



# Disaster Planning and Liability Management for Municipalities

*An alliance between Pillsbury, LMI Government Consulting and The American Red Cross in Greater New York*

**LMI**



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*Municipalities are accountable for managing a wide range of risks, including those that have the potential to cause serious and sustained disruption to massive numbers of people, and local and regional operations. While most municipalities have invested in broad-based continuity plans to address such risks, few have measured these plans against legal constraints and potential liabilities.*

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Most municipalities have not adequately considered legal constraints and liability management as part of their contingency planning for specific disaster events, thereby exposing themselves to potential litigation and financial loss.

President Obama's National Infrastructure Advisory Council (NIAC) recently reported that, with very few exceptions, states, localities and federal agencies have failed to apply "a systematic effort to identify and catalog or describe their own statutory, regulatory and policy impediments to recovery during a major disaster."

## Our Services

The Pillsbury-LMI-Red Cross alliance has developed a customized proprietary methodology that effectively assesses disaster-related legal constraints and liability exposure and enables crisis management and business continuity plans to be properly aligned with liability management objectives.

We have combined our respective experience in legal and operational risk management to jointly offer the first Disaster Planning & Liability Management (DPLM) services to the market. Our DPLM methodology helps clients understand the nature and scope of their exposure to disaster-related liability—proactively assessing this risk, developing legal and operational strategies to manage it, and implementing required changes to an organization's crisis management and business continuity plans.

While this is a new combined service offering, our joint DPLM delivery approach is based on legal and operational planning methodologies that have already delivered risk mitigation to clients in both the public and private sectors.

Our combined services include:

## Legal

- Identification of relevant scenarios
  - Hurricanes, earthquakes and other natural disasters
  - Swine flu, pandemics, anthrax and other biological attacks
  - Large-scale conventional explosive attacks
  - Nuclear accidents, dirty bombs and other radiological events
- Analysis of a municipality's potential legal constraints and liability exposures for the responses contemplated in the event of such scenarios
- Enhancements to operational strategy and contingency planning
- Modification of a municipality's crisis management and business continuity plans to assure legal compliance and minimize potential liability

## Operational Considerations

### Pre-Event Planning

- Threat avoidance
- Operational recovery
- Succession planning
- Resource stockpiling
- Insurance
- Training
- Testing

### Post-Event Planning

- Life safety
- Sheltering
- Containment and clean-up
- Damage assessment
- Crisis communication
- Mobilization
- Interim/manual operations
- Operational recovery
- Return home

## Our experience

Pillsbury has partnered for two years with the City of New York, through its Office of Emergency Management and Corporation Counsel's office, to perform a comprehensive assessment of the legal issues New York City could face in responding to a major disaster. The NIAC now "advocates widespread application of (this) approach used by the City of New York." We systematically analyzed the City's plans for responding to major disasters, ensuring that the City had the authority needed to protect its residents and visitors in the event of a disaster and minimizing its potential future liability.

Pillsbury's work for the City of New York has included:

- Reviewing the City's emergency plans against relevant federal, state and local law to ensure adequate legal authority for all operational plans
- Examining NYC's potential liability for:
  - Public communications
  - The taking and use of private property
  - Regulatory non-compliance
  - Any discriminatory impact of acts or omissions
- The specific issues examined included:
  - Evacuation
  - Sheltering
  - Quarantine
  - Inoculation/prophylaxis administration
  - Emergency medical treatment
  - Contamination and cleanup
  - Private property use
  - Debris removal
  - Contracting
  - Worker protection
  - Federal/state/local jurisdictional issues

**LMI** has both advised public sector agencies in planning and logistics and addressed a wide range of emergency response and crisis management issues since the company's inception in 1961. LMI has extensive expertise in emergency preparedness and response planning at many levels:

- Military readiness and operational planning and assessment, including humanitarian missions, both domestic and international
- Nine years as the CDC's primary strategic advisor for creating, distributing, and using the Strategic National Stockpile for chemical/biological and pandemic disease response
- Post-anthrax emergency response planning for the U.S. Postal Service
- Creating and designing the interfaces for a National Veterinary Stockpile in the USDA to respond to catastrophic disease outbreaks in the livestock population
- Primary advisor to the Department of Defense on its planning under HSPD-21, Biodefense for the 21st Century
- Primary planner for the Federal Medical Station, a 250-bed, nationally deployable medical set for extending communities' sub-acute care capacity
- Global response planning for avian and pandemic influenza outbreaks in other countries
- NYC Office of Emergency Management
  - Developed a shelter system stockpile plan for the NYC Coastal Storm Plan
  - Analyzed materiel needed to shelter up to 600,000 evacuees (and pets and created the acquisition and distribution strategies for that materiel (including returns)
  - Assessed private sector capabilities to support the City's needs
  - Assisted in the selection and startup of contract support

## About the alliance partners

**LMI** is a not-for-profit strategic consultancy with more than 750 researchers and consultants providing world-class logistics expertise, free of commercial or political bias and dedicated to our mission of advancing government management. We offer civil agency and defense managers capabilities in six mission areas: acquisition, facilities and asset management, financial management, information and technology, logistics, and organizations and human capital.

**The American Red Cross in Greater New York** is a humanitarian organization, led by volunteers, that has been providing companies, organizations and employees the knowledge, skills and tools to meet emergencies competently and confidently for over 100 years.

**Pillsbury** is a full-service law firm with a presence in the world's major financial and technology centers. Pillsbury counsels clients on all aspects of global business and litigation. We work in multidisciplinary teams that allow us to anticipate trends and bring a 360-degree perspective to complex business and legal issues—helping clients to take greater advantage of new opportunities and better mitigate risk.

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