

TESTIMONY

PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY

Robert P. French, Director

May 14, 2008

Chairwoman Baker, Chairman Dinniman, Chairman Melio, Chairman Fairchild and members of the Senate and House Veterans Affairs and Emergency Preparedness committees, I am pleased to have the opportunity to appear before you to discuss the need for proposed changes to the Pennsylvania Emergency Management Services Code, commonly referred to as Title 35. I am Robert French, Director of the Pennsylvania Emergency Management Agency (“PEMA”).

First and foremost, PEMA depends upon the well coordinated efforts of more than 150,000 state, county and local first responders, law enforcement, emergency management personnel, 9-1-1 Coordinators, non-profit organizations and volunteers to help keep Pennsylvanians safe. On behalf of all of these individuals, I want to thank you, the members of the Pennsylvania General Assembly, for your continued interest and support. With your support, we are better able to foster relationships among the public and private sector to coordinate the Commonwealth’s emergency preparedness responsibilities.

As you know, Title 35 of the Pennsylvania Consolidated Statutes contains the Emergency Management Services Code which governs how Commonwealth emergency operations

function and provides the framework for how the Commonwealth, county and local governments work together to respond to disasters.

The General Assembly last updated Title 35 in 1996 following the severe winter storms and flooding that occurred that year. Since 1996, numerous national and international events have reshaped requirements of emergency management personnel. The terrorist attacks on September 11, 2001, brought to light the need for overall emergency preparedness, including protection and prevention – not just response. Across the nation, efforts are under way to better understand our critical infrastructure and steps that may be taken to help prevent another terrorist attack. Hurricanes Katrina and Rita demonstrated the need for better coordination of response resources across all levels of government. Finally in Pennsylvania, the 2007 Valentine’s Day winter storm showed the need for some changes to our own emergency management program. Simply put, the requirements of emergency management professionals in 2008 are quite different than those in 1996. It is no longer enough to be able to respond – we must work toward a comprehensive emergency management program focused on preparedness, or the ability to prevent, protect against, respond to and recover from any emergency situation.

The changing expectations for emergency management personnel also are reflected in changes at the Federal level. In 1996, there was no United States Department of Homeland Security. Since 2001, the Federal government has launched numerous initiatives, all of which carry expectations for state and local governments. Some of these Federal initiatives include the National Preparedness Goal, the National Incident

Management System, the National Infrastructure Protection Program, the National Pandemic Preparedness Program and the National Response Framework.

The additional Federal requirements coupled with the lessons learned from 9/11, Hurricanes Rita and Katrina, and the 2007 Valentine's Day storm have prompted the Commonwealth to revisit Title 35 and to ensure that there is clarity in roles and responsibilities in emergency preparedness across all levels of government. After a review of the statute and our internal program and processes, it was determined that significant changes to the current version of Title 35 are necessary to meet the revised expectations and Federal requirements.

This determination was supported by the findings from James Lee Witt Associates (led by the highly regarded former director of the Federal Emergency Management Agency, James Lee Witt), after conducting an independent review of the Commonwealth's disaster response framework and issuing two reports recommending enhancements to our current program.

In addition, PEMA understands that changes to this legislation must be a collaborative process and has been working with county and local emergency managers and first responders on this topic. For example, PEMA has held several drafting sessions or meetings with the preeminent emergency management association in the Commonwealth – the Keystone Emergency Management Association (KEMA). Last summer, the KEMA-PEMA draft of the proposed revisions to Title 35 was shared with James Lee

Witt and Associates as they prepared to make recommendations regarding the changes needed to Title 35. Some of the additional steps that have been taken include: meeting with local government organizations, regional community meetings in Greensburg, State College and Jessup, and establishing an email account to allow individuals to share their comments about the proposed legislation. As a result of the meetings and comments received, we have made important changes to the proposed amendments that have made the proposed legislation better.

As we move forward with the legislation, we will continue to seek input from those in the emergency management community, especially at the local level. Without such collaboration, the legislation will fall short of achieving our goal: to provide a more efficient and effective way for the Commonwealth to prepare for, protect against, respond to and recover from all hazard disasters and emergencies across all levels of government.

Our top priority in this legislation is to ensure that we have a comprehensive emergency management program with well established roles, responsibilities and resources across all levels of government to help ensure Pennsylvanians are safe. By doing so, it will continue us on a path where the Commonwealth will be the nation's leader in emergency management.

With regards to the proposed amendments, the text of Title 35 is quite lengthy and comprehensive. In addition, the proposed legislation before you is still a draft and has not yet been formally introduced. Therefore, in consideration of our time today, I will

not go into detail about each section of the proposed legislation. However, I will highlight three significant issues addressed in the proposed legislation. First, there are gaps and inconsistencies throughout the Commonwealth in all levels of emergency planning and preparedness. Levels of preparedness vary from county to county and municipality to municipality. As a result, the current system does not work as well as it should and clearly there is much room for improvement. Without question this is the top item that the legislation must address. Second, all parts of the legislation must support the four pillars of emergency management: to prepare for, protect against, respond to and recover from all hazard disasters. Not only must the legislation provide a strong foundation for those four pillars, it must be flexible enough to address unknown, new all hazard challenges years from now. Third, the sum of the proposed changes to Title 35 dictates that PEMA formally be restructured. The restructuring will lead to a higher level of implementation and coordination of all hazard policies and practices throughout the Commonwealth which in turn provide optimal support to our citizens. The proposed legislation addresses the three most significant needs and also addresses numerous other changes that are needed. Admittedly the changes are major, but necessary, to meet the changing conditions we have encountered since the last time Title 35 was amended in 1996. PEMA has made significant changes in our programs since 1996, but we need your help in ensuring we have the changes in this proposed legislation to significantly improve the Commonwealth's emergency management program

On behalf of Governor Rendell and the twelve million Pennsylvanians we serve, I want to thank you, the chairs and members of both the Senate and House Veterans Affairs and

Emergency Preparedness committees and the entire General Assembly for your continued support of PEMA and our partners in public safety across the Commonwealth.

I would be happy to answer any questions you may have.