

## 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,<sup>1</sup> but then shields it as draft, preliminary, or superseded when someone wants to hold us accountable.<sup>2</sup>
- 2) Our censorship of this unclassified risk information caused additional loss of life in 2017 and 2020,<sup>3,4</sup> and it endangers the public today.<sup>5</sup>

## 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) 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].

A clarification in advance: The problem that I am disclosing is not that the agency stopped using this risk assessment, or replaced it with something else (this 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 chart on *Substantiation...* p. 14 shows what the 2015 SNRA's power loss mortality model (email 1/2 1<sup>st</sup> attached 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, the model's low and high projections are respectively 515 and 2,970 excess deaths by March 2, 2018, when the chart ends.

As far as I know, nobody suppressed the SNRA because of this Maria link. I didn't realize it myself until two years later, too late to do any good.

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<sup>1</sup> 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](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](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,

<sup>2</sup> *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.

<sup>3</sup> *Maria*. *SNRA follow-up...pdf* sections 1, 5, section 6 (*Small picture*). *Substantiation...pdf* pp. 12-14.

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

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

## Justification for 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,<sup>6</sup> lie in court,<sup>7</sup> abuse FOIA,<sup>8</sup> and censor this unclassified science inside FEMA itself<sup>9</sup> 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.<sup>10</sup> But I can't correct them while it remains invisible.<sup>11</sup> 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.<sup>12</sup> Neither can anyone else.

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

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<sup>6</sup> 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].

<sup>7</sup> 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.

<sup>8</sup> 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.

<sup>9</sup> 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.

<sup>10</sup> 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 9 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.

<sup>11</sup> 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.

<sup>12</sup> 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. The additional recipients of these letters today (4/19/2022) and the forwarded texts are in the attachment *Additional forwards, text.doc*. Please scan that document. I'm not sending different information to different recipients to communicate something to them exclusively, but to draw their attention to something that I think may be relevant to them, and that I also think may be relevant to others but I don't know who.

2. I am not speaking for my Department or Component, any past or present DHS organization, or any past or present colleagues. I will forward these letters to my chain of command, DHS, and DHS/FEMA once I've sent them all to you and the committees.

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,

Andrew Janca

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