

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

Meeting Title Louisiana Emergency Response Commission Meeting
Date of Meeting December 10, 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 10:00 a.m.
2. Tara Guidry, 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 (DEQ), PRESENT
Cheryl Nolan, Department of Environmental Quality, NOT PRESENT
Dr. Mike Strain, Department of Agriculture and Forestry, NOT PRESENT
Dr. Brent Robbins, Designee for Department of Agriculture and Forestry, PRESENT
Kevin Davis, Governor's Office of Homeland Security (GOHSEP), PRESENT
Command Technician Taylor Moss, Department of Public Safety, PRESENT
James Polk, Louisiana Emergency Preparedness Association (LEPA), PRESENT
Cecil Bennett, Carroll L. Herring Fire and Emergency Training Institute (FETI), PRESENT
Brian Wynne, Representative of Environmental Interest, PRESENT
Edward Flynn, Louisiana Chemical Association (LCA), PRESENT
Chief Bobby Black, PRESENT
Mayor Hiram Copeland, NOT PRESENT
Paul Naquin, PRESENT
Lt. Chris Rushing, PRESENT
Chris Guilbeaux, PRESENT
Senator Mike Walsworth, PRESENT
Senator Mack "Bodi" White, PRESENT

The records reflect that the following visitors were present:

Duvall Arthur, St. Mary Parish LEPC
Christina Dayries, GOHSEP
Eric Deroche, St. James Parish
Todd Hollenbaugh, GOHSEP
Jeffrey Eichholz, Sides and Associates
Victor Idrac, Sides and Associates
Jan Herrington, Positive Results Inc.
Rick Webre, Director, Ascension Parish OEP
Alton Ashy, Advanced Strategies Inc.
Dan Heiken, Emerge Systems

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

Gene Dunegan

Tara Guidry

Elizabeth Hoover

Alisa Monroe

Paul Schexnayder, Louisiana State Police Legal Counsel

3. Lt. Colonel David Staton welcomed everyone and asked members to review their contact information and relay any changes to Ms. Tara Guidry or Ms. Alisa Monroe.
4. Lt. Colonel Staton asked the commission to approve the minutes from the May 5, 2014 LERC meeting. **A MOTION** was made to approve. The motion was seconded. No opposition. The motion passed.
5. Lt. Colonel Staton updated LERC members on the three vacancies on the commission. Recommendations to fill these vacancies have been sent to the Governor's Office. Lt. Staton mentioned that the strength of the commission is in the diversity of the areas of the state and the disciplines the members represent, so they tried to replace former members with people from similar geographical areas and disciplines. Unfortunately, two of the recommendations have declined the positions due to time constraints. Lt. Staton noted that the Governor's Office continues to work on filling the vacancies.

6. Committee Reports:

Long Range Planning: No report. Lt. Colonel Staton passed the floor to Chief Bobby Black, who discussed a topic raised at the previous LERC meeting in May on whether committee chairs could hold teleconferences to discuss planning ideas which would then be presented at the next quarterly meeting. Chief Black had asked for a clarification from the commission's legal counsel on whether this would be allowed under state law. Lt. Colonel Staton mentioned that subcommittee meetings might also fall under the same open meeting requirements as the parent committee. Legal Counsel Paul Schexnayder confirmed this and added that the only exception was for an executive session, which can be held only if certain criteria are satisfied. Lt. Colonel Staton and Chief Black recalled that the teleconferencing idea arose due to the challenge of scheduling planning meetings that did not conflict with members' calendars. Lt. Colonel Staton asked if it was possible to hold an open meeting where commission members in remote locations could participate by teleconference rather than be present. Senator Mike Walsworth answered that working meetings could be done over the phone, but that formal decisions needed to be conducted in open meetings, which was confirmed by Paul Schexnayder. Chief Black said that he would follow up with Gene Dunegan on pursuing teleconferencing options.

Emergency Plans Review: Lt. Colonel Staton passed the floor to Mr. Chris Guilbeaux to discuss Emergency Plans.

Mr. Chris Guilbeaux began his report by introducing new GOHSEP employee Todd Hollenbaugh, who will work on their Radiological Exercise Program and also will review parish emergency plans. Mr. Guilbeaux noted that at the last LERC meeting the committee was behind

on plan reviews, but that Mr. Hollenbaugh has caught up on them. Mr. Guilbeaux then passed the floor to Mr. Hollenbaugh to discuss the plan reviews and the checklist used when conducting the reviews. Mr. Hollenbaugh began by noting they had gone back and reviewed SARA Title III and the laws which mandate plan reviews. Originally the plan reviews had a criteria of 54 questions, but this was based on guidance from over 25 years ago. Standards have been updated since then, and the criteria questions have been realigned down to nine. One criteria is a plan's readability – anyone at an emergency operations center should be able to pull the plans off the shelf if they have a question and be able to find the information they need. Mr. Hollenbaugh added that out of the seven parish emergency plans they had reviewed since the last meeting, the biggest problem involved identifying facilities (such as schools, hospitals, natural gas plants) that might contribute additional risks if there is a release from a chemical plant. Mr. Guilbeaux reiterated that the process for reviewing emergency plans had been streamlined.

Training and Resources: Lt. Colonel Staton passed the floor to Cecil Bennett. Mr. Bennett discussed the submitted statistics for first responder training at the LSU Fire & Emergency Training Institute 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 close to 2000 people have received HazMat training so far this year. He described how they had been busy as new industries to Louisiana are contacting them for information on HazMat, fire, and leadership training. CT Taylor Moss asked if the statistics submitted by the committee included any classes that were taught in October. Mr. Bennett clarified that the statistics covered the first three quarters of 2014, and October's classes would fall in the fourth quarter.

Local Emergency Planning Committee (LEPC) Service: No report. Lt. Colonel Staton passed the floor to Mr. James Polk, who recalled that in the last few meetings they have talked about educating people on what LEPCs are and what the LERC does. Mr. Polk is optimistic that the new LEPC Handbook will help in this effort, and hopes to have some handbooks ready to give out at the upcoming Louisiana Emergency Preparedness Association state meeting in January.

Public Information: No report.

Emergency Notification: No report

7. Old Business

Lt. Colonel Staton passed the floor to Mr. Gene Dunegan since the legal review of the Open Meeting law had taken place earlier in the meeting.

Mr. Dunegan discussed the proposed LEPC Frequently Asked Questions which were submitted to the commission for inclusion in the LEPC Handbook and for posting on the LERC website. These include the main questions that Mr. Dunegan answers every week from members of the public about LEPCs. Mr. Edward Flynn asked about the regional LEPCs mentioned in the FAQ, since he was unaware of them and wondered if there were any in Louisiana. Mr. Dunegan replied that occasionally Caddo and Bossier Parishes join together, which could be considered a regional LEPC. He continued that in other states, such as Texas, the state is divided into half or in

quarters to make regional LEPCs, instead of having each parish or county set up their own LEPCs. Senator Mike Walsworth theorized that possible regional LEPCs could include Camp Minden or chemical plants on the Mississippi River with boundaries that covered more than one parish, and put forth that the idea be studied further.

This led into a discussion on how new industries to Louisiana learn about LEPCs. Mr. Flynn questioned if there was a mechanism in place for new industries coming into the state to be advised of their responsibilities to the state. CT Moss revealed that recently when a new company came into Ascension Parish, a team including the Ascension LEPC, Louisiana State Police, DEQ, GOHSEP, and LSU's Stephenson Disaster Management Institute met with the company and gave them a presentation on what the state required, including information on LEPCs. CT Moss explained that companies from out-of-state are more used to dealing with state Departments of Environmental Quality rather than state troopers as the enforcers of environmental regulations, and that the companies have to be willing to meet with state agencies and to reach out to LEPCs to obtain the information. Ms. Peggy Hatch of the Department of Environmental Quality offered that companies often visit DEQ before obtaining their required permits to discuss regulation compliance. Mr. Dunegan also reminded Mr. Flynn that when companies meet with Louisiana State Police to discuss violations they receive, State Police offers to visit the company to educate their employees and administrators. Mr. Eric Deroche of St. James Parish Office of Emergency Preparedness (OEP) volunteered that their Parish Planning Commission has a checklist they use for new companies that must be completed before the commission will vote on a land use plan and that includes submitting a draft emergency plan to the OEP for review.

Following this discussion **A MOTION** was made to adopt the FAQs for inclusion in the LEPC Handbook. The motion was seconded and passed with no opposition. Next, **A MOTION** was made to approve and adopt the LERC mission statement, vision, purpose, goals, function, core values, and guiding principles, which had been submitted for review at the previous LERC meeting. The motion was seconded and passed with no opposition.

The next item concerned Executive Order 13650, Improving Chemical Facility Safety and Security. Mr. Dunegan advised the commission that the Environmental Protection Agency (EPA) now has a website offering the latest information about the executive order, which members can access for their own review. Mr. Flynn recently attended a webinar presented by EPA, the Occupational Safety and Health Administration, and the Department of Homeland Security designed to bring people up to speed on the executive order. Mr. Flynn recalled that while the webinar was disappointing, it was clear that the agencies are looking to move as aggressively as possible on actions that they want to see implemented as a result of the executive order, and he recommended that LERC continue to monitor the situation.

The final item of Old Business was a Bakken Oil update from Mr. Dunegan. Mr. Dunegan presented a letter created on the LERC's behalf that was emailed to 45 parishes that will have Bakken crude oil transported through them by rail car. One or more trains per week will be carrying at least one million gallons of Bakken crude oil through the affected areas. The letter provides contact information for representatives from Union Pacific Railroad, BNSF Railway, Kansas City Southern Railway, and New Orleans Public Belt Railroad. Lt. Colonel Staton noted

that industry has a mandate to provide information to the emergency response community so that response plans can be prepared, but industry is also concerned about security and possible terrorist threats. Therefore, rather than putting details about the transports out in the public domain, the letter was sent to local emergency response partners, who can then get specific information from railway representatives such as train schedules and who can be entrusted to use the information properly for planning. This decision was approved by the superintendent of Louisiana State Police as well as general counsel for the Governor's Office.

Mr. Dunegan also presented an article outlining how the rail industry is trying to slow down the speed of trains transporting Bakken oil. Most, if not all, of the incidents involving Bakken oil-transporting railcars are associated with fast speeds. Senator Bodi White asked if there had been any incidents involving Bakken oil transports since the article, and Mr. Dunegan relayed that just last week he received a phone call from a certain parish where the rail industry actually wanted train speeds to be increased. The federal Department of Transportation is also considering re-categorizing the packaging restrictions for rail cars carrying Bakken oil. Union Pacific Railroad, which is responsible for three trains transporting Bakken Oil into St. James Parish, has taken a proactive approach by offering free training for first responders on Bakken oil cars at the railroad's facility in Pueblo, Colorado. The three-day training includes classroom lectures, scenario training and an exercise fighting a live fire.

8. New Business

The first item of new business concerned a request for statewide access to the Tier II database from Chief Ray Casey of the New Orleans Fire Department who is doing statewide planning. **A MOTION** was made to approve Chief Casey's request for access. The motion was seconded and passed without opposition.

The next item concerned LEPC membership updates from the following parishes: Assumption, Bossier, Caddo, Caldwell, Concordia, Franklin, Iberville, Lafourche, Lincoln, Livingston, Madison, Plaquemines, Pointe Coupee, Sabine, St. Charles, St. Helena, St. John, and West Carroll. **A MOTION** was made to approve all of the updates. The motion was seconded and passed with no opposition.

The third item of new business was an Ebola response update presented by Mr. Kevin Davis of GOHSEP. The Ebola Response Annex with updated guidance is available from GOHSEP. Mr. Davis noted that several northeastern states, including New Hampshire and Maine, have copied Louisiana's response plan because it is well-organized and well-defined, and that such actions speak highly of the state of Louisiana. Lt. Colonel Staton praised GOHSEP for its hard work and efficiency in putting together the plan with input from all of Louisiana's state agencies. Mr. Davis also reported that although there have been several suspect cases in Louisiana, none have been confirmed as Ebola cases.

The fourth item of new business was a presentation on the new LEPC Handbook. Mr. Victor Idrac of Sides and Associates handed out numbered copies of the proposed handbook to commission members and asked members to review them, marking any changes or additions in the handbooks, and to return them by January 9th. Ms. Christina Dayries of GOHSEP reminded

members that a hardcopy binder of the handbook was presented to them at the previous meeting in May, and some comments were received back from members. Since that time, GOHSEP and Sides have been reviewing the handbook page by page, checking that agency names are consistent, adding reimbursement language that some of the parishes had requested which was not included in the first draft of the handbook, and also including LSU FETI and JESTC training information. They hope to have the handbook completed and ready in time for GOHSEP's annual conference at the end of January. A MOTION was made to approve the handbook as is, allowing staff to make technical changes as needed. The motion was seconded and passed without opposition.

The fifth item of new business was a presentation on ICARE LEPC outreach from Ms. Jan Herrington with Positive Results Inc. Ms. Herrington offered three examples of community outreach done by the LEPCs in Iberville, St. Charles, and St. John the Baptist Parishes, showing how each LEPC handles public outreach differently. Iberville Parish recently began printing a quarterly color newsletter which is sent to every residence. In addition to safety information, the newsletter interviews a member of industry and describes how the chemicals made at their facility are used in everyday life. St. John Parish LEPC conducts outreach through civic organizations and by visits to each preK-12 area school. For their homework assignments, students took home the LEPC's information on back to school safety and 911 to review with their parents. The St. Charles Parish LEPC is planning a mini-trade show during the first half of 2015 called Industry Aware, where LEPC members and industry representatives will be on hand to answer questions from the public. Ms. Herrington noted that these outreach efforts are primarily paid for by industry. Mr. Guilbeaux asked Ms. Herrington if she could make a presentation at the January GOHSEP conference to show the OEP directors how other parishes are handling public outreach.

The sixth item of new business was a question to the commission from Mr. Rick Weber of the Ascension Parish Office of Emergency Preparedness. They conducted a tri-parish LEPC last quarter with Iberville and St James Parishes and had a request from industry on standardizing notification procedures among all parishes. Someone from Iberville Parish was told by an electronic notification company that at the next legislative session, legislation would be presented to modify the protocols. Senator Walsworth responded that he hadn't heard of anything like that. When Mr. Webre clarified to CT Moss that the proposed legislation was to make electronic notification mandatory, CT Moss confirmed that there were no such proposals from Louisiana State Police to alter notification requirements.

This led to the final item of new business, which was a presentation from Mr. Alton Ashy of Advanced Strategies and Mr. Dan Heiken of Emerge Systems on electronic notification. Mr. Ashy stated that Emerge Systems wants to offer their basic emergency notification software free of charge to Louisiana LEPCs. Mr. Deroche questioned how the software would be set up, since St. James Parish would need a cloud-based or server-based system that could send information to multiple locations simultaneously. Mr. Heiken of Emerge Systems answered that the company does have higher-level software that is cloud-based. Lt. Colonel Staton was concerned about the level of expertise that would be required to use the software. Mr. Heiken explained that a gate guard could send an initial notification report to the LEPC, and engineers could update that report with new information until an all-clear is issued. CT Moss asked if the basic software that

Emerge was offering for free would be sufficient enough for the LEPC to operate, or if they would need to purchase higher-level software. Mr. Heiken confirmed it would be, and added that the difference between the basic and the higher-level software involves mapping software that is included in the higher level software and can be customized to show key locations in the parish, such as schools or environmentally sensitive areas. Mr. Brian Wynne wanted to know why Emerge Systems was coming before the commission to offer their software instead of going to the parishes directly. Mr. Ashy responded that the company's agenda is to get the software to the LEPCs, and it is easier and less time-consuming for the company to present their offer to the LERC and then have the LERC notify the LEPCs that the software is available free of charge if they want it.

Both Chief Black and Lt. Colonel Staton were worried that it might be perceived by industry that LERC was endorsing or mandating the use of the Emerge Systems software when no such endorsement would be given by the commission. Mr. Ashy countered that Louisiana State Police had already sent a letter to industry that electronic notification is available should they desire to use it, and that the information on the free software was being sent to the LEPCs, not to industry. Chief Black recommended that Mr. Ashy attend the meetings for the regional LEPCs in the state to present the information in person, which would save them from making presentations at each individual parish LEPC. CT Moss offered as an example that he had watched three different notification phone calls where from the time they received the initial call to the time a responder was notified took 22 minutes. CT Moss then timed an electronic notification that reduced that time to two and a half minutes. He added that electronic notification expedites local responders being notified first which is what the law says and what Louisiana State Police promotes. Mr. Deroche also noted that, based on his personal experience, electronic notification improved the accuracy of the information received by responders.

9. Lt. Colonel Staton asked if there were any members of the public present that would have any comments to add, but there were none brought forth before the commission.

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 Wednesday, March 11, 2015. A MOTION was made to approve. The motion was seconded. No opposition. The motion passed.

10. Details will be communicated by email to the LERC members at a later date.
11. A MOTION was made to adjourn. The motion was seconded. No opposition. The motion passed. The meeting adjourned at 12:04 p.m.