

Detail

Hello – This letter sounds choppy because it was the text of the email I was going to send you, but it got too long so I made it a separate attachment. Quick orientation, attached *Substantiation...pdf* document page 12. Summary:

- 1) FEMA claims the science attached to email 1/2 as an authority when we want to tell someone what to do,¹ but then shields it as draft, preliminary, or superseded when someone wants to hold us accountable.²
- 2) Our censorship of this unclassified risk information caused additional loss of life in 2017 and 2020,^{3,4} and it endangers the public today.⁵

Pandemic and general

Most of the pandemic discussion is in the attached *Substantiation...pdf* document. Its focus is the same as it was for the partial disclosure that I made in July:

Pandemics have been the #1 or #2 (after drugs) non-CBRN risk on DHS's list since 2011. The SNS was empty and the Nation was unprepared because we suppressed those risk assessments. We are still doing so.

with additional parts about 2017 (p. 14; context, section *Maria* below) and general issues (pp. 12-13 and 16-18) to support the broader disclosure. The 2 + 2 = 5 issue described on pp. 17-18 is especially relevant [that section won't make sense if it's the first thing you look at: I'm pointing it out for its relevance, not as a recommended starting point].

Clarification in advance

The problem that I am disclosing is not that the agency stopped using this science-based risk assessment, or replaced it with something else (I'm mentioning this because it is probably the first thing they will tell you). FEMA has every right to do that, if it wanted to. The problem is that it hasn't actually done so (*Substantiation...pdf* pp. 17-18). Instead, the agency represents that it has or has not in different contexts, depending on what is most advantageous for it to be true at a given moment (pp. 9, 15).

Maria

FEMA had all the information needed to count Maria's deaths in 2017. Not in real time, not after the fact, but before they happened. But nobody knew that.

The Maria retrospective mortality projection chart added to page 14 (*Substantiation...pdf*) is the second of a pair from a February 2020 FOIA letter, also attached (*PR data FOIA...pdf*). The first chart of the pair is on page 2 of *SNRA follow-up letter 20201016.pdf*.

¹ DHS (10/02/2015). Risk and the Core Capabilities. National preparedness goal pp. 4-5, https://www.fema.gov/sites/default/files/2020-06/national_preparedness_goal_2nd_edition.pdf. DHS (2/25/2021). Risk-based core capabilities, pp. 9, 24, 33-34, A.1-2, 13-14, 17-18, 20-22, 26-29, 31, 47, B.1-3, 11-12, C.3, 5, D.13, E.8-9, F.12, G.16, H.1-2, 9, 12-13, 24-28, https://www.fema.gov/sites/default/files/documents/FEMA_2021-Preparedness-Grants-Manual_02-19-2021.pdf. Risk-based national preparedness system, cited references *FOIA appeal 2017-FEFO-00165 20171101.pdf* p. 8. *Substantiation...pdf* p. 9 notes 64-65, pp. 17-18 subsection *DHS/FEMA* #2.

² *Process failure* below. *FOIA appeal 2017...pdf* pp. 1-2 (November 2017), 9-11 (October 2016). March 2019 *FAQ* p. 3 col. 2 - p. 6 col. 1. *SNRA follow-up letter 20201016.pdf* section 5. *Substantiation...pdf* page 1 (*DHS/FEMA*), p. 9 first bullet, pp. 10-12, 15-19.

³ *Maria*. *FOIA appeal...pdf* p. 12. *SNRA follow-up...pdf* sections 1, 5, section 6 (*Small picture*). *Substantiation...pdf* pp. 12-14.

⁴ *Pandemic*. *SNRA follow-up...pdf* sections 2, 5, section 6 (*Big picture*). *Substantiation...pdf* pp. 1-10, 12-13, 19.

⁵ *Future risks*. *SNRA follow-up...pdf* sections 3, 5, 6. *Substantiation...pdf* pp. 1 (*DHS*), 9-11, 13, 17-19.

FIGURE 2: SNRA 2015 POWER LOSS MORTALITY MODEL. RETROSPECTIVELY PROJECTED FATALITIES IN PUERTO RICO, BASED ON THE INFORMATION AVAILABLE TO FEMA IN OCTOBER 2017



Power loss mortality model: Linear extrapolation of best-estimate (90) excess fatalities, New York City 14-15 August, 2003 East Coast Blackout, Anderson et al (2012) (*Epidemiology* 23(2) 189-193, NIH public access <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3276729/pdf/nihms348988.pdf>) to total person-days without electric power. Low estimate (1.8 fatalities/million person-days) assumes the 90 NYC fatalities represented all fatalities from the multi-state blackout (50 million person-days without power in U.S. and Canada); high estimate (11.25 per million person-days) assumes the 90 NYC fatalities represented impacts only in NYC (8 million person-days). The SNRA used the low-estimate-assumptions for the electric-power-related hazard events which FEMA added in 2015 (space weather & physical attack on the power grid). FEMA also included indirect fatalities in other events added or revised in 2015 where defensible numbers were available, but these were not specific to electric lifeline failure.

Maria power restoration curve: 9/20-10/13, FEMA senior leadership briefing (SLB) 10/13/17 1700 EDT (<https://oversight.house.gov/sites/democrats.oversight.house.gov/files/Senior%20Leadership%20Briefing%20and%20Recovery%20Snapshots.pdf>); projected 10/14-3/31 (linear interpolation), FEMA daily operations brief 10/14/17 (<https://www.hsd.org/view&did=804878>). Assumption of constant population (Census July 2017). Official fatality total (47 as of 10/14) not included in chart.

- This chart ([Substantiation...pdf](#) page 14 figure 2, reproduced above) shows what the 2015 SNRA's power loss mortality model (email 1/2, Strategic National Risk Assessment [SNRA] consolidated documentation pp. 197-198, 201, 204-205) would have projected with the information available to FEMA on October 14, 2017. Including the 47 then-known direct fatalities not depicted on the chart, the model's low and high projections are respectively 515 and 2,970 excess fatalities by March 2, 2018, when the chart ends.

Relevance to disclosure: In October 2017 I looked through the unclassified documentation attached to email 1/2 to see whether there was anything potentially useful for the ongoing response (attached [FOIA appeal 2017-FEFO-00165 20171101.pdf](#) p. 12) that would justify challenging its internal and external censorship more forcefully, or negating it directly by public disclosure as I'm doing now. At the time, the majority of Maria's preventable deaths were in the future.

I didn't find anything that appeared to me to be likely enough to make a difference to risk being disruptive in this way. Without a specific danger to the public that I could see myself, I couldn't articulate how the censorship was harmful. Since pushing harder to prevent theoretical harms seemed irresponsible when there was a real disaster going on, I continued the quiet FOIA route instead.

Two years later I discovered that this model had accurately predicted Maria's deaths, and that the responsible choice was the opposite of the one I made in 2017.

Justification for lawful disclosure

1) Future risks

These problems have done a lot of harm. The harms that they have done in the past evidence the harms that they would cause in the future, if they continued.

2) Process failure

FEMA claims the science attached to email 1/2 as an authority when we want to tell someone what to do, but then shields it as draft, pre-decisional, or superseded when someone wants to hold us accountable. We mislead our leaders,⁶ defraud Congress,⁷ lie in court,⁸ abuse FOIA,⁹ and censor this unclassified science inside FEMA itself¹⁰ to protect these contradictions.

Many of these harms and abuses have happened because of mistakes that I made myself relating to FEMA's interpretation and use of this risk assessment since 2015.¹¹ But I can't correct them while it remains invisible.¹² FEMA won't let them be corrected: they are too advantageous.

There are many lawful means of correction that are available to me, other than unilateral public disclosure. I've tried almost all of them. They all failed. In each case, the agency easily countered it by abusing our monopoly of information – over the facts of the problem, and over the thing being censored itself. No matter how absurd, inconsistent, or incoherent our stories are, we get away with them because people believe FEMA.

I can fight an agency that lies in court and gets caught, or corrects itself when the falsehood is pointed out internally. I can't fight an agency that lies in court, and wins because of it.¹³ Neither can anyone else.

I am disclosing the unclassified risk assessment attached to email 1/2 for these reasons, and the others described above.

⁶ The President (12/19/2020) and Congressional leadership [Speaker Pelosi, HSGAC, FEMA's appropriators] (12/22/20), <https://www.hsdl.org/?view&did=848274> pp. 1-3 [Substantiation...pdf p. 9 (third bullet), p. 11 (12/22/20)], pp. 6-7, 17-18, 28-31, 74-76 [Substantiation...pdf pp. 17-18]. The Secretary (12/15/2021), the President (12/17/21), and Congressional leadership (12/21/21), <https://www.hsdl.org/?view&did=862169> pp. 3, 76 [Substantiation...pdf p. 11 (4/28/21, 5/11/21)], pp. 35, 74-81, 89-90 [Substantiation...pdf pp. 17-18].

⁷ FAQ page 5 column 1 (Why is/did FEMA / DHS...). SNRA follow-up...pdf section 6 (Small picture). Substantiation...pdf p. 10 note 75.

⁸ DHS/FEMA National Preparedness Directorate (NPD) (4/30/2019) PEER v. DHS (1:18-cv-00158-ckk D.D.C.) declaration 28-1, <https://www.courtlistener.com/docket/6284501/28/1/public-employees-for-environmental-responsibility-v-united-states/>. Query and agency response, attached NTHIRA FOIA...pdf, production <https://5usc2302.github.io/risk/2020-FEFO-00401/>. A. NPD (4/30/2019) 28-1 ¶ 9, regarding 2011 version used in 2015. B. 28-1 ¶ 2, 8, 10, 14, 16, and 17, FEMA using other products instead. C. 28-1 ¶ 2, 8, 16, National THIRA from 2015. => Detail, Substantiation...pdf page 16 note 121.

⁹ 1) Substantiation...pdf p. 1 note 8, pp. 16 notes 116, 117, 121. 2) Side by side comparison of redacted and original pages (only the documents that were released with redactions) at [https://5usc2302.github.io/risk/5_U.S.C._2302_justification/What's_missing_\(full\).pdf](https://5usc2302.github.io/risk/5_U.S.C._2302_justification/What's_missing_(full).pdf). An abbreviated version (What's missing.pdf) of this side-by-side comparison is in the attached zipfile.

¹⁰ FEMA internal orders 2/21/2017, 3/26/2019, 5/11/2021. These will probably be moot by the time you read this, but they won't be if I didn't mention them here.

¹¹ Management failures, Substantiation...pdf p. 1 note 5; FAQ p. 2 (How this happened), page 4, p. 5 col. 2 (Why didn't FEMA get the SNRA out...?), p. 7 col. 1 (What are the 'White House findings'?), col. 2 top (Relevance). Compliance, note 10 above, FAQ p. 8 (the small picture), SNRA follow-up...pdf sections 3, 5, 6. Creating ambiguities, Supporting files and context.zip / Other / Glass houses...pdf. 2017, FAQ p. 4 (Why does a highly technical product...), FOIA appeal 2017...pdf p. 12, SNRA follow-up...pdf section 1, section Maria above. 2020, FAQ p. 4 (Why does...), Substantiation...pdf pp. 5-6, SNRA follow-up...pdf section 2, Substantiation...pdf p. 10 note 67.

¹² SNRA pp. 664-666. FOIA appeal 2017...pdf pp. 1-2, 9-11, appendix last two pages (Information Quality Act). FAQ page 3 column 2 – page 5 column 1, p. 5 col. 2 (Why did you FOIA...), p. 6 column 1. Substantiation...pdf p. 9 last paragraph and notes, pp. 10-11, 13, 17-19.

¹³ U.S. District Court for the District of Columbia (D.D.C.) (12/17/2020) PEER v. DHS (1:18-cv-00158-ckk D.D.C.) document 33, <https://www.courtlistener.com/docket/6284501/33/public-employees-for-environmental-responsibility-v-united-states/>. A. NPD (4/30/2019) declaration 28-1 ¶ 9 => D.D.C. (12/17/2020) document 33 p. 11. B. NPD 28-1 ¶ 2, 8, 10, 14, 16, 17 => D.D.C. 33 p. 22. C. NPD 28-1 ¶ 2, 8, 16 => D.D.C. 33 pp. 3, 22.

Notes

1. Other than the SNRA documentation itself, the shorter or redacted versions of this and other documents which differ in the packet I sent the press are attached as a zipfile. The SNRA documents are the filesize-optimized versions that I previously sent you (with added finalization marks) rather than the original 2015 PDFs which I sent the press, because of the same constraints as before. The latter are at <https://web.archive.org/web/20210930004953/https://5usc2302.github.io/risk/Full%20documentation/Original%20versions/>.
2. Additional notes that didn't fit anywhere else are in the document *Additional notes.doc* in the attached zipfile.
3. I am not speaking for my Department or Component, any past or present DHS organization, or any past or present colleagues.

Everything is unclassified, and non-security sensitive.

The unredacted information that these letters, attachments, and links communicate is explicitly within the scope of 5 U.S.C. § 2302, and communicated solely for its lawful purposes.

Thank you,

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