



## **TESTIMONY**

Before

# **COMMONWEALTH OF PENNSYLVANIA JOINT HEARING OF THE SENATE AND HOUSE VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS COMMITTEES**

BY

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## **Changes to Title 35 and their Impact on the Regional Task Forces**

August 24, 2016

Mr. Chairman, Distinguished Members of the Committee I would like to thank you for the opportunity to speak here today. I believe it is important that you have at least some knowledge of the individual who sits before you and offers testimony on such a vital issue as Homeland Security.

I have spent my entire adult life in service to my nation, my state and my community. I served 5 years as a Fleet Marine Corps Corpsman with the Second Marine Division. That was followed by nearly 35 years as a member of the Pennsylvania State Police, where I rose from Trooper to the rank of Lt. Col. and served as the Deputy Commissioner of Operations. I am presently employed as the Program Manager for the Northeast Pennsylvania Regional Counter Terrorism Task Force (NEPRCTTF).

The NEPRCTTF area comprises eight (8) counties in northeast Pennsylvania. Those counties are Carbon, Lackawanna, Lehigh, Monroe, Northampton, Pike, Susquehanna and Wayne. Within the Task Force area are a number of potential terrorist's targets. An Interstate Pipe Line runs through a number of counties in the Task Force area. A fuel farm is located in Lehigh County. A Tier One facility, Sanofi, a pharmaceutical manufacturing company is located in Monroe County, the Tobyhanna Army Depot and the Pocono International Speedway are located in the area. Certainly these can be targets of ISIS and other foreign terrorist groups; however it is more likely that these would be the target of domestic terrorists.

The Task Force was formed under an Inter Governmental Agreement signed by the governing bodies of each of the counties. Authority is derived from Title 35 and Act 227. The Task Force Executive Committee is comprised of the eight Emergency Management Agency Directors in each county.

The Task Force is further organized in a number of sub-committees. Those committees are:

**Hospitals** – which represent the 18 hospitals in the task force area; the EMS work Group; Mental Health agencies and the Public Health work group which includes The Pennsylvania Department of Health and the Municipal Health Bureaus

**Communications** – The 911 Directors of each county along with the Communications Utility Group make up this sub-committee.

**Support Services Committee (Volunteer Organizations Activated in Disasters V.O.A.D.)** – is comprised of Volunteer Organizations, such as The American Red Cross, the Salvation Army, Team Rubicon and various Faith Groups in the area.

**School Committee** – this is made up of the 46 public and 2 parochial school districts.

**Fire/Rescue/Hazmat Committee** – over 1200 fire, rescue and hazmat agencies are represented by this committee.

**Law Enforcement Committee** – comprised of members of Federal Law Enforcement Agencies, the Pennsylvania State Police and nearly 150 municipal law enforcement agencies, corrections officials, sheriffs departments, bomb squads and Special Weapons and Tactics (SWAT) Teams.

**The Urban Search and Rescue** – a complete company trained and equipped that exactly mirrors the FEMA Team and consists of 33 members is available to respond within the Commonwealth when needed.

**Coroners** – comprised by the eight county coroners.

Most committees meet on a monthly basis for the purpose of discussing equipment, training and other resources necessary to deal effectively in preventing, mitigating, responding to or recovering from a terrorist event or natural disaster.

## **EQUIPMENT**

It is vital that our first responders are properly equipped and trained. If I may I would like to provide this committee with a partial list of some of the equipment that the Task Force has provided to first responders over the years.

2400 Millennium Chemical, Biological, Radiological, Nuclear (CBRN) Gas Mask Kits for every police officer in the Task Force area.

1200 Positive Air Purifier Respirators (PAPR) with Personal Protection Equipment (PPE) for police and EMS agencies.

9 Hostage Negotiator Phone Sets for the area Police SWAT Teams.

4 Bomb Robots, 2 Bomb Containment vessels and 3 trucks to move this equipment.

2 fully equipped inflatable “Surge” hospitals, with trailers.

8 complete Decontamination Units, one for each county. 32 Fire Companies have been trained to use this equipment. In addition decontamination units have been purchased for all 18 hospitals in the area.

The equipment necessary to stand up one complete Urban Search and Rescue Team.

2 Mobile Command Posts.

3 Lenco Bearcat Armored Rescue Vehicles.

8 Long Range Acoustical Devices

Equipment necessary for the eight (8) county coroners to deal with an incident involving mass casualties.

A communications network was created for the eight county emergency management officials so they would have a secure communications link. The system is used on a daily basis for any and all situations which require interaction between counties and/or regions.

The cost of the items on this **partial** list is \$5,655,302.64. The Safety and Security of the residents of the Commonwealth is not without cost.

Due to changes in the policy of the Federal Government we are no longer allowed to purchase equipment for all First Responders. Only organized, NIMS compliant teams are eligible to receive equipment paid for by the Task Force.

## **TRAINING**

Just as important as the equipment is the training which we provide to these agencies.

The Task Force routinely provides training in such areas as:

- Terrorism Tactics – Homicide Bombers
- Terrorism Intelligence Profiles
- Protective Operations – Dignitary Protection
- Basic SWAT Training
- Basic Crisis Negotiations
- Hostage Rescue Training
- Advance Media Relations for Law Enforcement Command Personnel
- Tactical Emergency Medical Support
- Critical Incident Management
- High Risk Transport – Corrections
- Advanced Crisis Negotiations
- Workplace Violence – Response

All 18 hospitals have upgraded their required personnel to Hazmat Technician level through the U.S. Environmental Protection Agency (EPA) training.

The separate two day course of instruction for Law Enforcement, in Advance Media Relations for Law Enforcement Command Personnel has been offered to insure those persons having the responsibility of informing the public, during a crisis, have the training and ability to do so properly.

Training in the National Incident Management System (NIMS) has been attended by municipal/public officials. This is a requirement before the Task Force can expend any funding for training and/or equipment for an agency.

Over the next two months we will offer Basic SWAT Training; Hostage Rescue Training; Advance Media Relations for Law Enforcement Command Personnel and a Table Top Exercise that will simulate an Active Shooter at the Monroe County Courthouse.

## **PLANNING**

The Task Force continues to plan a number of possible scenarios that would have a detrimental effect on the area.

**Evacuation** – while it is necessary to plan on evacuating residents from this area, it is more likely that this region of Pennsylvania would be the location where evacuees from the major cities, New York and Philadelphia, would attempt to flee to in the event of man-made or natural disaster. It is possible that within one hour of a disaster in New York, the Pocono Mountains would begin to see a huge increase in traffic. It should be noted that a substantial portion of the population of Monroe, Pike and Northampton Counties now commutes to New York City. This along with other evacuees could cause “grid-lock” on our Interstates, much the same as was seen in Texas during Hurricane Katrina. Issues such as Interstate Highway ramp closures, the utilization of tanker trucks to fuel vehicles and staging areas for evacuees to report to prior to their assignment to a specific shelter are just a sampling of subjects presently being discussed in order to formulate an effect plan. For the aforementioned reason, members of the Task Force meet regularly with the Safe-80 Committee.

**Multi-Agency Command Center (MACC)** – The Pocono International Raceway (PIR), located in Long Pond, PA is the site of two NASCAR and one Indy Car events during the year. These races attract in excess of one hundred and sixty thousand people (160,000). Due to the potential of a terrorist incident or a natural disaster at the raceway, and at the request of the owner of the raceway, the Monroe County Office of Emergency Services (OES) and the NEPRCTTF has assisted the PIR with developing an Emergency Plan. As part of that plan the MACC concept is utilized. This concept brings together a number of federal, state, county and municipal agencies. There are three objectives of the MACC. They are: To insure the safety of the fans, spectators, drivers and all attendees at these events; To provide capability for Central Unified Command and Control as specified in NIMS and; To provide a central location for coordination of federal, state, local, non-governmental and private sector organizations with primary responsibility for threat response and incident support. The following is a list of the agencies represented at the MACC.

**Federal:** Federal Bureau of Investigation, Alcohol, Tobacco and Firearms, Environmental Protection Agency, Federal Aviation Agency,

Department of Homeland Security, and the National Guard Civil Support Team.

**State:** Pennsylvania State Police, Pennsylvania Emergency Management Agency, Pennsylvania Department of Transportation, Pennsylvania Department of Environmental Protection, Office of Homeland Security, Eastern Pennsylvania Regional EMS Council.

**County:** Monroe County Office of Emergency Services, Monroe County 911 Center, Monroe County Planning Commission, Carbon County Office of Emergency Services, Urban Search and Rescue-PA Company Three.

**Municipal:** Pocono Mountain Regional Police Department, Tunkhannock Volunteer Fire Department, Tunkhannock Township Emergency Management Agency.

**Volunteer Organization:** The American Red Cross.

***It should be noted that since the participation of the NEPRCTTF and the utilization of the MACC concept that NASCAR now considers the Pocono International Raceway one of its most secure sites.***

## **COMMENTS**

It seems the one questions that the members of this committee are most interested in hearing an answer to is, “**Are we prepared to respond to a Terrorist Attack or Natural Disaster?**”

On September 11, 2001 the nation found out how prepared we were to deal with these situations. It was further emphasized during hurricane Katrina and the devastation and death that occurred in the Gulf States. Lessons were learned, the hard way. Have we made progress? Yes, by leaps and bounds. Is there more to do? Definitely yes! The task force has equipped and trained agencies to respond to disasters, whether man made or natural. The cost to train and equip these first responders would have been impossible for these agencies to shoulder. The cooperation between federal, state and municipal agencies has improved dramatically. Planning to deal with these crises has been on-going and will continue. That should give you an idea of where the Task Force is at today, but where do we go from here?

Our major issue at this point is to be able to continue to fund the purchase and maintenance of equipment and to continue the training we provide to our specialty teams. We have reached a point, where a great deal of the equipment that was purchased over the years is quickly approaching its end of life date. One example of that are the suits we

purchased to protect our bomb technicians. The Task Force presently has three (3) Bomb Teams. Each Team is equipped with at least three (3) bomb suits. Each suit costs approximately \$38,000.00, and they have to be replaced every seven (7) years, as the manufacturer will not guarantee the safety of the suit beyond that time. That total is \$114,000.00 for each of the three municipalities or a total of \$342,000.00, at today's prices.

The Task Force funding has been allocated at the same level for the past three (3) grant cycles. It is frustrating to continue to struggle to manage the equipment, to replace and or repair it and to maintain certification and training. Further complicating the matter is large purchases, like a bearcat for our SWAT Teams. The cost of this type of vehicle is approximately \$300,000.00. The NEPRCTTF presently has three of these of these vehicles. One is in the Scranton area, one in Monroe County and the other in the Lehigh Valley. The Lehigh Valley vehicle is shared by four (4) SWAT Teams, and at times is unavailable to a team, because it is in use. Without continued funding and, in most cases, an increase in funding, these municipal teams will no longer exist. It would be impossible for most of these municipalities to pay for this equipment, and further to continue to maintain it. That would mean, no bomb teams, no SWAT Teams, no Hazardous Material teams and no Urban Search and Rescue teams in all of Northeast Pennsylvania.

With respect to the same level of funding, a problem that has just recently come to light is: We have now been advised that PEMA is passing down to the Task Forces the cost of the "G" Series Training courses. This has been historically training that was provided and paid for by PEMA. There are a number of issues with this. First, it now becomes an "Unfunded Mandate" for the Task Force to provide this training. Secondly, while many of these courses are required for EMA personnel to maintain their certification, the Task Force may not be able to pay for some of the training as it may not meet the criteria necessary for the Task Forces' approval.

Through funding from the Department of Homeland Security our region is more secure and our communities are safer than ever before. For that to continue and improve, the programs and funding must continue, and as I stated before, it must be increased. There is much more work that needs to be done, and it will require additional supplies and training. The first responders in this region are dedicated and hard working, and many of them are volunteers. Our goal needs to be: to protect our region and the people who live here as well as to make sure all emergency personnel have the tools and the training they need when disaster strikes.

To further emphasize the importance of continued funding, I have attached to my written testimony three letters, one from Chief Chris Wagner, Chief of Police for Pocono Mountain Regional Police Department, one from James Decker, the Lackawanna County SWAT Team Commander and, one from Sergeant Matt Karnish, Allentown Police Department Tactical Commander. These agencies all have a SWAT Team in the Task Force area. In addition there is a letter from Lucas M. Fuller, a Bomb Technician for the Bethlehem City Bomb Squad.

I cannot express enough, the importance of continuing the funding of the Regional Task Forces throughout the Commonwealth. Without these funds, all of the work to train and equip our specialty teams will be for naught. The municipalities do not have the

resources to be able to maintain these teams, and eventually they will no longer exist. I would ask that you take this message to your counterparts in the U.S. House of Representatives and the U.S. Senate. Without continued funding, without an increase in funding, the safety of the residents of the Commonwealth will be at risk.

### **TITLE 35.**

Title 35 – A rewrite of Title 35 was available on 9/4/15. As a Task Force, in June of 2015 we were made aware that dialogue was occurring and that we would be brought in on the discussions for a grass roots approach. The Directors of the respective Task Force Counties were email with the same information. As of this writing, neither the County EMA Directors nor the NEPRCTTF Task Force Staff members have been updated on any specific changes or timeline.

As I have no new information on this subject, I have included my comments from my testimony to this committee on May 14, 2008.

### **2008 Testimony:**

You have listened to me talk about the NEPRCTTF and the many things that we have accomplished since 9/11. Let me assure you that all of the Task Forces throughout the Commonwealth have worked diligently to insure the safety and security of all our citizens.

My response to the question, “**How do the proposed changes to Title 35 impact on the Task Forces?**” follows. Certainly one of the greatest benefits from the creation of the Task Forces has been the networking and cooperation that has come about. I believe that the Task Force concept is beneficial not only to the first responders that are the direct recipient of Task Force funding, but also to the communities they serve, many of whom could not shoulder the burden of paying for the resources and training their emergency personnel has received. This concept should be maintained by the Federal Government and the Commonwealth.

With respect to Sub-Chapter C of the Act that deals specifically with the Regional Task Forces and the Specialized Teams it is apparent that without guaranteed funding, Task Forces with specialized teams cannot begin to or continue to maintain Workman’s Compensation for the team members. It should be obvious that counties that have only one or two staff members working in emergency management cannot afford to pay, “the administrative and operational costs of the task force component or subgroup, its individual members and their employers.” There is simply not the funding available.

If I may I would like to address one issue that we do need help with. As you have heard the task force has purchased millions of dollars in equipment for our first responders. We have paid millions more to insure that those responding to a disaster, whether natural or man-made are trained to respond efficiently, effectively and safely.

We have gladly purchased the equipment and insured the training was done and we did so with the understanding that the equipment and the personnel that had been trained to use the equipment would respond to a call for help anywhere within the task force area when they were needed.

The first time we ran into a problem was asking one county's SWAT Team to respond to a barricaded gunman in an adjoining county. For the record both counties were part of the NEPRCTTF. We were informed that the team could not and would not respond as the members of the team, all police officers, had no jurisdiction in the adjoining county. As a former police officer I agree with that decision. It is one thing for a fire company to cross jurisdictional lines to assist another company in extinguishing a fire. It is another matter all together to have police officers leave their jurisdiction and, not only enforce the law, but in doing so possibly use deadly force.

What we need, whether it is in the present legislation or it is in legislation to be discussed at a later date, is the ability of task force members to respond to areas within the task force to accomplish the task for which they have been equipped and trained for and, when necessary to have the authority of enforcing the law and to use whatever force is necessary as granted by the laws of the Commonwealth.

You may ask why a Memo of Understanding (MOU) between agencies would not work. It took two (2) years for the eighteen (18) hospitals in our task force area to agree to cooperate, share staff and resources and sign a MOU. There are well over 150 law enforcement agencies within our area. To get every agency, their municipal officials and their solicitor to agree on an MOU would take entirely too long.

While I certainly do not have all of the answers to the issues that could arise it seems to me that if we had the proper legislation in place that a request made by one member agency of the CTTF, i.e. police department or EMA Director, to another CTTF member, i.e. a specialized team, that the responding personnel would be legally authorized and protected by statute to enforce the laws of the Commonwealth as if they were in their own jurisdiction and further that those responding members would be covered under Workman's Compensation and insured for possible liability issues and that those costs would be covered by the Commonwealth.

Title 35 must clearly establish the legal status of each counter terrorism task force. Possibly eliminate the requirement that a county assume the financial liability by performing as the fiduciary. This has now become an issue between the county serving the NEPRCTTF and the Internal Revenue Service. It would seem that a Council of Government would be an efficient way to manage this operation.

Once again I would like to express my sincere appreciation to this committee for giving me the opportunity to discuss the Regional Task Force, our work, our accomplishments and our needs.