

CHAPTER 7

MANAGING THE CONSEQUENCES OF DOMESTIC WEAPONS OF MASS DESTRUCTION INCIDENTS

Consequence management is predominantly an emergency management function and includes measures to protect public health and safety, restore essential government services, and provide emergency relief to local governments, businesses, and individuals affected by the consequences of a chemical, biological, radiological or nuclear agents or high-yield explosives (CBRNE) incident. In an actual or potential incident, a consequence management response will be managed by a Lead Federal Agency (LFA) such as the Federal Emergency Management Agency (FEMA) using structures and resources described in the Federal Response Plan. (See Chapter 2 for information about preventive efforts.)

In the event of a domestic incident on American soil resulting in the release of CBRNE, the local law enforcement, fire and emergency medical personnel who are first to respond may become rapidly overwhelmed by the magnitude and lingering effects. In that instance, a governor may request a Presidential disaster declaration for the state and assistance from the federal government through the LFA. If DoD assistance is requested, the Department of Defense has many unique capabilities, both technical and operational, which could support civil authorities to mitigate and manage the consequences of such an incident.

DOD'S ROLE IN MANAGING THE CONSEQUENCES OF DOMESTIC CBRNE INCIDENTS

DOMESTIC TERRORIST THREAT

The terrorist threat of today is far more complex than that of the past. Violent, religiously and ethnically motivated terrorist organizations now share the stage with the more traditional, politically motivated movements. State sponsors, including Iran, Iraq, Libya, Syria, Sudan, North Korea, and Cuba, continue to provide vital support to a disparate mix of terrorist groups. As recent history shows, homegrown organizations and disaffected individuals have also demonstrated an increasing willingness to act on U.S. soil. Not only is the threat more diverse, but the increasing sophistication of organizations and their weaponry also make them far more dangerous. The Oklahoma City and World Trade Center bombings have already demonstrated the devastating effects of conventional explosives in the hands of terrorists.

ORGANIZATION

Due to the increasing volatility of the threat and time sensitivities associated with providing effective support to the LFA charged with CBRNE consequence management, the Secretary of Defense appointed an Assistant to the Secretary of Defense for Civil Support (ATSD(CS)) to serve as the principal staff assistant and civilian advisor to the Secretary and Deputy Secretary of Defense on these matters. The

ATSD(CS) provides for the oversight of policy, requirements, priorities, resources, and programs related to the DoD role in managing the consequences of a domestic incident involving the naturally occurring, accidental or deliberate release of CBRNE.

To manage the Department's efforts, the ATSD(CS) chairs the DoD Weapons of Mass Destruction (WMD) Preparedness Group (WMD in this context refers to CBRNE), a coordinating body composed of the Assistant Secretaries for Health Affairs; Reserve Affairs; Special Operations/Low Intensity Conflict; Command, Control, Communications, and Intelligence; and Legislative Affairs; the General Counsel; the Deputy Under Secretaries for Comptroller, Policy Support and Acquisition, Technology, and Logistics; and senior representatives from the Joint Staff, the Department of the Army, and the Defense Threat Reduction Agency. The DoD WMD Preparedness Group ensures that DoD efficiently marshals its consequence management resources and its many capabilities in support of the LFA in accordance with the Federal Response Plan. The ATSD(CS) also represents DoD in the interagency consequence management policymaking body led by the President's National Coordinator for Security, Infrastructure Protection, and Counterterrorism.

DoD assets are tailored primarily for the larger warfighting mission overseas. But in recognition of the unique nature and challenges of responding to a domestic CBRNE event, the Department established the Joint Task Force for Civil Support (JTF-CS), a standing headquarters element subordinate to United States Joint Forces Command (JFCOM), to plan for and integrate DoD's support to the LFA for domestic CBRNE consequence management. On a day-to-day basis, JTF-CS is involved in CBRNE consequence management doctrine development, training and exercise management, plans development and review, and requirements identification. The United States Pacific Command and the United States Southern Command have parallel responsibilities for providing military assistance to civil authorities for states, territories, and possessions outside the continental U.S. and JFCOM may be a principal force provider. JFCOM, in turn, provides technical advice and assistance to geographic commanders in chief conducting consequence management operations in response to CBRNE incidents outside the continental U.S.

DOD PRINCIPLES FOR CONSEQUENCE MANAGEMENT

In accordance with Presidential Decision Directives 39 and 62, and the Defense Against Weapons of Mass Destruction Act of 1996, the federal government has taken comprehensive steps to enhance and support state and local authorities in responding to CBRNE incidents and to minimize their consequences. When requested, the Department of Defense will provide its unique and extensive resources in accordance with several key principles.

First, DoD will ensure an unequivocal chain of responsibility, authority, and accountability for its actions to assure the American people that the military will follow all relevant laws when an emergency occurs. To this end, the Assistant to the Secretary of Defense for Civil Support will provide full-time civilian oversight for the domestic use of DoD's CBRNE consequence management assets in support of other federal agencies.

Second, during a CBRNE event, DoD will always play a supporting role to the LFA in accordance with the Federal Response Plan and will ensure complete compliance with the Constitution, the Posse Comitatus Act, and other applicable laws. The Department routinely provides support and assistance to civilian

authorities and has considerable experience balancing the requirement to protect civil liberties on one hand with the need to ensure national security on the other.

Third, DoD's consequence management equipment and assets are largely resident in its warfighting capabilities to protect U.S. forces during hostilities overseas. However, many of these capabilities can be dual-use. Military units specializing in decontamination, medical support, logistics, transportation, and communication, for example, could assist in the domestic arena as well. DoD can also contribute in areas where it has considerable skills and experience—for example, rapid mobilization and mass logistics—in support of the appropriate LFA.

Fourth, whereas active duty forces are the United States' forward-deployed assets overseas, DoD will employ the Reserve Component and National Guard as the forward-deployed units for consequence management in the domestic arena. In the event of a domestic CBRNE event, certain units would be able to respond rapidly due to their geographic dispersion and proximity to major American cities. Moreover, many of the applicable capabilities such as decontamination, medical support, transportation, and communications are already contained in reserve and National Guard units.

Fifth, DoD will balance LFA requests for support against any ongoing warfighting requirements. Before providing support, DoD will consider whether requested military assets are available domestically and whether the Department has sufficient legal and budgetary authorities to provide them.

DOD CAPABILITIES FOR CONSEQUENCE MANAGEMENT

DoD maintains other assets that could be employed under JTF-CS command and control for domestic consequence management. These include but are not limited to the Marine Corps Chemical Biological Incident Response Force, the Army Technical Escort Unit, the Army Radiological Advisory Medical Team, the Air Force Radiation Assessment Team, the Defense Nuclear Advisory Team, the Army Special Medical Augmentation Response Teams, the Chemical-Biological Rapid Response Team, the Army Medical Research Institute of Infectious Diseases, the Navy Medical Research Center, the Armed Forces Radiobiology Research Institute, the Army Medical Research Institute for Chemical Defense, and the Defense Threat Reduction Agency. Additionally, DoD could contribute mobile field hospitals, logistics, communications, mortuary affairs, military police, search and rescue teams, and chaplains, if such capabilities are requested.

DoD has also established 27 WMD Civil Support Teams (CSTs), each composed of 22 well-trained and equipped full-time National Guard personnel. Upon completion of training and certification in FY 2001, one WMD CST will be stationed in each of the ten FEMA regions around the country, ready to provide support when directed by their respective governors. Their mission will be to deploy rapidly, assist local first responders in determining the precise nature of an incident, provide expert medical and technical advice, and help pave the way for the identification and arrival of follow-on military support. Unless federalized, the CSTs will remain state National Guard assets that can be quickly accessed by proximate governors. By congressional direction, DoD is also training 17 additional WMD CSTs whose certification is anticipated in FY 2002. Congress authorized an additional five teams to be established in FY 2001. Their training and certification is also anticipated after the 17 additional CSTs are certified. (See Chapter 9, Total Force Integration, for more information.)

OTHER PREPARATORY ACTIVITIES

TOP OFFICIALS EXERCISE

DoD recently participated in an interagency exercise called Top Officials (TOPOFF) which involved key local, state, and federal officials. Mandated by Congress, the exercise tested national response to chemical, biological and radiological attacks in three American cities. TOPOFF demonstrated that the Department of Defense is prepared to provide both crisis and consequence management support to civil authorities for incidents involving multiple, geographically dispersed CBRNE events. The exercise demonstrated interagency and Department of Defense strengths as well as areas which need improvement. The Department of Defense is committed to working with federal, state and local authorities through the FBI and FEMA to enhance the Department's strengths and to improve U.S. weaknesses.

DOMESTIC PREPAREDNESS PROGRAM

The Defense Against Weapons of Mass Destruction Act of 1996 (also known as the Nunn-Lugar-Domenici Act) required DoD to enhance the capability of federal, state, and local (FSL) emergency responders regarding terrorist incidents involving CBRNE. The Domestic Preparedness Program (DPP) consists of four elements: the City Train-the-Trainer Program, the Exercise Program, the Expert Assistance Program, and the Chemical Biological Rapid Response Team.

Since 1996, DoD has trained over 28,000 first responder trainers in over 105 cities through the city training program, which also included training equipment loans to 68 cities. The Exercise Program element, in addition to conducting exercises during the city training program, has consisted of an annual FSL exercise and execution of the Improved Response Programs. The annual FSL exercise works to improve interaction among federal agencies and departments and further exercises that interaction among FSL agencies in response to a threat and/or actual CBRNE incident. The biological FSL exercise scheduled for New York City in September 1999 was actually postponed due to the outbreak of the West Nile virus, which strained exercise participants. The exercise is being rescheduled for a time in 2001.

The Improved Response Programs effort is a set of individual technical investigations and exercises geared toward gathering information to improve procedures and tactics for responding to CBRNE incidents. It is focused on enhancing responses to chemical or biological incidents and systematically addresses the response at the federal, state, and local levels. The Expert Assistance Program is composed of the following elements: helpline, hotline, web page, chemical/biological database, and equipment testing program.

The final element, the Chemical Biological Rapid Response Team, leverages the capabilities of all the military Services in providing a unique multidisciplinary chemical/biological response capability. Consistent with Presidential direction, DoD transferred major portions of the DPP to the Department of Justice on October 1, 2000. DoD will retain the Exercise Program until its mandated completion at the end of FY 2001, and will indefinitely retain the Chemical Biological Rapid Response Team, which is a fielded military unit.

CONCLUSION

Consequence management brings together the skills and assets of many government agencies at the federal, state, and local levels. By enhancing America's preparedness, the likelihood that an event will occur, or the consequences if it does occur, will be reduced. The Department of Defense is committed to providing preparatory assistance and stands ready to contribute its unique capabilities when called upon.

