

4 July 2020

FEMA Information Management Division  
Records Management/Disclosure Branch  
500 C Street, S.W., Mailstop 3172  
Washington, D.C. 20472-3172

Dear Madam or Sir:

This is a request for records under the Freedom of Information Act (FOIA).

I have copies of these records in my work capacity, but it is unclear whether I can share them with the media in my personal capacity. Some of them are Government originated records. Others are records that I created and sent to FEMA [which is why they are also agency records] in my personal capacity, but which may include work-internal information that would be inappropriate for me to share with large audiences without agency authorization.

In accordance with DHS regulations, I am requesting this information under FOIA to obtain agency authorization for unrestricted public distribution of these records in my personal capacity.<sup>1</sup>

### **Context**

The Strategic National Risk Assessment (SNRA) was designed to help Federal and community decision-makers prioritize and plan for the greatest risks to the Nation, with math, science, and evidence.

The former DHS Office of Risk Management & Analysis (RMA) created the SNRA for FEMA in 2011. FEMA updated the SNRA in 2015. FEMA's update removed the classification and other obstacles which had limited the 2011 version's circulation and wider use, and incorporated the peer and public scrutiny requirements of the Information Quality Act as its primary means for validation and accountability.<sup>2,3</sup>

FEMA has claimed the SNRA as the risk basis of the National Preparedness System since 2011.<sup>4,5</sup>

### **Requested records**

In the following, please redact all PII other than mine.

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<sup>1</sup> 6 CFR § 5.1(d).

<sup>2</sup> SNRA 2011 public summary (<https://www.dhs.gov/xlibrary/assets/rma-strategic-national-risk-assessment-ppd8.pdf>) footnote 2. Risk comparisons with CBRN attacks remain classified, but in the 2015 SNRA they are documented separately from its fully unclassified primary documentation (p. 6 below).

<sup>3</sup> SNRA 2015 instructions to contributors (previously released records referenced as [10.6]-[10.8] below). At <https://bd02.github.io/external/Released%20documentation/SNRA%202015%20Instructions%20to%20contributors.pdf>. Information Quality Act, <https://www.whitehouse.gov/omb/information-regulatory-affairs/information-policy/#IQ>, <https://www.dhs.gov/information-quality-standards>.

<sup>4</sup> U.S. Department of Homeland Security (2011, September). National Preparedness Goal, 1st edition (2011), pp. 3-4. At <https://www.fema.gov/pdf/prepared/npg.pdf>.

<sup>5</sup> U.S. Department of Homeland Security (2015, September). National Preparedness Goal, second edition, pp. 4-5. At <http://www.fema.gov/national-preparedness-goal>.

### National risk

1. Please provide the records corresponding to pages 000109 and 000130 of document 24-3, *Public Employees for Environmental Responsibility v. U.S. Department of Homeland Security* 1:18-cv-00158, D.D.C.<sup>6</sup>

### FOIA/IQA letters

Please provide the FOIA and Information Quality Act (IQA) request and appeal letters which I previously have sent you, excluding the attachments.<sup>7</sup>

2. **2017-FEFO-00165**, FOIA/IQA request for the unclassified documentation of the 2015 Strategic National Risk Assessment (SNRA). Request letter dated 11 October 2016, 18 pages.
3. **2018-FEAP-00004**, appeal for the same. Appeal letter dated 1 November 2017, 22 pages.
4. **2018-FEAP-00031**, appeal for the same. Appeal letter dated 24 September 2018, 24 pages. (Except for two new pages in front, this document duplicates [3].)
5. **2020-FEFO-00393**, for data to validate the 2015 SNRA's power loss mortality model. Request letter dated 18 February 2020, 9 pages.
6. **2020-FEFO-00401**, for the other information product that the agency references in 1:18-cv-00158,<sup>8</sup> and recent statements to Congress<sup>9</sup> and the press.<sup>10</sup> Request letter dated 18 February 2020, 6 pages.

These records are held by your office.

### E-mails with attachments

Please provide the following emails, including all attachments and recursively nested subattachments, except for the records marked in **purple** and prefaced with “[Not requested]” (these are either already public or duplicative of other requests).

7. **Email dated 20 March 2019 00:59 EST** from andrew.janca@fema.dhs.gov to FEMA Congressional Affairs and DHS Legislative Affairs, cc-ing my chain of command, your office, and others, subject line ‘**Unclassified Strategic National Risk Assessment (SNRA) to committee staffs 2019/03/20**’. Email text (body), and attachments:
  - 7.1. **Committee staffs 20190320 FEMA Form 13-1 Report of Congressional Contact.pdf**, file date 3/20/2019, 335 kb, one page.
  - 7.2. **Norton 20170217 FEMA Form 13-1 Report of Congressional Contact.pdf**, file date 3/15/2019,<sup>11</sup> 333 kb, one page.

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<sup>6</sup> At <https://www.courtlistener.com/docket/6284501/24/3/public-employees-for-environmental-responsibility-v-united-states/>.

<sup>7</sup> The attachments (which included only public documents) are at <https://bd02.github.io/external/FOIA%20correspondence%202017-FEFO-00165/SNRA%20FOIA%20letter%2C%20appeal%20refs.zip>.

<sup>8</sup> At <https://www.courtlistener.com/docket/6284501/28/1/public-employees-for-environmental-responsibility-v-united-states/>.

<sup>9</sup> Government Accountability Office (2020, May 4). National preparedness: Additional actions needed to address gaps in the Nation's emergency management capabilities, pp. 11-12, 28. At <https://www.gao.gov/assets/710/706612.pdf> (retrieved 9 May 2020).

<sup>10</sup> Frank, Thomas (2020, April 13). Warning on killer virus was preliminary – FEMA. *E&E News*: at <https://www.eenews.net/climatewire/stories/1062857757> (retrieved 25 April 2020).

<sup>11</sup> The date in this document's date block is the date of contact (2/17/2017) rather than the form date (3/20/2019).

7.3. **SNRA 20190320 Inside emails – text only.zip**, 67 kb.<sup>12</sup>

7.3.1. **Email dated 20 March 2019 00:28 EST** from [andrew.janca@fema.dhs.gov](mailto:andrew.janca@fema.dhs.gov) to the majority and minority staffs of the House Homeland Security, Science, Energy & Commerce, and Transportation & Infrastructure committees and the Senate Homeland Security & Governmental Affairs and Commerce & Science committees, subject line ‘**Documentation – 1/3 SNRA unclassified documentation**’, text-only email as forwarded (39 kb).

7.3.2. Email with same date, sender, recipients, filesize, subject line ‘**Documentation – 2/3 SNRA unclassified documentation**’ (39 kb).

7.3.3. Email with same date, sender, recipients, and filesize, subject line ‘**Documentation – 3/3 SNRA unclassified documentation**’ (38 kb).

7.4. **SNRA 20190320 Outside email 1 of 3.zip**, 6,436 kb. Email dated 20 March 2019 00:31 EST from [andrew.janca@outlook.com](mailto:andrew.janca@outlook.com) to the majority and minority staffs of the House Homeland Security, Science, Energy & Commerce, and Transportation & Infrastructure committees and the Senate Homeland Security & Governmental Affairs and Commerce & Science committees, subject line ‘**Strategic National Risk Assessment (SNRA) – 1/3**’. Email text (body), and attachments:

7.4.1. Cover letter (**Cover letter.docx**) dated 20 March 2019, 17 kb, 1 page.

7.4.2. **SNRA FOIA appeal (2018).pdf**, pdf file date 3/15/2019, 343 kb, 26 pages.<sup>13</sup>

7.4.3. **SNRA FAQ for Congress** (SNRA FAQ 20190319.docx) 19 March 2019, 101 kb, 7 pages. The first-page title is *SNRA – A partial FAQ – 2019/03/19*.

7.4.4. [Not requested] SNRA FOIA correspondence 2016-18.zip.<sup>14</sup>

7.4.5. [Not requested] SNRA FOIA letter, appeal refs.zip.<sup>15</sup>

7.4.6. [Not requested] PEER SNRA FOIA case to 20190301.zip.<sup>16</sup>

7.5. **SNRA 20190320 Outside email 2 of 3.zip**, 6,647 kb. Email with same date, sender, and recipients as above, subject line ‘**Strategic National Risk Assessment (SNRA) – 2/3**’. Email text (body) only.

7.5.1. [Not requested] Attachments.<sup>17</sup>

7.6. **SNRA 20190320 Outside email 3 of 3.zip**, 7,685 kb. Email text (body) only.

7.6.1. [Not requested] Attachments.<sup>18</sup>

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<sup>12</sup> The original attachments to these three emails as sent to Congress are requested in item [10] below.

<sup>13</sup> This record is identical to requested record [4], plus pp. 1-2 of [2], plus some additional annotations.

<sup>14</sup> This duplicates requested records [2] - [4] and the four public records in <https://bd02.github.io/external/FOIA%20correspondence%202017-FEFO-00165/SNRA%20FOIA%20correspondence%202016-18%20-%20FEMA.zip>.

<sup>15</sup> Public at <https://bd02.github.io/external/FOIA%20correspondence%202017-FEFO-00165/SNRA%20FOIA%20letter%2C%20appeal%20refs.zip>.

<sup>16</sup> Public at <https://www.courtlistener.com/docket/6284501/public-employees-for-environmental-responsibility-v-united-states/> (browseable) or <https://archive.org/details/gov.uscourts.dcd.192957> (single download).

<sup>17</sup> Public at <https://bd02.github.io/external/Released%20documentation/Originals%20OCRed/>.

<sup>18</sup> Ibid.

8. **Email dated 27 March 2019 00:11 EST** from andrew.janca@fema.dhs.gov to the same addressees and cc-ed as [7] above, subject line **'Resend to staffs – Re: Unclassified Strategic National Risk Assessment (SNRA) to committee staffs 2019/03/20'**. Email text (body), and attachments:

8.1. **Committee staffs 20190326 FEMA Form 13-1 Report of Congressional Contact...pdf**, file date 3/26/2019, 335 kb, one page.

8.2. **Email dated 26 March 2019 23:27 EST** from andrew.janca@fema.dhs.gov to the committee staff recipients of [7.4], cc-ing FEMA Congressional Affairs and DHS Legislative Affairs, subject line **'0 – Inventory – SNRA background, documentation re-send 2019/03/26'**. Email text (body) only (this email has no attachments).

9. **Email dated 2019/03/20 01:11 EST** from andrew.janca@fema.dhs.gov to National Preparedness Assessment Division (NPAD) acting director, cc-ing other NPAD management and NPAD's attorney, subject line **'FW: Unclassified Strategic National Risk Assessment (SNRA) to committee staffs 2019/03/20'**, providing the share drive folder where I had filed for their convenience copies of the records that I had sent to Congress. [Please provide the] email text (body) only, with the higher-level portions of its included share drive link redacted as appropriate.

9.1. [Not requested] Attachments (these duplicate request [7] above).

I also sent this email to my entire office (thirty people) in a very embarrassing iPhone accident on 2019/03/26 11:51 EST. I am *not* requesting that email, but am mentioning it in case the information is helpful in some way.

These records are held by Office of External Affairs, FEMA.

#### Strategic National Risk Assessment (SNRA)

10. Please provide the three records [10.3], [10.9], [10.10] of the unclassified SNRA records that I sent to Congress that are indicated in black ink below.<sup>19</sup> For clarity, the full set which I sent to Congressional staff in March 2019 are listed below in the same order that I've listed them in previous requests, with the records that I am and am not requesting today indicated by color. The three records in **black ink** are the ones I'm requesting today. The seven records in **purple ink** and prefaced with [Not requested] are the ones I am not requesting today.

The specific NPAD share drive folder where I had put them for my management (...\\SNRA\\SNRA 2015\\Documentation\\Congress [the full link is in requested record [9]]) no longer exists, but its contents are duplicated in its parent folder (...\\SNRA\\SNRA 2015\\Documentation).

10.1. [Not requested] SNRA 2015 Findings [Report], May 2015, 26 pages.

10.2. [Not requested] SNRA 2015 Technical Appendix, May 2015, 452 pages.

10.3. **SNRA 2015 Working Papers**, cover date May 2015, 153 pages. The title on the cover is *Strategic National Risk Assessment 2015: SNRA Working Papers, May 2015*.

10.4. [Not requested] PPD-8 Implementation Plan, May 2011 (released in full).<sup>20</sup>

10.5. [Not requested] SNRA 2011 Terms of Reference, June 2011, 2 or 3 pages depending on how it is PDFed.

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<sup>19</sup> Unauthorized disclosure of DHS information does not waive the Department's authority to assert FOIA exemptions. 6 CFR § 5.1(d).

<sup>20</sup> Public at <https://bd02.github.io/external/Released%20documentation/Originals%20OCRed/>.

10.6. [Not requested] SNRA 2015 Background and General Guidance, February 2015 (released in full).<sup>21</sup>

10.7. [Not requested] SNRA 2015 Qualitative Data Instructions, February 2015 (released in full).<sup>22</sup>

10.8. [Not requested] SNRA 2015 Risk Summary Sheet Instructions and Template, February 2015 (released in full).<sup>23</sup>

10.9. **White House edited version** of the SNRA Findings (WH version SNRA findings Nov 2015.pdf), cover date November 2015, pdf file date 10/4/2018, 26 pages, 460 kb unzipped. The title on the cover is *Strategic National Risk Assessment Summary of Findings, November 2015*. This record corresponds to record #9 in PEER's request and pages 000044-000069 in their release (1:18-cv-00158 document 24-3).

10.10. **SNRA 2015 Resource for Planners**, cover date July 2015, pdf file date 1/27/2019, 534 pages, 6.52 MB. The title on the cover is *Strategic National Risk Assessment Resource for Planners: Unclassified Findings and Consolidated Technical Appendices, Compilation 17 July 2015*.

These records are held by National Preparedness Directorate, FEMA.

### **Requested prioritization**

#### Thirty (30) working day prioritization request

Of the above request, please prioritize

- A. Requested records [1] (2 pages).
- B. Requested records [7.4] (zipfile 'SNRA 20190320 Outside email 1 of 3.zip' and contents).
- C. Requested records [10.3] (SNRA 2015 Working Papers, 153 pages) and [10.10] (SNRA 2015 Resource for Planners, 534 pages).

If you can provide these items in full without redactions (other than the PII in [7.4]) within the statutory thirty day extended response period, I agree to a voluntary extension of time of ninety (90) calendar days for the remainder without further permission from me. I understand that other requesters may prioritize their requests differently.

#### Twenty (20) working day prioritization request, if possible [less important]

If possible, within (C) above please prioritize the following SNRA analyses for a first interim 20 day response. This subset is less important than the overall 30 day prioritization request, so if it looks like it will be challenging to fulfill please disregard and focus on the latter.

- a) Resource for Planners ([10.10]):<sup>24</sup>
  - i. Human pandemic outbreak, 14 pages (16 pages in TA1).
  - ii. Physical attack on the power grid, 14 pages (16 pages in TA1).
  - iii. Space weather, 20 pages (24 pages in TA1).

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<sup>21</sup> Ibid.

<sup>22</sup> Ibid.

<sup>23</sup> Ibid.

<sup>24</sup> The Resource for Planners (requested record [10.10]) is the consolidated version of the [June 2015 SNRA Technical Appendix \(previously requested record \[10.2\]\)](#) which separated 2015-added content ("TA1" pp. 1-234) from original SNRA 2011 material ("TA2" pp. 235-end). The page counts are listed for both, in case it is helpful: they differ (especially for TA2) because of different formatting, but the content and approximate word count is the same. SNRA FAQ (requested record [7.4.3]) p. 7, *Why is the Technical Appendix divided between 2011 and 2015 content?*

- iv. Climate change (appendix O), 17 pages (18 pages in TA1).
  - v. Hurricane, 10 pages (4 pages in TA2).
  - vi. Tornado, 14 pages (5 pages in TA2).
  - vii. Wildfire, 6 pages (2 pages in TA2).
- b) Working Papers ([10.3]):
- i. Electric grid failure (natural/accidental), 6 pages.
  - ii. Migrant surge / mass migration, 20 pages.

### **Exemptions**

For documents with non-releasable information, please provide all segregable, nonexempt information.

The only exempt material in the records is personally identifiable information [PII], other than mine, in a) each of the email text/body records; b) the three FEMA forms 13-1 (reports of Congressional contact), requested records [7.1], [7.2], and [8.1]; and c) potentially some small portions of requested record [6], which (if any) will all be segregable.

There are no exemption 5 issues.

There are no security issues, for the reasons given on p. 2 of requested record [2], repeated below.

### **Security exemptions (exemptions 1, 3)**

There should be little, if any, sensitive information in these documents. I am not requesting any of the classified portions of the SNRA. The requested records contain no FOUO, SSI, PCII, LES, proprietary, or other confidential information other than the privacy sensitive information described above.

For the data and analysis presented in the unclassified supporting documentation of the 2015 SNRA, FEMA intentionally used unclassified information to the maximum extent possible to ensure that the findings based upon them could be disseminated to a wide stakeholder audience.<sup>25</sup> This included

- 1) Removing anything not shareable with the public from the existing unclassified documentation,<sup>26</sup> and
- 2) Restricting all new content to material that was “born unclassified” – information that was
  - a. Already in the public domain,
  - b. At a comparable level of both detail and aggregation to the SNRA, and
  - c. Made public by proper authority.<sup>27</sup>

<sup>25</sup> SNRA 2015 Update and General Guidance (previously delivered record [10.6]) pp. 1, 3; OMB (2002) 8460 V.3.b.ii.B.i, ii incorporated at previously delivered record [10.8] p. 3; [10.8] p. 9 fourth bullet. Office of Management and Budget (2002, February 22). Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by Federal Agencies; Notice; Republication. *Federal Register* 67(36) 8452-8460; at <https://www.govinfo.gov/content/pkg/FR-2002-02-22/pdf/R2-59.pdf> (current).

<sup>26</sup> SNRA 2015 Technical Appendix (previously requested record [10.2] [not requested today]) unmarked page 237 (“Unclassified Documentation of Findings”, page 000352 1:18-cv-00158 document 24-3) first paragraph and note 1.

<sup>27</sup> The primary sources for the unclassified terrorism analysis in the requested unclassified documentation include:

- The public FBI annual statistical reviews of terrorism in the U.S. for general public audiences (<https://www.fbi.gov/stats-services/publications>)
- Public FBI historical bombing data (DOJ/BJs *Sourcebook of Criminal Justice Statistics*) from the public pages of the FEMA-funded Homeland Security Digital Library (<https://www.hsdl.org/?view&did=462687>)
- The public DHS biological, chemical, radiological, nuclear, and explosive attack fact sheets for individuals and families at Ready.gov (<https://www.ready.gov/prepare-for-emergencies>, individual hazard pages, Resources)

## **Public and agency interest**

A government employee may petition his own agency if 1) it is in the public interest, 2) it is consistent with law and policy, and 3) the public interest outweighs any negative impact to the agency's interest.<sup>28</sup>

### **Public interest**

Release of records [1] is in the public interest because the harms of this risk assessment's suppression will not be corrected until the public can see how it has harmed them.

Release of records [2]-[4] and [7]-[9] is in the public interest because the problems described on pp. 1-2 of requested record [3] have not been resolved.

Release of record [5] is in the public interest for the reasons discussed on p. 12 of requested record [3] and the section "Why does a highly technical product need outside critics?" on p. 4 of requested record [7.4.3]. While the accuracy of this model's projections for Maria was unknown at the time, we know it now, and it will be very relevant this disaster season. FEMA does not have the capability to validate or effectively use this risk information if it stays locked up inside the agency. The outside experts and emergency managers who were supposed to have gotten this information five years ago need it now.

Release of record [6] is in the public interest because FEMA is not above the law.

The reasons why release of records [10.3] and [10.10] is in the public interest are discussed in the text of records [2], [3], [4], and [7], and validated on the charts of records [1] and [5].

Release of requested record [10.9] is in the public interest because it evidences that when it comes to respecting science and its rules, neither party has a monopoly on virtue.<sup>29</sup> Our national risk assessment has to belong to everybody: the combination of this record and record [1] show why that is so important.

This FOIA request is in the public interest because it requests these records.

### **Law and guidance**

This request is consistent with law and guidance because it follows the procedure for DHS employees required by 6 CFR § 5.1(d).

Sharing this FOIA request letter with the public is lawful because the information it communicates is limited to the scope of 5 U.S.C. § 2302(8)(A).

### **Agency interest**

This request is in the agency's interest for the reasons described on pages 12, 34, 49, and 52 of FEMA publication 1, November 2019.

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- Public historical data of attacks on electric facilities from the Department of Energy's public summaries of industry OE-417 Electric Disturbance Reports ([https://www.oe.netl.doe.gov/OE417\\_annual\\_summary.aspx](https://www.oe.netl.doe.gov/OE417_annual_summary.aspx))

Each of these primary sources is published and maintained by the U.S. Government for the purpose of public information.

Secondary sources include public press reports, public peer-reviewed studies, public insurance industry studies, and the public DHS-funded START Global Terrorism Database (<https://www.start.umd.edu/gtd/>).

<sup>28</sup> *Borough of Duryea, Pennsylvania, et al. v. Guarnieri*, 564 U.S. 379 (2011).

<sup>29</sup> Record [7.4.3] pp. 2 (*How this happened*), 5 (*Why didn't FEMA get the SNRA out a long time ago?*), 7 (*What are the 'White House findings'?*).



## **Handling**

I am an individual seeking information for personal use, and not for a commercial use. I am making this request because the agency has not resolved the problems described on pages 1-2 of record [3] and page 5 of record [6], and they are harmful to our employers and the efficiency of the service. I have been unable to solve them with the tools that are available to me inside the Government. The requested information will help stakeholders outside the Government do so.

I request a waiver of fees for this request because it is in the public interest. If you deny this waiver, then please go ahead and process the request without the waiver in order to not delay things further.

- If so, please supply the records without informing me of the cost if the fees do not exceed \$1,000, which I agree to pay. If additional fees are necessary, please let me know in advance of fulfilling my request.

I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you,

A handwritten signature in blue ink that reads "Andrew Janca". The signature is fluid and cursive, with the first name "Andrew" and last name "Janca" clearly legible.

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