is a need for additional guidance on how federal agency statutory authorities under the NRF are coordinated when executed outside of the UC organization. This observation

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<sup>3</sup> HSPD-5

<sup>4</sup> 40 CFR § 300.323(b)

<sup>5</sup> 40 CFR § 300.323(c)

<sup>6</sup> NCP, HSPD-5/NRF

<sup>7</sup> This item is likely outside the scope of the NRT as DHS will likely need to identify other non-Stafford Act Authorities similar to the NCP (and outside the scope of the NRT) in order to fully develop guidance.

becomes significant when a federal agency's authority does not match up with the UC's objectives or an agency is not part of the command staff. The agency retains and may exercise its authorities in a UC but, in the execution of its authorities, could potentially impact response operations.

**Recommendation:** Develop additional guidance on how federal agency authorities should be executed under the Incident Command System (ICS)/ NIMS when the agency in question is not part of the UC.

The NRT should look at means to further integrate other agencies' authorities that are broader in scope than the NCP, such as unemployment, food assistance, and other domestic assistance. This issue could possibly be addressed in the National Disaster Recovery Framework (NDRF) that is currently being developed by FEMA and could provide a potential solution for NCP responses.

**Observation:** During the DWH event, public health issues, e.g., public exposures, behavioral health, worker safety and health, seafood safety, medical care, human services etc., were much greater than had been anticipated in prior planning for a major spill. Of note is the fact that there was very little medical play and no public health play in the SONS 2010 exercise. There is a need for guidance to better define the role of the Department of Health and Human Services (HHS) for protection and coordination of public health and safety during future major oil spills and other incidents coordinated under the NCP.

A Senior Health Official (SHO) was not designated until roughly the middle of the response period. In addition, the questions about the scope of responsibilities and authority of the SHO were not explicitly addressed. So, for example, there was confusion as to whether the SHO was to only serve as a technical advisor to the National Incident Commander, had responsibility to coordinate between HHS and the NIC, or had command responsibility – and, in the case of command responsibility, whether that extended only to HHS-supported activities or included health and safety activities of other Departments and Agencies such as the Occupational Safety and Health Administration (OSHA).

**Recommendations:**

- a) HHS should consider creating, from the beginning of the incident, the position of SHO. This person should have public health hazardous material experience in order to support the NIC as soon as it is stood up. In the case of DWH, the SHO or a representative would have been rolled into the IASG and represented public health/medical issues.
- b) The NRT , in consultation with HHS, OSHA, EPA, and USCG should determine the appropriate roles, responsibilities, and scope of authority of the SHO.
- c) The NRT, with HHS and OSHA support, should include increased public health, medical, and occupational health and safety play in future SONS exercises.

#### **4.4.4 Funding Whole of Government Response Beyond the OSLTF**

**Observation:** Not all agencies had experience with the funding process for resources under the Oil Spill Liability Trust Fund (OSLTF). Agencies either completely lacked familiarity with Pollution Response Funding Authorizations (PRFAs) or did not possess sufficient experience to process the number of PRFAs received. In addition, agencies did not possess a clear understanding of what was “fundable” vs. agency obligation. The practice of funding HQ-level components is not a standard National Pollution Funds Center (NPFC) practice and the process

for reviewing new activities (e.g., those not funded previously by a PRFA) was not flexible enough to address new activities and issues in a timely manner.

There is a need to streamline/reduce the burden placed on FOSCs to sign all PRFAs, particularly during large-scale incidents. Currently, the FOSC is required to sign off on all PRFAs regardless of the type (federal or non-federal) or nature of the claim. Not all PRFAs are operational in nature, such as the IASG and NRT activation calls, support for senior leadership, and agency efforts to coordinate/train/staff support for the FOSCs.

**Recommendations:**

- a) The NPFC should review and, if necessary, update guidance to provide more information as to the specific activities that can and cannot be reimbursed under the OSLTF.
- b) NRS member agencies should exercise and conduct more internal trainings concerning the NPFC, OSLTF, ICS-213 Resource Request (RR) Forms, and PRFAs.
- c) Agencies should consider exploring whether the assistance of PRFA-experienced individuals from one agency can be offered to another agency.
- d) NPFC should institutionalize PRFA approval funding for national/HQ level components.
- e) NPFC should consider the development of pre-scripted PRFAs.
- f) NPFC should consider increasing the similarity between PRFAs and Mission Assignments (MAs).
- g) Department of Justice (DOJ) should work with NPFC to develop guidance on cost recovery documentation for non-PRFA costs.
- h) Any Principals- or Deputies-level exercises conducted to familiarize political officials with the NRF should include discussion of funding under the OSLTF.
- i) PRFA tasks should be delegated to another official (e.g., SAO/NIC) for certain actions.

**Observation:** Coordination of funding and support mechanisms could be improved between Stafford Act and the Federal Water Pollution Control Act (FWPCA)/OPA response, for coverage of state-to-federal and federal-to-federal mutual aid under the Emergency Management Assistance Compact<sup>8</sup> (EMAC).

States wishing to donate resources became frustrated when they could not successfully utilize the EMAC, an established 50-state system that addresses liability and reimbursement; this national and state legislative endorsement had advantages over some other mechanisms, such as commercial contracts or PRFAs. While the complete reasons for this frustration are not fully understood, the likely reasons were that the NCP does not support EMAC engagement like the Stafford Act and the reimbursable nature and state-to-state mechanism when the RP and the FOSC were the primary payers.

The use of a common and exercised mechanism of access to unaffected state-based resources, perhaps using the state-based all-hazard EMAC system, would have improved the nationwide nature of the government-wide response, and strengthened the NRS outside the impacted areas.

**Recommendation:** The NRT should open dialogue with state authorities and organizations (such as the National Emergency Managers Association (NEMA) and Pacific States/British Columbia Task Force) to better define the best processes for the FOSC or the UC to mobilize resources from afar in support of a

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<sup>8</sup> <http://www.emacweb.org/>

major response, particularly to determine if there are national mechanisms that may be employed to better utilize all response resources for efficient and effective response.

## 4.5 Communicating with the Public

**Observation:** The public did not always have a clear understanding of the “big picture” or plain-language definitions of the response elements, command and control concepts, roles and responsibilities, risk-based information on perceived vs. actual risks, etc., especially as these elements were continuously evolving to meet the needs of the situation.

**Recommendations:**

- a. Improve messaging to the public to provide plain-language explanations of the response structure, roles and responsibilities, roles (FOSC, UC, and NIC), the concept and role of the RP, risk-based information on perceived vs. actual risks, etc. so that the public possesses an understanding of the event.
- b. Update Public Information Officer (PIO)/external affairs trainings and job aids to emphasize communication early in the response regarding command and control.
- c. Address the role/functions of the Joint Information Center (JIC) in communicating with the public and improving messaging to the public.
- d. Develop a website that will serve as a single, coordinated source of public information utilized by all federal departments and agencies to provide event-related information, with links to separate department and agency websites as necessary. Consideration should be given to designating communications professionals who will maintain this website, promulgating common design elements to promote consistency, and planning for long-term maintenance of the website after the "emergency response" phase has concluded.

## Section 5: Conclusion

Readers are reminded that the DWH event presented responders with unprecedented circumstances and was the first declared SONS. This Improvement Plan and other reports will help address issues emerging as a result of the DWH event and aid planners in enhancing the federal government’s ability to coordinate at the national level the response to a future catastrophic discharge or release.

The major NRT recommendations and lessons learned from the event are centered on the following:

- Review and develop, as necessary, additional guidance for NRT and RRT responsibilities during a catastrophic spill or release.
- The alignment between NCP, HSPD-5, and NRF should be examined to ensure that the mechanisms effectively interface.
- Catastrophic oil spill and hazardous substance release training and exercises, particularly for multi-agency, cross-jurisdictional incidents, are needed at all levels of government to maintain familiarity with the NCP.
- Understanding by federal agencies (NRT and non-NRT member agencies) related to their roles, responsibilities, authorities, and functions under the NCP and related authorities. The

role of HHS, including that of the SHO, during a future catastrophic discharge or release should be defined in consultation with HHS, and then described in appropriate documents.

- Incorporating outside entities to further scientific and international support.
- Improve and streamline the PRFA process
- Proactive outreach is critical prior to and during the initial phase of the response to support the lead agency and in the case of a SONS designation the NIC, as well as ensuring that support agencies are familiar with the processes outlined in the NCP and NRS

Despite the catastrophic and tragic consequences of the event, DWH facilitated the building and strengthening of partnerships among participants and set the stage for future cooperative efforts. Additional training sessions and exercises, as noted in the body of this document, will help to further refine plans, policies, and procedures for this type of incident.

## Appendix A: Categorization of Recommendations

- **NRT and RRT responsibilities during a catastrophic spill or release.**
  - Policy should be revised to reflect the potential for a top-down approach for information sharing. When the NRT begins coordinating activities and sharing information, the NRT should engage the impacted RRTs. (4.2.2)
  - Engage in a collaborative effort with the NRT Members to discuss NRT Member roles and responsibilities during NRT activation, and address staffing issues and redundancy to reduce the impact on individual members during prolonged operations. (4.2.4)
- **Wide area response**
  - The NRT should consider developing national guidance to formalize expectations and a process for cross RRT coordination during a wide area response. (4.2.1)
- **Alignment between NCP, HSPD-5, and NRF**
  - Develop a reconciliation document highlighting differences between NRF and the NCP. (4.4.1)
  - Consider guidance to: 1. Clarify the definition of “coordination” and provide guidance on the role and specific responsibilities of the SAO or NIC and the PFO in coordinating the national response to minimize overlaps and gaps. 2. Clarify within the NRF the role of the Secretary of DHS as the PFO and criteria for assuming the PFO role. (4.4.2)
- **Catastrophic oil spill and hazardous substance release training and exercises.**
  - Elevate future SONS exercises to a Tier I exercise (as a Principal Level Exercise (PLE) and holding Senior Official Events (SOE)) to emphasize the importance of the SONS exercise. Hold a political leadership or senior-level NRT meeting on an annual basis on planning activities and the response structure. (4.1.2)
  - DOS should advocate a greater role in managing international offers of assistance in future SONS exercises. (4.2.6.b)
- **Understanding by federal agencies (NRT and non-NRT member agencies) related to their roles, responsibilities, authorities, and functions during a response.**
  - The role of HHS, including that of the SHO, during a future catastrophic discharge or release should be defined in consultation with HHS, and then described in appropriate documents. (4.4.3)
  - Develop additional guidance on how federal agency authorities should be executed under the Incident Command System (ICS)/ NIMS when the agency in question is not part of the UC. (4.4.3)
  - Develop guidance on roles and responsibilities of key positions within the UC response management structure including requirements for positions that should solely be held by Federal employees. (4.3)
  - Develop a product (e.g., Technical Assistance Document (TAD) or fact sheet) that explains FOOSC responsibility to direct the overall response in coordination with the NIC. (4.3)
- **Incorporating outside entities to further scientific research**
  - A science advisor position should be considered in the NIC’s command structure to provide scientific support directly to the NIC, which most likely would be a senior member of the designated scientific support agency. (4.2.5)
  - A structured, transparent process should be considered for integrating science both in the field and at the national level. (4.2.5)

- **Funding, and mutual aid and international assistance**
  - Improve and streamline the PRFA process (Multiple items under 4.4.4)
  - The NRT should open dialogue with state authorities and organizations (such as the National Emergency Managers Association (NEMA) and Pacific States/British Columbia Task Force) to better define the best processes for the FOSC or the UC to mobilize resources from afar in support of a major response, particularly to determine if there are national mechanisms that may be employed to better utilize all response resources for efficient and effective response. (4.4.4)
  - Consider additional guidance for managing offers of international assistance for a government-wide response for a catastrophic spill or release. Update the NRF, IAS, and other authorities and policy as necessary, taking into account existing International Maritime Organization (IMO) or other international standards and guidance to the extent practicable. (4.2.6.a)
  
- **Proactive outreach**
  - Discuss the creation of an “NCP education” strike team and additional outreach materials to provide introductory, just-in-time trainings to cover NRS and NCP-related topics. (4.2.3)
  - EPA and USCG, through the NRT, should consider increased briefing of appointed and elected officials, senior executive service members, and new NRT members on the NCP and NRS. (4.1.2.d)
  
- **Communicating with the Public (4.5)**
  - Improve messaging to the public to provide plain-language explanations of the response structure, roles and responsibilities, roles (FOSC, UC, and NIC), the concept and role of the RP, risk-based information on perceived vs. actual risks, etc. so that the public possesses an understanding of the event. (4.5)
  - Update Public Information Officer (PIO)/external affairs trainings and job aids to emphasize communication early in the response regarding command and control. (4.5)
  - Address the role/functions of the Joint Information Center (JIC) in communicating with the public and improving messaging to the public. (4.5)
  - Develop a website that will serve as a single, coordinated source of public information utilized by all federal departments and agencies to provide event-related information, with links to separate department and agency websites as necessary. Consideration should be given to designating communications professionals who will maintain this website, promulgating common design elements to promote consistency, and planning for long-term maintenance of the website after the "emergency response" phase has concluded. (4.5)
  
- **Integration of senior political leadership**
  - The NRT should support actions of the various groups (NRT Members, Cabinet-level representatives, etc.) to meet, coordinate, and fulfill their responsibilities in a manner that supports a centralized line of communication between the FOSC and the President. (4.1.1)
  - Identify political and senior agency leadership information needs and ascertain if existing mechanisms are sufficient. Consider additional guidance to strengthen and make the channels more efficient. (4.1.2.a)
  - Develop guidance on how the NRT will coordinate and integrate their roles and functions with those of other national-level entities (e.g., White House National Security Staff, Principals, Deputies, and Principal Federal Official (PFO)). (4.1.2.b)
  - Consider guidance for White House and other senior leaders at the national level and Regional Administrators, District Commanders, and Governors at the regional level to better integrate their input into the structure. (4.1.2.c)

## Appendix B: Acronyms

ARTES	Alternative Response Technology Evaluation System	NDRF	National Disaster Recovery Framework
BP	British Petroleum	NEMA	National Emergency Managers Association
CONOPS	Concept of Operations	NIC	National Incident Commander
DHS	U.S. Department of Homeland Security	NIMS	National Incident Management System
DOJ	U.S. Department of Justice	NOAA	National Oceanic Atmospheric Administration
DOS	U.S. Department of State	NPFC	National Pollution Funds Center
DRG	Domestic Resiliency Group	NRCC	National Response Coordination Center
DWH	Deepwater Horizon	NRF	National Response Framework
EMAC	Emergency Management Assistance Compact	NRS	National Response System
EPA	U.S. Environmental Protection Agency	NRT	National Response Team
ESF	Emergency Support Function	OPA	Oil Pollution Act of 1990
FEMA	Federal Emergency Management Agency	OSLTF	Oil Spill Liability Trust Fund
FOSC	Federal On Scene Coordinator	PFO	Principal Federal Official
FOSCR	FOSC Representative	PIO	Public Information Officer
FWPCA	Federal Water Pollution Control Act	PLE	Principal Level Exercise
HHS	U.S. Department of Health and Human Services	PRFA	Pollution Response Funding Authorization
HSPD	Homeland Security Presidential Directive	RA	Regional Administrator
IAS	International Assistance System	RP	Responsible Party
IASG	Interagency Solutions Group	RR	Resource Request
IATAP	Interagency Alternative Technology Assessment Program	RRT	Regional Response Team
ICS	Incident Command System	SAO	Senior Agency Official
IMO	International Maritime Organization	SHO	Senior Health Official
JFO	Joint Field Office	SOE	Senior Official Event
JIC	Joint Information Center	SONS	Spill of National Significance
MA	Mission Assignment	SSC	Scientific Support Coordinator
MODU	Mobile Offshore Drilling Unit	TAD	Technical Assistance Document
NCP	National Oil and Hazardous Substances Pollution Contingency Plan	UAC	Unified Area Command
		UC	Unified Command
		USCG	U.S. Coast Guard