



# Homeland Security and Public Safety Transition Policy Group

PREPARED FOR GOVERNOR-ELECT JON S. CORZINE

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## Final Report

January 12, 2006

**Report of the Homeland Security and Public Safety Transition Policy Group  
Submitted January 12, 2006**

**EXECUTIVE SUMMARY**

The Homeland Security and Public Safety Transition Policy Group (“policy group”) recommends that the Governor-Elect implement the following recommendations:

**Establish Homeland Security and Emergency Preparedness as the top priority for the state of New Jersey.** The top priority of the Governor should be to protect the people of New Jersey. We have entered into a new threat era with catastrophic events and acts of terrorism, natural disasters, and pandemics that requires a new operational, all-hazard paradigm and system. The Governor must prioritize the protection of New Jersey through personal oversight, leadership, and a commitment to successfully meet these challenges. We cannot take comfort in traditional approaches and must examine these issues from a broader perspective that goes beyond law enforcement and counter-terrorism concerns to include medicine, environmental science, public health, engineering, and other disciplines that offer technical expertise.

**Immediately create an Office of Homeland Security and Emergency Preparedness and appoint a cabinet-level Director.** While much has been done at all levels of government since 9-11, Homeland Security and Emergency Preparedness will be enhanced greatly through the appointment of a cabinet-level official who is devoted entirely to homeland security and emergency preparedness.

**Set clear goals for the Director and conduct statewide vulnerability, resource, and capability assessments to determine how best to achieve these goals.** The establishment of results-oriented goals and priorities will allow the state to chart its progress and identify areas where it needs improvement. Working closely with the counties, the state should immediately review and assess vulnerabilities throughout the state. Acknowledging that knowledge of vulnerabilities alone will not enhance preparedness, the state should also map all existing assets and review the mission, goals, and efficiencies of the numerous agencies involved in homeland security and preparedness today.

**Develop clear lines of command that grant authority to the Director to coordinate and integrate key local, county, and state components addressing Homeland Security and Emergency Preparedness.** The Governor should authorize the Director to coordinate and direct the activities of government agencies that manage security and preparedness issues. This will enable the Director to operate with situational awareness and to command the authority needed to coordinate across all levels of government. The Governor should also clearly define the roles of the Director as well as the critical roles played by the other state and local officials on Homeland Security matters.

**Require that all state and federal discretionary funds for homeland security and preparedness be distributed by the Director on the basis of risk, threat, and vulnerability.** Assuring that funds are distributed on the basis of risk, threat, and vulnerability and achieving greater transparency and coordination in the grant funding process will enhance the level of security and preparedness throughout the state.

**Establish strong, meaningful partnerships and collaborations with key stakeholders -- first responders, the health community, private industry, the Port Authority of New York/New Jersey, and other jurisdictions -- all of whom will be on the front line during times of crisis.** To truly improve homeland security and preparedness in the state, there must be a strong state partnership with first responders, public health, hospitals and other healthcare facilities, the Port Authority of New York/New Jersey, other jurisdictions, and members of private industry (including telephone, gas, electric and other critical consumer service providers). Some progress has been made regionally to this end, but the approach must be fully integrated across the state.

**Restructure the Domestic Security Preparedness Task Force.** The Domestic Security Preparedness Task Force should be chaired and personally overseen by the Director of Homeland Security and Preparedness, and restructured to include emergency preparedness as part of its core mission.

**Restructure the Office of Counter-Terrorism in New Jersey.** This office plays a vital role in the state's mission to combat terrorism. During recent years the mission of the office has become overly broad. This office should be restructured to focus on intelligence gathering and analysis, infrastructure protection, and training. This office should also cease conducting independent criminal investigations, which has led to frequent turf battles with other law enforcement agencies in the state.

**Prepare, Plan, Coordinate, and Exercise.** The goal of the state should be to mitigate existing risk while simultaneously preparing to respond in the event of a man-made or natural disaster. To accomplish this goal, the state will need to enhance the statewide protocol for response, improve the plan for continuity of government in the event of an emergency, and increase trainings and exercises to enhance the level of coordination and preparedness.

**Protect Civil Liberties.** The Governor should undertake every effort to protect the people of New Jersey while fully respecting the civil liberties and rights of all individuals. This involves vigilance over law enforcement activities, but also careful regard for the privacy implications of data that is gathered and analyzed.

1. **IMMEDIATELY ESTABLISH HOMELAND SECURITY AND EMERGENCY PREPAREDNESS AS A TOP PRIORITY FOR THE STATE OF NEW JERSEY**

Protecting the citizens and the critical assets of the state of New Jersey should be the top priority for the state of New Jersey and its Governor. We have already seen the devastation that may be caused from terrorism up close. Nearly 700 New Jersey residents were killed on September 11, 2001, and two of the terrorists were based in New Jersey. The nationwide anthrax attacks in 2001 also originated in New Jersey.

The state is home to over 8 million people as well as to a wealth of critical infrastructure of state and national significance, which function simultaneously as valued assets and unique vulnerabilities. These assets and potential targets include transportation hubs and finance centers, chemical plants, nuclear facilities and entertainment centers.

Eighty percent of all cargo containers coming to the East Coast arrive each day at the Port of Newark and Elizabeth and the Port of Camden. Newark Airport is not only the busiest airport in the tri-state area; it is also, depending on the time of year, the third or fourth busiest airport in America. The two-miles from the Port of Newark and Elizabeth to Newark Airport contain chemical plant facilities and other critical vulnerabilities that have been described as the “most dangerous two miles in America.” New Jersey is home to rail lines, bridges and tunnels to New York City. Wall Street and other financial services firms house important front and back office operations in New Jersey, including clearance and settlement services, and other operations essential to the functioning of America’s capital markets. New Jersey has a high concentration of chemical facilities, including nine chemical plants where an accident has the potential of affecting more than one million people, and is home to numerous nuclear facilities and petroleum refineries. Atlantic City has the second highest concentration of casinos in the country.

While mindful of the threat of terrorism, we also recognize the potential for catastrophic disaster caused by natural disasters, catastrophic events, and pandemics. From floods to blackouts to chemical accidents to pandemic flu, the state must be prepared to respond to such disasters and to ensure that government will continue, regardless of the extent of devastation.

To this end, we recommend that the Governor prioritize protection of the homeland and emergency preparedness as the most critical function of state government.

2. **IMMEDIATELY CREATE AN OFFICE OF HOMELAND SECURITY AND PREPAREDNESS AND APPOINT A CABINET-LEVEL DIRECTOR**

**The Role of the Director.** The appointment of a cabinet-level official to advise the Governor on homeland security and preparedness and to coordinate across all levels of government, law enforcement, and the private sector will greatly enhance the safety and security of New Jersey. The Governor should immediately establish a strong line of

command and control that provides the Director with full authority to carry out the Governor's core mission. In this regard, two things are needed: a clear statement of the respective roles of the Director and other state components and agencies; and a strong message from the Governor that the Director must set goals and benchmarks for success and will be held accountable for security and preparedness in New Jersey.

The Director's office should be a separate cabinet agency run by a cabinet-level official, who reports directly to the Governor and is committed to: facilitating inter-agency relationships; strengthening partnerships between the public and private sectors; working with health practitioners and the academic community to strengthen preparedness and response to health emergencies, natural disasters, chemical accidents and acts of terrorism; interfacing with federal government agencies and other states; overseeing state and federal funding for homeland security and preparedness; working with local first responders toward establishing consistent standards for operational and technical interoperability; providing personal protective gear to every first responders; and, developing continuity of government plans.

The Director should develop clear lines of authority and decision-making in the event of a catastrophe. The Director should guide decision-making, investigation, containment and control through high-quality, real-time information, intelligence, and situational awareness.

### **3. SET CLEAR PRIORITIES AND GOALS FOR THE DIRECTOR AND CONDUCT STATEWIDE VULNERABILITY, RESOURCE, AND CAPABILITY ASSESSMENTS TO SET STRATEGY AND TO DETERMINE HOW TO BEST ACHIEVE THESE GOALS**

**Priorities and Goals.** The policy group outlined several priorities and goals for the Director:

- Distributing discretionary funding solely on the basis of risk, threat, and vulnerability. The Director should have ultimate responsibility for distributing and overseeing state and federal homeland security and emergency preparedness funding. This will eliminate waste and duplication while ensuring more effective use of limited resources. The Director's goal should be to institute clear criteria for funding grants and establish greater transparency.
- Implementing statewide plans to ensure the continuity of government operations in the event of an emergency. The goal is to ensure that government will continue to function during times of crisis.
- Enhancing protection of critical state infrastructure, including chemical plants, ports, trains, nuclear plants, airports, and other vulnerabilities.
- Establishing clear protocols for emergency response, including: who will respond first; who will be in charge; what language will be spoken; what resources (people

and equipment) can be counted on from other regions and states; how will separate agencies such as the Health Department, Department of Environmental Protection, Board of Public Utilities, Transportation, and others integrate and function collaboratively during an emergency.

- Achieving full statewide interoperability of all equipment for first responders, which remains a critical problem in New Jersey today.
- Establishing an interoperable, reliable, and redundant system of communications that links New Jersey government with local, county, and federal assets, including law enforcement, emergency management, public health, private health care, counter-terrorism, and other relevant assets and entities both in New Jersey and in other jurisdictions.
- Providing personal protective gear to first responders throughout the state. Local first responders should be brought together to agree upon minimum levels of equipment needed. The Director can then work toward achieving this goal through a tiered approach based on risk, threat, and vulnerability.
- Adopting a results-based approach to ensuring the highest level of security and preparedness.
- Coordinating and setting standards for statewide training and equipment.
- Overseeing and coordinating public education and awareness efforts.
- Appointing a state cyber security officer.
- Encouraging legislative change to put new systems in place.
- Establishing an external advisory board consisting of national and state experts from a variety of disciplines who will advise the Director on a regular basis on critical issues.

**Conduct detailed assessments of vulnerabilities, resources and capabilities in New Jersey.** Members of the policy group agreed that the Director's first step should be to assess the vulnerabilities, resources, and capabilities within the state, and identify gaps and needs.

**Conduct a comprehensive and statewide vulnerability assessment.** A number of different agencies have completed vulnerability assessments in New Jersey, including the State Police, the Office of Counter-Terrorism, the counties, and the federal Department of Homeland Security. Using these existing documents and working with experts, the Director should complete a comprehensive vulnerability assessment that maps the state in terms of its critical vulnerabilities. This should include the present level of protection for critical infrastructure. The Director's vulnerability assessment should then become the

single statewide document that is adopted and relied upon by all state agencies. We recommend that the Director begin this project immediately upon taking office.

- **Mapping and assessing resources and capabilities.** The Director should also immediately conduct a separate assessment of the major state agencies that participate in homeland security and preparedness today, including but not limited to: the Office of Counter-Terrorism, the State Police (including the Office of Emergency Management), the Office of the Attorney General, the Health Department, and other cabinet level agencies such as the Department of Environmental Protection, the Board of Public Utilities, and the Department of Transportation. These groups have overlapping missions with extensive duplication of effort and assets. This comprehensive review should look not only at the core mission of each agency but also at the assets each agency commands and the efficiency with which each agency completes its tasks. Ultimately, the Director should have a full view of what's happening, what's missing, and what organizations are best equipped to play specific roles.

#### **4. DEVELOP LINES OF COMMAND AND CONTROL THAT GRANT AUTHORITY TO THE DIRECTOR TO COORDINATE AND INTEGRATE KEY STATE COMPONENTS ADDRESSING HOMELAND SECURITY AND EMERGENCY PREPAREDNESS**

**Chain of command.** The policy group believes that the Governor must grant extensive authority to the Director, and establish a clear, but flexible and situationally dependent chain of command. The Governor should clearly define the respective roles of the Director and other key stakeholders, such as the Office of the Attorney General, the State Police, the Office of Emergency Management within the State Police, and the Domestic Security Preparedness Task Force. The Director should define, within the Director's Office, the role of the Office of Counter-Terrorism in relation to other agencies.

**Authority across agencies.** The Governor should communicate immediately that the Director has full authority to coordinate policy, planning, and operations across all government agencies. Similarly, the Governor must grant extensive authority to the Director to intercede with other state agencies if necessary to accomplish the state's homeland security and preparedness goals.

**Dual reporting by the State Police Superintendent.** The policy group further recommends that the Governor require the State Police Superintendent to engage in dual reporting – to the Attorney General and to the Director – on homeland security and preparedness issues. The State Police play a major role in both homeland security and preparedness. They engage in extensive homeland security activities, including intelligence-gathering, counter-terrorism and criminal investigations, and infrastructure protection. The State Police also operate the Office of Emergency Management (“OEM”), the central statewide agency tasked with coordinating and responding in the event of an emergency. Dual reporting will allow the Director to have situational awareness and to formulate an integrated and comprehensive, statewide strategy for

counter-terrorism and emergency preparedness, while leaving the State Police structure intact.

**National Guard.** The Director will need to establish a strong working relationship with the Adjutant General of the National Guard. To this end, the Director will need to closely coordinate with the National Guard prior to and during catastrophic events to assure appropriate levels of planning, preparation, response, training, and exercises.

5. **REQUIRE THAT ALL STATE AND FEDERAL DISCRETIONARY FUNDS FOR HOMELAND SECURITY AND PREPAREDNESS BE DISTRIBUTED BY THE DIRECTOR ON THE BASIS OF RISK, THREAT, AND VULNERABILITY**

The Director should immediately establish transparent criteria for the distribution of all discretionary state and federal funding based solely on risk, threat, and vulnerability. Although the Office of the Attorney General has had responsibility for the allocation and distribution of homeland security funding, the Director's Office should assume this role at once. In addition to homeland security planning and funding, the Director should also oversee all emergency preparedness funding as well. This will provide strong fiscal oversight and coordination that balances resources, harmonizes efforts across all sectors, and assures accountability.

The Director should also ensure that all funds are used for the approved purposes. This goal may be achieved by requiring recipients of funds to certify that they have spent allocated money for the specific purpose that the funds were designated. Finally, the Director must make certain that the funding goes where it is most needed.

6. **ESTABLISH STRONG, MEANINGFUL PARTNERSHIPS WITH KEY STAKEHOLDERS – FIRST RESPONDERS, THE GOVERNMENTAL AND PRIVATE HEALTH COMMUNITIES, PRIVATE INDUSTRY, THE PORT AUTHORITY OF NEW YORK/NEW JERSEY, AND OTHER JURISDICTIONS – ALL OF WHOM WILL BE ON THE FRONT LINE DURING TIMES OF CRISIS**

**Partnerships.** The policy group agreed that partnerships and strong relationships will be crucial. On a public level, the state has taken a departmental approach to homeland security and preparedness issues, largely permitting individual agencies to work separately on plans and protocols. This has led to a number of separate silos and competition between agencies for resources. A key responsibility for the Director of Homeland Security and Preparedness will be to develop an enterprise approach to these issues that cuts across all public departments and agencies.

In addition to coordinating across government agencies, the Director will need to establish strong, working relationships with all relevant stakeholders. The policy group agreed that these stakeholders should be at the table during the creation of statewide policies, plans, and protocols.

**First Responders.** First responders will always be on the front line of any emergency, be it a natural disaster, catastrophic event, health pandemic, or terrorist attack. First responders include law enforcement, fire, and emergency medical technicians, all of whom play a crucial role in discovering emergencies, ensuring the safety of citizens, coordinating emergency response, and investigating potential criminal events.

**Public and Private Health.** The importance of the governmental public health sectors and private health cannot be overstated. In recent years, the Department of Health and Senior Services has taken strong steps to enhance its preparedness and response capabilities through such activities as improving communication between hospitals and other care providers, and training infectious disease rapid-response teams. Nevertheless, the urgency of impending threats, including Avian Influenza, requires that we do better in this area. The Director should work closely with the Health Commissioner and private hospitals to review critical health issues, including but not limited to: the implementation of electronic medical records and an integrated health information infrastructure; the stockpiling of sufficient medications and medical supplies; the development of telecommuting plans for hospital personnel who may be unable to get to work during an emergency; the storing, tracking and securing of radioactive materials at hospitals; the development of continuity of operations during a massive incident; the training of clinical personnel regarding the detection of bioterrorism, chemical, radiological and other types of exposures; the consolidation of the preparedness and response efforts of the 114 local public health agencies; and the enhancing of coordination between hospitals, the Department of Health, and other medical care providers.

**Private Industry.** No strategy to address homeland security and preparedness will succeed without close coordination with the private sector. Approximately 80% of New Jersey's critical infrastructure is privately owned. The state, and the Director in particular, must work with the private sector to ensure that it is adequately protected. Private companies such as gas, electricity, and telephone companies must be involved in planning as well as in tabletop and simulation exercises, as they will be on the front line of any response. It is similarly critical that the state identify private sector vulnerabilities, such as those involving chemical plant facilities, nuclear facilities, petroleum refineries, and transportation of chlorine and other hazardous materials, and work diligently to eliminate or minimize the risk.

**Port Authority of New York and New Jersey.** With 1,600 sworn officers, Port Authority has the second largest police force in the state of New Jersey and is the 16<sup>th</sup> largest law enforcement agency in the United States. Port Authority oversees one of the largest ports in the United States and a great deal of the state's critical infrastructure, including airports, tunnels, bridges, and rail lines. Port Authority is also responsible for the protection of many of the state's hard and soft targets.

The state must take a more pro-active role in coordinating homeland security and preparedness efforts with the Port Authority. This could be facilitated by giving a

representative of the Port Authority a seat on the Domestic Security Preparedness Task Force.

**Other Jurisdictions.** New Jersey is uniquely situated directly between New York and Pennsylvania. The policy group recommends that the state build on existing partnerships with other states and jurisdictions.

## 7. **RESTRUCTURE THE DOMESTIC SECURITY PREPAREDNESS TASK FORCE**

**Background.** The Domestic Security Preparedness Task Force (“Task Force”) was established by statute on October 4, 2001, and tasked with: making broad policy determinations regarding homeland security in NJ; developing and implementing a comprehensive homeland security plan in the state; assisting with coordination across all levels of state government; and supplementing the disaster response capabilities of the Office of Emergency Management (“OEM”). The Task Force was not given operational or oversight authority and thus functions primarily as a planning and policy unit. The Task Force mission is defined solely in terms of counter-terrorism and not in terms of natural disasters, health pandemics, or other catastrophic events.

The Task Force, pursuant to statute, consists of nine members: Superintendent State Police, Adjutant General National Guard, Attorney General, Commissioner of the Department of Transportation, Commissioner of Health and Senior Services, Coordinator of the Office of Recovery and Victim Assistance, and three public members, one of whom must be an expert on chemical and biological matters.

Over time, the Task Force has added a large number of so-called permanent members. The Governor selects the Chair of the Task Force; since its inception, the Attorney General has chaired the Task Force.

**Recommendations.** The policy group made a number of recommendations in relation to the Task Force.

- Add the Director of Homeland Security and Preparedness to the Task Force and make the Director the permanent Chair.
- Require that the Director, and all other principals, personally attend each Task Force meeting.
- Relocate the Task Force, and its staff, from the Office of the Attorney General to the Office of the Director.
- Add emergency preparedness as a second core mission of the Task Force. The Task Force should mirror the all-hazards approach to preparation, mitigation, and planning adopted by the Governor.

- Consider restructuring the Task Force to give it some joint operational authority.
- Review and trim the membership to limit the size of the actual Task Force and to facilitate decision-making and efficiency.

## **8. RESTRUCTURE THE OFFICE OF COUNTER-TERRORISM IN NEW JERSEY**

**Background.** The policy group extensively debated the structure and mission of New Jersey’s Office of Counter-Terrorism (“OCT”). OCT was established in January 2002, following the September 11<sup>th</sup> attacks, to identify, detect, and deter terrorism-related activities. For many years, OCT was “in but not of” the Office of the Attorney General. Pursuant to executive order (#57) issued in October 2005, the Director of OCT now reports directly to the Governor on counter-terrorism related items and to the Attorney General on criminal investigations. Following this executive order, OCT interfaces directly with Treasury and Personnel for budgeting and human resources issues.

The policy group raised concerns about the present structure and broad mission of OCT. As an initial matter, the policy group agreed that the OCT law enforcement component should not report directly to the Governor’s Office. The policy group also concluded that OCT should not conduct independent criminal investigations. This causes conflict with other law enforcement agencies in the state, including the Federal Bureau of Investigation (“FBI”) and the State Police and could discourage agencies from sharing information with OCT.

**Recommendations.** The policy group formulated a number of recommendations related to OCT:

- The core mission of OCT should be defined as intelligence gathering, sharing, and analysis; training; and infrastructure protection. These three core missions will greatly enhance the security and preparedness of the state.
- OCT should no longer conduct independent criminal investigations. Rather, OCT investigators should be paired with criminal investigators from other agencies, such as: the FBI Joint Terrorism Task Force (“JTTF”), State Police, and the Office of the Attorney General Division of Criminal Justice (“DCJ”).
- All investigations conducted by OCT, whether joint criminal investigations or counter-terrorism investigations, must be closely supervised by DCJ.
- OCT should continue to conduct intelligence-gathering operations; however, it must operate cooperatively with local, state, and federal agencies and it must improve at intelligence sharing.
- OCT should report to the Director of Homeland Security and Preparedness.

## **9. PREPARE, PLAN, COORDINATE, AND EXERCISE**

The state must ensure that it has a comprehensive emergency plan that is known, accepted, and fully understood by all stakeholders. It must also facilitate coordination across all levels of government, work closely with first responders to meet their needs, and partner with private industry. These actions alone, however, will not guarantee that the state functions at the highest level in terms of homeland security and preparedness. The only way to improve the level of security and preparation and to ferret out gaps in preparation, planning, coordination, and execution is to test the system. To this end, the policy group recommends that the Governor and Director hold frequent tabletop exercises and simulations. This will expose problems and greatly enhance the overall level of preparedness.

## **10. PROTECT CIVIL LIBERTIES**

The policy group recommends that the Governor respect the need to protect the privacy and civil liberties of individuals while undertaking all appropriate efforts to guarantee the safety of the people of New Jersey. The policy group believes that respecting civil liberties leads inexorably to stronger, and more effective, law enforcement.

The policy group also urges that an ombudsman be appointed within the Office of the Public Advocate to handle civil liberties issues as they relate to homeland security and preparedness.

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