

The purpose of the attached *Substantiation...pdf* document and this document was to substantiate the core assertions of the July 2021 (*Substantiation...pdf*) and September 2022 (this document) letters which accompanied the unclassified documentation that I disclosed to the media (e.g. enclosed *Press letter 20220901.pdf* [highlighted parts on the first page]). The referenced emails #1/2 and 2/2 carried the documentation and context respectively). Because I frequently cite these documents at different times, I'm 'editing' them by annotating the PDFs to keep the original parts static instead of changing the text.

Detail

Hello – These notes sound choppy because I didn't write them as a letter. 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to email 1/2 as an authority when we want to tell someone what to do,¹ but then shields it as draft, preliminary, or superseded when someone wants to hold us accountable.²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: **

** The July 2021 letters which I sent to the media (see email chain in *Press letter 20220901.pdf*).

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 risk assessment, or replaced it with something else (~~I'm mentioning this because it is probably the first thing they will tell you~~). (audience dependent) 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.⁶ 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 (5/13/2022). Risk-based core capabilities, pp. 9, 25, 35-36, A-1-2, 14, 18-19, 21-23, 28-31, 49, B.1-3, 12, C-2, 5, D-13, E-9, F-12, G-16, H-1-3, 10, 14, 26, 28-32, 35. Preparedness grants manual. At https://www.fema.gov/sites/default/files/documents/fema_fy-2022-preparedness-grants-manual.pdf. Risk-based national preparedness system, cited references (#28 and #33 have since been revised to omit direct references to the SNRA, but still [especially #28] rely on its authority for the 'risk-based' Core Capabilities referenced above) *FOIA appeal 2017-FEFO-00165 20171101.pdf* page 8; *Substantiation...pdf* p. 9 end, pp. 17-18 subsection *DHS/FEMA* #2.

² *Process failure* section 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.

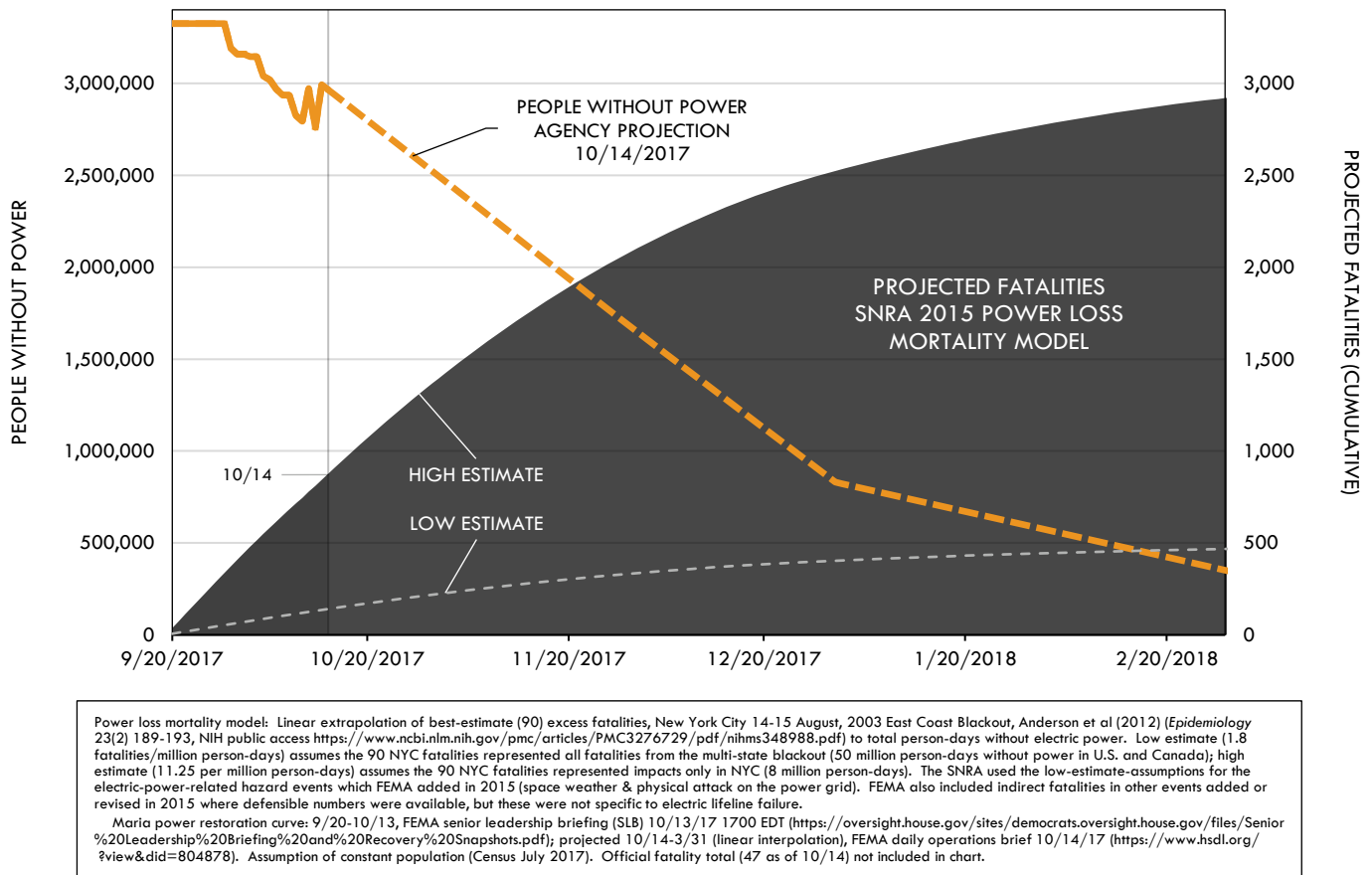
³ *Maria*. *FOIA appeal...pdf* p. 12. *SNRA follow-up...pdf* sections 1, 5, section 6 (*Small picture*). *Substantiation...pdf* pp. 12-14.

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.

⁶ Attached zipfile, *Supporting files and context.zip* / FOIA letters 2020 / *PR data FOIA...pdf*.

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



- This chart ([Substantiation...pdf](#) page 14 figure 2, reproduced above) shows what the 2015 SNRA's power loss mortality model⁷ 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.

⁷ [Strategic National Risk Assessment \(SNRA\) 2015 - Consolidated unclassified documentation.pdf](#) pp. 197-198, 201, 204-205. Email 1/2 first attached, or [https://5usc2302.github.io/risk/Strategic%20National%20Risk%20Assessment%20\(SNRA\)%202015%20-%20Consolidated%20Unclassified%20documentation.pdf](https://5usc2302.github.io/risk/Strategic%20National%20Risk%20Assessment%20(SNRA)%202015%20-%20Consolidated%20Unclassified%20documentation.pdf) [[https://web.archive.org/web/20211231153713/https://5usc2302.github.io/risk/Strategic%20National%20Risk%20Assessment%20\(SNRA\)%202015%20-%20Consolidated%20Unclassified%20documentation.pdf](https://web.archive.org/web/20211231153713/https://5usc2302.github.io/risk/Strategic%20National%20Risk%20Assessment%20(SNRA)%202015%20-%20Consolidated%20Unclassified%20documentation.pdf)].

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,⁸ but then shields it as draft, pre-decisional, or superseded when someone wants to hold us accountable.⁹ We deny FEMA's state¹⁰ and local¹¹ partners the data they need to protect their people,¹² and blame our failures on their ignorance of the information that we censored.¹³ We mislead our leaders,¹⁴ defraud Congress,¹⁵ lie in court,¹⁶ abuse FOIA,¹⁷ and censor this unclassified science inside FEMA itself¹⁸ 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 2015.¹⁹ But I can't correct them while it remains invisible.²⁰ 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.²¹ 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.²² Neither can anyone else.

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

⁸ DHS (5/13/2022). Risk-based core capabilities, pp. 9, 25, 35-36, A-1-2, 14, 18-19, 21-23, 28-31, 49, B.1-3, 12, C-2, 5, D-13, E-9, F-12, G-16, H-1-3, 10, 14, 26, 28-32, 35, https://www.fema.gov/sites/default/files/documents/fema_fy-2022-preparedness-grants-manual.pdf. SNRA as FEMA's evidential authority for these requirements, DHS (10/02/2015) Risk and the Core Capabilities, pp. 4-5, https://www.fema.gov/sites/default/files/2020-06/national_preparedness_goal_2nd_edition.pdf.

⁹ *Substantiation...* pdf pp. 9, 15, 17-18.

¹⁰ E.g. the 27 states and territories which reported that pandemics posed zero risk to their populations in December 2019. CY 2019 THIRA submissions (records held by DHS/FEMA/NPD). ---FOIAbility of THIRA information, see *NTHIRA FOIA...* pdf p. 5 note 14.

¹¹ E.g. the 26 high-risk cities which reported that pandemics posed zero risk to their populations in December 2019 (*ibid*).

¹² DHS Homeland Security Advisory Council (2016, March 17). Grant review task force final report, spring 2016, p. 21 (*Observations: Consistency...*). At [https://www.dhs.gov/sites/default/files/publications/HSAC%20-%20Grant%20Review%20Task%20Force%20-%20Final%20Report%20-%20FINAL%20\(accessible\).pdf](https://www.dhs.gov/sites/default/files/publications/HSAC%20-%20Grant%20Review%20Task%20Force%20-%20Final%20Report%20-%20FINAL%20(accessible).pdf). FEMA National Advisory Council (2020, November 30). November 2020 report pp. 20-22, at https://www.fema.gov/sites/default/files/documents/fema_nac-report_11-2020.pdf. *Substantiation...* pdf p. 9.

¹³ <https://www.hSDL.org/?view&did=848274> p. 2, callout block. <https://www.hSDL.org/?view&did=862169> pp. 3, 76. *Substantiation...* p. 9.

¹⁴ 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 [*ibid*. 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 [*ibid*. pp. 17-18].

¹⁵ *FAQ* page 5 column 1 (Why is/did FEMA / DHS...). *SNRA follow-up...* pdf section 6 (Small picture). *Substantiation...* pdf p. 10 note 75.

¹⁶ 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.

¹⁷ 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.

12/28/22: FEMA reports the correct pandemic numbers to the President and Congress (<https://www.hSDL.org/?view&did=873847> pp. 8-10), but the other factual issues remain (pp. 16, 25, 54-56 [*Substantiation...* pp. 17-18]).

Notes

1. The SNRA is still effectively locked up inside as well as outside FEMA. For me, the main obstacle to socializing it now is a pair of [valid] non-disclosure agreements which my unsuccessful attempts to fix these problems inside the system left me with. Although the who/what/why details [the protected content] of the FEMA-internal wrongdoing which is keeping this information locked up aren't essential context for someone on the outside to use it now, they are for someone inside FEMA, and I can't communicate that.^{23, 24}

2. A shorter version (*Detail (brief).pdf*) of this document which focuses more on context than justification is ~~attached at the top of the email, either this email or (for those of you who are getting this version at the top) the email attached to this one. For the former, this document is attached as supplemental content in the zipfile (Supporting files and context.zip / Other / Detail (full).pdf).~~

Other versions of this document
(*Detail (brief) v1/2/3.pdf*)
are at
https://5usc2302.github.io/risk/5_U.S.C._2302_justification/20220627-0926/

3. Additional notes that didn't fit anywhere else, or which are recent additions that are too long to include in a brief letter, are in the document *Additional notes.doc* in the attached zipfile.

4. 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 next (unless that's you, in which case I've already done so).

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

andrew.janca@fema.dhs.gov (internal recipients)

andrew.janca.2@outlook.com (external recipients)

¹⁸ FEMA internal orders 2/21/2017, 3/26/2019, 5/11/2021, *Supporting files and context.zip / Other / Restrictions.pdf* pp. 1-2. These are not the best example for a number of reasons – they're the orders on me personally which made the censorship explicit, after I had crossed the unspoken lines which internally enforce it; and they no longer apply to me directly since I changed jobs in March – but they're the part that I can directly substantiate without embarrassing anyone other than me. 2022

The impacted parts of the agency's current strategic plan (<https://www.hsdl.org/?abstract&did=861726>) are goals 2 (the context of the 9/14/2021 meeting referenced in *Substantiation...* pdf p. 11 note 83) with the partial exception of climate change, and 3 (the 'national capability targets' and readiness framework are real, but their claimed risk inputs are fictional, *ibid.* p. 18 note 141).

¹⁹ 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 18 above, *FAQ* p. 8 (*the small picture*), *SNRA follow-up...* pdf sections 3, 5, 6, *Substantiation...* pdf p. 18 note 149. 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 a highly technical product...*), *Substantiation...* pdf pp. 5-6, *SNRA follow-up...* pdf section 2, *Substantiation...* pdf p. 10 note 67.

²⁰ SNRA pp. 664-666. *FOIA appeal 2017...* pdf pp. 1-2, 9-11, appendix last two pages (*Information Quality Act*). *FAQ* p. 3 column 2 – p. 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.

²¹ I mean the solution paths, not the people who are part of them. Many people have tried very hard to solve these problems too, but they and their hard work hit the same obstacles in the end.

²² 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.

²³ These have the whistleblowing exceptions, and I've used them for exceptional situations. It's the routine communications that are essential for everyday work that they complicate to the point of being prohibitive.

²⁴ I have experienced no retaliation. This is one thing that often goes wrong in whistleblowing situations that, in my own experience, DHS, FEMA, and my management – in my entire time at DHS and DHS/FEMA – have done an absolutely outstanding job at doing everything right. I'm pointing this out here because it sounds like that's what I'm referring to, and it isn't.