

U.S. Department of Homeland Security
Region II
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FEMA

July 14, 2020

Hon. Wanda Vázquez Garced
Governor, Puerto Rico
La Fortaleza
P.O. Box 9020082
San Juan, P.R. 00902-0082

Re: Puerto Rico 2020 Hurricane Season

Dear Governor:

Recently, I submitted the following observations and concerns to your Chief of Staff, Mr. Antonio Pabon. On July 8th, I had an opportunity to discuss these concerns with Mr. Pabon, Mr. Janer, and Mr. Rolon, and it was expressed by Mr. Pabon and Mr. Janer that they were not aware of any of these issues. This raises much concern with me for we are in the midst of the 2020 hurricane season in the COVID-19 environment, and the Commonwealth of Puerto Rico, according to the U.S. Federal Emergency Management Agency subject matter experts, is not well prepared nor has the ability to respond and manage a major event. Former Commissioner Burgos and former Deputy Commissioner Rolon provided ongoing updates, concerns, and courses of action to my senior leadership team during their tenure. It is our understanding that on a regular basis these issues were raised to Secretary Janer. After our conversation with Mr. Pabon, it seems these conversations were not passed on to La Fortaleza, giving FEMA Region II a lack of faith in the Commonwealth's Department of Public Safety. It has been four weeks since my in-person conversation with Mr. Pabon and to my knowledge none of the observations and concerns in this letter have been addressed, and so I wanted to raise these concerns directly to you.

I understand that you inherited a very complex government system as it relates to managing disaster preparedness and response activities and that considerable Commonwealth resources are currently committed to the FEMA-4339-DR (Hurricane Maria) recovery, but we are in the midst of the 2020 hurricane season and it is predicted to be particularly active. Puerto Rico's current readiness posture for handling a significant hurricane, earthquake, or a second wave of COVID-19, requires your leadership. Please be assured that FEMA Region II is at your service to ensure that we provide the maximum level of resources to ensure success in Puerto Rico Emergency Management Bureau.

Background on Capacity Building Efforts for PREMB

- During the summer of 2019, FEMA Region II received a memo from Associate Administrator of Resilience, Carlos J. Castillo, regarding how FEMA is positioned to provide near-term support to PREMB.
- August 2019, FEMA Region II identified employees to help address these objectives with PREMB and build their capacity.
- November 2019, FEMA Region II provided a PREMB Capability Building Update on the current progress.

More recently, based on the June 15 to 19, 2020 FEMA Region II trip to Puerto Rico, our team consisting of Region II's Response and Preparedness Division Directors, identified the following perceptions that raises concerns as it relates to PREMB's current Preparedness and Response capabilities for the 2020 hurricane season.

Perceptions & Concerns - Preparedness and Response:

I. Inability to staff an Emergency Operation Center for 24/7 during a Response

Due to lack of staffing and departure of previously trained staff. There is a great dependency on other agencies to fill key all-hazards positions and the current footprint within the Emergency Operations Center (EOC) cannot support 24/7 operations. PREMB confirmed that due to their lack of personnel it will be difficult to support a 24/7 EOC activation (with PREMB positions). Many PREMB staff members are now physically located within the Department of Public Safety (DPS).

FEMA can support DPS and PREMB with trainings and exercises to augment EOC staffing capacity and ability to respond to a 24/7 activation.

Continuity of the PREMB Incident Management Team (PRIMT) - The team initially was composed of 35 core members. FEMA trained these staff for PREMB with the understanding they would be available to support EOC operations no matter their position location within the Puerto Rico government. Currently, there is an uncertainty about the availability of these staff to support EOC operations. PREMB will update and re-submit the Incident Management Team list by July 15, 2020. Additional staff should be included in the IMT list to augment to commonwealth response workforce. We will support PREMB with refresher courses for the IMT once the list is submitted.

PREMB informed my staff that over twenty-nine (29) of the FEMA-trained PREMB staff have been realigned under the Department of Public Safety, leaving critical voids within PREMB. Also, key positions, such as Information Technology, contracting, administrative support, among others, are now physically reporting to DPS, which represents a challenge for PREMB to respond to a hurricane.

Inability to fill vacant positions - there are numerous positions in PREMB that have been vacant for months. DPS is responsible for hiring and onboarding new staff and currently there has been a hold. Some of the vacant positions - **PREMB Commissioner, Sub-Commissioner, Training and Exercise officer, Mitigation Director, PREMB Zone Planners, among others.** The lack of a Training and Exercise Officer hinders PREMB's ability to prepare current and new EOC staff to effectively respond to a disaster in a COVID environment.

There is no qualification process in place to qualify individuals assigned to the EOC in all-hazards positions. We made some progress last year, but again, with leadership and staffing changes, nothing was accomplished in terms of establishing a Qualification Review Board.

PREMB leadership will work along with their Preparedness Director to establish a *State Qualification Review Board* that will include representatives from DPS, the fire department, PREMB, police, education, FEMA (as advisor), among others. The deadline presented by PREMB for the establishment of the State Qualification Board was July 10, 2020.

II. Contracting

We were informed that all contracting personnel have been removed from PREMB and transferred to DPS, which leaves PREMB in a situation of delay when it comes to executing contracts efficiently both pre and post event. It is vital that the Government of Puerto Rico possess the ability to contract for emergency work in response to a hurricane and in compliance with 2 C.F.R. Part 200 as it applies to State entities like PREMB if the Government of Puerto Rico wishes to be reimbursed under FEMA's public assistance program. FEMA cannot substitute PREMB here because FEMA is not in privity of contract with the recipient's contractors. Further, FEMA staff cannot place themselves in a situation where there is a perception of impropriety and interference with the Government of Puerto Rico's procurements under Federal grants during emergencies. For this reason, it is vital that PREMB has its own procurement capability.

I urge you to encourage all contracting staff that may be involved in contracting under Federal grants in response to all-hazards to attend FEMA's Grant Program Directorate's Procurement Under Grants training scheduled for 2:00 p.m. ET on July 28, 2020. The details of this training have been shared with DPS contracting personnel.

III. Lack of Emergency Power Contracts

FEMA supplied over 900 generators to key facilities during Hurricane Maria. Most of these facilities (specifically PRASA locations) still do not have back-up power / nor contracts in place to provide back-up power.

IV. Lack of Satellite Communications Contract

The Government of Puerto Rico acquired 127 Federal - Very Small Aperture Terminals (VSAT) with the understanding the Commonwealth had a pending satellite service provider contract

pending finalization after the acquisition of the units. This contract is not in place, nor is there an estimated award date for this service. This equates to most public government locations on island not having emergency communication capability.

According to PREMB's Communications POC PREMB is waiting for the approval from the Department of Public Safety & Security to acquire a satellite service contract.

V. Emergency Management Assistance Compact

During the response to the earthquakes and Hurricane Maria, there was a robust Emergency Management Assistance Compact (EMAC) deployment to assist Puerto Rico. To date, there has been no verification of the continued availability of these capabilities. This is especially concerning considering the COVID environment and the potential Federal support that may be needed to billet these incoming resources.

According to PREMB's EMAC manager, PREMB has verbal agreements with other States for EMAC support, yet there are no written agreements in place. We recommend you consider implementing written EMAC agreements. These agreements could also be reimbursed under FEMA's public assistance program if they comply with EMAC requirements.

VI. Inability to Commit the Commonwealth Government to Funding Resources from the Federal Government

PREMB does not have the authority to obligate the Government of Puerto Rico to a Federal cost share. This will be very detrimental if post event support is needed from the Federal Government. This was a major problem during Maria and will severely inhibit response activities if the lead Emergency Agency entity for the Commonwealth does not have the authority to sign Resource Request Forms (RRF) under 44 C.F.R. § 206.208(b).

VII. Access to Governor during Response

Past disasters have highlighted the need to have the Emergency Management Director report directly to the Governor to ensure efficient and timely response delivery.

PREMB confirmed that following the current chain of command, PREMB commissioner would go through the DPS Secretary and/or the Secretary of State prior reporting/meeting with Governor of PR. I respectfully recommend that you consider having the **PREMB Commissioner reporting directly to you for anything related to emergency management.**

VIII. PREMB Continuity of Operations Plan

The PREMB Continuity of Operations Plan needs to be finalized. The PR Government is also required to have a COOP plan for at least the state primary agencies (this has been discussed but never materialized). **PREMB leadership confirmed that they are completing a final revision of their COOP plan and the plan was to sign it this week. With no senior leadership position, the COOP plan can't be validated.**

IX. Grants – Emergency Management Preparedness Grant

The Commonwealth has undergone several changes in leadership that has impacted the consistent management of the EMPG award. This is important because this grant is specifically to support Puerto Rico's emergency operations. Currently, we are aware of the following:

- 1) The EMPG grants supports critical preparedness and emergency operations staff. There are currently twenty-five (25) vacancies as per their 2020 EMPG application including key positions such as: the Deputy Commissioner, Mitigation Director, Training & Exercise Officer and ten (10) planners in the zones and this will significantly impact the ability to prepare for and conduct emergency response;
- 2) Funding drawdowns are delayed and not consistent with the level of activity that should be supported on this grant.
- 3) The Administrative, IT, contract support and EMPG grants management support are now located at the Department of Public Safety (DPS) under new leadership.

Currently, there is approximately \$9.9 Million out of \$14.2 Million in unspent funds for the open awards (Note: this does not include 2020 awards as still under FEMA review). This represents 70% of the total award. If this continues, the Region will recommend discussing the issuance of a possible sanction for non-performance.

The DPS Secretary is the State Administrative Agent (SAA) (Pedro Janer) – This is a challenge for the Emergency Management Bureau hiring process. This adds a layer of bureaucracy that hinders PREMB's ability to leverage the EMPG Grant. Our recommendation is that the Commissioner of PREMB serve as the SAA.

Role of the National Guard

Will the Puerto Rico National Guard have a role in response operations? If yes, what will their role be?

Region II Potential Suggestions:

Moving forward, we would like to reinforce that FEMA Region II is here to assist the Commonwealth of Puerto Rico and ensure success in Disaster Preparedness and Response capability. Below, we have identified some potential courses of action in relation to the 2020 hurricane season.

- I. Public Safety taking the responsibility of managing the 2020 hurricane preparedness and response operations for the Commonwealth of Puerto Rico.
- II. In lieu of DPS taking responsibility to manage the 2020 hurricane season, PREMB continues to manage the 2020 hurricane season response with the ability to use other agency staff (National Guard, Public Safety, etc.) - to augment PREMB employees and fill existing voids.
- III. Make PREMB report directly to the Governor for 2020 Hurricane Season, then evaluate it for the long term.

- IV. The Commonwealth should require COOP (Continuity of Operations) plans for the primary state agencies and act on those agencies are not in compliance.
- V. FEMA has a team of EOC subject matter experts available to train and mentor PREMB EOC staff (*which we have done numerous times but PREMB staff were consistently reassigned*) and to assist the PREMB EOC respond to any disaster. FEMA may be able to also provide a Senior Emergency Management subject matter expert similar to a Federal Coordinating Office to mentor a new PREMB Commissioner. For this support to occur, the FEMA team will need fully rostered EOC dedicated to being trained and to respond to a disaster. This can potential be in place from August 1st to December 1st, 2020.

Should you have any questions or require further assistance, please contact me.

Sincerely,



Thomas Von Essen
Regional Administrator
FEMA Region II