Commonwealth of Virginia
Office of the Governor

Executive Order

EXECUTIVE ORDER ONE HUNDRED AND TWO (2005)

ADOPTION OF THE NATIONAL INCIDENT MANAGEMENT SYSTEM AND USE OF THE NATIONAL PREPAREDNESS GOAL FOR PREVENTING, RESPONDING TO AND RECOVERING FROM CRISIS EVENTS IN THE COMMONWEALTH

Ensuring the health, safety, welfare and security of citizens is government's most profound duty. Emergencies and disasters of all kinds – originating from nature, accidents and man-caused actions to include terrorism, have the potential to threaten the health, safety and welfare of our citizens, disrupt our economy and commerce and undermine the stability of society and good order. To ensure the most effective management of risks facing the Commonwealth it is necessary and desirable to maintain a single clear incident management structure to ensure the prompt communication, coordination and control of prevention and relief activities among all levels of government and with the private sector.

The National Incident Management System (NIMS) has been adopted nationally and is being implemented in Virginia as the federally required incident management system by which communities, states and the federal government will ensure full integration of activities in response to threatened and actual emergencies and disasters of all kinds. The NIMS has been mandated nationally for integrated local, state, tribal, territorial and federal prevention, response and recovery activities in accordance with criteria set forth in Homeland Security Presidential Directive 5 (HSPD 5). When implemented in consonance with the National Response Plan, and other federal, state and local emergency plans, NIMS, with its compliant Incident Command System, provides the established framework to effectively integrate operations at all levels, including but not limited to the implementation of a standardized Incident Command System for any size or scope of event. The National Response Plan (NRP), using NIMS, is an all-hazards plan that provides the structure and mechanisms for national-level policy and operational coordination for domestic incident management.

In accordance with HSPD 5, the Secretary of Homeland Security is the Principal Federal Official responsible for domestic incident management through NIMS.

The Governor is the Principal State Official responsible for incident management in the Commonwealth and will do so through the adoption of NIMS. The Governor shall accomplish these responsibilities in accordance with existing statutory authorities and through established organizations and structures set forth for these purposes. This designation in no way alters or impedes the authority of local officials, state agencies, private relief and business organizations, or federal agencies to perform responsibilities set forth by law.

Homeland Security Presidential Directive 8 – National Preparedness delineates the roles and responsibilities of the federal government to provide assistance to states and communities in the development of preparedness activities to deter, prevent, mitigate, respond and recover from emergencies and disasters through an "all hazards" approach. This directive authorized development of a National Preparedness Goal to assist states and communities with targeting preparedness efforts.

Therefore, by virtue of the authority vested in me by § 44-146.17 of the Code of Virginia, as Governor and as Director of Emergency Management, and by virtue of the authority vested in me by Article V, Section 7 of the Constitution of Virginia and by § 44-75.1 of the Code of Virginia, as Governor and Commander-in-Chief of the armed forces of the Commonwealth, and subject always to my continuing and ultimate authority and responsibility to act in such matters, I hereby adopt the National Incident Management System (NIMS) and the National Preparedness Goal for use by localities and state agencies in all preparedness activities in the Commonwealth of Virginia including but not limited to deterrence, prevention, response, recovery and mitigation efforts.

Furthermore, I hereby establish the following requirements.

1. The State Coordinator of the Virginia Department of Emergency Management is responsible for NIMS implementation. The Executive Director of the Virginia Department of Fire Programs is designated as the executive agent responsible for coordination of NIMS compliant Incident Command System training activities among state agencies and to local governments. This lead coordination shall not remove responsibility for or inhibit delivery of training by any state agency to its normally defined constituency.

2. The State Coordinator shall, cooperatively with the Executive Director of the Virginia Department Fire Programs and in coordination with the Superintendent of the Virginia State Police, Commissioner of the Virginia Department of Health,

Commissioner of the Virginia Department of Transportation, Adjutant General of the Virginia National Guard, Director of the Virginia Department of Criminal Justice Services and State Forester shall, in consultation with the Assistant to the Governor for Commonwealth Preparedness, the Secretary of Public Safety, the Secretary of Health and Human Resources, the Secretary of Transportation, The Secretary of Agriculture and Forestry and others the State Coordinator deems appropriate, ensure an annual process for delivery of training and education to support NIMS implementation and continuation among localities and state agencies in Virginia.

3. All emergency plans and procedures shall be developed in consonance with NIMS, the National Response Plan and in accordance with the National Preparedness Goals.

4. All emergency and disaster drills conducted annually in the Commonwealth, in accordance with Homeland Security Presidential Directive 8 – National Preparedness, will test and evaluate the ability of local, state, federal and private organizations to operate in a unified and coordinated manner under NIMS and in accordance with the National Response Plan, Commonwealth of Virginia Emergency Operations Plan (COVEOP) and local Emergency Operations Plans (EOPs) and other relevant federal, state and local plans.

5. Consistent with federal guidance beginning in October 2005, any state agency, local government, quasi-governmental entity, private relief organization or other public and private entity eligible for and desiring federal preparedness funding passed through agencies of the Commonwealth from the U.S. Department of Homeland Security or U.S. Department of Health and Human Services shall be required to certify their adoption of NIMS and Incident Command System models for management of emergencies and disasters. Failure of an organization or entity to meet this certification requirement shall preclude the award of federal funding by the Commonwealth.

6. Within six month's of the signing of this Executive Order or sooner, the State Coordinator of Emergency Management shall, cooperatively with the Executive Director of the Virginia Department of Fire Programs, and in coordination with the Superintendent of the Virginia State Police, Commissioner of the Virginia Department of Health, Commissioner of the Virginia Department of Transportation, Adjutant General of the Virginia National Guard, and the Director of the Virginia Department of Criminal Justice Services, and in consultation with the Assistant to the Governor for Commonwealth Preparedness, the Secretary of Public Safety, the Secretary of Health and Human Resources, the Secretary of Transportation and others deemed appropriate, prepare and furnish to all recipients

of federal emergency and disaster preparedness funding passed through agencies of the Commonwealth from the U.S. Department of Homeland Security or U.S. Department of Health and Human Services, performance measures for assessing and measuring compliance with adopting the National Incident Management System. Recipients of these sources of federal emergency and disaster preparedness funding shall be required to measure performance annually.

7. The National Preparedness Goal shall be considered a baseline for guiding preparedness activities in Virginia. Within six month's of the signing of this Executive Order or sooner, the State Coordinator of Emergency Management, in coordination with the Executive Director of the Virginia Department of Fire Programs, Superintendent of the Virginia State Police, Commissioner of the Virginia Department of Health, Commissioner of the Virginia Department of Transportation, Adjutant General of the Virginia National Guard, Director of the Virginia Department of Criminal Justice Services and the State Forester and others the State Coordinator deems appropriate, shall review the National Preparedness Goal and recommend to the Governor through the Assistant to the Governor for Commonwealth Preparedness, the Secretary of Public Safety, the Secretary of Health and Human Resources, the Secretary of Transportation and the Secretary of Agriculture and Forestry, the addition of any needed elements to this national goal that strengthen its application in supporting the Commonwealth of Virginia's preparedness activities, based on any higher probability risks inherent to the Commonwealth.

This Executive Order shall become effective upon its signing and shall remain in full force and effect until amended or rescinded by further Executive Order.

Given under my hand and the Seal of the Commonwealth of Virginia on this 1st day of November 2005.

Mark R. Warner, Governor

Attest:

Secretary of the Commonwealth