



January 23, 2002

Senator Gary R. George and
Representative Joseph K. Leibham, Co-chairpersons
Joint Legislative Audit Committee
State Capitol
Madison, Wisconsin 53702

Dear Senator George and Representative Leibham:

Our evaluation of the expenditures and activities of Wisconsin's hazardous materials (hazmat) response teams (report 02-1) was undertaken and largely completed before the terrorist attacks of September 11, 2001. However, Wisconsin's hazmat teams have an important role as first responders to threats of terrorist activity involving weapons of mass destruction, including biological or chemical agents. Therefore, we have assembled information for the Committee concerning hazmat team responses and the availability of federal funds to enhance state and local preparedness and response capabilities.

Efforts within Wisconsin to respond to natural or man-made disasters, including enemy action involving threats of the use of chemical or biological weapons of mass destruction, are guided by the broad system of emergency management established in ch. 166, Wis. Stats. To implement this system, the Department of Military Affairs' Division of Emergency Management, also known as Wisconsin Emergency Management (WEM), has developed the Wisconsin Emergency Operations Plan, which establishes the responsibilities of state and local officials to take specific actions. Statutes also establish the powers and duties of the Governor, other state officials, and emergency management officials in each county, town, and municipality and require appropriate planning for emergency response.

Firefighters and hazmat personnel are often the first to respond to potential terrorist incidents involving chemical and biological weapons, as demonstrated by recent anthrax threats. During the first week of anthrax threats nationally, October 10 to October 17, 2001, Wisconsin's eight regional hazmat teams reported sending personnel to respond to at least 93 anthrax threats, although no more than 15 responses required a full hazmat team with Level A protective equipment. In most cases, smaller assessment units of the hazmat teams or regular fire department engine companies accompanied by hazmat personnel responded. The regional Level A teams provided telephone advice in at least 32 instances. In many cases, local fire departments were directed by the regional teams or by state officials to contact their counties' county-wide Level B team. As noted in our report, some counties contract with a local fire department for county-wide Level B coverage, while others contract with private providers or fire departments in neighboring counties for this service.

Under the direction of WEM, the State began planning for potential terrorist incidents involving chemical and biological weapons of mass destruction in 1997, as part of an interagency working group on terrorism. WEM is also the State's lead agency in an effort to assess national preparedness,

which was begun in 1999. The federal Department of Justice has created a risk assessment tool for state and local governments that includes a step-by-step method for officials in each state and county to assess risks and requirements for response and training. The assessment tool allows local officials to estimate their county's threat rating, vulnerability rating, and risk rating. WEM completed the State's risk assessment and preparedness plan in October 2001, and it was approved by the federal government on October 31, 2001. However, 19 counties did not participate in this planning effort and have not completed assessments of their threats, vulnerabilities, and risks. WEM developed estimates for these counties based on data submitted by counties with similar characteristics. WEM officials indicate that since September 11, 2001, 5 of the 19 counties have requested funding to undertake terrorism planning efforts in the coming months.

As part of the risk assessment and preparedness process, the federal Department of Justice is also providing funding for states to purchase specialized equipment for response to terrorist incidents. Eligible equipment categories are relatively broad and include items such as protective clothing, monitors to detect and identify chemical or biological agents, and communications equipment. Wisconsin is eligible for \$3,794,000 and received expenditure authority for \$638,747 of that amount during the 1999-2001 biennium. Expenditure authority for the remaining \$3,155,253 was approved in January 2002.

WEM has proposed that approximately 94 percent of the federal grant be designated for local governments, including counties and county-wide Level B hazmat teams, and that the balance be available for state government. Grant funds will be expended through WEM's existing appropriation for distributing federal aid to local governments. Subject to s. 16.54, Wis. Stats., the Governor may accept federal grants on behalf of the State and designate a state department to administer the funds. It appears that no legislative review of the funding decisions or change in the appropriation is required.

Of the \$638,747 in federal funds for which the State has received expenditure authority, WEM has allocated \$480,620 to the eight regional Level A hazmat teams. The remaining \$158,127 was allocated to a number of state and local agencies for equipment purchases, including:

- \$64,407 to Dane County local response agencies;
- \$47,400 to explosive ordnance teams, or "bomb squads," in Brown and Dane counties;
- \$29,820 to Wisconsin Capitol Police;
- \$7,473 to University of Wisconsin police;
- \$4,047 to the Department of Transportation, Division of State Patrol;
- \$2,385 to the Department of Health and Family Services;
- \$1,800 to the Department of Natural Resources; and
- \$795 to the State Laboratory of Hygiene.

Wisconsin has also received funding from the Federal Emergency Management Agency to plan and train for potential terrorist attacks. WEM received and expended \$709,728 of this federal funding between FY 1998-99 and FY 2000-01, the majority of which was used by the counties and WEM to prepare the State's risk assessment and preparedness plan.

Local governments have also received funding directly from the federal government. The City of Milwaukee and Milwaukee County received federal funding through a 1998-99 federal Department of Justice county and municipal equipment grant program that also funded protective clothing, monitors to detect and identify chemical or biological agents, and decontamination and communications equipment. Through this program, the City of Milwaukee received \$147,446 in 1998 and \$200,000 in 1999. In addition, Milwaukee County received \$298,323 in 1999 to purchase protective equipment for county law enforcement, including the Sheriff's special weapons and tactics team, the Sheriff's bomb squad, and the 19 municipal police departments in the county.

In addition, the cities of Madison and Milwaukee are receiving specialized training and advice provided by the federal Department of Justice regarding emergency responses to the use or threatened use of weapons of mass destruction. Known as Nunn-Lugar-Domenici communities, Madison and Milwaukee are among the 120 largest U.S. cities receiving training and equipment to better prepare themselves to respond to and manage the consequences of an attack involving weapons of mass destruction. The training includes up to 30 courses for emergency medical technicians, hospital providers, and emergency responders on how to recognize, manage, and protect their community during an incident. In addition to the training, the Nunn-Lugar-Domenici program provides federal funding for equipment to respond to incidents involving weapons of mass destruction. In 1999, Milwaukee received equipment valued at \$300,000, and Madison is expected to receive up to \$280,000 in January 2002.

Wisconsin and other states may also be eligible for additional federal funding from the Emergency Supplemental Appropriations Act, P.L. 107-38, which authorized \$20.0 billion for release by the President and \$20.0 billion for Congress to appropriate. Congress appropriated those funds in the 2001-02 Department of Defense Appropriations Act, P.L. 107-117, which was signed by the President on January 10, 2001. A preliminary analysis of P.L. 107-117 indicates that up to \$1.7 billion may be made available as grants to state and local governments to support preparedness and response activities, but the exact amount that may be available for Wisconsin is not known at this time.

The September 2001 terrorist attacks and the anthrax threats nationwide have heightened national attention to the issue of emergency preparedness. The Wisconsin Emergency Operations Plan, the risk assessment and preparedness plan recently approved by the federal Department of Justice, and other efforts are now being reviewed by the Governor's Task Force on Terrorism Preparedness, which was created by Executive Order No. 30 to determine whether additional preparedness efforts and funding are required. The task force is co-chaired by the WEM administrator and the Secretary of the Department of Health and Family Services.

Partially as an outgrowth of the work of the Task Force on Terrorism Preparedness, the Governor has recently announced plans to include additional domestic security measures as part of a budget repair bill to address the current budget shortfall. These measures will include the creation of a cabinet-

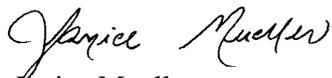
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level position to oversee public safety, the equivalent of 2.5 additional full-time epidemiologist positions in the Department of Health and Family Services and 1.0 at the State Laboratory of Hygiene, 5.0 additional officers for the Capitol Police, and funding in FY 2002-03 for a statewide trauma system. In addition, the State would provide \$3.6 million to local governments for emergency response equipment and training.

We note that other states are also taking action to prepare for potential terrorist incidents. According to the National Conference of State Legislatures, some states are establishing offices or directors of homeland security or establishing task forces or commissions to review and guide additional preparedness and response efforts.

I hope you find this information helpful. Please contact me if we can be of further assistance.

Sincerely,



Janice Mueller
State Auditor

JM/DB/ss

cc: Senator Judith Robson
Senator Brian Burke
Senator Joanne Huelsman
Senator Mary Lazich

Representative Samantha Starzyk
Representative John Gard
Representative David Cullen
Representative Barbara Gronemus

Mr. Edward J. Gleason, Administrator
Division of Emergency Management