

**ATTACHMENT A TO ANNEX 6**

MEMORANDUM OF UNDERSTANDING

BETWEEN

THE AMERICAN NATIONAL RED CROSS

AND

STATE OF SOUTH CAROLINA

I. PURPOSE

The purpose of this Memorandum of Understanding (“MOU”) is to define a working relationship between The American National Red Cross (hereinafter “American Red Cross” or “Red Cross”) and The State Of South Carolina, and its agencies (hereinafter “State” or “South Carolina”), in preparing for and responding to certain disaster situations. This MOU provides the broad framework for cooperation between the Red Cross and the State of South Carolina in rendering assistance and service to victims of disaster, as well as other services for which cooperation may be mutually beneficial.

II. INDEPENDENCE OF OPERATIONS

Each party to this Memorandum of Understanding will maintain its own identity in providing service. Each organization is separately responsible for establishing its own policies and procedures and financing its own activities.

III. DISASTERS COVERED BY THIS MOU

The Red Cross provides disaster services pursuant to its Bylaws and other internal policies and procedures as well as its Congressional Charter, codified at Title 36, Sections 300101-300111, of the United States Code. In the Charter, Congress authorized the Red Cross "to carry out a system of national and international relief in time of peace, and apply that system in mitigating the suffering caused by pestilence, famine, fire, floods, and other great national calamities, and to devise and carry out measures for preventing those calamities."

The Red Cross's role was reaffirmed in the 1974 Disaster Relief Act (Public Law 93- 288), the 1988 Robert T. Stafford Disaster Relief and Emergency Assistance Act (Public Law 100-707), and The Disaster Mitigation Act of 2000 (Public Law 106-390). The Federal law governing disaster relief, found in Title 42, Chapter 68 of the United States Code, defines "emergencies" and "major disasters" as follows:

*"Emergency" means any occasion or instance for which, in the determination of the President, Federal assistance is needed to supplement State and local efforts and capabilities to save lives and to protect property and public health and safety, or to lessen or avert the threat of a catastrophe in any part of the United States.*

*"Major disaster" means any natural catastrophe (including any hurricane, tornado, storm, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, or drought), or, regardless of cause, any fire, flood, or explosion, in any part of the United States, which in the determination of the President causes damage of sufficient severity and magnitude to warrant major disaster assistance under this chapter to supplement the efforts and available resources of States, local governments, and disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby.*

On a local level, the Red Cross responds to all kinds of disasters, whether or not they are the subject of a presidential declaration. The disasters to which the Red Cross responds include any threatening event of such destructive magnitude and force as to dislocate people, separate family members, damage or destroy homes, or injure or kill people. A disaster produces a range and level of immediate suffering and basic human needs that cannot be promptly or adequately addressed by the affected people and impedes them from initiating and proceeding with their recovery efforts.

Some disasters are natural disasters, such as floods, tornados, hurricanes, typhoons, winter storms, tsunamis, hailstorms, thunderstorms, wildfires, windstorms, epidemics, and earthquakes. Human-caused disasters, which may be intentional or unintentional, include residential fires, building collapses, transportation accidents, hazardous materials releases, explosions, and domestic acts of terrorism. All of these are within the Red Cross mission.

#### IV. ORGANIZATION OF THE AMERICAN RED CROSS

The National Headquarters of the Red Cross is located in Washington, D.C. National Headquarters is responsible for implementing policies and procedures that govern Red Cross activities and providing administrative and technical supervision and guidance to the chartered units, which include chapters and blood services regions. Each chapter has certain authority and responsibility for carrying out Red Cross disaster preparedness and response activities, delivering local Red Cross services, and meeting corporate obligations within the territorial jurisdiction assigned to it. Each chapter is familiar with the hazards of the locality and surveys local resources for personnel, equipment, supplies, transportation, emergency communications, and facilities available for disaster relief. The chapter also formulates cooperative plans and procedures with local government agencies and private organizations for relief activities should a disaster occur. In

carrying out their disaster preparedness and response activities, each chapter coordinates with one of eight Regional Service Areas that provide immediate technical and logistical support to chapters within their jurisdictions.

Through its nationwide organization, the Red Cross coordinates its total resources for use in large disasters. Services are provided to those in need regardless of citizenship, race, religion, age, sex, or political affiliation. In providing disaster services, the Red Cross follows the Fundamental Principles of the International Red Cross and Red Crescent Movement.

V. AMERICAN RED CROSS DISASTER RELIEF ASSISTANCE ACTIVITIES

Red Cross emergency assistance is designed to minimize the immediate suffering caused by a disaster by providing food, clothing, shelter, first aid, and other assistance to address basic human needs. Red Cross emergency assistance may be provided either as mass care, individual assistance, or a combination of the two, depending on the victims' needs. Mass care is provided through any combination of three integrated elements: (1) individual or congregate temporary shelters; (2) fixed or mobile feeding operations, and (3) distribution of relief supplies. Individual assistance is provided to individuals and families through the purchase of needed items and/or services or referrals to other agencies and organizations that offer assistance to disaster victims at no charge. The Red Cross also provides blood and blood products, and processes welfare information requests. In addition to emergency assistance, the Red Cross participates in community recovery programs after major disasters.

Red Cross disaster response activities vary depending upon the nature and scope of the required response, as follows:

Mass Casualty Incidents

Mass casualty incidents are usually the result of transportation accidents, fires in high-occupancy structures, industrial accidents or similar disasters. In mass casualty disasters, the Red Cross closely coordinates with the authorities at the scene (including firefighters, police, and government agencies) and representatives of the owner/operator. Depending on the nature and scope of the disaster, the needs of the victims and workers, and the response of the owner/operator, the Red Cross may engage in a number of activities to assist victims, survivors, families of victims or survivors, emergency workers or others. These services include but are not limited to shelter, food, basic first aid, and mental health services.

Aviation Disasters

Red Cross has a special role in major aviation disasters. Under the provisions of the Aviation Disaster Family Assistance Act of 1996 (PL 104-264), airlines, the National Transportation Safety Board ("NTSB"), and a "designated independent

nonprofit organization” were given specific responsibilities with regard to coordinating the emotional care and support of the families of passengers involved in aviation disasters. The NTSB, as part of its Federal Family Assistance Plan for Aviation Disasters, has designated the American Red Cross as the organization responsible for Family Care and Mental Health, and the American Red Cross has accepted this role and has specially trained staff on call on its “Critical Response Team” (“CRT”) who initiate support within hours of a request from the NTSB for services.

#### Hazardous Material Situations

When an actual or potential hazardous material situation results in an evacuation, the Red Cross provides emergency mass care until families can return home. If public authorities deem it necessary for families to relocate permanently, the Red Cross works with other community organizations to provide temporary mass care or casework assistance.

The American Red Cross does not provide disaster assistance where government officials or agencies require building evacuation as a result of chronic deferred maintenance, code violations, radon contamination or fire hazards.

#### Nuclear Facility or Transportation Accidents

In the event of an evacuation due to a nuclear power plant accident or transportation accident involving radioactive materials, the Red Cross provides mass care services for the evacuees and emergency workers. The Red Cross coordinates with public health authorities with respect to health concerns and the possible need for decontamination, but the Red Cross does not engage in decontamination activities. If the Red Cross is operating evacuation shelters, evacuees and workers must undergo any necessary decontamination before they are admitted to the shelter.

#### Civil Disorders

Situations involving civil disorder, such as riots, or hostage incidents are not within the usual scope of the Red Cross disaster relief activities.

Nevertheless, when basic human needs are not being met as a result of civil disorder, the Red Cross may participate in community actions to supplement the efforts of civil authorities by providing mass care and other services upon request of appropriate government authorities if Red Cross resources are available. The Red Cross will provide services only in a safe and secure area.

#### Catastrophic Incidents

A catastrophic incident, as defined by the National Response Plan, is any natural or manmade incident, including terrorism, that results in extraordinary levels of mass casualties, damage or disruption, and severely affects the population,

infrastructure, environment, economy, national morale and/or government functions. A catastrophic incident results in sustained national effects over a prolonged period. In a catastrophic incident, the Red Cross will work closely with appropriate state and local government and non-government partners to provide mass care, including shelter, feeding, first aid, and other assistance to address basic human needs in a safe environment.

#### Repatriation of US Citizens and Dependents

During the emergency repatriation of US citizens and dependents evacuated from foreign countries during national emergencies, the American Red Cross will, at designated ports of entry, cooperate with federal, state, local and voluntary agencies involved with their reception, temporary care, and onward transportation to provide shelter, feeding and basic first aid among other services.

#### Other Events or Situations

In the event of other unforeseen events or situations in which human suffering is involved, the Red Cross will coordinate with appropriate government and non-government partners to provide mass care, including shelter, feeding, first aid, and other assistance to address basic human needs, as resources are available to assist.

### VI. ROLE OF THE STATE OF SOUTH CAROLINA IN DISASTER RESPONSE

The South Carolina Emergency Operations Plan is developed for use by state government officials to ensure appropriate response to emergencies and serves as the baseline for all emergency operations. The plan outlines policies and general procedures that provide a common basis for joint state, local, and service organization operations during any disaster. State assistance is provided upon request when emergency or disaster needs exceed the capability of county and municipal governments. State assistance is organized by Emergency Support Function, which is a functional rather than organizational approach to emergency management. However, specific state agencies are tasked to provide oversight for each Emergency Support Function. Federal assistance is supplemental to that of state and local governments and is available upon approval of a request by the Governor to the appropriate federal agency or to the President.

#### State of South Carolina Authorities

The South Carolina Emergency Management Division, Office of the Adjutant General, is authorized by SECTION IV, S1., The Constitution of South Carolina, Title 9, Sections 25-1-420 through 25-1-460, Code of Laws of South Carolina, 1976, to carry out the Governor's emergency powers and responsibilities to prevent, minimize and repair injury and damage resulting from a disaster of any origin.

VII. COOPERATIVE ACTIONS

The Red Cross and the State of South Carolina will coordinate in rendering their respective disaster relief activities in the following manner:

1. Maintain close liaison at all levels of both the Red Cross and the State of South Carolina by conferences, meetings, telephone, facsimile, e-mail, and other means. Share current data regarding disasters, disaster declarations, and changes in applicable legislation. Include a representative of the other party in appropriate committees and task forces formed to mitigate, prepare for, respond to, and recover from disasters and other emergencies.
2. Keep each other informed of disaster and emergency situations, the human needs created by the event, and the actions they have taken regarding service delivery to clients.
3. The American Red Cross will, as appropriate at the request of the State of South Carolina, provide liaison personnel to the State of South Carolina Emergency Operations Center and any district Emergency Operations Centers during a disaster. The State of South Carolina will provide space and other required support, such as computer, e-mail access and a designated phone line for the Red Cross liaison personnel assigned to the Emergency Operations Center.
4. The Disaster Service Volunteer Leave Act (A361, R401, S283) authorizes state employees who are volunteers of the American Red Cross to take up to 10 days paid leave to respond to disasters. The State will fully support the provisions of this law and the release of personnel, consistent with the operating needs of its agencies. The State, upon request of the American Red Cross, will assist in identifying specific categories of state employees (e.g., bilingual, mental health professionals, logisticians) who might be of assistance to the American Red Cross in fulfilling its disaster responsibilities.
5. During the time of a disaster, keep the public informed of their and the cooperative efforts through the public information offices of the Red Cross and the State of South Carolina.
6. The State will support the Red Cross in conducting special appeals and campaigns for funds during times of disaster.
7. Allocate the responsibility for joint expenses only in writing and only in advance of any commitment.
8. Advocate for programs and public policy positions designed to mitigate disaster damage and loss of life when appropriate.

9. In the discharge of their responsibilities, the State of South Carolina and the American Red Cross recognize the responsibilities of the other in disasters and to the extent possible will coordinate their activities and assist the other in the performance of their duties to ensure effective assistance to those affected by disaster, and will encourage mutual participation and coordination of services to the community.
10. Actively seek to determine other areas/services within the Red Cross and the State of South Carolina where cooperation and support will be mutually beneficial.
11. Use or display the name, emblem, or trademarks of the Red Cross or the State of South Carolina only in the case of defined projects and only with prior express written consent of the other organization.
12. Make available to each other training, educational, or other developmental opportunities available to the other party's personnel and explore joint training and exercises, and will encourage all staff and volunteers to engage in training and exercises, as appropriate.
13. Explore opportunities for collaboration to provide Community Disaster Education ("CDE") within the State of South Carolina. Cooperative efforts could include distributing CDE materials to targeted populations within the community, preparing volunteers as CDE presenters, or jointly developing and implementing CDE plans.
14. The State of South Carolina and the American Red Cross may allow the use of each other's facilities, as available and if agreed upon in writing, for the purpose of preparedness training, meetings and response and recovery activities.
15. Widely distribute this MOU within the Red Cross and the State of South Carolina departments and administrative offices and urge full cooperation.

VIII. PERIODIC REVIEW

The parties will on an annual basis, on or around the anniversary date of this MOU, jointly evaluate their progress in implementing this MOU and revise and develop new plans or goals as appropriate.

IX. TERM AND TERMINATION

This MOU is effective as of January 24, 2008. It expires on January 28, 2013 [DATE NO LATER THAN FIVE YEARS AFTER EFFECTIVE DATE]. Six months prior to expiration the parties will meet to review the progress and success of the cooperative effort. In connection with such review, the parties may decide to extend this MOU for an additional period not exceeding

five (5) years, and if so shall confirm this in a signed writing. In no event shall any extension of this MOU be for a period exceeding five (5) years.

This MOU may be terminated by written notification from either party to the other at any time and for any reason or for no reason.

X. MISCELLANEOUS

This MOU does not create a partnership or a joint venture. Neither party has the authority to bind the other to any obligation. It is not intended that this MOU be enforceable as a matter of law in any court or dispute resolution forum. The sole remedy for non-performance under this MOU shall be termination, with no damages or penalty.

Signature page follows.

STATE OF SOUTH CAROLINA

AMERICAN NATIONAL RED CROSS

/s/ Mark Sanford

Mark Sanford  
Governor  
State of South Carolina

/s/ Kathy Doyle

Kathy Doyle  
Service Area Executive  
Mid-Atlantic Service Area  
American Red Cross

January 24, 2008

Date

December 10, 2007

Date

/s/ Ronald C. Osborne

Ronald C. Osborne, Director  
Emergency Management Division  
State of South Carolina

December 2, 2007

Date

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