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**SYMPOSIUM:
“THE FIFTH PLAGUE” BIOTERRORISM CONFERENCE***

**SIMULATION:
FROM INITIAL DIAGNOSIS TO THREE DAYS AFTER**

On March 31, 2006, the Case Western Reserve Journal of International Law held a public symposium on the response mechanisms to threats of bioterrorism in the United States and Canada. Participants in this simulation, who included local, state, federal, and international officials, were asked to “role-play” their response to an agricultural-based attack. This portion of that discussion focuses on the steps local and state officials take in response to the potential outbreak of foot-and-mouth disease. The speakers’ remarks have been edited for length.

MODERATOR:

Amos Guiora, J.D., Professor of Law, Case Western Reserve University School of Law; Director, Institute for Global Security Law and Policy.

PANELISTS:

Charles “Buck” P. Adams, Director, Medina County Emergency Management Agency.

Kenneth Baca, Captain, Medina County Sheriff’s Department.

Thomas Brisker, D.V.M., Deputy Director, Ohio Department of Agriculture.

Charles J. Couch, Chief of Public Affairs, Ohio Emergency Management Agency.

Leah C. Dorman, D.V.M., Veterinary Medical Officer, Ohio Department of Agriculture, Division of Animal Industry.

William J. Franks, M.P.H., Health Commissioner, Stark County Board of Health

William Allen Hopper, Jr., J.D., Chief Legal Counsel to the Director of the Ohio Department of Agriculture.

Melvin R. House, Director of Operations, Ohio Emergency Management Agency.

Tamara Little, J.D., Assistant Attorney General for the State of Ohio.

* Sponsored by the Frederick K. Cox International Law Center, co-sponsored by the Institute for Global Security Law and Policy and the Law-Medicine Center.

Thomas Miller, Chief of the Medina County Sheriff's Office.

Peter Schade, M.P.H., R.S., Health Commissioner, Erie County Board of Health.

John Yarish, Jr., Farm Owner and Operator, Grafton, Ohio.

TRANSCRIPT:

PROF. GUIORA: Our first panel is Dr. Dorman who we have already heard, Dr. Brisker, and Mr. Yarish, who is our farmer. It is an honor, sir, that you have joined us today.

Mr. Yarish is a dairy farmer who milks sixty cows a day. His farm is located in Lorain County near Grafton, Ohio. It is the same date of the [hypothetical news reel] we just heard advising citizens to be aware of events out of the ordinary, Mr. Yarish notices that his cows are eating poorly and a few of them are drooling. Mr. Yarish, my question to you is what would you do? You have four options. Would you begin treatment with over-the-counter medication? Would you call your vet? Talk to friends and neighbors? A combination of the above, or none of the above?

MR. YARISH: I would call the vet immediately.

PROF. GUIORA: What would you tell the vet, sir?

MR. YARISH: Well, what I witnessed, what I see. Then it is up to him to diagnose my problem.

PROF. GUIORA: So the first thing, you would do is call the vet, have him come over, and look at the animals?

MR. YARISH: Right.

PROF. GUIORA: So we are going to take what Mr. Yarish has told us and we will move three days ahead, just like that. It has been two days, since you first noticed something strange with your cows. And this morning, the third morning, you find three heifer calves, about four to six months old, dead. You also notice that some of your cattle are not eating very much, milk production has dropped dramatically, and you are having trouble getting the cows into the milking parlor due to problems with their feet. What do you do? Self-treatment, consult with a vet, or dispose of the dead animal and try to conceal the problem?

MR. YARISH: In my situation, when I had the dairy, anytime I had a prob-

lem, I went to the vet immediately. I had one incident, when mad cow disease was here in the United States, and one cow was drooling. After I read an article in a magazine . . . I called my vet immediately and he handled it from there. Luckily it was just a cold or something. So it was nothing. But the minute I thought I had a problem, I got on the phone.

PROF. GUIORA: And trying to conceal the animal is that something you would try to do?

MR. YARISH: No.

PROF. GUIORA: So in terms of our simulation where are we now? Mr. Yarish has called his vet, Dr. Sam Jones. Dr. Jones comes to Mr. Yarish's farm, and here is what he sees. He finds that seventy-five percent of the animals are feverish and twenty-five percent are having trouble walking. He also notices that half of the cattle are drooling and have blisters, either ruptured or intact, in their mouths. That afternoon Dr. Jones calls the Ohio Department of Agriculture and reports his findings, as required by law. Dr. Jones also advises you not to move any livestock. My question to you again, sir, is what are you going to do? Are you going to ignore the advice, consult with friends, or do exactly as the vet tells you?

MR. YARISH: I would do exactly as the vet told me, because I could not afford to lose my farm over that situation.

PROF. GUIORA: And if the vet told you something that you would disagree with, you would still do as told?

MR. YARISH: I would still do as told.

PROF. GUIORA: Dr. Brisker, sir, you as the Deputy Director of the Ohio Department of Agriculture, what would you do about the situation that Mr. Yarish has just been describing?

DR. BRISKER: The first thing would be to compliment him on his compliance with the law. We certainly appreciate that under the options that you had, such as hiding or subverting this type of thing, you did the right thing, and our compliments to that. Of course our colleague, Dr. Jones, would be commended for the same thing. As we saw in the statute there are mandatory requirements that they report to the Ohio Department of Agriculture. The matter would then come to our state veterinarian; at this time it is Dr. Glauer. Dr.

Glauer works hand in glove with our federal counterparts, the USDA and APHIS (Animal Health and Plant Inspection Service). Dr. Susan M. Skorupski currently is the AVIC (Area Veterinarian in Charge) in Pickerington, and together they would put a general alert mode in place.

They would conference on this. Part of that conference would be a call to see if they need to involve a foreign animal disease diagnostician. And they would make that call either together or singularly to one of our field veterinarians. I believe Dr. Leah Dorman is one of the federal animal disease diagnosticians. She or one of her colleagues would be called, depending on the area of the state that we were in.

PROF. GUIORA: Dr. Dorman, there you are at 9:00 P.M. coming to Mr. Yarish's farm, what are you going to do once you get there?

DR. DORMAN: The first thing I am going to do is talk with Mr. Yarish to find out what is happening and what he has seen. I will actually schedule a meeting with Dr. Jones, Mr. Yarish's veterinarian, and preferably meet with all three of them at the farm if our schedules permit. The first thing I would do after talking with them would be to begin examining the animals and starting to make a determination of my own. The other thing I would be doing would be collecting a history. By history I mean [asking]: "Have you had any foreign visitors, any folks that have traveled, or people visiting in general that maybe did not belong here?" and "Have you seen anything suspicious, [such as] . . . broken [locks] or any break-ins?" I would also ask about the equipment moving, "Has there been any equipment that you have moved, that you borrowed from a neighbor, or again, anything that looks a little bit unusual?" If I find that it looks like foot-and-mouth disease, certainly, I am going to be very suspicious of that disease. There are other diseases like vesicular dermatitis that looks like foot-and-mouth disease. So can someone on the farm say that this is foot-and-mouth disease? No, but I can certainly make a professional judgment.

After I have done my history, examined the animals, and [developed] a professional opinion, I would call Dr. Glauer, the state veterinarian, and also the area veterinarian in charge, who is the federal veterinarian here in Ohio. I would get on a conference call with them and let them know of my findings. State and federal agriculture [authorities are] involved from the very beginning in animal disease because of our reporting. So I get on the phone with them and determine how we are going to get these lab samples sent and which lab samples will be sent. I [would then] go back and col-

lect the lab samples that would be necessary and prepare them to ship.

PROF. GUIORA: So, Mr. Yarish, sir, back to you. After hearing from Dr. Dorman and Dr. Brisker, a number of questions: Have you bought or sold animals recently?

MR. YARISH: Not in the last six months, no.

PROF. GUIORA: Have you attended any exhibitions at shows?

MR. YARISH: No.

PROF. GUIORA: Have you had any recent visitors to the farm or moved equipment?

MR. YARISH: Yes.

PROF. GUIORA: Such as?

MR. YARISH: Well, at our place we run a business out of there with tires and stuff. My son and I do a lot of tractor mechanic work. There are people coming and going all the time, so you never know who is going to be there and who is not.

PROF. GUIORA: How many visitors do you have?

MR. YARISH: We can have anywhere from five, ten, fifteen farmers a day coming in and out, because we do a lot of tractor work, and they bring their tractor tires to us. They drive in with their trucks that they have been around their farm with, so if something is going to come, it is a good possibility they would bring it.

PROF. GUIORA: Dr. Dorman, back to you, how does that impact what you have been talking about?

DR. DORMAN: That is part of my history, and those are the kinds of things that when we are talking again about a highly-contagious disease I want to know. That is the first place I am going to look to see if there is any spread, through equipment, the tractors that maybe appeared at his farm and then moved to somebody else's that might have cattle, sheep, goats, or pigs. Could the disease be transmitted that way? Yes, it could. It could if [the person, animal, or object] was exposed to the virus and that virus then was carried to the next

farm. . . .

MR. YARISH: Another thing, if they bring a tractor tire that they used in the barnyard, there is definitely going to be cow manure on it, so they are going to bring it there, and believe me we get a number of them. You have to hose them down before you work on them. [That] would be a very good way to transmit it.

PROF. GUIORA: Mr. Yarish, have either you or your family traveled to any foreign country or had visitors that came to visit you across the border?

MR. YARISH: Not recently. Not that I can think of.

PROF. GUIORA: Have you bought any hay or straw recently?

MR. YARISH: I pretty much make my own.

PROF. GUIORA: You make your own?

MR. YARISH: Yes.

PROF. GUIORA: Back to you Dr. Dorman, Dr. Brisker, how does the fact that Mr. Yarish produces his own hay, rather than bring it onto his farm, impact anything?

DR. DORMAN: It really does not have an impact. I mean, obviously if he were importing hay or grain from somewhere else, that is another place to look to see where a disease could enter a farm. Those are basic biosecurity issues. That is one of the first things I would be talking to him about— not wanting to transmit anything from his farm to anyone else's.

PROF. GUIORA: How are you going to begin the process of controlling whatever is on Mr. Yarish's farm?

DR. DORMAN: On the suspicion of the disease?

PROF. GUIORA: Right.

DR. DORMAN: When I am there and if I suspect foot-and mouth-disease, I will quarantine the farm.

PROF. GUIORA: How, sir, are you going to respond to that?

MR. YARISH: I am going to have to do what the Doctor says. Like I said before, if I do not do it, I am going to lose my farm. That is the bottom line, because there are some stiff penalties if you do not play the game. That is the way it should be.

PROF. GUIORA: And other than the fact you have all kinds of sheriffs there, you would respect the law?

MR. YARISH: I also have a son-in-law who is a state patrolman, so I have no choice.

PROF. GUIORA: Once you have all this information, whom are you going to involve in the process?

DR. BRISKER: Dr. Dorman would make the call from the farm relating her findings to Dr. Glauer, and Dr. Glauer would be in immediate communication with Dr. Susan M. Skorupski who is the USDA counterpart. There would be an emergency programs consultation with the area with the federal component and—we really do not want to speak for them—but that would be a communication issue that would be launched from their side and they would deal with the details. . . . This thing is not done under a bushel so to speak—there is networking and communication going on all the time. . . .

PROF. GUIORA: Who is updating Mr. Yarish? How does he, as the affected individual, know what is happening?

DR. BRISKER: The veterinarian on site would be our point of communication with him. [That would be] Dr. Dorman, the foreign animal disease diagnostician. Also, as Mr. Yarish said, not only do we have a legal issue here, but there are a lot more issues involved with regard to livelihood and doing the right thing with regard to his herd, his neighbor's herd, and the Ohio herd for that matter.

PROF. GUIORA: Going back to what Dr. Dorman said; the desire to keep the matter controlled in as small an area as possible?

DR. DORMAN: That is correct. Mr. Yarish is doing exactly what he needs to do. He is looking out for his own well-being and also the well-being of his neighbors' herds. So he is doing the right thing.

MR. YARISH: Another thing, . . . you asked me what I would do. You would have to look the situation over, and I can not believe that any farmer

that I know would want to lose everything he has got for not doing it right. I mean, if they come over and tell me "you have got to get rid of all of your cows," well, so you may have lost ten thousand or a hundred thousand dollars, but you did not lose your whole farm, your whole investment, and all your livelihood So it would be stupid for anybody not to address the issue, do what they tell them, and take that route.

PROF. GUIORA: Can you foresee any situation where somebody of their own volition hides the animals or simply buries them rather than . . . [reporting the situation to the state authorities]?

MR. YARISH: I think ninety-nine percent of your farmers are very good people. But you are always going to have that one person who says, "I know [my animal has] got it, let us shove them off to a sale somewhere, and just peddle them on down the road so we do not lose the value of the cattle. We can butcher them, we can get that money, they are gone—they are out of sight, out of mind." Yes, I would say at least one percent would try to sneak some past.

PROF. GUIORA: That is because their son-in-law is not a highway patrolman.

MR. YARISH: He would not know a cow if he saw one. [*laughter*]

DR. BRISKER: I think the nature of this disease would not allow too much secrecy for very long, because of the short incubation period and the severity of the clinical symptoms that you have.

PROF. GUIORA: At some point the Ohio Emergency Management Agency (OEMA) director, under advice from the state vet, is going to set into action something called the "crisis action system level" (CAS) . . . meaning that the material is going to be sent to Plum Island. . . . Dr. Brisker, Dr. Dorman, please explain what this crisis action system is and what that means in the context of what we are facing?

DR. BRISKER: I think Tammy Little described the CAS I, II, and III. It is a progressive series of events that . . . [triggers] communication and activities as they relate to the severity [of the threat]. In this case, the CAS level I is based on Dr. Dorman's assessment that we have a "highly-likely" situation, the samples are pending, and there are a number of things. Dr. Dorman, you may want to contribute some of the specifics

DR. DORMAN: Depending on what I find on the farm and in consultation

with the state veterinarian and the area veterinarian in charge, which is the federal counterpart, . . . we put a priority level on this bio sample that I am going to send. If it is a priority one, if I have to say, “Gosh, this looks like the real deal, this fits it,” then that is going to be a priority one. That means it is very likely we are going to have somebody hand carry that lab sample to the Foreign Animals Disease Diagnostic Lab on Plum Island, which is off the coast of Long Island. It is a government-owned island. That is the only legal place that the foot-and-mouth disease is allowed in the U.S., because it is technically not on the continental U.S. . . .

Their security is very high. The only way to get there is by helicopter or ferry. So that is where the samples go, and that is a national lab, so that is a federal lab. It is the Foreign Animal Disease Diagnostic Lab, or we call it FADDL.

PROF. GUIORA: In the meantime, what is happening with Mr. Yarish? While the check is going on and the examination at Plum Island, where is Mr. Yarish in all of this?

DR. DORMAN: I am [probably] going to be there with Mr. Yarish, and I may have to set up a cot at your place, but . . .

PROF. GUIORA: He is very cooperative.

MR. YARISH: We have plenty of room.

DR. DORMAN: The cows will keep me warm. We are dealing with a situation on the farm. Obviously, we want to make sure that animals are not moving out. We may be taking more lab samples, waiting for some results. We ought to have results in twenty-four to forty-eight hours.

PROF. GUIORA: Where is Dr. Jones, his vet, in this situation?

DR. DORMAN: Dr. Jones would be given the same information that Mr. Yarish would. [As far as] security [is concerned], we would highly recommend that he go home and shower and wash his clothes.

PROF. GUIORA: And his car?

DR. DORMAN: And his car. Absolutely. That is very typical for any large animal or food animal veterinarian. If you go to a farm, especially if you suspect a disease, it is very common to wash your car upon leaving.

And understand, on a daily basis when I enter a farm, the first thing I do is [sanitize my person]. I have clean coveralls that come out of a clean bag, I have clean boots that I put on, and then the next thing I do is get some water from the farmer. I do not enter the barn, they bring the water out to me, I put disinfectant in and I actually scrub my boots before I go in. They were perfectly clean before, but again, it is just an extra precaution. And then when we leave, the same thing. When I remove those coveralls, any gloves and any disposable items stay on the farm. And then any clothing that I have on that I do have to take home, I bag up in a dark colored bag so that I know the difference between the clean and the dirty. . . . I scrub out. My hands, my boots are clean. And when I say clean, they better look brand-spanking new when they go back in my car. It sometimes takes me longer to get on and off a farm than it does to actually do what I need to do on the farm.

MR. YARISH: You would probably want to keep it as quiet as you can because farmers are nosey. . . . If they hear that I have a bug on my farm, they are going to come around to see what the bug looks like. . . . If they hear somebody's got something, they have to go see what it is because they do not have it. And then it could create problems.

PROF. GUIORA: That would be in Dr. Jones's interest also, to keep the situation under wraps?

DR. DORMAN: Absolutely, he has a requirement of confidentiality as a veterinarian; this is not something he can just tell everybody about because he has to maintain confidentiality with his client.

* * * *

AUDIENCE MEMBER: Let me ask a series of questions related to the media aspect of this. Mr. Yarish explained that his neighbors are likely to be very interested in all the commotion going on at his farm, and Dr. Dorman you said you are going to quarantine the farm. I assume when you quarantine the farm there will be some signs that you will put up at the bottom of the driveway that says do not enter? I mean, are there visible signs of quarantine that the outside world would recognize?

DR. DORMAN: No, and keep in mind when I quarantine a farm, I am quarantining the animals, and the equipment. I am not quarantining the people. I do not have the authority to do that.

PROF. SCHARF: So his neighbors can come to the farm and gawk at the animals if they are so inclined?

DR. DORMAN: If they wanted, they could come to the farm, but hopefully Mr. Yarish would discourage that, or keep them to the driveway where they are not entering the animal confinement areas.

PROF. SCHARF: I cannot imagine a way that he could do that without word getting out. I think that is the general nature of our society, . . . word will get out. So the question is . . . how do you manage the possible panic and misinformation that the news and the neighbors might be spreading?

DR. BRISKER: I think we really should defer to our communications director, Melanie Wilt.

MS. WILT: At this stage, it would be the exception to announce that we have a highly-likely case, because it is a routine matter to collect samples of a likely case. Dr. Dorman is out collecting samples all the time and shipping them to laboratories for confirmation. We would not necessarily put out a news release or have a news conference saying this is a highly-likely case, because it could, in effect, induce panic and we would not want to do that. So if word were getting around, I would hope that if it made its way to a news reporter that they would be responsible [enough] to contact Mr. Yarish or the Ohio Department of Agriculture so that I could explain the procedure at that point.

MR. YARISH: The only thing I have to say about that is that we know how the news media is and if they can get a leak and start something, they are going to do it.

* * * *

PROF. MAX MEHLMAN: Given the fact that we are all on some sort of alert to the possibility of terrorist activity, and it might involve this kind of terrorist activity. I am curious that no one seems to have notified, say, the Department of Homeland Security (DHS). I have this image of some ne'er-do-well toddling across the Midwest dropping infected cow chips through Ohio, Indiana, Illinois, and points west, and so far it seems that this is just within the state.

I understand the desire to be sure that there is a real threat before you cry wolf. Part of our job today is to suggest modifica-

tions of the protocols for dealing with this and I am just wondering why no one might have said, "Hey, heads up," just like the CDC might get a heads up if we had some sort of unusual infectious disease problem?

DR. BRISKER: We always walk a line between overreacting and inducing panic or acting in the conservative way. . . . I would defer to our communications people to walk that line. I would think we would have to be very careful about overreacting or putting ourselves too far out there without a confirmation.

MS. WILT: We did talk about the fusion center, and that does have the FBI and Homeland Security involved. So that information is shared among all the support agencies, and there is a huge list of the support agencies in our Animal Disease Incident Annex. So I actually think that at this stage, or at least towards the end of this stage, those organizations would begin, at least, learning of the highly-likely potential.

DR. DORMAN: Melanie, that is very true. I do not want to speak for the Ohio Emergency Management Agency, but part of what they will do is contact those agencies that are listed in the Animal Disease Incident Annex. So those agencies will know, and when I send that sample to the lab, the state and federal [authorities] are already working together. They already know. Their emergency programs in Riverdale have contacts with the DHS. And, again, I am not going to speak for the USDA, but they are already going to know that we sent this sample.

MR. HOUSE: It is just that Rich Rawlins from the Ohio Homeland Security runs the strategic analysis information center database of the OEMA, he is not here, but I know enough just to speak briefly to your issue.

The center is staffed by nearly every agency, fire chiefs, OEMA, law enforcement, *et cetera*, public health, all operate out of this center and they take turns. Information flows in from international, national, and state sources, including open sources. In fact, much of the information we get is from CNN and places like that, and they have software that analyzes information that comes in. So if that piece came in, or if agriculture had a suspected case of foot-and-mouth, that is one piece of information. If they tie it to something else, such as somebody dropping buffalo chips in Indianapolis, that comes in, too. Then they start to put the pieces together, and they go into action. So that is the process in this state, and in much

of the country. In fact, the Science Applications International Corporation (SAIC) in Ohio is one of the first in the country to analyze all these pieces. And so we hope that they would be the first to catch this by putting together the pieces of the puzzle, because agriculture is working over here, and health is working over here, and the EMA is working over here, and the information is not being shared, we tend not to put the pieces of the puzzle together.

I think that was recognized during the shootings in Columbus, where a variety of different police agencies had shootings along the interstate and it took quite a while to put those pieces of the puzzle together. Today that would not happen because each of these shootings would come in and within a day or two, we would realize that we had a pattern, and I think the same thing would occur in this situation.

MS. IOLA: I am Kate Iola. I was fortunate enough a couple weeks ago to be a guest at Plum Island, and I would like to point out they are now run by Homeland Security, so they are going to be very aware of what is happening. I asked how many cases they receive on an annual basis that they test specifically for foot-and-mouth disease; it is on the order of multiple hundreds. So they are getting enough testing that they are not going to want to put out an alert for each one.

* * * *

PROF. SCHARF: Just to understand the possible realities of this type of situation, and I do not want to give any terrorist group an idea, but how might terrorists inject foot-and-mouth disease into the grain supply or into the animal livestock in Northeast Ohio? What are all different avenues that a terrorist could attempt such an incident as we are talking about here today?

DR. BRISKER: Well, there are a number of ways. We have done—as part of our emergency preparedness—vulnerability assessments . . . Of course, those types of things we keep close to the vest, but when you consider national or international assemblies of livestock, [such as] exhibitions, those types of things, this virus being carried by aerosol, airborne means, might be one of the ways that it would [proliferate] Dr. Dorman?

DR. DORMAN: He is asking me to think like a terrorist and I can do that . . . [but] choose not to. There are certainly many ways that foot-and-mouth disease could come into this country, and if someone wanted to intentionally do that, do I think they could? I do. Would it be dif-

ficult? No, it would not. I hate to think about [the possibility of] some country decid[ing] to weaponize (sic) foot-and-mouth disease, because obviously there are your everyday viruses, and then there are weaponized (sic) forms of diseases, whether they are bacteria or viruses. Could a disease get other properties or maybe kill more animals? Potentially. [Nevertheless,] I have no idea what could happen with that. I cannot really speak to that.

* * * *

PROF. GUIORA: We are now on a state level with a very small group of panel experts here. We are having five more people join them. In terms of where we are, we are at days three to six. Mr. Yarish, Dr. Dorman, if there has been a quarantine issued, who . . . order[ed] it?

DR. DORMAN: I am going to write the quarantine while I am on the farm. It is a handwritten form that I can fill out and I will leave that with him. It is a piece of paper that says that no animals can be brought to or removed from a quarantined premises without the written permission of the director of agriculture.

PROF. GUIORA: And you give that physically to Mr. Yarish?

DR. DORMAN: Yes, I do.

PROF. GUIORA: . . . Do you post it somewhere or is it something that he will receive in his hands?

DR. DORMAN: It is something that he will receive in his hands.

PROF. GUIORA: So our question then to our law enforcement experts: How do you go about enforcing this quarantine?

CAPT. BACA: Once we receive the information of the quarantine, we would probably go out and set up a perimeter around the farm to control anybody that would be trying to enter or exit the farm, and also maintain civil order there.

PROF. GUIORA: How will you know that a quarantine order has been issued?

CAPT. BACA: It would be communicated to us in some way, shape, or form.

PROF. GUIORA: When you say you will set some kind of control or command around it, what does that do in terms of alerting the neighbors

that something is amiss? Is that a factor in all this?

CAPT. BACA: I would say that, at the time, we would be setting up a perimeter around it; I would think that the word would be out that there is a problem there. If not, if they do not know, then they would be notified by us.

PROF. GUIORA: Mr. Yarish, we are back to you. There is suddenly a perimeter of policemen around your house, or around your farm; how are your neighbors going to respond to that?

MR. YARISH: “Now what did he do?” [*laughter*]

DR. DORMAN: May I just ask a question? Do we have confirmation of a disease yet? Do we have the results back from Plum Island?

PROF. GUIORA: No, not yet.

DR. DORMAN: So we are still working on the assumption that we have a “highly-likely” [potential of disease] We do not have a confirmed case yet?

PROF. GUIORA: Right. Back to you, Mr. Yarish. There is a perimeter of police, your neighbors maybe yes, maybe no, how is this going to affect you?

MR. YARISH: As far as what?

PROF. GUIORA: How do you go about conducting your business?

MR. YARISH: Just keep going on as usual, I guess. I cannot just stop. I am going to have other things to do, so I am going to have to work with the veterinarians and go on.

DR. DORMAN: Part of our perimeter security would also be training law enforcement at the scene on how to get folks in and out of the farm properly when there is a highly contagious disease like foot-and-mouth disease present. So part of our job with that biosecurity training group is to make sure that our law enforcement counterparts are also observing the proper biosecurity measures.

If somebody needed to come in to Mr. Yarish’s farm, do they have the ability to do that? Yes. What we would do is make sure that their wheels get sprayed with disinfectant or they get cleaned, and boots as well. Hopefully, they do not take that back to

their farms with them.

PROF. GUIORA: Chief Miller, do you want to add something in terms of how you go about enforcing those quarantines? Because what strikes me here is that you have this perimeter, you have this order, people are going to come, people are going to go, how does it play out in real life?

CHIEF MILLER: There would be curious people coming by to see what is going on. For the most part we would have to shoo them along.

PROF. GUIORA: Shoo them along or shoot them along?

CHIEF MILLER: Their choice. [*laughter*] We would be empowered to enforce it if anybody tried to violate it, and we would do that through physical arrest

The difficult part would probably be at this point; we have a perimeter, so there are going to be news media wanting to be near. So one of the things we have to do is find a way to contain them. Normally at emergency scenes, they are the worst violators of perimeters.

PROF. GUIORA: Mr. Hopper, this has to do with you: What kind of legal rights does Mr. Yarish have in terms of the quarantine? Can he challenge this?

MR. HOPPER: Certainly he could challenge it. The statutes provide for, initially, an administrative hearing. The challenge does not stop the quarantine, [it] is going to continue. [Furthermore,] . . . he has access to courts, too. But in a situation, such as this, most often the courts would recognize the dangerousness of the situation and follow the statutory framework.

PROF. GUIORA: And an administrative hearing, within what time period will it convene?

MR. HOPPER: He has a right to have an administrative hearing convene within thirty days under Again, the quarantine does continue during the time. So the quarantine is not stayed while we are awaiting the administrative hearing.

PROF. GUIORA: Realistically, what would be his chances of succeeding in this administrative hearing? [Additionally,] what would you have to show in order to have this petition denied?

MR. HOPPER: We are speculating, it is always difficult to say what . . . his chances [would be]. Let me explain a little bit, An administrative hearing is done by an independent hearing officer. It is done pursuant to Chapter 119 of the Ohio Administrative Code.¹ He has a right to be represented. He has a right to present his case. The state would also present their case; and [that] will be presented by the Attorney General's office.

With all of the facts that we have about a dangerous infectious disease, I think that the likelihood of him getting the quarantine absolved at that point would not be very high.

PROF. GUIORA: Comm. Franks, as a health commissioner, where are you in all of this?

COMM. FRANKS: If I were the health commissioner of the Lorain County Health Department, we certainly would have a major concern as to what was going on because the newscast did not state or specify which disease it was. It said it was a disease of animals. The local health department's phone would probably be ringing off the hook. [People would be asking]: "What about our food supply?" "What about our children?" "Can it be spread to other animals?" "How is it going to affect the population of the community?"

So what we need to do, as a local health department, is try to nail down where everything is and involve the local board of health in what is going on, so that we can get some good information out.

Now, even if it were leaked that it was foot-and-mouth disease, today, in the computer age, people do not have to wait for an official news release, they do not have to wait for anything to come out, they can get that off the Internet, and many times they will probably have confused it with hand-foot-and-mouth disease, which is different than foot-and-mouth disease. We are [probably] in a state of . . . semi-panic within our department trying to find out what is going on with this farm.

PROF. GUIORA: Ms. Wilt, . . . [i]n terms of the Internet and the bloggers, how can we go about controlling information?

MS. WILT: Well, let me go back to what I said during the last segment, that we would want to be proactive and educating about the process. It is

¹ OHIO REV. CODE ANN. § 119 (2007).

important that people understand the process, and I think we have a responsibility to be transparent and talk about the facts that we know. The *facts* that we know at this time. . . .

The facts that we know are that we have an initial diagnosis by a veterinarian that we have a highly-likely case. We know that samples have been sent for confirmation. We know that we do not have a positive confirmation at this time. We know . . . and we can explain the process, and we would work very hard to do that.

Upon that first call from a reporter, I would have explained the process to them, explained the facts as we knew them, and then very quickly do a news release. [I would do a news release] because it could be so widespread and have so much appeal to a broad audience. [The reporter] is not going to have an exclusive on that story. We are going to be putting that information out so that we can be proactive. I do not know how that reporter is going to write that story when it comes out tomorrow morning, so I would like to be as forward as possible in getting the facts that we know out there.

PROF. GUIORA: Mr. Adams, as a health commissioner, how do you respond when people start calling you and are obviously very concerned and you have some sort of a news release coming out . . . people are concerned, they are calling you, your phone is ringing and ringing, what are you telling people?

MR. ADAMS: Well, as the emergency management director, rather than the health commissioner, this is a very backwards incident that has occurred, because typically incidents occur locally, and we notify our partners up the hill towards the state direction, who then ask for assistance from the Feds. This one has occurred at the state level. They have been notified. Even though it is a local incident, they have notified their state partners. They have brought in their federal partners, and nowhere in the plan does it say that we notify our local partners as to what needs to be accomplished.

Now, we would undoubtedly find out, by the rumor control method, from our Ohio State agricultural guy who would call and say, "By the way, are you aware of . . . ?" Or our road officers would know what is going on out at the farm. We would also have phone calls from our field liaisons from Columbus who would pick up the phone and say, "Hey, just be aware this is happening." But we would not have yet received official notification that there is anything going on for us to activate anything beyond the court ordered request to isolate the farm. So we are in the dark at this point, unless we are communicated with by our state partners.

PROF. GUIORA: So you are, in essence, waiting to receive information?

MR. ADAMS: That is our state.

* * * *

MS. WILT: At this point I am calling my counterpart at the Emergency Management Agency, as well as the Department of Health, the Department of Natural Resources, the EPA, and every other partner agency that we have so that we are on the same page. Also, I am making contact with the USDA, with commodity organizations that might get calls about this, and I am talking to the farmers union and the farm bureau. That may be the next step. I am talking with my counterparts at the Ohio Department of Health and they have notification methods within their system.

PROF. GUIORA: Speaking of health, Comm. Schade, commissioner of health issues, we have two different counties here. Do you function the same way? Do you talk with each other? How does it tie back to the state level, back to the local level?

COMM. SCHADE: If we had this kind of a scenario where we were not sure, but we knew something might be brewing, we would immediately implement our incident command structure.

PROF. GUIORA: Which means what?

COMM. SCHADE: Which means we have folks already delegated according to their capacity to either handle the situation locally, or be put into a blend of other people for a unified command structure if the disease would start to manifest and grow across more than one county. So we would be a team player, in essence. A local team-player in the bigger scope of the state emergency management system.

PROF. GUIORA: Would you and Comm. Franks stay in contact with one other?

COMM. SCHADE: Absolutely. We would have a unified command and [access to] most of the health commissioners, through the Ohio Department of Health, we have quite a few systems in place right now for an alerting network through the Ohio Public Health Communications System, what we call OPHCS.

PROF. GUIORA: Would you also have a representative in the perimeter command that Chief Miller or Capt. Baca would put together here? How would that work?

COMM. SCHADE: We would have the county-wide emergency operations center staffed with folks from the health department, sheriff's department, hospital, and any other agricultural folks from the state or federal level would be there as well. Back at the health department, we would also be manning, as Comm. Franks alluded to, a hotline set up for concerned citizens, because they are not sure if it is a zoonotic type of disease that may affect humans or not?

PROF. GUIORA: Mr. Adams you wanted to say something?

MR. ADAMS: Just to comment on that, we, too, would have been opening our emergency operations center based upon the feedback we would have been getting. We would also be asking Dr. Dorman, to visit us, sit down, and give us a briefing. [I do not want to hear from the PIOs].

PROF. GUIORA: PIOs?

MR. ADAMS: Public Information Officers. I do not want to hear from a PIO. I would like to hear from you directly. Come to my EOC (the [emergency] operations center) and speak to us directly as to what is going on. . . . We would probably be asking for your state counterparts and federal counterparts to join us in a conference call to get us and our local officials, particularly county commissioners, up to speed on what is going on with this particular incident and what we may be requested or not requested to do locally.

PROF. GUIORA: Meaning you are going to want to have, in this case, Dr. Dorman, who is a real expert. You want to hear directly from her?

MR. ADAMS: Correct.

PROF. GUIORA: Dr. Dorman, you are going to be getting calls from Mr. Adams and other individuals . . . how do you divide your time, there are only twenty-four hours in a day?

DR. DORMAN: I am in the barn and my cell phone is not on. [*laughter*] No, I am kidding.

MR. ADAMS: You forget that I know where you are.

DR. DORMAN: Partly, [who is sent] is a decision that is up to the state veterinarian. . . . Obviously, if I am busy taking samples or doing something on the farm, I may not be able to pull myself away in order to speak. It does not mean we can not send another person just like me that we call [a clean veterinarian,] a veterinarian that has not been in infected premises. It may be an option that a colleague of mine may come to explain the disease and what is going on.

MR. ADAMS: I think it is important that have that line of communication opened up, regardless of whether it is our dirty veterinarian or our clean veterinarian That direct line of communication can educate us [at the local level] as to what are we going to be asked to provide.

PROF. GUIORA: And how to respond to questions of concerned citizens?

MR. ADAMS: That is correct. Because we do have the ability to set up a rumor control phone, in addition to what we would be doing to our health department.

PROF. GUIORA: Comm. Schade, you wanted to add something?

COMM. SCHADE: I wanted to say for everybody's understanding, it is paramount to state that part of the reason we have incident command structure, and all of us at the table who already know each other, is so we have a unified message. That unified message is delivered by the appropriate people so we do not have people shooting from the hip out in the field, so to speak. That unified message is really important, regardless of the type of disaster. And then the second thing that I think is worth mentioning would be the allocation of any resources. How would Dr. Dorman's time be allocated? Well, a lot of the resource allocation needs to be planned and coordinated from Columbus.

PROF. GUIORA: Chief Miller, you wanted to add something, sir?

CHIEF MILLER: It sounds like you both opened up a joint information center?

MS. WILT: In this scenario where the word is out, I think that that would be the best way to manage the flow of information. Because we would have public information people from all the involved agencies working in one place where we could coordinate messages and be available so that if a reporter called and they wanted to know spe-

cifically about the human health threat, I am not answering those questions, the health expert is.

PROF. GUIORA: Mr. House, you wanted to add something?

MR. HOUSE: It is just as important to note at this point in time at the state level that OEMA, the EOC would, at the very least, be at CAS II with critical action system, the second of three levels. At that level we would have, at the very least, the Department of Agriculture, Ohio Department of Health, and OEMA. Appropriate agencies would already be meeting, assessing issues, coordinating and sharing information, and helping with decision-making at the local level. Any resource needs out of the affected county would be channeled through us and we would have to identify whether we need to move to the next level. Certainly, given what we know now, the information that is out there, and the inaccurate information, our joint information center at the State led by agriculture, working with our PIO, would be sharing information, making sure that we have a consistent message coming out of the local county. So we would be activated, and we would be considering at this point, once we have a confirmed case, whether we need a full activation of the state EOC.

PROF. GUIORA: Mr. Couch, where are you in all of this?

MR. COUCH: As the public information officer for the state's emergency management agency, I would certainly be working down in our assessment room, in the emergency operations center, on the front end of this, learning what is going on. But my role, as we continue to learn more and more information, is to partner with Melanie Wilt, and the PIOs from the other state agencies so that collectively we are all operating in the joint operations center. I think it is valuable to go back to what Dr. Dorman said in the beginning; the importance of speaking with one voice is what we believe in. That does not necessarily mean that I would be the only individual speaking, I am not the one voice, nor is Melanie the one voice, nor is Joy Carey from the Ohio Department of Health the one voice. We are collectively, as the public information officers in the State of Ohio, one voice. So we are putting that message out together, validating information, working together as a team to make sure we are putting out the best information and controlling any misinformation that is out there.

PROF. GUIORA: But how in real time do you get the information out to

Comm. Franks, Comm. Schade, and Mr. Adams? How is that working? I understand there is a unified message, but how is that being relayed now?

MS. WILT: Each agency has their own notification system. At the Department of Agriculture we have a system through our communications office where we put information out through agricultural media or general media that have specific agriculture people, we would send that information to them. At the same time, we would be sending it to commodities organizations or key stakeholder groups. The Department of Health—while I am not a spokesperson for them—I know has systems in place for notifying the health departments. I believe that in this situation, that the state veterinarian would have contacted the Commissioner of Health in this county and had a conversation with him.

PROF. GUIORA: Ms. Little, where is the attorney general?

MS. LITTLE: He is not involved at this point.

PROF. GUIORA: He is not?

MS. LITTLE: No. I would probably be in the emergency operations center with the executive director, but at this point there is nothing that would rise to that level.

MR. HOUSE: I think it is important to note that while we have a state EOC activated, the county would also have its [EOC] activated, and we have regular briefings, additional conference lines, so information from all the state partners is melded together and forwarded out to the county. And all of the partners, the local partners, whether it is agriculture, or OEMA, or law enforcement, would be getting the same message during those briefings. So there would be direct communication from EOC to EOC.

COMM. FRANKS: In a real world situation, having been through this, the press and the public is so far ahead of the state and anybody else making official statements, that the things that come down from the state or that we put out are actual facts. They are not going to comment on supposition. They are not going to comment on rumor. They are not going to say this is not foot-and-mouth disease, but they are not going to say what it is until they really know. Those are things that we know. We have the press calling us at the local health department. We have to accept what we are told. The press does

not—they keep digging I get half of my information in a crisis from our local news reporter. When they call me, I say, “Well, what do you know?” “You know what?” “Oh, really?” “What are you looking into?” “Okay. No, I will not tell the *Beacon*. I will not tell the *Plain Dealer*. Just tell me what you know.” . . .

That way I know what is going on out there. Because, as I said before, the public knows so much more from the Internet. Our official statements lag behind and we cannot put out a comment on rumor. The press can, because they can say: “Someone was spotted putting something in the grain.” “Do you know about that?” “Is it possible to do?” “What have you heard?” That is the reality of it when you are talking to the public. The best thing that we have found, in something like that, is that when the public is in a state of panic it is hard to educate them, you have to find a way to get rid of their panic so you can educate them.

PROF. GUIORA: Mr. Yarish, you are sitting here listening to this interesting conversation, at the end of the day it is your property that we are talking about, what are you learning from all this? What are you taking from all this?

MR. YARISH: It sounds pretty involved to me. Like I said before, if I do what I am supposed to do from the beginning, I should not have any problems with what they have to do. As far as whatever comes afterwards, because I reported my problem, it is in their hands, and then I have to work with them.

PROF. GUIORA: Well, we are hearing from Comm. Franks, in a sense, is that the state agencies and the county agencies are lagging behind the [media]. He feels, in essence, that his information is from reporters correct? How do you overcome that?

MS. WILT: We have official statements prepared on the subject. I am not aware of times when that has happened at our agency, but it can. I mean, many times rumors and misinformation and poorly developed stories can [mislead] people, but journalists have an ethical responsibility to make sure the information they are putting out is factual as well. One of the things that you mentioned was that you might be gathering information for them about the terrorist aspects of this. We are able to talk about what we know, and in my case I am going to know about the animal disease response; but I am not going to know about the FBI’s investigation. I am not going to be privy to that information. So a reporter may well have many different sources and they may be collecting information from those dif-

ferent sources. As an officer for the Department of Agriculture, I am doing the same thing. My sources are just going to be different. They are the state veterinarian, the director of agriculture, the governor, and different organizations that represent farmers. So my resource base is just going to be different than that journalist's resource base. That is why it is a good thing that reporters cover stories like this, because they do cover many different angles and we are just one part of the bigger picture when it becomes a terrorism incident.

MR. COUCH: I would also like to add that with all the new releases [and situation reports] coming out of the joint information centers we are sharing that information with the county emergency management agencies and have done that aggressively. In terms of the reporters, one of the first steps we are taking, once the joint information center is open, is to actually notify the reporters that the center is open, here is our phone number, here is the place to contact us, here is where we are going to be putting updates. [We] really encourage the reporters to come and seek information from us so that we can avoid situations where there is misinformation. One of our responsibilities is that we have a person assigned to the joint information center to serve as a media monitor. That person is reading the newspapers, watching television, [browsing] the Internet, [they are] seeing what is going on. If we see misinformation going out, then it is our responsibility to get in front of that as quickly as possible. We have done that in the past with misinformation. We saw that in January of 2005 when we had misinformation about flooding in Columbus, and it is just a continuing process that we work toward.

The joint information center is set up to deal with all of these different rumors. Also, keep in mind with this scenario, we do not even have a confirmation yet, so one of the things that we are going to do is immediately put information out to the news media. We will probably be doing that at the same time that our technical people are getting in contact with their technical people. What can happen is when this rolls so quickly, people may not have gotten informed before it gets into the newspaper and people's feelings get hurt, because they think, "Well, you know, I am next door to this farm," or "I am the county extension agent in this county and I did not know about it." Well, the news media is our method of getting information out as quickly as possible and that reaches all of those people, and in the process a few people are not going to have that personal phone call and their feelings are going to get hurt. We want to avoid that as much as possible, but it does happen.

COMM. SCHADE: Along those same lines, there is a mechanism for what we call multiple agency coordination, where let us say in Lorain County, where the farm is located, you have county commissioners, you have township trustees, you might have a village mayor, or a municipal mayor, and what do you with those folks during this whole crisis? Well, there is a place for them, we call it the policy development part of the incident, but you want to keep folks like that sequestered where you have contact with them and you brief them on what is going on. And that room can be opened up to people that work for the agriculture service or the farm bureau. It is not just politician-based, it is organizational-based, agency-based. So if you can envision the process at this point, you have a local emergency management location, you have an incident management room, and then you have this other group of—let us just call them the elected officials and agency heads in a policy room.

PROF. GUIORA: So then we are functioning on a number of different levels with multiple things occurring simultaneously. Chief Miller, Capt. Baca, back to you, at what point will the neighbors come, will the media come, will passersby stop? People who are simply hearing that something is happening on Mr. Yarish's farm, how are you going to be dealing with this?

CAPT. BACA: I think they will come just as soon as they hear. There will always be people who will be curious and want to see and show up.

PROF. GUIORA: What are you going to do with them?

CAPT. BACA: As the chief said, shoo them along, maintain the security there. We will do what is directed by the EOC and Department of Agriculture.

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PROF. GUIORA: And if people become unruly, you are going to take them to some kind of a detention center, is that how that will play out?

CAPT. BACA: Well, if they fail to disburse or shoo along, they will get an invitation to the bed-and-breakfast facility downtown. That is located in a gated community. [*laughter*]

PROF. GUIORA: Is there also lunch or just bed-and-breakfast?

CAPT. BACA: There are three fine meals a day.

PROF. GUIORA: Comm. Franks you wanted to add something?

COMM. FRANKS: I just wanted to say in no way did I mean to criticize the state agencies or their PIOs, but that is a fact of life. The example I can use is that we all knew Coco Crisp was going to be traded to Boston and who he was going to be traded for a week before the Indians announced it. The same thing happens in a disease outbreak. We can not make any statement and they can not make any official statement, or release anything, unless they are totally sure and have it approved by everybody. So I did not mean to criticize the process.

MS. WILT: I did not take it that way.

PROF. GUIORA: There will be a press statement coming out about that later.
[laughter]

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PROF. GUIORA: Dr. Dorman, back to you. Let us say for the sake of moving along that we now have confirmation. What is going to happen? Funnel us into the next step and [tell us what] you or Dr. Brisker [are going to do]?

DR. DORMAN: I am going to turn that over to Dr. Brisker.

DR. BRISKER: Our director would inform the governor's office of this positive confirmation. The OEMA, at this point, would request an emergency declaration

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DR. BRISKER: Our director would inform the governor's office of the positive foot-and-mouth found in Ohio at this time. The EMA would request an emergency declaration from the governor, which would mobilize forces, resources, that type of thing. The director or the governor would authorize a statewide quarantine. ESF-11, which is the emergency response function that we lead, would come into play. The Animal Disease Incident Annex would be activated. All of those folks would be notified. CAS level II would be activated by the OEMA at this time. The state agencies affected, and the federal partners would be in the emergency mode, and we would probably notify adjacent states of the positive confirmation.

PROF. GUIORA: What impact . . . would confirmation have? How is that going to either change what you do, or affect [what you do], if you will, the minute thereafter? Mr. House, what happens?

MR. HOUSE: At this point we would be at the CAS critical incident level III, which would put us at full activation of the state's emergency operations center. And the executive group, . . . which would consist of the Department of Agriculture director, the OEMA, the governor, and the USDA, would begin to make policy decisions based on that. . . . Admissions would come in, requests for resources, et cetera, we would have all the agencies activated in the emergency operations center so we can task out and . . . begin to provide those resources. Certainly we would send some people out in the field, we have field agents.

PROF. GUIORA: To the farm?

MR. HOUSE: Yes. Actually, out to the county and work with the county EMA, as a liaison for information and resource needs. So the state would take a bigger role. The governor's declaration would allow us to utilize state assets, activate state assets for use in the field.

PROF. GUIORA: By the way, who is going to tell Mr. Yarish: "By the way, there is confirmation"? You, Doctor?

DR. DORMAN: That is what I do.

PROF. GUIORA: You are the bearer of the bad news?

DR. DORMAN: That is right. Once I receive confirmation, then that confirmation is going to come through USDA to the area veterinarian in charge and the state veterinarian. That information will come to me, and then I will talk with Mr. Yarish, and then I will also talk with the veterinarian that was involved so that they realize that this is a positive case of foot-and-mouth disease.

PROF. GUIORA: You will speak both to Mr. Yarish and then . . . to Dr. Jones?

DR. DORMAN: Right.

PROF. GUIORA: How will that come to you in terms of a press statement?

MS. WILT: Well, . . . because the confirmation comes from the Feds, they

are going to make the initial announcement of the confirmation. If we are the first state that has an incursion of foot-and-mouth disease, chances are they are going to be incredibly involved in the communication.

PROF. GUIORA: They being the Feds?

MS. WILT: They being the Feds. Now, having been involved in the conversations from the beginning, I would be prepared with a pre-approved news release that is going to go out on letterhead from the governor's office with a statement letting people know [what is going on]. One of those messages will be, "This is not a public health threat." That would definitely be one of the messages that would be included. We would be assuring people that all of the state's resources have been dedicated to this emergency response, and we would be giving instructions to farmers and residents about what they should do.

PROF. GUIORA: Mr. Hopper, back to the question I asked you earlier. The administrative hearing, once there is confirmation, how is that going to affect . . . Mr. Yarish's chances of having the quarantine removed?

MR. HOPPER: Well, obviously, his chances just went down.

MR. YARISH: Story of my life.

MR. HOPPER: I would like to just take one second and compliment Mr. Yarish, because I think he is very straightforward. He says what he thinks, . . . [and] gives a really good view of somebody that is involved in the agriculture business today and really understands the situation. He does not like it. It is going to impact him financially, but he understands what a devastating situation he is in . . . I compliment him for many of his statements today.

PROF. GUIORA: I will just add [that] I called Mr. Yarish a year ago inviting him to come join us today. I am not quite sure he understood exactly what I wanted from him, but he clearly internalized it, because you, sir, are the star here. On behalf of all of us, truly thank you. But, that being said, your chances [of getting the quarantine lifted] just went down.

And then back to you, Mr. Hopper, how does that all play out in terms of the quarantine legally?

MR. HOPPER: Well, the quarantine would be expanded, there is no question, and the authority is there Melanie [Wilt]'s point that at this time the USDA would be heavily involved is absolutely right, and they may . . . begin quarantines of other states or a regional quarantine with respect to other states.

Our governor and director would have the authority to quarantine animals coming into our state and going out of our state. The federal government, of course, could set up much broader quarantines than that and set up a regional quarantine if they needed to.

PROF. GUIORA: Before we get national, once there is confirmation, then Capt. Baca, Chief Miller, you are going to have to expand the area that you are [overseeing]. How do you go about doing that? Are you equipped for that? Do you bring in other forces to help you? [Over] how broad of an area are you going to have to enforce the quarantine?

CHIEF MILLER: On an operational level what would change would be some of the ways to manage [the quarantine]. In terms of increasing our manpower, what we have had to do in emergencies is go to "twelve on, twelve off," that increases manpower. Now that the emergency has been declared, it changes, administratively, whom I pay for the overtime.

So, now back at the EOC we are going to start tracking what we are doing so that we can get reimbursed in the future. Under Ohio Revised Code we can call for assistance from contiguous county sheriff's departments to assist us, so that would give us Wayne County, Ashland County, and Lorain County.

PROF. GUIORA: Mr. Hopper is suggesting that the quarantine is going to be expanded. [Does] that mean there are going to be fewer sheriffs available from other counties because they are going to have to enforce it in their own counties?

CHIEF MILLER: The other thing we can do is ask for assistance from local law enforcement agencies, that would not be involved

PROF. GUIORA: Mr. Adams, sir, you wanted to add something?

MR. ADAMS: I think that as the state was making their declaration so that we have access to those state resources from the governor, . . . we . . . would have declared a state of emergency as a result of this incident. That then gives us access to the state assets, which opens up

the national guard, the Ohio State Patrol, as well as bringing in . . .

PROF. GUIORA: Bringing in his son-in-law. [*laughter*]

MR. ADAMS: As well as bringing in the son-in-law. We will put him at that particular spot. But it opens up the state assets that can be brought in to provide additional assistance with people and equipment.

PROF. GUIORA: Dr. Dorman, once there is confirmation, how is that then going to affect you . . . ?

DR. DORMAN: With confirmation of the disease, the Ohio Department of Agriculture—again I do not want to speak for USDA— . . . [would] have a stamping out. We need to get rid of this disease as quickly as possible, and one of the ways to do that is to begin depopulating the animals on the farm. So we would begin humanely euthanizing animals and disposing of them.

PROF. GUIORA: Depopulating?

DR. DORMAN: Humanly euthanizing and then disposing of them.

PROF. GUIORA: Call it what it is. . . . What do you depopulate? . . . How do you decide how much first and how much thereafter? On [what] basis . . . are you making these decisions that directly impact Mr. Yarish's financial condition?

DR. DORMAN: How do we decide [which animals] we remove from a farm? Is that what you are asking me?

PROF. GUIORA: Right.

DR. DORMAN: Obviously on an infected premises, the animals that are on that farm that we know have had direct contact would have to be euthanized.

PROF. GUIORA: Does he [Mr. Yarish] have any say? . . . Can he minimize the damage he is going to suffer?

MR. HOPPER: At that point, [it] is the call of Dr. Dorman. No, he does not. If she mentioned [contact] earlier in the history that she is put together—if it shows contact—then we are going to force the euthanization of the animals that had contact. It is absolutely critical, because again, we are dealing with a disease that can spread very,

very quickly and have a huge economic affect across the state and the nation.

PROF. GUIORA: Mr. Yarish?

MR. YARISH: Yes, if I remember [correctly], when that hit over in England, they . . . even [took] some cattle [from a neighboring farm, regardless of] whether they had it or not, [because they were within a] so many mile radius.

DR. DORMAN: Yes, they did. . . . [Here] it is up to the director of agriculture and the USDA, again, their epidemiologists certainly play a role here in telling us what we need to do.

MS. WILT: Can an exposure include the air? I mean, if there is a herd nearby?

DR. DORMAN: Yes, exposure can be through the air or the wind from one farm to another. Could foot-and-mouth disease virus travel from one farm to another on air currents? Yes.

PROF. GUIORA: Mr. House, you wanted to add something, sir?

MR. HOUSE: Just that with confirmation and moving to the CAS III level, it is important to note that the state is obviously very concerned about recovery. So a recovery team, led by the Department of Agriculture, will actually start working on reimbursement issues, decontamination issues, mental health issues - with respect to the animal owners and response personnel - all those things begin happening at this phase.

PROF. GUIORA: Simultaneous with the de-populization, you are going to start working on a number of different levels while Dr. Dorman is depopulating?

MR. HOUSE: In fact, the Department of Agriculture is the lead for all of that. We are a support agency, but they are the lead.

DR. DORMAN: The other thing that is going to happen, even before I begin depopulating, is that these animals . . . [inventoried], so I know what animals are there. That certainly can be done in that initial phase, even before we have confirmation. So I already have an inventory of who is on the farm and what is on the farm as far as the livestock. Then we can actually have those appraised so we know

the value of those animals. With a disease like foot-and-mouth disease, many times there are federal indemnity funds, so Mr. Yarish would be paid for his livestock.

PROF. GUIORA: Comm. Franks, in terms of the local community, what are you hearing from the people? Where are they in all of this? People are calling you.

COMM. FRANKS: At this point, hopefully, there will have been an official notification . . . [stating] that the disease is out . . . [and] what the exact disease is. What we are probably hearing from the people, at this point in time, is [whether it is] going to, number one, affect our food. [Second, we will deal with] the rumors we have not gotten into—was it terrorist activity? The people have now put two and two together.

So, our best response is . . . [to] comment on . . . the protection of the public health in our community, and you need to really talk about the other issues with the appropriate agencies, and we will keep you informed on our website of what we know. That would be our response to try to cut down on the phone calls.

PROF. GUIORA: Comm. Schade, are you going to be responding the same way because they have the same concerns?

COMM. SCHADE: We have a rather large agriculture community in Erie County, so our response would be [targeted at two constituencies]. We would try to take care of the questions and concerns from the agricultural community, as well as the more populated areas of Erie County.

That is where things tend to get more personalized. Folks want to know: “Can my dog get this?” “Can my cat get this?” “Are my kids okay to go to school and eat school lunch?” Similar questions that Comm. Franks raised. But, that is part of our capacity to respond. Just like everybody else, we do not have planned information sheets, but we do have enough folks on staff who are sanitarians or nurses that can respond to those questions fluidly.

PROF. GUIORA: Professor Scharf, you have a question?

PROF. SCHARF: This probably should have been interjected before we had gotten confirmation from Plum Island. But what I was wondering is, early on when the news story broke, and there was a lot of discussion about this, we heard Dr. Sam Jones . . . [speak] to the media, and I think it was Dr. Dorman who said that there was a doctor-

patient confidentiality that would probably keep a veterinarian from doing that. I am wondering from the perspective of Mr. Hopper, if you would take legal action, or if legal action would be taken against somebody who leaked this story and started this potential panic before you could control the story? We see this often at the federal level with, for example, the NSA wiretapping story they have taken legal action against the people who leaked that story initially. I am wondering if the same kind of thing would happen here to deter future veterinarians from leaking those stories before there was confirmation in the future?

MR. HOPPER: Good question. I think down the line that might be something that might be considered, but I think, in dealing with this situation, that would be very . . . far down the priority list at this time. We are much more interested in trying to ensure that we do not have spread of the disease and that is where the resources are going.

DR. DORMAN: One thing I would just add is that this veterinarian has to stay in business . . . and if he goes around talking about every case that he ever stepped on a farm and diagnosed, or potentially diagnosed, he is not going to be in business very long. So, he not only has a moral, ethical, and potentially legal obligation here to not talk, he also has his own business and his own well being to look out for.

PROF. GUIORA: We already have people who want to ask questions. Let us go to the questions.

MR. HOPPER: Can I just follow up very briefly?

PROF. GUIORA: Yes.

MR. HOPPER: With respect to the veterinarian, it is clear in the Code that he has an obligation to provide notice to the director of agriculture.² That is codified. It has to be done.

In addition, under the statutes dealing with veterinarians, there are grounds for disciplinary actions. One of the grounds is where the veterinarian fails to report promptly to the proper official any known reportable disease. So . . . in a couple of aspects the need to report is there. It is a requirement, and it is extremely important.

² OHIO REV. CODE ANN. § 119.12 (2007).

AUDIENCE MEMBER: That was my comment; it was not a question. He is on the hook. You guys will get what is left of him after the veterinarian medical licensing board gets done with him. Confidentiality, especially without a definitive diagnosis, is codified in the Practice Act. . . . I am a veterinarian and an attorney, we have an exception where we are required to report, but it also tells you who you report to, and there is a difference between . . . the proper authority, versus you do not tell the guy down the street, the guy in the bar, or whichever reporter happens to be knocking. So he is going to have one of those letters from the licensing board and it is not going to be pleasant, and actually they work quickly. I do not know this from personal experience, but

PROF. GUIORA: You have been told?

AUDIENCE MEMBER: Well, actually yes, because I teach the practice to vet students. People get real clean once they have violated it, they jump on that like nobody's business. We do have an exception, but it also tells you that the exception is limited to the proper authority.

PROF. GUIORA: Let us open it up to questions

AUDIENCE MEMBER: A question for Dr. Dorman, going back to what Mr. Yarish said, how . . . hard is it to contain, if it is [foot]-and-mouth, on one farm? At this point is the reality that it could easily [infect] a five . . . [or] ten mile radius? Or conversely, is it something that once diagnosed, even if it may take three or four days, that can be contained on that one farm?

DR. DORMAN: That is very difficult to answer. You are asking can a disease be contained on one farm, and specifically we are talking about foot-and-mouth disease, and because I do not know the specifics, I really cannot answer that. What we do know is that it is a highly contagious disease.

AUDIENCE MEMBER: In England did it hopscotch across the countryside or was it well contained?

DR. DORMAN: They had many farms that were involved in the UK.

AUDIENCE MEMBER: I was just wondering, on a practical level, who has the authority to, for instance, quarantine the entire county? Can you do that before there is confirmation? And after there is confirmation, what steps are taken proactively to contain the disease or find out

where it came from?

DR. BRISKER: The quarantine authority we have is progressive, . . . you have just heard [that] dealing with the premise. After that first premise, then we go into the surveillance and monitoring mode and . . . [then] go out in an expanding circle as needed. But, as you heard, the governor has the authority to make a statewide declaration at the [a particular] CAS level.

PROF. GUIORA: Chief Miller, you want to add something?

CHIEF MILLER: Well, I have a question. What I heard earlier was that about fifteen visitors a day came to the farm during a period when this was contagious. I am wondering what the USDA would do in terms of . . . going to those farms and checking those animals?

DR. DORMAN: That would be part of our surveillance. I cannot speak for the USDA, but as an Ohioan from the Ohio Department of Agriculture, yes, we would be sending surveillance teams out to check some of those places where either equipment . . . or livestock has moved.

CHIEF MILLER: So I am guessing if we have fifteen [visitors] a day, we had thirty, and in those couple of days it took to contact them after it was confirmed, they have also moved on and contacted fifteen or thirty other people.

PROF. GUIORA: So it is spreading out?

CHIEF MILLER: I am wondering how far. We [may] have a statewide emergency now.

DR. DORMAN: But keep in mind, too, that when I was there the first time, even before we had initial confirmation, one of the things that I recommended to Mr. Yarish is to try to keep the number of people that are traversing the farm . . . [to a minimum]. Hopefully he has done just that. So that number is limited.

PROF. GUIORA: If Mr. Yarish tells you there were thirty people who came to his house, somebody's going to contact all thirty people. Dr. Dorman, is somebody going to go and inspect their livestock, in reality?

DR. DORMAN: Most likely that person would not be me. Remember we talked about a dirty veterinarian versus a clean veterinarian. I have

been on infected premises. Would I go to do surveillance at another premise? . . . No, I would not.

PROF. GUIORA: It would be one of your colleagues?

DR. DORMAN: It would be another colleague that would go to that premise.

PROF. GUIORA: Would they potentially also get dirtied the moment they are on a farm.

DR. DORMAN: There are decontamination procedures After I have gone and showered out and changed clothes and those kinds of things, could I potentially move to another farm? Yes. We would like to have a two or three day rest period if we can . . . before I move to another clean farm or one that we do not know is exhibiting any signs.

PROF. GUIORA: A question mark farm?

DR. DORMAN: Yes, a question mark farm.

ERIN PAGE: After there is confirmation of foot-and-mouth disease, Dr. Brisker, you stated that the agriculture would set the CAS level at two and Mr. House stated that emergency management would set it at three. What is the difference? Are there differences based on your department? What are the legal and practical differences of having two different levels set?

DR. BRISKER: I mentioned CAS level II because in the general guidelines, as we are dealing with one premises, we would be just at the CAS level II. When it expanded beyond the one premises, from our policy perspective, we would defer to the OEMA for their declaration and would comply with their terms.

MR. HOUSE: Given the way the scenario has played out, it has not played out exactly the way most do, and so we would have discussions at the state level with the Department of Agriculture, with the governor's office, and with the OEMA director, to determine [what level we should be at]. We are in between two and three. Based on the news reports and on some of the public information issues out there, and the fact that we have one confirmed case, we will probably lean towards a CAS III. But there is only one level for the state, and that is at the state emergency operations center, and we would all be in agreement of what that level is.

MS. LITTLE: There are no legal impediments one way or the other. Sometimes it is hard to draw a line. And sometimes you start leaking over into [another level], and you continue to assess the situation.