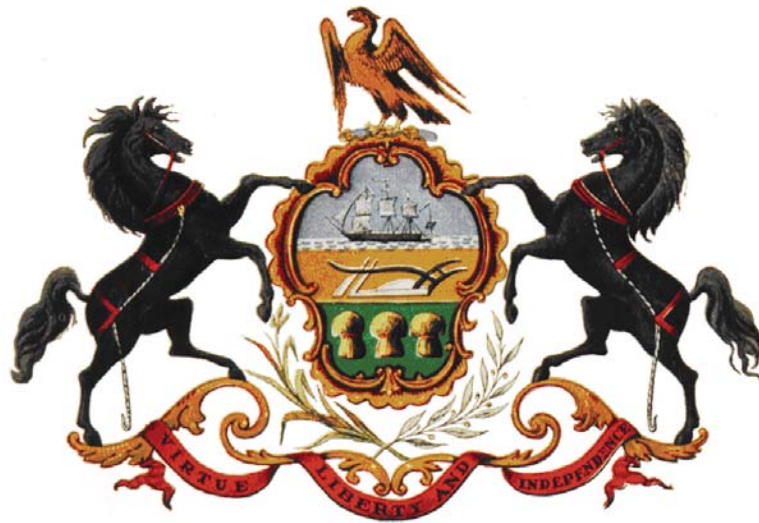


A Report on
Enhancing Emergency Management in the
Commonwealth of Pennsylvania:
*Structure, Organization, Statutory Framework &
Federal National Incident Management System (NIMS) Compliance*



November 2007

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Executive Summary

Scope of Work

The Commonwealth of Pennsylvania engaged JLWA to:

1. Assess the Pennsylvania Emergency Management Agency's (PEMA) performance, resources, management, and structure;
2. Assess the Commonwealth's overall emergency management structure and performance, including efforts to implement the suggestions from the JLWA report on the Commonwealth's response to the February 14, 2007 winter storm (Winter Storm Report) as called for by the Governor;
3. Conduct a broad review of implementation of the National Incident Management System (NIMS); and
4. Review the Commonwealth's current emergency management statutory framework and the proposed changes developed by a group of Commonwealth and local officials.

To analyze these areas, JLWA reviewed documents provided by the Commonwealth and conducted numerous interviews. The team benchmarked various aspects of the Commonwealth's performance against best practices and developed a series of findings and suggestions. After analyzing each of these areas, JLWA developed a list of suggestions to address the findings. This report has been organized by key suggestions.

Although not addressed in detail in this document, JLWA reviewed the Commonwealth's implementation of the Governor's recommendations based on the Winter Storm Report. The JLWA team reviewed documents and conducted interviews with agency personnel. The agencies identified their progress on each recommendation. JLWA suggested next steps to enhance the Commonwealth's preparedness. The agencies announced the status on their recommendations at a press conference on October 29, 2007.



Source: PEMA

Please note, JLWA's analysis pre-dates the appointment of the current PEMA Director.

JLWA has outlined its key findings and suggestions below.

Key Findings

Many interviewees expressed that emergency management and homeland security could benefit from a higher prioritization within the Administration. Although the Governor has demonstrated leadership and commitment through engaging JLWA to conduct the analysis after the February winter storm and issue the Winter Storm Report, appointing a new PEMA Director, and temporarily assigning experts to enhance PEMA's administrative infrastructure, there is much more to be done.

Pennsylvania is not alone in experiencing difficulties with emergency management responsibilities. In the post-9/11 and post-Katrina era, all state and local governments have been challenged by zigzagging directives from the federal government, complicated by the influx of hundreds of millions of dollars in federal homeland security grants. This assessment recognizes the impact of these external factors.

PEMA Performance

Peer agencies expressed concern with PEMA's capabilities, which is especially worrisome given PEMA's primary role in coordinating the Commonwealth response to emergency events. This investigation found instances of agencies working around PEMA due to frustrations with delays in receiving information and feedback from the agency.

PEMA has had inadequate guidance and an inconsistent agenda in recent years. The current organizational and management structure is not sufficient to support the agency's mission. Interviews revealed a limited sense of teamwork at the agency, no evidence of agency-wide staff meetings, and a lack of strategic planning. Objectives and goals have not been clearly defined and are not related to individual manager and employee performance objectives.

PEMA has a low level of financial literacy, which has led to a series of poor financial decisions. After the Winter Storm Report, the Administration assigned high-level experts in Commonwealth government budgeting, personnel, and executive management to assist PEMA. As a result, much has been accomplished in the past few months to address the administrative management deficiencies identified in JLWA's first analysis.

PEMA and Office of Homeland Security Coordination

There is a lack of coordination and communication between PEMA and the Pennsylvania Office of Homeland Security (OHS), in part due to previous relationships and fiscal illiteracy. As a result, homeland security grant funding has not been managed effectively.

While many working groups have been convened to address emergency management and homeland security issues, they have been created incrementally in response to new responsibilities delegated from the federal government and are not as coordinated as they need to be.

NIMS Compliance

The Commonwealth has an active and aggressive effort underway to provide government-wide NIMS implementation, a pre-requisite to maintain eligibility for federal homeland security grants. However, like many states, Pennsylvania has not fully embraced NIMS as a concept, nor has it been applied consistently on a day-to-day basis.

The Emergency Management Council

The Pennsylvania Emergency Management Council, created by statute in 1978, has become largely ceremonial and meets only to formally declare disasters after they have occurred.

Local Emergency Management Officials

Many local governments were concerned about their relationships with PEMA's executive management. Most local officials had high opinions of the support staff and regional leadership at PEMA. However, mixed messages and lack of coordination between PEMA and OHS have confused and frustrated local officials. Similar confusion existed regarding the division of roles and responsibilities between OHS and the Pennsylvania State Police (PSP). Simply put, many officials at the

A note on local governments...

Despite noted grievances, not all problems with emergency management in Pennsylvania lie at the feet of the Commonwealth. The focus of this review was the Commonwealth's emergency management capacity, which includes its relationship with local governments. However, the scope did not extend to a review of local governments themselves. Emergency management in Pennsylvania is primarily a local government function and problems at the local level contribute to the overall issues. Interviews revealed friction between county and municipal emergency management officials and between county emergency management officials and county elected officials.

The relationships between the Commonwealth government and the nine Regional Counter-Terrorism Task Forces (herein after Regional Task Forces) vary but, for the most part, suffer from many of the same problems.

The National Incident Management System (NIMS)

NIMS is a system mandated by the federal government that provides a consistent approach for federal, state, local, and nongovernmental organizations to work together to prepare for, respond to, and recover from all types of emergencies.

local level no longer had a clear understanding of who would be in charge of emergency management at the Commonwealth-level.

Key Suggestions

Based on the findings of the review, JLWA makes the following key suggestions for enhancing the Commonwealth's emergency preparedness. They are outlined in order of importance. By implementing these suggestions, the Commonwealth will better position itself to prevent, protect, respond, and recover from all-hazards threats and disasters.



Source: PEMA

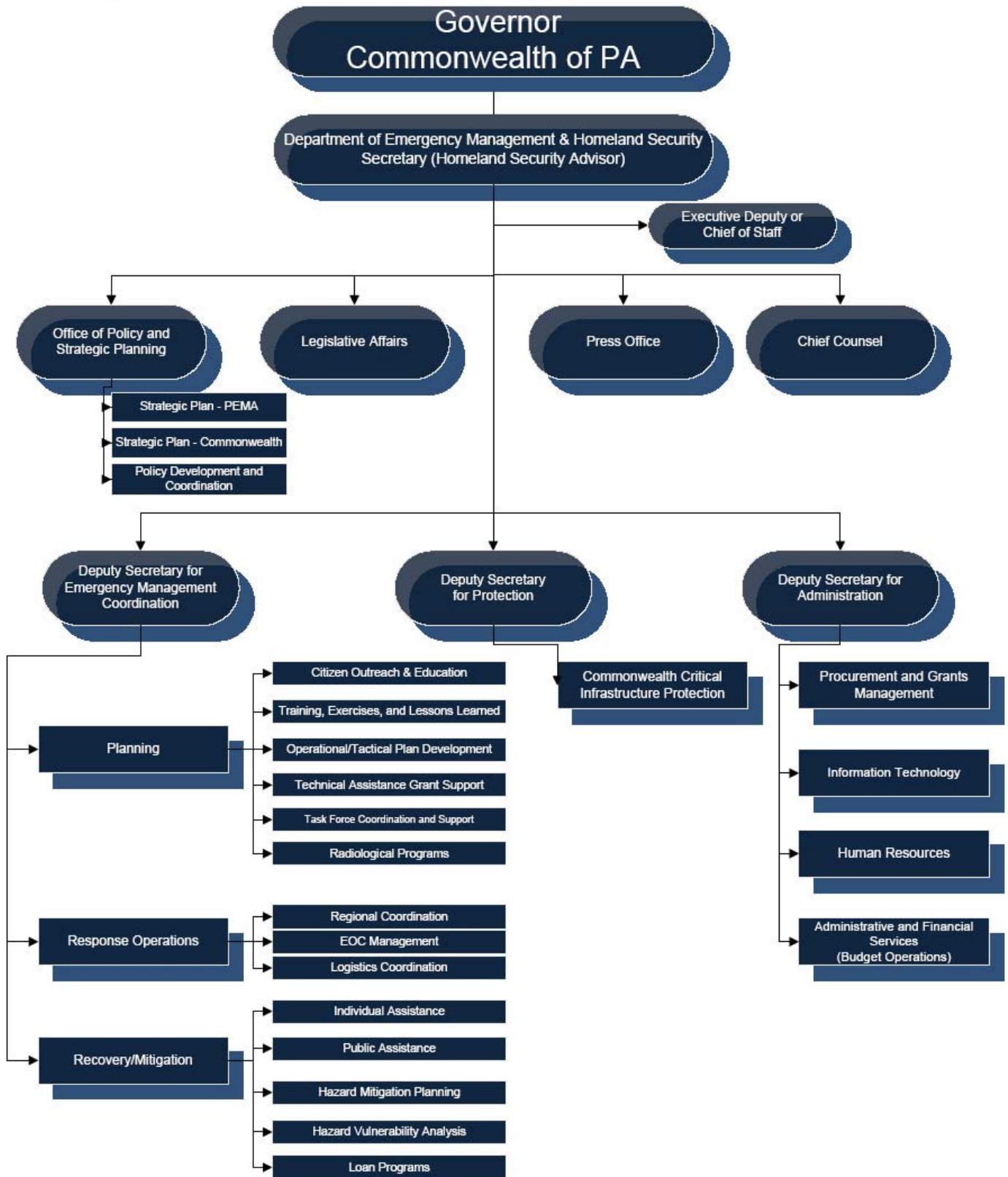
1. Restructuring the Commonwealth's Emergency Management Organization

The findings demonstrate a need for a more coherent organization between the functions and responsibilities of PEMA and OHS. To address this critical issue, JLWA suggests the creation of a new *Department of Emergency Management and Homeland Security*.

This new, cabinet-level Department should lead the implementation and coordination of emergency management and homeland security policy developed both by the Governor and the Governor's Emergency Management and Homeland Security Council (as described below). This Department would be led by a Secretary, who serves as the Governor's advisor on homeland security and emergency management matters and who, in an emergency, serves as the Governor's principal point-of-contact for all Commonwealth agencies. The new Department should coordinate the public safety grant function and have a separate grant audit function to ensure that grant objectives are being met.

The chart on the following page shows the suggested organization of the new Department. Please note that sub-responsibilities identified are representative and not all-inclusive.

Recommended Organization



JLWA considered other structural options, including the formation of a Department of Public Safety to include PSP, PEMA, OHS, and other agencies in government. Given the increasing responsibilities from the federal government, JLWA believes that the Commonwealth should have one agency focused on the coordination of its emergency management and homeland security functions. The mission of a larger Department of Public Safety would have to include other significant responsibilities, such as law enforcement, thereby diluting the focus on emergency management and homeland security. There is also the issue of actively encouraging NIMS compliance, which is more likely to progress at an accelerated rate under an agency focused on emergency management than under a Department of Public Safety.

In the immediate future, the Governor should establish through executive order a new relationship by merging OHS with PEMA. At the same time, legislation to create the new Department should be pursued.

JLWA suggests that the new Department be responsible for coordinating and managing emergency management functions across all appropriate Commonwealth agencies. To assist in this coordination, JLWA believes the Governor should establish an Interagency Executive Management Committee made up of all the Commonwealth agencies involved in emergency management and homeland security efforts as the central body to enable the new Department to coordinate and manage the Commonwealth's preparedness strategy. To avoid duplication, this Committee would replace all other similar interagency committees. JLWA suggests that the Governor appoint the Secretary of the new Department as chair of the Committee.

2. Active Participation and Leadership by the Governor and the Governor's Emergency Management Council

An effective emergency management system requires the active engagement of the organization's most senior leader. One of the most important suggestions is for the Governor to communicate his commitment to enhancing emergency preparedness to all Commonwealth and local agencies, as well as to individuals and families throughout Pennsylvania.

JLWA suggests that the Commonwealth pursue legislation to reconstitute the current Emergency Management Council by reinvigorating it as the Governor's Emergency Management and Homeland Security Council. The Governor should lead the Council and he may appoint a designee, such as a Deputy Chief of Staff, to attend later meetings. Its membership should promote partnerships and include key high-profile Commonwealth, local, and private-sector leaders (including legislators, and representatives from the utility, healthcare, university, communication, and transportation sectors). The Council is a statutorily created body and therefore, a more formal change including membership could only occur with legislative amendment. As Executive Director of the Council, the Secretary of the Department of Emergency Management and Homeland Security would be charged with implementing the strategies, policies, and coordinating the advice of the Council. The Council should have an advisory role in the development of criteria and priorities for federal homeland security grant funding, as well as request and allocate such funding from the Department of Homeland Security (DHS).

3. The Creation of a Strategic Plan for Emergency Management and Homeland Security

As described in Suggestion #2, the Governor's Emergency Management and Homeland Security Council would advise on emergency preparedness and homeland security policy issues, and the new Department of Emergency Management and Homeland Security would lead the Commonwealth's efforts to implement these policies. To guide and implement policies efficiently, the Secretary of the new Department should lead a strategic planning process, including the development of a new mission statement and a review of current strengths, weaknesses, threats, and opportunities. The Strategic Plan should be tied to the suggestions of this analysis, the Legislative Budget and Finance Committee report, issued on October 3, 2007, regarding review of Pennsylvania's Homeland Security Program, and the new Federal Homeland Security Guidelines.

Based on the policy advice of the Council, a vision should be established. Goals, objectives, and tactical action plans required to achieve that vision should be developed. The planning process should include, but not necessarily be limited to, categories including the relationships with state and federal agencies; the mission of homeland security and integration of critical infrastructure protection and other homeland security functions; priorities and process for mitigation; enhancing planning capacity; enhancing response capability; training and exercising; planning and response for special needs populations; grants management; and relationships with local governments and the private sector.



Source: PEMA

4. Developing Partnerships with Local Governments, the Private Sector, and the Federal Government and launching a Citizen Preparedness Campaign

Today's emergency management and homeland security challenges call for more active partnerships and coordination among the Commonwealth and local governments, the federal government, other states, the private sector, and the general public. Partnerships will improve coordination, facilitate the exchange of best practices and guidance, and streamline mutual aid and resource sharing.

Customer service and enhancing local government and private sector relationships in particular should be a key component of the new Department's mission and strategic planning. Led by the Governor through the Governor's Council and the Secretary of the Department of Emergency Management and Homeland Security, the Commonwealth should aggressively work to reestablish partnerships with local governments at all levels, focusing first on relationships with the Regional Task Forces and county emergency management officials. The Commonwealth should also work to develop public-private partnerships with key individual sectors, such as utilities and healthcare facilities. Pennsylvania also needs to detail the relationship between the Commonwealth and federal governments in its State Emergency Operations Plan (SEOP).

The new Department should increase the number of its personnel dedicated to citizen outreach and partnership development among local governments and businesses. For example, the Commonwealth should provide more financial resources and personnel for PEMA's regional offices to support technical assistance, planning support, training, and grants administration on the local level.

The Commonwealth, county, and municipal partners should work together on a strategy for homeland security grant funding, and the new Department could use grants to positively reinforce local participation as well as enhance partnerships. The Commonwealth should provide a multi-year training and exercise plan for local governments to clarify expectations for Commonwealth and local response and recovery.

The Governor should require the new Department to develop and launch a comprehensive citizen preparedness campaign in coordination with other Commonwealth agencies, local officials, and the private sector. The campaign should emphasize business preparedness. In leading states around the country, such as Florida and Texas, emergency management officials are working closely with the private sector to better integrate businesses into plans for emergency preparedness and response. Pennsylvania should be a leader in this effort as well and emphasize business preparedness and the private sector's role as a partner in helping the government prepare for and respond to disasters.

5. Updating the Statutory Framework for Emergency Management

Unlike many other states, Pennsylvania's Title 35 on emergency management has not been amended to reflect changing roles and expectations since the events of 9/11 and Hurricane Katrina.

JLWA suggests that the Administration and Legislature form a group to work on amending the statutory framework and permanently implement the suggestions outlined in this analysis. The legislation should include the creation of a new Department of Emergency Management and Homeland Security, as well as focus attention on the identified gaps and make suggested statutory changes regarding Commonwealth and local government emergency management roles. The efforts of the working group should be coordinated through the Governor's Council on Emergency Management and Homeland Security.

As part of the JLWA review, PEMA's legal counsel affirmed PEMA's authority to direct other agencies in an emergency, though it was noted that clarification through an executive order would be preferred. JLWA suggests that the Administration clarify the new Department's authority as part of the legislation. In the immediate future, the Governor should issue an Executive Order clarifying PEMA's authority to direct other agencies in an emergency.

As part of its review, JLWA reviewed the current statutory framework and the suggested revisions made by the Keystone Emergency Management Association (KEMA) in 2006. JLWA has made suggested changes to the current law and the 2006 KEMA revisions, but we note the changes are not intended to be comprehensive and the Commonwealth may wish to consider others as well.

6. Institutionalizing compliance with the National Incident Management System (NIMS)

The Commonwealth should institutionalize NIMS compliance within its emergency management architecture not only through administrative responses to federal requests but, more significantly, through the consistent application of NIMS practices throughout Commonwealth and local government. Pennsylvania can institutionalize NIMS compliance by taking the following steps:

- Prioritize NIMS: Only through prioritization from Commonwealth leadership will NIMS become part of Pennsylvania's emergency management structure. This emphasis should be conveyed from the Governor through the Cabinet secretaries to the department managers and incident officers. Emergency management staff will be more willing to follow NIMS guidelines if it is mandated from the top-level of leadership.
- Develop interagency NIMS workshops: For NIMS to be followed and understood by the many agencies that have a role in emergency management, PEMA should formulate and lead interagency workshops. This will help develop common terminology and a common approach to incident management and emergency response.
- Undertake exercises and review after-action reports after an emergency: After an emergency, the Commonwealth at times develops an after-action report that reviews what went right and wrong during Pennsylvania's response. The reports should include a section on NIMS and Incident Command System (ICS) and whether these concepts were effectively utilized. In addition, the report should have a checklist of ways to improve NIMS compliance and establish points of accountability for implementing all suggestions.
- More fully adopt the concepts of the Joint Information Center (JIC): Adopt the coordination and communication concepts of the JIC, including the enforcement of communication protocols from the JIC to the Commonwealth agencies' regional offices.

The Keystone Emergency Management Association (KEMA)

"The mission of KEMA is to foster and promote a high degree of capability and competency of the Emergency Management professionals and volunteers in every political subdivision of the Commonwealth by contributing to the common cause of protecting lives and property from both man-made and natural disasters through education, sharing of information, and encouragement of partnerships with emergency response organizations." (from the KEMA website)

KEMA membership includes influential emergency managers from municipal and county governments.

7. Suggestions for Additional Study

Although not a focus of this analysis, JLWA suggests that the Administration examine the following areas in more detail:


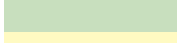
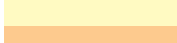




- The emergency management relationships among local governments and how they affect the Commonwealth's role in emergency management.
- Clarification of the Regional Task Forces' mission and objectives.
- The coordination of the Philadelphia and Pittsburgh area Fusion Centers and the integration of local government, emergency preparedness, law enforcement, Department of Health, and private entities.
- A joint effort with the Legislature to develop a comprehensive flood mitigation and prevention strategy.



Source: PEMA

JLWA has summarized the suggestions in the following chart.

Summary of Suggestions	
1.A.	Create a new, cabinet-level Department of Emergency Management and Homeland Security and appoint a Secretary to lead the new Department.
1.B.	Establish an Interagency Executive Management Committee.
2.A.	Disband the current Emergency Management Council and reconstitute it as the Governor's Emergency Management and Homeland Security Council.
2.B.	Show public commitment to emergency management and homeland security.
3.A.	Require the new Department to lead a strategic planning process.
4.A.	Require the new Secretary to reestablish partnerships with local governments.
4.B.	Require the new Department to work with local partners and the Governor's Emergency Management and Homeland Security Council on strategies for homeland security grant funding.
4.C.	Require the new Department to provide a multi-year training and exercise plan for local governments.
4.D.	Require the new Department to detail the relationship between the Commonwealth and federal governments in its State Emergency Operations Plan (SEOP).
4.E.	Require the new Department to work to develop public-private partnerships and work with the private sector to better integrate businesses into plans for emergency preparedness and response.
4.F.	Require the new Department to increase the number of personnel dedicated to citizen outreach and partnership development and require the new Department to develop and launch a comprehensive citizen preparedness campaign.
5.A.	Form a working group with the Legislature to amend the statutory framework.
5.B.	Clarify the new Department's authority as part of the executive order creating the Department and later through legislation.
6.A.	Require Commonwealth agencies to institutionalize NIMS compliance.
7.A.	Further examine the emergency management relationships among local governments and how they affect the Commonwealth's emergency management role.
7.B.	Clarify the Regional Task Forces' mission and objectives.
7.C.	Further consider coordination of the Philadelphia and Pittsburgh area Fusions Centers and integration of local government, emergency preparedness, law enforcement, Department of Health, and private entities.
7.D.	Further consider a joint effort with the Legislature to develop a comprehensive flood mitigation and prevention strategy.

COLOR KEY:	
Suggestion 1:	
Suggestion 2:	
Suggestion 3:	
Suggestion 4:	
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Suggestion 6:	
Suggestion 7:	

Introduction

Background on the Report

On February 14, 2007, a winter storm hit the Commonwealth, pelting central Pennsylvania with ice and freezing rain, which quickly froze on primary and secondary roads and led to treacherous conditions on state highways. Cars and trucks were subsequently stuck on the roads, resulting in backups on parts of Interstates 78, 80 and 81 on February 14 and 15. Many motorists were trapped on the roads overnight.

Governor Edward Rendell hired JLWA to perform an independent investigation of the Commonwealth's response to the winter storm. On March 27, 2007, JLWA provided the Governor with its Winter Storm Report. In it, JLWA asserted that there were fundamental, structural problems with emergency management and response in the various State agencies that responded to the February 14 storm. The report recommended and prioritized steps that the Commonwealth should take to improve its communications, incident command, and emergency response.

The Governor then called for a comprehensive review of the nature of emergency management in the Commonwealth of Pennsylvania and requested that JLWA review statewide emergency management more closely, including Commonwealth agencies' leadership, coordination, and organizational structures; relationships between Commonwealth agencies and local and regional actors; state laws and regulations; and statewide adoption of the National Incident Management System (NIMS). This second report is the product of that review.

In calling for this second report, the Governor recognized that Pennsylvania needed to improve its emergency management capabilities. This report is intended to focus on the Commonwealth's most critical and immediate needs.

JLWA interviewed several current and former Commonwealth employees from the Office of the Governor, PEMA, the Pennsylvania Department of Transportation



Source: Pennsylvania National Guard

(PennDOT), OHS, the Pennsylvania State Police (PSP), the Department of Health (DOH), and local emergency management officials from rural and urban areas of the Commonwealth. In addition, JLWA reviewed existing plans, legislation, budgets, and other documents to gain a full understanding of Pennsylvania's structure, capabilities, resources, and management.

The JLWA team consisted of experienced experts in the fields of emergency management, public safety, homeland security, and critical infrastructure protection. Since the culmination of the Winter Storm Report, JLWA has drawn on a variety of experts in many sub-fields of emergency management to provide a thorough review and to identify areas of strength and weakness.

As part of the engagement, JLWA encountered other issues that need to be addressed, such as the relationship between PEMA and OHS and issues that deal more directly with local governments. Where appropriate, JLWA has provided discussion and suggestions for these issues, but did not go into as much depth as our areas of primary focus. For this reason, JLWA suggests that the Commonwealth continue to examine these areas in greater detail as a next step.

Focusing on the specific elements of our scope of engagement, JLWA requested documents from the Commonwealth, including substantial documentation resulting from the Winter Storm Report's suggestions and subsequent directions from the Governor. Several individuals were interviewed in person or via phone. JLWA's previous work in the Commonwealth, the City of Philadelphia, and the Southeast Pennsylvania Regional Task Force proved helpful in this engagement as well.

Based on the data from this review, the team benchmarked various aspects of the Commonwealth's performance against best practices and developed draft suggestions. This was a collective effort and no individual findings and suggestions survived the vetting process unless supported by the team.

Emergency Management since September 11

Pennsylvania is not alone in facing challenges with emergency management. External factors, especially the constantly changing directions and expectations from the federal government since September 11, 2001, combined with the influx of hundreds of millions of dollars in grant money, have led to confusion for state and local emergency management officials around the country. A brief review of how the nation got to this point may be instructive.

After the terrorist attacks of September 11, 2001, the federal government recognized the need for greater collaboration and communication between the nation's national security and emergency management agencies. President Bush, under the National Strategy for Homeland Security, dated July 16, 2002, defined homeland security to include: intelligence and warning, border and transportation security, domestic counterterrorism, protection of critical infrastructure, defense against catastrophic terrorism, and emergency preparedness and response. Through executive order President Bush established an Office of Homeland Security to oversee these functional areas. However, after delibera-

tions with Congress, the federal government decided to establish a broader Department of Homeland Security (DHS) to unite 22 agencies that dealt in some way with homeland security issues under one cabinet agency. Recently, DHS issued a new national response framework.

From the beginning, DHS had difficulty coordinating the functions of the many intelligence and security agencies with the Federal Emergency Management Agency (FEMA). This caused confusion within DHS and among the states about FEMA's role in public safety issues. As with the federal government, states have had problems in determining the lines of responsibility between homeland security and emergency management departments and institutionalizing the coordination between these different departments.

In addition, the federal government grant process has given states the incentive to re-prioritize away from emergency management and toward homeland security. As a result, states' homeland security budgets have grown in the last few years without a comparative rise in traditional emergency management functions.

The ground from Washington continues to shift, providing opportunity for confusion at the state and local level. Earlier in 2007, as a result of Congressional action, the preparedness functions of DHS, which had been removed from FEMA, were moved back under the agency's control. As a result, Pennsylvania needs to develop an emergency management structure that is flexible enough to incorporate all future federal changes.

Emergency Management in the Commonwealth

Pennsylvania has held a prominent role in the development of national emergency management practices. The Johnstown Flood in 1889 ranks amongst the worst tragedies in our nation's history and was the first disaster response effort by the American Red Cross.



Source: PEMA

Pennsylvania's emergency management system has dovetailed closely with the federal system over the last fifty years. In 1951, the Commonwealth created the Council on Civil Defense to be charged with the coordination and response of all disturbances within Pennsylvania. In 1978, while the federal

government was deliberating whether to create a new emergency management agency, Pennsylvania recognized the necessity of such a department and created PEMA. Under the same act, the Pennsylvania Emergency Management Council was created, which was responsible for policy and direction of the Commonwealth's emergency management program.

Immediately after PEMA's creation, Pennsylvania witnessed one of the most notorious disasters in U.S. history. On March 28, 1979, a partial core meltdown to the Three Mile Island Nuclear Generating Station near Harrisburg occurred. This crisis showed the lack of statewide evacuation planning and public protection in Pennsylvania. After the event, PEMA took steps to rectify these issues.

Since the Three Mile Island event, Pennsylvania has experienced disasters caused by various hazards, including floods. In January 1996, rivers and streams throughout Pennsylvania experienced major flooding as ice jams caused temporary damming of stream channels in more than 50 communities. Ten years later, in June 2006, severe flooding plagued the Commonwealth again.

Like many states, after the creation of the federal DHS, Pennsylvania created OHS as part of the Governor's Office to work with its federal counterpart, DHS, on homeland security policy and grants. On a regional level, Pennsylvania created Regional Counter-Terrorism Task Forces to coordinate regional efforts for planning, response, and recovery for a terrorist event. These Regional Task Forces have recently been restructured to incorporate all types of emergencies and are now simply called Regional Task Forces (although their names have not been changed statutorily).

1.0 Restructuring the Commonwealth's Emergency Management Organization

Key Suggestions:

1.A. Create a new, cabinet-level Department of Emergency Management and Homeland Security and appoint a Secretary to lead the new Department.

1.B. Establish an Interagency Executive Management Committee.

Highlights from JLWA's Findings – The Pennsylvania Emergency Management Agency

The Governor's commitment to emergency management extends to the agencies that run the Commonwealth's programs and enact the government's policies. In Pennsylvania, PEMA is the primary agency charged with overseeing emergency management. PEMA coordinates with a number of agencies on issues regarding public safety, emergency response, strategic planning, and public information, among others. A strong relationship between PEMA and the other Commonwealth agencies (and within PEMA itself) is critical for the Commonwealth to be successful in these areas.

PEMA's success depends on the quality and experience of its own leadership. The roles and responsibilities of its emergency manager are complex, difficult, and require the same abilities and strengths of a good manager or administrator of a large, complex organization. The position demands full-time work and a high degree of professionalism.

In recent years, PEMA has not worked as closely as necessary with its partners in other state agencies and county and municipal governments. These issues stem primarily from PEMA's internal problems. PEMA has suffered from a lack of leadership due, in part, to frequent turnover in the director position and a subsequent lack of morale from line staff.

JLWA found that PEMA's administrative infrastructure was not sufficient. There was an institutional lack of understanding about finances, budgeting, payroll, and accounting in PEMA, which had led to poor financial decisions. Critical vacancies have been unfilled despite the agency having sufficient funds. These internal issues have taken their toll on PEMA's ability to provide emergency management in the Commonwealth and, as a result, other agencies have taken to working around PEMA in certain circumstances.

Following the Winter Storm Report, the Governor's Office reassigned individuals recognized for their financial, human resource, management, and information technology skills to work at PEMA on a limited-term or part-time basis. In interviews with JLWA, these in-house experts identified a general lack of financial literacy within the agency and have already implemented several important changes that have enhanced PEMA's ability to address its core mission.

Among their major findings:

- Authorized funding for PEMA positions has actually increased from 141 to 172 positions from fiscal year 2000 to 2006.
- Due to accounting practices and other factors, many positions remained vacant. The vacancy rate for fiscal years 2003, 2005, and 2006 exceeded 12 percent.
- Due in part to the substantial number of vacancies, a substantial amount of overtime was authorized and used.
- By paying PEMA employees from state appropriations first and then turning to federal grants only when state appropriations are exhausted, PEMA has not taken full advantage of federal resources provided to the Commonwealth.
- PEMA currently has no internal audit or performance management program.

Highlights from JLWA's Findings - The Pennsylvania Office of Homeland Security

The national strategy for homeland security is spelled out in a series of Presidential Directives. The National Preparedness Goal Homeland Security Presidential Directive (HSPD-8) was issued in 2005, and contains seven priorities. The December 2005 final draft version of the National Preparedness Goal added an eighth priority to strengthen planning and citizen preparedness capabilities. The first three are overarching priorities. The last five are capability-specific ones.

- Implement the National Incident Management System (NIMS) and National Response Plan.
- Expand Regional Collaboration.
- Implement the National Infrastructure Protection Plan.
- Strengthen Information Sharing and Collaboration capabilities.
- Strengthen Interoperable Communications capabilities.
- Strengthen Chemical, Biological, Radiological, Nuclear, and Explosives (CBRNE) Detection, Response, and Decontamination capabilities.
- Strengthen Medical Surge and Mass Prophylaxis capabilities.
- Strengthen planning and citizen preparedness capabilities.

It is expected that state homeland security and emergency management departments throughout the country manage these issues.

The Commonwealth established OHS via executive order in 2002. The OHS Director reports to the Office of the Governor. Including the Director, OHS has only four full-time staff, but has been considering hiring two additional staff members. Since September 11, 2001, the federal government has increased the expectations and workloads of states, specifically related to Homeland Security. The resources dedicated to the Homeland Security function in Pennsylvania have not been enhanced as they have been in peer states¹.

OHS is 100 percent funded through DHS grants. Nearly one-half of the states provide state funding for at least twenty percent of the homeland security budget.

¹NEMA Profile of State Emergency Management Directors and Their Agencies, Results of FY 2007 Survey, National Emergency Management Association, 2007. www.nemaweb.org/?1814."

Executive Order 2006-05, regarding Homeland Security and Emergency Preparedness Organizational Structure in the Commonwealth, differentiated the roles and responsibilities among OHS, PSP, and PEMA. The Executive Order states that PSP is responsible for prevention, OHS is responsible for protection, and PEMA is responsible for response and recovery.

According to OHS, the Office's responsibilities are focused primarily on implementation of the National Infrastructure Protection Plan for the critical infrastructure sites identified within Pennsylvania. The National Preparedness Goals related to NIMS implementation, regional cooperation, and sharing information and collaboration have been assigned to PEMA. The Interoperable Communications initiative was reassigned from PSP to the Office of Administration (OA). DOH is responsible for the medical capabilities. The Governor's Deputy Chief of Staff coordinates all these functions, along with numerous other non-emergency management and homeland security responsibilities.

The OHS Director reports directly to the Office of the Governor and is strategically guided by the Emergency Management Council, led by the Lieutenant Governor. The OHS Director is also a member of the Governor's Homeland Security and Emergency Preparedness Executive Council, which is comprised of Commonwealth department heads and other agency heads. Finally, OHS has its own steering committee made up of public- and private-sector actors who provide specific homeland security guidance on protection issues for the Commonwealth's critical infrastructure.

The OHS Deputy Director is directly responsible for the National Infrastructure Protection Plan. He provides policy direction for this program and depends on PSP to conduct risk and vulnerability assessments for the sites identified as critical infrastructure in the Commonwealth. JLWA found little evidence of coordination between PSP and OHS with regard to how, when, and why risk and vulnerability assessments are completed.

Interviews revealed little coordination and communication between PEMA and OHS concerning mitigation. Interviewees reported that interpersonal relationships had impeded coordination between the two agencies in the past.

The additional responsibilities from the federal government and the increasing pace of change require much more coordination than can reasonably be managed at the Governor's staff level. The Governor's Deputy Chief of Staff has many responsibilities outside of homeland security. The increasing scope of these issues requires more coordination and cooperation at the interagency level.

Suggestions

Our findings clearly demonstrate a need for a more coherent organization between the functions of PEMA and OHS. This conclusion reflects the ongoing concern of the Governor and others in Pennsylvania regarding how best to structure the Commonwealth's emergency management resources in the post-September 11, post-Katrina era of emergency management. This is an issue for states across the country. The constantly changing view in Washington, D.C., regarding the roles and relationships between the federal DHS and FEMA contributes to the confusion.



Source: PEMA

At the most basic level, any homeland security/emergency management structure must have a clear point of accountability for management and coordination. The nature of emergency management and security issues necessitates that many agencies and individuals work together and, without a central coordinator, it is difficult to achieve success.

In Pennsylvania, some have suggested forming a new Department of Public Safety. Others, including the committee organized to look at and recommend modernization of PEMA's statutory framework, including the Emergency Management Services Code, recommended maintaining the status quo. What follows are the suggestions from JLWA based on an evaluation of each proposed organizational structure.

1.A. Create a new, cabinet-level Department of Emergency Management and Homeland Security and appoint a Secretary to lead the new Department.

Because of each state's unique organizational structure, needs, and resources, there is no single, national best practice for the structure of statewide emergency management. JLWA conducted research on how other states have integrated homeland security functions into their governments. During the course of compiling this data, at least three states announced their intentions to restructure their emergency management and homeland security functions, reinforcing the point that this is a top concern and a challenge faced around the country. JLWA has summarized the information in the following chart.

A Comparison of Where State Homeland Security Organizations Are Located

	AL	AK	AZ	AR	CA	CO	CT	DE	FL	GA	HI	ID	IL	IN	IA	KS	KY
Co-located or under an Emergency Management Agency		X		X			X						X		X	X	
Under a Dept or Office of Public Safety																	
Under State Police or Law Enforcement					X				X								
Under Military, Veteran's Affairs or Civil Defense		X									X	X			X	X	
Stand-alone Office	X		X		X			X		X				X			X
Part of the Office of the Governor or Cabinet	X		X		X												

	LA	ME	MD	MA	MN	MI	MO	MT	NE	NV	NH	NJ	NM	NY	NC	ND
Co-located or under an Emergency Management Agency	X	X		X	X				X		X		X		X	X
Under a Dept or Office of Public Safety			X		X	X	X			X	X				X	
Under State Police or Law Enforcement				X												
Under Military, Veteran's Affairs or Civil Defense		X						X								
Stand-alone Office			X									X		X		
Part of the Office of the Governor or Cabinet	X		X						X			X	X	X		

	OH	OK	OR	PA	RI	SC	SD	TN	TX	UT	VT	VA	WA	WV	WI	WY
Co-located or under an Emergency Management Agency					X								X	X		
Under a Dept or Office of Public Safety	X	X					X	X		X	X					
Under State Police or Law Enforcement						X										
Under Military, Veteran's Affairs or Civil Defense													X	X		
Stand-alone Office			X	X					X			X				X
Part of the Office of the Governor or Cabinet			X						X			X			X	X

Pennsylvania has struggled with how to structure the disparate fields of emergency management and homeland security ever since the establishment of the federal DHS. These two fields should be complementary and should constitute the backbone of a system providing a range of services within public safety, from emergency response and planning to protection and counterterrorism.

Based on JLWA's review of the responsibilities, structure, resources, and relationships in Pennsylvania, JLWA makes the following suggestions to address the critical issues of emergency management in the Commonwealth.

JLWA suggests the creation of a new Department of Emergency Management and Homeland Security. This new, cabinet-level Department should lead the implementation and coordination of emergency management and homeland security policy developed both by the Governor and the Governor's Emergency Management and Homeland Security Council (as described below). This Department should be led by a Secretary, who serves as the Governor's advisor on homeland security and emergency management matters and who, in an emergency, serves as the Governor's principal point-of-contact for all Commonwealth agencies. The new Department should coordinate the public safety grant function and have a separate grant audit function to ensure that grant objectives are being met. The Secretary should work with other agencies to clarify the roles and responsibilities in areas, such as the National Infrastructure Protection Plan.

The chart on the following page shows the suggested organization of the new Department. Please note that sub-responsibilities identified are representative and not all-inclusive.

Other States: Emergency Management and Homeland Security

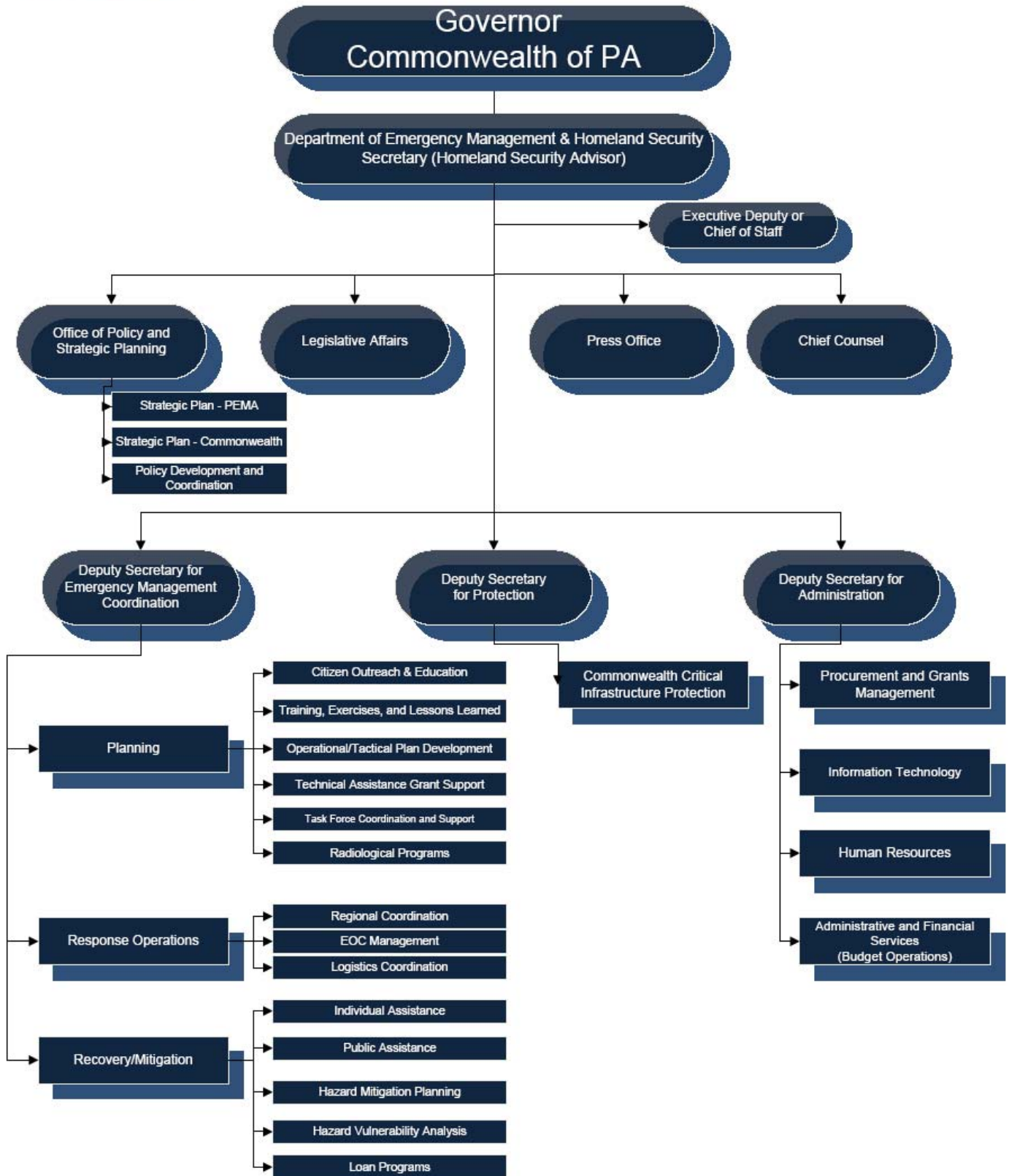
Many states are reevaluating their internal emergency management and homeland security structures to maximize executive authority, coordination with other agencies, and unity of function between the two disciplines. Below are a few examples.

Illinois

Illinois separates the homeland security and emergency management responsibilities within state government. Homeland security functions are coordinated through the Governor's Deputy Chief of Staff instead of through an office of homeland security. The state believes this structure allows homeland security matters to reach the Governor quickly and allows the Deputy Director of Public Safety and Homeland Security to direct traffic between the line agencies responsible for emergency management and public safety.

The Illinois Emergency Management Agency (IEMA) is responsible for emergency preparedness, mitigation, response and recovery. The head of IEMA is also the chair of the Illinois Terrorism Task Force (ITTF), an inter-agency council that determines emergency management and homeland security policies and priorities that relate to multiple state agencies. ITTF provides management of all federal homeland security grants, and includes all counties and municipalities over 100,000 people to ensure regional representation. disasters.

Recommended Organization



A discussion of the thought process leading to this suggestion follows:

The existing emergency management structure, including the various committees and Regional Task Forces, was developed in an incremental fashion, often in response to federal actions since September 11. When looking to identify the best structure for Pennsylvania, two questions should be answered:

- What would the emergency management and homeland security structure look like if created for the first time today, unburdened by historic factors?
- How does the Commonwealth migrate from the current structure to the new structure?

In response to the first question, JLWA looked at the roles and responsibilities asked of states today. The amount of work in this area has increased several-fold over the past six years with additional homeland security functions, such as: new homeland security grants; new expectations about the ability to handle catastrophic events, including care for those with special needs after the public failures during Katrina; the continuous definition of the relationship between the federal, state, and local governments; increased focus on preparation for medical surge; and increased awareness of the need for educating citizens on how best to prepare themselves and their families.

It is clear that the primary roles of the state are to provide leadership, ensure cooperation both amongst state agencies and with federal and local governments, and, in recognition that the state cannot do it alone, aggressively promote partnerships with its local partners, the private and non-profit sectors and citizens in general.

It is also clear that the need to accomplish all these objectives requires much more attention on a day-to-day operating basis than can reasonably be expected from the Governor and his staff.

Therefore, a single agency is required, but in what form?

JLWA considered other structural options, including the formation of a Department of Public Safety to include State Police, PEMA, OHS, and other agencies in government.

Other States: Emergency Management and Homeland Security (continued)

New Mexico

During the 2007 legislative session, New Mexico merged the New Mexico Office of Emergency Management and the Governor's Office of Homeland Security. The new office, titled the Department of Homeland Security and Emergency Management, became a cabinet-level agency and oversaw all roles of the former two offices. The new office is the state's coordinating agency for all federal homeland security grants and is the agency in charge of emergency preparedness, response, and recovery to terrorism and natural disasters.

Given the increasing responsibilities from the federal government, JLWA believes that the Commonwealth should have one agency focused on the coordination of its emergency management and homeland security functions. The mission of a larger Department of Public Safety would have to include other significant responsibilities, such as law enforcement, thereby diluting the focus on

emergency management and homeland security. There is also the issue of embracing the spirit of NIMS, which is more likely to progress at an accelerated rate under an agency focused on emergency management than under a Department of Public Safety.

A model based on the federal DHS was not seriously considered for many of the same reasons.

JLWA therefore arrived at the need for and ultimate goal of a new, cabinet-level department, relieving the Governor's Office of day-to-day coordination responsibilities, and enabling the Commonwealth to provide the leadership, coordination, and sense of partnership required to make all this happen.

Coordination is the key term. The Commonwealth is not flush with resources. It will be the responsibility of the new Department to coordinate resources from all appropriate agencies.

In the immediate future, the Governor could explore options that would include shifting the OHS responsibilities within a division of PEMA by executive order, while working with the Pennsylvania Legislature to create the Department permanently through legislation.

The Governor has already taken initial steps to address the leadership challenges at PEMA by appointing a new director, filling key vacancies, and providing fiscal expertise. The next most important step is to correct structural and organizational issues apparent within the Commonwealth government.

In the post-September 11 and post-Katrina world, the federal government and citizens expect much more from emergency management and homeland security professionals at the state and local level. The Governor therefore needs a strong leader to coordinate all these new and traditional emergency management and homeland security challenges. Traditionally, this leadership and coordination role has been the responsibility of the Gov-

Other States: Emergency Management and Homeland Security (continued)

California

California is considering reorganizing its emergency management and homeland security functions into a new cabinet-level public safety agency. The new agency would fold in all public safety and emergency management agencies within the state (such as the Office of Emergency Services, the California Highway Patrol, and the Office of Homeland Security). The state believes that the restructuring will mirror the federal system and would allow the various arms of the state's public safety structure to better coordinate, plan, train, and respond together.

Colorado

The Governor of Colorado has overhauled the state's emergency management and homeland security structure. Upon entering office in January 2007, he oversaw an internal review of these two programs and, on July 12, he announced the creation of an executive-level position of Governor's Homeland Security Coordinator by executive order. This new position coordinate all homeland security programs from the Department of Local Affairs and Public Safety and the interagency All Hazards Senior Advisory Committee. In addition, the Homeland Security Coordinator will work closely with the Colorado Division of Emergency Management, which is responsible for preparing for, responding to, and recovering from disasters.

error's executive staff. However, the overall scope of responsibilities for Commonwealth-wide emergency management requires more time and energy than the Governor's executive staff can consistently provide.

Early in the review, JLWA identified leadership issues at PEMA and, on July 20, the Governor appointed a new PEMA Director, who started his current position on August 13. The current PEMA Director will have to address leadership within the agency and achieve buy-in from the staff. The state emergency management leader should also be responsible for the following five core responsibilities:

1. Building strong partnerships. The state emergency manager should pursue partnerships with other state leaders, local government, academia, the private sector, the public, and the media. These partnerships will bolster preparedness by facilitating recruitment and training, establishing credibility and enabling collaboration, creating a reliable communication mechanism, and leveraging knowledge to assess risks and manage response. The director will rely on these partnerships when leading response to catastrophic events.
2. Infusing preparedness throughout the executive branch. The emergency manager should build upon the relationships established with leaders of other agencies to ensure that emergency preparedness is a priority in the operations of all state departments.
3. Using fiscal policy to meet goals. The emergency management director should be aware of state and federal fiscal policies to enable the leader to fully leverage available resources and achieve desirable outcomes.
4. Empowering civil servants to work for outcomes. It is important for the emergency management director to inspire in emergency managers the confidence, innovation, and passion necessary to protect citizens.
5. Viewing residents as customers. Every decision made by the emergency services leader must reflect the best interest of victims of past and future events. Each stage of policy formation, resource allocation, and management decisions must focus on the needs of citizens. It is essential to solicit feedback from victims and residents about the Department's efforts and improve service based on satisfaction levels.

The Secretary of the new Department must protect the state's residents, communities, and economy from emergencies and catastrophic events. The task is certainly difficult to achieve. People determined to cause harm through terror or other means cannot always be stopped, and the forces of nature cannot be contained. However, the effects of such events can be minimized through the following steps:

- Appoint the best leader. The challenges facing any state require a highly qualified leader. The state's emergency management leader should have a national presence, the ability to marshal the state's citizens to prepare for the unthinkable and the vision to safeguard the economy against harm.
- Establish a vision. The emergency management leader must have a proven record of developing and implementing a broad vision for preparedness. The leader must demonstrate the capacity, knowledge, and confidence to garner public and professional trust.
- Create an effective strategy. The leader must possess acute analytical and critical thinking, and decision-making skills. The ability to plan strategically and make good

judgments in advance of emergency events and under extreme pressure is essential. And the leader must continually measure progress and refine the preparedness strategy to achieve outcomes.

- Build commitment. The emergency management leader must demonstrate the ability to collaborate, form coalitions, and resolve conflicts among various levels of government, disparate emergency management professionals, the private sector, and the public to forge a commitment to success.
- Leverage multiple tools. The state's emergency management leader must be skilled at using every available tool to ensure the state's preparedness. The leader must be prepared to develop and market policies, regulations, and other tools to prepare and protect the state.

1.B. Establish an Interagency Executive Management Committee

In the current emergency management environment, states are required to lead, collaborate, and partner on emergency management and homeland security issues with agencies at the federal, regional, and local level and with multiple, often unorganized, private and non-profit organizations.

In response to recent events and federal government programs, states have created a hodgepodge of individual committees and task forces, some consisting just of state agencies and others including federal, local, and private sector partners. Recognizing the duplication and excessive resources being dedicated by sending representatives to these respective meetings, some states have streamlined their task force structure, intending to capture the time and ideas of those public and private sector experts best able to help the state move forward.

JLWA suggests that the new Department be responsible for coordinating and managing emergency management functions across all appropriate Commonwealth agencies. To assist in this coordination, JLWA believes the Governor should establish an Interagency Executive Management Committee made up of all the Commonwealth agencies involved in emergency management and homeland security efforts as the central body to enable the new Department to coordinate and manage the Commonwealth's preparedness strategy. To avoid duplication, this Committee would replace all other similar interagency committees. JLWA suggests that the Governor appoint the new Secretary to chair the Committee.



Source: PEMA

2.0 Active Participation and Leadership by the Governor and the Governor's Emergency Management Council

Key Suggestions:

2.A. Disband the current Emergency Management Council and reconstitute it as the Governor's Emergency Management and Homeland Security Council.

2.B. Show a public commitment to emergency management and homeland security.

The suggested reorganization outlined in the previous section will provide Pennsylvania with an enhanced structure to coordinate, manage, and organize emergency activities throughout the Commonwealth. Equally important to the success of emergency management in Pennsylvania is a visible commitment from the Governor.

An effective emergency management system requires the active engagement of the organization's most senior leader. One of the most important suggestions is for the Governor to communicate his commitment to enhancing emergency preparedness to all Commonwealth and local agencies, as well as to individuals and families throughout Pennsylvania.

Governors have the mandated responsibility to promote the general welfare and provide for the common good of the citizens of the state.

Because of this, governors have special powers and resources that can be used in emergency situations. Governors have the authority and responsibility to carry out the functions of emergency management for the state. Typically, governors give state emergency management agencies the primary role in determining state actions for emergency mitigation, preparedness, response, and recovery. Despite this, the organization of state emergency management agencies varies greatly among states.

Without proper support and leadership, these emergency management responsibilities can be lost in the shuffle of statewide priorities until a disaster happens, after which the state's reputation can be severely damaged.

A former Midwest governor, facing the 500-year flood of the Mississippi River in 1993, recounted the prediction he was given when he attended Harvard University's program for new governors. He was told that sometime during his term he was likely to be challenged by a natural disaster or terrorist event and how he handled that event would have much more of an impact on his legacy than any other factor.

2.A. Disband the current Emergency Management Council and reconstitute it as the Governor’s Emergency Management and Homeland Security Council.

For Pennsylvania to develop a lasting commitment to emergency management and homeland security, the Governor should bring together a wide range of stakeholders from the Commonwealth. These stakeholders should include: regional bodies, local governments, the private sector, and, when appropriate, the federal government. By bringing together these various actors, the Commonwealth will have a greater understanding of the needs of its citizens and at the same time, will be able to manage the policies and procedures of emergency management throughout the Commonwealth.

Emergency management and homeland security are not wholly detached from the rest of Commonwealth government. Instead, they are fields that require assistance from other functional areas in order to succeed. Departments responsible for health, public safety, state police, military, and transportation, among others, have roles to play to help states prepare for, respond to, and recover from emergencies.

For this reason, many states have arranged oversight bodies that include all major state stakeholders (see the chart). These advisory councils, task forces, committees or commissions foster interagency collaboration and provide a forum to guide strategic planning. In addition, state agencies can develop policy for the many emergency management and homeland security issues that overlap departments, such as interoperable communications, critical infrastructure, funding streams, and command and control issues.

Other States: Councils Established to Guide Emergency Management and/or Homeland Security Efforts			
	Task Force/ Committee/ Council/ Commission		Task Force/ Committee/ Council/ Commission
Alabama		Montana	X
Alaska		Nebraska	X
Arizona		Nevada	X
Arkansas		New Hampshire	
California	X	New Jersey	X
Colorado	X	New Mexico	
Connecticut		New York	
Delaware	X	North Carolina	X
Florida	X	North Dakota	X
Georgia	X	Ohio	X
Hawaii		Oklahoma	
Idaho		Oregon	
Illinois	X	Pennsylvania	X
Indiana		Rhode Island	
Iowa		South Carolina	
Kansas	X	South Dakota	
Kentucky		Tennessee	X
Louisiana		Texas	
Maine	X	Utah	
Maryland		Vermont	X
Massachusetts	X	Virginia	
Michigan		Washington	
Minnesota		West Virginia	
Mississippi		Wisconsin	X
Missouri	X	Wyoming	X

Title 35 entitled the “Emergency Management Services Code,” created the Pennsylvania Emergency Management Council, which establishes policy and direction for the emergency management program Commonwealth-wide. The Council membership includes the Governor, the Lieutenant Governor, the secretaries of the various Commonwealth departments with emergency response and recovery capabilities, the leadership of the General Assembly, and representatives of county and municipal government associations, labor, business and industry, and the private sector. The Council is directed to meet at least three times a year and within 72 hours after the governor declares a disaster emergency. Title 35 states that the Governor may designate a member to serve as chairperson. Five members shall constitute a quorum.

In addition to the Council’s responsibilities set forth in the Code, it may review and approve certain actions required under other laws, such as the Radiation Protection Act. Under that Act the Council approves annual programs of work and spending plans for counties in emergency planning zones by nuclear power-generating stations.

The Council is also directed by Title 35 to serve as the Commonwealth’s Disaster Recovery Task Force. For this mission it may use its core members as well as invite other relevant organizations and departments. When directed by a governor to do so, the Commonwealth’s Disaster Recovery Task Force conducts a thorough study of a disaster and its causes and impacts. It then makes suggestions that might prevent future disasters, lessen their impact, and help expedite recovery at the state, county, and municipal level.

Traditionally, the Lieutenant Governor has chaired the Council, and its level of involvement in policy and operations has been dependent upon the management style of the Governor and the Lieutenant Governor. In the current Administration, the Council has not been as active as in past administrations and has played a lesser role in policy development. There have been enough disasters in recent history that the Council’s three required annual meetings have been accomplished by meeting after disaster declarations. The Governor

Per Title 35, current Emergency Management Council Membership includes: “The Governor, Lieutenant Governor, State Director of Homeland Security, Adjutant General, Secretary of Health, Attorney General, General Counsel, Secretary of Economic and Community Development, Secretary of Conservation and Natural Resources, Secretary of Environmental Protection, Secretary of Transportation, Secretary of Agriculture, Secretary of Public Welfare, Commissioner of the Pennsylvania State Police, Chairperson of the Public Utility Commission, State Fire Commissioner, Speaker of the House of Representatives, President pro tempore of the Senate, Minority Leader of the Senate and Minority Leader of the House of Representatives. The Speaker of the House of Representatives, President pro tempore of the Senate, Minority Leader of the Senate and Minority Leader of the House of Representatives may authorize a member of their respective Houses of the General Assembly to serve in their stead. The Governor may authorize up to two representatives of business and industry, up to two representatives of labor, up to two public members at large and one representative respectively of the Pennsylvania State Association of County Commissioners, the Pennsylvania State Association of Township Commissioners, the Pennsylvania State Association of Township Supervisors, the Pennsylvania League of Cities, the Pennsylvania State Association of Boroughs to be nonvoting members of the council.”

has not directed the Council to prepare studies or reports. This Administration has relied upon senior staff of the Governor's office to lead the policy direction of the Commonwealth emergency management program.

At present time, the Emergency Management Council is largely ceremonial and does not provide a strong role in oversight, policy, or budget for emergency management in the Commonwealth.

JLWA suggests that the Governor reconstitute the current Emergency Management Council, by reinvigorating it as the Governor's Emergency Management and Homeland Security Council. The Governor should lead the Council and he may appoint a designee, such as a Deputy Chief of Staff, to attend later meetings. Its membership should promote partnerships and include key high-profile Commonwealth, local, and private-sector leaders (including legislators and representatives from the utility, healthcare, university, communication, and transportation sectors). The Council is a statutorily created body and therefore, a more formal change including membership could only occur with legislative amendment. As Executive Director of the Council, the Secretary of the Department of Emergency Management and Homeland Security would be charged with implementing the strategies, policies, and coordinating the advice of the Council. The Council should have an advisory role in the development of criteria and priorities for federal homeland security grant funding, as well as request and allocate such funding from the DHS.

2.B. Show a public commitment to emergency management and homeland security.

Often a major event reveals problems and refocuses a governor's attention. Governor Rendell was widely praised for accepting responsibility for the Winter Storm performance and for bringing in expert consultants to conduct an independent investigation. In addition, he expanded the scope of the engagement, which led to this analysis. The Administration's intense focus on building PEMA's financial and management infrastructure also indicates that the Governor is dedicated to moving forward.

After the Winter Storm in February, the Governor voiced his commitment to improving emergency management within Commonwealth government. In order to succeed, he needs to maintain a high level of commitment to emergency preparedness, mitigation, response, and recovery not just within Pennsylvania government and among Commonwealth agencies, but also among the Commonwealth and local and municipal governments, the private sector, and the federal government.

Whatever approach is ultimately taken, the Governor, the State Emergency Management Director, and all relevant Commonwealth department heads must be personally involved in and remain committed to emergency planning and preparedness. Too often emergency management responsibility is delegated by the Governor's Office, yet the information returned from the responsible agencies is not in the form and substance needed to help the Governor meet his responsibilities.

Moving forward, the Governor should demonstrate a continued commitment to public safety through:

- Actively leading and communicating the importance of emergency preparedness for all types of hazards;
- Revitalizing and actively chairing a new Governor’s Emergency Management and Homeland Security Council;
- Creating a cabinet-level agency for Emergency Management and Homeland Security to be led by a Secretary;
- Communicating that the Emergency Management and Homeland Security Secretary is the Governor’s initial and primary point-of-contact in an emergency;
- Designating the Secretary as the Commonwealth’s Homeland Security Advisor; and
- Working with the Legislature on other statutory revisions suggested in this report.



Source: PEMA

3.0 The Creation of a Strategic Plan for Emergency Management and Homeland Security

Key Suggestion:

3.A Require the new Department to lead a strategic planning process.

3.A Require the new Department to lead a strategic planning process.

A fully-developed strategic planning process helps any emergency management agency achieve a governor's long-term goals and objectives. Strategic planning would help the new Department of Emergency Management and Homeland Security develop a vision to guide near-term priorities and budget allocations. Benefits of such a process include: building trust and relationships among staff, fostering a consensus on goals and objectives among staff and stakeholders, and developing a way to evaluate departmental and overall program performance. The strategic plan should become the basis for budgeting, planning, execution, and evaluation of departmental activities and form the foundation for the programs and plans that drive day-to-day operations.

It is wise to delineate the differences between strategic planning and tactical and operational planning. Tactical and operational plans are used to define how to get things done. What resources, staff, budget, facilities, time, and information are needed to accomplish tasks, develop programs and capitol projects, and respond and recover from disasters? Such planning activities help determine how to carry out programs to achieve some objective or budget assumption.

Strategic planning deals with the question of what should be done. A strategic plan develops the goals and objectives that emergency management programs and activities should be working toward. While the strategic plan will outline where the emergency management agency hopes to be sometime in the future, it does not lay out the detailed road map to get there. Instead, it should offer strategies—basic directions or a course of action. The strategic planning process helps the organization develop the objectives they should set if they are to fulfill their mission and adopt the Governor's priorities, not what they should do to achieve those objectives.

The Strategic Planning process should answer such questions as:

- What should be provided, for whom, and how? (The Mission);
- Where are we today? Who are our customers? What are our planning assumptions? What are our strengths and weaknesses? (The Situation);
- What do we hope to achieve and how will we know if we get there? What are the key performance indicators for us? (The Vision);
- What are the gaps between current situation and vision;
- What obstacles or barriers do we see? (The Barriers to Progress); and
- What directions or courses of action should we set out? (The Strategy).

All of this leads to tactical questions. What do we need to do to turn our strategies into action? How do we do it? The answers to these questions are then adopted in the Operational Plan.

Several things have to occur for this process to be successful:

- The same people who are responsible for performing the job must develop the strategic plan.
- Leadership must invest the time in the strategic planning process.
- Variables change, so the strategic plan has to be a process. It needs to be revisited annually.
- The strategic plan must be coordinated with ongoing planning decisions in mind, or it will revert to reactive, crisis-driven operations.

PEMA lacks the institutional plans to guide its decision-making and does not have an active strategic plan as evidence by the fact that its mission statement dates back to the previous administration. There are no clearly defined goals and objectives. Frequent internal disagreements among line employees threaten an agency-wide spirit of teamwork and collaboration. Executive Managers do not work closely with the staff, reinforcing this lack of cooperation.

The JLWA interviews with PEMA staff and local emergency managers revealed inconsistent opinions on the status of any strategic planning process in PEMA. Some senior staff felt there was a strategic plan and that a process was started about two years ago to come up with an updated vision statement. It was described as a very informal process that was being accomplished for the Emergency Management Accreditation Program (EMAP). It was acknowledged that specific performance objectives were not tied to the process as much as the senior staff wanted.

Lower ranking employees who were interviewed were not aware of a strategic plan or a strategic planning process. Lack of resources and changing administrations and priorities were cited as the challenges to strategic planning. An annual statement of work was prepared to meet funding requirements, but it was not felt that this was tied to any overarching document.

County Emergency Coordinators were not aware of any strategic plan or planning process at all. Some relayed that they were aware of a vision statement, but it was not followed. Changing visions due to changing administrations and leadership were also cited as impediments. Several coordinators commented that the planning guidance provided by PEMA was limited to operational, not strategic, plans. Many of the local coordinators who JLWA interviewed felt that county and municipal input should be sought in a Commonwealth-wide strategic planning process.

As described in Suggestion #2, the Governor's Emergency Management and Homeland Security Council would advise Commonwealth-wide emergency preparedness and homeland security policy issues, and the new Department of Emergency Management and Homeland Security would lead the Commonwealth's efforts to implement these policies. To guide and implement policies efficiently, the Secretary of the new Department should lead a strategic planning process, including the development of a new mission statement and a review of current strengths, weaknesses, threats, and opportunities. The Strategic Plan should be tied to the suggestions of this analysis, the Legislative Budget and Finance Committee report, and the new Federal Homeland Security Guidelines.

Based on the policy advice of the Council, a vision should be established. Goals, objectives, and tactical action plans required to achieve that vision should be developed. The planning process should include, but not necessarily be limited to: the relationships with state and federal agencies; the mission of homeland security and integration of critical infrastructure protection and other homeland security functions; priorities and process for mitigation; enhancing planning capacity; enhancing response capability; training and exercising; planning and response for special needs populations; grants management; and relationships with local governments and the private sector.

New leadership has transformed the Office of Public Health Preparedness (OPHP), DOH, into a functional, effective, and accountable office. The new OPHP Director has led the office and its stakeholders through a strategic planning process, developing an impressive 2007-2010 Strategic Plan. The current leadership for the proposed Department of Emergency Management and Homeland Security should work closely with the OPHP Director to discuss lessons learned and successes from the strategic planning efforts. Currently, OPHP works with PEMA staff on specific initiatives such as the citizen education strategic plan, but the leadership should meet to create a system for coordinating these efforts across the agencies.

PEMA's executives should ensure that the process will be completed and continued. It requires resources, but most of the resources will be needed upfront in getting the process started. Once the planning process is initiated, it will require minimal effort to provide annual reviews and updates of the strategic plan and will have cost benefits through continual improvement of the Commonwealth's emergency management program.

4.0 Developing Partnerships with Local Governments, the Private Sector, and the Federal Government and Launching a Citizen Preparedness Campaign

Key Suggestions:

4.A. Require the new Secretary to reestablish partnerships with local governments.

4.B. Require the new Department to work with local partners and the Governor's Emergency Management and Homeland Security Council on strategies for homeland security grant funding.

4.C. Require the new Department to provide a multi-year training and exercise plan for local governments.

4.D. Require the new Department to detail the relationship between the Commonwealth and federal governments in its State Emergency Operations Plan (SEOP).

4.E. Require the new Department to work to develop public-private partnerships and work with the private sector to better integrate businesses into plans for emergency preparedness and response.

4.F. Require the new Department to increase the number of personnel dedicated to citizen outreach and partnership development and to develop and launch a comprehensive citizen preparedness campaign.

Today's emergency management and homeland security challenges call for more active partnerships and coordination among the Commonwealth and local governments, the federal government, other states, the private sector, and the general public. Partnerships will improve coordination, facilitate the exchange of best practices and guidance, and streamline mutual aid and resource sharing.

Customer service and enhancing local government and private sector relationships in particular should be a key component of the new Department's mission and strategic planning. Led by the Governor through the Governor's Council and the Secretary of the Department of Emergency Management and Homeland Security, the Commonwealth should aggressively work to reestablish partnerships with local governments at all levels, focusing first on relationships with the Regional Task Forces and county emergency management officials.

4.A. Require the new Secretary to reestablish partnerships with local governments.

It is an established aphorism that, like politics, all emergencies are local. As such, many state governments across the country have policies that establish local governments as the initial lead when a disaster occurs. Local emergency managers know the area and its

resources; have established working relationships with the first responders and local authorities; and understand the demographics and population densities in their areas. This experience and institutional knowledge can assist local emergency management agencies divert resources quickly and effectively to the hardest hit areas in the hours and days before they receive state and federal assistance. Regional Task Forces may be established and available to assist in the coordination efforts.

However, states also recognize that the locals cannot handle this responsibility by themselves. Local response can be overwhelmed quickly and decisively in a large-scale event. Therefore, state-local interaction and collaboration has to be well thought-out and institutionalized. The most prepared states have developed guidelines for local officials to request a state-declared state of emergency in which the state is responsible for additional manpower and resources as needed.

States are developing detailed guidelines for how to assume control from the locals and what to do afterwards. Lines of succession need to be clarified. In the hectic aftermath of an emergency, confusion over who is in charge can lead to duplicative efforts, lost time, and general chaos. Most states have exercised and trained state, regional, and local emergency management personnel together on incident command and emergency response to prevent this scenario from occurring and breed a culture of familiarity and cohesiveness. States have worked with their local counterparts to develop common operating structures and guidelines, such as through NIMS.

The executive authority at the state level should be utilized to provide a coordinated, effective response that meets the needs of citizens and local governments during any disaster or major emergency. State government must also provide the means to request and effectively utilize outside support and backup resources when local capabilities have been exceeded and state or federal assistance is needed. This includes, but is not limited to, the establishment of mutual aid agreements and liaison contracts with other state and federal authorities.

Finally, state government must provide a realistic appraisal of hazard potential. This information is essential for state planning, prevention, and preparedness. It can also help support local government in carrying out their daily functions, such as permits and land-use regulation.

County governments contend that PEMA's area offices, although they make excellent efforts, do not have enough resources to support local emergency managers. For the most part, PEMA's area offices were commended overall for positive customer service, but there were not enough funds or employees to provide grants management, training, planning support, and technical assistance. In addition, the county emergency managers felt that PEMA's area offices and central office did not maintain a consistent message before and during an emergency event, furthering regional confusion.

Currently at PEMA headquarters, other than the Pennsylvania Citizen Corps Program Manager, only the Assistant to the Director, who functions as a liaison to the legislature, local governments, and local associations, has broad responsibilities for working alongside local governments.

A few interviewees commented that the relationship among Commonwealth and local officials is better today than it has been in the past, but all agree that there is much to be done.

Building strong partnerships with a variety of stakeholders at the local level is essential for efficient emergency response. Yet, for the partnerships to be successful, the 67 county and hundreds of local governments throughout Pennsylvania must embrace the Commonwealth's attempt to strengthen those partnerships. The Commonwealth can reach out to the local officials, but, in the end, it must still rely on local officials for their buy-in, requests, and situation updates. Commonwealth and local governments should develop a system for reporting issues from the local level to the state level across all phases of emergency management. Having this defined reporting structure in place could help bring in more active partners, delineate clear expectations among stakeholders, and alleviate some work for the municipal emergency coordinators (nearly all of whom are unpaid volunteers), the county emergency coordinators (who must spend their time first on their county commissions' priorities), and the Commonwealth personnel (who have responsibilities across the Commonwealth).

Customer service and enhancing local government and private sector relationships in particular should be a key component of the new Department's mission and strategic planning. Led by the Governor through the Governor's Council and the Secretary of the Department of Emergency Management and Homeland Security, the Commonwealth should aggressively work to reestablish partnerships with local governments at all levels, focusing first on relationships with the Regional Task Forces and county emergency management officials.

JLWA also suggests that:

- The Commonwealth clarify in Title 35 and in the SEOP all command and control and coordination responsibilities on the Commonwealth level to resolve any local emergency management confusion. PEMA's role should be specifically clarified.
- The Commonwealth provide more financial resources and personnel for PEMA's area offices to support technical assistance, planning support, training, and grants administration on the local level.
- The new Department of Emergency Management and Homeland Security evaluate its current outreach efforts and determine where efforts overlap and where additional resources (including staff) are needed to develop partnerships.

4.B Require the new Department to work with local partners and the Governor's Emergency Management and Homeland Security Council on strategies for homeland security grant funding.

Since September 11, 2001, the most significant change in the Commonwealth's emergency management responsibilities has been the management of hundreds of millions of dollars of new federal grant money. This money has certainly been helpful in preparing the Commonwealth, counties, municipalities, and citizens for potential terrorist attacks, but it has also been a cause of increased tension between the Commonwealth and local governments.

These grants were created by Congress and DHS to enhance the ability of Commonwealth and local governments to prevent, protect against, respond to, and recover from terrorist attacks and other disasters and are collectively referred to by DHS as the Homeland Security Grant Program.

As the sixth most populous state, with two significant urban areas, the Commonwealth of Pennsylvania has received more than \$400 million in homeland security and emergency management program grants since 2002². The Commonwealth of Pennsylvania represents 4.1 percent of the national population and has received 3.2 percent of specific homeland security grants (see the following chart).

² In addition to the grants allocated to and through the state, DHS issues grants directly for transit security to entities such as the Southeastern Pennsylvania Transit Authority (SEPTA), as well as for port security and critical infrastructure protection to public sector organizations, and to private sector companies.

Homeland Security Grant Funding to Pennsylvania and in the US (\$ in millions)³							
Fiscal Year	2002	2003	2004	2005	2006	2007	Total
ALL STATES							
Urban Areas Security Initiative	N/A	\$596.4	\$671.0	\$854.7	\$710.6	\$746.9	\$3,579.6
State Homeland Security Program	\$315.7	\$2,066.3	\$1,675.1	\$1,062.3	\$528.2	\$509.3	\$6,156.9
Law Enforce Terrorism Protection Program	N/A	N/A	\$497.1	\$386.3	\$364.1	\$363.8	\$1,611.3
Metropolitan Medical Response System	N/A	N/A	\$46.3	\$28.2	\$28.8	\$32.0	\$135.3
Citizen Corps Program	N/A	\$37.5	\$34.8	\$13.5	\$19.2	\$14.6	\$119.6
TOTAL	\$315.7	\$2,700.2	\$2,924.3	\$2,345.0	\$1,650.9	\$1,666.5	\$11,602.7
PENNSYLVANIA							
Urban Areas Security Initiative	N/A	\$21.0	\$35.1	\$33.8	\$24.4	\$25.6	\$139.9
State Homeland Security Program	\$10.5	\$67.8	\$54.9	\$34.7	\$12.8	\$20.3	\$200.9
Law Enforce Terrorism Protection Program	N/A	N/A	\$16.3	\$12.6	\$11.1	\$14.4	\$54.4
Metropolitan Medical Response System	N/A	N/A	\$0.4	\$0.1	\$0.5	\$0.5	\$1.8
Citizen Corps Program	N/A	\$1.1	\$1.1	\$0.5	\$0.6	\$0.5	\$3.8
TOTAL	\$10.5	\$89.9	\$107.8	\$81.7	\$49.4	\$61.3	\$400.8
PENNSYLVANIA'S % OF TOTAL							
Urban Areas Security Initiative	N/A	3.5%	5.2%	4.0%	3.4%	3.4%	3.9%
State Homeland Security Program	3.3%	3.3%	3.3%	3.3%	2.4%	4.0%	3.3%
Law Enforce Terrorism Protection Program	N/A	N/A	3.3%	3.3%	3.0%	4.0%	3.3%
Metropolitan Medical Response System	N/A	N/A	0.9%	0.2%	1.7%	1.6%	1.3%
Citizen Corps Program	N/A	2.9%	3.2%	3.7%	3.1%	3.4%	3.2%
TOTAL	3.3%	3.2%	3.2%	3.3%	2.7%	3.3%	3.2%

Source: U.S. Department of Homeland Security

³Grant includes the Emergency Management Planning (EMPG) portion.

Starting in FY2007, DHS restructured Urban Area Security Initiative (UASI) grants into two tiers. A strong argument can be made that the Philadelphia region deserves to be considered a higher risk factor category given its rank as the second largest city on the East Coast and its strategic physical and historical critical infrastructure. The urban areas covered under the UASI grants are found in the chart below.

*UASI
FY 2007 Eligibility and Available Funding⁴*

FY 2007 Tier I 6 urban areas, \$410,795,000 allocated (55% of total)
Bay Area (CA)
Chicago Area (IL)
Houston Area (TX)
Los Angeles/Long Beach Area (CA)
National Capital Region (DC)
New York City/Northern New Jersey Area

FY 2007 Tier II 39 urban areas, \$336,105,000 allocated (45% of total)	
Anaheim/Santa Ana Area (CA)	Miami Area (FL)
Atlanta Area (GA)	Milwaukee Area (WI)
Baltimore Area (MD)	New Orleans Area (LA)
Boston Area (MA)	Norfolk Area (VA)
Buffalo Area (NY)	Oklahoma City Area (OK)
Charlotte Area (NC)	Orlando Area (FL)
Cincinnati Area (OH)	Philadelphia Area (PA)
Cleveland Area (OH)	Phoenix Area (AZ)
Columbus Area (OH)	Pittsburgh Area (PA)
Dallas/Fort Worth/Arlington Area (TX)	Portland Area (OR)
Denver Area (CO)	Providence Area (RI)
Detroit Area (MI)	Sacramento Area (CA)
El Paso Area (TX)	San Antonio Area (TX)
Fort Lauderdale Area (FL)	San Diego Area (CA)
Honolulu Area (HI)	Seattle Area (WA)
Indianapolis Area (IN)	St. Louis Area (MO)
Jacksonville Area (FL)	Tampa Area (FL)
Kansas City Area (MO)	Tucson Area (AZ)
Las Vegas Area (NV)	Twin Cities Area (MN)
Memphis Area (TN)	

⁴U.S. Department of Homeland Security, "FY2007 Homeland Security Grant Program," p. 8.

The Commonwealth has not been effective in allocating and monitoring its homeland security grants. During this review, the federal DHS Office of Inspector General was in the process of auditing PEMA. The audit looked at the Commonwealth's management of more than \$150 million in homeland security grants for the fiscal years 2002 through 2004. Although the draft audit found that PEMA "generally implemented the first responder grant programs in an effective and efficient manner...and spent the funds according to grant requirements," the auditors found the grant award process to be "burdensome, time consuming, and inefficient." They pointed out that the timeframe from receipt of federal funds to local government obligations averaged more than eight months.⁵ DHS' findings are consistent with JLWA's findings regarding the agency's overall financial illiteracy.

In addition, the DHS draft audit found that the Commonwealth's 2003 strategy document contained an acceptable methodology for assessing threats, vulnerabilities, capabilities and needs. This process included input from the nine Regional Task Forces. The audit notes that although more acceptable risk assessment factors (such as the threat of potential weapons of mass destruction attacks, vulnerability assessment, agriculture assessment, critical infrastructure, and changes in the risk environment) had been developed, most federal grant funding to the Regional Task Forces was based on population.

Finally, the DHS audit found that PEMA did not implement an effective system for monitoring and measuring improved preparedness at the local level as a result of the grants.

Beyond the problems with financial controls, JLWA is also concerned that the homeland security grant process has been unfocused. There has been a lack of strategy and coordination between PEMA and OHS and between the Commonwealth and the nine Regional Task Forces that were originally created to coordinate requests and allocate homeland security grants.

The Commonwealth, county, and municipal partners should work together on a strategy for homeland security grant funding, and the new Department could use grants to positively reinforce local participation as well as enhance partnerships. The Commonwealth should restructure and streamline the homeland security grant process within the new Department of Emergency Management and Homeland Security and the new Department should establish measurable performance objectives designed to enhance preparedness at the Commonwealth, Regional Task Force, and county levels. In addition, the new Department should implement a database for tracking assets that have been deployed locally through homeland security and emergency preparedness grants.

⁵The Commonwealth of Pennsylvania's Management of State Homeland Security Grants Awarded During Fiscal Years 2002 Through 2004" (June 19, 2007 Draft), U.S. Department of Homeland Security Office of Inspector General.

4.C. Require the new Department to provide a multi-year training and exercise plan for local governments.

As discussed in Suggestion 4.A., JLWA found a need for better communication and coordination between the Commonwealth government and county and municipal governments regarding emergency management. County emergency management coordinators have reported that they have received mixed messages and little direction from the Commonwealth agencies with primary responsibility for emergency management. In addition, many local officials are confused about the division of roles on the Commonwealth level between PEMA, OHS, and PSP. This confusion has led to a lack of understanding about who is in charge at the Commonwealth level in an emergency.

The Commonwealth should provide a multi-year training and exercise plan for local governments to clarify expectations for Commonwealth and local response and recovery. This joint training and exercising effort should help local officials clarify command and control for response and recovery.

4.D. Require the new Department to detail the relationship between the Commonwealth and federal government in its State Emergency Operations Plan (SEOP).

Both state emergency managers and homeland security leaders have counterparts in the federal government. FEMA and DHS provide funding streams, policy guidelines, and pre- and post-event assistance to states. Therefore, it is wise for states to clarify and institutionalize relationships with federal agencies.

All states can call upon the federal government for assistance in an emergency, as outlined in the National Response Plan. However, most states are unsure of what form this assistance will take and how much will actually be available before an emergency is declared. Developing state-federal communication and collaboration well before an emergency event will help states understand how much aid they can rely on from the federal government in their time of need.

PEMA has worked with FEMA, DHS, and the rest of the federal government in response to Presidential disaster declarations, for guidelines on the NIMS and the National Response Plan (NRP) compliance, and for federal preparedness grants and other funding options. A formalization of the state-federal relationship is necessary to determine roles, plan for resource and personnel distribution, and determine command and control.

Pennsylvania should work closely with FEMA Region III personnel and leadership and, in particular, FEMA's Preparedness Officer to ensure that the Commonwealth continues to have the contacts, resources, and information it needs before a major incident occurs. The Commonwealth should involve federal participants in planning activities for major incidents and exercises to the extent possible. This type of coordination before an event can minimize the miscommunication and confusion that too often plague different levels of government in the attempt to coordinate during a catastrophic incident. Pennsylvania needs to detail the relationship between the Commonwealth and federal government in its SEOP for resource and personnel distribution, command and control, and other issues.

4.E. Require the new Department to work to develop public-private partnerships and work with the private sector to better integrate businesses into plans for emergency preparedness and response.

As with local authorities, the private sector can play a valuable role in emergency preparedness and response. The private sector has resources (medical supplies, food, water, shelter, etc.) that can be called upon to help communities before state emergency response teams can be mobilized. In addition, large companies have the networks, supply chains, and experience to deploy all types of supplies and personnel as quickly or quicker than the Commonwealth. For these reasons, the private sector is a resource that needs to be utilized with more frequency by this nation's states.

Many states have begun developing contracts for emergency standby services with private firms to ensure that supplies and personnel are on hand immediately after the onset of an emergency. These contracts can take many forms, from goods such as food, water, ice, and beds, to services such as debris removal, claims adjustment, and engineering.

In addition, a few states have started training programs for state and local emergency managers that have included the private sector. Such programs would help the Commonwealth develop a common understanding for incident management and emergency response with its private sector partners and ensure that operations would run smoothly in the high stress aftermath of an event.

Private assets are some of the most critical to protect. From food to energy to telecommunications, the private sector is an essential partner for the Commonwealth. In fact, the private sector owns and/or operates 85 percent of the critical infrastructure in the United States. The federal government is also promulgating guidance and requirements in the wake of HSPD-7 and the development of the National Infrastructure Protection Plan (NIPP) by DHS.

The Commonwealth currently has a Critical Infrastructure Protection program managed by OHS. OHS coordinates the program through a Cross-Sector Infrastructure Steering Committee composed of PennDOT and the Departments of Agriculture, Environmental Protection, Health, and Labor and Industry. Each of these agencies, in turn, works with the private sector and locals in their field to identify, assess, and prioritize critical infrastructure in the Commonwealth. The identified infrastructure includes federally-designated sites and those critical to the Commonwealth. OHS then performs outreach to the prioritized infrastructure

Public-Private Partnerships in Texas

Texas has recently made arrangements with the private sector to provide essential supplies during and after a state disaster. Such "pre-event" contracts with Wal-Mart and Home Depot are intended to ensure quick and easy access to necessities such as water, ice, food and clothes to statewide victims. The Governor's Division of Emergency Management in Texas believes that agreements with the private sector are preferable to working through FEMA. The private sector can provide manpower, assistance, and supplies in a quick and coordinated manner without waiting for a federal disaster declaration or approval from federal offices. Through these agreements, Texas believes that it is better prepared for future disasters.

areas and evaluates the actions taken to protect it.

The critical infrastructure program within OHS is still early in its development. Coordination between local emergency management officials and law enforcement, the owners and operators of critical infrastructure, and the Commonwealth is still not effective. In addition, the current strategy is to keep relationships between the Commonwealth and the private sector at a high strategic level. While there is a need for high-level strategic relationships, there is no way to protect critical assets without detailed work at the local level.

The Commonwealth should also work to develop public-private partnerships with key individual sectors, such as utilities and healthcare facilities. The citizen preparedness campaign discussed in Suggestion 4.F. (below) should emphasize business preparedness. In leading states around the country, such as Florida and Texas, emergency management officials are working closely with the private sector to better integrate businesses into plans for emergency preparedness and response. Pennsylvania should be a leader in this effort as well and emphasize business preparedness and the private sector's role as a partner in helping government prepare for and respond to disasters.

JLWA also suggests that the Commonwealth appoint high-profile private-sector representatives to the new Governor's Emergency Management and Homeland Security Council. The Commonwealth should enhance joint planning efforts with the electricity, natural gas, water, and communications sectors. The Commonwealth should establish pre-event contracts for disaster response.

4.F. Require the new Department to increase the number of personnel dedicated to citizen outreach and partnership development, and require the new Department to develop and launch a comprehensive citizen preparedness campaign.

Over the past two decades, initiatives at the federal level, such as Project Impact and Citizen Corps, have encouraged state and local governments to educate and involve their residents in all phases of emergency management. Developing a citizen preparedness program has become a strategic objective for most state emergency management agencies as well.

Other Jurisdictions: Citizen Awareness Campaigns

JLWA has been involved with two recent successful citizen education efforts. In September 2005, the National Capital Region (District of Columbia and eleven neighboring jurisdictions) urged residents to "BE READY, MAKE A PLAN." The goal was to increase the percentage of individuals within the region who identify themselves as prepared for an emergency from the previous level of 39 percent to at least 50 percent. This campaign was funded by a U.S. Department of Homeland Security Urban Area Security Initiative (UASI) grant.

In September 2006, the City of Philadelphia launched an extensive citizen education campaign asking residents if they were "READY, OR NOT." This was an eleven-county regional effort in the Tri-State area. It was a true public-private partnership with more than \$2 million contributed by the private sector through print, radio, television, and internet advertising and support from local celebrities. A team at Temple University benchmarked citizen awareness before and after the effort.

Emergency management practitioners agree that the response to a disaster begins with the individual. When the majority of people in a population are prepared to take care of their immediate needs in the aftermath of a disaster, emergency responders can put more resources towards saving lives and restoring critical infrastructure. Since the early 1990s, the challenge of emergency managers has been communicating this awareness to the public and reaching citizens with information on how to be better prepared.

The Governor should require the new Department to develop and launch a comprehensive citizen preparedness campaign in coordination with other Commonwealth agencies, local officials, and the private sector.

Currently, PEMA has dedicated one full-time position, the Pennsylvania Citizen Corps Program Manager, to the agency's public outreach efforts. From the Citizen Corps' mission statement, "Citizen Corps was created to help coordinate volunteer activities that will make our communities safer, stronger, and better prepared to respond to any emergency situation. It provides opportunities for people to participate in a range of measures to make their families, their homes, and their communities safer from the threats of crime, terrorism, and disasters of all kinds."⁶

There are more than 45 Citizen Corps county councils located throughout Pennsylvania. The Program Manager communicates with the councils at least once a month and receives monthly status reports from each, which she in turn submits to the national program office. The Program Manager also attends council meetings and trainings when possible.

The Program Manager is leading the effort to develop a Citizen Education and Outreach Strategic Plan for the Commonwealth, which includes objectives related to schools, businesses, and people with special needs. The planning process has included involvement from a number of Commonwealth agencies, such as the Department of Health, Department of Public Welfare, and Office of the Governor. Since the plan is in an initial draft stage, the Commonwealth agencies have not yet requested input from local governments.

Commonwealth agencies have also been involved in separate committees to discuss issues on vulnerable populations and school safety, among others. Agencies represented in these efforts include PEMA, Department of Corrections (DOC), PSP, Department of Public Welfare (DPW), Department of Labor and Industry (L&I), Department of Military and Veterans Affairs (DMVA), Department of Education, DOH, and Department of Conservation and Natural Resources (DCNR). A number of Commonwealth agencies with public safety roles have been involved in the activities during the National Preparedness Month in September.

As an agency, PEMA should place added focus on customer service and outreach. For example, the last strategic plan, completed in 2003 did not include objectives on citizen education and outreach. Citizen outreach should be a top priority for the new Department.

The new Department should increase the number of its personnel dedicated to citizen outreach and partnership development among local governments and businesses. For example, the Commonwealth should provide more financial resources and personnel for PEMA's regional offices to support technical assistance, planning support, training, and grants administration on the local level. These personnel should work closely with the Governor's Emergency Management and Homeland Security Council.

⁶Citizen Corps Web site. <http://www.citizen corps.gov/about.shtm>.

5.0 Updating the Statutory Framework for Emergency Management

Key Suggestions:

5.A. Form a working group with the Legislature to amend the statutory framework.

5.B. Clarify the new Department's authority as part of the executive order creating the Department and later through legislation.

Unlike many other states, Pennsylvania's Title 35 on emergency management has not been amended to reflect changing roles and expectations since the events of 9/11 and Hurricane Katrina.

JLWA suggests that the Administration and Legislature form a group to work on amending the statutory framework and permanently implement the suggestions outlined in this analysis. The legislation should include the creation of a new Department of Emergency Management and Homeland Security, as well as focused attention on the identified gaps and making suggested statutory changes regarding Commonwealth and local government emergency management roles. The efforts of the working group should be coordinated through the Governor's Council on Emergency Management and Homeland Security.

As part of this analysis, PEMA's legal counsel affirmed PEMA's authority to direct other agencies in an emergency, though it was noted that clarification through an executive order would be preferred. JLWA suggests that the Administration clarify the new Department's authority as part of the legislation. In the immediate future, the Governor should issue an Executive Order clarifying PEMA's authority to direct other agencies in an emergency.

A great deal of work has gone into updating Pennsylvania's Title 35, Emergency Management Services Code. Stakeholders from PEMA, Commonwealth agencies, and county emergency management coordinators spent many months working on building consensus on their suggestions, which were finalized in the fall of 2006. From JLWA's interviews with Commonwealth and county personnel, common and consistent themes were presented by Commonwealth staff and county emergency management coordinators:

- Update Title 35 to combine and clarify the roles of Emergency Management and Homeland Security.
- Integrate the language from Act 227, regarding the Regional Task Forces.
- Provide better Commonwealth-wide mutual aid authority and workers compensation protection.
- Define the roles and responsibilities of the Regional Task Forces.

As part of its review, JLWA analyzed the current statutory framework and the suggested revisions made by KEMA in 2006. JLWA has made suggested changes to the current law and the 2006 KEMA revisions, but we note that the changes are not intended to be comprehensive and the Commonwealth may wish to consider others as well. In addition to the KEMA 2006 suggestions, further areas for consideration and discussion might be given to provide additional changes in the following general areas:

1. Creating a cabinet-level Department of Emergency Management and Homeland Security, led by a Secretary appointed by the Governor and confirmed by the Senate.
2. Replacing the existing Emergency Management Council with a Governor's Emergency Management and Homeland Security Council, chaired by the Governor with membership reflecting modern issues, and promoting cooperation and partnerships. The Secretary of the Department of Emergency Management and Homeland Security should serve as the executive director for the Council.
3. Clarifying the authority of the new Department.
4. Creating a master mutual aid agreement to be attached to the emergency services act if one does not already exist, and separation of the state into mutual aid regions.

The following list includes general best practices for state emergency management statutes:

- There should be a single state office identified with the delegated responsibility for coordination of emergency services in the state. Such an agency has responsibilities for training and planning.
- There needs to be a state emergency management council comprised of the governor, lieutenant governor and representatives from state agencies, political subdivisions and the private sector to provide some form of oversight and policy direction. In the more successful models, the governor chairs such a group.
- The governor is given the powers to declare a disaster emergency. Also, during that state of emergency, the governor has the authority to rescind regulations or orders of significance to emergency response and can utilize all available recourses to that end. The governor also has the ability to accept aid or gifts from other states or political entities
- There should be a master emergency plan that covers the entire state, its agencies and political subdivisions. If needed, there can be specific mention of a plan for nuclear or radiological emergencies in regards to a plant failure.
- The authority exists to proclaim a localized state of emergency that is left to local governances. After a local emergency is announced, the time period for such an emergency is limited, unless the local governing body extends the emergency.
- In order to encourage volunteerism in the event of an emergency, acts stipulate that those involved in aid during such an emergency cannot be held liable for actions taken during the commission of aiding those in need. Also, there should be some organized registration of volunteers.
- The act should address the issue of mutual aid between states and/or political subdivisions.
- Acts should stipulate that debris or wreckage can be removed from private property if it threatens public health or safety.

5. Defining “disaster emergency” to allow for specific types of emergencies, such as an act of war or terrorism. This will permit tailored responses for specific emergencies.
6. Reducing the number of definitions for essential terms used in the act itself.
7. Providing local governances with directions on how to handle an emergency within their own boundaries and confirming they are in charge of their operations.
8. Allowing the Governor to assign his duties to a person and specify a delegation of authority, like to the Secretary of the new Department.
9. Clarifying the roles and responsibilities of the Regional Task Forces and amend the name of the entities to reflect their role in preparing for all types of hazards.

6.0 Institutionalizing Compliance with the National Incident Management System

Key Suggestion:

6.A. Require Commonwealth agencies to institutionalize NIMS compliance.

On February 28, 2003, President Bush issued HSPD-5, ordering DHS to develop NIMS. The resulting document on NIMS, released on March 1, 2004, is a comprehensive, systematic approach to incident management that should be used by federal, state, and local governments before and during an emergency event. NIMS is useful as a structural template because it provides standards for domestic incident response for first responders in the areas of incident operations, incident communications, personnel qualifications, resource management, and information management and supporting technology.

Based on NIMS, the federal government developed the draft NRP⁷ to link the capabilities, structures, and resources of federal agencies into an all-hazards approach to incident management. In addition, the NRP provides a blueprint for interactions among federal agencies, states, counties, and localities during an emergency event.

By following NIMS and NRP, states ensure that all emergency events are managed in a similar fashion. Moreover, beginning in 2005, states have had to demonstrate NIMS compliance for consideration for federal homeland security grants. Many states have provided NIMS training for top government officials and responders, especially in those agencies with primary emergency management responsibilities.

Starting in fiscal year 2006, the federal government asked states to certify their NIMS compliance by completing standardized forms. In addition, all statewide personnel with a direct role in emergency management and response had to complete training for NIMS by October 1, 2006. For fiscal year 2007, NIMS compliance was measured using a performance-based system of "metrics" developed from states' responses to the 2006 NIMS compliance request.

It is important to achieve NIMS compliance since, in addition to the inherent value of NIMS for managing incidents and emergencies, states would be eligible for many federal funding streams that help strengthen statewide emergency response. According to DHS, it has awarded more than \$8.6 billion to assist state first responders and another \$2.1 billion to provide funds through the UASI Grant Program between 2002 and 2005. Numerous other federal departments, including the Departments of Transportation, Health and Human Services, Justice, Agriculture and Energy, provide additional federal preparedness assistance funding. Simply put, many funding streams would be threatened if a state fails to become NIMS compliant.

⁷DHS is currently revising the NRP. Discussions have revealed that the name of the NRP may be revised as well.

The Commonwealth of Pennsylvania has taken steps to become compliant with NIMS. On December 20, 2004, the Governor issued an executive order to fully implement NIMS for all emergency management in Pennsylvania. To fulfill this mandate, PEMA issued a NIMS implementation plan on January 19, 2005. Specific charges included:

- Fully incorporating NIMS into all of the Commonwealth's emergency response policies and plans, including the SEOP.
- Ensuring that incident management was coherent and compatible among all regional and local emergency management agencies.
- Developing concepts and principles to institutionalize NIMS- and NRP-compliant incident management.
- Ensuring and protecting all vertical and horizontal linkages in Commonwealth emergency management.
- Training PEMA personnel on NIMS and NRP.

PEMA has dedicated one staff member to oversee the Commonwealth's compliance with the NIMS program. Although the coordination responsibility lies with PEMA, NIMS must be adopted fully by all Commonwealth agencies, counties, and municipalities.

In response to DHS' requirement that states must report their NIMS compliance starting in fiscal year 2005, the Commonwealth submitted its self-assessments. Interviews revealed that the NIMS concepts had not been fully adopted by Commonwealth agencies in practice. The results of the self assessments are as follows:

Fiscal Year 2005

The Commonwealth completed all minimum NIMS requirements for this reporting period. These included formally adopting NIMS; developing a NIMS implementation plan; completing the NIMS baseline; institutionalizing the use of the Incident Command System; and undertaking the introduction to the NIMS DHS training module.

Fiscal Year 2006

Many of the federal reporting requirements for Fiscal Year 2006 were continuations of the prior year's initial work. The Commonwealth developed a Fiscal Year NIMS Implementation Plan and a template for Commonwealth agencies and local jurisdictions to develop NIMS plans. Other priorities during 2006 were NIMS training, further collaboration with local and regional actors, and the development of a checklist to verify that Commonwealth, local, and regional plans were compliant. As with Fiscal Year 2005, Pennsylvania completed all NIMS requirements for 2006.

Fiscal Year 2007

The requirements for Fiscal Year 2007 were changed to performance-based metrics based on the prior year's NIMS reporting. The Commonwealth finalized a Fiscal Year 2007 NIMS Implementation Plan on July 10, 2007. The Commonwealth is working on developing NIMS compliance for all Commonwealth agencies in the SEOP, and all local jurisdictions, which is a prerequisite for receiving grant funding. In addition, PEMA is in the process of providing training for Commonwealth agencies and PEMA area offices on how to comply with and complete the metrics. PEMA has also trained agencies on the

The Commonwealth should institutionalize NIMS compliance within its emergency management architecture not only through administrative responses to federal requests but more significantly, through the consistent application of NIMS practices throughout Commonwealth and local government. Pennsylvania can institutionalize NIMS compliance by taking the following steps:

- Prioritize NIMS: Only through prioritization from Commonwealth leadership will NIMS become part of Pennsylvania's emergency management. This emphasis should be conveyed from the Governor through the Cabinet secretaries to the department managers and incident officers. Emergency management staff will be more willing to follow NIMS guidelines if it is mandated from the top-level of leadership.
- Develop interagency NIMS workshops: For NIMS to be followed and understood by the many agencies that have a role in emergency management, PEMA should formulate and lead interagency workshops. This will help develop common terminology and a common approach to incident management and emergency response.
- Undertake exercises and review after-action reports after an emergency: After an emergency, the Commonwealth at times develops an after-action report that reviews what went right and wrong during Pennsylvania's response. The reports should include a section on NIMS and ICS and whether these concepts were effectively utilized. In addition, the report should have a checklist of ways to improve NIMS compliance and establish points of accountability for implementing all suggestions.
- More fully adopt the concepts of the Joint Information Center (JIC). Adopt the coordination and communication concepts of the JIC, including the enforcement of communication protocols from the JIC to the Commonwealth agencies' regional offices.

7.0 Suggestions for Additional Study

Key Suggestions:

7.A. Further examine the emergency management relationships among local governments and how they affect the Commonwealth's emergency management role.

7.B. Clarify the Regional Task Forces' mission and objectives.

7.C. Further consider coordination of the Philadelphia and Pittsburgh area Fusion Centers and integration of local government, emergency preparedness, law enforcement, Department of Health, and private entities.

7.D. Further consider a joint effort with the Legislature to develop a comprehensive flood mitigation and prevention strategy.

Over the course of conducting this analysis, JLWA studied a number of areas that were indirectly related to the scope of work and concluded that further evaluation of these areas is needed.

A preliminary review of the Regional Task Forces' mission and objectives.

The scope of this engagement did not include a detailed review of emergency management at the local level. Since JLWA reviewed the relationship between the Commonwealth and local governments, the team's preliminary findings on the Regional Task Forces follow.

Just as links must exist between the state and local emergency management, they too should be developed between localities. Many states have structured emergency management and preparedness into regional and sub-regional task forces or networks so that neighboring regions can develop common plans and establish working relationships before an event. These task forces usually meet a few times a year to discuss common threats and strengthen existing relationships. This familiarity can help in an informal way during an emergency.

Regional bodies can also help formalize relationships between localities. They can provide these areas with the means to develop training and exercise programs, mutual aid agreements, and region-wide preparedness and response plans. These connections can provide localities with the resources to fortify their immediate response before the state can mobilize its response.

The nine Regional Task Forces in the Commonwealth of Pennsylvania were established in the wake of the September 11 attacks through the increase in homeland security grant funding. Officially named Regional Counter-Terrorism Task Forces, their work has almost

exclusively focused on federal grant applications for DHS, and they have been led by local emergency managers. A variety of stakeholders participate in the Regional Task Forces, including county emergency management officials, local police, fire departments, regional state police, and health departments. Local elected officials, for the most part, have not been involved.

Interviewees have referred to the Regional Task Forces as “ineffective” and “underused.” The number has caused problems in organizing grant applications and the lack of focus of the Regional Task Forces has caused problems for Pennsylvania to meet state or national priorities. In addition, the lack of participation from local elected officials and regional departments within Commonwealth agencies has made the Regional Task Forces less effective. On the other hand, the draft DHS audit cites the Commonwealth’s creation of the Regional Task Forces as a best practice, acknowledging the Commonwealth’s promotion of regional solutions to homeland security challenges.

The Regional Task Force mission and objectives must be clarified. Funding from federal sources is based on a risk-based formula and is not need-based. The Regional Task Forces must define its role and responsibilities. Also, legislation is required to formally establish the Regional Task Forces and address current liability exposure issues.

Appendices

A: Acronyms and Abbreviations

B: The Cycle of Emergency Management

C: Commonwealth Agencies and Direction and Control

Appendix A: Acronyms and Abbreviations

AAR: After-Action Report
CBRNE: Chemical, Biological, Radiological, Nuclear and Explosives
CDC: Centers for Disease Control and Prevention
DHS: U.S. Department of Homeland Security
DOH: Department of Health
EMA: Emergency Management Agency
EMAC: Emergency Management Assistance Compact
EMAP: Emergency Management Accreditation Program
EMC: Emergency Management Coordinator
EOC: Emergency Operations Center
EPLO: Emergency Preparedness Liaison Officer
FEMA: Federal Emergency Management Agency
FTE: Full-Time Equivalent
FY: Fiscal Year
GAR: Governor's Authorized Representative
HSPD: Homeland Security Presidential Directive
ICS: Incident Command System
JFO: Joint Field Office
JIC: Joint Information Center
JIS: Joint Information System
JLWA: James Lee Witt Associates, part of GlobalOptions Group
KEMA: Keystone Emergency Management Association
NEMA: National Emergency Management Association
NIMS: National Incident Management System
NIMSCAST: NIMS Compliance Assistance Support Tool
NIPP: National Infrastructure Protection Plan
NRP: National Response Plan
OHS: Pennsylvania Office of Homeland Security
OPHP: Office of Public Health Preparedness
PEMA: Pennsylvania Emergency Management Agency
PennDOT: Pennsylvania Department of Transportation
PIO: Public Information Officer
PSP: Pennsylvania State Police
SCO: State Coordinating Officer
SEOC: State Emergency Operations Center
SEOP: State Emergency Operations Plan

Appendix B: The Cycle of Emergency Management

In the 1970s, an inclusive, all-hazards program was developed that encompasses four distinct phases: mitigation, preparedness, response, and recovery.

Mitigation

Mitigation is the effort to reduce the potential damage or impact of a disaster. A comprehensive and effective mitigation campaign proactively strengthens organizational response before a disaster occurs. Often, mitigation actions are based on lessons learned from previous incidents.

Preparedness

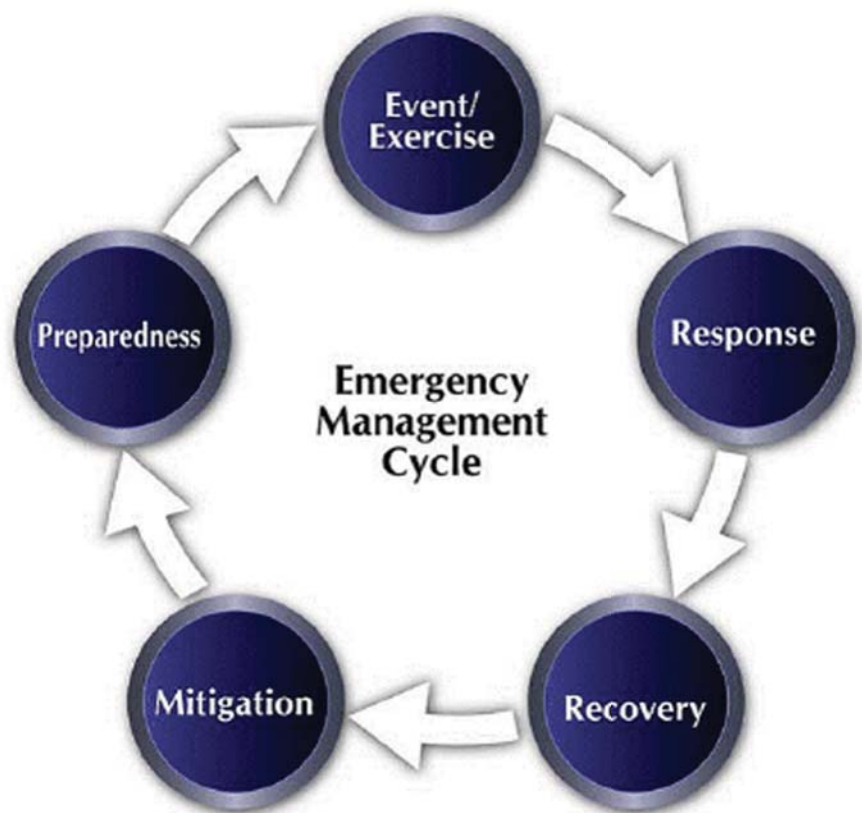
Preparedness incorporates the pre-event planning necessary to respond successfully to an emergency. It serves to develop both governments' and private citizens' response capabilities in the event of a disaster.

Response

Response refers to activities that address the short-term, immediate effects of an incident. These activities include a thorough and prompt assessment of damage to the community and injury to citizens and evaluation of the community's short-term needs. Response also entails providing basic assistance to victims as quickly as possible, thereby minimizing loss of life and property and preserving fundamental social and economic frameworks.

Recovery

Recovery is the long-term process of returning the community to normal after completion of the response phase. The goals of recovery are to restore both citizens' daily lives and the government to pre-event condition and allow normal functions to operate smoothly and without interruption.



Appendix C: Commonwealth Agencies and Direction and Control

A common issue in disaster operations is the question of “Who is in charge?” For daily events, the chain of authority is usually clear. Law enforcement is in charge of enforcing the law. The fire service is in charge of fire suppression. The health department is in charge of health issues. But when a disaster occurs, especially a large one, the chain of authority is blurred and, unless worked out in advance, the question of “who is in charge” can cause severe operational problems.

The common term for “who is in charge” is: “direction and control.” In commonly accepted emergency management practice, direction and control provides supervision, authority, coordination, and cooperation of emergency management activities to ensure the continued operation of government and essential services during emergencies and disasters. Direction and control should be looked at in two ways.

One is the tactical, operational control of the activities “on-site” or in the field. The operational concepts under the ICS provide for an Incident Commander for these operations. There are established protocols for dividing even very large and complex events up into manageable units to ensure span of control, communications, action planning, and operations to save lives and protect property. Many state plans authorize the operational direction and control of emergency management response and recovery activities to agencies’ on-scene incident commanders, with coordination and support being provided through the state agency to the state Emergency Operations Center (EOC).

The other is the strategic direction and control of overall state activities in a disaster. For this, the simple answer to “Who is in charge?” is “the governor.” Under the national constitutional form of government, each state’s chief elected official is responsible for the protection of life and property of the state’s citizens. Direction and control of emergency management is the responsibility of the governor and the executive heads of political subdivisions of the state, who may in turn delegate operational functions to state and local emergency management directors or other selected emergency management personnel.

Different states have chosen to implement this in different ways but, in general, the governor, by statute, has the lead role in statewide direction, control, and coordination of response to disasters and emergencies. As outlined in state law, the governor is responsible for meeting dangers to the state caused by disasters and disruptions from emergencies. The law’s general purpose is to provide an emergency management system embodying all aspects of pre-disaster preparedness and post-disaster response and recovery.

State law contemplates that the governor will direct and coordinate the state’s response to disasters, granting the governor broad, comprehensive authority to prepare for and respond to disasters. For example, governors may assume control as the commander-in-chief of the National Guard and all state agencies during a disaster and can even suspend agencies statutes, rules or regulations if they hinder disaster response. Governors often may commandeer private resources and control movements of citizens.

Usually this authority is activated when the governor proclaims a disaster or emergency, and direction and control is commonly delegated to a senior person, such as the state director of emergency management.

State directors of emergency management coordinate the activities of state agencies with emergency support function and disaster responsibilities and cooperate with other state and federal emergency management organizations. The state director, subject to the direction and control of the governor, is responsible to the governor for coordinating the emergency management program for the Commonwealth.

In Pennsylvania, the general disaster authority of the Governor is outlined in Title 35, Section 7301. The Governor is responsible for meeting the dangers to the Commonwealth and people presented by disasters. Under this part, the Governor may issue, amend and rescind executive orders, proclamations and regulations that shall have the force and effect of law. When necessary, a disaster emergency may be declared by executive order or proclamation of the Governor upon finding that a disaster has occurred or that the occurrence or the threat of a disaster is imminent. Under the law, an executive order or proclamation of a declared disaster emergency shall activate the disaster response and recovery aspects of the Commonwealth.

The Governor also has additional powers under Title 35. Specifically, the Governor may:

- Suspend the provisions of any regulatory statutes and procedures;
- Utilize all available resources of the Commonwealth Government and each political subdivision;
- Transfer the direction, personnel or functions of agencies to performing services;
- Direct and compel the evacuation of all or part of the population;
- Prescribe routes, modes of transportation and destinations in connection with evacuation;
- Control ingress and egress to and from a disaster area; and
- Suspend or limit the sale of alcoholic beverages, firearms, explosives, and combustibles.

Currently, the SEOP contains some information outlining “Direction and Control.” In Part III, the Concept of Operations Section of the Basic plan, Sub-Part A, General, paragraph 1, it states: “The Governor of Pennsylvania has general direction and control over Commonwealth-wide response activities and may delegate these powers as seen fit.”

Furthermore, in that same section, paragraph 25 refers to PEMA’s operation of the State Emergency Operations Center. Sub-paragraph 25.c.1. addresses the Command Function and states: “Command: When activated, the PEMA Director or designee becomes the Incident Manager. The Incident Manager reports directly to, speaks for, and in some situations, is a representative from, the Office of the Governor. The Incident Manager is supported by PEMA’s legal counsel and Public Information Officer (PIO).”

Under the Pennsylvania Emergency Management Services Code (35 Pa. C.S.A. §§ 7101-7707), PEMA has a wide range of statutory authority to perform emergency planning and response and recovery activities in order to deal with any type of natural, technological or human caused disaster that might occur within the Commonwealth, including “PEMA shall provide emergency direction and control of Commonwealth resources and support local emergency management operations during emergency events.” This authority, while subject to legal interpretation regarding how much authority is implied, is also reflected

in the SEOP. PEMA's Direction and Control authority is also mentioned in other sections of the SEOP, such as in the chapter for Emergency Support Function #2 (Communications) where one of PEMA's responsibilities is listed as "Provide direction and control in the coordination of Commonwealth, county, and municipal emergency operations, to include the development and adoption of emergency orders, regulations, and rules." This authority is mentioned in other places in the SEOP as well.

It is important to note that the SEOP contains what could be interpreted as a contradiction. The beginning of the Concept of Operations Section clearly states that the Governor is in charge and that the Governor MAY delegate these powers as seen fit (Emphasis added). Later in that same section, the plan boldly states that the PEMA Director becomes the incident manager when the EOC is activated and that the Incident Manager reports directly to and speaks for the Office of the Governor.

JLWA believes that the current Commonwealth statute provides the Governor and the PEMA director with all of the authority needed to exercise direction and control over Commonwealth emergency operations. In response to a JLWA request, the Chief Counsel for PEMA has noted that such authority could benefit by further clarification via executive order.

The plan could be strengthened and clarification provided with the addition of language in the beginning of the Concept of Operations Section of the SEOP that states that the Governor has delegated his powers of general direction and control over Commonwealth-wide response activities to the PEMA Director.

The challenge for a PEMA Director would then be to develop the relationships and understanding with his or her peers regarding how this direction and control is implemented and managed. It does not mean that the PEMA Director suddenly is in charge of PSP operations, the Commonwealth highway system or Commonwealth health programs. Commonwealth agencies have to be responsible for doing their own jobs and carrying out their emergency management responsibilities as outlined law and in the SEOP. It does mean that the PEMA Director carries the authority of the Governor to ensure that all Commonwealth agencies are working together in meeting the dangers to the Commonwealth presented by disasters. It also means that the PEMA Director is the representative of the Governor when policy decisions are needed to set priorities, distribute scarce resources, commit Commonwealth assets and encumber Commonwealth funds.

The ideal situation is to build an emergency management program in the Commonwealth where the question is not "Who is in charge here?" but "How to we work together to solve this problem?"