

Keystone Emergency Management Association

Testimony on Amendment to Title 35

**Ed Atkins, Director
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**Joint Session of the
Senate & House Veterans Affairs & Emergency Preparedness Committee**

May 14, 2008

Good morning ladies and gentlemen. I'm retired Air Force Colonel Ed Atkins, the Director of Emergency Services for Chester County. In addition to my responsibilities in Chester County, I have the honor to be the Chairman of the Southeastern Pennsylvania Regional Task Force and I serve as the Vice President of the Keystone Emergency Management Association, usually referred to as KEMA. As you may be aware, KEMA is the professional association that represents county Emergency Management Coordinators, municipal EMCs and other individuals and organizations interested in improving emergency management in the Commonwealth. I thank you for the opportunity to present the KEMA views on the proposed Amendment to Title 35.

Updating Title 35 has been a KEMA priority for a long time. We at the county and municipal levels of government have for many years had concerns about Title 35. Our concerns were exacerbated with the passage of Act 227 in December of 2002 (Counterterrorism Planning, Preparedness and Response Act, P.L. 1967) since that Act in many places conflicts with Title 35 and lacks clarity as to the roles, responsibilities, and authorities of the Regional Task Forces. As a proactive move on April 19th and 20th of 2005, under the leadership of our late President, Harry Robidoux, KEMA hosted a joint workshop with the Pennsylvania Emergency Management Agency or PEMA. The goal of the workshop was to plan a way forward to revise Title 35 and Act 227.

There was considerable valuable discussion during the two days and at the conclusion we decided to form a joint KEMA/PEMA Drafting Committee to prepare a revision that would update and combine the two documents. From April of 2005 to the autumn of 2005, there were several Drafting Committee meetings and numerous telephone conference calls as we worked through four drafts. In October of 2005, the joint KEMA/PEMA Drafting Committee presented the PEMA senior leadership with a document that among other things:

- Harmonized Title 35 and Act 227,
- Strengthened the Regional Task Force concept
- Emphasized the “all – hazard” nature of the Task Forces,
- Aligned the document with the National Incident Management System, and
- Clarified definitions.

Between December of 2006 and April of 2007, KEMA participated in a series of discussions with the PEMA senior staff and members of the Governor's office to further refine municipal, county and Regional Task Force roles and responsibilities.

Shortly after his appointment as the PEMA Director, Major General French met with the KEMA Executive Board and asked us for our priorities. After due deliberation, the Board responded that out of our seven priorities, our top two were to establish a statewide mutual aid system and to complete the re-write of Title 35. General French heard what we said. The mutual aid legislation is currently in work here at the capitol and we are here today to discuss Title 35. Those of us in the field appreciate this refreshing emphasis on cooperation and collaboration.

I will now briefly review some of the highlights of the Amendment that pertain to county and local emergency management efforts that will strengthen our overall Commonwealth-wide emergency management activities. Much of this material was provided by the PEMA/KEMA Draft.

- Several of the definitions have been updated or changed to be in compliance with the National Incident Management System and some new definitions were added. This is an important step to ensure we are all speaking the same language.
- The provision to include a KEMA representative on the Pennsylvania Emergency Management and Homeland Security Council will provide an avenue for continued and expanded cooperation and collaboration between KEMA and the proposed Department of Emergency Management and Homeland Security.
- The clear delineation of county and municipal roles and responsibilities will provide a common baseline for the development of county and municipal emergency management programs.
- Many of our emergency management programs rely heavily on volunteers. The proposed draft will provide these volunteers with Workers' Compensation coverage. While there will be a cost to the counties and municipalities associated with this, I believe it is money well spent to protect all of those we ask to go in harm's way.
- The proposed Amendment establishes a more solid legal basis for the Task Forces and by referring to them simply as Regional Task Forces their all-hazard nature is made clearer. The specific provision allowing Task Forces to organize as a Council of Governments

will provide a way for the Task Forces to more efficiently serve the citizens yet the way the Amendment is drafted, it gives the Task Forces wide latitude on how they organize and operate. This is important as there are many differences in what the Task Forces need to do in the various parts of the Commonwealth.

- Unfortunately, sometimes additional motivation is needed to make sure the right things get done. While I hope it is a little used provision, section 7707 allows for the Department to withhold funds to any political subdivision that does not follow the provisions of the law. This is something my colleagues and I were adamant about as we worked through the drafts.

KEMA understands that to get the best possible legislation, multiple viewpoints must be heard. We are delighted to be a part of that process and we look forward to working with our friends at PEMA and the members of the committees to further refine the proposed Amendment to Title 35. PEMA has conducted several meetings with interested parties and has been very receptive to alternative proposals. Recently KEMA has been involved with re-wording the sections on dependent care facility planning and the structure of county and municipal emergency management programs. KEMA will continue to be a part of the process. We hope that the Amendment can be passed this legislative session and we will work hard to help make it the best legislation possible. Going forward, KEMA will gladly cooperate with the new department to craft rules and regulations to help guide us through the day to day compliance with the Amendment.

Ladies and gentlemen, I thank you for your attention today. I commit to you that I will do whatever I can to help this legislation along. We have needed changes for a long time. I think that by working together, we can get what we need this session.