

Radiation Legal Preparedness: Educational Facilities



Overview

As the use of radiation has increased in the 21st century, so has the potential for a national radiological incident requiring a public health response. On any given day, educational institutions in the United States house more than 60 million students, faculty, and staff. Furthermore, approximately 47,000 nurses are employed by educational facilities in the United States, representing a workforce that can be leveraged in public health emergencies, including radiation. Public health law is an emerging discipline, and educational facilities and public health officials have many legal rights and responsibilities as they protect the health of their community during a radiological incident. However, the legal landscape in each jurisdiction of statutes and regulations of educational facilities necessary to support radiological response strategies and procedures has been largely unexamined. In an effort to enhance radiation legal preparedness, the National Association of County and City Health Officials (NACCHO) and the Centers for Disease Control and Prevention (CDC) plan to conduct activities over a five-year period (2013–2018) focusing on legal considerations for educational facilities from the onset of a radiation incident through long-term recovery.

NACCHO's radiation portfolio has grown over the last several years to include initiatives related to developing public sheltering guidance during radiation emergencies; examining the restriction of movement and decontamination of persons contaminated with radiological material; understanding regional public health and healthcare system response to an improvised nuclear device detonation; and serving as the "collective voice of health" in the National Alliance for Radiation Readiness (NARR).

Recognizing the myriad stakeholders that influence a radiological response, NACCHO has sought to develop, build, and sustain partnerships with relevant organizations in addition to NARR, such as the American Public Health Association (APHA), Association of State and Territorial Health Officials (ASTHO), Conference of Radiation Control Program Directors (CRCPD), Department of Health and Human Services

Year One 2013–2014 Considerations

Zero to Six Hours after Incident

- Lockdown protocols vs. public sheltering
- Messaging to the public
- Notification to parents
- Duty to employees, students, parents, and the public

Assistant Secretary of Preparedness and Response (HHS/ASPR), Federal Emergency Management Agency Chemical, Biological, Radiological, Nuclear, and Explosives (FEMA/CBRNE) Branch, National Environmental Health Association (NEHA), and Radiation Injury Treatment Network (RITN). These relationships are vitally important to NACCHO and to the broader understanding of the impact of radiological issues, preparedness, laws, and regulations on public health operations. NACCHO will continue to develop and sustain these relationships by frequently and proactively communicating, attending conferences, and participating in projects and initiatives.

Strategy for Year One 2013–2014

Year one activities focus on the legal considerations for educational facilities from onset to six hours after a radiation incident occurs. This detailed review of the immediate response to a radiation incident is the foundation for NACCHO's subsequent work to explore legal considerations for educational facilities in longer-term response and recovery phases.

The following page provides NACCHO's approach to year one of this project.



Examine how Radiation Incidents may Unfold at Educational Facilities

In the six hours after a radiation incident, officials at educational facilities will have to make several decisions regarding their response. NACCHO will engage its Public Health Law Workgroup, and create an ad-hoc sub-workgroup consisting of other key legal and subject matter experts, to consider the types of decisions officials would have to make in this timeframe. For instance, several schools have lockdown policies as a result of active shooter incidents but are also designated as public shelters during radiation incidents. Officials at educational facilities will need to make decisions that have legal implications on a tight deadline. NACCHO plans to draft a timeline depicting such potential decisions.



Determine Key Questions and Priorities to Discuss with Educational Facility and Community Stakeholders

Through legal research and consultation with radiation subject matter experts, NACCHO will identify key questions and priority areas. Potential areas include further understanding the implementation of lockdown protocols; public sheltering guidance; messaging to the public; notification to parents; and duty to school employees, students, parents, and the broader public.



Select Locations, Prepare Logistics, and Develop Content for Six Site Visits

NACCHO will conduct six site visits to educational facilities that responded to disasters. The site visits will occur in geographically different areas and at a variety of educational facilities (e.g., public schools, charter schools, private schools, universities, and colleges). While conducting site visits, NACCHO and CDC staff also will meet with key community stakeholders such as local public health officials, emergency management, EMS, and law enforcement.

In preparation for the site visits and to create a basis for discussion, NACCHO will compile detailed briefing books for all attendees, prepare an introductory presentation on the project, and develop a radiation tabletop exercise focusing on the legal issues. This tabletop exercise will allow key stakeholders at each site visit to consider the legal issues involved in responding to the same fictional radiation incident, given the same parameters and limitations. Additionally, NACCHO will work with its research and evaluation team to develop surveys and metrics to administer at each site visit. NACCHO will send a survey to the education facility prior to the site visit to gauge current practices and level of preparedness. At the end of the site visit, all key stakeholders that attended will be required to complete an evaluation.

NACCHO's Year One 2013–2014 activities include the following:

- Examining how radiation incidents unfold at educational facilities
- Determining key questions and priorities to discuss with educational facility and community stakeholders
- Selecting locations, prepared logistics, and developing content for six site visits to educational facilities
- Writing and disseminating a report to summarize analysis, key findings, and identified gaps regarding legal considerations based on the site visits

Future Work *(dependent on funding)*

- **Year 2:** Legal considerations six to 12 hours after an incident
- **Year 3:** Legal considerations 12 to 24 hours after an incident
- **Year 4:** Considerations 24 to 72 hours after an incident
- **Year 5:** Post-incident and long-term recovery effort considerations

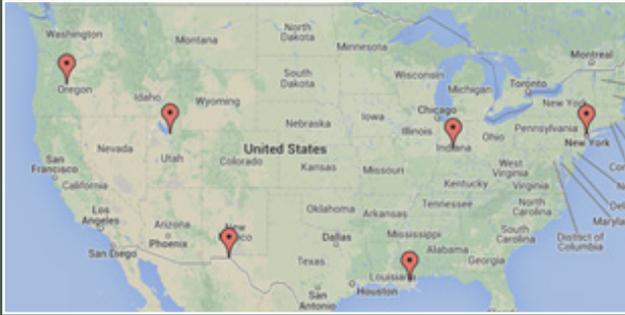
While NACCHO will provide information about the purpose of this project at each site visit, the primary goal of speaking with community members at the local level is to learn from the educational facility and other stakeholders about how they would respond, and what legal challenges they anticipate, in the first six hours after a radiation incident. NACCHO will design these site visits to allow adequate time for key stakeholders to discuss their intended approach to a radiation incident. Site visits will provide foundational knowledge concerning how educational facilities may approach a radiation incident and identify the key challenges and unanswered questions within the community's current plans.



Write and Disseminate Report to Summarize Analysis, Key Findings, and Identified Gaps Regarding Legal Considerations Based on the Site Visits

As a result of the meeting notes and evaluations from the six site visits, NACCHO will develop a summary of key findings. The report will include the six sites as case studies of how different educational facilities plan for radiation incidents. The summary will provide key findings in addition to similarities and differences found throughout the visits. Finally, the report will recommend how to improve planning at educational facilities in the first six hours after a radiation incident.

Selected Site Visit Locations



BEND, OR

Bend, the largest city in Central Oregon, has a population of 76,693 and represents a City Commission-Manager form of government, with three commissioners. The Bend-La Pine School District, located in Bend, contains 28 schools: 17 elementary schools, two K–8 schools, one charter (6–8) school, five middle schools, and five high schools. Bend has historically faced threats from wildfires, earthquakes, droughts, and tornadoes.

EL PASO, TX

El Paso has a population of nearly 700,000, making it the 19th most populous city in the United States. This border community faces a wide variety of issues, including communication challenges, wildfires, droughts, and a complex legal environment surrounding the daily influx of migrant workers from Mexico. In addition, this community is host to the Army's second largest military installation.

INDIANAPOLIS, IN

Indianapolis has a population of more than 800,000 and is the 13th largest city in the United States. In 2011, a stage at the Indiana State Fair collapsed, killing seven people and injuring 58 others. During 2012, nearly 80 children required emergency medical treatment after a chlorine leak occurred at a public swimming pool, thus causing major issues with parental notification and family reunification.

NEW ORLEANS, LA

The New Orleans metropolitan area has a population of nearly 1.2 million, including 343,829 individuals residing within city limits. In 2005, New Orleans experienced Hurricane Katrina, one of the worst natural disasters in American history, killing over 1,500 individuals. Because many buildings were used as shelters, and much of the city's infrastructure was destroyed, a site visit in New Orleans could uncover many applicable lessons for the legal considerations for educational facilities after a radiation incident. In addition, Louisiana is the only state in the United States to practice law rooted in French tradition, as opposed to the British common-law adopted by the other 49 states.

NEW YORK CITY, NY

New York City is the most populous city in the United States, with a Census-estimated population of more than 8.3 million. New York has endured many natural and man-made disasters over the past several years. In 2012, New York was impacted by Hurricane Sandy, a storm that is estimated to have cost New York over \$18 billion.

SALT LAKE CITY, UT

Salt Lake City has a mayor-council form of government, comprising the mayor and seven councillors. Due to high birth rates and large classrooms, Utah spends less per student than any other state yet simultaneously spends more per capita than any state with the exception of Alaska. However, financial solvency is often a challenge, and many school districts have set up foundations to raise money. Within city limits are 23 K–6 elementary schools, five 7–8 middle schools, three 9–12 high schools, an alternative high school, and many Catholic schools.

[FACT SHEET]

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Conclusion

In preparing educational facilities for a potential radiological incident, communities should assess the current statutes and regulations that impact and support their radiological response strategies and procedures. This project seeks to clarify legal considerations for educational facilities from the onset of a radiation incident through long-term recovery. As a result of such work, NACCHO and the CDC will identify best practices and key challenges regarding legal considerations for educational facilities preparing for, responding to, and recovering from radiation incidents.

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The mission of the National Association of County and City Health Officials (NACCHO) is to be a leader, partner, catalyst, and voice for local health departments.

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