

Issue 3: Strengthen the Required Training for Local Emergency Management and Their Chain of Command

A. Brief Description of Issue

TCEQ spends significant resources addressing on-demand emergency response needs. Expectations of the agency have increased with respect to response timeframes and the type of actions and amount of resources necessary to address events where many local entities view TCEQ as a first responder.

B. Discussion

TCEQ is expending significant resources responding to emergency events such as hurricanes; floods; tornadoes; droughts; extreme winter storms; large industrial fires and explosions with potential discharges and emissions events; chemical spills resulting in releases of contaminants to air, water and land; and bacteriological and chemical contamination in drinking water distribution systems. During these events, there can be a common, public misconception that TCEQ's role is in the same category as local first responders, which it is not. Many local governments also have expectations that TCEQ should take a larger role in on-going emergency response events, beyond that of regulatory oversight and providing technical guidance.

Recent natural disasters such as Hurricane Laura (2020), Hurricane Delta (2020) and Winter Storm Uri (2021) resulted in 59 days of extensive air-monitoring events using handheld instruments that captured over 14,000 discreet air samples, and 43 days of mobile air surveys with specialized air monitoring vans that captured over 2,000,000 data points.

Recent industrial incidents such as the ITC Terminal Fire (2019) and TPC Explosion (2019) resulted in 135 days of air monitoring using handheld instruments, collecting approximately 72,000 discreet samples.

In accordance with Chapter 418 Government Code and the State of Texas Emergency Management Plan, initial emergency response is the responsibility of local jurisdictions (city and county governments). The local government first responders have primary responsibility for responding to emergency situations. These first responders also determine when evacuation or sheltering-in-place is necessary. Local government representatives are responsible for communicating immediate actions that may be needed, as well as other pertinent information related to an emergency to their citizens. Each local government and interjurisdictional emergency management agency is required to prepare, keep current, and distribute to appropriate officials a local or interjurisdictional emergency management plan. When local government resources are exhausted during a response, supplemental support should be requested on the local level through mutual aid agreements or county assistance. Similarly, when all local resources are exhausted, state assistance can be requested. In other situations, where the responsible party or local government response is insufficient, state assistance may be required.

Most Texas counties have a single Local Emergency Planning Committee (LEPC); however, some counties, like Harris County, have multiple LEPCs that serve individual cities or communities in that county. An LEPC is a voluntary organization required under the federal Emergency Planning and Community Right-to-Know Act that is established in an Emergency Planning District. These districts are designated by the State Emergency Response Commission. LEPC membership usually includes:

- elected state and local officials;

- police, fire, civil defense, and public health professionals;
- environmental transportation, and hospital officials;
- facility representatives; and
- representatives from community groups and the media.

While TCEQ's involvement in emergency response is necessary and appropriate at times, the impact on the agency is increasing and diverting resources away from routine state and federally mandated investigations, and placing higher demands on staff to balance workplan requirements and on-demand events. On occasion, local governments are too quick in requesting state assistance when local resources may not be truly exhausted. Local governments sometimes find themselves lacking knowledge of the state's emergency management protocols and are unprepared to respond.

In November 2020, pursuant to HB 2305 (86R) and SB 6 (86R), the Professional Development Working Group provided recommendations to the legislature for a comprehensive emergency management professional development program in the state. The program would ensure emergency management professionals meet a certain standard of education, training, and experience, and have knowledge of laws, rules, regulations, and programs. Texas Department of Emergency Management provided online access to FEMA's Professional Development Series for Emergency Management Officials through [PreparingTexas.org](https://www.preparingtexas.org), but the legislature has not made the additional training a requirement.

C. Possible Solutions and Impact

TCEQ recommends strengthening the required training for local government emergency management officials and their chain of command. This training should result in knowledge and understanding of federal, state, and local government roles and responsibilities for emergency management; emergency operation center operations; unified command operations; and, most importantly, the Incident Command System (ICS) structure that is the center piece for all emergency response events.

Strengthening participation between local government emergency management officials and their chain of command with LEPCs would also greatly benefit emergency management planning and understanding at the local level. The benefits of expanding local government knowledge and understanding of federal, state, and local roles and responsibilities for emergency management would result in greater disaster preparedness at the local level, less dependence on state resources, and increased public safety during emergency events.

If these recommendations or other dynamic strategies are not successful in strengthening the required training and participation by local government officials, new funding and authority for the agency may be needed to meet these heightened expectations. If TCEQ is expected to, or needs to, respond to more major emergency events in coordination with local governments, the agency will require significant additional funding and statutory changes to enhance spills and emissions reporting requirements by regulated entities to TCEQ. These changes would move TCEQ beyond its current regulatory role into that of a first responder.