

A Discursive and Intersectional Analysis of the
U.S. Federal Emergency Management Agency's Rulemaking Process

Helen Alexandra Hayes

Department of Art History and Communication Studies
McGill University, Montreal

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Acronyms

APA	Administrative Procedure Act of 1946
DHS	Department of Homeland Security
FEMA	Federal Emergency Management Agency
FRP	Federal Response Plan
NGOs	Non-Governmental Organizations
NPRM	Notice of Proposed Rulemaking
NRF	National Response Framework
NRFdraft	Draft Version of the National Response Framework, 2007
NRF1	First Published Version of the National Response Framework, 2008

Abstract

This thesis examines an important episode in the rulemaking process of the Federal Emergency Management Agency (FEMA), a body of the U.S. Department of Homeland Security whose mission is to “lead America to prepare for, prevent, respond to, and recover from disasters.” Drawing on critical/interpretive policy studies, discourse theory, the study of victimhood and victimization, racial capitalism, and intersectional theory, this thesis explores the rulemaking process for the first iteration of the National Response Framework (NRF1) – a policy making process that occurred as a result of FEMA’s failed response to Hurricane Katrina (2005). The opening chapter provides an overview of FEMA’s basic evolution, its responsibilities, and its rulemaking obligations. The second chapter outlines my theoretical framework. Stemming from this review, chapter three presents my research methods, and explains how my theoretical framework was used to guide the selection, collection, and analysis of my data. The final chapter outlines my research findings and interpretation. Ultimately, this project seeks to understand whether FEMA provided the necessary conditions for marginalized victims of natural disaster to be represented within the rulemaking process for the NRF1 and, if so, whether their public participation was actualized in the published NRF1.

Résumé

Cette thèse examine un épisode important du processus de réglementation de la Federal Emergency Management Agency (FEMA), une organisation du Department of Homeland Security de les États-Unis dont la mission est de «conduire les États-Unis à se préparer, prévenir, répondre, et se remettre des catastrophes.» S’appuyant sur des études politiques critiques/interprétatives, la théorie du discours, l’étude de la victimisation, le capitalisme racial, et la théorie intersectionnelle, cette thèse explore le processus d’élaboration des règles pour la première itération du National Response Framework (NRF1) – un processus d’élaboration des politiques qui s’est produit à la suite de l’échec de la réponse de la FEMA à l’ouragan Katrina (2005). Le premier chapitre donne un aperçu de l’évolution fondamentale de la FEMA, de ses responsabilités et de ses obligations de réglementation. Le chapitre trois, qui découle de cet examen, présente mes méthodes de recherche, et explique comment mon cadre théorique a été utilisé pour guider la sélection, la collection, et l’analyse de mes données. Le dernier chapitre présente les résultats de mes recherches et leur interprétation. En fin de compte, ce projet cherche à comprendre si la FEMA a fourni les conditions nécessaires pour que les victimes marginalisées de catastrophes naturelles soient représentées dans le processus de réglementation du NRF1 et, si oui, si leur participation publique a été actualisée dans la publication du NRF1.

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Introduction

There was a red ‘x’ spray-painted on the plywood that covered the shattered window of a flooded home. On one side of the ‘x’ were the numbers two and three; on the other, a nine and thirteen. Under the window stood a rusted ladder. I wondered if it had been used to climb in or to get out. I sat on the bus staring at that home for what seemed like an eternity; it was really only a couple of seconds, though. We were just passing through the Ninth Ward of New Orleans, Louisiana.

“They look like tilted crosses,” I said.

“I’ve never seen one before,” replied the girl sitting next to me.

“It must have to do with the flood.”

“Are you talking about the x-codes?” asked our guide. “They use those to mark-up the houses where people have—” she stopped for a moment “—perished.” “The two and three, that tells them that two people got out alive, three didn’t. The nine and thirteen mean September thirteenth – the day the home was inspected.”

Maybe they should be crosses, then, I thought to myself, but I didn’t say a word.

After returning to Toronto from New Orleans, I realized for the first time what it truly meant to live free from the threat of a catastrophe the likes of Hurricane Katrina; free from the worry of losing my home to flood waters nearly fourteen feet high; free from the concern of waking up to an x-code being spray-painted on my home. It was then, while volunteering in 2010 with Habitat for Humanity, that I began to question the devastation I had witnessed. Why, nearly five years after the flooding of New Orleans were the city’s suburbs still destroyed? Why was the suffering of victims being prolonged? This seminal moment in my early teenage years shaped my academic pursuits and strongly informed the research presented in this thesis.

In 2005, Hurricane Katrina submerged eighty percent of New Orleans in ten feet of floodwater, damaging eighty percent of the city's housing, and displacing more than one million residents, seventy-three percent of whom were African American (Farber, 2007; Plyer, 2016; Urlainis et al., 2014). Many explained this disproportionate effect on African American people as a product of New Orleans' racialized geographies: spatial correlations between African American ethnicity and topographic elevation (Campanella, 2014; Sharkey, 2007) (see Figure 1).

Figure 1: Spatial Correlations Between Flood Extent, Elevation, and African American Ethnic Geography in New Orleans, Louisiana, 2005



Rooted in the Jim Crow logic of the nineteenth century, exclusionary and isolating housing policies left African American residents of New Orleans particularly vulnerable to disaster (Campanella, 2014; Fleetwood, 2006; Marable & Clarke, 2008; Spain, 1979). When Hurricane Katrina hit New Orleans in 2005, roughly two feet of topographic elevation separated the white and African American populations: on average, the white population lived 0.48 feet above sea level, whereas African Americans lived an average of 1.57 feet below sea level (Campanella, 2014; Gotham & Campanella, 2013). Additionally, 61% of the total population of New Orleans resided in areas that were flooded by Hurricane Katrina (Campanella, 2014); African Americans outnumbered white people in those flooded areas by a nearly four to one ratio (Campanella, 2014). For these reasons, African Americans were disproportionately likely to die or “remain missing” during Hurricane Katrina (Sharkey, 2007) (see Figure 2).

Figure 2: The Locations of the Deceased and the Percentage of Black Residents in New Orleans Neighbourhoods, 2005



The Federal Emergency Management Agency (FEMA), whose mission is to “lead America to prepare for, prevent, respond to, and recover from disasters,” failed to respond effectively to Hurricane Katrina, even though the hurricane was predicted with unprecedented timeliness and accuracy (U.S. House of Representatives, 2006). First, FEMA’s overly bureaucratic, under-developed National Response Plan (2004) delayed emergency response actions and exacerbated the damage caused by Hurricane Katrina. In fact, the most successful immediate responses to Hurricane Katrina were not FEMA directed; rather, Canadian search and rescue teams and the U.S. Coast Guard had to initiate response efforts without FEMA’s approval (Sobel & Leeson, 2006). Second, FEMA’s attempts to organize its response included initially instructing firefighters and ambulance crews not to respond to areas hit by the hurricane without first being mobilized by local and state authorities (MIT, 2010). This undoubtedly slowed response to the disaster, including evacuation and the delivery of emergency supplies and equipment to people in affected areas, leaving their immediate needs unattended to (MIT, 2010). Third, residents who lacked access to transportation and relied on emergency responders for evacuation before the storm made landfall were left stranded for days while the hurricane hit (Nunn, 2009). This led to prolonged suffering and preventable deaths, a majority of which were in communities with the highest percentage of African American residents (Sharkey, 2007; U.S. House of Representatives, 2006). In fact, several months after Hurricane Katrina hit New Orleans, thousands of disaster victims had still not received assistance from FEMA (Pierre & Stephenson, 2008). Ultimately, FEMA’s failed response worsened the outcome of Hurricane Katrina for communities that were hardest hit by the disaster.

Criticism of FEMA’s response to Hurricane Katrina resulted in an investigation by the U.S. Congress and the resignation of FEMA’s director, Michael Brown (Levitt & Whitaker,

2009). Clearly, the nation's response to this catastrophic disaster – which was carried out using FEMA's National Response Plan (2004) – was inadequate. Developing a new framework for disaster mitigation and response that accounted for FEMA's failures during Hurricane Katrina would be key to successful emergency management going forward. In order to propose and establish new rules for disaster mitigation and response, FEMA was – and continues to be – required to follow guidelines set out in the Administrative Procedure Act of 1946 (APA). The APA, which aims to improve public administration by prescribing fair administrative procedure, necessitates federal agencies like FEMA to: 1) keep the public informed of their organization, procedures, and rules; 2) provide a mechanism for public commenting on rulemaking processes; 3) establish uniform standards for formal rulemaking and adjudication; and 4) define the scope of judicial rule (Administrative Procedures Act, 1946). As such, FEMA was obliged to involve “public participants” in the drafting process for a new national response mechanism that would improve upon the National Response Plan (2004) used during Hurricane Katrina.

In 2007 – two years after Hurricane Katrina – FEMA released its first draft of the National Response Framework (NRFdraft), a core document that superseded the National Response Plan (2004). The NRFdraft outlined how the U.S. should conduct all hazard response and coordinated the key roles and responsibilities of government, non-governmental organizations (NGOs), and the private sector during a disaster response (National Response Framework, 2008). It intended to capture the best practices for managing incidents that range “from the serious but purely local, to large-scale terrorist attacks or catastrophic natural disasters” (National Response Framework, 2008, p. i).

On September 10, 2007, FEMA's NRFdraft was released for a 6-week public comment period. Once the comment period ended, FEMA evaluated the public comments, and on January

28, 2008, published its first official National Response Framework (NRF1). My research specifically examines FEMA-2007-0007 – the online register (referred to by FEMA, and throughout this thesis, as a “docket”) that houses all of the NRF’s relevant rulemaking documents including the NRFdraft, public comment submissions, and the NRF1. I chose this docket (FEMA-2007-0007) because it encompasses FEMA’s rulemaking process for the NRF1– the disaster protocol meant to remedy the problematic response to disaster victims in the wake and aftermath of Hurricane Katrina.

Natural disaster preparedness and public participation in FEMA’s rulemaking procedures (so long as these procedures are structured in a non-placating way that gives citizens a degree of power) can illuminate the areas of need within disaster management policies and can raise a range of analytical questions (Arnstein, 1969; Brody, 2003). Three such questions serve as the basis of this thesis: *how and to what extent did FEMA’s rulemaking process provide marginalized victims of natural disaster with spaces for representation; how and to what extent did FEMA use the comments of marginalized victims of disaster to influence revisions to the NRFdraft, as demonstrated in its revision, the NRF1; and how and to what extent were intersectional considerations included in the NRFdraft and NRF1?*

To explore these questions, this thesis is divided into four main chapters. In **Chapter 1**, I provide an overview of FEMA’s basic evolution, its responsibilities, and its rulemaking obligations. **Chapter 2** outlines my theoretical framework that draws on perspectives from critical/interpretive policy studies, discourse theory, the study of victimhood and victimization, racial capitalism, and intersectional theory. Stemming from this review, **Chapter 3** presents my research methods, and explains how my theoretical framework was used to guide the selection, collection, and analysis of my data. **Chapter 4** outlines my research findings and interpretation.

Ultimately, this project seeks to understand whether FEMA provided the necessary conditions for marginalized victims of natural disaster to be represented within the rulemaking process for the NRF1 and, if so, whether their public participation was actualized in the published NRF1.

Chapter 1: Emergency Management in the United States

This chapter is divided into four sections. The first is a short overview of the key components of the U.S.'s main federal disaster legislation, the Stafford Act (1988). The second is a summary of FEMA's basic evolution from 1979 to the early 2000s.¹ The third explains FEMA's responsibilities as a federal government agency within the Department of Homeland Security (DHS). The last section describes the rulemaking process that FEMA follows per the APA and clarifies FEMA's rulemaking procedures and the ways in which so-called public participation is incorporated therein.

Key Components of The Stafford Act (1988)

The Stafford Act (1988) is the federal disaster policy in the U.S. It establishes the rules for U.S. presidential declaration of a federal disaster and likewise determines the type and amount of assistance that should be provided by federal and state governments to victims of disaster. FEMA carries out the provisions of the Stafford Act and distributes the assistance that is allocated under it. The Stafford Act establishes two disaster incident levels: 1) emergencies and 2) major disasters. It defines an emergency as “any occasion or incident for which, in the determination of the president, federal assistance is needed to supplement state and local efforts” (42 U.S.C. § 5122). A major disaster is defined as “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” (42 U.S.C. § 5122). The U.S. president must declare an event as a major disaster if, in her or his determination, there is “damage of sufficient severity and magnitude to warrant major disaster assistance” (42 U.S.C. § 5122).

¹ See Appendix B for a timeline of U.S. emergency management.

FEMA's Basic Evolution from 1979 to the Early 2000s

On March 31, 1979, U.S. President Jimmy Carter signed Executive Order 12127 to “provide for the orderly activation of the Federal Emergency Management Agency” (FEMA, 2019; National Archives, 2020). This order merged into FEMA many separate disaster-related agencies and programs, including amongst others the Federal Insurance Administration, the National Weather Service Community Preparedness Program, and the National Fire Prevention and Control Administration (FEMA, 2019).

FEMA was meant to organize previously fragmented emergency management responsibilities in the U.S., but throughout the 1980s and early 1990s it experienced continual coordination, collaboration, and training problems (Schroder et al., 2001). These issues contributed to FEMA’s poor response during Hurricanes Hugo (1989), Iniki (1992), and Andrew (1992); in all three of these cases, damage assessment was lacking and aid to disaster victims was delayed (Schroder et al., 2001; United States Senate, 1994).

FEMA’s response to Hurricanes Hugo, Iniki, and Andrew was neither immediate nor adequate, but these failures did not happen because there was something about these hurricanes that made an effective response to them impossible (United States Senate, 1994). Although each of these hurricanes were large and widespread, they were tracked well in advance of their occurrence such that, in principle, damages and deaths could be mitigated relatively effectively if properly planned for (Smith, 2019). So, the pattern of failed responses to Hurricanes Hugo, Iniki, and Andrew exposed FEMA’s general incompetence and ill preparedness in managing these sorts of natural disasters. Ultimately, these failures led Congress to consider abolishing FEMA or turning its emergency management responsibilities over to the military (Schroder et al., 2001).

This congressional call for change marked a critical juncture in FEMA's existence, and sparked U.S. President Bill Clinton's decision to appoint James Lee Witt to FEMA's directorship (Daniels & Clark-Daniels, 2000). During his tenure, Witt redefined FEMA's mission, reorganized the agency around basic emergency management functions, and redirected FEMA's focus from disaster assistance toward disaster mitigation (Daniels & Clark-Daniels, 2000). As a result, under Witt's direction, FEMA became a more effective response agency and, in 1996, FEMA was elevated to Cabinet-level status (Schneider, 2013). This may have signified "the degree to which hazard mitigation had become a national priority" (Schneider, 2013, p. 42) after Hurricane Andrew.

When George W. Bush became U.S. president in 2001, Joe Allbaugh took over FEMA's directorship. In keeping with Bush's budget-cutting agenda, Allbaugh trimmed FEMA's purview and in 2003 FEMA was downgraded from an independent agency to an agency within the DHS (Bullock et al., 2020). This change, as well as a general shift in FEMA's focus from natural disaster preparedness to terrorist attack mitigation (following the September 11, 2001 terrorist attacks), left the U.S. vulnerable to natural disasters and impeded response to Hurricane Katrina (Bea, 2004; Bullock et al., 2020; Chung, 2013).²

FEMA's Responsibilities

FEMA has the responsibility to prepare for and respond to hazards, including natural disasters, acts of terrorism, or manmade disasters, regardless of type, size, or geography (FEMA, n.d.; National Research Council, 2007). In order to do so, FEMA carries out the provisions of the Stafford Act and distributes the assistance that is allocated under it. This means that FEMA is limited in its ability to provide disaster response aid until the U.S. president declares a major

² See the Introduction for an explanation of FEMA's failures during Hurricane Katrina.

disaster or emergency, and once the president does so, FEMA is limited by its authorities and financial aid thresholds established by the Stafford Act.³

FEMA has the duty to face the challenges of a major disaster or emergency through collaborative, organized, and comprehensive preparedness plans. In order to fulfill this responsibility, FEMA coordinates other federal agencies, as needed, to provide specific types of assistance to those impacted by disasters (Leon & Lubin, 2000). FEMA operates under a set of legal principles known in the U.S. as the “comprehensive emergency management concept” (Leon & Lubin, 2000). This concept assumes that all disasters, regardless of size, require the same basic four-phase strategy (the first two phases of which occur before a disaster strikes): 1) mitigation; 2) preparedness; 3) response; and 4) recovery (Leon & Lubin, 2000; Lindsay, 2012). Each phase outlines specific responsibilities for coordinating and carrying out federal response capabilities (FEMA, n.d.; Kramer, 2009).

During the **mitigation phase**, FEMA reduces or eliminates the impact of an incident through structural measures (Lindsay, 2012). These include enacting building codes that address risks such as fires, high winds, or earthquakes, establishing zoning rules, and flood mapping (Lindsay, 2012). In the **preparedness phase**, FEMA enhances its capacity to respond to a potential incident through training, planning, and procuring resources (Lindsay, 2012). During the **response phase**, FEMA’s mission is to actively save lives, protect property and the environment, and meet basic human needs (Lindsay, 2012).⁴ This involves the execution of response and emergency plans and may include victim evacuation and deployment of response teams (Lindsay, 2012). In the last phase – **recovery** – FEMA aims to restore essential services and repair damage

³ For example, section 203(A) of the Stafford Act outlines that “the amount of financial assistance made available to a State (including amounts made available to local governments of the State) for a fiscal year does not exceed \$575,000” (42 U.S.C. § 203).

⁴ FEMA deems basic human needs to include: rescue, food, water, shelter, and electrical power.

caused by a disaster (Lindsay, 2012). These responsibilities may include the reconstitution of government operations, housing displaced people, and replenishing stockpiles used for aid (Lindsay, 2012).

Administrative Procedures Act & FEMA's Rulemaking Process

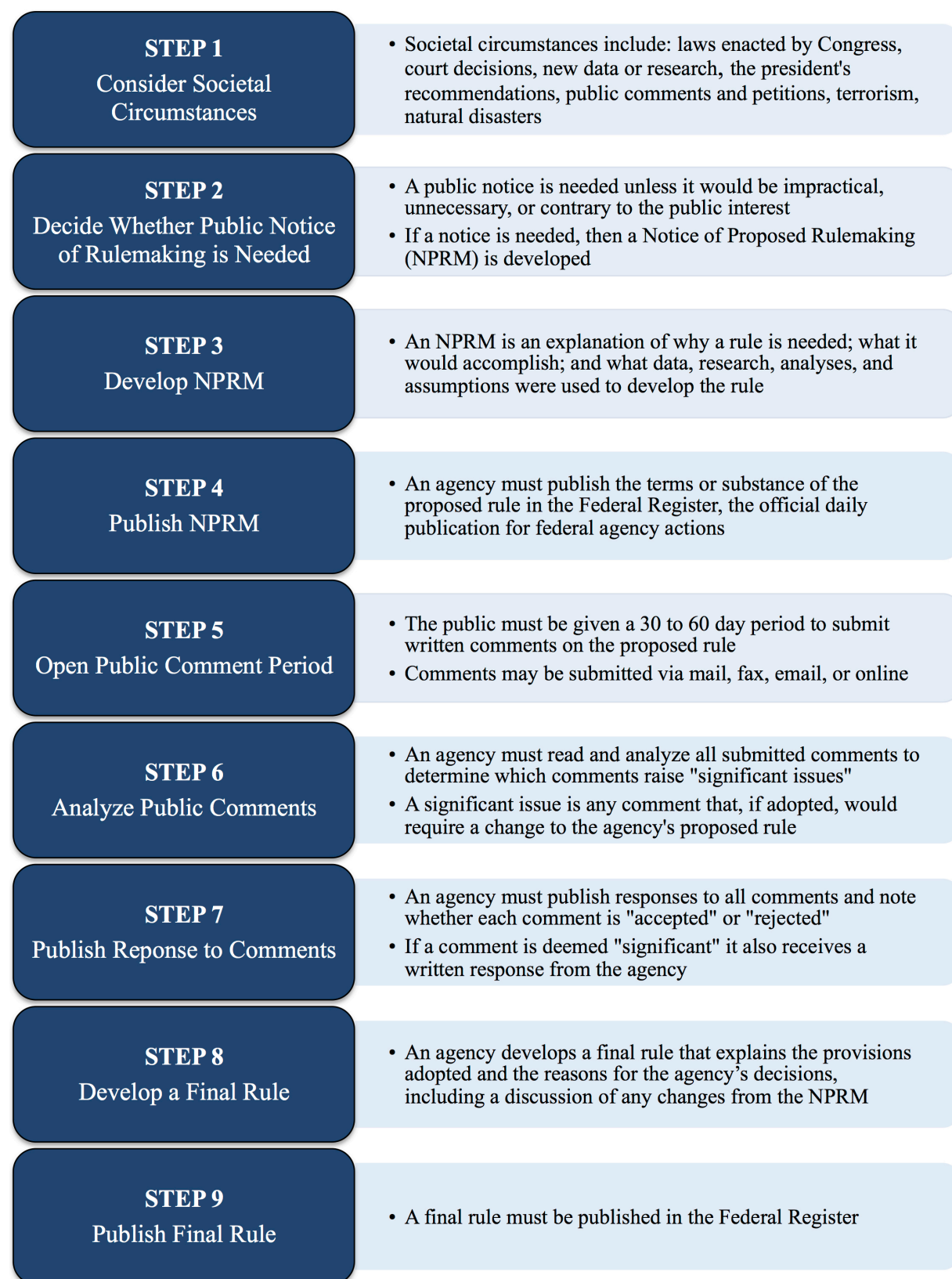
The APA governs the process by which federal agencies, like FEMA, develop and issue regulations. The process, referred to as “rulemaking,” enables FEMA to formulate, amend, or repeal its disaster response policy. Rules are important because they are the documents that outline the disaster response and relief protocols by which FEMA supports victims before, during, and after a natural disaster.

The rulemaking process can be summarized in nine steps (see Figure 3). First, FEMA takes into account societal circumstances, including laws enacted by Congress, court decisions, new data or research, the U.S. president's recommendations, public comments and petitions, terrorism, and natural disasters. These circumstances inform FEMA's decision to develop a Notice of Proposed Rulemaking (NPRM) that publicly explains why a new rule is needed, what it would accomplish, and what data, research, analyses, and assumptions were used to draft the rule. The public is not directly involved in drafting the new rule, but is given the opportunity to comment on it during a 30 to 60 day open comment period. This commenting process requires public participants (groups and individuals) to read the proposed policy in its entirety and, using FEMA's comment submission form, submit their comments (see Figure 4). The comment submission form includes instructions on how to fill out the form, but does not outline FEMA's responsibility to read, analyze, and respond to each comment nor does it explain the impact that comments can have on a published policy.

After the comment period closes, FEMA must review all comments and conduct a comment analysis. FEMA is not required to implement suggestions from public comments in its final rule, but must explain in its published comment analysis why each comment it deemed “significant” was either accepted or rejected. FEMA’s final rule must explain the provisions adopted and the reasons for its decisions, including a discussion of any changes made to the NPRM. FEMA must publish its final rule in the Federal Register – the official daily publication for rules, proposed rules, and notices of federal agencies and organizations.

This project examines FEMA’s rulemaking process for the first published National Response Framework (NRF1). This document was drafted in 2007 in order to build upon the National Response Plan (2004), incorporate lessons learned from Hurricane Katrina, and articulate more clearly the roles of state, tribal, and local jurisdictions, and the private sector during disasters (Regulations.gov, 2020). The NRF1 was intended to capture best practices for managing incidents that range from the “serious but purely local, to large-scale terrorist attacks or catastrophic natural disasters” (National Response Framework, 2008, p. i). In order to determine if and how the rulemaking process for the NRF1 incorporated the voices of marginalized disaster victims, this thesis examines how public comment submissions on the first draft of the NRF (NRFdraft) were or were not incorporated into the NRF1 – FEMA’s final rule in the rulemaking process for the NRF1.

Figure 3: 9-Step Summary of FEMA's Rulemaking Process



[illegible]

This chapter has summarized the key components of the Stafford Act (1988) and FEMA's basic evolution, responsibilities, and rulemaking process. In doing so, it has explained how public participation is legislated as a requirement of FEMA's policymaking process and contextualized the conditions that influenced the way FEMA operated during and after Hurricane Katrina – including the period during which FEMA developed the NRF1. This chapter has given way to my analysis of FEMA's rulemaking process for the NRF1 and has thus served as the foundation of this thesis.

This chapter has also described how disasters are political phenomena (*e.g.*, the determination of whether an incident is an emergency or major disaster is at the sole discretion of the U.S. president) and how FEMA repeatedly violated the social contract by responding to disasters in overly technocratic, bureaucratic, and ineffective ways. FEMA's rulemaking process is supposedly central to the development of effective, equitable disaster policy, but FEMA's patterned disaster response failures suggest that FEMA's rulemaking process is either ineffective or under-utilized (or both). This raises questions about its efficacy in bolstering representational democracy through true public participation. In order for FEMA's rulemaking process to substantively uphold the APA's public participation requirement, FEMA must share planning and decision-making responsibilities with the public – including groups and individuals (Arnstein, 1969; Doberstein, 2001). In other words, this approach requires that some measure of power is “relocated out of the hands of technocratic planners and back to potentially affected communities” (Doberstein, 2001, p. 71).

Chapter 2: Theoretical Framework

This chapter outlines the key concepts and theoretical approaches that make up my theoretical framework. It proceeds in five parts: 1) critical/interpretive policy studies; 2) discourse theory; 3) the study of victimhood and victimization; 4) racial capitalism; and 5) intersectional theory. I use these approaches as tools to allow me to expose the ways that racial capitalism manifests in disaster policy, and to reveal how that manifestation in disaster policy exacerbates the victimhood and victimization experienced during a natural disaster.

Critical/Interpretive Policy Studies

The subfield of policy studies referred to as “critical/interpretive policy studies” challenges established accounts and norms of policy-analytic methods. Its purpose is to identify and examine alternative approaches to policy-making that prioritize democratic forms of governance, participatory practices, social justice, and general public welfare (Fischer et al., 2015). This orientation to policy formation, analysis, and evaluation “adopts an interpretive, culturally and historically constructivist understanding of knowledge and its creation” (Fischer et al., 2015, p. 2).

This project’s theoretical framework draws from three critical/interpretive policy scholars: Yanow (2015), Wagnaar (2015), and Braun (2015). Their works uncover the methodological power of policy institutions and challenge normative perceptions of fairness, representation, and equality in policy drafted solely by institutions or governmental bodies. Yanow’s chapter, “Making Sense of Policy Practices: Interpretation and Meaning” (2015) explores the “interpretive turn” in social science and policy research. By exploring the epistemological and ontological claims of interpretive policy studies, Yanow uncovers the methodological power of meaning making in the policy context and the analytical expertise that interpretive approaches can provide

to the study of policy. By doing so, she challenges publics to explore analytic and interpretive practices that can uncover normative meaning making in policy.

Like Yanow, Braun (2015) suggests that critical policy analysis can (and should) be used to highlight issues of inequality, exclusion, and power that are often deeply embedded in policy discourse. Using this critical lens, policy analysis moves away from solely determining *what* a policy means to “*how policy means*” (Yanow, 2015, p. 403). In other words, critical/interpretive policy studies is a useful theoretical guide because it can uncover normative, neoliberal frameworks of policy. For this reason, Wagnaar (2015) suggests that critical policy studies can be likened to a philosophical argument for democracy.

Yanow likewise reveals and interrogates policy processes and how their meanings are communicated to broader public audiences. By particularly interrogating the use of language within policy “texts” (Yanow, 2015, p. 405), Yanow explores how specific policies can be (and are) understood in a multitude of contexts – depending on the issue or policy relevant publics (2015, p. 405). Braun (2015) also takes up these issues by drawing attention to the ability of critical policy analysis to explore the discursual inequality that is discreetly embedded into the policies that define public life. In this way, both Yanow (2015) and Braun (2015) advocate for the usefulness of discourse analytical approaches (that is, a method wherein policy is analyzed as a single-authored text) in phenomenological analysis of policy that often neglects institutional power interrogations (Yanow, 2015). My research uses Yanow, Braun, and Wagnaar’s approaches to better understand and explore how FEMA’s rulemaking process invokes and implicates different publics.

Understanding normative frameworks of policy formation and evaluation is crucial to uncovering how traditional, exclusionary policy processes can be adjusted to better represent the

interests of all people (including those who traditionally live at the margin of society). It is for this reason that critical/interpretive policy studies is particularly useful to the examination of FEMA's NRFdraft and NRF1. It is imperative that policies like the NRF1 account for intersectional, complex needs of marginalized disaster victims because marginalized populations are more vulnerable to the effects of disasters and need specific disaster response protocols that account for the multiple intersections of their identity.⁵ Adopting a participatory framework for drafting and amending such policy could, in theory, ensure that those intersectional considerations are addressed. By doing so, FEMA's rulemaking process could position "victims" as policy actors who are "able to wield agency and shape how they experience victimization" (Hoondert et al., 2019).

But, just because there is public participation in FEMA's rulemaking process does not necessarily mean that marginalized victims of natural disasters actually gain any agency in shaping the policy that affects them. Public participation, if poorly structured or administered, can exacerbate inequalities if the participants are, for example, disproportionately whiter, more educated, or wealthier – factors that can shape policy away from more equal results. As well, even if marginalized disaster victims can/do participate in the rulemaking process, their comments must be considered when drafting a policy if the system is to be effective at all. This requires FEMA to redistribute its power through negotiation between itself and public participants, including individuals (Arnstein, 1969; Brody, 2003; Doberstein, 2001).

This thesis analyzes FEMA's participatory rulemaking process for the NRF1 using critical/interpretive policy studies to discover whether FEMA gave marginalized disaster victims space for representation and if their participation (if any) influenced the NRF1.

⁵ From the Introduction, recall that marginalized people are more vulnerable to natural disasters because of historical racialized geographies and topographic elevation in disaster-prone areas.

Text-based Critical Discourse Analysis

Text-based critical discourse analysis investigates the role of language, communication, and discourse in processes of social reproduction and transformation. It gives way to the exploration of conceptual frameworks that justify attending not only to the “what” of language-use but also to the “how” and “why” of language-use (and other semiotic modalities). In order to explain how this research adopts a discursual disposition, this section compiles a repertoire of discourse analytical techniques that inform the collection of my data.

Hidden Power

In his chapter “Discourse and Power” (2001), Norman Fairclough focuses on the influence of cross-cultural encounters and the ability of power and systemic tendencies to shape discourse (Fairclough, 2001). He acknowledges that power is exercised and enacted *in* discourse while also having a crucial place *behind* it (Fairclough, 2001). Of most relevance to this research are Fairclough’s thoughts on hidden power and its effects on participants who are separated by place and time. Although Fairclough discusses this in relation to British mass media, similarities exist between the agenda-setting capabilities of British mass media and policymakers, who likewise tend to balance sources, perspectives, and ideologies “overwhelmingly in favour of existing power-holders” (Fairclough, 2001, p. 43). The “mediated power” (Fairclough, 2001, p. 43) of political elites is hidden, in policy-making contexts, through appeals to the democratization of policy; that is to say, the so-called public justification and support of policies and programs actually fails to account for non-dominant considerations and perpetuates systemic discrimination (Saretzki, 2015).

Fairclough’s acknowledgement of the ability of power and systemic normativity to shape discourse and specifically his theorization of hidden power, aid this research’s understanding of

the deeply hegemonic function of language and discourse in shaping policy (Fairclough, 2001). Fairclough's approach to discourse analysis informs my understanding of policy's ability to "exercise a pervasive and powerful influence in social reproduction" (Fairclough, 2001, p. 45). In doing so, Fairclough's approach advances my analysis of FEMA's rulemaking process for the NRF1 – a process which could have, if carried out effectively, emancipated marginalized victims of disaster from the suppression, debasement, and deception too often found within top-down policy drafting processes. Analyzing rulemaking processes through a discursual lens advances questions about the efficacy of direct versus representative democratic governance and the (in)ability of marginalized disaster victims to discursively address their needs in a traditionally exclusionary rulemaking system (Fischer et al., 2015). This is explored in Chapter 4 through my analysis of a dataset comprising the NRFdraft, a collection of public comments, and the NRF1.

Fairclough (2013)

"Critical Discourse Analysis and Critical Policy Studies" (2013) examines the contribution that critical discourse approaches make to critical policy analysis. It does so by illuminating the "discursive turn" in policy studies that has largely been approached through two methodological frameworks: cultural political economy and poststructuralist discourse analysis. In this work, Fairclough (2013) questions how critical discourse analysis might add to the contributions that critical political economy and poststructuralist discourse analysis have made to the discursive turn in policy studies.

Fairclough (2013) specifically argues that critical discourse approaches (and the recognition of policy as discourse, in general) can greatly enhance the analysis of policy. He likewise explores "argumentation theory" and its place within the critical discourse approaches developed by his daughter, Isabella Fairclough. He finds that critical discourse analysis (as

theorized in Isabella's work) adds depth and sophistication to the analysis of policy that is currently being evaluated solely through critical political economy approaches and poststructuralist discourse analysis. Isabella Fairclough's version of critical discourse analysis hinges on the use of argumentation inquiry rooted in Habermasian/Rawlsian deliberative democracy. By approaching policy analysis in this way, critical political economy analysis and poststructuralist discourse analysis can better align with Gramsci's view of policy examination. Ultimately, Fairclough's article contributes to the growing field of discursual policy analysis and suggests that practical argumentation is a necessary element of the critical policy analysis envisaged by political economy analysis and poststructuralist discourse analysis. This further indicates that policy analysis is consistent with Gramscian positions and should not be exclusively theorized through Habermasian or Rawlsian views.

This demonstrates that policy, discourse, and interdisciplinary approaches are inextricable from the analysis of FEMA's rulemaking process for the NRF1. It further suggests that critical policy analysis ought to recognize the value that systematic reasoning can bring to the interrogation of neoliberal policies. By engaging with this approach, my analysis of comments submitted to FEMA's rulemaking process for the NRF1 reveals whether the arguments taken up in publics' comments were discursively integrated into subsequent drafts.

Hall (1999)

Stuart Hall's "The Whites of Their Eyes" (1999) informs the social justice aspects of this research. It is used to "articulate, work, transform, and elaborate" (Hall, 1999, p. 398) on the racialized impacts of disaster policy, and the ways that that policy can exacerbate the vulnerability of marginalized disaster victims in the U.S. Hall argues for a distinction between "overt racism" and "inferential racism" (1999, p. 399) in order to identify and remedy "ideological terrains of

struggle” (1999, p. 397). Like Fairclough, Hall uses the media as his object of inquiry and explains its place in perpetuating racist ideologies. He contends that overt racism occurs within the media when openly discriminatory arguments and positions are prioritized on media platforms (Hall, 1999). Conversely, inferential racism is that which appears “neutralized” and largely “invisible” (Hall, 1999, p. 399) even to those who formulate it. Because of its invisibility, inferential racism is widespread and can cohabit with liberal consensus (Hall, 1999).

Understanding the effects of both overt and inferential racism, which “enter into and inform...actions and practices” (Hall, 1999, p. 397), underpins this research and enlightens my critical analysis of the NRFdraft and NRF1. The analysis discussed in Chapter 4 stems from the recognition that, by ignoring the disproportionate impact of natural disasters on marginalized groups, policy-makers overlook the harm perpetuated by their policies. This analysis suggests that some comments submitted to FEMA’s rulemaking process for the NRF1 revealed FEMA’s failure to include disaster response protocols in the NRFdraft that considered the intersectional positionalities of “special needs groups” (which included marginalized people). The discussion in Chapter 4 uses intersectional analysis to explore whether intersectional considerations were included within the NRF1, and whether those considerations better addressed the positionalities of marginalized disaster victims in the U.S. than the NRFdraft did.

The Study of Victimhood and Victimization

Out of the fields of criminology and transitional justice has grown the study of “victimology,” a term coined by Benjamin Mendelsohn in 1947 (Hoondert et al., 2019). Scholars of victimology aim to rid victims of their “helpless” status in order to position them as catalysts of change and power. This re-centres the victim-narrative not as one of helplessness, but as one of potential. This characterization of a victim was constructed, in part, as a counter-narrative to

Nietzsche's understanding of victimhood that argues that understanding victim figures as people who see their suffering as a righteous condition is a conspiracy of the weak against the strong who oppress them (Clarke, 2019; Jensen & Ronsbo, 2014). Seeing victims of natural disaster as dependent actors who are passive recipients of state resources is harmful to them because it strips them of self-determination and makes them appear reliant on state actors and NGOs to make decisions about their wellbeing on their behalf. This creates the problematic assumption that during and after disaster situations victims are incapable of decision-making and action-taking. This also undermines individual disaster victims' ability to participate in FEMA's rulemaking process because if one accepts that victims are incapable of decision-making and action-taking, then it follows that they would not be able to independently contribute, in any effective way, to disaster-related policy making.

The identification of a "sufferer" as a "victim" is the product of the cultural, social, and political network surrounding an individual (Druliolle & Brett, 2018). In other words, an individuals' personal circumstances interact with their political and social environment to either produce their victimhood, their status as a survivor, or their suffering (Druliolle & Brett, 2018). To that end, Luhmann (1994) argues that it is necessary to understand the political system with which an individual is engaged in order to also identify how an individual's "victimhood is constructed in that system's communication" (Clarke, 2019, p. 52). In the American context, victimhood is deployed in such a way that disaster victims' suffering tends to be politically appropriated (Druliolle & Brett, 2018). The construction of the victim subject identity within disaster policy, for example, aligns with normative perceptions of "weak" or "powerless" victims that require government intervention. Such construction speaks of passivity rather than agency

and helplessness rather than independence, which explains why some affected people refuse to be called victims – they fear it will weaken their claim to social recognition (Terhoeven, 2018).

This is not to say that the government should have a hands-off approach to disaster preparation and assistance, but rather that the government should take a proactive stance on shaping disaster victimhood into a circumstance of agency (which can, in theory, be remedied through increased involvement in rulemaking/policy processes). In order for disaster victims to be treated with dignity and fair consideration in the aftermath of a natural disaster, disaster response policy must reflect a type of assistance that adequately addresses the needs of individuals with multiple intersecting identities or positionalities. This is particularly relevant to the analysis undertaken in Chapter 4 because the discursive formation of victimhood affects the ways that individual citizens view themselves and their relationship to the state apparatus during a disaster.

Meyers (2011) argues that victims can fall into two morally charged subsets: heroic or hapless. Agency and morals are negotiated between victim groups, shaping identities, communities, and modes of cultural, social and political belonging (Jensen & Ronsbo, 2015). This negotiation occurs between the status of victimhood, the “authenticity” of the victim, and the agentive potential of the victim, all which are recognized through various social means (Jensen & Ronsbo, 2015). Meyers suggests that this recognition constitutes some type of moral judgment passed on by “the other” – a removed individual – onto those faced by adverse circumstances (Jensen & Ronsbo, 2015). Butler (2016) argues, however, that victimhood is largely performative and depends less on the moral judgments passed by others and more on the ability of an individual to act like a convincing victim. The degree to which individuals can perform their vulnerability, then, entails an acceptance into grievable victimhood by those in powerful positions (the government, FEMA, aid agencies, or the media, for example).

Although Butler (2016) and Jensen and Ronsbo (2015) theorize victimhood in differing ways, their understandings illuminate how victimhood is defined, limited, and legitimized through various social mechanisms. For instance, a marginalized victim of natural disaster may not have the social or financial capital to “perform” their victimhood in a public space like the rulemaking process, and therefore may not be viewed by others (including the state apparatus) as a “worthy” victim.

Druliolle and Brett (2018) attempt to synthesize conflicting understandings of the victim figure through three principles: 1) the self-definition of victimhood; 2) the social or political definition of victimhood; and 3) the distinction of victimhood from suffering, hurt, harm, loss, or fear. When victimhood is self-defined, it is a state of consciousness on the part of a person or group related to their experience of suffering, either directly or vicariously, of loss, harm or hurt (Druliolle & Brett, 2018). Victimhood, however, can also be socially or politically defined and recognised – a status attributed to a suffering individual or a group by a third party, a society or some other agent, irrespective of that individual’s or group’s consciousness of themselves as victims (Druliolle & Brett, 2018).

Acquiring victimhood status involves being party to a range of interactions and interpretations, many of which are derived from discursive constructions of victimhood within political domains (Mythen, 2007). As the victim figure becomes entextualized in various social and political fields, a set of questions and dilemmas arise regarding its proper characterization (Jensen & Ronsbo, 2015). In this context, those questions concern how victimhood is constructed in FEMA’s NRFdraft and NRF1. For example, who do FEMA view as disaster victims and how are those victims discursively constructed in the NRFdraft and NRF1? Does FEMA account for

intersectional positionalities when constructing victimhood in its disaster policy? Does FEMA draft different response measures for different types of victims?

Because victimhood is a societal/social construction, it is inherently unstable (Hoondert et al., 2019). The definition and social and political significance of what it means to be a victim are constantly changing (Clarke, 2019). For example, Druliolle and Brett's (2018) understanding of victimhood as being distinct from the suffering of hurt, harm, loss or fear interrogates normative perceptions of victimhood that hinge on victims being vulnerable because they are hurt, harmed, or fearful. This implies that not all people who directly or indirectly experience traumatic or catastrophic events do or would identify themselves as victims or manifest a victim consciousness. Navigating this complex process is an important aspect of effective policy planning, especially in the disaster context.

Striking the proper balance between open-endedness and specificity in the definition of a disaster victim, for example, is imperative to the development of disaster policy, and using a participatory method of policy construction can, in theory, help reach this goal. The effectiveness of public participation in FEMA's rulemaking process for the NRF1, though, is questionable given its exclusionary structure. This will be explored and analyzed in Chapter 4.

Racial Capitalism

For the purpose of this thesis, the term "racial capitalism" refers to the accumulation of capital through relations of severe inequality, or the generation of (dis)value stemming from an individual's racial identity (Johnson, 2013; Melamed, 2015; Robinson, 2000). In order to critically engage with this definition, its implications, and the questions guiding my thesis research, I specifically employ the following concepts related to racial capitalist theory: wake, weather, wake work (Sharpe, 2016), environmental racism (Pulido, 2016), the radical black

subject (Davies, 2007), and policy planning in the “undercommons” (Harney & Moten, 2013). Jodi Melamed’s “Racial Capitalism” (2015) and Saskia Sassen’s *Expulsions: Brutality and Complexity in the Global Economy* (2014) likewise add complexity to my analysis of public policy, racial capitalism, and the NRF1.

Understanding the nature and place of public policy in racial capitalist schemes reveals the constitutive nature of public policy and its tangible consequences, especially on the perpetuation of racial capitalism in the U.S. The ability of public policy analysis to reveal the relationships between economic and social value and to expose struggles between racialized people and the capitalist structures controlling their bodies, is particularly useful. This type of analysis, which Sharpe refers to as “wake work” (2016, p. 17), interrogates normative perceptions of social advancement within disaster preparation and public policy, and can be used to overcome the “weather of the wake” (2016, pp. 14-15).

Weather, for Sharpe, represents anti-blackness as “that which is as pervasive as climate” and “that which is indicative and constitutive of black life and death” (2016, p. 106). Although weather, for Sharpe, is the “totality of environments” (2016, p. 104), the wake is the “conceptual frame of and for living blackness in the diaspora” (2016, p. 2). The wake contains multitudes – the track left on the water’s surface by a ship; a disturbed flow; a line of recoil; a vigil – yet is singular in its persistent production of black death and trauma. To be “in” the wake, Sharpe (2016) argues, is to occupy and be occupied by the continued effects of slavery and to consequently live in the terror of everyday black existence. Although this theoretical language is not directly employed by Pulido in “Flint, Environmental Racism, and Racial Capitalism,” her article nevertheless examines conditions that constitute living “in the wake” (Sharpe, 2016, p. 14) by exploring a case study that reveals the relationship between environmental injustice and racial

capitalism. Recognizing the inextricability of environmental occurrences and racial impacts is necessary in order to understand the effects that environmental policies – like FEMA’s NRF1 – have on racialized people.

Pulido (2016) argues that the state, in the case of the 2014 water poisoning in Flint, Michigan, neglected racialized people by valuing their lives less than the fiscal solvency of the city of Flint.⁶ She contends that this constituted racial capitalism because it was based on peoples’ blackness and surplus status (Pulido, 2016). Pulido further argues that the water poisoning in Flint, Michigan continues to be implicated in racial capitalism because, as she suggests, a non-racial materialist analysis does not fully explain the tragedy, nor could racism alone. The racially devalued, according to Pulido, are abandoned by the state through de-funded welfare services, infrastructural neglect, and weakened democratic benevolence. These conditions mean that black Flint residents embody three forms of surplus status: “outcast,” “underground,” and “threat” (2016, pp. 2, 11). These characterizations contain, regulate, and punish those deemed “less-than-human” by the state apparatus because of the afterlives of slavery in the U.S. (Sharpe, 2016).

Davies’ “Recovering the Radical Black Female Subject” presents the story of Claudia Jones, a black activist whom she positions as “fearless in her ability to link decolonization struggles internally and externally, and to challenge American racism, gender subordination, class exploitation, and imperialist aggression simultaneously” (2007, p. 2). It is within this context that Davies (2007) discusses the African diaspora framework that combats the imposed erasure and silencing of black radical females. Davies, however, also de-genders the radical subject to explain that the “radical black subject” in general “challenges the normalizing of state oppression, constructs an alternative discourse, and articulates these both theoretically and in practice” (2007,

⁶ Fiscal solvency requires a government to create and maintain primary surpluses the present value of which is (greater than or) equal to the original debt (Alogoskoufis, 2012).

p. 5). My thesis uses this approach to inform the collection of my dataset and to explore the agentic potential of individual public participants in FEMA's rulemaking process for the NRF1.

In their series of essays entitled *The Undercommons: Fugitive Planning and Black Study* (2013), Harney and Moten use the undercommons – an unrecognized or invisible “space and time which is always here” (2013, p. 9) – to make critical interventions in the areas of planning, public policy, capitalist theory, and black history. Their fifth chapter, “Policy and Planning,” frames public policy as an interrupting participatory force. Applying this view would suggest that FEMA's participatory rulemaking process would allow individuals to “invade the [policy's] social reproductive realm” (Harney & Moten, 2013, p. 78) in order to “reproduce in its experiment not just what it needs...but what it wants” (Harney & Moten, 2013, p. 76). Determining whether or not participation in FEMA's rulemaking for the NRF1 even exists, however, and if it does, whether it alleviates or exacerbates pre-existing policy issues, underpins this research.

Public policy, according to Harney and Moten (2013), is an animative and improvisatory art practiced at the margin of politics. It is more than a series of documents or calls to action by those in positions of authority; it is a process that includes production, textual expression, ideology, and implementation. Participation in public policy processes can therefore be understood as a “political way of maintaining or modifying the appropriation of discourses along with the knowledges and powers which they carry” (Foucault, 1984, p. 123). With this in mind, this thesis aims to analyze FEMA's NRFdraft and NRF1 with a greater appreciation for the role that racial subjugation and marginalization play in the construction of intersectional disaster response mechanisms. In other words, the discourse propelled within disaster policies, like the NRF1, have serious social and political implications that warrant careful scrutiny.

Although current forms of policy-made racial subjugation differ from that of the policies of the trans-Atlantic slave trade or sharecropping in the southern U.S., this history reminds us that class relations and racial considerations – features of policymaking processes – were built on racial inequality. The state apparatus (which includes governmental agencies like FEMA) plays an important role in determining which economic or racial interests are given political voice and how explicitly those interests are addressed in public policy. The policymaking process might therefore be seen as an interaction between the economic and social interests embedded in the state apparatus that are, in part, meant to preserve racial inequality. This racial inequality stems from a key feature of racial capitalism: the determination of people’s “value” based on measures of labour power, social capital, deviance, or illegality, amongst other racially violent factors (Cacho, 2012; Marx, 1867).

The centrality of value to capitalist production is well known. Racial capitalism, however, relies on the production of human difference to construct those categories of value. Differential value refers to the production of recognized differences that result in distinct kinds of value (Cacho, 2012; Pulido, 2016; Sharpe, 2016). There are multiple ways of conceptualizing value, and by extension, differential value. Lisa-Marie Cacho (2012) argues that, nonetheless, “the act of ascribing legible, intelligible, and normative value is inherently violent and relationally devaluing” (p. 149) because the “object” of value necessarily implies the existence of an “other” who lacks value. Racial capitalism registers human value as human capital, and social worth is therefore evaluated in terms of “real and speculative markets” (Cacho, 2012, p. 161). Producing differential value can be understood not only as a product of economic or class interests, but also as a product of the public policies that perpetuate those classifications.

A racial capitalist reading of public policy indicates that the politics of the policymaking process involve protecting not only the economic interests of elites, but their racial interests as well. Using a racial capitalist lens to evaluate public policy is therefore helpful to understand how the extension of social rights is both a racial and economic project. A focus on racial capitalism requires greater attention to processes – colonization, primitive accumulation, slavery, and imperialism – that have shaped the modern world. As Katherine McKittrick (2013) and Christina Sharpe (2016) suggest, blackness, race, and racial difference hinge on a longstanding but unacknowledged (plantation) past. By insisting that modern day social, economic, and political relations are a product of the legacy of racist and capitalist processes, racial capitalism illuminates the importance of a “collective national memory” (Murch, 2017, p. 33) that places the U.S. in the context of a global frame.

Both Johnson (2013) and Melamed (2015) insist that “all capitalism is racial capitalism” (2015, p. 77) and suggest that racism predates capitalism as a submissive economic tool. Considering colonization and slavery, for example, only as racialized economic systems distances those very systems from the public policies that underpin them. Instead, situating economic systems in relation to the public policies that reify them helps to more accurately define and conceptualize their proliferation. In other words, public policies have historically lent legitimacy to the perpetuation of racialized economic systems, which is why public policies ought to be implicated in racial capitalist analysis.

Manifested through racial capitalist environmental policies (which include emergency management and disaster relief policies), environmental injustice/racism must be understood in the context of state sanctioned violence that facilitates racial capitalism. Indeed, the state is deeply invested in maintaining the status quo – remedying environmental injustice/racism is seen as too

costly and disruptive, especially given the “surplus” or devalued status of marginalized groups (Cacho, 2012; Pulido, 2016). The problem in remedying environmentally unjust/racist policy is not a lack of knowledge or skill, but a lack of political will that can be attributed to racial capitalism in the U.S.

By theorizing the racialized production of differential value, racial capitalism illuminates not only the inevitability of environmental injustice/racism, but also the structural challenges that activists face. What does this mean for public policy like the NRF1? In terms of activism, traditional relationships to the state apparatus need to change. Far too often the state is seen as either an ally or as a neutral force. Even when people lose faith in the state, they often still turn to it because there is no apparent alternative. Confronting the racial capitalism that exists within state sponsored public policy requires an understanding of structures, like policymaking, that traditionally confine racialized bodies. Looking at FEMA’s rulemaking process for the NRF1, then, is a way to evaluate whether public comments identify and critique any expression of differential value embedded in the NRFdraft, and whether that critique is addressed by FEMA in the NRF1.

Intersectional Analysis

Intersectional analysis captures, engages, and questions dynamics of power to interrogate hegemonic discourses that manufacture social belonging along gendered and racialized lines (Cho et al., 2013; Choo & Ferree, 2010). Uncovering the politics and policies that render marginalized experiences invisible is a central facet of intersectional policy analysis that can – and should – be used to examine the social stratification of identities that occurs in law, public policy, and decision making. This is in part why scholars point out the *potential* of intersectional approaches to legal and policy research. Intersectional considerations made within human rights law, anti-

discrimination policy, and social advocacy can serve as models to critically assess where policy work needs to be done (Cho et al., 2013). To that end, this section outlines the productivity of intersectional analysis to the examination of FEMA's NRFdraft and NRF1. Although the relationship between intersectionality and public policy is under-developed (partly because of the positivist lens that most public policy analysis engages with), it is nonetheless useful to the study of public policy and participatory engagement in rulemaking by individuals who have intersectional identities or by institutions that advocate on their behalf.

Coined by Kimberlé Crenshaw in her article "Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Anti-Discrimination Doctrine, Feminist Theory, and Antiracist Politics" (1989), intersectionality is a method, disposition, and analytic tool that refers to the interaction of social structures or characteristics (Carbado et al., 2013; Gopaldas, 2013). Through her analysis of intersecting identities, Crenshaw interrogates dominant conceptions of discrimination that condition individuals to understand subordination as a "disadvantage occurring along a single categorical axis" (Crenshaw, 1989, p. 140). By doing so, she reveals how this single-axis framework contributes to the continued marginalization of racialized people and particularly of African American women (Crenshaw, 1989).

Intersectional approaches to academic research have been categorized through three sets of engagement: 1) applications or investigations of intersectional frameworks; 2) discursive debates about the scope and content of intersectionality as a theoretical and methodological paradigm; and 3) political interventions employing an intersectional lens (Cho, Crenshaw, & McCall, 2013). When used to inform a theoretical framework, these categorizations are able to highlight how intersectionality can be mobilized to question normative social structures that view identity as binary (male/female, black/white, citizen/non-citizen, etc.) (Cho et al., 2013). The

three sets of engagement are therefore particularly useful for researchers wanting to unpack how and why heterogeneous members of specific groups (like disaster victims) experience the same situation differently because of their unique social locations. Understanding these differences can enhance researchers' insight into issues of social justice and inequality, and serve as the impetus for social change.

Although intersectionality has become a primary analytic tool in social-justice policies and legislation (like those concerning affirmative action), it is still generally an underdeveloped concept within traditional policy discourse (Hankivsky & Cormier, 2011). Intersectionality recognizes that in order to address complex inequities that exist within policy domains, a “one-size-fits-all” approach does not work (Hankivsky & Cormier, 2011). The goal of intersectional policy analysis, therefore, is to identify the ways that policies and policy processes address the inequalities that are felt by various social groups experiencing the same social circumstance – like a natural disaster, for example (Hankivsky & Cormier, 2011).

Biswakarma, Hunt, and Zajicek (2007) contend that the intersectional analysis of any policy process should determine the extent to which an intersectional approach is needed and, if it is, whether intersectional considerations are made within the policy in question. This approach is based on the premise that policy proceeds in distinct stages that can be broken down and analyzed in the context of its constituent parts (Hankivsky & Cormier, 2011). It is likewise dependant, though, on the contention that governing bodies have an interest in developing policies that lead to the inclusion of marginalized groups. This project uses an intersectional analysis to examine: 1) if the NRFdraft included intersectional considerations in its text; 2) whether any of the public comments criticised a lack of intersectionality in the NRFdraft and thus identified the need to incorporate an intersectional perspective into the NRF1; and 3) if the NRF1 amended its text to

include intersectional considerations. This approach allowed me to determine if FEMA was developing a policy (the NRF1) that would include specialized mechanisms for marginalized disaster victims in its disaster protocol. In order to do so, FEMA's NRF1 would have to operate under the assumption that universal human rights (like housing, water, food, *etc.*) must be applied with consideration for intersectional positionalities.

Intersectionality and its implementation in policy research and analysis can provide insight into how inequity is experienced in a systemically structured and multiscalar way. Using intersectional analysis to interrogate positivist policy structures and processes also involves understanding anticategorical, intracategorical, and intercategorical complexity as forms of intersectionality (Bacchi, 1999; Greenhalgh & Russell, 2009; Winker & Degele, 2011). These three categories were first identified by McCall (2005) in order to bring attention to inequalities that can exist within categories – identity constructions, symbolic representations, *etc.* – not just between them (Walby, Armstrong, & Strid, 2012). Anticategorical complexity is a deconstruction of analytical categories, such as race and gender. Conversely, intracategorical complexity focuses on particular social groups at neglected points of intersection and is concerned with reconstructing intersections on a micro level. Intercategorical complexity strategically uses categories to analyze multiple inequalities between socially constructed groups. These three structural levels of intersectionality—anticategorical, intracategorical, and intercategorical—although different in their analytical focuses, are linked through their common concern with the social practice of individuals (Winker & Degele, 2011). That is to say, intersectionality sheds light on the implications of the interactions that individuals have with their communities that exacerbate their social/societal marginalization.

For these reasons, social practices like engagement with policy processes, can serve as a theoretical starting point for intersectional analysis. Participatory practices that involve interaction with institutions like the government, for example, are particularly interesting to the intersectional analysis of victimization and marginalization. Questioning the institutional, symbolic, and individual dimensions of oppression allows for a more comprehensive analysis of race, class, and gender oppression (Hill Collins, 1993). Understanding these relationships and the inextricability of intersectional acknowledgement with fair policy, informs the research outlined in the following chapters.

Chapter 3: Research Framework and Methodology

This chapter outlines the research framework and methodology I used to select, collect, and analyze my data for this study. These data include 91 texts that I consider key artifacts of FEMA's rulemaking process for the NRF1, an important episode of FEMA's disaster policymaking process that occurred as a result of FEMA's failed response to Hurricane Katrina (2005). I divided the 91 texts of my dataset into two groups. In one group are two FEMA documents. They are, in a nutshell, the before and after products of FEMA's rulemaking process for the first iteration of the NRF (the NRFdraft and NRF1, respectively). In the other group are 89 selected examples of how members of the public (groups and individuals) participated in this episode of a federal rulemaking process by submitting comments on the NRFdraft. In the sections that follow, I explain how the theoretical framework presented in Chapter 2 guided my selection of these texts. I then describe my data collection process and discuss my methods of data analysis. I conclude this chapter with a discussion of the limitations and delimitations of my research.

Recap of Theoretical Framework

The theoretical framework outlined in Chapter 2 highlights the five approaches that guided my selection, collection, and analysis of my data objects. These approaches are critical/interpretive policy studies, discourse theory, the study of victimhood and victimization, racial capitalism, and intersectional theory. I drew several key concepts from these approaches and integrated them into my research design. A brief recap follows.

From **critical/interpretive policy studies**, I drew from Yanow's (2015) focus on the use of language within policy texts to explore how a specific policy can be understood in a multitude of contexts, depending on the issue and policy-relevant publics. Viewing a policy process and its textual output (a policy) through this lens gave me insight into the way that policymakers and stakeholders use language to shape policy. This approach to policy studies explores whether the

written text of policies is an aggregate representation of the circumstances underlying the policies proposed within the text.

From **discourse theory**, I drew on Fairclough's insights on "dominant ideological formations" (2010, p. 30) and Hall's distinction between "overt racism" and "inferential racism" (1999, p. 399) to better understand how social identities are manufactured in FEMA's NRFdraft and NRF1. Using a discursual approach to policy analysis allowed me to uncover whether the NRFdraft was written using hegemonic language, and if so, whether that hegemonic language was replicated or remedied in FEMA's NRF1. Textual data, generally speaking, are ethnographic and methodological sites of exploration that reveal the operation, function, and effectiveness of policy while also illuminating peoples' (in)ability to discursively explain their needs and to influence policy change (Riles, 2006). Textual data are fundamental to the analysis of contemporary public policy problems and rulemaking processes because they are essential to the operation and function of organizations and institutions (Smith, 2007). The analysis of textual data is thus one of many ways to discern the "values" that a policymaker or policymaking institution draws on to draft its policies. Policies codify interactions between people and government agencies and, as such, are "paradigmatic artifacts of modern knowledge practices that can inform and inspire change" (Riles, 2006, p. 2). In this way, policy frameworks and public comments can be seen as evidence for the organization of our societies (Foucault, 1976).

From **studies of victimhood and victimization**, I adopted Mendelsohn's notion of "victimology" (1947) to re-center the victim narrative to that of agency rather than haplessness. Guided by the concepts of victimhood and victimization, I reframed victims as catalysts of power and change. This informed my identification of 89 comments amongst all of those submitted by

the public to FEMA's 2007-0007 docket⁷ because the comments were (at least in theory) written by or on behalf of victims or prospective victims of disasters, including people with special needs, children, and persons with serious illness. Victimhood theory also drew my attention to how victimhood was constructed in the NRFdraft, whether the public comments indicated a need to amend that construction, and if so, whether the NRF1 included intersectional positionalities in its victimhood construction.

From **racial capitalist theory**, I drew from Sharpe (2016) and Pulido (2017) to focus my attention on the ways that marginalization is and can be perpetuated in environmental policy. These sources likewise informed the selection of my data objects by narrowing my focus onto the representation of racialized or otherwise marginalized groups in the NRFdraft, public comments, and NRF1. For example, analyzing the inclusion (or exclusion) of specific disaster response measures for marginalized groups in the NRFdraft and NRF1 can reflect the social value that FEMA attributes to marginalized people. It can also uncover the politics and disaster policies that do not account for intersectional needs of disaster victims, and thus render marginalized experiences during and after a disaster, invisible. Using a racial capitalist lens to select, collect, and analyze my data aligns with my use of intersectional theory to question normative policy structures that view fiscal solvency⁸ as more valuable than the lives of marginalized people (Cho et al., 2013; Sharpe, 2016).

Finally, from **intersectional theory**, I drew from Crenshaw's work to engage with and question dynamics of power and the hegemonic discourses that manufacture social belonging along gendered, racialized, classist, and ableist lines (Cho et al., 2013; Choo & Ferree, 2010; Crenshaw, 1989). I used intersectional theory in three ways: 1) to determine if the NRFdraft

⁷ Recall from the Introduction that a docket houses all relevant rulemaking documents and can be viewed online.

⁸ Fiscal solvency is described in footnote 6 on p. 36 as a condition requiring a government to create and maintain primary surpluses that are greater than or equal to its debt (Alogoskoufis, 2012).

included intersectional considerations in its text; 2) to identify whether any of the 89 comments had intersectional perspectives on the NRFdraft; and 3) to conclude whether FEMA amended the representation of marginalized disaster victims in the NRF1 by outlining specific disaster protocols for people with intersectional needs.

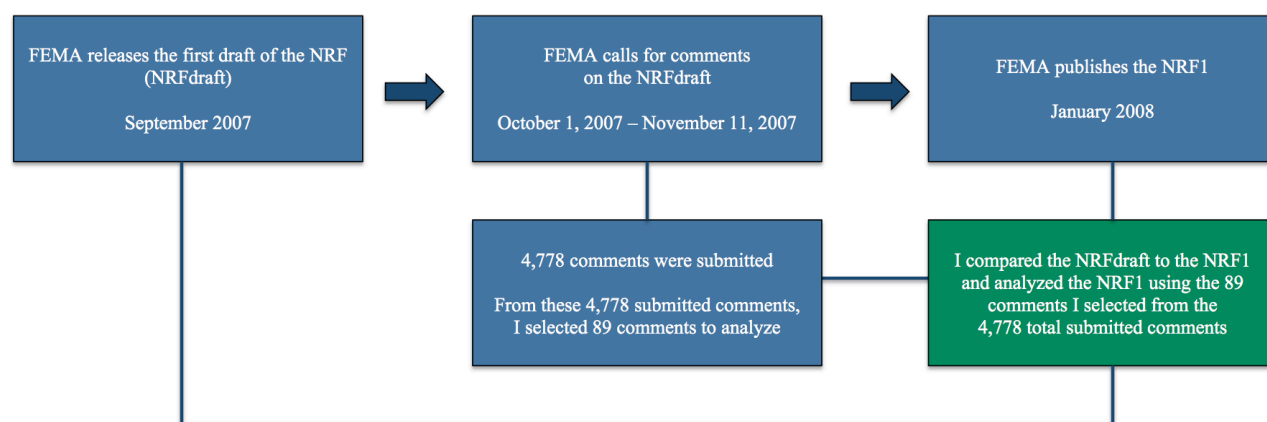
Data Selection

Based on the theoretical framework I just described, I selected as my data objects 1) two policy frameworks – the NRFdraft and NRF1; and 2) 89 comments which were submitted by individuals, NGOs, institutions of higher education, advocacy groups, and government agencies in response to FEMA’s call for public comments⁹ on the NRFdraft. I viewed the policy frameworks as sites of exploration that, when analyzed in conjunction with the public comments about those frameworks, could reveal if and how FEMA addressed public comment submissions and thus the extent to which FEMA’s rulemaking process gave marginalized disaster victims a space for representation. In other words, analyzing comments submitted by public participants in response to FEMA’s call for comments on its NRFdraft is a direct way to observe who public participants are (or are not, and why) and how well those public participants’ interests are reflected in subsequent policy documents like the NRF1. This type of analysis uncovers the ways that the language of public policy can be used to either replicate or remedy the hegemonic discourses that construct victimhood along gendered, racialized, classist, and ableist lines. I recognized the usefulness of public comments as primary sources of information that could be used to identify who participates in FEMA’s rulemaking processes and how those participants look to use the rulemaking process to influence positive change in the ways that they (or the communities they advocate on behalf of) receive disaster response aid.

⁹ Recall from the Introduction and Chapter 1 that the APA (1946) requires federal agencies to follow an open public process when they issue regulations.

As such, my research design was crafted as a before and after textual analysis of a federal policy having to do with disaster response protocols. The before is FEMA’s first draft of a national response framework: the NRFdraft. The after is FEMA’s first published iteration of that document – the NRF1 – which was prepared following FEMA’s receipt and review of comments submitted by individuals and groups during a six-week comment period (see Figure 5).

Figure 5: Overview of my Dataset and the FEMA-2007-0007 Docket Process for the First Iteration of the National Response Framework (2008)



It was necessary to examine policy frameworks and public comments in order to evaluate how and to what extent (if at all) FEMA had actually used the public comments to, for example, incorporate intersectional considerations into the NRF1 in order to tailor response mechanisms to the expressed needs of marginalized people. This type of analysis illuminates FEMA’s responsiveness to the public and its willingness to adjust its protocols, like those for evacuation and housing, to better align with the needs of historically disenfranchised and marginalized people, groups, and communities (or of those who advocate on their behalf).

I conducted a textual analysis of FEMA’s NRFdraft and NRF1 drawing on Fairclough’s (1992; 2001; 2010) and Hall’s (1999) concepts. I used Fairclough’s (2001) critical discourse theory as guidance to uncover how FEMA’s “mediated power” was hidden in the NRFdraft; determine how the discursive practice of public commenting affected the NRF1; and compare the

microsociological written “texts” (public comments) with the macrosociological implications of the NRF1. I also used Hall’s (2001) conception of “inferential racism” to explore whether or not the language of the NRFdraft reinforced the erasure of the voices of marginalized people, and whether that erasure was remedied or perpetuated in the NRF1.

Data Collection

Phase 1: Docket Collection

To get started, I visited *www.regulations.gov*, the online database for materials related to FEMA rulemakings and the site of FEMA’s official online comment system. I searched this website for FEMA’s rulemaking documents that were either opened or closed for comments. This search generated 2,477 dockets, proposed rules, and supporting materials. I then specified additional search requirements on these 2,477 results using the key terms “hurricane” and “major disaster.” I chose these key terms to generate results that would align with my research questions. This search yielded 16 FEMA dockets (see Table 1 in Appendix A).¹⁰

I then downloaded, filed by docket number,¹¹ and examined the 16 FEMA dockets. Each docket contained an NPRM,¹² public notices for comment submission, public comments, supporting documents, and a final rule. Of these 16 FEMA dockets, only three (FEMA-2007-0003; FEMA-2007-0007; and FEMA-2017-0023) concerned direct disaster response – the topic I was interested in researching (highlighted in red in Table 1 in Appendix A).

From these three dockets, I chose FEMA-2007-0007 because its proposed rule – the NRF1 – was meant to improve upon the inadequate federal disaster response measures that were in place

¹⁰ Recall from the Introduction that a docket houses all relevant rulemaking documents and can be viewed online.

¹¹ Every rule is assigned a unique identifier known as a docket number that is used to locate all materials related to it. A docket number consists of an agency title (e.g. FEMA), the year the docket was created (e.g. 2007), and the ordinal number of the file for the given year (e.g. 0007).

¹² Recall from Chapter 1 that an NPRM (Notice of Proposed Rulemaking) publicly explains why a new rule is needed, what it would accomplish, and what data, research, analyses, and assumptions were used to draft the rule.

during Hurricane Katrina.¹³ For this reason, the NRF1 would potentially become the primary disaster response protocol in the U.S. Choosing this docket likewise aligned with my research questions because I assumed that it would generate public interest from victims of Hurricane Katrina who would want to improve FEMA's disaster response moving forward in order to ensure better protection from and aid during future hurricanes and/or flooding.

Phase 2: Data Collection from FEMA Docket 2007-0007

My next step was to read the complete contents of the FEMA-2007-0007 docket (9 documents and 4,778 comments) that FEMA posted on October 9, 2007 and updated between October 10, 2007 and January 28, 2008. FEMA sorted the materials in this docket into two categories: primary and supporting documents.

1. Primary Documents

- a. NRFdraft (84 pages) issued on October 10, 2007
- b. NRF1 (81 pages) posted on January 28, 2008
- c. Federal Register Notice: Extension of Comment Period (2 pages) posted on October 12, 2007
- d. Federal Register Notice of Availability (2 pages) posted on October 9, 2007

2. Supporting Documents

- a. Comment Submission Form (2 pages)
- b. Response to Comments on NRFdraft (2212 entries on 1 Excel spreadsheet)
- c. Support Annexes (106 pages)
- d. Emergency Support Functions (168 pages)
- e. Response to Comments – NRF Supporting Annexes (987 entries on 1 Excel spreadsheet)

¹³ I discuss FEMA's inadequate response during and after Hurricane Katrina in the Introduction.

3. Comments (4,778 comments, ranging in length from 1 sentence to a 74 page letter)

Of the 4,778 public comments submitted to FEMA between October 1, 2007 and November 11, 2007 (see Figure 5 above), I selected 89 for analysis based on two criteria:

1. **The subject the comment addressed:** the NRFdraft; and
2. **The key concern of the comment:** FEMA's comment submission form did not have a field to indicate the key concern of a comment (*e.g.* children's needs, "special needs groups," *etc.*). I determined a comment's key concern by reading each comment. I only choose those that had key intersectional concerns about racialized or otherwise marginalized groups during a federal disaster response. I took disaster victimization to be a characteristic that intersected with an individual's other personal characteristics and circumstances (*e.g.* the positionality of a child who is racialized, has a physical disability, and is a victim of a natural disaster has the following three intersections with disaster victimization: age, race, and ability).

I then created a table of relevant information I found in each of the 89 selected public comments (see Table 2 in Appendix A). Within this table, I recorded the comment ID number,^{14,15}

¹⁴ A comment ID number is an identifier that FEMA assigns to a submitted comment entry. It is a 12-digit code that consists of three parts: year of comment submission (*e.g.* 2007), ordinal number of the docket (*e.g.* 0007), and ordinal number of the comment document (*e.g.* 0034). FEMA's process for assigning comment ID numbers is different for individuals than it is for groups (NGOs, Institutions, Advocacy Groups, and State Governments). When FEMA receives a comment document submitted by an individual, it assigns a unique 12-digit comment ID number to that document. When FEMA receives a comment written by a group, FEMA notes the comment's submission date and places that comment into a comment document (in the form of an Excel spreadsheet) with any other comments written by any other groups that were submitted within the same week. FEMA then assigns a unique 12-digit comment ID number to the entire comment document (*i.e.* the Excel spreadsheet). In other words, all comments submitted by any groups within the same week are given the same 12-digit comment ID number (*e.g.* FEMA assigned the comment ID number 2007-0007-0034 to each of the 858 comments submitted by groups between Oct. 17, 2007 and Oct. 22, 2007).

¹⁵ The first column in Table 2 is titled "Comment ID Number (and line number, if applicable)." I added the line number to the comment ID number for any comment submitted by any group so as to identify each group comment as a specific entry (comment) and indicate the specific location of that comment in FEMA's comment document (the Excel spreadsheet).

comment author (which I sorted into one of five categories),¹⁶ the length of the comment, and the commenter's key concern(s). The five categories into which I sorted the comment authors were as follows:

1. **Individual:** a single person or a group of persons advocating on behalf of themselves;
2. **NGO:** any non-profit or voluntary citizens' group that operates autonomously of government and is organized on a local, national, or international level;
3. **Institution of Higher Education:** any university or post-secondary institution;
4. **Advocacy Group:** any organization whose members share a common political, economic, or social interest and try to advance those interests through legal and political processes;
5. **Government Agency:** any authority of the U.S. Government.

I recorded the length of each comment by reading the comment and noting either the number of sentences or number of pages (if the number of sentences exceeded one page). I identified the term(s) used in each commenter's key concern(s) by reading the comment and noting the racialized or otherwise marginalized group whose specific needs the comment addressed. I then sorted the 89 public comments into categories based on the racialized or otherwise marginalized group addressed in the comment's key concern(s). Doing this revealed six categories:

1. Disaster Victims;
2. Vulnerable Citizens;
3. "Special Needs Groups";¹⁷
4. Children;

¹⁶ A comment author is the individual or group that submitted a comment entry.

¹⁷ The category "Special Needs Groups" included public comments that used any of the terms "special needs," "disability," "illness," or "pre-existing condition(s)" to describe individuals in the racialized/marginalized group, and/or included the terms "service animal(s)" or "companion animal(s)."

5. Tribal/Faith Based Communities; and
6. Other.¹⁸

I then created a table (see Table 3 in Appendix A) in which I colour-coded the comments by category of commenter's key concern:

1. Green: Disaster Victims;
2. Yellow: Vulnerable citizens;
3. Blue: "Special Needs Groups";
4. Pink: Children;
5. Orange: Tribal/Faith Based Communities; and
6. Purple: Other.

Data Analysis

After selecting my objects for analysis, I then proceeded to analyze them with the follow research questions in mind.

1. *How and to what extent did FEMA's rulemaking process provide marginalized victims of natural disaster with spaces for representation?*

Assumption: This question was rooted in the assumption that there ought to be some sort of possibility for individuals to participate in a rulemaking process for a policy that directly impacts them. I believed it was crucial to examine how (or if) victims of natural disasters were represented in FEMA's rulemaking process for the NRF1, and whether that representation, if there was any at all, affected FEMA's disaster response protocol in the NRF1. To provide marginalized victims of natural disaster with "spaces for representation" means to give them a meaningful opportunity to share their experiences

¹⁸ The category "Other" included comments whose key concern did not align with the other five identifiable categories.

with and concerns about FEMA's disaster protocol. It also means having those experiences acknowledged, read, and given weight when drafting new disaster response mechanisms. FEMA could, for example, have rulemaking literacy programs within its post-disaster protocol that includes going door to door, speaking at local events, and hosting town hall meetings, but FEMA would have to ensure that these measures reach marginalized disaster victims. Furthermore, FEMA could ensure that its rulemaking portal – *www.regulations.gov* – is user-friendly by providing potential rulemaking participants with straightforward, step-by-step instructions that clearly outline the rulemaking system. FEMA could also collect demographic information on its comment submission form, including whether an individual has been a victim of a natural disaster, to make sure that individuals with first-hand disaster experience have their comments given higher priority in the rulemaking process. These factors would make FEMA's rulemaking system an effective space for representation where marginalized disaster victims' experiences could actually influence FEMA's disaster response protocols.

2. *How and to what extent did FEMA use the comments of marginalized victims of disaster to influence revisions to the NRFdraft, as demonstrated in its revision, the NRF1?*¹⁹

Assumption: This question is rooted in the assumption that FEMA ought to have used the comments of marginalized public participants to influence the NRF1 because marginalized people are more vulnerable to the effects of natural disasters²⁰ and are thus more likely to be affected by disaster response protocols (Dash et al., 1997; Girard and Peacock, 1997).

¹⁹ My research process began with broader questions about the general public's participation in rulemaking, but, during the course of my research, shifted to specifically focus on marginalized participants.

²⁰ From the Introduction, recall that marginalized people are more vulnerable to natural disasters because of historical racialized geographies and topographic elevation in disaster-prone areas.

3. *How and to what extent were intersectional considerations included in the NRFdraft and NRF1?*

Assumption: This question is rooted in the assumption that the NRFdraft should have been written with the intention of improving response measures, and that those improvements ought to have included intersectional considerations specifically capable of, for example, prioritizing “special needs” groups during evacuation. Creating disaster response protocols that include measures that account for the intersectional positionalities of marginalized individuals is necessary because this type of response was an oversight during Hurricane Katrina (Elliot & Pais, 2006).

I carried out my data analysis in two phases. Phase 1 involved a content analysis of the 89 public comments I selected that were submitted to the FEMA-2007-0007 docket in response to the NRFdraft. Phase 2 involved textual analyses of both the NRFdraft and NRF1. My data analysis was conducted in these two phases because doing so would allow me to first identify any patterns in the public comment submissions and then use those findings (the patterns) to determine if/how any of the 89 public comments correlated to changes between the NRFdraft and NRF1.

Phase 1: Analysis of the Selected 89 Public Comments Submitted to FEMA-2007-0007

Drawing on Hall’s belief that power is exercised and enacted “*in* discourse while also having a crucial place *behind* it” (Fairclough, 2001, p. 61), my goal in Phase 1 was to identify how the 89 public comments revealed the “mediated power” (Fairclough, 2001, p. 37) of and discursal inequality within policy-making that is often hidden through appeals to the democratization of policy. In order to do this, I read each comment using Fairclough’s (1992; 2001; 2010) and Hall’s (1999) methods of textual analysis described above, and examined:

1. The way in which commenters responded to “neutralized” (Hall, 1999, p. 399) response protocols;
2. Whether a key concern(s) was mentioned by multiple comment authors; and
3. Whether there were similarities or differences in the comments and commenter’s proposed amendments within the same comment category.²¹

My analysis revealed that:

1. Most of the 89 comments concerned “special needs groups”;
2. “Special needs groups” were addressed by every type of commenter;
3. “Special needs groups” was the *only* comment concern addressed by all types of commenters; and
4. Most of the commenters’ proposed amendments for response concerning “special needs groups” mentioned the need to expand the NRFdraft’s definition of “special needs groups” to include, for example, individuals from multiple demographics, specific “special needs groups,” identities, or positionalities.

Findings from this analysis are discussed in Chapter 4.

Phase 2: Analysis of the NRFdraft and NRF1

My goal in this phase was to identify the extent to which public comments about disaster response for “special needs groups” were used to influence revisions to the NRFdraft, as demonstrated in its revision, the NRF1. As such, I conducted a textual analysis of both the NRFdraft and the NRF1 using Fairclough’s (1992; 2001; 2010) and Hall’s (1999) methods. This textual analysis compared the definition of “special needs groups” in the NRFdraft and NRF1. I chose to focus on this definition for three reasons:

²¹ Recall from the Data Collection section of this chapter and from Table 2 in Appendix A, that the 89 public comments were sorted into one of six categories: Disaster Victims, Vulnerable Citizens, “Special Needs Groups”, Children, Tribal/Faith Based Communities, or Other.

1. My analysis in Phase 1 revealed that “special needs groups” were addressed by all commenter types and was the key concern most mentioned in the 89 public comments;
2. Suggestions for expanding the definition of “special needs groups” in the NRF1 mentioned the need for FEMA to include multiple demographics/“special needs groups”/identities/positionalities in the definition and thus to account for intersectional identities in FEMA’s disaster response protocol; and
3. FEMA’s choice to either dismiss or meaningfully address the comments concerning “special needs groups,” and to amend the definition of “special needs groups” in the NRF1 or rather leave the definition unchanged, would indicate the extent to which FEMA’s rulemaking process for the NRF1 equipped participants with the necessary tools to influence disaster policy (research question #2).

Findings from this analysis are discussed in Chapter 4.

Limitations and Delimitations

This section outlines the scope of my research and specifies the parameters of my study. It delineates the aspects of my study that were out of my control (the limitations) and presents the “research boundaries” (delimitations) that I established through conscious exclusionary and inclusionary research design decisions.

The first limitation of my project had to do with my inability to collect a larger dataset because FEMA only collected public comments on the FEMA-2007-0007 docket for a six-week time period.²² The second limitation concerned the societal context in the years 2007 and 2008 (*e.g.* prior to widespread social media usage; during a period of economic instability) which was such that the general public may not have been as aware of or interested in the ability to comment

²² Recall from Chapter 1 that agencies must specify a comment period ranging from 30 to 60 days. Agencies can, however, provide up to 180 days for comment on “complex rulemakings” (as deemed by the agency itself).

on rulemaking processes than they might have been if conditions were different. This may have affected the amount of comments submitted to the FEMA-2007-0007 docket, and thus the size of my dataset. The third limitation had to do with the fact that FEMA's comment submission form did not require commenters to submit demographic information, so I could not identify the race/socio-economic status/age/gender information of "individual" commenters (including whether or not those individuals were victims of disaster). This limited my ability to determine whether the participatory process involved a diverse, intersectional set of individual commenters who were marginalized disaster victims.

In addition to these limitations, my project was bounded by my research questions and search terms. By focusing only on the ability for public participation in FEMA's rulemaking process to influence policy change, my research did not address other potential avenues for public participation (*i.e.* social movements, lawsuits, protests, artwork, music, documentaries, media accounts, *etc.*) or non-participation as a form of resistance itself. Likewise, by using the search terms "hurricane" and "major disaster" to refine my docket search, and then only selecting dockets that concerned "direct disaster response" on a national scale (*i.e.* dockets that contained policies regarding FEMA's federal response to victims during a disaster), I delimited my results to a small subset of potential data objects. In other words, my research was delimited by the specificity of my search terms and interest in federal-level disaster response (not state level responses or financial/insurance responses).

Once I selected a docket, my research was further delimited by my selection of comments that particularly addressed the needs of racialized or otherwise marginalized people. This restricted my public comment dataset from 4,778 comments to 89 comments. My goal was not to use a large random sample of public comments. Instead, my goal was to specifically explore the

comments that had key concerns about racialized or otherwise marginalized groups during a national disaster response. That is to say, my research was concerned with a very specific event (the FEMA-2007-0007 rulemaking process) and with the ability of a specific group (racialized or otherwise marginalized disaster victims) to engage in FEMA's rulemaking process for the NRF1.

The limitations and delimitations of my methods are offset by their ability to provide a specific example of the structure of FEMA's rulemaking process and the process's (in)ability to embody a space that can improve disaster response policy for marginalized disaster victims. These limitations and delimitations likewise lead to important new questions and points of departure for future research in this area, including whether FEMA's rulemaking process for more recent iterations of the NRF has since changed.²³ These considerations will be discussed in this project's conclusion.

²³ See Appendix C for a table of all of FEMA's published NRFs.

Chapter 4: Research Findings

My data analysis yielded three findings. The first finding speaks to which type of commenter(s) submitted the most comments to FEMA-2007-0007. The second reveals which type of key comment concern(s) garnered the most submissions by commenters. The third illustrates how both the definition of “special needs groups” and disaster response protocol for “special needs groups” changed in the NRF1 as a result of public comments on the NRFdraft.

Finding #1: Groups, Rather than Individuals, Submitted the Most Comments

The APA defines public participation as the “opportunity for all interested persons to engage in rulemaking processes through submission of written data, views, or arguments, with or without opportunity to present the same orally in any manner” (Administrative Procedure Act, 1946, p. 3).

Per the APA:

- The term “persons” includes: individuals, partnerships, corporations, associations, or public or private organizations of any character other than agencies (Administrative Procedure Act, 1946).
- An agency is “each authority (whether or not within or subject to review by another agency) of the U.S. Government other than Congress, the courts, or the governments of the possessions, Territories, or the District of Columbia” (Administrative Procedure Act, 1946, p. 1).

In order to analyze the patterns in public participation, I calculated the percentage of comments in my dataset for each type of commenter and recorded this information in a table (See Table 4 in Appendix A). To calculate the percentage of comments per comment concern, I took the number of comments for each commenter group, divided that number by the number of public

comments in my dataset, and then multiplied the resulting number by 100. The formula I used to calculate the percentage of comments per commenter group was:

$$(\text{number of comments per commenter group} \div \text{number of comments in dataset}) \times 100$$

I repeated this process for each of the 5 commenter groups:

- i. **Individual:** $(10 \div 89) \times 100 = 11.24\%$ of comments in dataset
- ii. **NGOs:** $(50 \div 89) \times 100 = 56.18\%$ of comments in dataset
- iii. **State Governments:** $(20 \div 89) \times 100 = 22.47\%$ of comments in dataset
- iv. **Institutions of Higher Education:** $(6 \div 89) \times 100 = 6.74\%$ of comments in dataset
- v. **Advocacy:** $(3 \div 89) \times 100 = 3.37\%$ of comments in dataset

Recall from the above that although the APA gives individuals the opportunity to engage in rulemaking processes, it is clear from my data analysis that participation by individuals in FEMA’s rulemaking process for the NRFdraft was low. NGOs, state governments, institutions of higher education, and advocacy groups submitted 79 of the 89 comments in my dataset (88.76% of my dataset’s comments). Individuals only submitted 10 of the 89 comments in my dataset (11.24% of my dataset’s comments).

Finding #2: Every Type of Commenter Raised Concerns About the NRFdraft’s Response Protocol for “Special Needs Groups”

Of the 89 public comments in my dataset, 37 comments concerned “special needs groups”; 36 comments concerned children’s needs; 7 comments concerned victims of natural disaster; 4 comments concerned tribal and faith based communities; 2 comments concerned vulnerable individuals; and 3 comments concerned miscellaneous interests (see Table 5 in Appendix A).

In order to calculate the percentage of comments in my dataset for each of the 6 comment concerns, I took the number of comments for a single comment concern, divided that number by the number of public comments in my dataset, and then multiplied the resulting number by 100.

The formula I used to calculate the percentage of comments in my dataset was:

$$(\text{number of comments per comment concern} \div \text{total number of comments in dataset}) \times 100$$

I repeated this process for each of the 6 comment concerns:

- i. **“Special Needs Groups”**: $(37 \div 89) \times 100 = 41.57\%$ of comments in dataset
- ii. **Children**: $(36 \div 89) \times 100 = 40.45\%$ of comments in dataset
- iii. **Victims of Natural Disaster**: $(7 \div 89) \times 100 = 7.87\%$ of comments in dataset
- iv. **Tribal/Faith Based Communities**: $(4 \div 89) \times 100 = 4.49\%$ of comments in dataset
- v. **Vulnerable Individuals**: $(2 \div 89) \times 100 = 2.25\%$ of comments in dataset
- vi. **Other**: $(3 \div 89) \times 100 = 3.37\%$ of comments in dataset

I also created a table to show the number of comments per comment concern that every type of commenter submitted (see Table 6 in Appendix A). The data in Table 6 show that every type of commenter (individuals, NGOs, state governments, institutions of higher education, and advocacy groups) submitted at least two comments concerning “special needs groups.” It was the only concern addressed by all types of commenters.

Finding #3: FEMA Responded Positively to Comments about “Special Needs Groups” by Amending the Definition of “Special Needs Groups” in the NRF1

I used textual analysis to explore the difference between the definition of “special needs groups” in the NRFdraft and the NRF1. The NRFdraft defined “special needs groups” to include “any individual or group of individuals who required extra assistance in a disaster situation” (National Response Framework, 2007). Many of the comments addressing concerns about

“special needs groups,” however, suggested that this definition of “special needs groups” was too general and provided neither meaningful nor comprehensive response plans for “special needs groups.”

FEMA responded positively to comments about “special needs groups” by amending the definition in the NRF1 to include:

populations whose members may have additional needs²⁴ before, during, and after an incident in functional areas, including but not limited to: maintaining independence, communication, transportation, supervision, and medical care. Individuals in need of additional response assistance may include those who have disabilities; who live in institutionalized settings; who are elderly; who are children; who are from diverse cultures; who have limited English proficiency or are non-English speaking; or who are transportation disadvantaged (National Response Framework, 2008, p. 17).

FEMA supported this definition with four additional factors to consider when administering disaster response to “special needs groups”: 1) to give particular consideration to the requirements of special needs populations during the evacuation process of persons from any portions of the state threatened by the incident; 2) to mobilize resources to meet the requirements of people with special needs in accordance with the state government’s pre-existing plans; 3) to shelter evacuees in pre-identified, physically accessible shelters; and 4) to provide food, water, and other necessities to meet the needs of all people, including persons with disabilities and other special needs (National Response Framework, 2008).

Interpretation of Findings

The findings detailed in the previous section allowed me to fully answer research question #3,²⁵ partially answer research question #1,²⁶ and make certain reasonable inferences, although

²⁴ Additional needs are those beyond basic human needs. FEMA deems basic human needs to include: rescue, food, water, shelter, and electrical power.

²⁵ Recall research question #3: “how and to what extent were intersectional considerations included in NRFdraft and NRF1?”

not conclusive statements, in response to research question #2.²⁷ I was not able to fully answer research questions #1 and #2 because the data made available through FEMA's rulemaking process did not include details that were necessary to comprehensively address every element of those questions. As I will discuss below, FEMA did not collect demographic information about the commenters,²⁸ which meant that I was not able to identify whether the individuals who commented were marginalized persons, disaster victims, both, or neither.

Because demographic information was not available, I was only able to partially answer research question #1. But, if I had demographic information, my answer would not have changed. There were so few comments from individuals relative to the number submitted by groups that even if the individual comments were *all* submitted by marginalized disaster victims, my dataset still would have led to the conclusion that FEMA's rulemaking process for the NRF1 did not provide marginalized victims of natural disaster with adequate spaces for representation.²⁹

My answer to research question #2 was more affected by the lack of demographic information because I could not conclusively state that FEMA did or did not use the comments of marginalized victims to amend the NRFdraft. However, my findings revealed that FEMA did not accept/use the comments of the vast majority of individual commenters in the first place; this led to the reasonable inference that it was unlikely that the comments submitted by individuals that were accepted/used by FEMA were from marginalized disaster victims.

I was able to fully answer research question #3 by completing a textual analysis of the NRFdraft and NRF1. This textual analysis revealed with certainty that intersectional

²⁶ Recall research question #1: "how and to what extent did FEMA's rulemaking process provide marginalized victims of natural disaster with spaces for representation?"

²⁷ Recall research question #2: "how and to what extent did FEMA use the comments of marginalized victims of disaster to influence revisions to the NRFdraft, as demonstrated in its revision, the NRF1?"

²⁸ This delimitation is outlined in the Limitations and Delimitations section of Chapter 3.

²⁹ Recall that "spaces for representation" were discussed in the assumptions section of Chapter 3.

considerations were neither implemented in the NRFdraft nor the NRF1. Discussion and analysis of this finding, as well as my answers to research questions #1 and #2, are covered in the following three sections.

Research Question #1: How and to what extent did FEMA’s rulemaking process provide marginalized victims of natural disaster with spaces for representation?

Despite following APA guidelines, FEMA’s rulemaking process for the NRF1 did not provide individual marginalized victims of disaster with spaces for representation because of its inadequate notification process and its problematic participatory design. Its so-called “public participation” almost exclusively involved comments from groups that supposedly represented typically vulnerable individuals, but, in this case, did not directly include the individualized voices and experiences of those they purported to represent.

In order to create a “space for representation”³⁰ for marginalized disaster victims within its rulemaking process, FEMA should seek out individual participation from marginalized disaster victims by adequately informing them about their ability to influence and inform FEMA’s disaster protocol. In other words, because individual marginalized victims of natural disaster have first hand experience with FEMA’s response policy, their comments should be sought out, acknowledged, read, and given weight in order to draft effective, equitable disaster response mechanisms.

My findings show that groups, rather than individuals,³¹ submitted the most comments concerning racialized or otherwise marginalized people to FEMA-2007-0007 (see Research Findings, Finding #1). Individuals submitted only 11.24% of the comments in my dataset (10 of 89) and groups advocating on behalf of disaster victims submitted 88.76% of the comments in my

³⁰ Recall from Chapter 3 (pp. 54 – 55) that I discuss and provide examples of adequate “spaces for representation.”

³¹ Recall from Chapter 3 (p. 53) that an individual is a “single person or a group of persons advocating on behalf of themselves.”

dataset (79 of 89). This discrepancy can be attributed to the sustained involvement of NGOs throughout the FEMA-2007-0007 comment period.³² NGOs have more resources (including for example staff, more time, and more financial capital) than individuals and are more able, likely, and expected (given how they do their work) to be involved in the rulemaking process. They are also more likely to be aware of the machinations of the rulemaking process and how best to use them to achieve their desired ends. Lastly, the reality for many individuals is that their motivation to comment on a FEMA procedure, even (or especially) if they are affected by natural disaster, is “a condition that may not be satisfied if the potential benefits or detriments of a proposed policy do not outweigh the costs of participating” (Boustead & Stanley, 2015, p. 706), which may be high depending on the individual’s circumstances (*e.g.* socio-economic status to the extent it affects an individual’s available time, the burden of child care for a single parent, *etc.*). These reasons can help explain why there were so few comments submitted by individuals to FEMA-2007-0007 and that each individual only submitted one comment. By contrast, NGOs submitted 56.18% of the total comments in my dataset and several NGOs submitted well over one comment (see Table 4 in Appendix A). The American Academy of Pediatrics, for example, submitted 30 comments throughout the comment period.

The discrepancy between the number of individual comments (10) and the number of group comments (79) revealed in my findings can be partially attributed to the failure of FEMA’s participatory design. FEMA can and should do a better job of obtaining meaningful participation from *all* interested parties. FEMA’s responsibility is to create the best possible process for individuals of different ages, education levels, geographies, and socio-economic circumstances to engage in rulemaking and thereby to make FEMA’s rules directly reflect victims’ needs. In other words, FEMA needs to alert, inform, educate, motivate, and support individuals to participate in

³² Recall from Chapter 3 that the open call for comments for the NRFdraft lasted 42 days.

its rulemaking processes in order to, at the very least, “even the playing field” between individual and group participation. A fairer process would allow individuals to file informed, personal comments that could contribute meaningfully to FEMA’s protocols.

In order to participate in a rulemaking effort, an individual must be made aware of ongoing rulemaking and their ability to participate in it. My finding that individuals submitted only 11.24% of the comments in my dataset suggests, though, that FEMA’s process was ineffective in notifying the public of its call for comments on the NRFdraft. Availability of rulemaking information was low and the methods by which individuals could observe, become informed about, and access regulatory processes were unclear. While FEMA was required to publish announcements of future rulemaking activities and pending and completed regulatory actions, it only did so through *www.regulations.gov* and the Federal Register – unpopular media not commonly read by members of the public (Boustead & Stanley, 2015). This made it such that FEMA’s announcements about its NRF rulemaking activities went virtually unheard amongst individuals – including and especially those affected by Hurricane Katrina. The platforms FEMA used were inaccessible to disaster victims who: 1) were unfamiliar with these media; 2) did not have access to a computer or to a print copy of the Federal Register (via a public “federal depository” library)³³; 3) had access but were unaware of FEMA’s call for comments; and/or 4) were unable to navigate FEMA’s commenting system (including its website and instructions for commenting). In other words, although FEMA’s call for comments on the NRF1 was published in the Federal Register, which was available in print albeit only at select libraries, it ignored the

³³ A federal depository library is a library that is part of the “Federal Depository Library Program.” This program was created to make U.S. federal government publications “more accessible to the public.” There are 27 Federal Depository Libraries in Louisiana, but only three of those are public libraries: New Orleans Public Library, Shreve Memorial Library, and Vernon Parish Library.

digital divide and did not actively seek out the voices of Hurricane Katrina disaster victims whose experiences would have been most valuable to the rulemaking process for the NRF1.

Access to information is essential for the public to understand and participate in any rulemaking process, but accessing any relevant information about the rulemaking process for the NRF1 through *www.regulations.gov* and the Federal Register was difficult for most laypersons. In October 2007, the user interface of *www.regulations.gov* was difficult to navigate. The website's layout was stark, there were links only to specified topics, and the search process involved several complex steps with unclear instructions (see Figure 6).

Figure 6: 2007 Homepage Screenshot: *www.regulations.gov*

October 09, 2007
Regulations.gov
 Your voice in Federal decisionmaking

Home | Search for Dockets | Search for Documents | User Tips | Reports | Related Links | Accessibility On | About Us | Help

This U.S. Government Web site encourages public participation in the Federal decision-making process by allowing you to view and submit comments and documents concerning Federal regulations, adjudications, and other actions.

Breaking News
 Announcing planned improvements to Regulations.gov in the months ahead! Stay tuned for new features and design improvements, starting with a new homepage. See [What's New?](#)

Browse and Comment by Topic

- ▶ Benefits
- ▶ Business Opportunities
- ▶ Defense and International
- ▶ Environment, Energy and Agriculture
- ▶ Education and Jobs
- ▶ Family Home and Community
- ▶ Health and Consumer Safety
- ▶ Money and Taxes
- ▶ Public Safety and Law
- ▶ Public Service and Volunteerism
- ▶ Science and Technology
- ▶ Travel and Recreation
- ▶ Voting and Elections

Submit Comments or Submissions

- [All Documents with an Open Public Comment Period](#)
- [All Documents Published Today Open for Public Comment](#)
- [All Documents for which the Comment Period Closes Today](#)

Search Documents

Follow Step 1, and any combination of optional Steps 2, 3 and/or 4

Step 1 Select what Documents to Search

☒ Documents with an Open Comment Period ☐ All Documents (Open and Closed for Comment)

Optional Step 2 Narrow your search by Federal Department or Agency*

- ALL -

* Indicates an Agency can post supporting materials and public submissions

Optional Step 3 Narrow your search by Document Type

- All Document Types -

Optional Step 4 Please select a Category from the drop-down list below and enter a Keyword

No Category Selected [Advanced Search](#)

☐ Exact Phrase ☒ Any Word

More Site Features

- [What's New?](#)
- [E-mail Notification](#)
- [Bookmarking](#)
- [Semiannual Regulatory Agenda](#)
- [Help](#)

New to Regulations.gov?

- [What is Regulations.gov?](#)
- [How do I file a comment or submission?](#)
- [What is a Docket?](#)
- [Other Frequently Asked Questions](#)

If You're Looking for...

- Federal government info, visit [USA.gov](#)
- Regulatory Compliance info, visit [Business.gov](#)
- Federal legislative info, visit [Thomas.gov](#)
- Code of Federal Regulations, visit [e-CFR](#)

A “browse and comment” table to the left of the homepage displayed links only to a few categories – none of which concerned emergency management or disaster. The categories were too general and thus ambiguous (*e.g.* the nature of categories such as “environment, energy, and agriculture,” “science and technology,” and “public safety and law” is such that in many cases, relevant material could be captured by any one of them). Links to documents open for public comment were limited only to “all documents,” “documents published today,” and “documents

for which the comment period close[d] today.” The search functionality required a multi-step procedure involving long drop-down lists, references to “document types” which may not have been familiar to the average person, and a keyword search that relied on the user’s knowledge of FEMA’s methods of organizing data.

The most current homepage of *www.regulations.gov* (2020) has features including tabs for “What’s Trending,” “Comments Due Soon,” and “Newly Posted” dockets and provides registered users with email alerts about rulemakings. Nonetheless, similarly to the 2007 homepage, the 2020 version has a number of aspects that continue to make it inaccessible overall (see Figure 7). First, *www.regulations.gov* has minimal browsing capability. For instance, the website’s “browse” page displays only the most recently opened rulemakings in 10 categories,³⁴ none of which concern emergency management or disaster. This limits users’ ability to find both older rulemakings that may still be opened for comment or rulemakings that do not fit under any of the 10 categories. Secondly, anything not listed on the homepage must be found using an inadequate search engine that does not suggest improvements for misspellings (instead returning zero results), does not allow for easy identification of an unknown docket number, and lacks sophisticated data mining capability. In fact, in order to gain any information about FEMA’s ongoing or past rulemaking processes (other than those on the *www.regulations.gov* homepage), one must already, as in 2007, have some knowledge of FEMA’s indexing methods such as its docket numbering system. This alienates users who may not even know what a “docket” is.³⁵

³⁴ The 10 categories are: 1) Aerospace and Transportation; 2) Agriculture, Environment, and Public Lands; 3) Banking and Financial; 4) Commerce and International; 5) Defense, Law Enforcement, and Security; 6) Education, Labor, Presidential, and Government Services; 7) Energy, Natural Resources, and Utilities; 8) Food Safety, Health, and Pharmaceutical; 9) Housing, Development, and Real Estate; and 10) Technology and Telecommunications.

³⁵ Recall from the Introduction that a docket houses all relevant rulemaking documents and can be viewed online.

Figure 7: 2020 Homepage Screenshot: *www.regulations.gov*



In early 2020, *www.regulations.gov* began public testing of a newly designed “beta” version that is supposedly meant to improve the website’s user experience. However, the so-called improvements are mostly aesthetic, and the above-noted technical shortcomings with the 2020 website have not been improved. In fact, the technical corrections purported to have been made do not materially improve the user experience, but rather have only ensured that *www.regulations.gov* continues to operate at a basic level as more data is collected by the system. In addition, users are forced onto the beta website twice weekly (on Tuesdays and Thursdays) which could cause confusion and, as of this writing, there is no end date for when the existing website will be retired and the new beta website will become the standard rulemaking portal.

The rulemaking process is a site of privilege that requires access to a federal depository library or digital technology, computer literacy, policy knowledge, and ability to navigate through

opaque bureaucratic documents and websites that are less than user-friendly. FEMA does not make its rulemaking process inclusive and accessible to disaster victims (or to the public, in general) and by doing so, the process exacerbates existing inequitable power dynamics.

Incorporating the views of people who may be unable to access FEMA's rulemaking infrastructures, however, is crucial to developing policy that accounts for the intersectional needs of marginalized people who tend to be disproportionately affected by natural disaster. In order to do this, though, FEMA must re-structure its rulemaking process in a non-placating way to give citizens a degree of power (Arnstein, 1969).

Increasing accessibility to the rulemaking process is important because the demographics and positionalities of those who participate can have significant impacts on the resulting revisions and policy documents. The content and amount of public and stakeholder input received during rulemaking processes, as well as interest group dynamics and the timing of the rulemaking process, influences the effectiveness of public participation in rulemaking outcomes. The design of a space for public participation is crucial to individuals' access and, resultantly, to the type and quality of discourse that takes place. Sassen (2014) reminds us that it has become increasingly difficult for the oppressed, the marginalized, the racialized, and the devalued to resist oppression. She attributes this difficulty to the distance that the expelled have from their oppressors (Sassen, 2014). Improving knowledge of, accessibility to, and input in the rulemaking process could potentially narrow this distance.

My findings revealed that of the 89 comments in my dataset, the 79 comments submitted by groups did not provide FEMA with individual victim testimony and personal representation. For example, politically popular, well-organized groups like the American Speech-Language-Hearing Association (ASHA), the American Academy of Pediatrics, and the Center for Disability

Issues and Health Professions at Western University of Health Sciences inundated FEMA's rulemaking process for the NRF1 with comments that generalized the intersectional needs of children and people with physical disabilities or special needs, but did not include individual testimony (see Table 2 in Appendix A). Additionally, many of the comments that FEMA accepted from well-organized groups simply edited word choice or grammar and syntax issues in the NRFdraft (*e.g.* "delete thus," "replace 'voluntary' with 'volunteer,'" "delete 'of course,'" *etc.*). This is evidence that the supposed "public participation" in FEMA's rulemaking process for the NRF1 was a moot exercise. Since many of the comments that FEMA accepted were neither critical nor substantive, this may suggest that the rulemaking process was placating – designed not to make "significant" corrections, but more so to legitimize FEMA's own policy and "check the box" on the APA requirement for public participation. Arnstein reminds us that "inviting citizens' opinions, like informing them, can be a legitimate step toward their full participation. But if consulting them is not combined with other modes of participation...it offers no assurance that citizen concerns and ideas will be taken into account" (1969, p. 219; Kotus & Sowada, 2016).

Only 1 of the 79 comments (1.27%) submitted by groups made direct reference to the term "victim," whereas 6 of the 10 comments (60.00%) submitted by individuals did (see Table 6 in Appendix A). This difference suggests that although groups like NGOs, for example, purport to adequately represent disaster victims, their comments on the NRFdraft did not discursively align with the ways that individuals recognized "victims" and their experiences. Because victimhood is a status that tends to be legitimized in policy spheres through political/social recognition by groups and third parties, the absence of the term "victim" and victims' personal narratives in groups' comments is indicative of the erasure of victims' voices and experiences (Druliolle & Brett, 2018; Mythen, 2007). In other words, groups that supposedly represented typically

vulnerable individuals did not work to centre their voices. These groups did not effectively communicate the need for disaster victims' experiences to be reflected in the NRF1.

This is especially harmful to marginalized disaster victims because their individual voices and needs are silenced when powerful groups (like NGOs) and agencies (like FEMA) do not recognize their victimhood. By flooding the rulemaking system with comments that did not address victims and their individual positionalities, groups participating in the NRF1 rulemaking process helped to enact policy (the NRF1) that erased the views and needs of victims. For these reasons, bureaucratic policy-making processes, like FEMA's rulemaking process for the NRF1, can be detrimental to individual social actors because comments submitted by groups are often too general and impersonal (Hoondert et al., 2019).

Scholarship underscores the important role that personal narratives play in public deliberation (Bruner, 1986; Ryfe, 2006). Ensuring that individuals have access to and are encouraged to participate in rulemaking spaces makes those spaces "more amenable to human understanding by placing the complexities of public issues within the particulars of experience" (Manosevitch & Walker, 2009, p. 10). Sharing of personal experiences helps strengthen the deliberative process because it is a more accessible way of conducting policy processes and helps validate claims made without academic, policy, or governmental justification (Manosevitch & Walker, 2009). Personal narratives are likewise important to public discourse because they can dismantle traditional barriers of deliberation by helping people understand the complexities of an issue through a process of personal reflection (Ryfe, 2006).

In the context of public commenting, individual narratives are important because they provide a diversity of perspectives that are often not a part of institutional discourse. In fact, individuals can add valuable knowledge and innovative ideas to the rulemaking process that in

turn can increase the quality and effectiveness of drafted policies (Brody, 2003). FEMA's NRF1 comment submission form, however, was not conducive to the submission of personal narratives by individual commenters for the following reasons. First, FEMA's comment submission instructions³⁶ requested that all commenters indicate the organizations they represent, which was exclusionary to individual commenters who may have taken this to mean that their comment was unwelcome because they were representing themselves (not an organization). Second, the instructions' intimidating reference to the public nature of the commenting process was such that it may have dissuaded individual commenters from providing any personal testimony in their comment(s).³⁷ Because FEMA asked that commenters indicate the page and line number that they were commenting on, this discouraged comments on the overall policy that were not tied to specific pages and/or line numbers. FEMA also required commenters to indicate the type of comment they were submitting by labeling it using three pre-determined categories: critical,³⁸ substantive,³⁹ and administrative.⁴⁰ This required that commenters understood the way those categories were defined and also discouraged comments that fell outside these categories. Lastly, by requesting that commenters provide recommended language to resolve their comments, FEMA put the onus on individual commenters to be literate in policy jargon and able to articulate their thoughts on the way that the policy could be improved using that language.

If FEMA was truly interested in incorporating the views of marginalized disaster victims (*i.e.* in giving them spaces for representation), it would have made the instructions for its

³⁶ Recall Figure 4 (Chapter 1) which shows FEMA's comment submission form and instructions for FEMA-2007-0007.

³⁷ The comment submission instructions state that "all submissions received will be posted, without change, to the Federal e-Rulemaking Portal at www.regulations.gov, and will include any personal information you provide. Therefore, submitting this information makes it public."

³⁸ According to FEMA, a "critical comment" is a comment that concerns a contentious issue that will cause non-concurrence with publication.

³⁹ According to FEMA, a "substantive comment" is a comment that concerns factually incorrect material.

⁴⁰ According to FEMA, an "administrative comment" is a comment that concerns grammar, punctuation, style, word-smithing, etc.

comment submission form easy to understand and inviting of personal narrative comments.

Rather, the bureaucratic comment submission instructions that dissuaded individual participants and required them to navigate bureaucratic language compounded the inaccessibility of FEMA's rulemaking process in general.

Increasing individual participation in rulemaking processes can potentially contribute directly to the development of better policy. However, as outlined above, groups and individuals have different levels of engagement with the rulemaking apparatus and thus have varying abilities to pressure agencies to draft policies to their benefit. Powerful groups – like NGOs – can mobilize in opposition or support of a proposed policy, while, generally speaking, weaker or marginalized individuals lack the political organization and power to effectively influence the rulemaking process. As Ingram and Schneider (2015) remind us, policy makers and agencies gain political reward when they extend policy benefits to advantaged, politically powerful groups. Because policy makers can, and often do, represent various (not only social) interests, they also have little incentive to extend policy benefits to disadvantaged groups and individuals who, traditionally, do not have the same political clout (Brody, 2003; Ingram & Schneider, 2015; Kotus & Sowada, 2016).

Theoretical and empirical work has shown, though, that public deliberation can enable individuals to more deeply engage with policy structures (Manosevitch & Walker, 2009). For example, Matthews (2009) argues that public deliberation should be regarded as a political process that produces better results because it helps policy-makers and agencies develop solutions that account for conflicting values and interests. In this view, deliberative interaction is necessary to the construction of comprehensive policy. Fainstein (2015) suggests, however, that any deliberative model that excludes a person who would be affected by a decision or policy is unfair

– especially because this type of exclusion is likely. Even if deliberative processes included every stakeholder, the process would still be ineffective because of the impossibility to understand and incorporate the views of that many people or groups (Fainstein, 2015). It is for these reasons that public deliberation in policy processes, like FEMA’s rulemaking process for the NRF1, should be encouraged, but focused on prioritizing the views of individuals most affected by the policy in question.

Research Question #2: How and to what extent did FEMA use the comments of marginalized victims of disaster to influence revisions to the NRFdraft, as demonstrated in its revision, the NRF1?

My findings show that FEMA used the public comments that addressed “special needs groups” to amend the definition of “special needs groups” in the NRF1. FEMA did not directly address any of the other five key comment concerns that I noted in my data collection process.⁴¹ “Special needs groups” was the only comment concern that was addressed by every type of commenter,⁴² each of which submitted at least two comments on that concern (see Research Findings, Finding #2). FEMA’s choice to amend the NRFdraft’s definition of “special needs groups” can therefore be attributed to any combination of the following three reasons: 1) the number of comments submitted on this topic was high (37 of 89 comments); 2) amending the NRFdraft’s definition of “special needs groups” would be an easy way to incorporate other key comment concerns into the NRF1; and 3) the amended definition could be used to shift the responsibility for “special needs groups” away from FEMA and onto NGOs.

My findings show that of the 89 public comments in my dataset, 37 comments (41.57%) concerned “special needs groups.” Of the 6 types of comment concerns, this concern had the most

⁴¹ Recall from my Methods section titled “Data Collection Process” that the six comment concerns are: 1) “special needs groups;” 2) children; 3) disaster victims; 4) tribal/faith based communities; 5) vulnerable individuals; and 6) other.

⁴² Recall from my Methods section titled “Data Collection Process” that the five types of commenters are: 1) Individuals; 2) NGOs; 3) State Governments; 4) Institutions; and 5) Advocacy Groups.

comments. Because this was the only comment concern addressed in the NRF1, it is possible to infer that FEMA did not implement suggestions about the other five comment concerns because they generated fewer submissions. FEMA’s amendment of the NRFdraft’s definition of “special needs groups” can therefore be interpreted as a response propelled by FEMA’s desire to appeal to the majority of comments.

In the NRFdraft, FEMA had defined “special needs groups” as any individual or group of individuals who required extra assistance in a disaster situation. This definition was criticized in multiple comments, including one that said that it veered “far from the function-needs approach” (comment FEMA-2007-0007-0038, described in Table 2 and Table 3 of Appendix A) that is required for effective assistance to special needs individuals. In the NRF1, FEMA expanded the definition of “special needs groups” to outline the “populations whose members may have additional needs before, during, and after an incident” (National Response Framework, 2008, p. 17), including people with disabilities, people who live in institutionalized settings, elderly people, children, people from diverse cultures, people who have limited English proficiency or are non-English speaking, or people who are transportation disadvantaged.⁴³ The amended definition also outlined four additional factors⁴⁴ relating to special needs disaster protocols, but those factors focused broadly on the vague and general promises of evacuation, food security, and shelter. It neither clarified nor specified how special needs groups would receive differential response that was tailored to their intersectional needs.

Although FEMA’s amended definition of “special needs groups” incorporated “children” and its additional factors included “persons from any portions of the state threatened by the incident” (which possibly includes disaster victims), the new definition did not mention factors

⁴³ See Research Findings, Finding #3 for the complete overview of the amended definition outlined in the NRF1.

⁴⁴ See Research Findings, Finding #3 for the complete overview of the four additional factors outlined in the NRF1.

relating to race or class. None of the comment submissions in my dataset explicitly used terms such as “racialized” or “impoverished” (which can perhaps be attributed to the inaccessibility of the rulemaking process to victims of Hurricane Katrina), but FEMA’s omission of race and class in its new definition of “special needs groups” is a glaring example of policy-made racial subjugation because racialized and impoverished people were the ones most affected by Hurricane Katrina. This failing illuminates Cacho’s (2012) and Pulido’s (2016) arguments that the state and its agencies are deeply invested in maintaining the status quo because remedying environmental injustice/racism is seen as too costly and disruptive, especially given the “surplus” or devalued status of marginalized people. FEMA’s continued erasure of race and class in the NRF1 – the policy meant to remedy FEMA’s failed response to mostly racialized and impoverished people during Hurricane Katrina – indicates that the state apparatus continued to view racialized and impoverished people as “less-than-human” (Sharpe, 2016, p. 11). In fact, the NRF1 did not use the terms “race,” “racialized,” “African American,” “black,” “poverty,” or “impoverished” at all.

The extent to which FEMA responded to the public comments with the key terms “children” and “victims of natural disaster” was limited to adding those key terms to either their definition of “special needs groups” or to the additional factors related to it. By doing this, FEMA dismissed comments that outlined noteworthy concerns that, for example, “children are not just a “special needs” population” (FEMA-2007-0007-0041). In fact, the American Academy of Pediatrics stated that: “if they [children] are not considered specifically and directly, their needs will not be anticipated or addressed” (FEMA-2007-0007-0041). Ultimately, the extent to which FEMA used public comments to amend the NRFdraft was superficial and not substantive. FEMA provided the public the opportunity to “participate” but those participants – especially individual

participants – did not benefit beyond the extent to which FEMA decided to merely placate them (Arnstein, 1969; Kotus & Sowada, 2016). In other words, FEMA’s rulemaking process is designed to maintain FEMA’s “right” to decide the contents of its published policies, despite its supposed participatory structure (Arnstein, 1969; Doberstein, 2001).

Clarifying and specifying the particular assistance needed by “special needs groups” before, during, and after a natural disaster is key to comprehensive policymaking for emergency response. FEMA, however, failed to do so. Its protocol for special needs response in the NRF1 removed FEMA from the role of assisting “special needs groups” and instead shifted this role (and all special needs support services) to the purview of NGOs. In the first chapter of the NRF1 titled “Roles and Responsibilities,” FEMA contended, “some NGOs are officially designated as support elements to national response capabilities” (National Response Framework, 2008, p. 20). Consequently, FEMA designated NGOs to, for example, provide shelter, emergency food supplies, counselling services, and other vital support services, and to provide “specialized services that help individuals with special needs, including those with disabilities” (National Response Framework, 2008, p. 20).

This shift of responsibility for special needs disaster response from FEMA onto NGOs exposes the federal government’s abdication of its responsibility to “special needs groups” during a disaster. In fact, in the introduction of the NRF1, FEMA emphasized that “resilient communities begin with prepared individuals and depend on the leadership and engagement of local governments, NGOs, and the private sector” (National Response Framework, 2008, p. 5). FEMA also further reiterated its expectation that individuals, families, and caregivers to those with special needs enhance their awareness of risk and threats and develop their own household emergency plans (National Response Framework, 2008). In other words, FEMA’s amended

definition of “special needs groups” and its protocol to shift responsibility onto both NGOs and special needs people themselves implied that, in the wake of a disaster, any response to marginalized people was no longer FEMA’s responsibility. This neoliberal conception of disaster response is harmful, dangerous, and negligent and illuminates the reasons why environmental injustice/racism has permeated the lives of marginalized people: the devalued occupy a “surplus place” (Pulido, 2016, p. 2) that has become a testing ground for new forms of neoliberal practice.

Research Question #3: How and to what extent were intersectional considerations included in NRFdraft and NRF1?

My findings show that intersectional considerations were neither implemented in the NRFdraft nor the NRF1. The absence of intersectionality in these policy texts is problematic because a one-size-fits-all approach to disaster policy perpetuates discursal inequality by ignoring marginalized disaster victims’ needs (Hankivsky & Cormier, 2011). Marginalized populations are more vulnerable to the effects of disasters and need specific disaster response protocols that account for the multiple intersections of their identities.⁴⁵

This matters because identifying the presence or absence of intersectional considerations in disaster policy provides insight into issues of social justice and inequality and raises questions about the dynamics of power during and after a disaster (Cho et al., 2013). This identification can be used to uncover the ways that policies can be strengthened to effectively respond to heterogeneous members of specific groups, like disaster victims, who may experience the same situation in unique ways.

My findings show that the definitions of “special needs groups” in both the NRFdraft and the NRF1 did not include specific considerations for intersectional positionalities. In fact, the differences between the definitions of “special needs groups” in the NRFdraft and the NRF1 were

⁴⁵ From the Introduction, recall that marginalized people are more vulnerable to natural disasters because of historical racialized geographies and topographic elevation in disaster-prone areas.

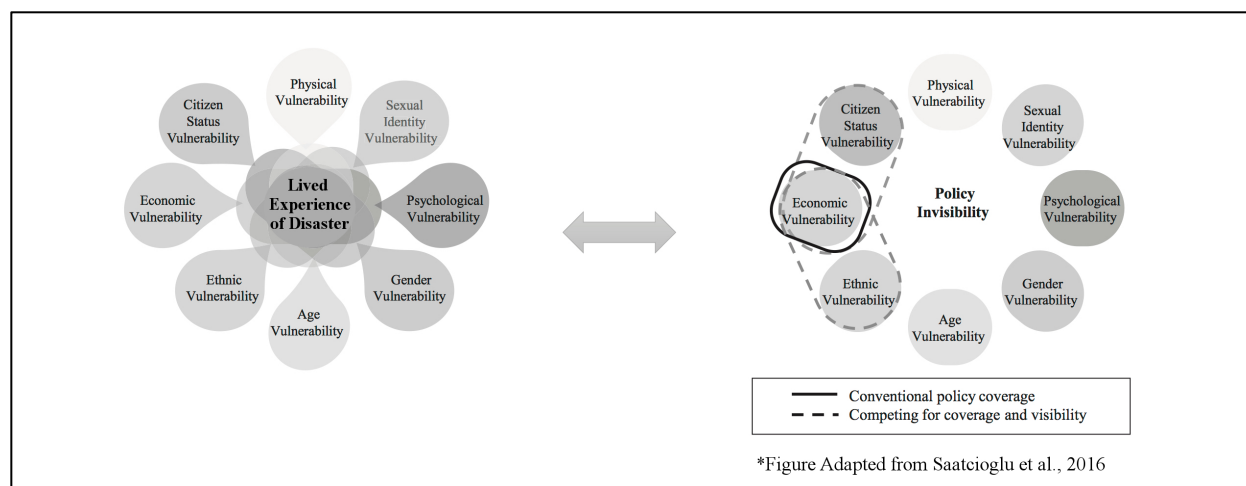
marginal. Although the amended definition of “special needs groups” in the NRF1 included an expanded list of people who were considered as having “special needs,” that list (and the disaster protocol for special needs people, generally) did not include any intersectional identities. Recall from Finding #3 that the “improved” definition of “special needs groups” simply listed off the marginalized groups⁴⁶ that may require special attention during a disaster response. It did not address how disaster protocol would be shaped to account for individuals who have special needs that intersect with one another (*e.g.* a single individual who is racialized, elderly, has a physical disability, and is non-English speaking). Individuals who have intersectional identities will struggle to have their needs met when policies are developed using a single-factor lens (Saatcioglu et al., 2016).

In disaster policy, the social construction of special needs populations “matters just as much as what is at stake” (Hancock, 2007, p. 65). My findings, however, show that although FEMA’s amended definition of “special needs groups” also included four additional factors relating to special needs disaster protocols, those factors neither accounted for intersectional identities nor centered the needs of marginalized people during disaster response. Instead, the four additional factors outlined special needs disaster protocol in vague, general terms that focused on meeting the “needs of all people, *including* persons with disabilities and other special needs” (National Response Framework, 2008, p. 38; emphasis added). Framing “special needs people” as included within the broader group of “all people” devalues the specific care needed to ensure the safety of people with special needs, and suggests that disaster response protocols that may be adequate for “all people” should be adequate for “special needs groups” as well.

⁴⁶ The marginalized groups accounted for in the NRF1’s definition of “special needs groups” are: those who have disabilities; who live in institutionalized settings; who are elderly; who are children; who are from diverse cultures; who have limited English proficiency or are non-English speaking; or who are transportation disadvantaged.

In reality, social identities such as ethnicity, class, gender, ability, geography, and age intersect to form unique meanings and complex experiences within and between groups in society. These social identities, however, can manifest into vulnerabilities that affect an individual's experience of disaster (see Figure 8). Individuals who are at the intersections of vulnerabilities tend to struggle to have their needs met when policies are developed using only single-factor solutions (Saatcioglu et al., 2016). As illustrated in Figure 8, vulnerable people can be overlooked – or made “policy invisible” – when they fall outside the coverage of conventional policy that places economic vulnerability at the forefront (with citizen status and ethnic vulnerabilities competing for visibility, and physical, sexual identity, psychological, gender, and age vulnerabilities hidden from visibility). Disaster policy, though, can be positively transformed through a deeper understanding of overlapping vulnerabilities that require, for example, specialized disaster response protocols that include early evacuation plans for people with intersectional positionalities.

Figure 8: Policy Invisibility and the Overlapping Vulnerabilities of the Lived Experience of Disaster



My findings show that intersectional considerations were neither found in the NRFdraft nor applied to the revisions in the NRF1. FEMA did not amend the definition of “special needs

groups” to account for intersectional identities, even though “special needs” people often have complex positionalities that make them particularly vulnerable to the effects of natural disasters (Dash et al., 1997; Girard and Peacock, 1997; Morrow, 1997; Peacock & Ragsdale, 1997). By omitting intersectional social locations from the NRFdraft and NRF1, FEMA’s policy seems to rely on racist, ableist, and sexist premises and propositions that became inscribed in the policy “as a set of unquestioned assumptions” (Hall, 1999, p. 399).

FEMA’s comment submission form did not include fields for participants to include any demographic information such as race, gender, or geography. Although this may appear as FEMA being “neutral” to these factors, on the contrary, it works to erase the voices of marginalized people whose experiences are particularly valuable to the policy process (*e.g.* racialized victims of Hurricane Katrina who live at low topographic elevation and thus have direct experience with FEMA’s disaster response). To fully accommodate those who are at issue requires that the voices of marginalized individuals (many of whom are disaster victims) be heard and centralized within the policy-making process. Notwithstanding the inaccessible and inadequate participatory design of FEMA’s rulemaking process (see Research Question #1), if FEMA had collected demographic information in the comment submission form, it may have been better informed of how inequity during disaster response is directly experienced. This is a small change that could have fixed one of the rulemaking process’s many shortcomings.

Given the failed response to marginalized people during and after Hurricane Katrina, FEMA’s NRFdraft and the NRF1, which were drafted and published several years after Hurricane Katrina, should have been written to improve FEMA’s response measures. Instead, the NRFdraft and NRF1 failed to meaningfully amend response protocols for racialized, marginalized victims of natural disaster because of FEMA’s failure to consider and address these people’s

intersectional needs. FEMA cannot carry out effective disaster response without recognizing victims' race, gender, ability, and class differences. The only way that FEMA can ensure that lives are not needlessly lost because of its failed response measures is to amend its policies and correct its problematic protocols that are rooted in its ignorance of intersectionality.

Conclusion

This thesis has examined FEMA's rulemaking process to conclude that FEMA did not provide the necessary conditions for marginalized victims of natural disaster to be represented within the rulemaking process for the NRF1, and found that public participation was not substantially actualized in the published NRF1. To reach this conclusion, this thesis revealed the various ways that FEMA erased the voices and experiences of marginalized disaster victims through its inadequate notification process and problematic participatory design, and did not make substantive changes to the NRF1 because it placated its public participants. This thesis used critical/interpretive policy studies, critical discourse theory, the study of victimhood and victimization, intersectional theory, and racial capitalism to select, collect, and analyze 89 comments that were submitted in response to FEMA's call for comments on the NRFdraft. Analyzing these comments was my direct way of observing who public participants were (or were not) and how well those public participants' interests were reflected in the NRF1. My dataset (the NRFdraft, 89 public comments, and the NRF1) and theoretical foundations were used to explore the following research questions: *how and to what extent did FEMA's rulemaking process provide marginalized victims of natural disaster with spaces for representation; how and to what extent did FEMA use the comments of marginalized victims of disaster to influence revisions to the NRFdraft, as demonstrated in its revision, the NRF1; and how and to what extent were intersectional considerations included in the NRFdraft and NRF1?*

These questions guided my research and led me to conclude that the overly bureaucratic and technocratic nature of FEMA's rulemaking process for the NRF1 dampened its potential to develop policy that adequately addressed the intersectional needs of marginalized disaster victims. The high barriers to entering FEMA's rulemaking process created an exclusionary space

that prevented the people who were directly affected by Hurricane Katrina from commenting on the very policy that was meant to address and remedy FEMA's failed response to them. So, not only did FEMA inadequately protect and rescue the marginalized, impoverished people of New Orleans during and after Hurricane Katrina, its rulemaking process for the NRF1 did not substantively seek input from those disaster victims, and the NRF1 failed to meaningfully amend response protocols for racialized, marginalized victims of natural disaster. In fact, FEMA's only major revision to the NRF1 absolved itself and the government of the responsibility to protect marginalized disaster victims going forward, instead transferring the responsibility onto NGOs and disaster victims themselves. These problems are indicative of the neoliberalism that was woven into the fabric of FEMA's NRF1 rulemaking process. Veering far from the democratic space it purports to be, FEMA's rulemaking process for the NRF1 merely used supposed "public participation" as a placating consent-manufacturing measure, which resulted in the drafting and publication of an inequitable top-down policy (Beierle & Konisky, 2000; Ruesga & Knight, 2013).

As Sherry Arnstein (1969) writes in her theorization of public participation processes, participation of "the governed" in their government is, in theory, the cornerstone of democracy. But, the extent to which that participation is meaningful depends on two factors: "the quality of technical assistance individuals have in articulating their priorities, and the extent to which the community has been organized to press for those priorities" (Arnstein, 1969, p. 220). FEMA's rulemaking process for the NRF1 did not provide disaster victims with adequate technical assistance to help articulate their comments. In fact, its process was designed in such a way that individual participants were dissuaded from engaging (if they even knew about the opportunity to participate in the first place). For this reason and others described within this thesis, FEMA

retained for itself and other power holders, like NGOs, the sole ability to make and influence policy decisions.

By taking into account the power structures and formats within which public participation is structured, my thesis has shown that disaster victims were unable to meaningfully influence policy change in FEMA's rulemaking process for the NRF1. This, however, did not only stem from the low level of citizen engagement in the process; even when individuals submitted comments, FEMA did not accept or use the majority of those comments to revise the NRFdraft. In fact, the only two individual comments FEMA may have used to revise the NRFdraft shared the same key comment concern ("special needs groups") as that of 35 others submitted by groups. These individual comments, then, were likely lost in a wave of group comments and only addressed by coincidence, not because FEMA placed any particular importance on the viewpoints of the individual commenters.

In no way does FEMA's rulemaking process provide individuals with a space for representation. Instead, the process reinforces and continues the erasure of these people and their voices. Executing this erasure through placation further compounds the harm enacted on individuals because it deceives the few of them who can navigate the participatory process into assuming that their participation can actually influence change. There is a crucial difference, though, between giving individual participants the real power to affect the outcome of the rulemaking process and simply enacting an empty ritual of supposed participation to "check the box" on the APA's public participation requirement.

Because FEMA's rulemaking process for the NRF1 was unsuccessful in creating a policy that incorporated intersectional considerations and specialized disaster protocols for marginalized disaster victims, it can – and should – be viewed as a failure of an organization that exists to

ensure that disaster victims receive aid. There are, however, ways that FEMA's power can be re-distributed to deliberately include marginalized disaster victims whose voices are presently excluded from the rulemaking process. For example, FEMA could introduce rulemaking literacy programs into its existing post-disaster protocol that already includes going door to door and speaking at local events, but FEMA would have to ensure that these measures reach marginalized disaster victims. FEMA could also make adjustments to its rulemaking portal and its comment submission process. For example, FEMA could provide potential participants with straightforward, step-by-step instructions that clearly and accessibly outline the rulemaking system. It could also collect demographic information on its comment submission form so as to acknowledge the positionality and experiences of individual commenters. FEMA should also actively seek to narrow the digital divide that prevents certain marginalized disaster victims from participating in the rulemaking process in the first place. FEMA could do this by gathering general oral comments about existing disaster protocol at town hall meetings, or by making their rulemaking documents more easily accessible at public libraries (instead of only being available at select federal depository libraries).

It must be noted, though, that even if FEMA were to implement these suggestions into its rulemaking process, and even if it actively sought out comments from those most impacted by disaster, it does not necessarily mean that those individuals would be willing or interested in participating. To refuse participation, even if it is sought out, can be a generative, strategic, and deliberative move to resist against normative structures of oppression (McGranahan, 2016; Ortnner, 1995). Refusal to participate in a bureaucratic system like rulemaking is, in and of itself, a potential avenue for further research on this topic. Along these same lines, research could be conducted on individuals' perceived understanding of the impact of individual comments on the

rulemaking process, and whether that perception has any bearing on their willingness to participate. It too would be of value to explore participatory patterns across time to evaluate whether the increased prevalence of digital technologies (as compared to 2007, the time of FEMA's rulemaking process for the NRF1) has positively or negatively impacted individual participation in FEMA rulemakings (if it impacted it at all). This could lead to research on whether the rulemaking process for more recent iterations of the NRF has since changed, as well as research on alternative participatory methods that occur both on- and off-line (such as protest, legal action, and social movements).

Ultimately, this thesis' exploration and evaluation of FEMA's rulemaking process for the NRF1 has led to a complex understanding of public participation and citizen-led democracy. Participatory practices that involve interaction with institutions like FEMA have infinite political, economic, and social dimensions of analysis. It is my hope that through this type of research, FEMA becomes aware of its structural deficiencies and moves to be positioned as a stronger and more inclusive agency by adjusting its rulemaking protocol to better help marginalized disaster victims.

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Appendices

Appendix A: Data Tables

Table 1: FEMA Docket Numbers and Titles of 16 FEMA Dockets Found via an Advanced Search for the Key Terms "Hurricane" and "Major Disaster," Sorted by Docket Number

FEMA's Docket Number	FEMA's Docket Title (Dockets concerning direct disaster response are highlighted)
FEMA-2005-0047	Louisiana Major Disaster and Related Determinations
FEMA-2005-0051	Special Community Disaster Loans Program
FEMA-2005-0057	National Flood Insurance Program; Appeal of Decisions Relating to Flood Insurance Claims
FEMA-2006-0005	NEPA Alternative Arrangements for Critical Physical Infrastructure in New Orleans
FEMA-2006-0010	Flood Mitigation Grants and Hazard Mitigation Planning
FEMA-2006-0028	Public Assistance Eligibility
FEMA-2007-0003	Flood Mitigation Assistance
FEMA-2007-0007	National Response Framework
FEMA-2007-0010	Grants and Cooperative Agreements; Availability, etc.
FEMA-2009-0006	Arbitration for Public Assistance Determinations related to Hurricanes
FEMA-2010-0064	Disaster Assistance: Crisis Counseling Regular Program
FEMA-2013-0015	Dispute Resolution Pilot Program for Public Assistance Appeals
FEMA-2014-0005	Factors Considered When Evaluating a Governor's Request for Individual Assistance for a Major Disaster
FEMA-2016-0003	Establishing a Deductible for FEMA's Public Assistance Program
FEMA-2017-0023	Evaluation of Existing Regulations, Policies, and Information Collections
FEMA-2018-0026	National Flood Insurance Program (NFIP)

Table 2: Metadata Concerning Public Comments Submitted to the FEMA-2007-0007 Docket in Response to the Call for Comments between October 1, 2007 and November 11, 2007 on the NRFdraft, Sorted by Type of Commenter

Comment ID Number (and Line Number, if applicable)⁴⁷	Comment Author	Type of Commenter	Length of Comment	Term(s) Used in Commenter's Key Concern(s)
2007-0007-0025	Ealy, L.	Individual	11 pages	Needs of Children
2007-0007-0024	Thompson, B.	Individual	4 pages	Victims of Hurricane Katrina

⁴⁷ See footnote 15 for an explanation of what a line number is and when it is applicable.

Comment ID Number (and Line Number, if applicable)⁴⁷	Comment Author	Type of Commenter	Length of Comment	Term(s) Used in Commenter's Key Concern(s)
2007-0007-0023	Lieberman et al.	Individual	7 pages	Victims of Hurricane Katrina and 9/11 Terrorist Attacks
2007-0007-0032	Jordan, T.	Individual	9 pages	Victims of California Wildfires
2007-0007-0036	Sterling, J.	Individual	54 pages	Special Needs Populations
2007-0007-0034 (Line 815)	General Public ⁴⁸	Individual	5 sentences	Disaster Victims
2007-0007-0041 (Line 024)	General Public	Individual	5 sentences	Families affected by Disaster
2007-0007-0041 (Line 025)	General Public	Individual	3 sentences	Families, Disaster Victims, and Missing Persons
2007-0007-0014	Millar, W.	Individual	2 pages	Vulnerable citizens with no access to private vehicles
2007-0007-0006	Yarwood, B.	Individual	2 pages	Disparate special needs populations; frail, elderly and disabled citizens who live in nursing facilities, assisted living residences, sub-acute centers, and homes for persons with developmental disabilities
2007-0007-0016 (Line 004)	Asian Americans Advancing Justice (AAJC)	NGO	3 sentences	Marginalized communities with cultural and language barriers

⁴⁸ “General Public” is used by FEMA as a placeholder when a commenter requests anonymity.

Comment ID Number (and Line Number, if applicable)⁴⁷	Comment Author	Type of Commenter	Length of Comment	Term(s) Used in Commenter's Key Concern(s)
2007-0007-0016 (Line 005)	Asian Americans Advancing Justice (AAJC)	NGO	2 sentences	Special Needs, mobility disabled, and limited English proficient communities
2007-0007-0016 (Line 039)	American Healthcare Association	NGO	5 sentences	Special Needs populations and individuals living in long term care facilities
2007-0007-0016 (Line 313)	Save the Children	NGO	7 sentences	Children
2007-0007-0020 (Line 148)	OXFAM America	NGO	1 sentence	Representation of "all" people
2007-0007-0020 (Line 150)	OXFAM America	NGO	2 sentences	Special Needs populations
2007-0007-0034 (Line 150)	National Association of Child Care Resource and Referral Agency	NGO	7 sentences	Children (especially young children)
2007-0007-0034 (Line 151)	National Association of Child Care Resource and Referral Agency	NGO	3 sentences	Children
2007-0007-0034 (Line 152)	National Association of Child Care Resource and Referral Agency	NGO	10 sentences	Children

Comment ID Number (and Line Number, if applicable)⁴⁷	Comment Author	Type of Commenter	Length of Comment	Term(s) Used in Commenter's Key Concern(s)
2007-0007-0034 (Line 165)	American Speech-Language-Hearing Association (ASHA)	NGO	5 sentences	Individuals with pre-existing conditions that limit their abilities to communicate or swallow; individuals who have hearing loss and are unaided at the time of the emergency; individuals with limited English speaking skills
2007-0007-0034 (Line 168)	American Speech-Language-Hearing Association (ASHA)	NGO	2 sentences	Individuals with special needs (especially those with communications disorders)
2007-0007-0034 (Line 171)	American Speech-Language-Hearing Association (ASHA)	NGO	2 sentences	Individuals with special needs, including those with cognitive communication disabilities and limited English speaking skills
2007-0007-0034 (Line 172)	American Speech-Language-Hearing Association (ASHA)	NGO	1 sentence	Special Needs Populations (including people with service animals)
2007-0007-0034 (Line 173)	American Speech-Language-Hearing Association (ASHA)	NGO	2 sentences	Special Needs Populations

Comment ID Number (and Line Number, if applicable)⁴⁷	Comment Author	Type of Commenter	Length of Comment	Term(s) Used in Commenter's Key Concern(s)
2007-0007-0034 (Line 175)	American Speech-Language-Hearing Association (ASHA)	NGO	2 sentences	Special Needs Populations
2007-0007-0034 (Line 284)	American Academy of Pediatrics	NGO	2 sentences	Children
2007-0007-0034 (Line 286)	American Academy of Pediatrics	NGO	4 sentences	Children
2007-0007-0034 (Line 287)	American Academy of Pediatrics	NGO	4 sentences	Children
2007-0007-0034 (Line 288)	American Academy of Pediatrics	NGO	1 sentence	Children
2007-0007-0034 (Line 290)	American Academy of Pediatrics	NGO	3 sentences	Children
2007-0007-0034 (Line 291)	American Academy of Pediatrics	NGO	4 sentences	Children
2007-0007-0034 (Line 292)	American Academy of Pediatrics	NGO	3 sentences	Children
2007-0007-0034 (Line 293)	American Academy of Pediatrics	NGO	3 sentences	Children
2007-0007-0041 (Line 961)	American Academy of Pediatrics	NGO	3 sentences	Children
2007-0007-0041 (Line 967)	American Academy of Pediatrics	NGO	3 sentences	Children
2007-0007-0041 (Line 968)	American Academy of Pediatrics	NGO	4 sentences	Children
2007-0007-0041 (Line 970)	American Academy of Pediatrics	NGO	3 sentences	Children

Comment ID Number (and Line Number, if applicable)⁴⁷	Comment Author	Type of Commenter	Length of Comment	Term(s) Used in Commenter's Key Concern(s)
2007-0007-0041 (Line 972)	American Academy of Pediatrics	NGO	2 sentences	Children
2007-0007-0041 (Line 1378)	American Academy of Pediatrics	NGO	2 sentences	Children
2007-0007-0041 (Line 1379)	American Academy of Pediatrics	NGO	2 sentences	Children
2007-0007-0041 (Line 1380)	American Academy of Pediatrics	NGO	3 sentences	Children
2007-0007-0041 (Line 1381)	American Academy of Pediatrics	NGO	3 sentences	Children
2007-0007-0041 (Line 1382)	American Academy of Pediatrics	NGO	1 sentence	Children
2007-0007-0041 (Line 1385)	American Academy of Pediatrics	NGO	3 sentences	Children
2007-0007-0041 (Line 1386)	American Academy of Pediatrics	NGO	1 sentence	Children
2007-0007-0041 (Line 1387)	American Academy of Pediatrics	NGO	2 sentences	Children
2007-0007-0041 (Line 1388)	American Academy of Pediatrics	NGO	2 sentences	Children
2007-0007-0041 (Line 1389)	American Academy of Pediatrics	NGO	1 sentence	Children
2007-0007-0041 (Line 1390)	American Academy of Pediatrics	NGO	1 sentence	Children
2007-0007-0041 (Line 1394)	American Academy of Pediatrics	NGO	1 sentence	Children
2007-0007-0041 (Line 1396)	American Academy of Pediatrics	NGO	4 sentences	Children

Comment ID Number (and Line Number, if applicable)⁴⁷	Comment Author	Type of Commenter	Length of Comment	Term(s) Used in Commenter's Key Concern(s)
2007-0007-0041 (Line 1403)	American Academy of Pediatrics	NGO	2 sentences	Children
2007-0007-0041 (Line 1404)	American Academy of Pediatrics	NGO	3 sentences	Children
2007-0007-0041 (Line 1405)	American Academy of Pediatrics	NGO	3 sentences	Children
2007-0007-0041 (Line 1407)	American Academy of Pediatrics	NGO	2 sentences	Children
2007-0007-0038	National Electrical Manufacturer Association	NGO	5 pages	Special Needs Populations
2007-0007-0034 (Line 095)	Fairfax County VA Amateur Radio Emergency Service	NGO	1 sentence	Individuals and Families
2007-0007-0034 (Line 031)	Medical Reserve Corps of Eastern Washington	NGO	1 sentence	Children
2007-0007-0035 (Line 156)	International Association of Emergency Managers	NGO	5 sentences	Individuals, families, and caregivers of people with special needs
2007-0007-0041 (Line 137)	International Association of Fire Chiefs	NGO	4 sentences	Persons with Serious Illness/Critically Ill
2007-0007-0016	Columbia University	Institution of Higher Education	1 sentence	Vulnerable Americans

Comment ID Number (and Line Number, if applicable)⁴⁷	Comment Author	Type of Commenter	Length of Comment	Term(s) Used in Commenter's Key Concern(s)
2007-0007-0041 (Line 484)	Center for Disability Issues and Health Professions at Western University of Health Sciences	Institution of Higher Education	1 sentence	Special Needs Groups
2007-0007-0041 (Line 490)	Center for Disability Issues and Health Professions at Western University of Health Sciences	Institution of Higher Education	1 sentence	Special Needs Groups
2007-0007-0041 (Line 491)	Center for Disability Issues and Health Professions at Western University of Health Sciences	Institution of Higher Education	1 sentence	Special Needs Groups
2007-0007-0041 (Line 492)	Center for Disability Issues and Health Professions at Western University of Health Sciences	Institution of Higher Education	2 sentences	Special Needs Groups

Comment ID Number (and Line Number, if applicable)⁴⁷	Comment Author	Type of Commenter	Length of Comment	Term(s) Used in Commenter's Key Concern(s)
2007-0007-0041 (Line 493)	Center for Disability Issues and Health Professions at Western University of Health Sciences	Institution of Higher Education	2 sentences	Special Needs Groups
2007-0007-0035 (Line 003)	Consortium for Citizens with Disabilities	Advocacy	2 sentences	Special Needs Populations
2007-0007-0041 (Line 1335)	Association of Retarded Citizens	Advocacy	1 sentence	Special Needs Groups
2007-0007-0041 (Line 1481)	Ead & Associates LLC	Advocacy	6 sentences	Special Needs Groups
2007-0007-0015 (Line 209)	Texas Governor's Committee on People with Disabilities	Govt.	1 sentence	Individuals with language-assistance disabilities
2007-0007-0020 (Line 259)	Washington State Emergency Management Division	Govt.	2 sentences	Tribal Nations
2007-0007-0020 (Line 363)	Washington State Emergency Management Division	Govt.	1 sentence	Tribes
2007-0007-0041 (Line 545)	Washington State Emergency Management Division	Govt.	1 sentence	Individuals with Companion Animals

Comment ID Number (and Line Number, if applicable)⁴⁷	Comment Author	Type of Commenter	Length of Comment	Term(s) Used in Commenter's Key Concern(s)
2007-0007-0041 (Line 578)	Washington State Emergency Management Division	Govt.	1 sentence	Special Needs Groups
2007-0007-0041 (Line 756)	Washington State Emergency Management Division	Govt.	1 sentence	Persons with Service Animals
2007-0007-0034 (Line 477)	Colorado Division of Emergency Management	Govt.	1 sentence	Special Needs Populations (not just those who are mobility disabled)
2007-0007-0034 (Line 532)	Colorado Division of Emergency Management	Govt.	10 sentences	Victims of Hurricane Katrina
2007-0007-0034 (Line 535)	Colorado Division of Emergency Management	Govt.	4 sentences	Special Needs Populations (including those who have disabilities; who live in institutionalized settings; who are elderly; who are children; who are from diverse cultures, who have limited English proficiency, or who are non-English speaking; or who are transportation disadvantaged)
2007-0007-0041 (Line 066)	Colorado Division of Emergency Management	Govt.	4 sentences	Special Needs Groups

Comment ID Number (and Line Number, if applicable)⁴⁷	Comment Author	Type of Commenter	Length of Comment	Term(s) Used in Commenter's Key Concern(s)
2007-0007-0041 (Line 1275)	Colorado Division of Emergency Management	Govt.	3 sentence	Special Needs Groups
2007-0007-0035 (Line 007)	California State Agencies	Govt.	2 sentences	Faith-Based Communities
2007-0007-0035 (Line 012)	California State Agencies	Govt.	4 sentences	Tribal Communities
2007-0007-0041 (Line 065)	Ohio Emergency Management Agency	Govt.	10 sentences	Special Needs Groups
2007-0007-0041 (Line 416)	Ohio Emergency Management Agency	Govt.	3 sentences	Special Needs Groups
2007-0007-0041 (Line 417)	Ohio Emergency Management Agency	Govt.	3 sentences	Special Needs Groups
2007-0007-0041 (Line 230)	Arkansas Department of Emergency Management	Govt.	2 sentences	Special Needs Advisors
2007-0007-0016 (Line 276)	Missouri Department of Public Safety	Govt.	1 sentence	Individuals with special needs and their caregivers
2007-0007-0016 (Line 279)	Missouri Department of Public Safety	Govt.	1 sentence	English-Challenged Individuals
2007-0007-0041 (Line 222)	Louisiana Governor's Office of Homeland Security and Emergency Preparedness	Govt.	2 sentences	Individuals living in shelters and animals from animal shelters

Table 3: Metadata Concerning Public Comments Submitted to the FEMA-2007-0007 Docket in Response to the Call for Comments between October 1, 2007 and November 11, 2007 on the NRFdraft, Colour-Coded by Category of Commenter's Key Concern(s)

Comment ID Number (and Line Number, if applicable)	Comment Author	Type of Commenter	Category of Commenter's Key Concern(s)
2007-0007-0024	Thompson, B.	Individual	Disaster Victims
2007-0007-0023	Lieberman et al.	Individual	Disaster Victims
2007-0007-0032	Jordan, T.	Individual	Disaster Victims
2007-0007-0034 (Line 815)	General Public ⁴⁹	Individual	Disaster Victims
2007-0007-0041 (Line 024)	General Public	Individual	Disaster Victims
2007-0007-0041 (Line 025)	General Public	Individual	Disaster Victims
2007-0007-0034 (Line 532)	Colorado Division of Emergency Management	Govt.	Disaster Victims
2007-0007-0014	Millar, W.	Individual	Vulnerable Citizens
2007-0007-0016 (Line 145)	Columbia University	Institution of Higher Education	Vulnerable Citizens
2007-0007-0036	Sterling, J.	Individual	Special Needs Groups
2007-0007-0006	Yarwood, B.	Individual	Special Needs Groups
2007-0007-0035 (Line 156)	International Association of Emergency Managers	NGO	Special Needs Groups
2007-0007-0016 (Line 005)	Asian Americans Advancing Justice (AAJC)	NGO	Special Needs Groups
2007-0007-0016 (Line 039)	American Healthcare Association	NGO	Special Needs Groups
2007-0007-0020 (Line 150)	OXFAM America	NGO	Special Needs Groups
2007-0007-0034 (Line 165)	American Speech-Language-Hearing Association (ASHA)	NGO	Special Needs Groups
2007-0007-0034 (Line 168)	American Speech-Language-Hearing Association (ASHA)	NGO	Special Needs Groups
2007-0007-0034 (Line 171)	American Speech-Language-Hearing Association (ASHA)	NGO	Special Needs Groups
2007-0007-0034 (Line 172)	American Speech-Language-Hearing Association (ASHA)	NGO	Special Needs Groups

⁴⁹ "General Public" is used by FEMA as a placeholder when a commenter requests anonymity.

Comment ID Number (and Line Number, if applicable)	Comment Author	Type of Commenter	Category of Commenter's Key Concern(s)
2007-0007-0034 (Line 173)	American Speech-Language-Hearing Association (ASHA)	NGO	Special Needs Groups
2007-0007-0034 (Line 175)	American Speech-Language-Hearing Association (ASHA)	NGO	Special Needs Groups
2007-0007-0038	National Electrical Manufacturers Association	NGO	Special Needs Groups
2007-0007-0041 (Line 137)	International Association of Fire Chiefs	NGO	Special Needs Groups
2007-0007-0041 (Line 484)	Center for Disability Issues and Health Professions at Western University of Health Sciences	Institution of Higher Education	Special Needs Groups
2007-0007-0041 (Line 490)	Center for Disability Issues and Health Professions at Western University of Health Sciences	Institution of Higher Education	Special Needs Groups
2007-0007-0041 (Line 491)	Center for Disability Issues and Health Professions at Western University of Health Sciences	Institution of Higher Education	Special Needs Groups
2007-0007-0041 (Line 492)	Center for Disability Issues and Health Professions at Western University of Health Sciences	Institution of Higher Education	Special Needs Groups
2007-0007-0041 (Line 493)	Center for Disability Issues and Health Professions at Western University of Health Sciences	Institution of Higher Education	Special Needs Groups
2007-0007-0035 (Line 003)	Consortium for Citizens with Disabilities	Advocacy	Special Needs Groups
2007-0007-0041 (Line 1335)	Association of Retarded Citizens	Advocacy	Special Needs Groups
2007-0007-0041 (Line 1481)	Ead & Associates LLC	Advocacy	Special Needs Groups
2007-0007-0015 (Line 209)	Texas Governor's Committee on People with Disabilities	Govt.	Special Needs Groups
2007-0007-0041 (Line 545)	Washington State Emergency Management Division	Govt.	Special Needs Groups

Comment ID Number (and Line Number, if applicable)	Comment Author	Type of Commenter	Category of Commenter's Key Concern(s)
2007-0007-0041 (Line 578)	Washington State Emergency Management Division	Govt.	Special Needs Groups
2007-0007-0041 (Line 756)	Washington State Emergency Management Division	Govt.	Special Needs Groups
2007-0007-0034 (Line 477)	Colorado Division of Emergency Management	Govt.	Special Needs Groups
2007-0007-0034 (Line 535)	Colorado Division of Emergency Management	Govt.	Special Needs Groups
2007-0007-0041 (Line 066)	Colorado Division of Emergency Management	Govt.	Special Needs Groups
2007-0007-0041 (Line 1275)	Colorado Division of Emergency Management	Govt.	Special Needs Groups
2007-0007-0041 (Line 065)	Ohio Emergency Management Agency	Govt.	Special Needs Groups
2007-0007-0041 (Line 416)	Ohio Emergency Management Agency	Govt.	Special Needs Groups
2007-0007-0041 (Line 417)	Ohio Emergency Management Agency	Govt.	Special Needs Groups
2007-0007-0041 (Line 230)	Arkansas Department of Emergency Management	Govt.	Special Needs Groups
2007-0007-0016 (Line 276)	Missouri Department of Public Safety	Govt.	Special Needs Groups
2007-0007-0016 (Line 279)	Missouri Department of Public Safety	Govt.	Special Needs Groups
2007-0007-0041 (Line 222)	Louisiana Governor's Office of Homeland Security and Emergency Preparedness	Govt.	Special Needs Groups
2007-0007-0025	Ealy, L.	Individual	Children
2007-0007-0016 (Line 313)	Save the Children	NGO	Children
2007-0007-0034 (Line 150)	National Association of Child Care Resource and Referral Agency	NGO	Children
2007-0007-0034 (Line 151)	National Association of Child Care Resource and Referral Agency	NGO	Children
2007-0007-0034 (Line 152)	National Association of Child Care Resource and Referral Agency	NGO	Children
2007-0007-0034 (Line 284)	American Academy of Pediatrics	NGO	Children

Comment ID Number (and Line Number, if applicable)	Comment Author	Type of Commenter	Category of Commenter's Key Concern(s)
2007-0007-0034 (Line 286)	American Academy of Pediatrics	NGO	Children
2007-0007-0034 (Line 287)	American Academy of Pediatrics	NGO	Children
2007-0007-0034 (Line 288)	American Academy of Pediatrics	NGO	Children
2007-0007-0034 (Line 290)	American Academy of Pediatrics	NGO	Children
2007-0007-0034 (Line 291)	American Academy of Pediatrics	NGO	Children
2007-0007-0034 (Line 292)	American Academy of Pediatrics	NGO	Children
2007-0007-0034 (Line 293)	American Academy of Pediatrics	NGO	Children
2007-0007-0041 (Line 961)	American Academy of Pediatrics	NGO	Children
2007-0007-0041 (Line 967)	American Academy of Pediatrics	NGO	Children
2007-0007-0041 (Line 968)	American Academy of Pediatrics	NGO	Children
2007-0007-0041 (Line 970)	American Academy of Pediatrics	NGO	Children
2007-0007-0041 (Line 972)	American Academy of Pediatrics	NGO	Children
2007-0007-0041 (Line 1378)	American Academy of Pediatrics	NGO	Children
2007-0007-0041 (Line 1379)	American Academy of Pediatrics	NGO	Children
2007-0007-0041 (Line 1380)	American Academy of Pediatrics	NGO	Children
2007-0007-0041 (Line 1381)	American Academy of Pediatrics	NGO	Children
2007-0007-0041 (Line 1382)	American Academy of Pediatrics	NGO	Children
2007-0007-0041 (Line 1385)	American Academy of Pediatrics	NGO	Children
2007-0007-0041 (Line 1386)	American Academy of Pediatrics	NGO	Children
2007-0007-0041 (Line 1387)	American Academy of Pediatrics	NGO	Children
2007-0007-0041 (Line 1388)	American Academy of Pediatrics	NGO	Children

Comment ID Number (and Line Number, if applicable)	Comment Author	Type of Commenter	Category of Commenter's Key Concern(s)
2007-0007-0041 (Line 1389)	American Academy of Pediatrics	NGO	Children
2007-0007-0041 (Line 1390)	American Academy of Pediatrics	NGO	Children
2007-0007-0041 (Line 1394)	American Academy of Pediatrics	NGO	Children
2007-0007-0041 (Line 1396)	American Academy of Pediatrics	NGO	Children
2007-0007-0041 (Line 1403)	American Academy of Pediatrics	NGO	Children
2007-0007-0041 (Line 1404)	American Academy of Pediatrics	NGO	Children
2007-0007-0041 (Line 1405)	American Academy of Pediatrics	NGO	Children
2007-0007-0041 (Line 1407)	American Academy of Pediatrics	NGO	Children
2007-0007-0034 (Line 031)	Medical Reserve Corps of Eastern Washington	NGO	Children
2007-0007-0020 (Line 259)	Washington State Emergency Management Division	Govt.	Tribal/Faith Based Communities
2007-0007-0020 (Line 363)	Washington State Emergency Management Division	Govt.	Tribal/Faith Based Communities
2007-0007-0035 (Line 007)	California State Agencies	Govt.	Tribal/Faith Based Communities
2007-0007-0035 (Line 012)	California State Agencies	Govt.	Tribal/Faith Based Communities
2007-0007-0016 (Line 004)	Asian Americans Advancing Justice (AAJC)	NGO	Other
2007-0007-0020 (Line 148)	OXFAM America	NGO	Other
2007-0007-0034 (Line 095)	Fairfax County VA Amateur Radio Emergency Service	NGO	Other

Table 4: Number and Percentage of Comments per Type of Commenter in the Dataset of 89 Comments (FEMA-2007-0007)

Type of Commenter	Number of Comments	Percentage of Comments per Type of Commenter in Dataset
Individual	10	11.24%
NGOs	50	56.18%
State Governments	20	22.47%
Institutions of Higher Education	6	6.74%
Advocacy Groups	3	3.37%
Total	89	100.00%

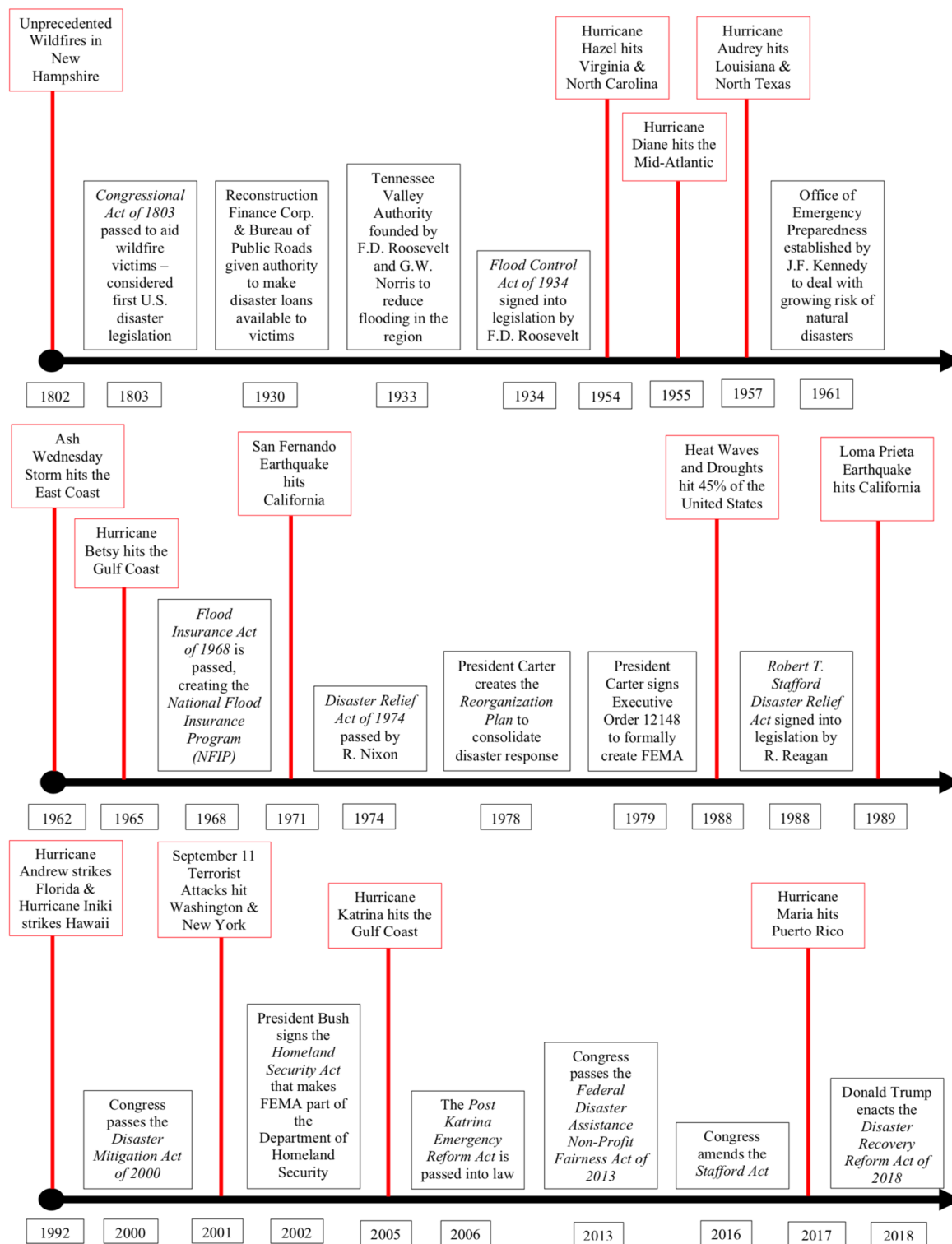
Table 5: Number and Percentage of Comments and Commenter's Key Concerns in the Dataset of 89 Comments (FEMA-2007-0007)

Key Comment Concern	Number of Comments	Percentage of Comments in Dataset
Special Needs Groups	37	41.57%
Children	36	40.45%
Victims of Natural Disaster	7	7.87%
Tribal/Faith Based Communities	4	4.49%
Vulnerable Individuals	2	2.25%
Other	3	3.37%
Total	89	100%

Table 6: Type of Commenter and Number of Comments Per Key Comment Concern in the Dataset of 89 Comments (FEMA-2007-0007)

Type of Commenter	Number of Comments Per Key Comment Concern						
	Special Needs	Children	Victims	Tribal/Faith	Vulnerable Individuals	Other	Total
Individuals	2	1	6	0	1	0	10
NGOs	12	35	0	0	0	2	50
State Governments	15	0	1	4	0	0	20
Institutions of Higher Education	5	0	0	0	1	0	6
Advocacy Groups	3	0	0	0	0	0	3
Total	37	36	7	4	2	2	89

Appendix B: American Emergency Management Timeline



Appendix C: Table of FEMA's National Response Framework Editions

National Response Framework	Date
NRFdraft	September 2007
First edition (NRF1)	January 2008
Second edition	May 2013
Third edition	June 2016
Fourth edition	October 2019