

**Statement for the  
Senate and House Veterans Affairs & Emergency Preparedness Committee**

**Wednesday, August 24, 2016**

Southeastern Pennsylvania Regional Task Force

Robert J. Kagel, Executive Board Member

Director of Emergency Services, Chester County, Pennsylvania

Chairman Vulakovich, Chairman Costa, Chairman Barrar, Chairman Sainato, Chairman Farry, and distinguished members of the Committees – I am Robert Kagel, one of five Executive Board Members of the Southeastern Pennsylvania Regional Task Force (SEPA RTF) and Director of Emergency Services in Chester County. I'd like to take a moment to recognize two other members of the SEPA RTF Executive Board who have joined us today – Scott T. Forster, Director of Emergency Services in Bucks County and current Chairman of the SEPA RTF, and Samantha Phillips, Director of the Office of Emergency Management in the City of Philadelphia.

Thank you for the opportunity to provide this statement and discuss Senate Bill 35 and House Bill 1656 which will amend the Emergency Management Services Code, commonly referred to as Title 35. Title 35 has stood as our enabling legislation for many years. It has served our community well. Given advances in emergency management and changes to our world caused by people who want to hurt us and an increase in the frequency and severity of natural weather patterns, Title 35 has needed to be refreshed for quite some time. I applaud you and thank you for doing just that.

The SEPA RTF is one of nine regional task forces which operate under Act 227 of 2002, also known as the Counter Terrorism Planning and Response Act. Given the circumstances surrounding the September 11, 2001 attacks and a then new global war on terrorism, Act 227 was critical. We've had almost 15 years of experience operating under Act 227 and it is in desperate need of refinement. This will take place with the rewrite of Title 35.

The SEPA RTF is comprised of the five southeast counties – Bucks, Chester, Delaware, Montgomery, and Philadelphia. We are home to 244 municipalities covering 2,719 square miles of land where a third of Pennsylvania's population call home, and a third of Pennsylvania's critical infrastructure is housed. Infrastructure such as the PJM – responsible for controlling the electric grid of the entire northeast corridor; Limerick Generating Station – the second most populated Emergency Planning Zone in the nation; oil refineries which receive, refine, and distribute millions of gallons of fossil fuels every week; ports which serve as the entry point for produce, cargo, and other commodities; and historic and cultural icons of our nation's deep history all contribute to our region being designated a Tier 1 region for the purposes of the Urban Area Security Initiative (UASI) grant program. We are the only Tier 1 UASI in the Commonwealth. We are ranked the seventh most at risk region in the nation by the Department of Homeland Security. In determining our level of risk, the Department of Homeland Security accounts for threat, vulnerability, and consequence. Threat – the likelihood of ISIS, Al Q'aida, or their affiliates attacking our region; Vulnerability – how attractive our infrastructure is for organizations to attack, physically or virtually; and Consequence – how many people would be affected and what impact an attack on our region would have on the entire nation.

The SEPA RTF operates strictly as an administrative body, administering grants made to our region. While some task forces throughout the Commonwealth share our mission, others

choose to take a more operational role acting as a coordinating body and deploying resources in an emergency. As we rewrite Title 35, we must be sure regional task forces are afforded the flexibility and autonomy necessary to operate in a manner which is best for their member counties. The SEPA RTF is not an operational entity. We do not own emergency response assets, we do not conduct regional planning, and we do not operate a regional emergency operations center. The SEPA RTF has operated for years as a non-operational entity and we do not support legislation which would require any task force to conform to a single model.

As I mentioned, the SEPA RTF does not engage in regional planning. We do not create a regional mass care plan or maintain a regional Emergency Operations Plan. We do, however, engage in strategic planning allowing us to make smart resource investments to develop and sustain capabilities within our region, benefitting our member counties in addressing the hazards identified in their individual hazard vulnerability and risk assessments. We also serve as a convening body, allowing member counties to compare plans, exchange ideas, and, most importantly, deconflict plans ensuring the most efficient response and recovery possible. It is the strategic planning efforts which must be uniform across all task forces, buying down risk while building and sustaining capabilities to address risk which remains.

Along the same lines of the SEPA RTF being a non-operational entity, the SEPA RTF and its membership do not attend trainings or exercises. The SEPA RTF acts as a funding mechanism and coordinates the logistics to conduct training and exercises. While some may equate this to changing “happy” to “glad”, I assure you that is not the case. By requiring task forces to attend trainings and exercises, we expose the task force and its membership to training requirements, workers compensation issues, and liability issues. Task forces should not attend

training or exercises. Task forces should conduct or coordinate training and exercises in support of member counties.

When speaking about task forces and their organizational structure, one of my mentors would always say “if you’re not legal, you must be illegal”. The SEPA RTF is unable to open a bank account, unable to execute legal documents, unable to accept grant funds, unable to obtain an Employer Identification Number. One of the significant challenges we have faced throughout our existence is being subject to a constant changing of opinion regarding our organizational status. This happens, like clockwork, whenever there is a change in administration and a change in legal counsel representing the Pennsylvania Emergency Management Agency (PEMA). For example, in 2013, while having a private, non-profit agency act as our fiscal agent, approved by PEMA, PEMA determined that the employees the SEPA RTF had been employing for eight years was being done illegally and we had to cease immediately. This caused an immediate layoff of 18 staff members and jeopardized literally tens of millions of dollars in homeland security grant funding. We had to stop utilizing the private, non-profit agency and transition to a County serving as our fiscal agent. We must ensure the new Title 35 removes all ambiguity and clearly establishes the legal status of regional task forces including the ability to operate without requiring a host county to take on the financial liability by acting as a fiscal agent, most likely as a Council of Government. Likewise, we must ensure regional task forces enjoy the same tax exempt status as other government agencies.

The Homeland Security Grant Program is a suite of grants from the Department of Homeland Security. The State Homeland Security Grant Program (SHSGP) is the grant the majority of the nine task forces in Pennsylvania receive and utilize. The UASI grant is awarded to the SEPA RTF and Region 13, the task force serving Pittsburgh. It is the SEPA RTF’s

position that PEMA, as the State Administrative Agency, should be distributing the SHSGP funding utilizing a risk-based methodology. The Department of Homeland Security awards these funds based on risk, so surely those regions most at risk should be awarded the appropriate funding by PEMA. Even within our own task force we distribute the funding we receive amongst member counties according to the Department of Homeland Security's risk allocation formula. We believe the new Title 35 must include a requirement for Homeland Security Grant Program funding, or its successor, be awarded based on a risk formula. We believe the risk formula should account for threat, vulnerability, and consequence, the same elements the Department of Homeland Security accounts for when making the grant awards.

I would like to take a moment to thank PEMA and Director Flinn for several opportunities for emergency management professionals to provide important input and feedback to PEMA regarding the rewrite of Title 35. I sincerely hope we will be able to reach consensus on this incredibly important piece of legislation and make the Commonwealth's emergency management structure that much stronger, serving the residents of this great Commonwealth. I'm excited to read through the updated language when it becomes available.

Chairman Barrar and Senator Baker, thank you for introducing HB 1656 and SB 35, respectively, and your leadership on a matter that lies so close to the hearts of everyone in Pennsylvania's emergency management community and will improve the safety and security of all Pennsylvanians. Chairman Sainato, Chairman Farry, Chairman Vulakovich, Chairman Costa and members of the Committees, thank you for your co-sponsorship of these bills. I appreciate the opportunity to appear before you today and am happy to answer any questions you may have.