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Management Assistance Report: Improvements Needed in Procedures for Emergency Action Planning at Selected Department of State Domestic Facilities

MANAGEMENT ASSISTANCE REPORT

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Summary of Review

The Bureau of Administration's Office of Emergency Management (OEM), in accordance with the Foreign Affairs Manual (FAM), administers the Department of State's (Department) Domestic Emergency Management Program.¹ The program helps ensure that the Department is prepared to respond to and recover from emergencies that impact its ability to accomplish its domestic mission.² Additionally, the program assists the Department's domestic facilities in developing several types of plans, including a facility emergency action plan (FEAP).³ FEAPs provide guidance to the domestic facility's occupants on evacuation or shelter-in-place procedures to prevent or minimize injury, loss of life, and property damage.⁴ Facilities are required to prepare the type of FEAP appropriate for the number of personnel in the facility. Specifically, Long FEAPs apply to facilities with 10 or more Department personnel, and Short FEAPs apply to facilities with fewer than 10 Department personnel. The Long FEAP requires extensive information, while the Short FEAP includes only points of contact and information about the facility occupants.⁵

During an audit of domestic emergency action plans, which is currently underway, the Office of Inspector General (OIG) found that 8 (6 percent) of 133 domestic facilities used by the Department as of October 2021 did not have a FEAP. This deficiency occurred, in part, because OEM did not have formal, documented standard operating procedures to identify facilities that require a FEAP. When OIG brought this deficiency to the attention of management, OEM took prompt action. Specifically, five of the eight facilities have since developed a FEAP, and three facilities, as of January 2022, were working to finalize their FEAPs. Because FEAPs provide guidance to a facility's occupants to prevent or minimize injury, loss of life, and property damage,⁶ Department personnel working at these eight facilities were at increased risk in the event of an emergency without the guidance provided by a FEAP. It is therefore imperative that OEM develop and implement formal, documented standard operating procedures to identify facilities that require a FEAP to help ensure that this deficiency does not reoccur.

In addition, OIG found that 4 (22 percent) of 18 facilities with Short FEAPs housed 10 or more Department personnel and therefore should have had Long FEAPs. One reason for this deficiency is that OEM's annual facility personnel count verification process did not trigger the need for a Long FEAP in accordance with OEM guidance. As a result, the four facilities with Short FEAPs rather than Long FEAPs did not have the required amount of documented information meant to guide Department personnel through specific actions and responses during emergencies.

¹ 6 FAM 417, "Program Administration."

² 6 FAM 411(a), "Purpose."

³ 6 FAM 418.1, "Domestic Emergency Action Plans."

⁴ 6 FAM 418.1(3).

⁵ The Bureau of Administration, Office of Emergency Management, Policy and Planning Division's FEAP Standard Operating Procedures, October 2021, 3 and FEAP template.

⁶ 6 FAM 418.1(3).

OIG made nine recommendations that are intended to address the deficiencies identified in this report. On the basis of OEM's response to a draft of this report, OIG considers seven recommendations implemented and closed, one recommendation resolved pending further action, and one recommendation involving the personnel verification process unresolved. Both open recommendations will be monitored for implementation during the audit compliance process. A synopsis of OEM's responses to the recommendations offered and OIG's reply follow each recommendation in the Results section of this report. OEM's response to a draft of this report is included in its entirety in Appendix A.

BACKGROUND

The Office of Emergency Management and the Domestic Emergency Management Program

OEM, within the Bureau of Administration, administers the Department's Domestic Emergency Management Program, which helps ensure that the Department is prepared to respond to and recover from emergencies that impact its ability to accomplish its domestic mission.⁷ Federal regulations require that every facility have an Occupant Emergency Plan.⁸ The Department's version of an Occupant Emergency Plan is the FEAP. The Domestic Emergency Management Program assists the Department's domestic facilities in developing several types of plans, including a FEAP. FEAPs guide domestic facility occupants in carrying out evacuation or shelter-in-place procedures designed to prevent or minimize injury, loss of life, and property damage.⁹

Department Emergency Action Plan Requirements for Domestic Facilities

Facilities are required to prepare the type of FEAP that is appropriate based on the number of personnel at the facility. Long FEAPs apply to facilities with 10 or more Department personnel, and Short FEAPs apply to facilities with fewer than 10 Department personnel. Long FEAPs "require an extensive amount of information provided from the facility and a Designated Official,"¹⁰ who is generally the highest-ranking official of the primary occupant agency of a Federal facility.¹¹ Information maintained in a FEAP includes an outline of procedures and response actions during emergencies and a list of critical staff at the facility (e.g., Floor Wardens and Assembly Point Coordinators), shelter-in-place locations, evacuation routes, designated assembly points, and accountability procedures. A Short FEAP includes only the name of the

⁷ 6 FAM 411(a).

⁸ 41 Code of Federal Regulations § 102-74.230.

⁹ 6 FAM 418.1(3).

¹⁰ The Bureau of Administration, Office of Emergency Management, Policy and Planning Division's FEAP Standard Operating Procedures, October 2021, at 3.

¹¹ 41 Code of Federal Regulations § 102-71.20. In facilities where the Department is the primary occupant agency, the Designated Official is responsible for developing and maintaining the FEAP. In multi-tenant facilities where the Department is not the primary occupant agency, the senior Department employee on-site is responsible for the FEAP.

senior Department official and Facility Security Committee members as well as information about the Department's occupants on each floor of the facility.

Standards for Internal Control in the Federal Government

An effective internal control system helps an entity adapt to shifting environments, evolving demands, changing risks, and new priorities. The five components of internal control (Control Environment, Risk Assessment, Control Activities, Information and Communication, and Monitoring) must be effectively designed, implemented, and operating and operating together in an integrated manner for an internal control system to be effective.¹²

For this report, OIG identified two integral components of internal control that were the most relevant as follows:

- Control Activities—The actions management establishes through policies and procedures to achieve objectives and respond to risks in the internal control system, which includes the entity's information system.
- Information and Communication—The quality information management and personnel communicate and use to support the internal control system.

Purpose of the Management Assistance Report

This Management Assistance Report is intended to communicate early the deficiencies that OIG identified during an audit of domestic emergency action plans, which is currently underway. The objective of the audit is to determine whether the Department is prepared to respond to and recover from foreseeable emergencies at selected domestic facilities. OIG is reporting the deficiencies discussed in this Management Assistance Report in accordance with generally accepted government auditing standards. In performing the work related to this report, OIG interviewed OEM and Office of Real Property Management (RPM) officials and reviewed applicable criteria, FEAP documentation, and RPM domestic property records. OIG believes that the evidence obtained pertaining to the deficiencies identified provides a reasonable basis for the conclusions presented in this report.

RESULTS

Finding A: Eight Domestic Facilities Did Not Have a Facility Emergency Action Plan as Required

OIG found that 8 (6 percent) of 133 domestic facilities used by the Department as of October 5, 2021, did not have a FEAP. This deficiency occurred, in part, because OEM did not have formal, documented standard operating procedures to identify facilities that require a FEAP. Having a FEAP is important because it guides facility occupants through specific actions and responses

¹² The Government Accountability Office, *Standards for Internal Control in the Federal Government* (GAO-14-704G, September 2014).

during emergencies.¹³ When OIG brought this deficiency to the attention of management, OEM took prompt action. Specifically, five of the eight facilities have since developed a FEAP, and three facilities, as of January 2022, continued to work to finalize their FEAPs. Nevertheless, because FEAPs provide guidance to the domestic facility's occupants on evacuation or shelter-in-place procedures to prevent or minimize injury, loss of life, and property damage,¹⁴ Department personnel working at these facilities were at increased risk in the event of an emergency without the guidance provided by a FEAP.

FEAP Requirements

According to OEM guidance, Long FEAPs are required for facilities with 10 or more Department employees,¹⁵ and Short FEAPs are required for facilities with fewer than 10 Department employees.¹⁶ OIG compared the Department's official list of domestic properties¹⁷ to OEM's list of facilities with FEAPs and confirmed with OEM that 8 (6 percent) of 133 facilities did not have the required FEAP. Table 1 provides information on the facilities that did not have a FEAP as of October 5, 2021.

Table 1: Facilities That Did Not Have a FEAP as of October 5, 2021

Facility	State	Department Personnel*	FEAP Status
State Annex (SA)-22	District of Columbia	256	OEM officials stated that they identified SA-22 as needing a FEAP in June 2021 during an emergency preparedness project. OEM officials worked with a liaison at the facility to develop a Long FEAP, which OEM approved on December 14, 2021.
SA-45	District of Columbia	20	OEM officials confirmed that, as of November 2021, this facility housed 21 Department employees. As a result of OIG's audit, OEM officials began to work with a liaison at the facility to develop a Long FEAP.
SA-12	Virginia	16	OEM officials confirmed that, as of November 2021, this facility housed three Department employees. As a result of OIG's audit, OEM officials worked with a liaison at the facility to develop a Short FEAP, which OEM approved on November 29, 2021.

¹³ The Bureau of Administration, Office of Emergency Management, Policy and Planning Division's FEAP Standard Operating Procedures, October 2021, at 4.

¹⁴ 6 FAM 418.1(3).

¹⁵ The Bureau of Administration, Office of Emergency Management, Policy and Planning Division's FEAP Standard Operating Procedures, October 2021, at 4.

¹⁶ Ibid.

¹⁷ RPM's list of domestic properties includes the total number of personnel present at each facility based on data from a Department application known as my Profile that collects employee data, including work location, directly from Department employees. The application prompts Department personnel to update their information every 90 days.

Facility	State	Department Personnel*	FEAP Status
Miami International Airport	Florida	15	OEM officials confirmed that, as of November 2021, this facility housed 16 Department officials. As a result of OIG's audit, OEM officials began to work with a liaison at the facility to develop a Long FEAP.
SeaTac Building	Washington	6	OEM officials confirmed that the facility qualified for a Short FEAP. As a result of OIG's audit, OEM officials worked with a liaison at the facility to develop a Short FEAP, which OEM approved on December 17, 2021.
Jacob Javits Federal Building	New York	8	OEM officials confirmed that the facility qualified for a Short FEAP. As a result of OIG's audit, OEM officials worked with a liaison at the facility to develop a Short FEAP, which OEM approved on December 17, 2021.
Hot Springs Post	Arkansas	7	OEM officials confirmed that the facility qualified for a Short FEAP. As a result of OIG's audit, OEM officials worked with a liaison at the facility to develop a Short FEAP, which OEM approved on January 5, 2022.
McNamara Federal Building	Michigan	4	OEM officials confirmed that the facility qualified for a Short FEAP. As a result of OIG's audit, OEM officials were working with a liaison at the facility to develop a Short FEAP.

* From RPM property reports dated July 30, 2021.

Source: Generated by OIG based on an analysis of Domestic property reports prepared by RPM and FEAP status provided by OEM.

These domestic facilities did not have a FEAP partly because OEM did not have a formal, documented process to periodically review information to identify domestic Department facilities that require a FEAP. Although OEM officials stated that they verify facility personnel counts annually when each FEAP is submitted for recertification and ask other Department entities to identify newly occupied facilities or changes in the personnel count, the process employed was not fully effective, as evidenced by the audit findings in this report. OIG therefore concluded that standard operating procedures in accordance with the Government Accountability Office, *Standards for Internal Control in the Federal Government*, were needed to identify facilities requiring a FEAP. Specifically, formal, documented standard operating procedures need to be developed to identify all Department domestic facilities requiring a FEAP. In addition, those procedures must be implemented in a manner that allows OEM management to effectively monitor the process to ensure that facilities requiring a FEAP have one.

When OIG brought this deficiency to the attention of management, OEM took prompt action. Specifically, five of the eight facilities have since developed FEAPs as of January 2022, and three facilities were working to finalize their FEAPs. In addition, OEM officials stated that they were

establishing procedures to communicate monthly with RPM to identify any changes that may require a FEAP or changes in the type of FEAP required.

OIG acknowledges that OEM officials have worked with liaisons at the identified facilities to develop the required FEAPs. Nevertheless, because FEAPs provide guidance to the domestic facility's occupants on evacuation or shelter-in-place procedures to prevent or minimize injury, loss of life, and property damage,¹⁸ OIG concluded that Department personnel working at these facilities were at increased risk for injury or loss of life in the event of an emergency without the guidance provided by a FEAP. Therefore, taking corrective action to address the standard operating procedures deficiency is vital because a FEAP guides facility occupants through specific actions and responses during emergencies.¹⁹

To ensure formal, documented standard operating procedures are developed and implemented to identify all domestic locations requiring a FEAP and to ensure that the remaining domestic facilities identified have a FEAP, OIG is making the following recommendations and will track implementation through the audit compliance process.

Recommendation 1: OIG recommends that the Bureau of Administration develop formal, documented standard operating procedures to identify all Department of State domestic facilities requiring a Facility Emergency Action Plan (FEAP) and that those procedures be implemented in a manner that allows Office of Emergency Management officials to ensure facilities requiring a FEAP have one.

Management Response: OEM concurred with this recommendation, stating that it is establishing a formal process for identifying facilities that require a FEAP in coordination with RPM.

OIG Reply: On the basis of OEM's concurrence with the recommendation and planned actions, OIG considers this recommendation resolved, pending further action. This recommendation will be closed when OIG receives documentation demonstrating that OEM has developed and implemented a formal, documented standard operating procedure to identify all domestic facilities requiring FEAPs.

Recommendation 2: OIG recommends that the Bureau of Administration ensure that the Designated Official develops and certifies the Facility Emergency Action Plan for State Annex-45.

Management Response: OEM partially concurred with this recommendation, citing the Code of Federal Regulations requirements for Occupant Emergency Plans²⁰ and the Foreign

¹⁸ 6 FAM 418.1(3).

¹⁹ The Bureau of Administration, Office of Emergency Management, Policy and Planning Division's FEAP Standard Operating Procedures, October 2021, at 4.

²⁰ 41 Code of Federal Regulations § 102-74.230 and § 102-71.20.

Affairs Manual.²¹ OEM stated that the Department is not the primary occupant agency for SA-45 and therefore is not required to maintain an Occupant Emergency Plan for SA-45. Nevertheless, OEM stated that a FEAP for SA-45 had been developed and certified. OEM also stated that “the eight facilities mentioned as not having FEAPs were not at increased risk as the OIG stated, as they fell under the umbrella of the primary occupant agency’s [Occupant Emergency Plan], thus having access to the required emergency action information.”

OIG Reply: OIG confirmed that the senior Department official at SA-45 certified a FEAP on January 25, 2022. Because of the actions taken, OIG considers this recommendation implemented and closed, and no additional action is required.

It is important to note that for this audit OIG used OEM’s Standard Operating Procedures,²² which at the time of this audit was more stringent than the Code of Federal Regulations, as audit criteria to evaluate compliance. Specifically, OEM’s Standard Operating Procedures state, “Long FEAPs apply to facilities with 10 or more Department of State personnel that require an extensive amount of information provided from the facility and a Designated Official (DO). For multi-tenant facilities where the Department is not the majority tenant, but still has 10 or more Department of State personnel present, a Long FEAP is required, but the Senior Department Official (senior State employee on-site) will certify the State-specific Long FEAP. Short FEAPs apply to facilities with less than 10 State personnel and only require a Senior Department Official.”²³ Based on OEM’s Standard Operating Procedures that was in effect during the scope period for this audit, OIG maintains that a FEAP is required for all facilities that house Department personnel regardless of whether the Department is the primary occupant agency.

With respect to OEM’s statement that the facilities identified by OIG were not at increased risk even though they did not have the appropriate FEAP, the FAM states, “The FEAP provides guidance to the occupants of the building to evacuate or shelter-in-place in an organized manner to prevent or minimize injury, loss of life, and property damage.”²⁴ OIG therefore maintains that occupants in a facility that does not have the appropriate FEAP would be at increased risk in the event of an emergency. If the statement in the FAM applies only to FEAPs that are also Occupant Emergency Plans (i.e., FEAPs for facilities where the Department is the primary occupant agency), then the FAM statement should be clarified. Furthermore, OEM should clarify the purpose of FEAPs for facilities where the Department is not the primary occupant agency and Department personnel are assumed to be covered by an Occupant Emergency Plan.

²¹ 6 FAM 418.1(3).

²² The Bureau of Administration, Office of Emergency Management, Policy and Planning Division’s FEAP Standard Operating Procedures, October 2021, at 4.

²³ Ibid., at 3.

²⁴ 6 FAM 418.1(3).

Recommendation 3: OIG recommends that the Bureau of Administration ensure that the Designated Official develops and certifies the Facility Emergency Action Plan for the Department of State entities at the Miami International Airport.

Management Response: OEM partially concurred with this recommendation, citing the Code of Federal Regulations and the FAM. OEM also stated that a FEAP had been developed and certified for the Miami International Airport.

OIG Reply: OIG confirmed that the senior Department official at the Miami International Airport facility certified a FEAP on December 10, 2021. Because of the actions taken, OIG considers this recommendation implemented and closed, and no additional action is required.

Recommendation 4: OIG recommends that the Bureau of Administration ensure that the Designated Official develops and certifies the Facility Emergency Action Plan for the Department of State entities at the McNamara Federal Building.

Management Response: OEM partially concurred with this recommendation, citing the Code of Federal Regulations and the FAM. OEM also stated that a FEAP had been developed and certified for the McNamara Federal Building.

OIG Reply: OIG confirmed that the senior Department official at the McNamara Federal Building certified a FEAP on March 21, 2022. Because of the actions taken, OIG considers this recommendation implemented and closed, and no additional action is required.

Finding B: Four Facilities Had Short FEAPs but Should Have Had Long FEAPs

OIG found that 4 (22 percent) of 18 facilities with Short FEAPs housed 10 or more Department personnel and therefore should have had Long FEAPs in accordance with OEM guidance. One reason this deficiency occurred is that OEM's annual facility personnel count verification process did not trigger the need for a Long FEAP in accordance with OEM guidance. As a result, these four facilities with Short FEAPs, rather than Long FEAPs, did not have the required amount of documented information meant to guide Department personnel through specific actions and responses during emergencies.

Facilities With 10 Department Employees or More Require Long FEAPs

According to OEM guidance, Long FEAPs are required for facilities with 10 or more Department employees,²⁵ and Short FEAPs are required for facilities with fewer than 10 Department employees.²⁶ OIG compared the Department's official list of domestic properties to OEM's list of 18 facilities with Short FEAPs. OIG determined that four (22 percent) facilities required a Long FEAP due to the number of Department personnel occupying the facilities. Table 2

²⁵ Ibid., at 3.

²⁶ Ibid.

provides information on the facilities that, in accordance with OEM guidance, should have Long FEAPs.

Table 2: Facilities That Had Short FEAPs but Should Have Had Long FEAPs

Facility	State	Department Personnel ^a	FEAP Status
Denver Federal Center – Building 17	Colorado	33	OEM officials confirmed that the facility houses 10 or more Department employees. OEM plans to work with a liaison at the facility to develop a Long FEAP.
Woodbridge Towers	New Jersey	12	OEM officials confirmed that the facility houses 10 or more Department employees. OEM plans to work with a liaison at the facility to develop a Long FEAP.
330 2nd Avenue South	Minnesota	10	OEM officials stated that they applied Occupational Safety and Health Administration (OSHA) standards ^b to this facility, which allow an employer with 10 or fewer employees to communicate the emergency plan to employees orally rather than requiring a written plan.
300 West Congress Federal Building	Arizona	10	OEM officials stated that they applied Occupational Safety and Health Administration (OSHA) standards ^b to this facility, which allow an employer with 10 or fewer employees to communicate the emergency plan to employees orally rather than requiring a written plan.

^a From RPM property reports dated July 30, 2021.

^b According to 29 Code of Federal Regulations § 1910.38(b), “An emergency action plan must be in writing, kept in the workplace, and available to employees for review. However, an employer with 10 or fewer employees may communicate the plan orally to employees.”

Source: Generated by OIG based on an analysis of domestic property reports prepared by RPM, FEAP status provided by OEM, and OSHA standards from Code of Federal Regulations § 1910.38(b).

With respect to the two facilities that OEM acknowledged required Long FEAPs instead of Short FEAPs (Denver Federal Center, Colorado, and Woodbridge Towers, New Jersey), OEM officials stated that they verified the personnel counts for these two facilities during the FEAP recertification process in August 2021 and that the personnel counts were confirmed at 33 and 12. However, the process did not trigger the need for a Long FEAP in accordance with OEM guidance. With respect to the other two facilities (330 2nd Avenue South, Minnesota, and 300 West Congress Federal Building, Arizona), OEM applied OSHA standards rather than following OEM guidance. OEM officials stated that they applied OSHA standards because that is the federal regulation that applies to emergency action plans.

As a result, these four facilities with Short FEAPs, rather than Long FEAPs, did not have the required amount of documented information meant to guide Department personnel through specific actions and responses during emergencies. If OEM guidance is not adhered to or

effectively communicated by management so that it can be adhered to, these facilities will not have an OEM-reviewed and -approved FEAP to guide employees through specific actions and responses during emergencies. Emphasizing and ensuring that guidance is effectively communicated and adhered to is paramount to the success of the Department's Domestic Emergency Management Program. OIG is therefore making the following recommendations and will track implementation through the audit compliance process.

Recommendation 5: OIG recommends that the Bureau of Administration develop a communication strategy and disseminate the resulting message to the Office of Emergency Management to ensure that the results of the personnel verification process trigger the required Facility Emergency Action Plan.

Management Response: OEM partially concurred with this recommendation, stating that "due to critical staffing shortages, the FEAP program can only support facility personnel count verifications annually." OEM also stated that it plans to conduct monthly spot checks, as staffing allows, of all facilities to monitor for changes in facility personnel count.

OIG Reply: Although OEM partially concurred with the recommendation, OIG considers this recommendation unresolved because the stated actions do not meet the intent of the recommendation. Specifically, although OIG acknowledged in this report that OEM took action to verify the number of personnel at its domestic facilities, that process did not lead to the development of a Long FEAP for two facilities as required. Therefore, OIG maintains that OEM would benefit from developing a communication strategy to ensure that the results of the personnel verification process trigger the required FEAP. This recommendation will be considered resolved when OEM provides a plan of action for addressing the recommendation or provides an acceptable alternative that meets the intent of the recommendation. The recommendation will be closed when OIG receives documentation demonstrating that OEM has developed a strategy to ensure that the results of the personnel verification process trigger the required FEAP.

Recommendation 6: OIG recommends that the Bureau of Administration ensure that the Designated Official develops and certifies a Long Facility Emergency Action Plan for the Department of State entities at the Denver Federal Center.

Management Response: OEM partially concurred with this recommendation, citing the Code of Federal Regulations and the FAM. OEM also stated that a FEAP had been developed and certified for the Denver Federal Center.

OIG Reply: OIG confirmed that the senior Department official at the Denver Federal Center certified a Long FEAP on March 15, 2022. Because of the actions taken, OIG considers this recommendation implemented and closed, and no additional action is required.

Recommendation 7: OIG recommends that the Bureau of Administration ensure that the Designated Official develops and certifies a Long Facility Emergency Action Plan for the Department of State entities at the Woodbridge Towers facility.

Management Response: OEM partially concurred with this recommendation, citing the Code of Federal Regulations and the FAM. OEM also stated that a FEAP had been developed and certified for the Woodbridge Towers facility.

OIG Reply: OIG confirmed that the senior Department official at the Woodbridge Towers facility certified a Long FEAP on March 18, 2022. Because of the actions taken, OIG considers this recommendation implemented and closed, and no additional action is required.

Recommendation 8: OIG recommends that the Bureau of Administration ensure that the Designated Official develops and certifies a Long Facility Emergency Action Plan, in accordance with Office of Emergency Management guidance, for the Department of State entities at the 330 2nd Avenue South facility.

Management Response: OEM did not concur with the recommendation offered and stated that an employer with 10 or fewer employees may communicate an emergency action plan to employees orally and that the Department had only 7 personnel at the 330 2nd Avenue South facility. In addition, an “oral” FEAP for this facility was certified on August 23, 2021. Furthermore, OEM cited the Code of Federal Regulations requirements for Occupant Emergency Plans and the FAM and stated that the Department is not the primary occupant agency for the 330 2nd Avenue South facility. OEM stated that it therefore concluded that the Department was not required to maintain an Occupant Emergency Plan for that facility. OEM also stated that “OIG based this recommendation off an internal document which incorrectly stated facility personnel count requirements for a written FEAP” and that OEM notified OIG that the internal document had been corrected.

OIG Reply: As detailed in OIG’s reply to Recommendation 2, OIG used OEM’s Standard Operating Procedures as criteria for this audit, which was in effect for the scope period of the audit work performed. OEM has revised its Standard Operating Procedures to reflect Code of Federal Regulations requirements, which OIG considers an acceptable alternative to meeting the intent of the recommendation offered. In addition, OIG reviewed the revised Standard Operating Procedures and confirmed it was updated to reflect Code of Federal Regulations requirements and also confirmed that the 330 2nd Avenue South facility had a certified “oral” FEAP dated August 23, 2021, that complies with its revised Standard Operating Procedures. OIG therefore considers this recommendation closed, and no additional action is required.

Recommendation 9: OIG recommends that the Bureau of Administration ensure that the Designated Official develops and certifies a Long Facility Emergency Action Plan, in accordance with Office of Emergency Management guidance, for the Department of State entities at the 300 West Congress Federal Building.

Management Response: OEM did not concur with this recommendation and explained in its response that it had updated its internal guidance (Standard Operating Procedures) to

reflect Code of Federal Regulations requirements and that an “oral” FEAP for the 300 West Congress Federal Building was certified on September 9, 2021.

OIG Reply: OIG confirmed that OEM revised its Standard Operating Procedures to reflect Code of Federal Regulations requirements and also confirmed that the 300 West Congress Federal Building had a certified “oral” FEAP dated September 9, 2021, that complies with its revised Standard Operating Procedures. OIG therefore considers this recommendation closed and no additional action is required.

RECOMMENDATIONS

Recommendation 1: OIG recommends that the Bureau of Administration develop formal, documented standard operating procedures to identify all Department of State domestic facilities requiring a Facility Emergency Action Plan (FEAP) and that those procedures be implemented in a manner that allows Office of Emergency Management officials to ensure facilities requiring a FEAP have one.

Recommendation 2: OIG recommends that the Bureau of Administration ensure that the Designated Official develops and certifies the Facility Emergency Action Plan for State Annex-45.

Recommendation 3: OIG recommends that the Bureau of Administration ensure that the Designated Official develops and certifies the Facility Emergency Action Plan for the Department of State entities at the Miami International Airport.

Recommendation 4: OIG recommends that the Bureau of Administration ensure that the Designated Official develops and certifies the Facility Emergency Action Plan for the Department of State entities at the McNamara Federal Building.

Recommendation 5: OIG recommends that the Bureau of Administration develop a communication strategy and disseminate the resulting message to the Office of Emergency Management to ensure that the results of the personnel verification process trigger the required Facility Emergency Action Plan.

Recommendation 6: OIG recommends that the Bureau of Administration ensure that the Designated Official develops and certifies a Long Facility Emergency Action Plan for the Department of State entities at the Denver Federal Center.

Recommendation 7: OIG recommends that the Bureau of Administration ensure that the Designated Official develops and certifies a Long Facility Emergency Action Plan for the Department of State entities at the Woodbridge Towers facility.

Recommendation 8: OIG recommends that the Bureau of Administration ensure that the Designated Official develops and certifies a Long Facility Emergency Action Plan, in accordance with Office of Emergency Management guidance, for the Department of State entities at the 330 2nd Avenue South facility.

Recommendation 9: OIG recommends that the Bureau of Administration ensure that the Designated Official develops and certifies a Long Facility Emergency Action Plan, in accordance with Office of Emergency Management guidance, for the Department of State entities at the 300 West Congress Federal Building.

APPENDIX A: BUREAU OF ADMINISTRATION RESPONSE



United States Department of State

Washington, D.C. 20520

UNCLASSIFIED

March 28, 2022

MEMORANDUM

TO: OIG/AUD – Norman P. Brown

FROM: A/OEM – Troy Taylor

SUBJECT: OIG Final Report: Management Assistance Report:
Improvements Needed in Procedures for Emergency Action
Planning at Selected Department of State Domestic Facilities

Thank you for the opportunity to provide a response to the Management Assistance Report. The point of contact for this report is Andrea Giuliano (GiulianoAM@state.gov).

A/OEM response to OIG Recommendations

(U) **OIG Recommendation 1:** “OIG recommends that the Bureau of Administration develop formal, documented standard operating procedures to identify all Department of State domestic facilities requiring a Federal Emergency Action Plan (FEAP) and that those procedures be implemented in a manner that allows Office of Emergency Management officials to ensure facilities requiring a FEAP have one.”

(U) **Management Response (03/28/2022):** A/OEM concurs with the recommendation and is establishing a formal process for identifying facilities that require a FEAP via a Memorandum of Understanding (MOU) with A Bureau’s Office of Real Property Management (A/OPR/RPM). For clarification purposes, FEAP stands for Facility Emergency Action Plan vice Federal Emergency Action Plan as is indicated above.

(U) **OIG Recommendation 2:** “OIG recommends that the Bureau of Administration ensure that the Designated Official develops and certifies the Facility Emergency Action Plan for State Annex-45.”

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(U) Management Response (03/28/2022): A/OEM partially concurs. Per the Code of Federal Regulations (CFR) 41 CFR 102-74.230, “the Designated Official is responsible for developing, implementing, and maintaining an Occupant Emergency Plan (OEP) as defined in 41 CFR 102-71.20.” The CFR defines Designated Official as “the highest ranking official of the primary occupant agency of a federal facility, or alternatively, a designee selected by mutual agreement of occupant agency officials.” 6 FAM 418.1 Domestic Emergency Action Plans also states that “The facility designated official is responsible for developing the FEAP and ensuring that personnel have access to this plan.”

According to A/OPR/RPM, the Department is not the primary occupant agency for any of the eight listed facilities, to include SA-45, and therefore not required by the CFR to maintain an OEP. While not required by the CFR, a written FEAP has been developed for SA-45 and was certified on January 31, 2022.

Furthermore, the eight facilities mentioned as not having FEAPs were not at increased risk as the OIG stated, as they fell under the umbrella of the primary occupant agency’s OEP, thus having access to the required emergency action information.

(U) OIG Recommendation 3: “OIG recommends that the Bureau of Administration ensure that the Designated Official develops and certifies the Facility Emergency Action Plan for the Department of State entities at the Miami International Airport.”

(U) Management Response (03/28/2022): A/OEM partially concurs. Per the Code of Federal Regulations (CFR) 41 CFR 102-74.230, “the Designated Official is responsible for developing, implementing, and maintaining an Occupant Emergency Plan (OEP) as defined in 41 CFR 102-71.20.” The CFR defines Designated Official as “the highest ranking official of the primary occupant agency of a Federal facility, or alternatively, a designee selected by mutual agreement of occupant agency officials.” 6 FAM 418.1 Domestic Emergency Action Plans also states that “The facility designated official is responsible for developing the FEAP and ensuring that personnel have access to this plan.”

According to A/OPR/RPM, the Department is not the primary occupant agency for any of the eight listed facilities, to include Miami International Airport (2260 NW 66th Ave), and is therefore not required by the CFR to maintain an OEP. While not

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required by the CFR, a written FEAP has been developed for Miami International Airport and certified on December 10, 2021.

Furthermore, the eight facilities mentioned as not having FEAPs were not at increased risk as the OIG stated, as they fell under the umbrella of the primary occupant agency's OEP, thus having access to the required emergency action information.

(U) OIG Recommendation 4: "OIG recommends that the Bureau of Administration ensure that the Designated Official develops and certifies the Facility Emergency Action Plan for the Department of State entities at the McNamara Federal Building."

(U) Management Response (03/28/2022): A/OEM partially concurs. Per the Code of Federal Regulations (CFR) 41 CFR 102-74.230, "the Designated Official is responsible for developing, implementing, and maintaining an Occupant Emergency Plan (OEP) as defined in 41 CFR 102-71.20." The CFR defines Designated Official as "the highest ranking official of the primary occupant agency of a Federal facility, or alternatively, a designee selected by mutual agreement of occupant agency officials." 6 FAM 418.1 Domestic Emergency Action Plans also states that "The facility designated official is responsible for developing the FEAP and ensuring that personnel have access to this plan."

According to A/OPR/RPM, the Department is not the primary occupant agency for any of the eight listed facilities, to include McNamara Federal Building, and is therefore not required by the CFR to maintain an OEP. While not required by the CFR, an oral FEAP has been developed for the McNamara Federal Building and was certified on March 21, 2022.

Furthermore, the eight facilities mentioned as not having FEAPs were not at increased risk as the OIG stated, as they fell under the umbrella of the primary occupant agency's OEP, thus having access to the required emergency action information.

(U) OIG Recommendation 5: "OIG recommends that the Bureau of Administration develop a communication strategy and disseminate the resulting message to the Office of Emergency Management to ensure that the results of the personnel verification process trigger the required Facility Emergency Action Plan."

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(U) **Management Response (03/28/2022)**: A/OEM partially concurs. A/OEM has an established, formal process to verify facility personnel count annually as part of a FEAP's recertification, and this information was passed to the OIG (via email on 29 November 2021 and 14 January 2022, and acknowledged by the OIG on 14 January 2022).

Due to critical staffing shortages, the FEAP program can only support facility personnel count verifications annually. For the past few years, these staffing shortages have resulted in only one dedicated emergency action plan coordinator maintaining the FEAP portfolio and multiple other planning assignments. Two additional positions would provide the bench strength needed to ensure dedicated coverage for all emergency action plans and monthly checks for facility personnel count verification.

As staffing allows, A/OEM will conduct monthly spot checks of all facilities to monitor for changes in facility personnel count that may drive updates from an oral FEAP to a written FEAP or vice versa per OSHA 1910.38b.

(U) **OIG Recommendation 6**: "OIG recommends that the Bureau of Administration ensure that the Designated Official develops and certifies a Long Facility Emergency Action Plan for the Department of State entities at the Denver Federal Center."

(U) **Management Response (03/28/2022)**: A/OEM partially concurs. Per the Code of Federal Regulations (CFR) 41 CFR 102-74.230, "the Designated Official is responsible for developing, implementing, and maintaining an Occupant Emergency Plan (OEP) as defined in 41 CFR 102-71.20." The CFR defines Designated Official as "the highest ranking official of the primary occupant agency of a Federal facility, or alternatively, a designee selected by mutual agreement of occupant agency officials." 6 FAM 418.1 Domestic Emergency Action Plans also states that "The facility designated official is responsible for developing the FEAP and ensuring that personnel have access to this plan."

According to A/OPR/RPM, the Department is not the primary occupant agency for any of the eight listed facilities, to include ESOC West Building 17 Denver Federal Center, and is therefore not required by the CFR to maintain an OEP. While not required by the CFR, a written FEAP has been developed for ESOC West Building 17 Denver Federal Center and certified on March 15, 2022.

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Furthermore, the eight facilities mentioned as not having FEAPs were not at increased risk as the OIG stated, as they fell under the umbrella of the primary occupant agency's OEP, thus having access to the required emergency action information.

(U) OIG Recommendation 7: "OIG recommends that the Bureau of Administration ensure that the Designated Official develops and certifies a Long Facility Emergency action Plan for the Department of State entities at the Woodbridge Towers facility."

(U) Management Response (03/28/2022): A/OEM partially concurs. Per the Code of Federal Regulations (CFR) 41 CFR 102-74.230, "the Designated Official is responsible for developing, implementing, and maintaining an Occupant Emergency Plan (OEP) as defined in 41 CFR 102-71.20." The CFR defines Designated Official as "the highest ranking official of the primary occupant agency of a Federal facility, or alternatively, a designee selected by mutual agreement of occupant agency officials." 6 FAM 418.1 Domestic Emergency Action Plans also states that "The facility designated official is responsible for developing the FEAP and ensuring that personnel have access to this plan."

According to A/OPR/RPM, the Department is not the primary occupant agency for any of the eight listed facilities, to include the Woodbridge Towers facility, and is therefore not required by the CFR to maintain an OEP. While not required by the CFR, a written FEAP has been developed for the Woodbridge Towers facility and certified on March 18, 2022.

Furthermore, the eight facilities mentioned as not having FEAPs were not at increased risk as the OIG stated, as they fell under the umbrella of the primary occupant agency's OEP, thus having access to the required emergency action information.

(U) OIG Recommendation 8: "OIG recommends that the Bureau of Administration ensure that the Designated Official develops and certifies a Long Facility Emergency action Plan, in accordance with Office of Emergency Management guidance, for the Department of State entities at the 330 2nd Avenue South facility."

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(U) Management Response (03/28/2022): A/OEM does not concur. Per OSHA 1910.38b, "An emergency action plan must be in writing, kept in the workplace, and available to employees for review. However, an employer with ten or fewer employees may communicate the plan orally to employees," and on-site personnel confirmed there are only seven Department employees present.

Additionally, per the Code of Federal Regulations (CFR) 41 CFR 102-74.230, "the Designated Official is responsible for developing, implementing, and maintaining an Occupant Emergency Plan (OEP) as defined in 41 CFR 102-71.20." The CFR defines Designated Official as "the highest ranking official of the primary occupant agency of a Federal facility, or alternatively, a designee selected by mutual agreement of occupant agency officials." 6 FAM 418.1 Domestic Emergency Action Plans also states that "The facility designated official is responsible for developing the FEAP and ensuring that personnel have access to this plan."

According to A/OPR/RPM, the Department is not the primary occupant agency for any of the eight listed facilities, to include 330 2nd Avenue South facility, and is therefore not required by the CFR to maintain an OEP. While not required by the CFR, an oral FEAP was in place for 330 2nd Avenue South facility and certified on 23 August 2021.

Additionally, OIG based this recommendation off an internal document which incorrectly stated facility personnel count requirements for a written FEAP. As stated above, per OSHA, only facilities with greater than ten employees require a written FEAP. The OIG was notified of the error, that it had been corrected, and that the internal document was never intended to be shared externally (via conference call on 3 November 2021, and via email on 5 November 2021 and 14 November 2021.)

Furthermore, A/OEM notified the OIG of the OSHA requirement that only facilities with more than ten employees required a FEAP (via conference call on 6 August 2022, and via email on 7 December 2021, 15 December 2021, 14 January 2022, and 14 February 2022), and this fact was acknowledged by the OIG (via email on 6 August 2021, 8 December 2021, 15 December 2021, and 14 January 2022).

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(U) **OIG Recommendation 9:** “OIG recommends that the Bureau of Administration ensure that the Designated Official develops and certifies a Long Facility Emergency action Plan, in accordance with Office of Emergency Management guidance, for the Department of State entities at the 300 W Congress Federal Building.”

(U) **Management Response (03/28/2022):** A/OEM does not concur. Per OSHA 1910.38b, “An emergency action plan must be in writing, kept in the workplace, and available to employees for review. However, an employer with ten or fewer employees may communicate the plan orally to employees,” and on-site personnel confirmed there are only seven Department employees present.

Additionally, per the Code of Federal Regulations (CFR) 41 CFR 102-74.230, “the Designated Official is responsible for developing, implementing, and maintaining an Occupant Emergency Plan (OEP) as defined in 41 CFR 102-71.20.” The CFR defines Designated Official as “the highest ranking official of the primary occupant agency of a Federal facility, or alternatively, a designee selected by mutual agreement of occupant agency officials.” 6 FAM 418.1 Domestic Emergency Action Plans also states that “The facility designated official is responsible for developing the FEAP and ensuring that personnel have access to this plan.”

According to A/OPR/RPM, the Department is not the primary occupant agency for any of the eight listed facilities, to include 300 W Congress Federal Building, and is therefore not required by the CFR to maintain an OEP. While not required by the CFR, an oral FEAP was in place for 300 W Congress Federal Building and certified on 09 September 2021.

Additionally, OIG based this recommendation off an internal document which incorrectly stated facility personnel count requirements for a written FEAP. As stated above, per OSHA, only facilities with greater than ten employees require a written FEAP. The OIG was notified of the error, that it had been corrected, and that the internal document was never intended to be shared externally (via conference call on 3 November 2021, and via email on 5 November 2021 and 14 November 2021.)

Furthermore, A/OEM notified the OIG of the OSHA requirement that only facilities with more than ten employees required a FEAP (via conference call on 6 August 2022, and via email on 7 December 2021, 15 December 2021, 14 January 2022, and 14 February 2022), and this fact was acknowledged by the OIG (via

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email on 6 August 2021, 8 December 2021, 15 December 2021, and 14 January 2022).

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