

Recommended PA Title 55 Improvements





Presented to
Governor Rendell's
Administration

May 26, 2004



To protect newborns, toddlers and preschoolers in the event of a natural disaster, terrorist threat or any other safety hazards posed, Pennsylvania issued Statement of Policy Title 55 through the Department of Public Welfare.

Title 55 requires that each day care center have an emergency plan in place by June 24, 2004.



Instructions and requirements for Title 55 are organized into several guides and supporting documents.

These documents include:

- Day Care Facilities Planning Guide
- DPW Day Care Basic Plan
- DPW Day Care Checklists II
- DPW Day Care Part III



In addition to PA Title 55, FEMA and the NRC have “special” protective action requirements for all school children, day care centers and nursery schools located in established Emergency Planning Zones (EPZ’s) near nuclear power stations.

Here is some basic background these licensing requirements. (NUREG-0654R1 FEMA-REP-1 and GM EV-2).

“Since 1980, each utility that owns a commercial nuclear power plant in the United States is required to have an offsite emergency response plan as a condition of maintaining a license to operate that plant.”



Plans to implement protective measures shall include:

Means for protecting those persons whose mobility may be impaired due to such factors as institutional or other confinement;

For purpose of definition and reference to NUREG-0654/FEMA-REP-1, we are including “schools” among the types of institutions, the mobility of whose population may be impaired during a radiological emergency.

The term, - “schools” as used in this GM refers to all public and private schools, licensed and/or government supported preschools and day-care centers.



Planning of both the public and private schools should be closely coordinated with that of the local government.

Local governments should ensure that appropriate officials assume responsibility for the emergency planning and preparedness for all of the identified schools.

The following should be included in the plan:

1. Identification of organization and officials responsible for both planning and effecting the protective action.
2. Name and location of each school; Type of school and age grouping;



3. Total population (students, faculty and other employees);
4. Means of effecting protective action;
5. Specific resources allocated for transportation and supporting letters of agreement if resources are provided from external sources;
6. Relocation centers established at least 5 miles, and preferably 10 miles, beyond the 10 mile EPZ.
7. Name and location of relocation centers, and transport routes if applicable.
8. Time frames for effecting the protective actions.



9. Means for alerting and notifying appropriate persons and groups associated with the schools and students including;
 - a) Identification of the organization responsible for providing emergency information to the schools;
 - b) The method (e.g., siren and telephone calls) for contacting and providing emergency information on recommended protective actions to school officials;
 - c) The method (e.g., siren, tone alert radios and telephone calls) for contacting and activating designated dispatchers and school bus drivers;
 - d) The method (e.g., EBS messages) for notifying parents and guardians of the status and location of their children.



Gaps & Weaknesses In Title 55



1. Due to Title 55's release by the Department of Public Welfare (DPW), nursery schools may have been left out of Title 55 planning requirements

We contacted the administrative staffs of DPW and the Department of Education regarding nursery school emergency planning requirements.

DPW stated that Title 55 did not apply to nursery schools because they do not regulate nursery schools - the Department of Education does.



2. Title 55 gives no authority to child care facilities to require assistance in planning from EMS officials, transportation providers, relocation centers, etc.

County EMS planners have told schools they must **build their own network** of volunteers **and fill in the blanks** for all the transportation, notification, sheltering, etc.

Child care facilities cannot require assistance in getting cooperation. They must rely on their charms and people skills to get help.

More assistance needs to come from the EMS community.



3. No emergency notification by County EMS officials to child care facilities.

EMS officials will notify all public schools during an emergency and provide follow up recommendation and guidance. This EMS notification and guidance is not available to child care facilities.

Centers are being told by local EMS that they could not contact all the child care facilities. The EMS official recommended that they contact the public schools and ask if the public schools, once notified, could call their facility.

The public school officials have been refusing this request for notification assistance.



Notification is a stated requirement of FEMA Regulation GM EV-2.

“The method (e.g., siren and telephone calls) for contacting and providing emergency information on recommended protective actions to school officials”



4. Title 55 gives no stated requirements for any minimum distance the relocation centers are outside of the EPZ if the emergency is nuclear facility related.

This is also a stated requirement of FEMA Regulation GM EV-2.

“School children and other special population evacuees should be relocated **at least 5 miles, and preferable 10 miles, outside the EPZ** in pre-designated relocation facilities.”



5. Road access for child care facilities will be blocked by EMS officials during an emergency radiological evacuation. This is to insure all traffic is moving outbound only from the EPZ.

Key roads will be shut down to give priority to public school buses during an evacuation. This will create a dangerous road block situation for child care facilities.

“It will be best if you can provide transportation for all of your children and staff. Consider asking neighbors and parents if they may be available or willing to help. As a last resort, the municipal emergency management agency may be able to help, **but it won't be able to guarantee that you will remain in one group, thus complicating your accountability problems.**”

page 11 / bullet 6: Day Car Facilities Emergency Planning Guide PEMA



6. Title 55 has no stated requirements for child identification card systems.

Most children under the age of three have no effective means of communicating their parents' names, home address or phone number.

Ask any two-year old what their parent's names are. Most will say... "Mommy or Daddy".

ID cards with fingerprinting need to be a requirement of Title 55.

"the municipal emergency management agency may be able to help, but it won't be able to guarantee that you will remain in one group, thus complicating your accountability problems."



7. Title 55 has no stated requirements for child safety seats for infants and newborns during an emergency relocation.

Newborns and infants can't simply be placed on a bus seat. **They can fall off and become injured or killed.**

Child safety seats are the only safe way to transport infants and newborn children due to the fragile nature of their heads, necks and spines.

One official stated that: "requiring child safety seats during an emergency just wasn't realistic. **We would use anything needed, even if they have to use bailing wire to strap kids down during an evacuation.**"

A blue-tinted photograph of three people in a meeting. The text is overlaid on the image.

**State Compliance with Codes of
Federal Regulations regarding
emergency planning for special
populations located in Radiological
Emergency Planning Zones**



December 1979, due to the accident at Three Mile Island nuclear power facility, President Carter directed FEMA to implement radiological emergency response plans for all populations located near operating nuclear power stations under executive order 12148.

Since then, each utility that owns a commercial nuclear power plant in the United States is required to have an off site emergency response plan, that offers reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency, as a condition of maintaining a license to operate that plant.



These requirements are outlined in the following “Code of Federal Regulations (CFR’s)”:

10 CFR 50.47; and
10 CFR 50.54; and
10 CFR Part 50 Appendix E.

Under the mandate of these “CFR’s” are planning criteria developed as “Guidance Documents” including:

NUREG0654r1/FEMA REP-1 “Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Power Plants; and

FEMA-REP-14 “Radiological Emergency Preparedness Exercise Manual”; and

FEMA GM 24 “Radiological Emergency Preparedness for Handicapped Persons”

Under these “Guidance Documents” are “General Memorandums (GM’s)” that further clarify specific definitions and requirements of these “CFR’s” and “Guidance Documents” including:

GM EV-2 “Protective Actions for School Children”



Combined, these listed documents create the Federal regulations which state that these CFR's are requirements as a condition to own and operate a nuclear power station.

For purpose of definition and reference to NUREG-0654/FEMA-REP-1, GM EV-2 includes "schools" among the types of institutions, the mobility of whose population may be impaired during a radiological emergency.

The term, - "schools" as defined in GM EV-2 refers to all public and private preschools, nursery schools, and day care centers with 10 or more students. As well as all public and private kindergarten thru 12th grade (K-12) students.

Also included in these "special populations" are nursing homes, group homes for mentally impaired and correctional facilities.



As stated in GM EV-2: “Local governments shall ensure that appropriate officials assume responsibility for the emergency planning and preparedness for all of the identified schools”.

According to these CFR’s, the plans shall, at a minimum:

- Identify the population of such facilities;
- Determine and provide protective actions for these populations;
- Establish and maintain notification methods for these facilities; and
- determine and provide for transportation and relocations



Title 55 is not compliant with these Codes of Federal Regulations because it requires day care centers and nursery schools, not State and local government emergency, to be responsible for all radiological emergency preparedness planning.

These CFR's state that it is the responsibility of the State and local governments, not the child care facilities, to insure the public is protected in the event of a radiological emergency.

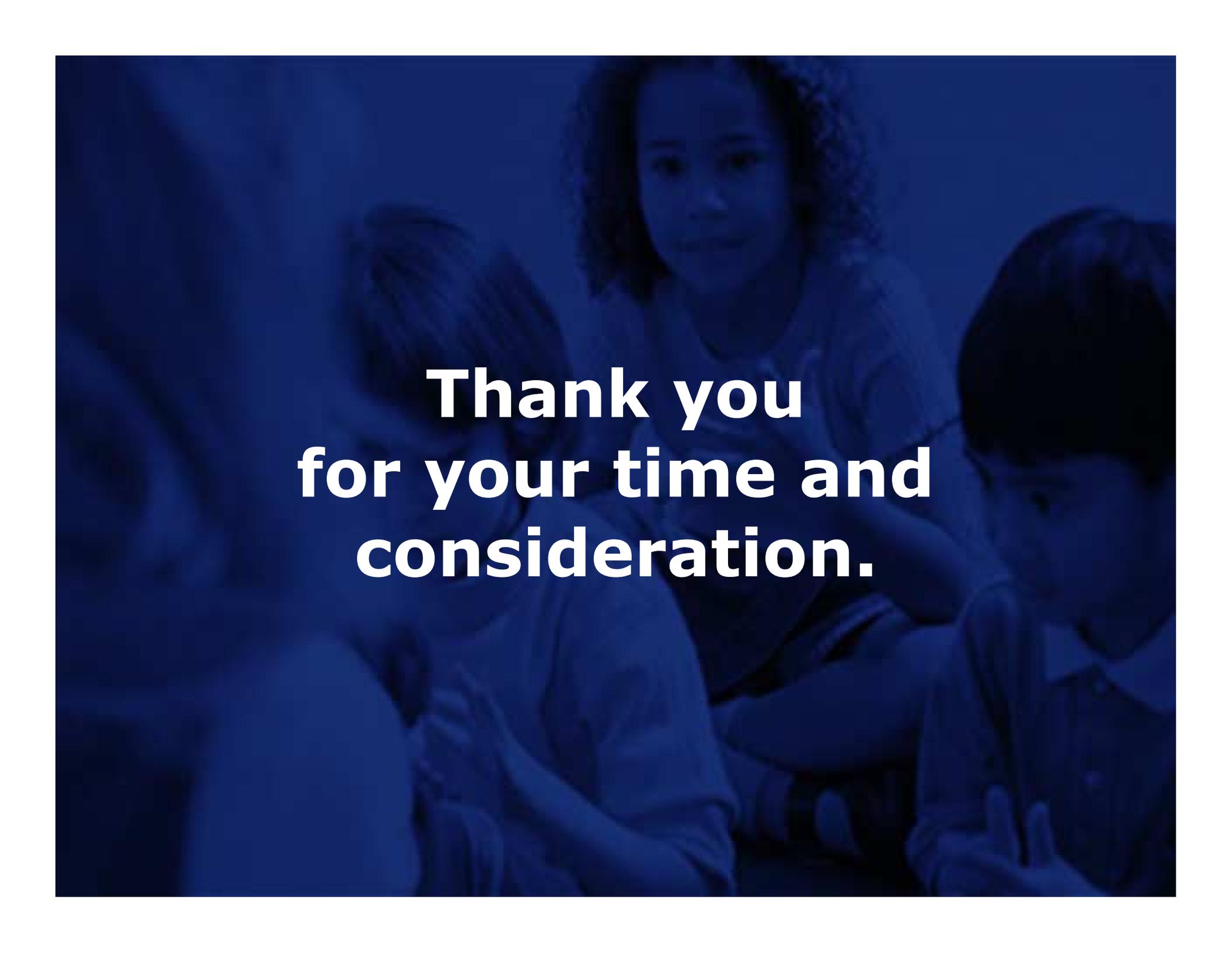


It must also be noted that the general population is not broken up into sectors that are not required to be covered because they belong to the “private sectors”.

According to the CFR’s adequate protective measures must be provided to all populations located in near nuclear power stations and no distinction is made in these CFR’s between public and private for neither is deserving of less planning than the other.



As outlined in 10 CFR 50.54 (Condition of Licenses Section ii), these CFR's are enforceable by loss of license for the operating nuclear power stations, who's facilities are not properly planned for, within 4 months of determined non-compliance.

A blue-tinted photograph of three people in a meeting. A woman with curly hair is in the center, looking towards the right. A man with glasses is on the right, looking down. A woman with long hair is on the left, looking towards the center. The text "Thank you for your time and consideration." is overlaid in white, bold, sans-serif font in the center of the image.

**Thank you
for your time and
consideration.**