**THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY**

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**MASSACHUSETTS EMERGENCY MANAGEMENT AGENCY**
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NOTICE OF MEETING

Per Governor Charles D. Baker’s Emergency Executive Order Suspending Provisions

of the Open Meeting Law, G.L. c. 30A, s.20, signed and dated March 12, 2020 and

still in effect, this meeting will be conducted, and open to the public via video conference.

##### STATE EMERGENCY RESPONSE COMMISSION

**General Meeting Notice and Agenda**

**November 09, 2021**

 **10:00 AM – 11:30 AM**

**Welcome and Introductions** John Viveiros, MEMA

* Spencer Lord reviews Open Meeting Law, and asks if anyone is recording, and notifies the group that MEMA is recording. No one identifies as recording.
* John opens and welcomes the meeting, and turns it over to Pat Carnevale.
* Pat thanks the four groups that are being recertified and the hard work they are doing. He announces Dawn Brantley as the new Director.
* Dawn welcomes the group and thanks everyone for their time.
* John takes attendance of SERC Members:
	+ In attendance: John Dearborn, Capt Devlin, Bud McDonough, Martha Mittelstaedt, Mark Munroe, Mark Nascarella, Capt. David Ostiguy, Ally Sleiman, Tom Walsh, Andrew Beaulieu, Andrew Goldberg, Charles Dave DiGregorio
	+ Not in attendance: Nick Childs, Kevin Galligan, Len Wallace, Jeff Trask, Kari Sasportas, Scott Cluett, Tiffany Skogstrom

**Review and Approve August 10, 2021 Meeting Minutes**  All

* August 10 meeting minutes were sent out, and a motion was made to approve- Bud McDonough motioned; seconded by Mark Munroe.
* Dave DiGregorio- Noted he was here for attendance
* All members approved minutes

**Presentation – Role of SERC/EPCRA 101**  Timothy Gablehouse, Member of Colorado SERC, and past President, Board member

NASTTPO

John introduces guest speaker: Tim Gablehouse is the founder of Gablehouse Law Firm, and focuses on environmental compliance and managing compliance and emergency planning and response and EPCRA programs. He is a frequent international speaker and national speaker on these topics. He is the current President and member of the Colorado EPC and past president of the National Association of Sara Title III.

* Thanks the group for having him there. Tim mentions there has been a lot of work after COVID about the appropriate role of LEPCs and how they fit in the EM world.
* LEPCs are not response agencies; they are preparedness agencies.
* Today’s presentation is information about the modern role of LEPCs and expectations of SERC for what LEPCs are doing. Everything in the presentation is current policy of many SERCS across the country. This is not just “made up” stuff, it is the work people are doing.
* Slide 1- There are many statutory regulations that don’t fit together very well, that are not effectively harmonized. After an executive order was created after what occurred in West Texas, federal hazardous material partners started talking to each other, but the objectives in EPRCA are aspirational and not targeted.
* Slide 2- We’ve put too much burden on responders for perfection. It’s hard to prove success in response. We don’t control any of the aspects of the event. If we measure success in those ways, we are guaranteeing failure.
	+ We need to find ways we can measure success. A system needs to be created to work within to demonstrate success within the group.
* Slide 3- LEPCs need to be all-hazards. There is robust preparedness for this work, but LEPCs need to start this path. LEPCs own a lot of data collection and this information needs to be available to EMDs. Frequently, local FDs and EMDs don’t understand the authority that LEPCs have. This power can be used to inform greater preparedness. There is a need to go beyond just Tier II, and go to an all-hazards approach.
	+ LEPCs will communicate to the public what the risks are of Tier II sites. The community needs to know what the risks are, and communication is key, especially what the community is NOT capable of doing. We need to start communicating that, which will help prevent failure.
	+ We also need a way to measure progress. We can do this by filling capability gaps. It can be incremental.
* Slide 4- Internationally, there are efforts as well to address these same issues.
	+ They are very similar to rural communities.
	+ APELL was created by UNEP, a handbook that talks about local planning preparedness units in the developing world. It’s being used in LEPCs in US. How do we demonstrate success to our audiences?
		- Demonstrate success- how do you see if you are successful? What does it look like? What is the vision of success? Does the public follow directions from public safety? The customer is the general public, it’s not the Tier II sites or transportation companies. Is the general public prepared?
		- If we want to have success, we need a way to measure what the community knows and is prepared for. We can’t do that unless we talk about local capability gaps and the public is unaware of these.
* Slide 5- There is the need to increase public awareness of the existing risks, which requires some type of risk assessment. This job belongs to LEPCs, in conjunction with EMDs and we need to be looking at tech hazards and natural hazards.
	+ Can the public implement what the public safety is asking them to do? Evacuate, shelter-in-place?
	+ Conversation needs to happen with the public. This is a community conversation. LEPCs can have these conversations, and explain the importance of being prepared.
	+ If we’re going to move beyond the stove pipes, we need to talk to community about gaps, and we show success in showing progress on the plan.
* SUMMARY- LEPCs serve the community. They participate in preparedness efforts. Flaws are exposed to be repaired. High expectations for participation.
	+ That is the role of LEPCs. This is a mindset change from regulatory programs.
* Questions:
	+ John V---- If you were SERC, if you could take one action, to have the SERC support LEPCs, what would it be?
		- The SERC should be supporting local LEPCs, meeting up with them to support them. To direct SERC members to support them and the importance of the work and its mission. “Cheerleading”. If you don’t do this, it doesn’t show it’s a priority.
	+ John mentions the consideration for a registration process for all LEPCs to the SERC, and it could be a needs gap assessment. Once SERC collects that data, it can inform how MEMA spends the grant funding to support the locals.
		- Tim encouraged this approach and that a lot of states do that. Most SERCs have a process that identify leadership at local level, talks about process, and then use HMEP money to provide them assistance. Some states will fund community risk assessment projects. Some states will use NGOs and universities (grad students) to do that assessment. There needs to be a transparent forum what the local gaps are. The whole community needs to be engaged to identify a solution.
			* John V mentions that MEMA has done some of that, and Local Coordinators are a part of this. They have close relationships with communities, and they act as the cheerleader. We already have that as a benefit with how we are set up.
			* Tim says that’s a great foundation. It’s equally important that the locals feel that they have the support of the SERC as well. That provides energy to the process. The cheerleading is important b/c some of these folks are volunteers.

**EPC Certification Applications for Review**

John V- All applications have been reviewed and they are complete and ready to go. The regional offices worked with these LEPCs to get them certified.

* Franklin County REPC – Recertification Tracy Rogers
	+ Tracy would like to echo what Tim says- the importance of having the SERC and locals work together, and would like a better partnership with the SERC. As far as REPC, FCREPC is 20 years old. The host agency is FROG, and it’s been an all-hazards plan since the beginning. They charge fees, $150 per filer. If it’s more than 5 sites, they charge more than that. They also charge the communities to be a part of this group. It’s about $8-10,000 that comes in. which covers funding for staff.
	+ Regional hazmat plan covers what each community will do, and they rely on regional hazardous material team, but the plan covers local responsibilities.
	+ REPC created a one-page hazmat flow chart, so every fire engine has it in glove compartment. Includes diamond, contact numbers, ICS chart, tier levels, first few steps to take (make notification, IAP, etc.)
	+ One appendix of the plan is contact information.
	+ REPC works within multi-disciplinary mindset. They meet quarterly, and have a guest speaker. It includes updates from haz-mat team and MEMA Local Coordinator.
	+ Recently have engaged in discussions about merging public health and LEPC, and COVID hammered this home, so these groups may merge.
	+ A TTX happens once a year. Full scale once every 5 years (Regional hazmat is involved in full scale). Funded by Homeland Security.
	+ Some lessons learned from recent incidents have shown they need to operationalize plans
	+ Questions:
		- John V- How did you collect fees? Ordinance?
			* Just a vote of LEPC. One Tier II questioned it, but legal council told them they were in the right to do that.
		- Kevin G.- Do you have a copy of the hazmat action plan you could share? Yes
	+ Motion to approve the certification made by Pat Carnevale. Seconded by Kevin G. All members approved.
* Westborough LEPC – Recertification Deputy Chief – Jason Ferschke
	+ John V. confirms great work on application. All complete.
	+ This is Westboro’s first time going through this process. Initially, they had high turnover through retirements, etc. but the LEPC has remained strong. Most original members are still there. COVID allowed them to step back and see what was going on. They had a TTX that involved many different people, and evaluate what they were doing, and the purpose of LEPC and CEMP. That brought some life to the CEMP and got active participation and everyone was engaged. Town manager approved the CEMP, and submitted to MEMA. They also evaluated hazmat plan and three dam plans. All of this allowed them to collaborate with mutual aid partners. A special thanks to Kevin Filchak and Lorri Gifford and Bonnie Roy for all their help.
	+ Motion to approve made by Pat C. Seconded by Dave DiGregorio. All members approved.
* Northern Berkshire REPC – Recertification Amalio Jusino
	+ A thank you to Bob Barry. The NBREPC has 8 communities including Williams College. It’s been a busy year, with EOC open for COVID, and they also take an all-hazards approach. A unique function for NBREPC is that they serve as a hub within the 8 communities, and have a good relationship building with all towns. For the application process, the most difficult section was the signature pages, and getting it from the elected officials in other towns. There could be a stronger voice to each town, but it’s hard to get them to sign. They get a benefit from it but don’t necessarily participate as much as they should. They have not supported the administrative side of the process.
	+ John V. thanks them. Questions:
		- Dave D.- Is there any involvement with District 5 hazmat team?
			* As far as REPC, they have not seen anyone from that team, except sometimes North Adams has a rep. That is a gap there. Tier II reporting is cloudy, and the REPC would like to get more comfortable with the material. With the recent fire response, there was some gaps. There is not a lot of district representation at the REPC meetings.
			* Dave D. indicated he could help encourage that.
			* Bob Barry- As a point of reference, there are 3 REPCs in that county that cover the 32 towns. MEMA could use more support from the regional hazmat team attending LEPC/REPC meetings. If Dave D. could assist all 3 RECPs, that would be great.
	+ Motion to approve by Pat Carnevale accepted. Seconded by Kevin G.
* City of Worcester – Recertification EMD – Charles Goodwin
	+ Worcester has been certified since 1999, and through recent records from 2014, and 2016. Worcester went through a big change over, including Meghan Gomes. A lot of staff has left the office, so there is a lot of new faces. Since July when Charles began, he wanted to make sure they made LEPC a priority. They expanded their LEPC beyond normal membership, including UMASS EMS, MEMA, ARC, but now Telegram Gazette as well. They increased membership, because the more people they engage, the more viewpoints to the committee.
	+ The recertification has been going on since pre-COVID, and Worcester has held some TTX to build on those relationships. Worcester is now trying to get as many people back at the table. The City is supportive of this effort and the private sector relationships. They will start trainings again now that COVID has passed. Thank you to support from Kevin Filchak.
	+ Questions:
		- John V.- Do you work with Worcester Red Sox? Yes, they have reached out to their security team and do some training with them. The stadium is owned by the city. They are one of the newer partners.
	+ Motion to approve by Pat Carnevale. Seconded by Dave D. All members approved.
* John V. thanks the regional offices and notes that certifications will be mailed out.
* Dave D. made a note to Charles to get in touch with Worcester FD (Mark- Team Coordinator) for regional hazmat team, District 3.

**Tier II Reporting update**  John Vivieros

* MEMA is preparing to roll over Tier II Manager system, for 2022, so they can begin to report from Jan 1- March 1. That’s when it’s required to report to SERC, FDs and LEPC. MEMA accepts the reports through that system.
* MEMA is also working on an administration system in how to disseminate Tier II reports. Currently, MEMA has a process to get these reports, and working on memorializing it. Typically requests come from communities or businesses or individuals. MEMA is working with Spencer Lord (Legal Counsel), and Spencer maintains a tracker of who is asking, so records can be appropriately kept and ensure it’s done in a timely manner. There is an internal discussion about Tier II and the potential benefit to increase they system’s capabilities. MEMA is considering obtaining additional licenses so that locals have access to the system so they can see it on their own. Initially, if MEMA went down this road, maybe it would be for only active EPCs. This is still under consideration. It could benefit the local communities.
	+ Pat C. shares MEMA would love to hear your input on this matter.

**Grants Reporting update** Lorri Gifford

HMEP is from USDOT and MEMA subgrant program provides funds to local EPCs and REPC to develop and improve plans and fulfilling EPCRA. HMEP 2021-22 was released on Oct 14, and all information can be found on website. All EPCs should have received an email from regions. They can be emailed to: em.grants@mass.gov by Dec 10th. It’s a hard deadline, and it’s competitive. All EPCs are eligible to apply. There will be a 2 part review. The first will be for completeness and eligibility. The second part review will go to a team. Lorri will look to the SERC to be a part of this review team.

* Question:
	+ John V. – Could EPCs apply to the NASCO conference? Yes, they can use HMEP funds to go to the conference.
	+ Comment by Dave D.- Haz-mat technicians had 300 attendees at Hazmat conference. Thank you to MEMA for support because funds were used to support it.

**Administrative update** John Viveiros

MEMA is working on a filing system to ensure applications are tracked. MEMA has noticed that there are no letters on file appointing people to SERC. So MEMA will be reappointing everyone and send you a letter, so that we have the documents. It will be for 2 year term which is consistent with the bylaws. MEMA will review the bylaws, update them, and distribute them, with official letter to all members. MEMA is working on that from now until the next meeting.

* Comment- Andy Goldberg (AGs office)- If byways are being changed, MEMA will need to follow the bylaws process for doing that. All revised bylaws need to be voted and approved by SERC

**Planning update** John Viveiros

MEMA has been working with Grants and the Regions and stakeholders on how to reform the planning and certification/application process, to make it easier, meaningful, and worthwhile. Someone mentioned difficulty in getting signatures in the application process, so how can the state make it simple to get the community buy-in? MEMA is considering a registration process. All communities would have to register with the SERC, a one page form, 15-20 min to complete, once a year. It would have simple questions that the EPC chair can answer. The community would get a letter saying they are registered. This year, it would also be used as a needs assessment. Questions such as: What are your limitations as to your EPC? Why and why not are you doing this? MEMA will then crunch the data and then look at how SERC can support EPCs, such as utilizing grant funds to support locals. For example, do we need a hazmat plan template that should be created? MEMA hopes to get this packaged up and sent to SERC to review and feedback for Feb 2022 meeting. MEMA would incorporate the feedback and potentially take a vote on it.

* Questions- None

**Regional Reports on the Status of Emergency Planning Committees**

* Region East James Mannion
	+ The region attend as many EPC meetings, and the mission is to cheerlead them. We make sure they know the basics of EPCRA compliance. If we are not at meetings, we make sure to make ourselves available to EMDs to assist them and provide guidance. More recently, we’ve bene pushing the HMEP grant and Dec 10 grant.
	+ The regions support a registration process.
* Region West Bonnie Roy
	+ Same information as Region East.

**Next Meeting Date**

* February 22, 2021 at MEMA Headquarters/Virtual; 10 a.m. - 11:30 a.m.

**Matters not reasonably anticipated by the Chair**

**Adjournment**

**General Meeting Notice and Agenda will be posted on** [**https://www.mass.gov/orgs/massachusetts-emergency-management-agency**](https://www.mass.gov/orgs/massachusetts-emergency-management-agency) **(MEMA’s website** [**www.mass.gov.mema**](http://www.mass.gov.mema)**)**