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**EMERGENCY MANAGEMENT AGENCY**

**Statement for the**

**Joint House/Senate Veterans Affairs & Emergency Preparedness Committee**

**August 24, 2016**

Pennsylvania Emergency Management Agency

Richard D. Flinn, Jr., Director

Chairman Vulakovich, Chairman Costa, Chairman Barrar, Chairman Sainato and members of the House/Senate Veterans Affairs & Emergency Preparedness Committee, I am Rick Flinn, Director of the Pennsylvania Emergency Management Agency (PEMA). I welcome this opportunity to come before you to continue the conversation on ways to enhance the Commonwealth's emergency preparedness program through revisions to Title 35.

As you know, Title 35 contains the Emergency Management Services code which governs how PEMA functions and provides the framework for how the Commonwealth and our local governments prepare for and respond to disasters. The program has been in existence since 1951, and the current iteration of Title 35 has been in place for a number of years. While sections of the statute have been updated in recent years: Act 227 of 2002, the Counterterrorism Planning, Preparedness and Response Act; and Act 112 of 2015 which established a new 9-1-1 surcharge, it has been 20 years since a major change has been made to the statute.

In the last 20 years, there have been significant changes to best practices in national and state public safety structure which require Title 35 to be updated. Significant events that have altered the federal and state landscape include: the terrorists attacks on September 11, 2001, Hurricane Katrina, the creation of the US Department of Homeland Security, increased frequency of cyberattacks, Hurricane Irene, Tropical Storm Lee, Hurricane Sandy, and Winter Storm Jonas. With the various types of threats that exist in our world, federal guidelines and programs focus on an all-hazards approach to emergency management. Some of the Federal initiatives include the National Preparedness Goal, the National Incident Management System (NIMS), the National Infrastructure Preparedness Program, and the National Response Framework.

Changes to Title 35 are long overdue. The attempts to revise this important piece of legislation span over a decade. In that time there have been several meetings and hearings, workgroups have formed

and developed a number of draft pieces of legislation that have been introduced in the Legislature. All of the work that has been done provided the framework for the current bills that are pending in the General Assembly. These documents are the result of all the work that stakeholders have put in over several years and truly incorporate lessons learned over that time.

Last year, I came before the Senate Veterans Affairs & Emergency Preparedness Committee and committed to working with all of our emergency services partners and stakeholders to make the legislation better. Additionally, PEMA said that we would welcome all comments and input received from the various communities that we serve. Since that time, PEMA has conducted quarterly trainings in our three regions: West, Central, and East. At each of these training sessions, using Senate Bill 35 as a framework to work from, PEMA staff led discussions with emergency managers regarding Title 35. We provided copies via email of Senate Bill 35 to county coordinators, task force leaders, KEMA, CCAP, and PSATS. Additionally, during our Annual Emergency Management Conference in May, we held another session with our emergency managers and task force leaders from across the Commonwealth in an effort to receive more input on Title 35. Rather than focus on specific language changes during these sessions, our conversation was focused on concepts that they would like to see incorporated into Title 35. Each of these sessions provided an opportunity for the agency to receive valuable feedback from our stakeholders regarding the rewrite of this important legislation. We have provided you with a preliminary draft of our recommendations with recognition that additional revisions will likely be necessary based upon the discussion that occurs at this hearing.

The overarching goal of updating Title 35 is to provide a more efficient and effective way for the Commonwealth and local governments to prepare for and respond to all-hazards.

One of the main areas of concern that our emergency managers would like to see addressed in the rewrite of the legislation is moving Act 227 of 2002, the Counter Terrorism Planning, Preparedness &

Response Act, from a standalone act to formal acknowledgement within the statute that outlines the role, operation, organization, and activation of regional task forces. There are nine regional task forces throughout the commonwealth. Following September 11<sup>th</sup>, the federal homeland security grant program initially focused on counter measures to terrorism. Since then, the grant program has evolved into support for all-hazards. While all regional task forces are required to do planning, they must follow federal grant guidance in order to receive funding. Current federal grant guidance requires:

- Regional planning and coordination based on regional, state and national priorities:
- Plan and coordinate regionally to meet regional, state and national preparedness goals
- Maintain a Multi-year Training and Exercise Plan
- Achieve capability targets under the National Preparedness System
- Maintain interoperable and compatible emergency communication systems in support of statewide communication systems

Currently there are task forces that have concept of operations plans to deploy resources and teams for any event in or outside of the region. In contrast, there are other task forces that function solely as an administrative entity for grants designated for the region. The task force designates one of its member counties as a fiduciary agent which then distributes the funding to the rest of the task force members. Additionally there are task forces in which each county individually purchases training and equipment for their respective county only and organize themselves as a council of governments in order to share resources utilizing mutual aid agreements to fill resource gaps. Recognizing the diversity that exists in the commonwealth when it comes to the structure of task forces, there is no one size fits all approach that can be taken for our regional task forces. Our goal with the re-write of Title 35 is to provide options to our task forces with regard to how they organize. We have also heard from task forces that the current language that exists in Title 35 does not provide adequate protections for our volunteers when they are deployed on missions. The emergency management community relies heavily on volunteers called upon to serve the needs of the public. The current draft legislation recognizes the danger our volunteers put themselves in, and extends workers compensation benefits to volunteers of the

Commonwealth emergency management program, a county emergency management program or a local emergency management program. While we support providing workers compensation to these individuals, we would also like to see these protections and civil immunity protections extended to specialized teams that are established by PEMA while they are deployed on missions, or participating in scheduled activities.

Mr. Chairman and the members of the committee, I thank you for the opportunity to discuss some of PEMA's suggested changes to Title 35 PEMA. Following this meeting, we will be sharing our draft to our stakeholders for comment as we continue to work towards full consensus on a draft of SB 35. We can provide you with an updated draft after receiving additional feedback from our stakeholder community in the coming weeks. On behalf of our county and community emergency managers, and first responders across the state, thank you for your dedication to and continued support of Pennsylvania's public safety program and your leadership on this important matter.

I would be happy to address any questions you or the members may have.