

**Minutes of the Regular Meeting of the
Louisiana Emergency Response Commission (LERC)**

Meeting Title Louisiana Emergency Response Commission Meeting
Date of Meeting March 12, 2014
Where Louisiana State Police Headquarters
7919 Independence Blvd
Baton Rouge, LA 70806
Start Time 10:00 a.m.

1. Lt. Colonel David Staton called the meeting to order at 10:01 a.m.
2. Elizabeth Ecker, LSP/Right-to-Know Unit, called roll as follows:

Colonel Michael Edmonson, Department of Public Safety, NOT PRESENT
Lt. Colonel David Staton, Department of Public Safety, PRESENT
Peggy Hatch, Department of Environmental Quality, PRESENT
Cheryl Nolan, Department of Environmental Quality, NOT PRESENT
Dr. Mike Strain, Department of Agriculture and Forestry, PRESENT
Dr. Brent Robbins, Designee for Department of Agriculture and Forestry, NOT PRESENT
Kevin Davis, Governor's Office of Homeland Security, NOT PRESENT
Command Technician Taylor Moss, Department of Public Safety, PRESENT
James Polk, Louisiana Emergency Preparedness Association, PRESENT
Cecil Bennett, Carrol L. Herring Fire and Emergency Training Institute, PRESENT
Brian Wynne, Representative of Environmental Interest, PRESENT
Edward Flynn, Louisiana Chemical Association, PRESENT
Chief Bobby Black, PRESENT
Mayor Hiram Copeland, NOT PRESENT
Chief Samuel Halphen, Jr., PRESENT
Paul Naquin, PRESENT
Lt. Chris Rushing, PRESENT
Chris Guilbeaux, NOT PRESENT
Senator Mike Walsworth, NOT PRESENT
Senator Mack "Bodi" White, NOT PRESENT

The records reflect that the following visitors were present:

Duval Arthur, St. Mary Parish
Jan Herrington, Positive Results
Lenny LaFleur, Governor's Office of Homeland Security
Kevin Breaux, Governor's Office of Homeland Security
Rick Moore, Governor's Office of Homeland Security
Eric Deroche, St. James Parish

The records also reflect that the following LSP/Right-to-Know personnel were present:

Gene Dunegan

Tara Guidry
Elizabeth Ecker
Paul Schexnayder, Louisiana State Police Legal Counsel
Justin Bello, Louisiana State Police Legal Counsel

3. Lt. Colonel David Staton welcomed everyone and asked the commission to approve the minutes from the December 18, 2013 LERC meeting. A **MOTION** made to approve. The motion was seconded. No opposition. The motion passed.
4. Lt. Colonel Staton advised LERC members to review their contact information and relay any changes to Ms. Elizabeth Ecker or Ms. Tara Guidry. He stated that he wants to keep the information on the website as current as possible.
5. **Committee Reports:**

Long Range Planning: Lt. Colonel Staton indicated that in light of Chief Samuel Halphen's retirement, there is need for a new Chairperson to head the Long Range Planning Committee. After recognizing the positive impact that Mr. Halphen had brainstorming ideas and creating a plan for the future, it was necessary to conduct nominations for a new Chair person. Mr. Halphen then emphasized the need for the new Chair to serve as a funnel for the other committee Chairpersons, meeting with each of them to discuss the goals of each committee in order to create a solid plan for long range development, becoming a single voice for the overall picture. Lt. Colonel Staton echoed this belief, stating that he views this position as a strategic framework, with the template laid out by Mr. Halphen as being an excellent example to follow. Chief Bobby Black volunteered to become the new Chair and focus efforts for the long term based on the track Mr. Halphen has laid out for the committee. Mr. Halphen, in turn, nominated Chief Black for the position of Long Range Planning Committee Chair, a nomination that was seconded by Mr. Jim Polk. The nomination was approved and Chief Black was named the new Chair for the committee.

Emergency Plans: In the absence of Mr. Chris Guilbeaux, Lt. Colonel Staton passed the floor to Mr. Lenny LaFleur (GOHSEP) to discuss Emergency Plans.

Mr. LaFleur referred to the handout in each folder that was provided and spoke of the reviewed Emergency plans for four parishes: Claiborne, Concordia, East Feliciana, and Rapides. He began with East Feliciana, describing their plan as decent but lacking in two areas that needed to be included: a HazMat incident classification scheme, as well as conditions for each, as well as a plan to exercise the annex. The plans of the remaining 3 parishes were described as outdated, however Claiborne showed a well written plan that touched all key points in the evaluation guide. Mr. LaFleur stated that four more parishes will be reviewed in the next quarter, they are: Red River, Richland, St James and St John.

After reviewing the plans, Mr. Lenny LaFleur explained that he would be leaving GOHSEP to pursue a job at his former place of employment, the Lake Charles Fire Department.

Training and Resources: Mr. Cecil Bennett discussed the statistics for first responder training at the LSU Fire & Emergency Training Institute (FETI) facility and at the Louisiana State Police's Joint Emergency Services Training Center (JESTC). It is a snapshot of what goes on and who provides the training. Mr. Bennett stated that between FETI and JESTC over 2,450 people have been trained for 2013, specifically in HazMat classes and situations. The numbers are represented for both municipal and industrial as a mix on the charts. He did state that while this showed state agencies, there are private groups that perform their own training; however between the two, the quality is better in the state provided program.

Local Emergency Planning Committee (LEPC) Service: Report provided at time of meeting. Mr. James "Jim" Polk asked that the LERC review the report for any suggestions or improvements that need to be made. He mentioned specifically wanting to add a frequently asked questions portion to the report, as well as placing it on the website as one document that explains the entire purpose of the LERC LEPC Service committee. Mr. Polk explained he had recently sat in on a Dow Chemical table top exercise with Union Pacific where they simulated incident calls, and when Mr. Polk would ask what number they called to report an incident, he found they were not actually reporting to the LEPCs for certain parishes and were in violation of the law by not doing so, even though the LEPC contact list is available online. He would like the report he created to be easily accessible so that any and all questions can be answered. Mr. Polk mentioned there was funding available to make the document more presentable and publish-ready, as well as providing it to all necessary facilities. The document should also be updated and changed as guidelines evolve, as well as including the history, mission, and vision statements about the LERC committee as a whole, so people can understand what the LERC is here for. It will prove to be a very useful resource to hand out for those who do not know who they need to call and how they need to handle an incident in order to be in compliance with the state and parish laws, as well as the federal mandates.

Mr. Eric Deroche included the issue that St. James parish has experienced extreme difficulty with reporting parties not contacting the local LEPCs and instead going straight to the State agencies to make a report. It is common for St. James parish to receive phone calls from state police asking about details on an incident that they do not know anything about. Their reasoning comes from the desire to contact "whoever will get to them first", but their reasoning should be based on safety. Every 8 weeks, the parish gets together to discuss this issue, and they are working to draft an ordinance mandating notification to the parish and local LEPC so that they will not have to deal with these communication discrepancies. This mandate will be requiring that facilities submit their plans annually, and if they do not do so, they will receive a fine. CT Taylor Moss mentioned House Bill 407, which is a precursor to the Right-to-Know law, about parish laws not being allowed to override or compete with state requirements; however Mr. Deroche assured that their mandate would not interfere with state laws, but reiterate and support them. He also mentioned that it is the corporate contacts that hold this idea that the local LEPCs are not as important to notify as the state agencies, since the state disseminates all notifications to all other agencies.

Public Information: No Report. CT Taylor Moss explained that more information on legislation and updates will be presented to the LERC concerning electronic notification when it becomes available.

Emergency Notification: No Report. CT Taylor Moss passed the floor to Mr. Edward Flynn, who discussed Senate Bill 537 concerning Electronic Notification. He explained that there are efforts in place to meet with the author of the bill, Senator Daniel Martiny, and explain the goal which is to add the option of electronic notification in conjunction with phone notification. CT Taylor Moss explained there had been a meeting that morning concerning the issue that the bill draft did not follow the guidelines that had been agreed to by State Police; that instead the bill states that electronic notification will be mandated while eliminating telephonic notification altogether. This was not the agreed upon terms, as electronic notification was meant to compliment telephonic notification, not make it unnecessary. There are new efforts in place to meet with Senator Martiny and make the necessary changes showing electronic notification as an addition to telephonic notification, otherwise the bill will be not be passed.

6. Old Business

CT Taylor Moss turned the floor over to Mr. Gene Dunegan to review the LERC Vision/Mission/Purpose/Goals/Function/Core Values and Guiding Principles. These statements had been compiled using information off Google, creating these drafts as a guideline. Mr. Dunegan asked that the members review these documents for any changes or suggestions, to be provided for the next LERC meeting in May and go forward with publishing them with the handout Mr. Jim Polk presented in his committee report.

The next order of business was in regards to the EPA agreeing to hold LEPC workshops. The subject had been “batted back and forth” at the LERC meeting about what information would be shared. These meetings are to determine that the information being printed in the LERC annual report, submitted at LEPC and LERC meetings, as well as alternative workshops, is consistent and updated regularly, including information provided by the federal government about what the functions are of an LEPC and how it should be run. The first dates have been finalized to be held May 20th, 21st and 22nd in Lake Charles, Baton Rouge/Port Allen, and Alexandria. Dates in August will be reserved for the northern Louisiana parishes. They have not chosen a venue, but the GOHSEP office will be working with Mr. Dunegan to select a venue for the meetings.

7. New Business

Lt. Colonel Staton turned the floor over to Mr. Gene Dunegan for discussion of the 2013 LERC Annual Report. Mr. Dunegan explained that the report is mandated by law, and submitted to the governor and agency heads by April 1. He mentioned the necessity of having it prepared well in advance so that the LERC committee can review the draft for changes and vote on it prior to submittal. The purpose of the LERC Annual Report is to gather statistics, explain the vision of the LERC and what it is supposed to accomplish, as well as any and all mandates they are responsible for by law. Also included are committee reports provided by each committee chair to include annually.

Mr. Edward Flynn asked if the report was transmitted to all LEPCs, and wondered who the report goes to. Mr. Dunegan responded that the report used to be a hard copy sent to only the governor, agency heads, State Senate and House. It is then put on the LERC website. However, it is not disseminated to the individual LEPCs. To this, Lt. Col Staton asked if it was believed that the information was known to be on the website. Mr. Jim Polk stated that awareness of the website should be promoted so that more people will be aware of it. Mr. Flynn relayed information about a meeting that occurred 3 weeks prior over several hours involving the working group established by President Obama's order, explaining he spoke on behalf of his members. He explained that over the course of the meeting, there was a lot of incorrect information presented about the SERC, LEPCs, etc., and how individuals felt that the SERC may not even exist, as well as a great amount of frustration expressed to OSHA and the EPA about a lack of information about these organizations. Mr. Flynn mentioned in his address that the LERC not only exists, but is very active and engaged, if they should like to discuss it further with him. Many expressed a desire to bring items to SERC without having knowledge on how to do so. Lt. Col Staton expressed frustration in response to this, since often times those who critique have not conducted a thorough search before making accusations. Lt. Col Staton is in favor of a more robust outreach, because knowledge and dialogue are very important. Mr. Flynn stated that there is time slated on the SERC meeting agendas for comments and conversation, but no one takes advantage of the opportunity. Mr. Flynn wants the LERC body to perform more outreach to allow the public to comment and appear before the LERC in order to understand and meet the need, with more than just placing a document on a website. Mr. Brian Wynne suggested including a link to different websites on all civil service websites in order to make this information more easily accessible. Ms. Peggy Hatch also suggested the possibility of doing a press release for when information is updated and posted so that the public will know what information is available and where to locate it.

Lt. Col Staton expressed his awareness of the need for more action on a national level, but was curious to see the commission's level of engagement and how it compares to other states. He feels that the LERC is very involved, and Mr. Flynn reiterated his efforts to convince the meeting attendees that the LERC and SERC are indeed very active. Ms. Hatch also mentioned in a recent meeting about how well different agencies work together and interact. Mr. Flynn said that since there is a perceived gap that exists, a press release concerning the annual report and other LERC and SERC information would be a very valuable tool. **A MOTION** was made to approve. The motion was seconded. No opposition. The motion passed.

The second point was a verbal request from Mr. Richard Browning for statewide access to Tier II information, which requires a commission vote. He requested this information since all parishes come to JESTC to train employees. This enables first responders to access Tier II information before they enter into a potentially hazardous situation. **A MOTION** was made to approve. The motion was seconded. No opposition. The motion passed.

A third point of discussion concerned updated LEPC form changes for 4 separate parishes: Catahoula, De Soto, St. Charles and St. John. Mr. Dunegan presented the submittals to the LERC committee for review. After speaking with Ms. Jan Herrington, he made a

correction to the St. John form under Emergency Management that the new title for Mr. Cody Guilbeaux is Special Assistant to the Parish President. He also mentioned that Catahoula was a resubmitted list from the last LERC meeting to be approved after it had been held back by Mr. Chris Guilbeaux for updating and additions. Mr. Dunegan reiterated the idea that these reports are submitted to the LERC for approval on an as needed basis. Mr. Jim Polk made **A MOTION** was made to approve. The motion was seconded. No opposition. The motion passed.

Mr. Cecil Bennett moved to the next order of business concerning an upcoming fire meeting in which he wanted some volunteers to come and speak to or discuss with attendees who would be responding to local incidents. Mr. Bennett expressed an interest in contacting specifically CT Taylor Moss and other HazMat troopers to speak at the conference being held at LSU on August 18, 19 and 20. Mr. Edward Flynn stated that he was very interested in this prospect of speaking at the conference, in hopes of rebuilding some relationships and opening communication between first responders and other agencies. Mr. Bennett stated that since LSU's website is about to be redesigned because it is not user friendly, the information about the conference would be sent out in a save the date to all attendees and those interested in speaking. He mentioned that this conference had existed in the past, but stopped being held for quite some time, and his intent is to bring it back as a regular meeting.

Lastly, Mr. Edward Flynn wanted to mention a program that some LERC committee members might be interested in. He had just graduated from a program that is in the naval post graduate school, a federal program provided by the Office of Homeland Security. Mr. Flynn indicated that this was not a leadership program, but instead a program for existing leaders, rooted in the events of September 11th, used as an anchor to move forward on issues like threats and concerns, either natural or manmade, that our organizations deal with. He said it was primarily directed toward the public sector, emergency managers, public safety officials and government individuals as well. It is a one week seminar in California, where travel and lodging are paid for. Mr. Flynn believes that Louisiana would benefit from better representation at this seminar, since there are a lot of misconceptions surrounding how Louisiana handles different situations, such as Hurricane Katrina, and other natural disasters. He believes it would be beneficial for others to go into the program and learn the concepts and ideas it has to offer.

Lt. Col Staton had requested that New Business be discussed at the start of the meeting, due to a prior commitment. After all New Business had been reviewed and discussed, Lt Col Staton left the meeting for the prior commitment, turning the meeting over to CT Taylor Moss for completion.

8. CT Taylor Moss asked if there were any members of the public present that would have any comments to add.

Mr. Eric Deroche mentioned the barge incident that shut down the Mississippi River for 65 miles, explaining that since the incident WBRZ has performed an investigative report finding that a major drop off point for these barges is behind two schools, which is a safety hazard. The Federal Railroad Administration has mandated that rail companies provide

training to first responders of what they are carrying and how it is transported. He specifically mentioned that Union Pacific is a main group that is transporting goods, and that they are not commenting on the issues WBRZ had pointed out.

Ms. Jan Herrington mentioned that each LEPC member works with the EOC doing site visits to review emergency response plans, as well as keep all contact information updated and consistent amongst each responding department.

Chief Bobby Black also pointed out that with the resignation of Mr. Samuel Halphen, there is a spot now open on the LERC Committee, and Mr. Gene Dunegan said he will submit Mr. Halphen's resignation to the Governor's office in order for them to begin searching for a replacement.

Lt. Colonel Staton announced the scheduling of the LERC's next quarterly meeting which occurs on the 2nd Wednesday of the 3rd month of the quarter. The next LERC meeting would fall on Monday, May 5, 2014. **A MOTION** was made to approve. The motion was seconded. No opposition. The motion passed.

9. Details will be communicated by email to the LERC members at a later date.

10. A MOTION was made to adjourn. The motion was seconded. No opposition. The motion passed. The meeting adjourned at 11:32 a.m.

Respectfully,
Elizabeth Ecker & Tara Guidry
04/02/2014